



# 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*  
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*651-266-8560*

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Tuesday, September 11, 2012

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Remove/Repair Orders

- 1      **RLH RR  
12-31**      Ordering the rehabilitation or razing and removal of the structures at 702 THIRD STREET EAST within fifteen (15) days after the July 3, 2012 City Council Public Hearing. (To be referred back to Legislative Hearing on September 11, 2012 and City Council public hearing on October 3, 2012)

**Sponsors:**      Lantry

**Attachments:**      702 3rd St E.Order to Abate  
702 3rd St E.Public Hearing Notification  
702 3rd St E.Photos  
702 Third St E.HPC Photos.pdf  
702 Third St E.HPC Report.6-7-12.pdf  
702 Third St E.R-R Delisi Ltr 6-15-12.doc  
702 Third St E.R-R Delisi Ltr 6-28-12.doc  
702 Third St E.R-R Delisi Ltr 8-3-12.not sent  
702 Third St E.R-R Delisi Ltr 8-16-12.doc  
702 Third St E.Code Compliance Report.6-1-12.pdf  
702 Third St E.Uniform Residential Appraisal Report.7-30-12.pdf

*To be referred back to LH on Oct 23 and CPH Nov 7, 2012.*

*Owner must provide an agreement between his sister and himself if they intend to rehabilitate the building; provide contractor and subcontractor bids; provide financial documentation dedicating at least \$100,000 for the project or work with Dayton's Bluff Neighborhood to transfer property so that they can acquire it and renovate it or work with Bank of America.*

*RE: 702 Third St E (duplex)*

*Charles Delisi, owner, appeared, along with his sister, Ms. Tyler  
Jim Urchel, Dayton's Bluff Neighborhood Housing Services*

*Mr. Delisi:*

*- the transfer of property to Dayton's Bluff is still in the works; he has been in contact with Brad Griffith*

*Mr. Urchel:*

*- Brad Griffith is a realtor involved with Dayton's Bluff Vacant House Task Force  
- he brought this situation to their attention  
- he has offered to help Mr. Delisi fill out the necessary paperwork to submit to Bank of America on line  
- provided communication with Bank of America  
- they will submit it through short sale; then, bring it to their Community Development people  
- it may take a little longer than a month to for them to obtain title  
- they can start doing a Work Plan on it  
- they are concerned about getting the roof repaired before winter*

*Ms. Moermond:*

*- will recommend this be laid over to the October 23, 2012 legislative hearing; City Council Public Hearing Nov 7, 2012*

*Mr. Delisi:*

*- his sister, JoAnn, is bound and determined to rehab the house  
- she doesn't have all the estimates  
- he believes that he had a stroke a couple weeks ago; he is having trouble with writing, speaking, balance and weakness on his right side  
- he will find the results of tests this Fri  
- so, it's more imperative for him to take care of this house situation ASAP  
- he checked with his credit union and the largest loan he can get for repairs is \$20,000*

*Ms. Moermond:*

*- sounds as though Mr. Delisi is of 2 minds: 1) going the Bank of America route and signing it over; and 2) taking out a loan to fix it  
- is not sure what kind of money his sister has to rehab  
- assumes that the costs will go higher than the estimates  
- his sister wants to go with a lawsuit on him if he decides to go with this pay off  
- he is going to talk with an attorney about the situation*

*Ms. Tyler:*

*- she doesn't want to lose all the house payments she has made  
- she wants to continue to get this project done*

*Ms. Moermond:*

*- although Ms. Tyler has been making payments on it, it's going under  
- this situation is no different than the many, many people who are making payments and their house is going into foreclosure because they are under water  
- the property is in Mr. Delisi's name and so is the mortgage  
- asked Ms. Tyler if she had the money to fix this house (Ms. Tyler: a line of credit of about \$50,000)  
- asked why she hasn't used it so far, to fix the house (Ms. Tyler: because she didn't know earlier that she could use it for that)  
- last time we talked about this being a very difficult choice and maybe a bad option for Mr. Delisi to throw good money after bad; it may wipe him out (and he would have to continue working for a long time to pay off the loan)  
- she can't tell Ms. Tyler to stop paying the mortgage but she can say that if the house gets knocked down, it's hardly worth her while*

- she hasn't seen a Work Plan
- she understands that Mr. Delisi doesn't want to rehab it (Mr. Delisi: "No, I really don't.")
- as far as the city is concerned, this is Mr. Delisi's house; the decision is on him
- if his sister wants to fix it, that will have to be working in conjunction with Mr. Delisi and she would want to see a contract whereby Mr. Delisi allowed that to happen and there were some specific expectations outlined, which she would have to approve; she is very unenthusiastic about that situation
- right now, but for the fact that Mr. Delisi is working with the Bank of America and the Dayton's Bluff organizations, she would be recommend that this building be knocked down
- she doesn't see any plans forthcoming
- she is laying it over so Mr. Delisi can continue the conversation with Mr. Griffith, Mr. Urchel and the Bank of America
- a \$5,000 Performance Deposit has been posted Jun 21, 2012
- if Mr. Delisi backs out and it goes to the Bank of America, she wants Mr. Delisi to get the \$5,000 Performance Deposit back and they should have to post their own (Mr. Magner: that just needs to go into the resolution)
- if they come forward with a Work Plan on Sep 23, 2012, they are down to 90 days to get half of the project done or he would lose the \$5,000
- asked Mr. Delisi when he could give her a decision on this

Mr. Delisi:

- can't say for sure because he doesn't know how long things are going to take (short sale, etc.); he'll throw out 3 weeks
- in the meantime, he will meet with Mr. Urchel and Mr. Griffith

Ms. Moermond:

- sounds like the Bank of America is agreeable in helping out Mr. Delisi on this
- is sorry that there's a family dispute going on
- rehab is estimated between \$100,000 - \$200,000; Appellant needs to show at least, \$100,000 dedicated to this project

**Referred to the City Council due back on 10/3/2012**

2 [RLH RR  
12-56](#)

Ordering the rehabilitation or razing and removal of the structures at 579 FOREST STREET within fifteen (15) days after the August 15, 2012 City Council Public Hearing. (Public hearing continued from August 15)

**Sponsors:** Lantry

**Attachments:** [579 Forest St.OTA.5-21-12](#)  
[579 Forest St.PH.6-22-12](#)  
[579 Forest St.Photos.11-17-11](#)  
[579 Forest St.Marley Ltr R-R 7-25-12.doc](#)  
[579 Forest St.Marley Ltr R-R 8-17-12.doc](#)  
[579 Forest St.Work Plan and Financials.8-14-12.pdf](#)  
[579 Forest St.Work Plan.9-12-12.pdf](#)  
[579 Forest.Covenant Cap.7-31-12.pdf](#)  
[579 Forest.Tax Pymt.9-11-12.pdf](#)  
[579 Forest St.Marley Ltr R-R 9-12-12.doc](#)

9/12/12--a work plan was submitted. Steve Magner reviewed the work plan and is

satisfied with it.

Owner of Covenant Capital needs to provide a work plan by September 14, 2012.

RE: 579 Forest St (duplex)

Patrick M. Marley, owner, appeared.

Steve Magner, Vacant Buildings:

- update
- was heard Tue Jul 24, 2012; due at City Council Aug 15, 2012
- was laid over to today
- letter dated Aug 17, 2012 to Patrick Marley confirms that on Aug 15, the City Council referred this back to legislative hearing Tue Sep 11, 2012 at 9 am in Room 330, City Hall. Please provide the following conditions by the close of business on Fri Sep 7, 2012 so that Ms. Moermond and Mr. Magner can review them: 1) a \$5,000 Performance Deposit; 2) a Work Plan including timelines, which needs to be done in accordance with the Code Compliance Inspection Report; 3) financial document indicating you have the amount required for this rehabilitation; this could be a construction loan, a line of credit or a bank statement (personal information whited out), which demonstrates that you have financial means to complete the project; 4) bids from a contractor; 5) outstanding real estate taxes must be paid to Ramsey County. Also, Reid Soley spoke with Karen Zacho, Zoning, about the allowable usage of the duplex for your property and because it's a duplex zoning (RT-1), future use of the property as a duplex is allowed as long the existing structure is rehabilitated. If the intent is to demolish the house, you must file a survey that indicates size, setbacks and height in order to construct in the same footprint.

Sincerely, Mai Vang

Mr. Marley:

- he has the tax receipts and the Performance Deposit receipt (done Fri); Ms. Magner confirmed that the Perf Dep had been paid
- told his financial people to follow the instructions carefully and get all the documentation in by Fri but they failed to inform Ms. Moermond; Mr. Marley apologized for that
- entered a letter from Covenant Capital explaining their financial backing of Mr. Marley; they will adhere to the code of Saint Paul

Ms. Moermond:

- Covenant Capital must create a Work Plan with cost breakdowns, bids and deadlines or a sworn construction statement outlining what they're going to be doing
- this will go back to the City Council Wed Sep 19, 2012 at 5:30 p.m.
- Covenant Capital must submit a Work Plan by Fri Sep 14, 2012 (email to Legislative Hearings)
- asked Mai to provide Mr. Marley with a sample work plan

**Referred to the City Council due back on 9/19/2012**

**3 RLH RR  
12-69**

Ordering the rehabilitation or razing and removal of the structures at 767 WATERLOO STREET within fifteen (15) days after the October 3, 2012, City Council Public Hearing.

Sponsors: Thune

**Attachments:** 767 Waterloo St.Order to Abate.pdf  
767 Waterloo St.Public Hearing Notice.pdf  
767 Waterloo St.Photos.pdf  
767 Waterloo Street R-R.Kujala Ltr 9-13-12.doc

*Remove within 90 days.*

*RE: 767 Waterloo St (single family)*

*Chris Kujala and Paul Scharf, Ramsey County Tax Forfeited Lands, appeared.*

*Steve Magner, Vacant Buildings*

- 1 1/2 story wood frame single-family dwelling on a lot of 1,742 sq. ft.
- been a Vacant Building since Feb 11, 2011
- current owner is State of MN Trust Exempt per Ramsey County (Note: at the time of notification, Benito and Ernesto Benitez were the property owners of record. The Public Hearing Notification and Order to Abate was mailed to State of MN Trust Exempt, Ramsey County Tax Forfeited Land on Aug 24, 2012.)
- Jun 12, 2012 inspection of building conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted Jun 21, 2012; compliance date Jul 21, 2012
- as of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value of \$10,600 on the land; \$20,600 on the building
- property was tax forfeited Jul 31, 2012
- Vacant Building registration fees were paid by assessment Feb 29, 2012
- Code Compliance Inspection was done Apr 12, 2012
- as of Sep 10, 2012, the \$5,000 Performance Deposit has not been posted
- 8 Summary Abatement Notices since 2011
- 9 Work Orders issued for: garbage/rubbish; boarding/securing; grass/weeds; snow/ice
- estimated cost to repair: \$40,000 - \$50,000
- estimated cost to demolish: \$10,000 - \$12,000

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

- 1910 workers cottage
- the builder was the same as the original owner's name
- this area was historically residential, which mirrored some industrial areas - all has changed
- the highway has removed a lot of the historic housing; there are some ramblers
- there was a stone veneer flats building with 3 units at the corner
- was not identified in the 1983 survey
- does not have interior photos
- given the changes to this neighborhood, demolition would not have an adverse effect

*Mr. Scharf:*

- they did have a chance to do an evaluation on the structure
- their findings: the highest and best use of the property was to have the structure removed, mainly due to structural failure
- house has been sheet-rocked
- there was a series of permits pulled in 1996; none of which were closed or finalized
- would recommend removing this structure

*Ms. Moermond:*

- will recommend the City Council grant 90 days to remove this building

**Referred to the City Council due back on 10/3/2012**

- 4 [RLH RR  
12-70](#) Ordering the rehabilitation or razing and removal of the structures at 877 WILSON AVENUE within fifteen (15) days after the October 3, 2012, City Council Public Hearing.

**Sponsors:** Lantry

**Attachments:** [877 Wilson Ave.Order to Abate.pdf](#)  
[877 Wilson Ave.Public Hearing Notice.pdf](#)  
[877 Wilson Ave.Photos.pdf](#)

*Renotice owner - Legislative Hearing date is Oct 9 and CC Nov. 9, 2012*

**Laid Over to the Legislative Hearings due back on 10/9/2012**

- 5 [RLH RR  
12-50](#) Ordering the razing and removal of the structure(s) at 924 ELEANOR AVENUE within fifteen (15) days after the August 1, 2012 City Council Public Hearing. (To be referred back to Legislative Hearing on September 11, 2012 and City Council Public Hearing on October 3, 2012)

**Sponsors:** Thune

**Attachments:** [924 Eleanor Ave.OTA.4-30-12](#)  
[924 Eleanor Ave.PH.6-6-12](#)  
[924 Eleanor Ave.Expired Code Compliance.8-17-10](#)  
[924 Eleanor Ave.Photos.pdf](#)  
[924 Eleanor Ave.Wells Fargo Ltr 7-31-12.pdf](#)  
[924 Eleanor Ave.FTA 7-25-12.doc](#)  
[924 Eleanor Ave.FTA and LO Ltr R-R 7-12-12.doc](#)  
[924 Eleanor Ave.Nelson - Hollins Ltr.9-12-12.doc](#)

*Recall item on Sept 12, 2012 - Public hearing continued to October 3.*

*Conditions to be met by September 25 if owner intends to rehabilitate the building:  
1) post the \$5,000 performance deposit; 2) obtain a code compliance; 3) provide a work plan; 4) provide financial documentation dedicating the funds for the rehab; and 5) the property must be maintained.*

*RE: 924 Eleanor St (duplex)*

*Stephanie Nelson appeared on behalf of Wells Fargo Bank.*

*Ms. Moermond:*

*- this was a no show last legislative hearing Jul 24, 2012*

*Ms. Nelson:*

*- we were hired after the last legislative hearing  
- foreclosure has not yet been initiated*

- they are working on a title claim; that's why this has been delayed

Steve Magner, Vacant Buildings:

- this was originally heard Jul 10, 2012; at that time no one appeared
- the City Council was scheduled for Aug 1, 2012; subsequently, the Council requested that it be brought back to the legislative hearing forum
- 1 story wood frame duplex with a detached 2-stall garage and a 1-stall detached garage on lot of 9,583 sq ft
- Vacant Building since September 27, 2007
- current owner Craig Jensen and Sabrina Demars per Ramsey County records
- Apr 10, 2012 inspection of building conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted May 1, 2012; compliance date Jun 1, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value of \$40,000 on the land; \$78,500 on the building
- real estate taxes are current
- VB fees paid by assessment October 28, 2011
- a Code Compliance Inspection was done on Aug 17, 2010 and has since expired.
- as of Jul 9, 2012, \$5,000 Performance Deposit has not been posted
- 9 Summary Abatement Notices since 2007
- 4 Work Orders for garbage/rubbish; boarding/securing
- Citations were issued for illegal occupancy of a registered vacant building on Oct 14, 2008, June 24, 2009 and Jun 3, 2010. In addition, bills for Excessive Consumption for illegal occupancy of a registered vacant building were issued on Aug 4, 2011, Aug 31, 2011 and Sep 28, 2011
- estimated cost to repair exceeds \$15,000
- estimated cost to demolish exceeds \$12,000

Ms. Moermond read Amy Spong's HPC Report from Jul 10, 2012 LH:

- workers cottage built 1888 (index card) as single family dwelling with 2 doors
- altered quite a bit from the original; although footprint is close
- possible addition to the front (oriented toward Milton)
- there was a narrow 1-story open front porch which is now gone
- stucco
- this area had a lot of vacant lots; not very developed by 1925
- this structure likely housed workers from industrial uses in the area
- small house on a double lot
- outside of 2011 survey area; has not been looked at recently
- demo would not have an adverse affect although the stucco could be hiding a very early pioneer building
- this area has some potential for pioneer housing which haven't been discovered

Amy Spong, Heritage Preservation Commission (HPC):

- explained that the city has a Pioneer Housing Context Study; very few pioneer homes are visible until you know what's underneath them

Ms. Nelson:

- the owner's mortgage originated in 2009; they must have intended to fix it up at some point
- hasn't yet sent them the usual instructions they need to: 1) register the building; 2) order the code compliance inspection; 3) post the performance deposit, etc. - she will do that today

Ms. Moermond:

- will refer this back to Oct 3, 2012 City Council Public Hearing at the Council meeting

tomorrow

- have the necessary conditions met by Sep 25, 2012
- she would definitely love to see this house fixed, if possible
- the neighbors are concerned about the length of time it's been empty and the squatting that's taken place; also, no one knows what's going on with it
- would like to see the bank file a Notice of Penancy and submit a letter of their intent to file for a shortened foreclosure redemption time period (by Sep 25, 2012)

Mr. Magner:

- asked if there was a possibility to schedule a sheriff's sale, get the Certificate of Code Compliance, schedule a 5-week Redemption Hearing and get it into Wells Fargo's hands within 6 months (Ms. Nelson: can be done within 3 months at the most as long as the title gets straightened out)
- there has been illegal occupancy during the whole time this house has been vacant (Ms. Nelson believes that Wells Fargo has secured the house at this point)

**Referred to the City Council due back on 9/12/2012**

## 11:00 a.m. Hearings

### Summary Abatement Orders

- 6 [RLH SAO 12-24](#) Appeal of Roxanne Kay DeFlorin to a Summary Abatement Order at 762 THOMAS AVENUE.

**Sponsors:** Carter III

**Attachments:** [762 Thomas.appeal.8-20-12.pdf](#)  
[762 Thomas.Photos.8-17-12.pdf](#)  
[762 Thomas Ave.Deflorin Ltr 9-12-12.doc](#)

*Deny the appeal and grant until September 24, 2012 for compliance on the exterior issue.*

*RE: 762 Thomas Ave (single family)*

*Roxanne Kay DeFlorin, tax owner, appeared along with Thomas White, her boyfriend.*

*Inspector Joel Essling:*

- Summary Abatement Order was issued Aug 17, 2012 with an Aug 21 compliance date
- re: storage, refuse, debris mainly in rear yard
- since the initial inspection, there is now more storage, refuse and debris than was originally

*Ms. DeFlorin:*

- explained that more material was in the yard in anticipation of the dumpster that Mr. Essling said he could get
- she feels that she has been thwarted at every move by Mr. Essling and she would like to have him removed from her case
- he came to her property smoking a cigarette; she asked him numerous times to extinguish it; in response, he threatened to have a crew out that day to get rid of everything in her yard, her house, including the solar panels; she finds that unprofessional and doesn't believe that kind of behavior is in anyone's best interest



- said that Mr. Essling stood outside her house at 10 pm at night (Ms. Moermond said she has not known Mr. Essling to do that)

Ms. Essling:

- noted that he is no longer the inspector since the house is now a Category 2 Registered Vacant Building; he is here today because of the appeal  
- Matt Dornfeld will be inspecting  
- said that he had no clue as to what Ms. DeFlorin was talking about re his being outside her house at night

Ms. Moermond:

- Mr. Essling was going to provide a phone number for Kay Wittgenstein, House Calls Program, Ramsey County, who may be able to provide a dumpster

Ms. DeFlorin:

Mr. Essling contacted Kay first and then, when she contacted me, she said that they couldn't get me a dumpster because there was no way that she could pay her bill (meaning her Xcel bill)

Mr. Essling:

- House Calls Program is designed to assist people staying in their house; they are not going to provide funding to anyone they don't think will be able to stay in their house, in this case, the Xcel bill is \$20,000

Ms. DeFlorin:

- Xcel was going to restore power  
- she hasn't received any information about the city requiring she have Xcel Energy as her power source; according to the city code, she doesn't even have to have electricity for residential; one needs heating and water  
- things keep happening that she doesn't get notified about

Ms. Moermond:

- electricity is considered a basic facility and the city code addresses it in Chap. 34  
- there were 2 things going on here: 1) electricity; and 2) so many things in the house  
- the Condemnation, itself has already been decided (Ms. DeFlorin: has not received any email or letter regarding the outcome of the LH or the future Council meeting); Ms. Vang said she emailed the results and information; printed the letter for Ms. DeFlorin  
- at the last LH discussion, they talked about her dog being at the property; about Ms. DeFlorin having access between 8 am and 8 pm; Ms. DeFlorin was maybe going to stay with her sister but she wasn't sure how that would work out

Ms. DeFlorin:

- she doesn't know what her steps are supposed to be  
- she is doing what she thinks she's supposed to do  
- she has talked to Xcel Energy to get the electricity straightened out  
- she had no idea that her sister couldn't put Xcel in her name  
- then, the Inspector comes to her house, threatening her  
- she is getting over whopping cough; she also has COPD (Mr. Essling ignored her request to stop smoking)  
- the next thing she knew, they placarded her house a Vacant Building  
- what time frame did she have to address these issues?  
- she does have gas; and solar panels are a federally approved source of energy  
- the most helpful people in this whole situation were those at Xcel Energy  
- wants to know what are the city's procedures, down to time frames, etc  
- she believes that she has been totally shafted on this

*Ms. Moermond:*

- pulled up the record from the Condemnation
- as she understands city code, it doesn't specify that you have to have Xcel but it does say that you have to have an approved electrical set-up and it is leaning to have you on the grid; not that there can't be arrangements with solar and working with Xcel about that
- we had talked about storing the solar energy in the house wasn't safe or OK and the system hadn't been reviewed or approved, either
- that went to City Council Sep 5, 2012 (the Order to Vacate is done)
- on top of the electrical issue is that of all of the material in the house
- the Order today has to do with the outside property

*Ms. DeFlorin:*

- Ms. Moermond may have told her about the CC meeting but she also said that she would receive information which would explain things, which she didn't receive; she feels that she has been sabotaged at every turn (Mai Vang sent the email Aug 27, 2012 at 2:49 p.m. to rkdeflorin@live.com; she did not get a message that said it was undeliverable); she has been checking her email frequently and she didn't get it
- the police have been at her house since then on the pretense that she had kidnapped someone's dog
- the stuff in her house is not garbage; it's not junk; some she can get rid of
- some stuff outside is broken but she was anticipating having a dumpster
- their neighborhood clean-up day is Sat; she will get rid of material then

*Ms. Moermond:*

- this isn't just about the usefulness of the items; it's about having just too much stuff
- this is about getting the volume down

*Mr. White:*

- took Mr. Essling's license plate number the night he was parked across the street from the house
- he saw him; it was 9:30 p.m. (Mr. Essling: I've never been there at night; just when it's noted in the file)
- Mr. White said he was there waiting for ride; sitting on the front steps

*Ms. Moermond:*

- the SA Order is dated Aug 17, 2012, the same day of the Condemnation
- the deadline on the SA Order is Aug 21, 2012 for things to be cleaned-up
- she will recommend granting an extension to Sep 24, 2012 but it has to satisfy the Department of Safety and Inspections (DSI)
- Matt Dornfeld will be the manager in the Vacant Building Program, Ms. DeFlorin's contact: 651/266-1902

*Ms. DeFlorin:*

- she wasn't told how she could get her house uncondemned, which was her focus of the appeal so that it wouldn't go to that next step
- there were no time frames - like if such and such wasn't accomplished by this time.....

*Ms. Moermond:*

- explained that was in the actual Order she received from DSI; it outlines what needs to be addressed (Ms. DeFlorin: is there a set time frame or it as the whimsy of the inspector?)
- the letter says that the principal violations are no gas or electric and it talks about fire hazard and unsanitary conditions; also lists other things; the letter says this is an

immediate Vacate of the property; then, Ms. DeFlorin filed an appeal; Ms. Moermond recommended giving her a little bit more time (Aug 24) but not much because the circumstances were bad

Ms. DeFlorin:

- wants to know what was her time frame for working to get things done and if that was accomplished, then, what would be the next step

Mr. Essling:

- believes the question is when will the property become a Registered Vacant Building

- the answer: it is up to the discretion of the inspector but generally speaking, it's going to be within a week of the Condemnation, depending on the situation; if it's a situation where it looks as though the Condemnation is going to be lifted within a week, it won't be transferred over to Vacant Building

- cited section of the code that requires electrical service: 34.14 2a - all residential structures and dwelling units shall be supplied with electrical service that is adequate to safely meet the electrical needs of the residential structures and dwelling units in accordance with the electrical code

- it would be possible for Ms. DeFlorin to run a house on solar; however, for residential, it's cost prohibitive; you would never be able to get a system installed and approved by an electrical inspector that would fully provide with all the electrical

- electrical Inspector Dan Moynihan inspected this property last Fri and determined that the electrical system is not safe to be re-energized; it has to be brought up to code under permit by an electrical contractor; the inspector also stated that all components of the solar system are unsafe and had to be removed

- you will get a letter in the mail outline the steps to move forward: 1) need to register the property as a Registered Vacant Building - fill out and sent in - a fee is connected with that; then, 2) a Code Compliance Inspection is required - a team of inspectors go through the house and write up all deficiencies; 3) once you get that list, you can do all the work to bring it up to code; 4) once it's up to code, it will be out of the VB Program; and 5) Ms. DeFlorin can re-occupy it; however, before inspectors can go in and inspect, the house will have to be cleared out (they can't move around and they can't see everything they need to see)

- advised Ms. DeFlorin to talk with Inspector Dornfeld if she had any questions about the inspection procedures

Ms. Moermond:

- Ms. DeFlorin has until Sep 24, 2012 to have the yard cleaned-up; if she has questions about whether or not the yard is cleaned-up enough, she needs to call Mr. Dornfeld and ask him to drive by and take a look and provide feedback

Ms. DeFlorin:

- asked for a copy of the city's policies and procedures on how they go about inspecting, including time frames regarding all of it (Ms. Moermond: the code is the best document for that)

Ms. Moermond:

- Order of events: you find yourself to be Condemned with an immediate vacate because conditions were considered to be very bad (unsafe); this is an exercise of the police powers so, it's not in violation of the Constitution; it's saying conditions are that bad - unsafe

- her appeal on the Condemnation was denied but she was given an extension of time to vacate

- once people are out of the building, and they have lost their appeal at City Council, then, it gets put into the Registered VB Program

- because there are violations with this building, it is a Category 2 Registered VB - meaning that you need to bring it up to basic safety codes before it can be occupied
- next steps: 1) clean out the house; 2) pay the VB fee; 3) leave a lockbox on the door; 4) apply for a Code Compliance Inspection online; 5) address each deficiency item on the inspection report;
- she will ask DSI to hold off on the VB fee for 3 months to give Ms. DeFlorin a chance to get this addressed and get the Condemnation lifted
- these steps will be listed in a letter from Mai Vang
- her recommendation for the yard cleaning will go before City Council Sep 19, 2012 at 5:30 pm (deadline Sep 24, 2012)
- will recommend the VB fee be waived for 3 months
- Kay Wittgenstein may have good referrals for temporary housing
- appellant will probably need financing for doing these repairs
- the electric problem needs to be resolved (Xcel needs to be turned back on or a sound solar system needs to be put into place; right now, there is not a sound, approved solar system in place)

Mr. Essling:

- explained that no trade inspector will tell someone what it is, exactly, that needs to be done (that immediately makes them liable for anything that is done); it is assumed that the person doing the work (contractor) has the knowledge to know what needs to be done

Ms. DeFlorin:

- asked if there was a way she could get the fees lowered because it seems that a person gets into this situation because they have fallen on hard times so the city makes it harder (?)
- has not seen any kind of report from the electrical inspector (Mr. Essling: he won't be sending a report to Ms. DeFlorin)
- they pulled an electrical permit last Thu to have Inspector Moynihan come out to check the meter box - to get Xcel turned back on; the meter box was locked, so he decided to come inside the house and look
- she owes Xcel \$11,000

**Referred to the City Council due back on 9/19/2012**

### Orders To Vacate, Condemnations and Revocations

- 7      **RLH VO  
12-80**      Appeal of John G. Westrick, attorney for Eric C. Sneeve and Charlene S. Moore-Sneve, to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate 1304 JUNO AVENUE.

**Sponsors:**      Tolbert

**Attachments:**      1304 Juno Ave.appeal.8-6-12  
                                  1304 Juno Ave.Photo.12-14-12.pdf  
                                  1304 Juno Ave.Westrick Ltr 8-17-12.doc  
                                  1304 Juno Ave.Westrick Ltr 9-13-12.doc

*To be referred back to Legislative Hearing on October 16, 2012 and City Council Public Hearing on November 7, 2012.*

**Referred to the City Council due back on 10/3/2012**

**11:30 a.m. Hearings**

8 [RLH SAO  
12-25](#) Appeal of Maya Farber to a Summary Abatement Order at 1030 PRIOR AVENUE SOUTH.

**Sponsors:** Tolbert

**Attachments:** [1030 Prior Ave S.appeal.8-27-12.pdf](#)

*Inspector Essling met with owners at property on September 18 and property is in compliance and have closed their file. Appeal withdrawn.*

*Forthcoming; LH on October 2, 2012.*

*RE: 1030 Prior Ave S (single family)*

*Maya and Yevgeny Farber, owners, appeared.*

*Inspector Joel Essling:*

- Summary Abatement issued Aug 24, 2012; compliance date Aug 31, 2012
- mainly regarding reported animal feces in rear yard and exterior storage of electronics and household items
- he was not able to access the rear yard because it's all fenced in

*Ms. Farber:*

- they had had a kennel; now, they took it out and cleaned the area
- she has lived in this house for 23 years and no one has ever complained about her property
- the neighbors next door just moved in recently and started to complain
- their backyard is covered with bricks; bushes, trees and flowers are in the back; a fence surrounds the yard and is covered with ivy vines; the neighbors poisoned the ivy on one side (Ms. Farber drew a sketch of the back yard, showing where the kennel used to be) Mr. Essling said you couldn't see into the backyard at all
- she cleans the backyard 2 or 3 times a day; when she was on vacation, her husband didn't clean as fast
- their yard is very flat

*Mr. Farber:*

- they did everything that they were supposed to do according to a conversation his son had with someone to whom he spoke after they received the letter; he said something about a carpet and they have no carpet; (Mr. Essling said that it was someone other than him but there is no record of a conversation)
- no one came to their property after someone had complained (no one knocked on their door or called them on the phone); they just got a letter
- they also took away their outdoor furniture with plastic upholstery (Ms. Moermond said they could keep that out there)

*Mr. Essling:*

- if the property owners are willing, he recommends that they meet at the property to determine that the property is in compliance (Ms. Moermond said she would like that a lot)
- suggested laying this over until Oct 2, 2012 legislative hearing
- City Council Public Hearing Oct 3, 2012

**Withdrawn**

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

**Sponsors:** Tolbert

**Attachments:** [1422 Osceola Ave.appeal.9-4-12.pdf](#)  
[1422 Osceola.Photos.8-27-22.pdf](#)

*Laid over to Oct 9 LH at 11:30 a.m.*

*RE: 1422 Osceola Ave (duplex)*

*John Sattler, owner, appeared.*

*Fire Supervisor Leanna Schaff:*

- *Correction Notice that includes a Condemnation #5*
- *Fire Certificate of Occupancy inspection conducted Aug 27, 2012 by Inspector Jay Bohan*
- *Inspector Bohan found a 3rd unit (basement conversion)*
- *no egress window in sleeping room where it's required*
- *property owner thought that, being he lived there at the time, he didn't think he needed to pull permits to construct the basement unit*
- *there will be a referral to zoning*

*Ms. Moermond:*

- *is surprised this is not to simultaneously called out under the zoning code since it's a duplex used as a triplex*

*Mr. Sattler:*

- *he has owned this building for 20+ years*
- *when he purchased it, the owners of the building had a makeshift living space in the basement with a separate door and a separate gas meter for the stove*
- *it wasn't very habitable, in his opinion; so, he dropped a new ceiling; put in an egress window; put in a separate electrical box for that unit*
- *he lived in the basement unit while renting out the other 2 units*
- *he pulled a permit to have the egress window installed by a professional*
- *he lived there up until about 10 years ago; then, he moved up into one of the other units*
- *a buddy, who's fallen on some hard times, is currently occupying the basement unit*
- *since he is living there, Mr. Sattler wants to make sure it's up to code*
- *he does not charge for it; he wants to make sure his buddy is safe*
- *has photos and a video of the unit*

*Ms. Shaff:*

- *the inspectors are expected to write the Condemnation Order and a Zoning referral; unfortunately, that didn't happen*
- *when a basement has been converted without the necessary permits being pulled, we end up with zoning issues, occupancy separation issues; plumbing and electrical issues, ceiling height issues and egress window issues*
- *photos*
- *there is a kitchen*

*Mr. Sattler:*

- *there's a lattice divider separating the sleeping area and the living area*
- *the egress window is in the living area*
- *he understood that the problem with the egress window was that there is a counter in front of it*
- *he has no problem taking down the lattice divider*
- *the dropped ceiling does not have fire-rated tiles (Ms. Schaff: should have a 1-hor*

*fire rated assembly)*

*- he hired a contractor for the electrical, etc.; he thought that the contractors were supposed to pull those permits*

**Laid Over to the Legislative Hearings due back on 10/9/2012**

- 10**      [RLH VO  
12-89](#)      Appeal of Wendy and William Jansen to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 677 THOMAS AVENUE & Correction Notice at 610 SAINT ALBANS STREET.

**Sponsors:**      Carter III

**Attachments:**      [677 Thomas Ave & 610 St Albans N.appeal.8-30-12.pdf](#)  
[610 St. Albans St.Photo.7-26-12.pdf](#)

*Owner in compliance.*

**Withdrawn**

- 11**      **RLH VO  
12-90**      Appeal of Omobolaji Shadrack to a Correction Notice-Complaint Inspection at 606 ROBERT STREET SOUTH (includes condemnation).

**Sponsors:**      Thune

**Attachments:**      606 Robert St S.appeal.9-5-12.pdf  
606 Robert St S.Omobolaji Ltr 9-13-12.doc

*Deny the appeal and grant extension until September 21, 2012 to have power restored or vacate the property.*

**Referred to the City Council due back on 10/3/2012**

### 1:30 p.m. Hearings

#### Fire Certificates of Occupancy

- 12**      [RLH FCO  
12-495](#)      Appeal of Chris Mueller to a Fire Certificate of Occupancy Correction Notice at 2554 COMO AVENUE.

**Sponsors:**      Stark

**Attachments:**      [2554 Como Ave.appeal.7-25-12](#)  
[2554 Como Ave.Photos.6-28-12.pdf](#)  
[2554 Como Ave.Mueller Ltr 8-27-12.doc](#)  
[2554 Como Ave Ltr 9-13-12.doc](#)  
[2554 Como Ave.Mueller Revised Ltr 9-14-12.doc](#)

*RE: 2554 Como Ave (general retail and svc - B - Commercial)*

*Chris Mueller, Mike Mueller and Tom Tamaro, owners, appeared.*

*Ms. Moermond:*

- follow-up; we were going to get some additional information on the roof line

*Fire Supervisor Neis:*

- Correction Orders based on a complaint inspection regarding the venting on the hood system  
 - Inspector Ron Haider did the inspection after complaints about smoke being nuisance  
 - photos were presented a couple weeks ago  
 - personally, he spent time researching previous files on this property regarding permits, etc.; he found nothing in regards to this installation  
 - there is no doubt that this has been this way for quite some time  
 - after Ron Haider looked at it further, he noted that the installation was clearly wrong:  
 1) roof line issue; 2) he questioned how the vent is going out  
 - one of the reasons it was never picked up by their office is that they don't physically go onto a roof to inspect  
 - there are alternative methods of compliance that he suggests they look at vs re-venting it completely; there is a kitchen rated blower system that attaches to the existing vent and kicks the heat and smoke upwards; the vent would go up over both roof lines - would also be more affordable than installing a whole new system  
 - showed Ms. Moermond a sketch / diagram from Mr. Haider and showed how it would work

*Mr. Mueller:*

- they had not talked to Mr. Haider about this

*Ms. Moermond:*

- suggested they get advice from Mr. Haider before they spend any money on this  
 - she will keep the enforcement in abeyance for a little longer to give them a chance to work out a solution  
 - will lay this over for a month to get people together to meet with Mr. Haider and the Appellant's mechanical contractor  
 - Mr. Neis will let Inspector Haider know about the upcoming meeting

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

**13**      [RLH FCO  
12-519](#)

Appeal of Ferdinand Peters to a Fire Certificate of Occupancy Correction Notice at 1728 HAGUE AVENUE.

**Sponsors:**      Stark

**Attachments:**      [1728 Hague.appeal.8-13-12](#)  
                                  [1728 Hague.Photos.7-31-12.pdf](#)  
                                  [1728 Hague Ave.Peters Ltr 8-27-12.doc](#)

*Inspector Jay Bohan and Ken Eggers inspected the property and came into an agreement for the repairs need to be made.*

**Withdrawn**

**14**      **RLH FCO  
12-525**

Appeal of Faith Ann Lowell, on behalf of Faith Miriom Lowell (mother), to a Correction Notice-Complaint Inspection at 1813 THIRD STREET EAST.

**Sponsors:**      Lantry



**Attachments:** 1813 3rd St E.appeal.9-11-12.pdf  
1813 3rd St E.Photos.7-11-12.pdf

*Grant the appeal to be out of the Fire Certificate of Occupancy Program.*

**Referred to the City Council due back on 10/3/2012**

**15 RLH FCO  
12-542**

Appeal of Joseph Kummer, Buy Rite Properties, to a Fire Certificate of Occupancy Correction Notice at 1060 ARCADE STREET.

**Sponsors:** Bostrom

**Attachments:** 1060 Arcade St.appeal.8-20-12  
1060 Arcade.Photos.8-17-12.pdf  
1060 Arcade.Photos.8-27-12.pdf

*Deny the appeal and grant until November 15, 2012 to bring the driveway/parking issue into compliance.*

**Referred to the City Council due back on 10/3/2012**

**16 RLH FCO  
12-557**

Appeal of Cyrus S. Irani to a Fire Inspection Correction Notice at 1842 ASHLAND AVENUE.

**Sponsors:** Stark

**Attachments:** 1842 Ashland Ave.appeal.9-4-12.pdf  
1842 Ashland.Photos.8-20-12.pdf

*Grant until June 30, 2013 to repair, paint or demo the garage; deny the appeal on the window sash in Unit 2. (Reinspection date has been rescheduled for a month from September 20).*

**Referred to the City Council due back on 10/3/2012**

**17 RLH FCO  
12-544**

Appeal of AKP Investments LLC to a Correction Notice-Reinspection Complaint at 775 COOK AVENUE EAST.

**Sponsors:** Bostrom

**Attachments:** 775 Cook Ave E.appear.8-24-12.pdf

*Deny the appeal and grant until October 19, 2012 for the boiler system to come into compliance.*

**Referred to the City Council due back on 10/3/2012**

**18 RLH FCO  
12-528**

Appeal of Robert W. Orth to a Fire Inspection Correction Notice at 812 STEWART AVENUE.

**Sponsors:** Thune

**Attachments:** 812 Stewart Ave.appeal.8-17-12.pdf

*Grant the appeal on Items 5 (front door frame) and 7 (soffits and trim) ; Item 1 is done; deny the appeal on the furnace testing.*

**Referred to the City Council due back on 10/3/2012**

- 19**      [RLH FCO  
12-539](#)      Appeal of Leslie K. Lucht to a Fire Certificate of Occupancy Approval With Corrections at 693 ST. ALBANS STREET NORTH.
- Sponsors:**      Carter III
- Attachments:**      [693 St Albans St N.appeal.8-20-12.pdf](#)
- Owner withdrew the appeal.*
- Withdrawn**
- 20**      **RLH FCO  
12-536**      Appeal of Leslie K. Lucht to a Fire Inspection Correction Notice at 674 VAN BUREN AVENUE.
- Sponsors:**      Carter III
- Attachments:**      674 Van Buren Ave.appeal.8-20-12.pdf
- Grant the appeal on the locks issue; grant an extension until October 1, 2012 to bring the other items into compliance.*
- Referred to the City Council due back on 10/3/2012**
- 21**      **RLH FCO  
12-537**      Appeal of Leslie K. Lucht to a Fire Inspection Correction Notice at 681 VAN BUREN AVENUE.
- Sponsors:**      Carter III
- Attachments:**      681 Van Buren Ave.appeal.8-20-12.pdf
- Grant the appeal on the locks issue; grant an extension until October 1, 2012 for compliance on the rest of the items.*
- Referred to the City Council due back on 10/3/2012**
- 22**      **RLH FCO  
12-533**      Appeal of Leslie K. Lucht to a Fire Inspection Correction Notice at 685 VAN BUREN AVENUE.
- Sponsors:**      Carter III
- Attachments:**      685 Van Buren Ave.appeal.8-20-12.pdf
- Grant the appeal on the locks issue; grant an extension until October 1, 2012 for compliance on the rest of the items.*
- Referred to the City Council due back on 10/3/2012**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 23**      **RLH VBR  
12-64**      Appeal of Barry Tanner to a Vacant Building Classification at 857 SIXTH STREET EAST.

**Sponsors:** Lantry

**Attachments:** 857 6th St.appeal.8-23-12  
857 6th St.appeal photos.8-23-12  
857 Sixth St E.Tanner Ltr 9-7-12.doc  
857 Sixth St E.Tanner Revised Ltr 9-7-12.doc  
857 Sixth St.Tanner Ltr 9-12-12.doc

*Deny the appeal.*

*Ms. Vang received an email from Mr. Tanner stating the following:*

*My schedule does not allow me to attend the hearing again tomorrow.  
But I did want Marcia Moermond to know that seller is willing to do some of the repair items that she had mentioned at last week's meeting if we could go ahead and make the property a Category 1 property with the stipulations that the seller would fix those items prior to closing on the home.*

*Ms. Moermond recommended denying the appeal.*

**Referred to the City Council due back on 10/3/2012**

#### Staff Reports

**24 RLH FCO  
12-543** Appeal of Keary Maloney to a Fire Certificate of Occupancy Correction Notice at 1098 MARION STREET.

**Sponsors:** Brendmoen

**Attachments:** 1098 Marion St.appeal.8-20-12  
1098 Marion.Letter from Maloney 083012.pdf  
1098 Marion.Photos from Maloney 083012.pdf

*Deny the appeal and grant an extension for 90 days to put in more class 5 and make clean boundaries to the driveway/parking space.*

**Referred to the City Council due back on 10/3/2012**

**25 RLH FCO  
12-497** Appeal of Roxanne W. Larsen to a Fire Certificate of Occupancy Approval With Corrections at 684 ROSE AVENUE EAST.

**Sponsors:** Bostrom

**Attachments:** 684 Rose St E.appeal.7-26-12.pdf  
684 Rose St Larsen Ltr 8-20-12.doc  
684 Rose St.Larsen Ltr.8-28-12.pdf

*Deny the appeal.*

**Referred to the City Council due back on 10/3/2012**