



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final Legislative Hearings

*Marcia Moermond, Legislative Hearing Officer*  
*Mai Vang, Hearing Coordinator*  
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Tuesday, May 14, 2013

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Remove/Repair Orders

- 1     [RLH RR 13-21](#)     Ordering the rehabilitation or razing and removal of the structures at 745 HAWTHORNE AVENUE EAST within fifteen (15) days after the May 15, 2013 City Council Public Hearing.

**Sponsors:**     Bostrom

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

*RE: 745 Hawthorne Ave E (single family)*

*Neighbors David Sterling and Michael Gabriel appeared.*

*Ms. Moermond:*

- will re-cap what she heard at last LH Apr 23, 2013*
- Tom Herzog, Property Mgr with Realty House; Deborah F. Brant with U.S. Bank; and Kristine Nogosek, legal counsel for U.S. Bank, appeared Apr 23*
- at that time, they really wanted to work on the house and hadn't been given an adequate opportunity to deal with it*
- she explained that it doesn't have to do with them and when they receive it but rather where it is in the nuisance cycle and the property itself*
- she asked for certain conditions to be met*

*Inspector Steve Wagner, Vacant Buildings:*

- status report: layover from Apr 23, 2013 - the layover was requested by those who appeared at LH Apr 23, 2013*
- Ms. Mai Vang sent out a subsequent letter dated Apr 24, 2013 (attached), which he read into the record*
- no \$5,000 Performance Deposit has been posted*

*(update: added later during today's hearing):*

- received the following email from Kristine Nogosek, representing U.S. Bank*  
*Decided to have city demolish the bldg and wants bid from the city.*  
*This email follows your voice mail message to me of this morning and my return voice mail message to you. As I indicated, my client, U.S. Bank, has decided not to rehab the building and is agreeable to allowing the City to demolish the building using the City's contractors so that the work will be done to the City's specifications. U.S.*

Bank understands that it, as the property owner, will be obligated to reimburse the City for the cost of the demolition. At a legislative hearing on April 23, 2013, Steve Magner stated that the City received a bid of approximately \$12,000.00 to demolish the building. Please forward this bid to me by email attachment and I will forward it onto U.S. Bank. Does the City want to enter into an agreement of some sort with the Bank about the Bank's agreement to demolish the building and to be responsible for the cost? This would avoid the matter having to go before the City Council for a resolution. Please let me know, procedurally, what will happen next. Since the Bank has elected not to continue to contest the City's demolition, the Bank will not be appearing at the hearing tomorrow or the Council meeting on the 15th.

The Bank also asks whether it needs to pay the annual vacant building assessment that is due this month for the upcoming year since there will no longer be a vacant building on the property.

Please confirm receipt of this email so I know that I got your email address correct.

Inspector Joe Yannarely responded: we sent bid tab and waived the VB fee for 90 days with the expectation that the building would be razed.  
(he forwarded that email to Ms. Moermond)

Ms. Moermond:

- assessment process for recovering the cost should be explained. We can do that in the letter that Ms. Vang sends out

Amy Spong, Heritage Preservation Commission (HPC):

- has inventory to add to the record
- it was surveyed for historic significance in 1983: it's significance is on a local level
- it's a typical Victorian home with pedimented window molding
- several of the exterior features have survived since 1983
- she has no interior photos
- original permit says it was built for \$1,000
- this property did not make it into the final report; did not have classifiers to survey for additional information
- she would encourage rehab but demolition would not have an adverse affect on the historic significance of the neighborhood
- it was not surveyed in 2011

Ms. Moermond:

- has been vacant since May 8, 2012

Mr. Gabriel:

- lives directly across the street from this property
- it's been a problem property for a approximately 5 years since the original owner had lived there for the prior 30 years
- during the past 5 years, it went through a series of rentals and short ownerships
- Hawthorne Ave is really at a turning point: there are a lot of rentals
- it was explained to him that this property was going to be auctioned off in a group where investors fix them up and sell them off
- Mr. Sterling lives next door to the house
- his great grandfather built this house and his grandparents lived in the house; he is the 3rd generation (over a 100 years, total)

Mr. Sterling:

- bought their home 21 years ago
- his wife and he have been actively getting to know the neighbors and helping those neighbors get to know each other - creating a sense of community
- they did get to know the people in this house when they first moved there - a good

relationship but as soon as they left, more difficult families lived there; they tried to make friends with them but it was very awkward

- their greater concern is the kinds of neighbors who are living in the next block where there's been a lot of police activity: drugs, prostitution, etc; they really don't want to see this house go in that direction
- if he had the means, he would buy it himself, fix it up and put an adopted family in it
- if the property becomes an empty lot, they would maintain it as a community garden

Mr. Gabriel:

- the bank has done the absolute bare minimum in maintaining, so, he and Mr. Sterling have maintained the property: picking up garbage; sweeping the street; picking up the twigs; shovel the walk; someone else usually mows the lawn
- when the house became a Category 3 VB, the bank still tried to auction it off, which was stopped by someone in the City Hall Office; so, they have been trying to get out from under this, even, illegally

Mr. Sterling:

- has been inside of the living room and has been told that there is extensive work that needs to be done

Ms. Moermond:

- one of the reasons for there having been so few abatement orders is because the neighborhood has been taking care of the property

Mr. Magner:

- history of VB -
- there was a Revocation of the Fire Certificate of Occupancy in May 2012 (Fire was in the process of doing their C of O inspection: sent 3 appointment letters with the property owner not showing up so, they spoke with a neighbor, who said that property had been vacant for 3 months; so Fire referred it to the Vacant Building Program)

Mr. Gabriel:

- even though it was vacant, there were squatters in there and they called the city about that

Mr. Sterling:

- the 2 families that had lived there just didn't have the means or the inspiration to take care of the property

Ms. Moermond:

- referred the neighbors to Deborah Brant and Kristine Nogosek, who may be able to give the neighbors permission to put in a community garden; will provide their contact information
- will recommend the Council order this building Removed within 15 days with no option for rehabilitation

**Referred to the City Council due back on 5/15/2013**

**2**      [RLH RR 13-23](#)

Ordering the rehabilitation or razing and removal of the structures at 762 THOMAS AVENUE within fifteen (15) days after the May 15, 2013, City Council Public Hearing.

**Sponsors:**      Carter III

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

*RE: 762 Thomas Ave (single family)*

*Roxanne Deflorin, owner, appeared.*

*Inspector Steve Magner, Vacant Buildings:*

- a letter dated Apr 24, 2013 was sent to Ms. Deflorin at 1610 Taylor Ave, St. Paul (he read it into the record), attached, stating the conditions*
- no \$5,000 Performance Deposit has been posted*
- no code compliance inspection has been applied for*
- the city has not had to issued any Work Orders or Summary Abatements*

*Ms. Moermond:*

- the conditions have not been met*

*Ms. Deflorin:*

- she still doesn't have access to the inside of the property*
- this things has created more of a financial burden for her*
- she can't get loans on the property until she can get access to the inside*
- is working on filing bankruptcy to get the Xcel bill taken care of*
- is working with the Dept of Veterans' Affairs to get a VA loan*
- is beginning to talk to Frogtown Community Dev Services about the programs they have*
- doesn't see how she could borrow any money before paying for the \$5,000 Performance Bond*
- sees the city as putting impediments in front of her ability to accomplish the rehab*
- she has not yet contacted Joe Yannarely to gain access*
- she wants the boards removed so that she doesn't have to remove them and put them back each time she enters the house and also so that the house doesn't look so bad when an appraiser comes*

*Ms. Moermond:*

- the city would be happy to meet Ms. Deflorin and an appraiser at the property*
- only the Vacant Buildings Program manager can make the decision to un-board the house*

*Mr. Magner:*

- Vacant Buildings is concerned that the building be boarded until the majority of the code compliance work has been taken care of in order to keep the building safe and secure; and the property has a history of illegal occupancy here*
- he does not think that the value of the property changes whether or not there are boards on the windows*
- the first step here is to get a code compliance inspection, which identifies what needs to be done to meet the minimum intentions of the code and then putting on a dollar estimate on those needed repairs; that will dictate the value of this property*

*Ms. Deflorin:*

- she doesn't have the money to make the \$5,000 Performance Deposit and why put out that money when she doesn't have the funds to do the rehab*
- 2 weeks is not a long enough time to secure that kind of money; things move slowly where money is involved*
- questioned how things progressed to where they are now and what codes are followed and what's the next step; it seems like the timelines are arbitrary*
- a lot of things have happened and it seems as though the inspectors/city choose whatever enforcement options are open/available/possible they will just use*

Mr. Magner:

- no bank is going to look at this loan application until they have determined what is required by the municipality for rehabilitation; so, again, the first step is to get the code compliance inspection
- the inspectors/supervisors out in the field are acting based on their training, experience and protocols; if there are specific questions, it will come to him for final review and decision; but there are literally thousands of decisions made on a daily basis by code enforcement staff
- in this case, inspectors are concerned about the habitability question for the house
- related codes: starting with Chapter 34, minimum maintenance standards for the city; then, once the Condemnation was in place and the Revocation occurred, then, it would fall under Chapter 43- Vacant Buildings; Chapter 43 ties back to Chapter 33 of the Saint Paul Legislative Code, which reflects on the building code; then, today, we are talking about Chapter 45 - Nuisance Buildings (Chap 45 references Chap 40, 43 and 33); all of Saint Paul Legislative Codes reference the state building code

Ms. Moermond:

- a lot of things have happened over time, each of which is distinct up to a point and each has their own deadline; early on, they try to maintain a tight deadline in order to keep you out of the VB Program; that deadline wasn't met, so that when she talked with Ms. Deflorin again, she was in the VB Program
- each of the letters that Ms. Deflorin received had deadlines attached to them; the Abatement Orders have deadlines attached to them

Ms. Deflorin:

- about notification - she has always claimed to be the legal owner of this property and as such, she should be legally entitled to get Noticed but based upon Saint Paul's internal STAMP Program, her sister was listed as the property owner and Ms. Deflorin didn't get notification of things
- her sister had asked Matt Dornfeld not to send her Notices anymore because it was just too much to deal with considering her husband's health issues
- her sister had not been on that record since 2009
- she did not get proper notice

Ms. Moermond:

- city code specifies that Abatement Orders are to be directed to the owner of record; the record is the Ramsey County record
- understands that Ms. Deflorin was buying this property on a Contract for Deed from her sister; later, she Quit Claimed the property to Ms. Deflorin
- the Order to Abate the Nuisance Building was addressed to Ms. Deflorin at 762 Thomas Ave and to Debra and Gary Schmidt in Oakdale (Mar 8, 2013)
- the Notice of Public Hearing was addressed to Ms. Deflorin at 762 Thomas Ave and to Debra and Gary Schmidt, Oakdale
- as a way of notification, the building was also posted
- the city's legal requirement is to notify the owner of record according to the Ramsey County record

Ms. Deflorin:

- she cannot meet the financial conditions within the timeframe that Ms. Moermond set

Ms. Moermond:

- not being able to meet the conditions and not contacting Mr. Yannarely to gain access to the property are not signs to her that Ms. Deflorin will be able to get the rehabilitation done

*Ms. Deflorin:*

- *legally, she hadn't received proper notice and each time she comes to the LH, she has been blindsighted by the ambiguity of the city's process*
- *she has not seen evidence of the proper procedures being followed*

*Ms. Moermond:*

- *the city not only notifies the owner of record at Ramsey County but the city also does an Ownership and Encumbrance Report, which is a title search to figure out who the owner is; and it posts the building; those 3 things are done to ensure that proper notification happens*
- *Ms. Deflorin knew about the hearings enough to show up for them, which is evidence of notification*
- *regarding the conditions:*
  - *she is not seeing information that Ms. Deflorin will be able to meet those conditions; she doesn't believe that more time will change that at all*
  - *Ms. Deflorin doesn't have the money for the code compliance inspection*
  - *she doesn't have the money to post the Performance Deposit*
  - *she doesn't have the money to pay for the rehab after the bids have been obtained*
- *Ms. Moermond wants to get Ms. Deflorin out of this as whole as possible*

*Ms. Deflorin:*

- *asked about the city's criteria that determines the cost of rehab*

*Ms. Moermond:*

- *code enforcement inspectors together with vacant building inspectors and trades inspectors go through the house and come up with an estimate*
- *that estimate can be refined with what is learned in the code compliance inspection and during the bid securing process because that estimate is based on you having to hire everything*
- *Ms. Deflorin is competent to do a lot of things with the house; so, she would pull the permit, do the work and since she does not need to pay labor, in that case, the estimate goes down (a Work Plan takes into account how individual circumstances might be different from someone else's); as of today, she has nothing like that*
- *at City Council Public Hearing tomorrow, she will be telling them that she doesn't think this project should not be given more time (Ms. Deflorin will be telling them that she disagrees with Ms. Moermond)*
- *the conditions haven't been met*
- *she will recommend the Council order this building removed (Ms. Deflorin will say that she wants more time to work with the VA, Frogtown, to declare bankruptcy, etc. because she ultimately, wants to rehab the house*
- *the Council could send it back to Ms. Moermond at LH and give Ms. Deflorin more time to do all those things*
- *she makes the recommendation; the City Council makes the decision*

**Referred to the City Council due back on 5/15/2013**

**3**      [RLH RR 13-24](#)

Ordering the rehabilitation or razing and removal of the structures at 1565 7TH STREET EAST within fifteen (15) days after the June 5, 2013, City Council Public Hearing.

**Sponsors:**      Bostrom

*Need the following conditions by May 24, 2013:*

- 1) post the \$5,000 performance deposit;*
- 2) provide general and subcontractor bids;*
- 3) provide a work plan, including timelines for the project in accordance with the Code*

*Compliance Inspection Report;*

*4) provide affidavit statement indicating the amount of money from account for the rehab;*

*5) maintain the property; and*

*6) real estate taxes must be brought current*

*RE: 1565 7th St E (single family)*

*David Meyer, owner, appeared.*

*Kathy and Luke Patrick-Seligman, neighbors, appeared.*

*Inspector Steve Magner, Vacant Buildings:*

*The building is a one-story, wood frame, single-family dwelling on a lot of 6,098 square feet. According to our files, it has been a vacant building since July 22, 2008. The current property owner is David L. Meyer per AMANDA and Ramsey County Property records.*

*On March 8, 2013, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on March 12, 2013 with a compliance date of March 27, 2013. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.*

*Taxation has placed an estimated market value of \$11,600 on the land and \$34,500 on the building.*

*Real estate taxes are current through 2011; the first half of 2012 is unpaid.*

*The Vacant Building registration fees were paid by assessment on August 30, 2012.*

*A Code Compliance Inspection was completed on May 6, 2013.*

*As of May 10, 2013, the \$5,000 performance deposit has not been posted.*

*There have been fourteen (14) SUMMARY ABATEMENT NOTICES since 2008.*

*There have been five (5) WORK ORDERS issued for:*

- Garbage/rubbish*
- Boarding/security*
- Grass/weeds*

*Code Enforcement Officers estimate the cost to repair this structure exceeds \$40,000. The estimated cost to demolish exceeds \$12,000.*

*DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days, if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.*

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

- 1917 bungalow style building; also a workers cottage type*
- Greater East Side does not have Sanborn Insurance Maps to review*
- several of the houses on these 2 block faces are consistent with the 1917 period*
- there's a couple of vacant parcels, infill houses built later - not the same character*
- not identified in 1983 Historic Site Survey of Saint Paul*
- no recent survey of this area*
- there is likely no potential for this building to be an historic resource or be identified as a potential historic site*
- have been some alterations: some windows were changed*
- property sits high upon a hill*
- remnants of an old limestone retaining wall*
- demolition would not have an adverse affect on the historic character of the area*

*Mr. Meyer:*

- owned property for approximately 4+ years*
- when he purchased the property it was intended to go to his grandson, who this*

year, will be going to Manitoba

- he is self-employed and has been almost all of his life; he works for a company in St. Cloud
- has had hard times within the last few years in the city
- when he purchased the house, paid taxes on it in addition to a registered vacant building fee each year, he thought that he was entitled to take his time to fix up the house; after all it's paid for; it doesn't bother anyone
- last fall, his neighbor, who is present today, said that he chipped a window on her house; she screamed at him and said that she was going to make it a point to get my house torn down and since then, he has gotten many of the city abatement letters and they're all within the last year
- when the city changed this to a Category 3 VB, it limited his options: 1) he can't sell the house; 2) he needs to wait for a code compliance inspection, which will cost him \$650; 3) he also will need to post a \$5,000 Performance Deposit; and 4) it limits some of the work he has to do on the house; he believes this is wrong; he owns this house free and clear (there's never been a mortgage on the house);
- he has lived in Saint Paul for his whole life and paid property taxes all the while
- his mother lives 6 blocks away; his daughter lives about 1 mile away
- he put his daughter through college and her off her \$36,000 credit card debt
- his son-in-law lives in Brooklyn in his own house, which Mr. Meyer purchased for him and fixed up for him and his family; last year, his business went under and took Mr. Meyer's \$5,000 with it
- he wants time to fix this house up and he doesn't want the city to harass him any more about the house; it's in good repair and it won't take \$40,000 to fix the repairs, maybe \$20,000 (he entered a copy of his bank statement to show that he has the funds available)
- he doesn't like it when the city tells him one thing and then, 2 weeks later, they change the category; he has come to the point where he doesn't necessarily trust the city (first they were nice; then they were not nice)
- he had a back porch issue, which his neighbor complained about; his son-in-law came and tore it down; he stacked the boards up neatly; 3 days later, he gets a Summary Abatement Order again because the neighbors complained about the boards being stacked; it was a visual eyesore and he took care of the problem
- he takes care of things; he will fix up this house; he didn't think there was a time issue; he was under the impression that if you owned something, it's yours; you can take your time; who cares; what difference does it make to the city if the taxes are being paid
- there were a few times when stuff was dumped in the alley and a few times when his son-in-law didn't get there in time to mow the lawn
- when he got the letter for the dumped stuff, he paid someone to get rid of it - someone else's trash
- the property is in good repair; it can't be broken into
- he contests the estimate of \$40,000 worth of repairs
- he drives around St. Paul and sees a lot of vacant lots; he sees the buildings with the little stickers on there; now, he understands why that happens - it's that \$5,000 Performance Deposit - he doesn't think people's property should be taken away from them just because they're poor; he thinks that's wrong; they should be given time to fix it up and every opportunity to fix it; it does the city no good to have a bunch of vacant lots around the city; it looks terrible
- this property has a hill with a very nice view; he guesses that his complaining neighbor probably wants that
- within a year, this all happened because of her - she said, "I'm going to make it my business to have your house torn down." Before that, there was no issue
- he got the code compliance back a while ago and noticed that it was pretty minor stuff but everything needs a permit and he has no problem pulling a permit; however, because it was changed to a Cat 3, now, he has to post the \$5,000 bond; he would

*like to change it back to a Cat 2 so that he doesn't need to post the \$5,000 bond*  
*- he thinks that's why a lot of registered VB get torn down; people don't have that \$5,000 to post and they don't have the money available to fix the property to the city's standards; so, they just give it up*

*Ms. Moermond:*

*- a lot of what she's hearing is frustration on how we got to where we are with this but that's not going to get us into the future in a way that Mr. Meyer wants to get there; and Mr. Meyer is angry and frustrated with the neighbor*  
*- he job is to look at the building conditions and the nuisance conditions and how to move forward*

*Mr. Magner:*

*- this building has been a registered VB since 2008*  
*- there's a number of ways the city declares buildings to be a nuisance*  
*- in this particular case, it is based primarily on time - the Ordinance indicates that after 24 months of being a Registered VB, Cat 2, we have to make some determination as to whether the building needs to be declared a nuisance and move forward with the Cat 3 process; in this case, the building has been vacant for 3 years*  
*- another issue: on a number of occasions, inspectors have had conversations with Mr. Meyer*  
*- Oct 23, 2012 - inspector met owner at property; the owner explained that he wants to rehab and occupy the dwelling; he said that he would apply for a code compliance inspection, pull permits and get the work done within 3 months; he was told to call Mr. Seeger to get the code compliance inspection started*  
*- the inspectors have also received complaints from the neighborhood expressing their frustration with the dwelling*  
*- it's atypical for a building that's been vacant for 4 years to be in this process*  
*- estimated cost of rehab: inspectors go out and evaluate the condition of the building if they don't have a code compliance report to review*  
*- in this case, Mr. Magner does not disagree with the inspectors' estimates*  
*- the average Cat 2 VB repairs are generally above \$30,000 when things are being done correctly (permits and licensed contractors)*

*Mr. Meyer:*

*- a roofing contractor told him that he estimated the cost of the roof at \$5,000*  
*- the Cat 3 status is limiting his ability to get things done*  
*- asked how much time he could be granted*

*Ms. Moermond:*

*- in order to revise the estimated cost downward, she needs to have Mr. Meyer provide just that type of information from licensed contractors; she would ask for a Work Plan to explain all those things*  
*- legally, building condition-wise, there are a lot of problems going on here, and together with that and the long duration of this having been in the VB Program kicks Mr. Meyer into a Cat 3 VB*  
*- he will need to act on this sooner rather than later*  
*- if Mr. Meyer meets several conditions, she can give him up to 180 days to do the work*  
*- if he can demonstrate at 180 days that he is more than half-way done, the building official has the ability to extend time for another 180 days; at the end of granted time, if the repairs are done, the \$5,000 performance deposit is refundable*  
*- she will focus on the conditions that Mr. Meyer needs to meet to get himself out of this situation*  
*- she sees a building that needs to be fixed and a history of 14 Summary Abatement Notices, which also adds to it being a neighborhood nuisance*

- she wants to see Mr. Meyer succeed in this and thinks that he can
- she will be looking for the following things: 1) \$5,000 Performance Deposit posted;
- 2) contractor bids that address the work in the code compliance inspection report (Work Plan containing those bids); 3) a signed affidavit indicating that he will spend the necessary funds out of his bank account to get the job done; 4) the taxes need to be paid; and 5) maintain the property

*Kathy and Luke Patrick-Seligman:*

- a neighbor's house has been broken into and he thinks it because there's this vacant house in the neighborhood - the lights are always off; there's always trash around the yard, which he picks up frequently
- they have had to call the police when they see people sitting on the front porch of that house; the inspectors and police have been there numerous times
- they have chased away vagrants many times
- people know when a house is empty and they hang around; maybe they'll try to break in
- shared the photos they took last night of the house and this is not their idea of a well-cared-for home
- they moved in 3 yrs ago and they met Mr. Meyer; he said that he was working on the house, he gave them his phone number and asked them to call if there were any issues; Kathy called him 2-3 times saying there are issues like people are in the house and they had to call the police
- she can count on one hand how many times she has seen him
- the snow is blown off the sidewalk by her husband and the neighbor, who had his house broken into
- they question why this situation has been allowed to go on so long with nothing being done; they feel that the City of Saint Paul has let them down (they have checked out the city's guidelines on what should happen with a vacant property)
- for 3 years, she has watched mice and rats come out of the crack in the foundation
- those windows are not boarded
- they have 3 kids still at home and their wish is to not have a vacant property there
- since he has the where-with-all to fix the house, he is making a choice not to invest in this property
- when Mr. Meyer broke her 100-year old stained glass window, he didn't take care of that either; he doesn't take care of things; his word today doesn't mean anything
- there's a boat in the back yard that is probably from 1950 or 1960; it's growing trees in it and it's full of garbage
- the house looks as though it is just inviting trouble
- they think that even if Mr. Meyer is given 180 days twice, he will not finish the repairs
- we asked him to put a light bulb on the porch so that it would at least look like someone might be there but he couldn't even do that

*Mr. Meyer:*

- will take care of the windows and shades - should take about a week
- has never seen any one on the property - he drives by frequently
- has never seen any sign of any infestation problems and there's nothing in the report about that

*Ms. Moermond:*

- there are some plumbing, venting and toilet problems - things which do lead to infiltration by rodents
- whether Mr. Meyer lives in the house or lives somewhere else, since he is the owner, he is still responsible for the property
- by May 24, 2013, she wants to see the following:
- performance deposit posted

- bids and accepted bids
- complete work plan that addresses all of the items in the code compliance inspection report
- affidavit to spend the funds necessary to complete the project or a construction loan, etc.
- maintain property, proactively
- taxes paid
- scheduled for City Council Public Hearing Jun 5, 2013

Mr. Meyer:

- does not think he can meet all of those conditions by May 24, 2013 because he does road construction, which can be anywhere
- because his work involves different cities, he does not see that as realistic

Ms. Moermond:

- Mr. Meyer needs someone who can help him meet those conditions
- if he cannot get it done, he needs to explain to the Council about why he hasn't been able to get it done; Council has the authority to send it back to LH, where he can continue to work on the work plan, etc.
- he needs to demonstrate that he can meet this deadline now, so that she is convinced he can meet other deadlines that are set in the future
- she can recommend that they grant up to 180 days if the conditions are met but she is concerned about progress along the way
- Mr. Meyer could lose the \$5,000 performance deposit if there's not adequate progress; the next thing that happens without adequate progress is that the house will be demolished (less than 50% done)

**Referred to the City Council due back on 6/5/2013**

**4**      [RLH RR 13-25](#)

Ordering the rehabilitation or razing and removal of the structures at 1281 3RD STREET EAST within fifteen (15) days after the June 5, 2013, City Council Public Hearing.

**Sponsors:**      Lantry

*Need to meet the following conditions by May 24, 2013:*

- 1) obtain a Code Compliance Inspection;
- 2) Court order to shorten the redemption period; and
- 3) post the \$5,000 performance deposit.

*If conditions are met, Legislative Hearing Officer will recommend that the City Council refer the matter back to LH on June 25 and City Council Public Hearing on July 10, 2013.*

*RE: 1281 Third St E (single family)*

*Gary Evers, Shapiro & Zielke, representing U.S. Bank National Association, owner, appeared. (Wells Fargo is the servicer)*

*Inspector Steve Magner, Vacant Buildings:*

*The building is a one-story wood frame single-family dwelling on a lot of 4,792 square feet. According to our files, it has been a vacant building since January 26, 2012.*

*The current property owner is Jacob J. Plumley and Jessica S. Liljedahl per AMANDA and Ramsey County Property records.*

*On February 20, 2013, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs*

were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on March 4, 2013 with a compliance date of April 3, 2013. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$17,100 on the land and \$30,500 on the building.

Real estate taxes are current through the first half of 2013.

The Vacant Building registration fees were paid by assessment on March 1, 2013.

As of May 10, 2013, a Code Compliance Inspection has not been done.

As of May 10, 2013, the \$5,000 performance deposit has not been posted.

There have been nine (9) SUMMARY ABATEMENT NOTICES since 2012.

There have been nine (9) WORK ORDERS issued for:

- Garbage/rubbish
- Boarding/security
- Grass/weeds
- Snow/ice
- Demolition of garage – the garage was razed by the city in 2012 for a total assessment of \$4,425

Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$12,000.

DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days, if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Amy Spong, Heritage Preservation Commission (HPC):

- 1 1/2 story wood-sided bungalow category built in 1931
- last time area was surveyed for historic resources was 1983 and this building was not identified
- there is also not an historic district identified
- alterations; not original siding; aluminum windows
- Greater East Side has no Sanborn Insurance Maps
- moderate set-back; significant grade change from the street
- just off Johnson Parkway
- there some vacant lots in this area but the other structures share similar character and are from a similar period
- demolition would not have an adverse affect from an historic perspective

Mr. Evers:

- property went to sheriff's sale Mar 19, 2013 with a 6-month redemption period
- because it is vacant, there's a Court Order and the hearing is scheduled for next Wed, May 22, 2013 to reduce the redemption period to 5 weeks; should not be a problem; once that order is issued, the lender will get possession around the end of Jun 2013
- asking that the city take no action until after that time period and give them several weeks beyond that point to come back with a plan
- has been in touch with Wells Fargo Property Preservation people and their plans for this property are to market the property and sell it after the redemption period expires; they will clean it out and maintain the yard; they will not do the repairs
- he was contacted yesterday so, he doesn't have a lot of answers

Ms. Moermond:

- U.S. Bank can't market and sell it without first making the necessary repairs
- estimated cost to repair currently is \$50,000 or more
- no Orders since Mar 19, 2013

Mr. Magner:

- the \$4,425 assessment for garage demo did make the cut-off; was not billed until Nov 7, 2012 - will appear on 2014 taxes but there is a bill out there  
- the last Summary Abatement was sent out Feb 26, 2013 for snow and ice; the work was done by the city

Mr. Evers:

- suggests that this be laid over to mid-Jul LH to come back with plans

Ms. Moermond:

- taking into account the sheriff's sale that just happened and a court date set for next week Wed (shortened redemption time) and we get a code compliance inspection ordered and a \$5,000 performance deposit posted, she will recommend a layover to City Council Public Hearing Jul 10, 2013  
- deadline for code compliance inspection and \$5,000 is May 24, 2013  
- CCPH Jun 5, 2013  
- Daphne Russell needs to know that this is not a candidate for marketing and re-sale  
- good contacts: Mai Vang and Joe Yannarely  
- will get letter  
- Jun 25, 2013 LH

**Referred to the City Council due back on 6/5/2013**

**5**      [RLH RR 13-26](#)

Ordering the rehabilitation or razing and removal of the structures at 217-219 WHITE BEAR AVENUE NORTH within fifteen (15) days after the June 5, 2013, City Council Public Hearing.

**Sponsors:**      Lantry

5/23/13: an attorney for Bank of America called. He spoke to his client and wishes to be heard. Set for Agenda on June 4 LH.

No show; remove the building within 15 days with no option for repair.

RE: 217-219 White Bear Ave N (duplex)

Inspector Steve Magner, Vacant Buildings:

The building is a split level wood frame and stucco duplex with a detached, two-stall garage on a lot of 7,937 square feet. According to our files, it has been a vacant building since November 23, 2011.

The current property owner is Xai Thao and Vupao Thao per AMANDA and Ramsey County Property records.

On February 27, 2013, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on March 11, 2013 with a compliance date of April 10, 2013. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$30,400 on the land and \$93,400 on the building.

Real estate taxes are current through the first half of 2012.

The Vacant Building registration fees were paid by assessment on December 3, 2012.

As of May 10, 2013, a Code Compliance Inspection has not been done.

As of May 10, 2013, the \$5,000 performance deposit has not been posted.

There have been six (6) SUMMARY ABATEMENT NOTICES since 2011.

There have been six (6) WORK ORDERS issued for:

- Garbage/rubbish

- Boarding/security
- Grass/weeds
- Snow/ice

Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$12,000.

DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days, if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Amy Spong, Heritage Preservation Commission (HPC):

- 1965 split level
- has a side gable room, open front portico with thin columns
- less than 50 years old so, not considered for historical contributions
- demolition would not have an adverse affect from an historic perspective

Ms. Moermond:

- property looks as though it has been thoroughly abandoned
- will recommend its removal within 15 days for no option for its rehabilitation

**Referred to the City Council due back on 6/5/2013**

**6**      [RLH OA 13-53](#)

Making recommendation to Ramsey County on the application of Holsey Memorial Christian Methodist Episcopal Church, for repurchase of tax forfeited property at 767 AURORA AVENUE.

**Sponsors:**      Carter III

Approve for repurchase of the property.

RE: 767 Aurora Ave (single family)

Inspector Steve Magner, Vacant Buildings:

- Repurchase Application made by the Holsey Memorial Christian Methodist Episcopal Church in Minneapolis
- they are seeking to Repurchase the property from Ramsey County - one of their parishioners (now deceased) had willed the property to the church
- according to the city's records, there is very little complaint activity (1 complaint in 2010-abated by owner; and 1 complaint in 2004-correction notice and 1 excessive consumption charge)

Ms. Moermond:

- the property was willed to the church
- in the cross-over time period, the fact that the taxes had gone unpaid was lost
- now, the church was to repurchase for past due taxes
- the property has been a good actor in the community; there's no reason to object to this application
- she will recommend the Council recommend to the county that it be re-purchased

**Referred to the City Council due back on 6/5/2013**

**Staff Reports**

**7**      [SR 13-21](#)

Reviewing request of Owner, Khai Lim, to a Vacant Building Fee at 111 HOYT AVENUE WEST.

**Sponsors:**      Brendmoen

*Reduce the Vacant Building fee from \$1100 to \$400. (will need to refund)*

*On May 7, 2013 Marcia Moermond and Joe Yannarelli reviewed the file. Ms. Moermond recommended that the City Council reduce the vacant building fee from \$1100 to \$400 provided that the anniversary date was July and City didn't raze the building until October. On May 8, Ms. Vang called Khai Lim and indicated to him of the same. Mr. Lim still think the VB fee should be totally deleted and refunded. He questioned that he should not have to pay the VB fee in the first place being that the City had already ordered the building be demolished. He also stated that when he was told by Reid Soley and Steve Magner that the full amount should be refunded.*

*Mr. Magner and Mr. Soley confirmed that they have no recall of offering to give back the VB fees.*

**Received and Filed**

## 11:00 a.m. Hearings

### Summary Abatement Orders

- 8      [RLH SAO 13-15](#)      Appeal of Chester Landers, Southern Minnesota Regional Legal Services (SMRLS); on behalf of Heather Meyers, EMC Investments; to a Summary Abatement Order and Code Compliance Report at 978 CONWAY STREET.
- Sponsors:      Lantry
- Grant the appeal.*
- RE: 978 Conway St (single family)*
- Heather Meyers, Southern Minnesota Regional Legal Services (SMRLS), appeared.*  
*Chester Landers, Occupant, appeared.*
- Ms. Moermond:*  
*- owner is listed as EMC Investments as of Apr 2013*
- Ms. Meyers:*  
*- it is her understanding that's an LLC actively registered with the Secretary of State*  
*- the manager is a gentleman named Morales; she has not spoken with him; she has spoken with 2 of his agents*  
*- she was hoping that one of the agents would be present today*
- Inspector Paula Seeley reported for Rich Singerhouse:*  
*- Inspector Singerhouse went out there Apr 25, 2013 and issued a Summary Abatement Order: Immediately secure all buildings which are open to unauthorized entry, including: BOARD OVER ALL FIRST FLOOR DOORS AND WINDOWS*  
*- was sent to EMC Investments LLC, 8936 Springwood Cir, Woodbury; and EMC Investments LLC, 1911 Suburban Ave, Suite 341, St. Paul*  
*- Vacant Building file was opened approximately Nov 2010*
- Ms. Meyers:*  
*- Mr. Landers lives at this address with 4 other tenants*  
*- hoping to work something out with EMC*  
*- she has spoken with a contractor who has been involved - a lot of the work has been done*

- 2 different approaches: 1) to see if the city, tenants and landlord could work to resolve this and get the Certificate of Occupancy restored; it would be a hardship for him and the other tenants to move; alternatively, if that doesn't work out; or 2) ask if an extension of time could be granted to give her client and the others time to find another place to live (they had no idea that this was a Registered Vacant Building)

Mr. Landers:

- he moved in on Feb 10, 2013; some of the others moved in Dec 2012
- it was listed on Craig's List
- none of the tenants, including him, knew that it was a VB
- all were paying rent during this time; it's a sham
- they found out when the inspector came
- the inspector and the contractor were trying to figure something out
- there are 2 red tags on the door
- there are 5 rooms and they are charging \$500 per person
- Mr. Morales has a non-profit organization
- the other 4 guys are being brought out of prison and are on probation

Ms. Seeley:

- going through the record, it looks like the Code Compliance Inspection and the permits were finalized today
- when Inspector Dornfeld was out there Apr 24, they were illegally occupying it; it was a Cat 2

Ms. Meyers:

- another concern: the code compliance, dated Apr 9 notes that there's a zoning issue; the property is an RT-1 zoning
- sounds like a half-way house
- she doesn't want to leave thinking everything is resolved only to have a zoning issue come up

Inspector A. J. Neis:

- he just spoke with Jim Seeger: all the building permits are finalized as of today; it's safe to occupy
- in about 2 minutes, it will have a Certificate of Occupancy

Ms. Moermond:

- we have 5 bedrooms all rented to individuals; so, we have a zoning problem
- you can have up to 4 unrelated adults (Mr. Landers: 2 of the tenants moved out; there's only 3 now)
- owner was providing occupancy for a Registered VB based on the ads on Craig's List (candidate for a criminal citation)

Mr. Neis:

- since the Code Compliance is approved, this would be a complaint basis for Fire to handle
- Fire will issue a C of O for the dwelling; they will then open up a complaint to address the over-occupancy issues

Mr. Landers:

- thinks that the 2 caretakers there were collecting rent from the tenants behind Mr. Morales back; he doesn't think that Mr. Morales knew about it because everything was all hush-hush

Ms. Moermond:

- will recommend granting the appeal on the boarding order

- will have a C of O presently; other actions should have been taken

Mr. Neis:

- they have now issued the Fire Certificate of Occupancy
- will open up a complaint referral and send out an inspector to validate that only 3 tenants live there; then close it out
- Mr. Landers can not have a deadbolt on his door; he can put a privacy lock only
- will be sending out an inspector to evaluate the rooming house situation

**Referred to the City Council due back on 6/5/2013**

- 9      [RLH SAO 13-17](#)      Appeal of Dr. Kou Vang to a Summary Abatement Order at 1030 PAYNE AVENUE.

**Sponsors:**      Bostrom

*Appeal withdrawn by Dept. Issued resolved.*

**Withdrawn**

- 10      [RLH SAO 13-16](#)      Appeal of Parke M. Schilling to a Summary Abatement Order-Final Notice at 824 FREMONT AVENUE.

**Sponsors:**      Lantry

*Grant until June 14, 2013 for compliance.*

*RE: 824 Fremont Ave (single family)*

*Parke Schilling, owner, and Greg Holly, volunteer attorney for Minnesota Assistance Counsel for Veterans, appeared.*

*Inspector Paula Seeley:*

- not much has changed
- first Summary Abatement Oct 26, 2012; it was appealed; the agreement was that 50% will be done by Jan 1, 2013; then, she had another month to get rid of everything in the yard
- Ms. Seeley put it off for a while because she had received calls from 3 different attorneys; everyone said they would be helping her clean up the yard; it was winter and I let it go
- Ms. Seeley went out when it got warmer; the yard was still a mess; she took photos
- she talked with Mr. Magner who told her to write another Summary Abatement
- the vehicles need to go
- there is also a fence issue

*Ms. Moermond:*

- she reviewed the file and checked the appeal status, as far as she was concerned, DSI could have moved forward with a clean-up crew at that time because the deadline had not been met - they were being gracious by re-issuing an Abatement Order on this and opening the door for another appeal

*Mr. Holly:*

- Ms. Seeley and the dept. have been very patient; thank you
- Ms. Schilling did go away for a while so, some time was missed
- he has been out there a number of times during the winter; it was a bad winter; the material she had was frozen to the ground, etc.
- he thinks she has made a lot of progress, of late, in front and side; and some of the

*back was organized much better*

- basically, we have a perfect storm: lack of money; some physical problems; the winter/frozen to the ground (he had tried himself)*
- this is his explanation, not an excuse; Ms. Schilling has made a good faith effort to make a lot of progress; she also understands that more progress needs to be made to satisfy the requirements*
- they are hoping that some consideration will be given to the circumstances*
- there had been 4 vehicles; 1 car is gone; another will be gone today or tomorrow; she needs to buy a battery to get the truck moving*
- he knows that she had plenty of time but much of that time was not usable for the reasons noted*
- asking for another 30 days to get the job done*
- technically, he can't agree that it's a nuisance; so, it's a suggestion--too much stuff in the yard and now, there's less*

*Ms. Schilling:*

- hauled away 2 trailer loads of brush and raked up some; some is still left*
- front yard is cleaned (a tool box and her walker remain)*
- side yard is cleaned up*
- back yard is left and the scaffolding will be used to repair the roof, re-hang the water spouts and repair some trim on the house*
- will need to the VA to find out what procedures she will need to go through; she may need surgery*
- she has a tarp over her emergency generator*

*Ms. Seeley:*

- asked about the tent frame - you can't use those tents in the city for storage (Ms. Schilling: it's not for storage but for a canopy over the picnic table; the house across the street has the same thing); size is 10 x 10*
- store the generator in the shed*
- address the fence (Ms. Schilling: the lumber sitting up against the shed is the lumber to repair the fence)*

*Ms. Moermond:*

- she is not sure about the 10 x 10 framed tarp to provide shade for the picnic table; need to talk with the building official*
- City Council Public Hearing Jun 5, 2013*
- will talk with the building official about a variance on the tarp*
- will extend the deadline to Jun 14, 2013; the inspector won't come out until the 17th*

*Ms. Schilling:*

- plans to sell the house and move out*
- has lived there all of her life and it's time to go; she will need to go into a one level home*

**Referred to the City Council due back on 6/5/2013**

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

- 11**      [RLH VO 13-16](#)      Appeal of Abdiwahab Ali Omar to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1842 STILLWATER AVENUE.

**Sponsors:**      Lantry

*Deny the appeal (property owner did not show up at last hearing and this hearing due to a car accident; however, he did not send a representative on his behalf). He can*

*make his case to the City Council.*

*RE: 1842 Stillwater Ave (single family)*

*No one appeared.*

*Ms. Mai Vang:*

- was laid over from last week*
- was to have been inspected and have interior photos taken*

*Fire Inspector A. J. Neis:*

- no additional information has been given*
- no photos in the file*

*Ms. Moermond:*

- there's no additional information*
- will recommend denying the appeal*

**Referred to the City Council due back on 6/5/2013**

**12**      [RLH VO 13-20](#)

Appeal of Keith Whaley, on behalf of Brent Hauger, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1166 SEVENTH STREET EAST.

**Sponsors:**          Bostrom

*Grant until June 7, 2013 for compliance. (May 15 re-inspection has been canceled).*

*RE: 1166 7th St E (apartments)*

*Keith Whaley, tenant, appeared on behalf of Brent Hauger, owner.*

*Mr. Whaley:*

- he is the resident manager of the building*
- has lived here since 1987 and has, essentially, managing by himself since 1995*
- 11 units in the building*
- explained that he has no other place to go (has relatives in WI and MI but has lived in the same building since 1987)*
- he has taken it upon himself to take care of the items on the deficiency list and has reduced the list from 17 to 2 items*
- it was his hope that being able to reduce the number of items from 17 - 2, it would be sufficient to get him more time to finish it up*
- the other tenants in the building are sex offenders; there are very few places for these gentlemen to go once they've come out of incarceration and go through the half-way house process*
- to fill the vacancies, about 6-7 years ago, he opened up this building to the half-way houses*
- this has not been a problem property; he has kept a very close eye on things*
- parole officers come in regularly to check on their clients*
- he came to this appeal, hoping that if he could show that he had reduced the items down from 17 to 2, it would be sufficient to get more time, maybe until either May 21 or May 31*
- one of the items left is quite substantial: there's a sagging floor in one of the apartments because many years ago, there was a large cast iron radiator in this apartment; it was leaking, which weakened the wood enough to sag; someone attempted to repair the floor by putting in shims and spikes; now, they would do something else; at one time, they had in mind to build a false floor to level it out (the*

*radiator had been up next to the wall); this is not a big problem for a tenant but it needs to be fixed*

*Fire Inspector A. J. Neis:*

- Revocation of the Fire Certificate of Occupancy dated Apr 30, 2013 sent to the owner, Brent Hauger, P.O. Box 9274, North St. Paul*
- re-inspection for May 15, 2013 at 9:30 a.m. - property must be vacated*
- it appears that the C of O was Revoked for long-term noncompliance*
- the process started with a complaint that was called in Dec 24, 2012: bathroom ceiling is falling; it leaks, there's mold; the floor is caving in by one of the radiators; and a window needed replacing*
- a couple letters to repair that were issued*
- then, the building was transferred over and it was due for inspection so, the inspector also scheduled the Fire C of O Inspection*
- multiple code violations were identified*
- it's been 6 months without getting the building compliant; therefore, the C of O was Revoked*

*Mr. Whaley:*

- on Dec 24, 2012, date of referral inspection - he wasn't there for that inspection; he had left that afternoon to go to his dad's for Christmas; when he came back home, he found the notice on the front door and there were 6 items on that original inspection; then, it went to 17 items*
- another issue is that he is not sure what's going on with his landlord but the Fire inspector was sending letters to his landlord's address at Box 9274 and then they were sent back to Fire*
- on Mar 26, 2013, the inspection showed up at the door but Mr. Whaley had not received any Notice from the Fire inspector or anyone*
- the first thing the inspector asked was, "Were you notified of the inspection time?" and No, he wasn't and that was all that was done; he didn't look at anything; Mr. Whaley told him that he would contact his landlord directly to make sure the address gets changed to his new address (the Fire inspection does not consider Mr. Whaley the proper representative)*
- he spoke with his landlord about putting in a change of address on Mar 28,, 2013 so that they wouldn't have that problem*
- Brent Hauger, 1133 East County Road B, Maplewood, MN 55109; his phone number is current and it's on the door*

*Mr. Neis:*

- the city's records show Margaret Wittenberg listed as the owner; and Brent Hauger as the responsible party*

*Mr. Whaley:*

- Margaret Wittenberg is the original landlord's wife; the original landlord passed away; evidently she, now, owns the building*
- Brent Hauger was in the process of purchasing the building (think it was by Contract for Deed; he took over the bldg in 2002 or 2003)*

*Mr. Neis:*

- that could be where the problem comes in; we need the current owner to list Mr. Whaley as the responsible party*

*Mr. Whaley:*

- left is the sagging floor #1 and #7 - repair/replace the kitchen floor in his apartment; he wants to this last*
- his main priority is to get #1 taken care of before the next inspection (Mr. Neis*

*advised him that floor jacks are not a legal code compliant solution)*

*Ms. Moermond:*

- #1 will require Mr. Whaley to pull a building permit; take pictures and then draw a diagram of what he intends to do and go down to the Department of Safety and Inspection to pull a permit; in that process, they can give him some insight of what would and wouldn't work; then, there would be a follow-up inspection to final the permit*
- will recommend granting until Jun 7, 2013 to get this done*
- the City Council Public Hearing is Jun 5, 2013*
- tomorrow's 9:30 a.m. inspection will be cancelled*
- a letter will be sent confirming today's action and copy Brent Hauger at his Maplewood address*

**Referred to the City Council due back on 6/5/2013**

## 1:30 p.m. Hearings

### Correction Orders

### Fire Certificates of Occupancy

- 13     [RLH FCO 13-98](#)     Appeal of Curtis Collins, on behalf of Cynthia Collins, to a Fire Inspection Correction Notice at 1477 ARKWRIGHT STREET, UNIT E.

**Sponsors:**     Brendmoen

*Need to get a mechanical inspector to take a look at the dryer vent issue.*

*RE: 1477 Arkwright St, Unit E (townhome-inner)*

*Cynthia Collins, owner, appeared.*

*Fire Inspector Leanna Shaff:*

- Fire Certificate of Occupancy re-inspection by Inspector Ben Ellis on Feb 12, 2013*
- 10 items on the list; 1 item being appealed: dryer vent*
- Inspector Neis spoke with Inspector Ellis, who said the gas dryer has 15 feet of plastic dryer venting with an unknown discharge (don't know where it's venting to)*
- mechanical code requires a dryer vent be of smooth bore and metal; accordion plastic is not adequate; plastic is not rated for heat*
- do not have photos*

*Ms. Collins:*

- doesn't know anything about the dryer vent; she had someone come out who said it would cost \$1,400 to vent around the deck*
- the deck has always been in the same space and each townhome has the same floor plan*

*Ms. Shaff:*

- asked if there were room for the dryer in the kitchen or some other place than the basement (Ms. Collins said, "No")*
- the maximum vent length is 25 ft; however, for every 90 degree bend, deduct 5 feet; and for every 45 degrees bend, deduct 2 1/2 feet; so, if you need to bend a few times, it could get shorter*

Ms. Moermond:

- could you go up straight through the floor and then vent it out? (Ms. Shaff: for that, you may need to go to a different-rated, which is very expensive)
- will get a mechanical inspector to assess the situation; will call Steve Ubl to assign someone
- suggested Ms. Collins get another bid
- will lay this over for 1 month until Jun 11, 2013 LH

**Laid Over to the Legislative Hearings due back on 6/11/2013**

**14**     [RLH FCO](#)  
[13-107](#)

Appeal of Leo Reck to a Fire Inspection Correction Notice at 1070 MARGARET STREET.

**Sponsors:**       Lantry

*Deny the appeal on the ceiling height in the basement; the room must be vacated by June 14, 2013 and must not be used for future sleeping purposes.*

*RE: 1070 Margaret St (single family)*

*Leo Reck, owner, appeared.*

*Fire Inspector Leanna Shaff:*

- Fire Certificate of Occupancy inspection conducted by Inspector Bill Beumer on Apr 18, 2013
- 10 items on the deficiency list
- photos
- appealed are the basement ceiling height and the door height in the basement
- no permits in the system for the work done in the basement
- bathroom/laundry room #5 - repair/replace GFI outlets that are covered with grout
- basement ceilings heights are required to be 7 ft or higher over half the floor area - the hall is 6'4"; bathroom/laundry room is 6'3"; and the bedroom is 6'2"
- #7 doors to the bedroom, bathroom and furnace room measure 73" in height (minimum height requirement of doors is 78")

*Mr. Reck:*

- owned building since about 1992
- he is responsible for having the work done in the basement
- the home with these changes was approved by the previous Fire Inspection Mike Rickertson; the C of O was issued by Fire Marshal Zaccard
- house received a Condemnation Order in Nov 2003 - we got it re-instated; sometime between 2004 and 2007 the basement work was done

*Ms. Shaff:*

- the house was inspected by Inspector Rickertson and approved in Jan 2009 (he has since retired)
- electrical, plumbing etc., were done without permit and when work is done without permit and not inspected, it's assumed to have been done wrong

*Mr. Reck:*

- house has 4 bedrooms total; just 1 bedroom in basement
- recently rented to a family that needs 4 bedrooms
- the basement has been approved by Public Housing over and over again

*Ms. Moermond:*

- fire is especially dangerous in the basement (smoke & heat development is worse when the ceiling is lower; mechanicals are usually in the basement which may be a

source of ignition)  
- the ceiling in the bedroom here is 10 inches too short - too large of a short fall  
- there is no approved permit even though the inspector approved it at the time; unfortunately, mistakes are made in inspections  
- will recommend this space be vacated and not used for sleeping purposes; vacate date Jun 14, 2013  
- City Council Public Hearing Jun 5, 2013  
- schedule the next re-inspection after Jun 17, 2013

**Referred to the City Council due back on 6/5/2013**

15     [RLH FCO](#)  
         [13-105](#)

Appeal of Nikolai Alenov to a Fire Inspection Correction Notice at 1756 UNIVERSITY AVENUE WEST.

**Sponsors:**        Stark

*Grant the appeal for the next two years to continue current use without installing a guardrail. If there is a change in ownership or a change of use, the guardrail will need to be installed. (Abate the order at this time but will be called out in the future.)*

*RE: 1756 University Ave W (commercial/apartment-B-commercial) The Russian Tea House*

*Nikolai Alenov, owner, appeared.*

*Fire Inspector Leanna Shaff:*

*- Fire Certificate of Occupancy Inspection conducted by Inspector Chris Skow-Fiske on Apr 18, 2013  
- she called out the back steps: provide an approved guardrail with intermediate balustrade or rails 4 inches or less apart  
- provided pictures of the back steps*

*Mr. Alenov:*

*- there's another one that he won't comply with (#1) because the inspector did not understand the use of the building and the things that are happening there; he will leave that one there and he got another one to put in the place that she suggested  
- he also has pictures of the back steps*

*Ms. Shaff:*

*- issue of back steps is that this is not just a loading dock off those stairs; it serves other purposes and delivery access; the door to the west leads into a kitchen; the door to the east leads into the church priest area  
- inspector is asking for an approved guardrail on those steps  
- the normal rise according to the building code would be no less than 4" and no more than 7" on a commercial space; the rung would be 11 inches  
- this is not a mandatory 2nd exist for this place*

*Mr. Alenov:*

*- the loading dock is used only by him; it is not used as a public entrance  
- he gets his own supplies and he loads them in  
- he also shovels it and it would be very difficult to shovel with a railing around it  
- many years ago, an inspector mentioned putting a railing there but Mr. Alenov discussed his reasons with him and the inspector agreed with him  
- there has never been an accident there  
- he has had the place for 50 years; it was his residence at one time; he raised 3 kids there and they all used it  
- he converted it to a restaurant 35 years ago and they have never had a problem*

*with it*

- before he'd have trucks that would back up and unload; it would be impossible to unload with a guardrail*
- he is also very concerned about safety; he sees nothing added to safety by putting up a guardrail (it's just he and his wife who use it)*
- and, of course, it's not worth the price it would cost*
- light rail nearly put him out of business already; still might in the future*

*Ms. Moermond:*

- is sympathetic to Mr. Alenov's position*
- will not recommend this be granted forever as a variance*
- will grant a variance for 2 years; a change of use would require a guardrail*

**Referred to the City Council due back on 6/5/2013**

## Staff Reports

- 16**     [RLH FCO 13-91](#)     Appeal of John Hynan to a Fire Certificate of Occupancy Correction Notice at 475 UNIVERSITY AVENUE WEST.

**Sponsors:**     Carter III

*Deny the appeal and grant until July 1, 2013 for compliance.*

*RE: 475 University Ave W (general retail & service-B-Commercial)*

*Fire Inspector Leanna Shaff:*

- owner didn't need this access ladder but he had it; it is attached and 6 six rungs are missing*
- Ms. Moermond was going to speak with Steve Ubl about it*

*Ms. Moermond:*

- left a message for Inspector Ubl and did not hear back from him on this issue*
- will recommend denying this appeal; Mr Hynan can take out all of the rungs*

**Referred to the City Council due back on 6/5/2013**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 17**     [RLH VBR 13-22](#)     Appeal of Terrance Bauer, Bonus Properties, LLC to a Vacant Building Registration Requirement at 558 ARLINGTON AVENUE WEST.

**Sponsors:**     Brendmoen

*90 day waiver. Owner is waiting for final inspection.*

**Withdrawn**

### Other