



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
legislativehearings@ci.stpaul.mn.us
651-266-8585

Tuesday, June 4, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments - Laid Over

- 1 [RLH TA 13-373](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308G, Assessment No. 138708 at 1256 HARTFORD AVENUE.

Sponsors: Tolbert

Approve the assessment. No Show. No minutes.

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

- 2 [RLH TA 13-369](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1307B, Assessment No. 138818 at 401 SELBY AVENUE. (To be referred back to Legislative Hearing on August 6, 2013 and City Council Public Hearing on August 21, 2013)

Sponsors: Carter III

Waive the VB fee until August 1, 2013 and change Category status from 2 to 1; referred to Fire C of O Program.

(To be referred back to Legislative Hearing on August 6, 2013 for staff report and continue the Public Hearing to August 21, 2013).

RE: 401 Selby Ave (Medical Office/Clinic)

Malik Davis, St. Paul Urban League, appeared.

Inspector Joe Yannarely:

- Registered Vacant Building fee: \$1,100 + \$155 service charge = \$1,255*
- Category 2 VB - in VB Program since Dec 9, 2011 (anniversary)*
- was referred by Fire Certificate of Occupancy Inspector St. Martin*
- 1 Work Order for tall grass and weeds Jun 2012*
- pretty well-maintained building*

Mr. Davis:

- the previous Executive Director of the Urban League mishandled funds*
- there's been a legal dispute between the Executive Director and the owners of the*

building

- they weren't allowed access into the building; so, the building became a Cat 2 VB because the gas was shut-off; the bill hadn't been paid
- it didn't become a Cat 2 because the building was dilapidated
- since that time, the Executive Director has been removed and there have been some court proceedings; he has tried to file lawsuits against the Urban League, which has tied its hands from moving forward
- Urban League is ready to move forward now
- would like to move the building back to a status where a Certificate of Occupancy Inspection can be done instead of going through the process of a Code Compliance Inspection
- the building was in fine working order before the gas was shut-off
- when the gas was shut-off, they went in and also shut-off the water and drained the heating system to prevent damage
- the inside may need some paint but that's about it
- plan to have it open again sometime between early Jun to late Aug, 2013

Ms. Moermond:

- wants to create an incentive to get the job done and get back into the building
- she reviewed the past Fire C of O inspection; it was not a serious list
- they will need a fresh C of O to get in; call ASAP to get an inspection appointment
- will Lay over this to Aug 6, 2013 to get the C of O approved
- she will ask the Dept of Safety and Inspections to turn this back to a Cat 1 VB and allow the Urban League to try to get the C of O re-instated
- if the C of O is re-instated by Aug 1, 2013, she will ask the City Council to waive the VB fee; if they can't get it re-instated, the VB fee will need to be paid

Referred to the City Council due back on 6/19/2013 (To be referred back to Legislative Hearing on August 6, 2013 for staff report and continue the Public Hearing to August 21, 2013).

3 RLH AR 13-24

Ratifying the assessments for Demolition services in December 2012 at 315 Larch St. (File No. J1307C, Assessment No. 132006) (To be referred back to June 4, 2013 Legislative Hearing and July 10, 2013 City Council public hearing)

Sponsors: Lantry and Carter III

RE: 315 Larch St (Misc. Structure)

*John E. Norris, owner, appeared.
Terry Duggins, attorney, appeared.*

Ms. Moermond:

- intend to lay this over for a couple of weeks

Mr. Duggins:

- acknowledged that he received a CD of information from Theresa Skarda, Attorney
- based on that information, he has additional questions: 1) the true cost of the removal; 2) how that cost was arrived at; and 3) who authorized it
- Mr. Buber, Demolition contractor, hired a firm that he didn't even know existed until he got the CD (J & J _____)
- he will reduce his questions to writing and send them to LH

Ms. Moermond:

- all of the record will be created here
- expects that this will be taken to District Court no matter what the resolution is at City Council
- Mai Vang prepared 2 CDs and documents, as well
- DSI also provided whatever documents were asked for
- the discovery request was converted into a Data Practices request

Inspector Joe Yannarely:

- this large assessment is due to gross contamination that needed to be abated
- there's documentation and bills submitted by the various sub-contractors
- what started out as a \$11,500 demolition bid (exclusive of hazardous materials' clean-up, as is their practice) turned into a \$250,000 environmental clean-up
- this situation is extremely atypical because of its nature - they kept uncovering more and more toxins
- all documents are in the files

Ms. Moermond:

- Mai Vang will scan Mr. Yannarely's documents for our records

Mr. Duggins:

- doesn't have anything more to add
- has a high level of concern about the amount of the hazardous waste removal cost and he'll go through it with a fine-tooth comb (how much was removed by what process and who did it)
- labor costs and how some of these hazardous materials came to be on the site (3,400 according to 1 document)
- fluorescent tubes - all of which were salable (is someone breaks them up and puts them into the dumpster, the way they believe, that wasn't his client, who was barred from 10 am on Monday morning before they started; he was not allowed back on the property at all)
- there were 2 dumpsters of copper and other steel that were already there on the blvd, not on the property; and Mr. Boverall instructed them to move them back onto the property; later those were hauled off and sold; Mr. Norris' son called the police (?) don't know what exactly happened

Ms. Moermond:

- time was granted to Mr. Norris to clean up the site and it sounds as though he, himself did not remove these salable items prior to the effective date of the city taking action (Mr. Duggins: according to the judge's order, folks arrived from the city on Fri to lock the door; and they gave Mr. Norris until Mon to remove those items)
- asked, "but was he not in possession of a substantial abatement order prior to that with a deadline imbedded? Mr. Duggins: the abatement order was for the nuisance; Mr. Norris and his sons spent over 4,000 hours working on that; the city wanted a Code Analysis and he was referred to 5 different firms...
- ...that's if you wanted to fix it; the job was to "abate the nuisance condition" either by getting a Code Analysis and fixing to those standards or by removing them
- if she were Mr. Duggins' client, she would have removed the items of value prior to the effective date of the city taking control of the site

Mr. Duggins:

- the Norris' were trying to abate
- we were referred to 5 different firms and ended up back with Mr. Neis and no one would tell them what was needed; his client was trying to abate but no one seemed to know what a code analysis really was
- Mr. Norris had approximately 1,200,000 items of inventory inside the building; the

city told him that these items would be considered abandoned and would be removed if they had not been removed by him by 10 am on Mon, which included all his personal and corporate business records, etc

- they had asked for permission to go onto the property to get, at least, the bookkeeping records but were denied

- the building is gone; now, they are concentrating on this \$238,000 environmental clean-up (\$87,000 to separate the material on site; and \$137,798 to haul it off the site); he will be asking for verification on how much was hauled off, where it went to, etc. Mr. Boverall hired J & J

- he will also be checking the market rate for these workers that were paid \$70/hour

- he does not want his client to get stuck with an inflated amount

Mr. Yannarely:

- suggested that Mr. Duggins contact Ramsey County Hazardous Materials folks as to why it was done on site (they were making the calls)

- noted that their firm moved to Roseville; their email and phone # are the same; the address is different

Ms. Moermond:

- Mr. Duggins must reduce his questions to writing

- City Council Public Hearing Jul 10, 2013

- will lay this over to Jun 18, 2013 Legislative Hearing at 10:30 am

- in the meantime, she will try to pick up more records from the county or anything else; she will add them to the record

Laid Over to the Legislative Hearings due back on 6/18/2013

4 RLH TA 13-216

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307C, Assessment No.132006 at 315 LARCH STREET. (To be referred back to June 4, 2013 Legislative Hearing and July 10, 2013 City Council public hearing)

Sponsors: Carter III

RE: 315 Larch St (Misc. Structure)

John E. Norris, owner, appeared.

Terry Duggins, attorney, appeared.

Ms. Moermond:

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Mr. Duggins:

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Mr. Duggins:

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- we were referred to 5 different firms and ended up back with Mr. Neis and no one would tell them what was needed; his client was trying to abate but no one seemed to know what a code analysis really was
- Mr. Norris had approximately 1,200,000 items of inventory inside the building; the city told him that these items would be considered abandoned and would be removed if they had not been removed by him by 10 am on Mon, which included all his personal and corporate business records, etc
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bookkeeping records but were denied

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- noted that their firm moved to Roseville; their email and phone # are the same; the address is different

Ms. Moermond:

- Mr. Duggins must reduce his questions to writing

- City Council Public Hearing Jul 10, 2013

- will lay this over to Jun 18, 2013 Legislative Hearing at 10:30 am

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Laid Over to the Legislative Hearings due back on 6/18/2013

- 5** [RLH TA 13-324](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1309A, Assessment No. 138521 at 515 CLEVELAND AVENUE SOUTH.

Sponsors: Tolbert

No show; approve the assessment.

Referred to the City Council due back on 7/10/2013

- 6** [RLH TA 13-332](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1305E, Assessment No. 138306 at 963 EARL STREET.

Sponsors: Bostrom

Owner called to reschedule AGAIN. Last approval for continuance.

No show; approve the assessment.

Laid Over to the Legislative Hearings due back on 6/18/2013

Staff Reports

TA 13-249 - 0 UNIVERSITY AVENUE WEST - check on fee charged

Delete the assessment. (went to Council on 6/5/13)

Special Tax Assessments - New

- 7** [RLH TA 13-371](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1309P, Assessment No. 138408 at 627 LIVINGSTON AVENUE.

Sponsors: Thune

Delete the assessment; waiver on file.

Referred to the City Council due back on 7/24/2013

- 8** [RLH TA 13-377](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302V, Assessment No. 138001 at 598 LAFOND AVENUE.

Sponsors: Carter III

RE: 598 Lafond Ave (Single Family)

Danielle Yancy, owner, appeared.

Inspector Paul Seeley:

- *Vehicle Abatement Order issued Jul 26, 2013 to remove the vehicle off the grass and get current tabs*
- *compliance date Aug 8, 2013; re-checked Aug 17, 2013; Work Order sent*
- *police towed it Sep 5, 2013 for a cost of \$799 + \$160 service charge = \$959*
- *no returned mail*
- *there is nothing in the notes regarding an extension*

Ms. Yancy:

- *the car was not abandoned; it was not working*
- *she was trying to get the money together to have it repaired*
- *they towed it and she took a letter down to the impound lot to ask them to extend the period there so that they wouldn't sell it but she still could not get the money together, so, it was sold after all*
- *she called tax records on Plato to find out if that assessment was going to go onto her taxes and they told her, "No"*
- *she also called the impound lot and asked if she owed them money and they told her, "No"*
- *then, she got the letter saying she had to pay for the car being towed*

Ms. Moermond:

- *sounds as though Ms. Yancy got someone who didn't know what they were talking about*

Ms. Seeley:

- *it's quite a lot of money (tow and the time it spends in the impound lot)*

Ms. Moermond:

- *by law, the city is required to hold it at the impound lot for 2 weeks (they charge rent for each day)*
- *tow + rent usually ends up as an assessment and Ms. Yancy asked for it to be held longer*
- *trusts that Ms. Yancy was misinformed and will take that into account*
- *wants to find out more about the rates, signage and other information provided to Ms. Yancy*
- *will lay this over for 2 weeks to Tue, Jun 18, 2013*

Laid Over to the Legislative Hearings due back on 6/18/2013

- 9** [RLH TA 13-378](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1309P, Assessment No.138408 at 900 SEVENTH STREET EAST.

Sponsors: Thune

Delete the assessment; waiver on file.

Referred to the City Council due back on 7/24/2013

10 RLH TA 13-381

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302V, Assessment No.138001 at 1094 BUSH AVENUE.

Sponsors: Lantry

Approve the assessment and spread the payments over 2 years.

RE: 1094 Bush Ave (Duplex)

Cha Xiong, owner, appeared.

Mai Vang interpreted.

Inspector Paula Seeley:

- *Vehicle Abatement Order sent Sep 19, 2012 to remove 4 vehicles that had expired tabs, parked on the grass and appeared inoperable*
- *compliance date: Sep 26, 2012; re-checked Sep 27, 2012; tow Orders sent*
- *Oct 4, 2012 - Police towed all 4 vehicles for a cost of \$2,203 + \$520 service charge = \$2,723*
- *Note: Jul 26, 2012 - an Order sent from another inspector, who retired; another inspector took over and wrote Orders Sep 19, 2012*
- *she spoke with the inspector this morning who said he had several conversations with the owner trying to get him to comply but it didn't work*
- *there is a history of car repair*
- *9-2-11, Orders on tall grass and weeds*
- *7-13-11, illegal car*
- *chop shop history goes back to 2008*

Mr. Xiong:

- *he owns this property but his brother lives there*
- *he lives with his girlfriend at another address: 395 Central Ave W*
- *these 4 vehicles belong to his brother*
- *when he received the Notice, he went to tell his brother to move those cars to the slab, which he didn't do, apparently*
- *there is a slab in the back where the vehicles can be parked*
- *since the cars are not his, he can't move them*
- *when the police came to tow the vehicles, the police said they might be stolen cars*
- *his brother went to the impound lot to prove that he did own 3 of those vehicles; 1 belonged to a friend*
- *his brother paid to have his friend's car removed from the lot*
- *Mr. Xiong has been talking with Yaya Diata, who gave the extension (Mar 12, 2012)*
- *he did not receive the first Notices on this; they went to the property address*
- *just recently, he got the Notice for this hearing*
- *he did not get Notices in between Jun 2012 and Dec 2012, when those inspections happened*
- *3 of his brothers initially lived in the house; recently, the younger brother moved out and another brother will be moving out, too, so there will be only 1 brother living there and he hasn't been making payments*

Ms. Moermond:

- *ultimate decision about this tax assessment is made at the City Council Public Hearing Jul 24, 2012*

- lack of current tabs; missing parts; appears inoperable
- adequate proper notification was provided: it was sent to the owner of record and there was more than a sufficient length of time granted to take care of business; and this was the true cost of the city to tow these vehicles (no information to the contrary)
- will recommend approval of this assessment spread over 2 years
- Mr. Xiong will need to work with his brother to get this paid, obviously
- the property should be referred to the Fire Certificate of Occupancy Program

Referred to the City Council due back on 7/24/2013

Special Tax Assessment Rolls

- 11 RLH AR 13-55** Ratifying Tree Removal services from March 2013. (File No. 1306T, Asmt No. 139007)
Sponsors: Lantry
Referred to the City Council due back on 7/24/2013
- 12 RLH AR 13-56** Ratifying Boarding and/or Securing services during March 2013. (File No. J1310B, Asmt No. 138111)
Sponsors: Lantry
Referred to the City Council due back on 7/24/2013
- 13 RLH AR 13-57** Ratifying Demolition services from February to March 2013. (File No. J1310C, Asmt No. 132010)
Sponsors: Lantry
Referred to the City Council due back on 7/24/2013
- 14 RLH AR 13-58** Ratifying Towing of Abandoned Vehicles during August to December 2013. (File No. J1302V, Asmt No. 138001)
Sponsors: Lantry
Referred to the City Council due back on 7/24/2013
- 15 RLH AR 13-59** Ratifying Graffiti Removal services during March 7 to 24, 2013. (File No. J1309P, Asmt No. 138408)
Sponsors: Lantry
Referred to the City Council due back on 7/24/2013

11:00 a.m. Hearings

Summary Abatement Orders

- 16 [RLH SAO 13-20](#)** Appeal of Kevin C. Moore to a Summary Abatement Order and Vehicle Abatement Order at 895 WAKEFIELD AVENUE.

Sponsors: Lantry

Deny the appeal and grant until close of business on Friday, June 7 for compliance.

RE: 895 Wakefield Ave (Single Family)

No one appeared.

Ms. Moermond:

- Summary Abatement Order*
- Vehicle Abatement Order*
- Orders issued May 23; compliance date May 28, 2013*
- Appeal filed May 28, 2013*
- will recommend that this all be cleaned-up and the car gone by close of business on Fri, Jun 7, 2013*
- based on photos of garage, SA should be issued*

Referred to the City Council due back on 6/19/2013

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 17 RLH VO 13-24** Appeal of David W. Franzen, owner, and Mary Poe, property manager, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1009 SEMINARY AVENUE.

Sponsors: Carter III

Layover to discuss Work Plan.

RE: 1009 Seminary Ave (Single Family)

David W. Franzen, owner, appeared.
Mary Poe, Property Manager, appeared.

Fire Inspector A. J. Neis:

- Revocation of a Fire Certificate of Occupancy and Order to Vacate*
- has a history; last year, an extension was granted for a driveway, which is still not in compliance; a criminal citation had been issued by his office to the property owner for noncompliance*
- in addition, the C of O had always been Revoked but pending the stay on the Orders until the outcome of the trial, they have not enforced the Vacate on the Revocation*
- in May, they received a complaint that the toilet had not been working for 3 weeks*
- Fire Inspector Lisa Martin went to investigate and found that the toilet had been nonfunctional and was full of feces*
- the whole house was grossly unsanitary; she contacted Mr. Neis and asked if he could come and assist her at the property*
- the tenants, who were there, started to get very hostile and told them to get off the property*
- Mr. Neis has been handling the property since then*
- May 22, 2013, he went to the property because of the conditions; the male tenant there began to curse at him, telling him to get off the property*
- Mr. Neis advised the tenant that they would move off the property but at that point, he would be Condemning the house with a 24 hour Vacate due to the lack of basic*

facilities (the Condemnation was lifted; the next day, they repaired the toilet)

- Mr. Neis advised the tenant that he needed to do a full inspection on the property
- he went the next day to verify that the toilet was working and he found the conditions absolutely appalling considering that they had just inspected the building within the last year
- he found numerous code violations: exterior had broken glass-beer bottles; feces; broken windows; parking area was still not completed; missing screens; interior had been picked up substantially; however, he thinks that they threw most of the stuff into the basement
- the basement was full of clutter; wet soaked clothing; combustibles; frayed extension cords; drain back-up in the laundry tub; etc.
- photos with captions
- he had advised Ms. Poe and Mr. Franzen that he would be re-Revoking the C of O and ordering the building vacated within 10 days (conditions had deteriorated - the stove wasn't working any more; the kitchen floor is rotted-tiles are pulled up; wall tiles are missing; carpet is peeled and frayed on back porch; stairs to basement had garbage on it; laundry tub was clogged; basement was full of dirty, soaked, water-logged clothing scattered throughout; cat urine and feces strong smell in basement)
- garage: was plum full, a huge fire hazard; stuff stored from floor to ceiling; if garage were taken care of it would alleviate the off-street parking issue

Ms. Poe:

- agreed with Mr. Neis on the condition of the property
- she has been working with Mr. Franzen on housing issues since a year ago when another tenant lived there
- she called the fire marshall and told him that she would be working with those tenants for a year - to get on track with their housekeeping - it's very hard; they require a lot of her time
- she is asking for more time; she only had a chance to work in the living space; she did not have a chance to work in the basement
- the couple has 2 children (5 1/2 and 8) and her 16-year old sister lives here, as well; they both work
- they have issues with their pets (dog and cat with 2 kittens)
- she is just trying to get them back on track; some repairs that need to be done
- she has hired someone who will be coming in to do the repairs in Jul
- some things they can do themselves; the majority need a repair person
- she does not have the time to get this all done in 10 days; that is why she is appealing (she has fundraisers in Jul and Aug
- the drain plugged in the basement and it flooded; the young woman got overwhelmed with it all and there was no help for her to clean
- the housecleaning will probably need to be on-going assistance
- Mr. Franzen has limited funds with which to do the repairs (the city has no assistance available)
- garage: - thinks last tenant left things there
- the driveway was resolved; gravel had been scattered in the alley

Ms. Moermond:

- would like to see a Work Plan so she can see that some of the more important issues are being addressed right away
- needs to see them commit to something that's going to get the work done sooner rather than later

Ms. Poe:

- thinks that she can clean the basement and also the garage
- she will be moving tomorrow

- perhaps, she can commit to half of the list that's not major

Ms. Moermond:

- will lay this over for 1 week while Ms. Poe puts together a plan
- will talk about the plan next Tue at 11:30 a.m.

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

18 [RLH VO 13-25](#)

Appeal of Philip Black to a Fire Certificate of Occupancy Revocation and Order to Vacate at 771-773 SEVENTH STREET EAST.

Sponsors: Lantry

Deny the appeal and grant an extension to June 21, 2013 for getting all the repairs done except for the bathroom venting which is extended to Sep 20, 2013.

RE: 771-773 Seventh St E (Duplex)

Phillip Black, Town Development, appeared.

Fire Inspector Bill Beumer:

- Fire Certificate of Occupancy Revocation and Order to Vacate (C of O address is 773 7th St E)
- this process started Sep 2012 from a referral in regard to the duplex being not owner-occupied; at that time, it did not have a C of O
- he inspected in Sep 2012 and conducted an exterior inspection; he had no access; Ramsey County showed the property as not homesteaded
- he issued Orders on the exterior issues that he noted
- returned to the property Oct 18, 2012; the occupant refused access (at that time, their records showed that the owner lived at 773 7th St E)
- Mr. Beumer verified with the occupant that it was not owner-occupied
- the occupant gave Mr. Beumer the property management's name and number
- he contacted the property manager and determined that the property was not owner-occupied
- opened a C of O and transferred the Orders to that and began the C of O process in Oct 2012
- appointment was scheduled for Nov; then, re-scheduled per management's written request
- scheduled again for Dec 2012; was re-scheduled again because he had a court appearance to make
- next appointment was re-scheduled because of an auto accident that he was in
- he finally got out there in Mar 2013 after he returned from the car accident; he attempted to inspect but management/owner did not show and the occupant was unaware of the appointment; so, he noted some additional issues for which he issued more Orders
- he returned Mar 18 for the re-scheduled inspection; again, no one showed; he put in a call to the property manager but the voice mail was full; he called later and left a message; property manager called back the next day saying he did not receive a letter
- Mr. Beumer called his back and scheduled a new appointment and verified the address
- the appointment had been scheduled for Mar 26, 2013; he called that morning requesting a re-schedule to which Mr. Beumer said that he could not re-schedule again because of the time line (it had taken too long); so, he did conduct a full inspection that day - there were numerous issues; at the end of the inspection, he asked the property manager how long they would need to comply; property manager said about 2 weeks; Mr. Beumer offered to give him a month to comply

- the re-inspection was set for a Apr 26, 2013; it had to be re-scheduled again
- in May, Mr. Beumer conducted the re-inspection - property manager was there and provided access; some things had been done, not all; some of the work that had required permits still did not have them; new issues were observed
- in addition, the owner/manager had a contractor install some vent liners in the chimney (permit hasn't been finalized)
- he Revoked the C of O for failure to comply

Mr. Black:

- most of the items are done
- appealing the bathroom on the 771 side (apparently, it's not vented property)
- repairing that would have a great financial impact and would really inconvenience the tenants
- the home was remodeled but not vented properly back in the 40s (Ms. Shaff: commented that the trap she sees in the photo is PVC and she doesn't think they had PVC in the 40s)
- the trap may have been replaced since the bathroom was remodeled

Mr. Beumer:

- the plumbing code for venting was actually changed in 1931 (after that, if you touched the plumbing, it needed venting); Ms. Shaff added that it's a safety and health issue

Mr. Black:

- he's been told that there probably is some kind of venting but it's just not legal (up to code); it does drain properly
- he believes that venting won't be the only issue once they open it up; it will be far more expansive and expensive
- there are 5 kids (3 teenagers, 8, toddler) living there too - the displacement would be very inconvenient
- there are a couple screens on one side that he won't put in until the day before the inspector comes because the tenants are always knocking the screens out; he's keeping them in the garage

Ms. Shaff:

- there are permits that are not yet finalized: electrical for repairing reverse polarity issued May 8, 2013; mechanical to install 2 gas flow preventers issued May 16, 2013; ventilation for replacing 2 dryer vents and 2 chimney liners issued May 16, 2013; plumbing permit dated May 20, 2013 (\$300)

Ms. Moermond:

- has a big concern about screens not being present or not functioning when there's a child on the scene
- it's been a long time getting through this process; makes it hard to do enforcement
- Orders haven't been addressed; problem tenants
- will recommend granting an extension to Jun 21, 2013 for getting everything done except the bathroom venting
- will recommend granting an extension to Sep 20, 2013 to finish the bathroom venting
- City Council Public Hearing Jun 19, 2013

Referred to the City Council due back on 6/19/2013

1:30 p.m. Hearings

Fire Certificates of Occupancy**19** [RLH FCO
13-119](#)

Appeal of Rent Money LLC - Christopher Manor to a Fire Certificate of Occupancy Correction Notice at 1188 ROSS AVENUE.

Sponsors: Bostrom

Need feedback from building official and more photos from owner. (Item 3 has been withdrawn from order.)

RE: 1188 Ross Ave (Single Family)

Christopher Manor, Rent Money LLC partner, appeared.

Fire Inspector A. J. Neis:

- Fire Inspection Correction Notice dated May 20, 2013; inspection conducted by James Thomas*
- 11 code violations; issued Correction Order with re-inspection on Jun 24, 2013*
- appealed: rear porch floor; concerns with the furnace being too close to the laundry tub*
- #3 - repair the damaged structural member on a portion of the porch on the east side of the house; floor has sunk and is uneven and does not allow the door to open without scraping the floor; doesn't see any good photos in the file showing that; he doesn't know how much the floor has sagged or if there is a damaged structural member or if it's simply an old house that over time has sunk*
- the laundry tub is 11 inches away from the furnace (minimum requirement is 30 inches); he spoke with mechanical inspection, Kevin Chapman, about this; typically, 11 inches would not be an issue as long as it's off to the side of it; the 30 inch rule is for maintenance and access to the mechanical equipment inside the furnace; pulling out the heater core requires about 3 feet to slide out and be removed; in this case, this laundry tub is actually directly in front of the furnace (not off to the side); Appellant has photos he will Email to LH*
- note: this was inspected in 2008 and did not get called out*
- some photos are attached*

Mr. Manor:

- the low income tenant is inspected every Apr*
- furnace is 8-10 years old; tub is much older*
- the dryer vent will be installed by Bone Heating (also doing the furnace inspection Jun 13)*

Ms. Moermond:

- solution option #1: move the laundry tub; #2: pull the furnace out to do repairs (Mr. Neis: would like the mechanical inspector to look at the situation)*
- asked Appellant to provide more photos; and the make and model on the furnace (perhaps there's no issue with this particular furnace)*
- she will talk to Steve Ubl about getting a mechanical inspector out there*

Mr. Neis:

- there is no requirement to have a laundry tub*

Ms. Moermond:

- will lay this item over for 2 weeks (LH Jun 18, 2013)*

Mr. Manor:

- the sag on the porch floor is a few inches; the door opens fully-you can go in and out of it; it closes tightly, too;
- the whole porch slopes slightly on one side; has photos - Email to LH
- has existed this way for a long time
- cement floor on the ground

Ms. Moermond:

- if it's ground underneath, can it be a structural member that's damaged (?) (Mr. Neis: doesn't look like a damaged structural member; it looks like settled floor into the dirt over time)
- it's not a damaged structural member

Mr. Neis:

- he would like to have the porch Order Withdrawn; it's not the correct call
- he'd like to take a second look (by a supervisor) and perhaps, re-write the Order

Ms. Moermond:

- #3- rear porch Order is Withdrawn
- need feedback from building official
- Appellant will provide more photos
- laid over for 2 weeks

Laid Over to the Legislative Hearings due back on 6/18/2013

2:30 p.m. Hearings

Vacant Building Registrations

- 20 [RLH VBR 13-26](#) Appeal of Craig Johnson to a Vacant Building Registration Notice at 1064 Argyle Street.

Sponsors: Brendmoen

Waive the Vacant Building fee for 90 days. (Owner needs to obtain a Code Compliance Inspection.)

RE: 1064 Argyle St (Single Family)

Shawn Lennon, contractor, appeared on behalf of Craig and Alex Johnson, Mr. Nibbs Realty, owner.

Mr. Lennon:

- Craig Johnson lives in South Dakota; Alex, his son, lives in this house; however, he left Apr 18, 2013 for Australia for 2 months

Fire Inspector A. J. Neis:

- Vacant Building Registration fee
- was referred to Fire by Water Apr 26, 2013 for water shut-off due to nonpayment
- May 1, 2013, Fire Inspector Lisa Martin issued Orders to either restore water or vacate the property
- May 6, 2013, Ms. Martin determined the property was vacant; a Category 1 Vacant Building file was opened May 8, 2013
- May 14, 2013, someone from Mr. Nibbs Realty contacted Code Enforcement Inspector Mike Kalas that the building had been re-occupied; so, the VB file was closed
- May 14, 2013, Ms. Martin went back to the property; owner had paid the water bill;

son was in Australia for 2 months; indicated the home was unoccupied and will schedule a Certificate of Occupancy Inspection when he returns

- Mr. Lennon called and met Ms. Martin the next day for an inspection (May 15, 2013)
- May 15 - Ms. Martin stated that Mr. Lennon was starting to work on remodeling the bathroom; there was a full dumpster in the driveway; missing lathe/plaster; open walls/ceilings; gutted bathroom; no working water; kitchen floor in disrepair; ceiling height on 2nd floor too short; illegal bedroom in basement; 3 cats; house is not in a habitable state or condition; Ms. Martin consulted Mr. Neis, who, after looking at the photos, advised to do an immediate Revocation and reduce status to a Cat 2 VB
- photos in file
- many areas of the house are completely gutted with exposed electrical; a floor has been pulled up; someone seems to be living at the house
- typically, these files are closed out once the water/electricity has been restored
- it was assumed to be a C or O building or non-owner occupied based on the owner's responsible party's names being Mr. Nibbs Realty LLC and their address does not match that of the building (triggers the assumption that this is a C of O building); Ms Martin assumed it was a rental property and started the C of O process and set up an appointment by telephone for May 15, 2013; she found the house uninhabitable and there were no permits on file

Mr. Lennon:

- would like to get the restriction lifted
- when he started, only the bathroom was gutted; he didn't know what exactly would be needed; after he gutted the bathroom, he went down to pull the permits and the person at the desk told him he needed to talk to someone else, who told him that the house was a Cat 2 VB - he knew nothing about it
- he called Craig Johnson to tell him there was something wrong with the house
- there's a time gap: when he was there and took the sheet rock off the bathroom walls, the water was still on; about a week later, he went back to see if he could get permits, the water was shut-off
- Ms. Martin inspected, she saw that the only demo in the house was in the bathroom; nothing else is torn out
- Ms. Martin indicated that there's no bedroom in the house because the upstairs ceiling height is only 6'6" and 7 feet is required; she said that if the house were owner-occupied, it would not be a problem to be a bedroom (he didn't know how this property was registered)
- there is a bed in the basement; no one lives/stays there; a friend of Alex comes over to his the cats
- they just want the restriction lifted so that he can go down and pull the permits to finish the bathroom

Ms. Moermond:

- is not seeing an Order on the ceiling height (2nd floor); if there were an Order on the dimensions, it's possible that she could do a variance on it right now

Mr. Neis:

- Inspector Martin did not write up all of the violations because it was determined that the house should not be occupied and should be categorized as a Cat 2 VB; she documented all the code violations in the file

Mr. Lennon:

- Alex returns from Australia Jun 12, 2013

Ms. Moermond:

- the property looks as though it should be in the Registered VB Program
- wishes she had an inspection list to work from (Mr. Neis: could get a list based on

photos: kitchen floor looks ripped; sees exposed lathe/plaster/wiring/insulation, etc.)
- things in play if you're in the VB Program: 1) big annual fee; 2) need to get a code compliance inspection; 3) need to do all the things on the inspection list in order to occupy the house again
- will ask the Dept of Safety and Inspections to waive the VB fee for 90 days in order to get the work done; move quickly to order the Code Compliance Inspection Report; get all the permits pulled ASAP; get working on the list; will need to hire a licensed plumber.
- ceiling upstairs: 1/2 of floor area needs to be 7 feet or higher (will need a variance)
- call Jim Seeger for Code Compliance Inspection ASAP - 266-9046

Referred to the City Council due back on 6/19/2013

- 21 [RLH VBR 13-24](#) Appeal of Dana Leibfried to a Vacant Building Registration Requirement at 55 Front Avenue.

Sponsors: Brendmoen

Waive the Vacant Building fee until October 1, 2013.

RE: 55 Front Ave (Single Family)

Dana Leibfried, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- *Condemned by Code Enforcement Inspector Craig Meshuga Jun 8, 2012 for a utilities shut-off and a police Work Order to secure some doors and windows*
- *Registered Category 2 Vacant Building - file opened by Inspector Mike Kalas Jun 11, 2012*
- *current property owner went through Sale Review approved by Reid Soley May 29, 2013*
- *estimated \$35,000 in repairs*
- *VB fee is due Jun 11, 2013 (for 2013-2014)*
- *no permits have been pulled to date*
- *tall grass and weeds complaint was called in May 30, 2013*
- *the 2012-2013 annual VB fee was taken care of in closing*

Ms. Leibfried:

- *hoping to have the fee waived; bought house Apr 2, 2013; want to have repairs done by this fall*
- *has a contractor in the process of pulling the permits for demo, etc.*
- *so far, have taken out the carpets and removed the patio (was graded toward the house)*
- *the bathroom, kitchen cabinets and drywall needs to be removed - should be quick*
- *their contractor is lining up all the work*
- *hopes to have it up to code by Aug 31, 2013*

Ms. Moermond:

- *will recommend the Council waive the VB fee until Oct 1, 2013; if not done by Oct 1, 2013, the VB fee will be processed in its full amount*

Referred to the City Council due back on 6/19/2013

- 22 [RLH VBR 13-27](#) Appeal of Thomas R. Dulian, on behalf of Berkley Group, Inc., to a Vacant Building Registration Renewal Notice at 857 MARSHALL AVENUE.

Sponsors: Carter III

Inspector gave waiver on VB fee to get permits finalized.

Withdrawn

- 23 [RLH VBR 13-28](#) Appeal of Kyle Colbert to a Vacant Building Registration Notice, DSI letter, plus Revocation of Fire Certificate of Occupancy and Order to Vacate at 419 SHERBURNE AVENUE.

Sponsors: Carter III

Waive the VB fee for 8 weeks and revert the VB status from Category 2 to a Category 1 to work off the Fire C of O list.

RE: 419 Sherburne Ave (Single Family)

Kyle Colbert, owner, appeared.

Fire Inspector A. J. Neis:

- received a complaint May 22, 2013 that someone may be trying to convert this single family back into a triplex*
- formerly was a Cat 2 Vacant Building in 2008; was finalized and approved Oct 2010 as a single family*
- Mr. Neis accompanied Fire Inspector Scott Perrier to investigate the issue; they didn't know whether or not it was occupied*
- there were no window coverings on the bay windows; saw that the house was vacant*
- the exterior has not been maintained since the Code Compliance*
- chipped paint on house; garbage in yard; rotting window sills; grass and weeds were unkept*
- they Revoked the Fire Certificate of Occupancy and referred it to the Vacant Building Program as a Cat 2*
- the deficiencies were for the exterior of the building only; they did not make an interior inspection*
- during their complaint inspection cycle, Mr. Perrier got a phone call asking what they can do to turn the house back into a triplex*
- Truth in Sale of Housing (TISH) Report done in Jan 2013 that they reviewed; looks as though some work was being attempted without permits: bathroom of the upper floor (was being remodeled at the time of evaluation); power off on upper level - can't evaluate missing plumbing fixtures; water shut-off in upper level*
- looking at the TISH Report, not seeing any permits on file and receiving a complaint about it being turned into a triplex (can't be converted to either a duplex or triplex because of the lot size, per zoning)*
- photos in file (exterior of the property has deteriorated significantly since Code Compliance in 2008)*
- Mr. Colbert did the rehab; currently not occupied*

Inspector Matt Dornfeld, Vacant Buildings:

- Inspector Senty opened a Cat 2 VB May 23, 2013; he issued a Summary Abatement for some general debris: tires, discarded furniture, tall grass and weeds and to secure an east side door (those violations were abated as of May 29, 2013)*

Mr. Colbert:

- bought building 2 years ago for \$27,000; put \$30,000 into it; it was a Cat 2 VB; he got his C of O*
- rented the bottom of the building*
- initially, he wanted to convert it to a duplex; got the signatures and went to City Council; things got to be too much so he decided to rent it out as a single family*

- he rented it to a woman for almost 20 months; she was Section 8 and trashed some of the inside
- he got her out and went in and re-painted, etc.
- got new tenant this past Nov-Dec, 2012 and had problems so they evicted and decided to sell
- repainted the inside; got the furnace up and running
- the yard is a dumping ground - everyday
- the exterior needs attention but is selling it for a low price; they scraped and painted 3 years ago
- the house could be a 9-bedroom but they never used all that; it's just too big
- the attic doors have been screwed shut; the 2nd floor doors have also been screwed shut
- it will not work out for the neighborhood to be a duplex or triplex
- he shut-off the water to protect the house from broken lines
- has a video of deck and porch and the interior
- looking for it to be taken off the VB list
- they have straight cash investors; closing scheduled for Fri, Jun 7, 2013
- has CO detectors, smoke detectors and fuel burning test
- he won't be able to sell it on Fri if it's on the VB list, Cat 2
- has a copy of the Purchase Agreement
- house has gone through Section 8 inspections
- house has been empty since Dec 27, 2012; trying to get rid of it

Ms. Moermond:

- is torn
- it's been vacant for almost 6 months; interior looks alright; window sills on the outside are probably bad
- paint covered up problems on the outside 3 years ago so she wonders if paint is covering up problems on the interior now? Doesn't see surface problems

Mr. Colbert:

- he has between 25-30 properties in Saint Paul and has been in front of the hearing officer only twice in 4 1/2 years

Ms. Moermond:

- should have Orders on this exterior
- the rule is: if we found the building vacant and there weren't any problems, it would be a Cat 1 Registered VB; this building was found empty but it does have code problems, which kicks it into a Cat 2 status; these problems seem to be nearly all exterior, which can be converted into Orders in a couple different ways, the easiest of which is for Fire to refer it to Vacant Buildings; they roll it into the Code Compliance
- this has a special circumstance
- would like to get a code enforcement person or someone to write Orders on the exterior of the house and have criminal citation be the problem at the end of the line

Mr. Dornfeld:

- he can make this property a Cat 1 and issue Orders on the exterior and follow-up
- there would still be VB fee issues and they would still require a C of O for occupancy

Mr. Neis:

- another option: we could remove the VB status if it's as turn-key as Mr. Colbert indicates (lift the Revocation and just do a complete Fire C of O inspection and determine if the inside is ready to go)

Ms. Moermond:

- if we can figure out how to address the exterior more quickly, it would be better for the neighborhood

Mr. Neis:

- if we take it back, it will have a valid C of O

Ms. Moermond:

- will recommend the Council revert this to a Category 1 Registered VB for 8 weeks; if C of O can't be re-instated by then, it will be a Cat 2 Registered VB

- will waive the VB fee for 8 weeks

- Mr. Colbert can sell the property as a Cat 1 VB; whoever buys it has 8 weeks to get their C of O

Referred to the City Council due back on 6/19/2013