



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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651-266-8585

Tuesday, November 12, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH VO 13-53](#) Appeal of Antonio Chavez to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 951 BRADLEY STREET, UNIT #1.

Sponsors: Brendmoen

Grant the appeal on the condemnation and order to vacate as gas and electric has been turned back on and grant until November 22, 2013 to come into compliance with the other violations in the order.

*951 Bradley Street, Unit 1 (Duplex)
Antonia Chavez, owner, appeared.*

Inspector Scott St. Martins:

-update

-gas and electricity were on last week when he went out

-owner did not meet me there and did not return my call

Ms. Moermond:

-in that case, her understanding is that the Department of Safety and Inspections (DSI) would lift the Condemnation

-back to 2010, the windows, doors and storms were called out and they have not yet been fixed

-there is an existing criminal tag

-Theresa Skarda is checking on that; will get back to us on that

-the other violations are left

-CCPH Nov 20, 2013

-will grant the appeal on the Condemnation and Order to Vacate

-deadline for windows, doors, etc: Nov 22, 2013

Mr. Chavez just walked in

-his gas and electric will not be shut-off

Ms. Moermond:

-a warrant will probably be issued this week on the unresolved criminal tag

-Mr. Chavez needs to contact Theresa Skarda

-City Council will consider this appeal at 5:30 p.m. Nov 20, 2013

-Condemnation and Order to Vacate lifted
-deadline for windows, doors, etc. is Nov 22, 2013; that will be communicated to Theresa Skarda
-Mr. Chavez will be looking for a different deadline at City Council Public Hearing; they may give him more time
-advised Mr. Chavez to contact a window contractor ASAP
-if Ms. Skarda is interested in negotiating a different deadline, she will talk to Ms. Moermond about it and she will communicate to Mr. Chavez what the expectation is

Referred to the City Council due back on 11/20/2013

2 [RLH RR 13-47](#)

Ordering the rehabilitation or razing and removal of the structures at 838-840 GOODRICH AVENUE within fifteen (15) days after the November 6, 2013, City Council Public Hearing. (Public hearing continued from November 6)

Sponsors: Thune

Need the following conditions in order to grant time for rehabilitation: 1) obtain a code compliance inspection; 2) post a \$5,000 performance deposit or bond; 3) provide an affidavit indicating the use of funds from Sunrise Banks for the rehab; and 4) maintain the property. Resolution to be amended accordingly.

RE: 838-840 Goodrich Avenue (Duplex)

Robert Casselman, owner, and Richard Morris, attorney, appeared.

Mr. Casselman:

*- entered paperwork that needs to be hand delivered to DSI front counter
- also entered proof of financial ability and a construction schedule*

Steve Magner, Vacant Buildings:

-The building is a two-story, wood frame, duplex with a two-stall garage on a lot of 6,098 square feet. According to our files, it has been a vacant building since May 1, 2006.

-The current property owner is Robert Casselman per AMANDA and Ramsey County Property records.

-On July 29, 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 July 31, 2013 with a compliance date of August 30, 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 \$135,900 on the land and \$35,900 on the building.

-Real estate taxes are current.

-The Vacant Building registration fees were paid by assessment on May 31, 2013.

-A Code Compliance Inspection was done on December 1, 2010 and has since expired.

-As of October 14, 2013, the \$5,000 performance deposit has not been posted.

-There have been fourteen (14) SUMMARY ABATEMENT NOTICES since 2006.

-There have been ten (10) WORK ORDERS issued for:

-Garbage/rubbish

-Boarding/securing

-Grass/weeds

-Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$15,000.

-this was originally heard on Tue Oct 15, 2013

Amy Spong, Heritage Preservation Commission (HPC):

- was not in attendance on Oct 15, 2013
- this is a 2-story stucco, kind of a 4-square style or with prairie detailing to it
- has over-hanging eaves; bands of windows on the front
- built in 1924
- original owner was G. W. Johnson; there was no architect or contractor on record or on the original permit application
- built as a double house and looks as though it's still being used as that
- there was also a small auto garage in the back of the property prior to 1925
- is consistent with many of the period houses in the neighborhood
- this is part of the National Register Hill Historic District; it is not within the local historic boundary
- we would consider this a contributing property
- appears to have new windows but the windows appear to follow the early patterns
- the National listing is more of an honorary listing but if there is any federal funding involved, then the National Historic Preservation Act of 1966 kicks in, which says that the state preservation office would review something like that
- we do have a letter from Barbara Howard, Deputy State Historic Preservation Office
- normally, we would consider this as a historic resource; Ms. Moermond needs to decide if it goes to the HPC for review

Ms. Moermond:

- looked at the file from 2 years ago
- at that time, Mr. Casselman was appealing the Code Compliance Inspection Report because he wanted to install the windows while the Planning Commission determined whether or not this continued to be a nonconforming structure
- internally, notification didn't get to the HPC until the same day as the Legislative Hearing, so she asked the City Council to send it back to LH
- all permits have been expired, so new permits need to be pulled

Mr. Magner:

- a new Code Compliance Inspection needs to take place but only if you'd be changing the use would you submit new plans
- as long as the structure is going to be rehabilitated the way it's currently configured, a Code Compliance Inspection is what you'll need; that application needs to be dropped off at the DSI front desk as soon as today; doing that work and getting it finalized and Ms. Moermond's other criteria

Ms. Moermond:

- in order for her to ask the City Council for a grant of time to do the rehab, Mr. Casselman will need to get the Code Compliance Inspection; a Performance Deposit needs to be posted; proof of financial ability to do the work; and an affidavit that the money will be used for the purpose of rehabilitation of this property
- scanned a copy of a bank statement from Sunrise Bank

Mr. Casselman:

- long story with this property
- they were working on the rehab, when the boilers that were to be installed were stolen while setting in their crates; and they have been fighting with the insurance company since then; they believe that they know who did it but can't prove it

Ms. Moermond:

- since there are open walls, the new codes kick-in
- asked about the progress that has been made with the electrical and plumbing

Mr. Casselman:

- the plumbing is all roughed in and has been inspected; looking for finals on the plumbing and electrical; then, they will sheet rock

Ms. Magner:

- reminded Mr. Casselman that the first step is to get the Code Compliance Inspection applied for and done - Jim Seeger and his staff will go through the building and make sure that the rough-in permits were signed off; they need to make of that before you insulate and sheet rock

- because it's been so long, the city doesn't know if things had been done properly or if things have changed, etc.

- the permits are good for 1 year only; after that, if the permit hasn't been finalized, the permit automatically closes

- the state writes the building code; the city enforces it

- Mr. Casselman's permits were taken out in Apr-May 2011 so, they expired

Mr. Casselman:

- his daughter's family has expanded and so, they will no longer be living here

- he intends to post the bond; has applied for a bond from his insurance broker

- things won't come to a stop again; he will keep going this time

- they will probably rent out the building; but maybe he and his wife will move in because they don't need a big house anymore

- he has someone handling the rentals that they have

Mr. Morris:

- understands Ms. Moermond's concern about moving forward but Mr. Casselman's set of circumstances has caused a set back with this project

- he has major projects going on throughout the state and he is here committing to do the work; he has a long history of following through

Mr. Casselman:

- another issue: last weekend, he got a letter saying that the nonconforming use had expired; he thinks that there's a way to extend that for 1 year, administratively (comes up Apr 1, 2014)

- he is concerned about the timing

- contractors are going in today to do estimates

- maintenance of the property is contracted

Mr. Magner:

- that should not be an issue if you are in the process of getting things done; he will explain the situation to Ms. Lane

Ms. Moermond:

- she would definitely recommend that the Department of Safety and Inspections (DSI) do that

- the Zoning Administrator, Wendy Lane, can probably make that extension happen (Mr. Magner will let Ms. Lane know that Mr. Casselman is making that request so that Ms. Moermond's recommendation can be forwarded to the City Council; he will have Ms. Lane get back to Mr. Casselman)

- requests that this be on the HPC agenda for Nov 21, 2013 HPC meeting

- the City Council Public Hearing will take place Dec 4, 2013; if everything is together and it looks like we're close, she will bring a clean recommendation to the City Council to grant Mr. Casselman 180 days; Mr. Casselman can attend or not

- now, she needs the Code Compliance Inspection Report and the Performance Deposit/Bond

- the work plan looks like it will be fine but the Code Compliance could change that

Mr. Magner:

- you can't commence any rehabilitation until the Code Compliance Inspection Report is done and the Performance Deposit/bond has been made
- it will be difficult to get the Code Compliance turned around at this time of year; he estimates 3 weeks
- Mr. Casselman can secure the estimates and choose contractors; also buy the products

Ms. Moermond:

- make sure the property is maintained
- she will put in a call to Steve Ubl, building official
- Mr. Magner will call Wendy Lane, Zoning Administrator

Referred to the City Council due back on 12/4/2013

3 [RLH RR 13-48](#)

Ordering the razing and removal of the structures at 521 EDMUND AVENUE within fifteen (15) days after the December 4, 2013, City Council Public Hearing.

Sponsors: Khaliq

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

RE: 521 Edmund Avenue (Single Family)

Steve Magner, Vacant Buildings:

- The building is a two-story, wood frame, duplex on a lot of 4,792 square feet. According to our files, it has been a vacant building since October 3, 2012.
- The current property owner is Sean Shanina Cooley per AMANDA and Ramsey County Property records.
- On August 14, 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 August 16, 2013 with a compliance date of September 15, 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 \$13,700 on the land and \$40,000 on the building.
- Real estate taxes for 2012 are delinquent in the amount of \$2,135.95, which includes penalty and interest. Taxes for 2013 are due and owing in the amount of \$971.56, which includes penalty and interest.
- The Vacant Building registration fees were paid by check on August 29, 2013.
- As of November 8, 2013, a Code Compliance Inspection has not been done.
- As of November 8, 2013, the \$5,000 performance deposit has not been posted.
- There have been seven (7) SUMMARY ABATEMENT NOTICES since 2012.
- There have been seven (7) WORK ORDERS issued for:
 - Garbage/rubbish
 - Emergency boarding/securing
 - Grass/weeds
 - Snow/ice
- Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$15,000.
- 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):

- 1885 workers cottage; simple style
- no original building permit information available
- originally built as a single family, 2 -story with a 1-story open front porch, since enclosed
- stable at the back of property, originally
- similar to other houses on these 2 block faces
- there are a couple vacant parcels already on these 2 block faces
- not identified in 1983 city-wide historic survey
- most recently, this neighborhood was surveyed in 2011; this property was not recommended for further research; there were a couple potential historic districts identified in this neighborhood, this property is not within one of them
- property is characteristic of the neighborhood
- no grade change; moderate set back; alley at rear; front porch enclosed; not original windows; stable has been demolished; quite a few alterations
- demolition would not have an adverse affect

Ms. Moermond:

- asked Mr. Magner when these SA and WO went through
- this looks like a bank-owned property; wonders if the foreclosure process has been completed

Ms. Magner:

- last SA went out in Sep, 2013
- last WO sent out in Sep, 2013 (prior, 2 WO Jul 2013; WO in May; WO in Mar)
- utilities were shut-off in 2012

Ms. Moermond:

- BAC Home Loan Servicing; Americas Whole Sale Lender; and someone hired Safe Guard Properties (names on file)
- looks like complete abandonment
- will recommend the City Council order the building removed within 15 days with no option for its rehabilitation

Referred to the City Council due back on 12/4/2013

4 [RLH RR 13-49](#)

Ordering the razing and removal of the structures at 1092-1094 SEVENTH STREET EAST within fifteen (15) days after the November 20, 2013 City Council Public Hearing.

Sponsors: Bostrom

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

RE: 1092-1094 Seventh Street East (Single Family)

Steve Magner, Vacant Buildings:

- The building is a one-story, wood frame, single-family dwelling with a detached two-stall garage on a lot of 6,098 square feet. According to our files, it has been a vacant building since April 5, 2012.
- The current property owner is William Bernie (deceased) per AMANDA and Ramsey County Property records.
- On August 7, 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 August 28, 2013 with a compliance date of September 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 \$14,600 on the land and \$47,200 on the building.
 - Real estate taxes are delinquent for 2010, 2011 and 2012 in the total amount of \$4,559.89, which includes penalty and interest. Taxes for 2013 are due and owing in the amount of \$4,587, which includes penalty and interest. (Property is scheduled for tax forfeiture July 31, 2014.)
 - The Vacant Building registration fees were paid by assessment on April 30, 2013.
 - As of November 8, 2013, a Code Compliance Inspection has not been done.
 - As of November 8, 2013, the \$5,000 performance deposit has not been posted.
 - There have been twelve (12) SUMMARY ABATEMENT NOTICES since 2012.
 - There have been thirteen (13) WORK ORDERS issued for:
 - Garbage/rubbish
 - Boarding/securing
 - Grass/weeds
 - Vehicles
 - 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):

- pulled up photos before the meeting
- this was an earlier industrial corridor with the railroad
- this is an early workers cottage built prior to 1900
- still has wood siding exposed
- there's a little collection of workers cottages in this area
- an early accessory structure, possibly a stable
- there was a long row of early store front shops
- this area was last surveyed in 1983; survey is out of date; it was not identified in that survey
- it's not been evaluated for a national register
- a lot has been altered in this area

Ms. Moermond:

- the owner is deceased
- there are years of nonpayment of taxes
- there's no bank involved
- the building is extremely deteriorated
- will recommend the building be removed within 15 days with no option for rehabilitation

Referred to the City Council due back on 11/20/2013

5 [SR 13-92](#)

Reconsidering enforcement of Council File No. RLH RR 13-25, an Order to Raze or Remove the structures at 1281 THIRD STREET EAST.

Sponsors: Lantry

RE: 1281 Third Street East (Single Family)

No one appeared.

Ms. Moermond:

- there's been no change since the Council considered this earlier
- she spoke with the Councilmember upon the request of the representative of U. S. Bank, who said that they wanted to fix this property
- scheduled this hearing to give U. S. Bank an opportunity for that to happen but no one is here today
- will be calling the U. S. Bank representative to speak with her about the situation
- Tammy Washington, U. S. Bank Home Mortgage, Bloomington
- will lay this over for 2 weeks to Nov 26, 2013 LH

Laid Over to the Legislative Hearings due back on 11/26/2013

11:00 a.m. Hearings

Summary Abatement Orders

Correction Orders

- 6 **RLH CO 13-34** Appeal of Robin Magee to a Correction Notice at 466 MARSHALL AVENUE.

Sponsors: Khaliq

DSI staff gave extension for compliance; therefore, DSI staff is withdrawing the appeal. Appellant called and still wants to come to the hearing to appeal. Rescheduled to Nov 19.

Laid Over to the Legislative Hearings due back on 11/19/2013

Orders To Vacate, Condemnations and Revocations

11:30 a.m. Hearings

- 7 [RLH VO 13-58](#) Appeal of Colleen Walbran, Southern Minnesota Regional Legal Services (SMRLS), on behalf of Chante McCoy, to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 304 MORNINGSIDE CIRCLE.

Sponsors: Lantry

Mails to Chante McCoy at 304 Morningside were returned on 11/12 and 11/18/13.

Attorney for tenant will need to talk to the hearing officer for the water dept and Marie Weinhandl; and if the water bill can be assessed and water be turned back on, legislative hearing officer will lift the condemnation and order to vacate.

RE: 304 Morningside Circle (Twinhome)

Colleen Walbran, Southern Minnesota Regional LEgal Services (SMRLS), appeared on behalf of Chante McCoy, tenant.

Ms. Moermond:

- asked the status on getting the water restored

Ms. Walbran:

- she filed an Emergency Tenant Remedy Act Petition with the court
- she got notice today from the court that the matter will be heard at 2:00 p.m., Nov 19, 2013
- asking that this matter be continued until after the court hearing

Ms. Moermond:

- she spoke with Sandra Bodensteiner, the Hearing Officer for water bills; she explained that it would be really helpful in this case, if the water could be turned on and the existing water bill turned into an assessment; it is within the power of the the water utility to assess for past water bills and she said that she thought it could be done but Ms. Walbran would need to talk to a Marie Weinhandl, 651-266-6351 and asked can it be assessed and turned back on again; they think that could work; use Ms. Moermond's name when speaking with Ms. Weinhandl; if there is a snag, let Ms. Moermond know but she thinks that could handle it before the hearing

Ms. Walbran:

- Inspector Thomas had planned to inspect tomorrow; she left him a message updating him

Inspector A. J. Neis:

- if Inspector Thomas comes tomorrow, let him in; he hasn't yet been inside the house
- if the water is affecting the heat, there is another problem

Ms. Moermond:

- if the water is turned back on, the Condemnation will be lifted
- let her know how the conversation with Ms. Weinhandl went

Referred to the City Council due back on 11/20/2013

8 [RLH VO 13-59](#)

Appeal of Julie VanMersbergen to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1240 BEECH STREET.

Sponsors: Lantry

STAFF REPORT ONLY: laid over to get progress report on the building. (inspector will be doing spot check on the building)

RE: 1240 Beech Street (Single Family)

Julie VanMersbergen, maiden name; (Julie Kosbab, married name)

Fire Inspector A. J. Neis:

- Revocation of Fire Certificate of Occupancy and Order to Vacate by Fire Inspectors Wayne Spiering, Brian Tonnancour and Sean Westenhofer
- Mar 2012 - Mr. Spiering attempted to do a Fire C of O inspection and no one showed up; left message for owner
- May 10, 2012 - Ms. Kosbab returned the Gold Card indicating the property is not rental and shouldn't be in the C of O Program; she also indicated that her and husband reside in Blaine and due to work schedules, she stays at this residence 3 days a week
- her drivers license, tax returns, tax records don't indicate this address as being her homestead
- Mr. Spiering advised the supervisor, Leanna Shaff, to review the file
- Mar 29, he received an email indicating that the property was being prepared for

sale; supervisor indicated to Revoking the C of O as occupied and follow up in 9 days

- explained to the property owner that the inspection for that day would be cancelled
- 9 days later he left a message wanting to
- Jul 9, left message
- Jul 11, he still hadn't received a returned phone call, so he turned it over to the Vacant Building Program
- property owner failed to return messages, so, he assumed that it was vacant
- Oct 29, 2013 - Brian Tonnancour went out after sending an appointment letter; he indicated that observed an individual looking out of the window on the front porch; there were lights on but there was no answer at the door; the property owner didn't show
- he sent it back to VB; took photos

Appellant:

- this entire program has been confusing to her
- originally, when she worked with Inspector Spiering, they were telling her it had to be inspected because it was a rental property but that property has never been a rental property and has never been occupied by anyone other than her or her husband
- it was her at the house but she did not hear anyone knock at the door; she looked out to see if there was anyone but she saw no one who looked like an official city employee
- 2012, she did receive a short sale offer that her bank would not accept, nor would they let her finance her way out because she was self-employed but apparently, her money is good enough to pay the full mortgage
- since then, she took a full-time position so that she can have 12 continuous full-time employment to again, try to sell the property, which will again, be a short sale
- she would like nothing more than have that property be owner-occupied by someone who is not her
- the house is 105 years old and she is the 3rd owner
- bringing it up to today's standards would be expensive and doesn't help any with her stress
- she is not trying to be problematic
- the house is well maintained from the outside
- Oct 29 - it was requested that she paint the garage (it needs paint but not Oct 29); Inspector Tonnancour noticed that the garage needed painting
- a new walk-thru was scheduled for today
- she has switched jobs so she no longer needs to commute to Rosemount from Blaine everyday
- all utilities are on and it meets all of the standards to not be a Registered VB

Mr. Neis:

- Inspector Tonnancour would grant an extension on the painting of the garage
- Fire would be lifting the Revocation of the C of O if they were allowed to access but the question is, "Is it a C of O building?"

Ms. Moermond:

- when you file an appeal, enforcement stayed, pending the outcome of the appeal; so, the inspector won't show up today
- if this property is a C of O property, we are not talking about new construction standards; very few things would need to be brought up to code; most things would need to be repaired, only
- she needs to have assurance that there are no tenants there
- she will lay this matter over for 3 months; during that time, the city will do a spot check; then, lay it over for another 3 months and do another spot check; then, you're out of the Program; if something comes up, we will need to talk in a hearing

- the garage will be turned over to Code Enforcement staff
- Jun 15, 2014 will be a good deadline for the painting of the garage
- when you sell the house, you will need 1 of 3 documents for disclosure of the house conditions
- next thing, Is this a Registered Vacant Building?
- will refer this for night checks, as well
- this is laid over for 3 months

Laid Over to the Legislative Hearings due back on 2/11/2014

9 [RLH VO 13-55](#) Appeal of Letitia Henderson to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 533 SMITH AVENUE.

Sponsors: Thune

Grant until December 20, 2013 for tenants to vacate the property. (Inspector will be doing follow-up inspection on December 23)

*RE: 533 Smith Avenue South (Duplex) and
535 Smith Avenue South (Duplex)*

*Letitia Henderson, 533, appeared; and Sean Caffie, 535, appeared.
Mr. Cloosney, Attorney, Southern Minnesota Regional Legal Services (SMRLS),
appeared, representing Ms. Henderson.*

Ms. Moermond:

- looks as though both of you want more time to live there and you want things repaired.

Fire Inspector A. J. Neis:

- Revocation of a Fire Certificate of Occupancy and Order to Vacate
- the issue Inspector Westenhofer was originally having was just to gain access
- the C of O was Revoked after 3 failed no shows by the owner
- this was heard last week; items #17 and #20 were to be fixed (interior light bulbs and door knobs)
- Inspector Westenhofer did go back out and do the inspection
- several items had been abated: basement east storage room door, basement floor cleaned out, cracks were sealed along the foundation walls, they repaired the west side storm door, got rid of the junk vehicles, fixed exterior guard rail, graffiti, broken windows, etc.
- while some items were abated, he also added several more
- there are 30 additional code violations on the list

Ms. Moermond:

- asked how old the Oct 29 list was (Mr. Neis: it was generated Aug 26, 2013)
- between Aug 26 and Nov 8, 30 new items were identified

Mr. Cloosney:

- Ms. Henderson has decided to move from the property; they have no faith in this landlord to do the repairs
- she did take care of the 2 things (privacy lock on the bedroom and the door handle on the front door)
- her plan is to vacate Dec 1, 2013

Mr. Caffie:

- has been at the property for 2 years and he has been begging David Weiss, property manager, to give them a key for the back door because it is staying open

24/7; it leads to the basement and upstairs; his wife and kids never feel safe; they don't know what to expect; they are worried about their personal security

- they have a horrible, unpaved driveway; it's ruined his wife's tires
- the radiators don't work through the house
- nothing ever gets fixed
- they would like to move, but because of a felony on his record from when he was young, it's hard for them to get a decent place to rent
- they have been looking but need a little more time
- Mr. Weiss said that they needed to pay 40% of the water bill but didn't give a copy of the water bill

Ms. Moermond:

- Mary Poe, Loyal Confidential Housing Service, 651/291-5399, works with people in your circumstances and may be able to help you

Mr. Cloosney:

- Project Hope, in SMRLS' office, may also be able to help with housing listings

- once the C of O is Revoked, you don't have to pay rent, so, the more time they have, the more resources they can accumulate to help make the move; they will need a security deposit and the first month's rent

Mr. Jamie Morris with Ms. Henderson:

- their water runs constantly and they've told him about it but he never does anything about it

- Mr. Morris even asked if he could do the work for them

Mr. Cloosney:

- asked if Ms. Moermond would consider granting an extension to Dec 15, 2013 for the Vacate

- told tenants not to pay the water bill; it's a shared meter billing; it's against the law for the landlord to make you pay 40% and 60%

Ms. Moermond:

- will recommend granting until Fri, Dec 20, 2013 to vacate; inspector will check the place on Mon, Dec 23, 2013

- hopefully, this date will work for the tenants (before Christmas)

- they should be able to use their unpaid rent as a security deposit

- if it hasn't been handled by then, give her a call and she can extend it to Jan 1, 2014

- the Revocation will stand until the entire list has been addressed

Referred to the City Council due back on 12/4/2013

10 [RLH VO 13-54](#)

Appeal of Sean Caffie to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 535 SMITH AVENUE SOUTH.

Sponsors: Thune

Grant until December 20, 2013 for tenants to vacate the property. (Inspector will be doing follow-up inspection on December 23)

RE: 533 Smith Avenue South (Duplex) and
535 Smith Avenue South (Duplex)

Letitia Henderson, 533, appeared; and Sean Caffie, 535, appeared.

Mr. Cloosney, Attorney, Southern Minnesota Regional Legal Services (SMRLS), appeared, representing Ms. Henderson.

Ms. Moermond:

- looks as though both of you want more time to live there and you want things repaired.

Fire Inspector A. J. Neis:

- Revocation of a Fire Certificate of Occupancy and Order to Vacate
- the issue Inspector Westenhofer was originally having was just to gain access
- the C of O was Revoked after 3 failed no shows by the owner
- this was heard last week; items #17 and #20 were to be fixed (interior light bulbs and door knobs)
- Inspector Westenhofer did go back out and do the inspection
- several items had been abated: basement east storage room door, basement floor cleaned out, cracks were sealed along the foundation walls, they repaired the west side storm door, got rid of the junk vehicles, fixed exterior guard rail, graffiti, broken windows, etc.
- while some items were abated, he also added several more
- there are 30 additional code violations on the list

Ms. Moermond:

- asked how old the Oct 29 list was (Mr. Neis: it was generated Aug 26, 2013)
- between Aug 26 and Nov 8, 30 new items were identified

Mr. Cloosney:

- Ms. Henderson has decided to move from the property; they have no faith in this landlord to do the repairs
- she did take care of the 2 things (privacy lock on the bedroom and the door handle on the front door)
- her plan is to vacate Dec 1, 2013

Mr. Caffie:

- has been at the property for 2 years and he has been begging David Weiss, property manager, to give them a key for the back door because it is staying open 24/7; it leads to the basement and upstairs; his wife and kids never feel safe; they don't know what to expect; they are worried about their personal security
- they have a horrible, unpaved driveway; it's ruined his wife's tires
- the radiators don't work throughout the house
- nothing ever gets fixed
- they would like to move, but because of a felony on his record from when he was young, it's hard for them to get a decent place to rent
- they have been looking but need a little more time
- Mr. Weiss said that they needed to pay 40% of the water bill but didn't give a copy of the water bill

Ms. Moermond:

- Mary Poe, Loyal Confidential Housing Service, 651/291-5399, works with people in your circumstances and may be able to help you

Mr. Cloosney:

- Project Hope, in SMRLS' office, may also be able to help with housing listings
- once the C of O is Revoked, you don't have to pay rent, so, the more time they have, the more resources they can accumulate to help make the move; they will need a security deposit and the first month's rent

Mr. Jamie Morris with Ms. Henderson:

- their water runs constantly and they've told him about it but he never does anything about it

- Mr. Morris even asked if he could do the work for them

Mr. Cloosney:

- asked if Ms. Moermond would consider granting an extension to Dec 15, 2013 for the Vacate

- told tenants not to pay the water bill; it's a shared meter billing; it's against the law for the landlord to make you pay 40% and 60%

Ms. Moermond:

- will recommend granting until Fri, Dec 20, 2013 to vacate; inspector will check the place on Mon, Dec 23, 2013

- hopefully, this date will work for the tenants (before Christmas)

- they should be able to use their unpaid rent as a security deposit

- if it hasn't been handled by then, give her a call and she can extend it to Jan 1, 2014

- the Revocation will stand until the entire list has been addressed

Referred to the City Council due back on 12/4/2013

1:30 p.m. Hearings

Correction Orders

- 11 [RLH CO 13-35](#) Appeal of Anton Soukhanov to a Correction Notice at 1280 SEVENTH STREET WEST.

Sponsors: Thune

Everything is in compliance per owner. Supervisor will confirm. Appeal is withdrawn.

Withdrawn

Fire Certificates of Occupancy

- 12 [RLH FCO 13-240](#) Appeal of Vik Karr to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 314-332 CHESTER STREET.

Sponsors: Tolbert

Grant until January 1, 2014 for compliance.

RE: 314-332 Chester Street (W-Office Warehouse)

Vicki Karr, property manager, Wellington Management, appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice to Wellington Management, Property Management Co. by Inspector Mitchell Imbertson on Oct 5, 2013; building was inspected May 15, 2013 (a standard practice)

- the previous letter went out in May 2013

- had a change in occupancy; need approval

- issue: the building is certified and approved for factory, store and office, etc.

- a church took over the space for assembly use in Jan 2013

- the Appellant has checked with Zoning to have that converted to its legal use and needs time to get that taken care of

- the architect has already checked with Zoning and now they just need site plan

approval

Ms. Karr:

- *needs time*
- *tenant moved in and the landlord would like to help out; thinks 60 days will be enough time*
- *the building is currently being used only on Sundays*
- *they need the change in use so that they can alter the building for its current use*

Ms. Moermond:

- *will grant an extension to Jan 1, 2014*

Referred to the City Council due back on 12/4/2013

13 [RLH FCO
13-244](#)

Appeal of Robert Johnson to a Fire Inspection Correction Notice at 276 EXCHANGE STREET SOUTH.

Sponsors: Thune

Grant the appeal provided that no combustible materials are stored in the un-sprinklered closets.

RE: 276 Exchange Street South (17-Restaurant/Bar-B-Commercial)

Robert Johnson and his boss, Trent Tahar, Forepaughs Restaurant, appeared.

Fire Inspector A. J. Neis:

- *Fire Certificate of Occupancy Correction Notice by Inspector Kris Skow-Fiske on Oct 24, 2013; re-inspection Dec 5, 2013*
- *appealed is the requirement to provide a couple of sprinkler heads in closets that were missed on the previous inspection*
- *#1- provide sprinkler coverage in the 2 storage closets*
- *the closets are very small, about 2' deep and x 3' wide and lighted*

Mr. Johnson:

- *they took over the content of the restaurant in the spring of 2008*
- *at that time, the entire building was gutted*
- *the basement was entirely cleared out*
- *the process was very extensive*
- *inspectors were in that building very frequently during that time*
- *have operated this way for 6 years since*
- *these spaces are very small and it would be quite expensive to bring in 2 new sprinkler heads*

Mr. Neis:

- *a lot of work was done in 2007-08*
- *building permit was finalized in May 2010; a repair permit finalized for interior demo in 2008*
- *2008 - a permit was pulled to relocate 4 heads and replace 30 heads*
- *Ms. Skow-Fiske acknowledged that she missed it on the last inspection in 2011*
- *there are combustibles stored in the cleaning closet with a mop sink, mop and small hand vacuum cleaner; the other closet has an electrical switch panel (like a large cupboard)*

Mr. Johnson:

- *they are not ready to afford 2 new sprinkler heads (there's an electrical cost and these storage closets are very small)*

- they can certainly take out the combustibles out of the cleaning closet
- there are sprinklers in the hall
- they can put up signage that says: No storage of combustibles

Mr. Neis:

- no aerosols; nothing flammable; nothing combustible stored in the closets; no hand sanitizers, etc.

Mr. Moermond:

- based on the size of the closet, she will recommend granting a variance provided that no combustibles are store in those spaces

Referred to the City Council due back on 12/4/2013

15 [RLH FCO](#)
[13-234](#)

Appeal of Bradley Amundson to a Correction Notice - Re-Inspection Complaint at 536 LEXINGTON PARKWAY SOUTH.

Sponsors: Tolbert

Laid over for 6 months so that the Appellant can talk to Zoning regarding a site plan for the parking surface.

RE: 536 Lexington Parkway South (Single Family)

Bradley Amundson, tax owner, appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice
- the driveway with an unapproved parking surface is being appealed
- Appellant is asking for an extension to Jun 2014
- Fire has no issue with that extension

Mr. Amundson:

- entered photos
- the driveway is concrete; next to it is a parking area
- the property is on Lexington Pkwy next to Trader Joe's and there's piles of traffic
- there are 4 tenants in the house
- the driveway has room for 4 cars stacked front to back and in order to get the 1st car out, you need to back all of them out onto the busy Lexington
- he took out the grass and dirt next to the driveway and put in class 5, not knowing that class 5 is not an acceptable surface in Saint Paul
- he is going to put concrete on that parking surface but this is too late in the year to do that
- his preference is to get a variance to have the parking surface remain class 5
- it's going to take \$5,000-\$6,000 to take out the class 5 and put in concrete

Ms. Moermond:

- ask Mr. Amundson if he had talked to Zoning before he put in the class 5; (Mr. Amundson: he did not; he just assumed that it would be fine because other cities haven't required him to do that)
- it is significantly changing the portion of the lot that's covered with parking material as opposed to permeable material for run-off

Mr. Neis:

- Zoning my not have approved this area for parking surface because of run-off
- Mr. Amundson needs to check with Zoning; he will need a site plan

Ms. Moermond:

- she can work with Mr. Amundson on the parking surface but biggest question is lot coverage
- he needs to talk with Zoning about that
- lot coverage and run-off; parking surfaces; landscaping solutions, etc. - Zoning can help with that
- she will refer him to site plan in Zoning
- will lay this over for 6 months
- between now and then, come up with a plan
- call Wendy Lane, Zoning Administrator, 651/266-9081

Laid Over to the Legislative Hearings due back on 5/13/2014

14 [RLH FCO
13-239](#)

Appeal of Brian D. Alton, attorney, on behalf of Jason Twombly to a Reinspection Fire Certificate of Occupancy With Deficiencies at 1747 SELBY AVENUE.

Sponsors: Stark

Grant the appeal due to incorrect citations written. (Staff will amend orders to reflect correct codes).

RE: 1747 Selby Avenue (Single Family)

Jason Twombly and Eric Walasack, co-owners, appeared with their representative, Brian Alton, attorney.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice
- started as a referral - not having a C of O
- property owner partner, Eric, stated that they have owned and rented the building for 6 years; it's now, student housing but there's legal student housing within 150 feet of their property
- inspection was conducted by Mike Urmann, who issued Orders to provide access to the property
- he noted several code violations including the student housing issue, basically, it was after the student housing deadline; an application was never submitted to their office
- the property cannot be approved for student housing because there is student housing within 150 feet
- there's no indication of what the appeal is about

Mr. Alton:

- document dated Sep 12, 2013, renewal of Fire C of O
- there was a provisional C of O dated Dec 26, 2012
- Mr Twombly and Mr. Walasack purchased this property to live in, which they did for a number of years and then, they moved out and rented it; so, they filed for the provisional Fire C of O
- they currently lease it to 4 individuals through May 31, 2014
- they appeal the deficiencies listed as Section 61.101 nonconforming use
- it has been a rental property; zoned B-2 mixed use; a house in a commercial area
- under the nonconforming use ordinance, B-2 zoning area rental housing can be expanded
- they are requesting that #7 and #10 be deleted from the Oct 17, 2013 deficiency list
- they also want to talk about the roof; re-inspection Nov 18, 2013; #3 states that that the roof should be weather tight and free from defects; and they really don't know what that means; and that can wait until next spring

Ms. Moermond:

- #3 says repair or replace the roof soffit and fascia; this work will require a permit

Mr. Alton:

*- everything else on this list either has been done or will be done
- Jason and Eric lived at this property for a few years; and the last couple of years, they rented it
- they were occupants from 2005 - later part of 2010*

Mr. Neis:

*- looking at the tax records and the reason why this doesn't have a C of O is that they are still claiming homestead status for the last 3 years; taxes are being mailed to Jason Twombly, 1747 Selby - shows they are living there
- does not see a provisional Fire C of O on the record (12-26-12)*

Mr. Alton:

- the one he has is date stamped from DSI: Dec 26, 2012

Ms. Moermond:

- it's disappointing that the provisional C of O process doesn't take into account your review of student housing status

Mr. Twombly:

- when he filed at DSI for the provisional C of O, he asked if there was anything else he should be doing and they said that they would get an inspector to set up an inspection

(A short recess was taken so that Ms. Moermond could check the codes on student housing, provisional Fire C of Os, etc.)

Ms. Moermond:

*- first, we need to change the citation in the Orders from 62.101 to 67.701 in #7 and #10
- the application that Mr. Twombly made was for provisional C of O, which means it can be used for rental space but not student rental space (she needs to draw a distinction between those two); a property that is rented to students must be covered by the overlay district
- is troubled because it appears that you need to have a written process (DSI shall prepare written standards for verifying and documenting a building as existing student housing prior to the certification of any building under this article and provide a copy to the building owner upon request); 67.706 also says, a process for reviewing proposed new student dwellings shall be established by DSI and the owner of a building deemed ineligible for establishment as a student dwelling, may apply for a variance under legislative code 61.601
- right now, we have a determination that this is, by all accounts, being used as student housing*

Mr. Alton:

- No; 1) I didn't assume that the report was in error when he noted the violation of 62.101; he assumed what was meant was it was not a legal nonconforming use - it was an illegal nonconforming use; his position is that it's a legal nonconforming use as rental housing in a B-2 zone; 2) they haven't gone through this process for reviewing an application or looking at a process for verifying whether it's student housing or not; there are 4 unrelated individuals living in that house; we don't know that it's in an overlay district - we don't know that there's other student housing within

150 feet - we don't even know that all four of those persons are students

Mr. Walasack:

- as landlords, they did not ask if any of them were students; for 19-20 year olds, they are more concerned with the co-signer and can they pay the rent
- as a landlord, how do they verify if they are students (Ms. Moermond: typically, by asking)
- they actually have owned the building for 8 years and both he and Jason have lived there, moved out, then, moved back in; sometimes, there have been others living there, too, at the same time

Ms. Moermond:

- the Zoning code makes it clear that it's important whether or not this is considered to be student housing
- the city contacts the university
- she thinks that the code citation that was used in the Order was incorrect, so it kind of voids out that Order but it can be re-issued under the correct code citation, which she anticipates will happen, if and when the inspector verifies that he believes this is student housing
- the expectation is that the Appellants apply for student housing
- she also believes that this is in an overlay district (easily verified)

Mr. Neis:

- added by zoning: got a call from the owner: "Eric stated they have owned and rented the building for 6 (8) years; it now student housing." So, they have acknowledged that it is student housing

Ms. Alton:

- I think they acknowledged that they may be students living there; student housing has a legal definition in the code: 3 or 4 persons who have attended the university 2 out of the past 3 semesters - or something like that
- they will go through the student housing process

Ms. Moermond:

- has photos
- roof definitely needs repair
- the Orders will be re-written; attach the appeal form
- this will be appropriately sent to Zoning
- if an enforcement inspector determines, in his view, that it is student housing, the Order is appropriate and he should issue that Order, under the correct code citation and the remedy would be to go through the student housing process
- if the Appellants say that it's not student housing, she will look at any information they may want to bring to the fore front
- if the Appellants want to change it to student housing, then, the Zoning people need to look at it
- from the Appellants' perspective, the big difference will be the amount of money involved
- will recommend granting this appeal because the code citation on the Orders was incorrect
- the Orders will be amended
- she would appreciate additional documentation in the file

Mr. Neis:

- when Mr. Urmann returns to work, he will delete these Orders and will re-write the appropriate Order; if it is determined that the renters are students, the Appellants will be subject to enforcement

- Mr. Urmann will investigate

Ms. Moermond:

- thinks more documentation is needed
- will lay this over to Nov 26, 2013 LH at 1:30 pm

Laid Over to the Legislative Hearings due back on 11/26/2013

2:30 p.m. Hearings

Vacant Building Registrations

- 16 [RLH VBR 13-61](#) Appeal of Kurt Evans to a Vacant Building Registration Notice at 422 MICHIGAN STREET.

Sponsors: Thune

Waive the Vacant Building fee for 4 months.

RE: 422 Michigan Street (Single Family)

Kurt Evans, property manager for the owner, Cross Family Real Estate Holdings LLC, appeared.

Vacant Building Registration fee and Fire Certificate of Occupancy issues

Fire Inspector A. J. Neis:

- came to Fire as a complaint in Sep 2013 that homeless people were camping in the back yard and that a fence was haphazardly erected; people were seen in the yard between 4:00 and 4:30 p.m.
- Inspector went out to investigate and spoke with the responsible party, who said the building was vacant; had water damage; furnace needed repair; indicated that the stairs to the building were off
- owner purchased the home 6 months ago
- inspector identified several code violations in the building
- Sep 3, 2013, he sent the file to the Vacant Building Program
- the foundation is seriously failing
- photos in file
- there is an open permit to replace missing and broken stairs in the front and rear of the house obtained early Sep 2013

Rich Singerhouse, Vacant Buildings, appeared for Matt Dornfeld:

- Inspector Dornfeld opened a Category 2 VB on Sep 3, 2013, per Fire C of O Revocation
- he found the steps were missing

Mr. Evans:

- the permits were pulled and the steps have been replaced
- the foundation issue on at the back entry way has also been repaired
- they have quite a few properties in Saint Paul
- they do their best to rehab them to meet code
- this property had been student housing, originally
- when he spoke with the Fire inspector, the inspector told him that he would turn the file over to DSI; Mr. Evans called DSI, who said that they couldn't switch it back to a Truth in Sale of Housing property unless the Fire inspector withdrew his report

- he read the ordinance for VB in St. Paul and the property doesn't fit that definition

Ms. Moermond:

- pointed out the lack of stairs, a pretty significant code violation

Mr. Evans:

- they ripped out the old stairs in order to put in new stairs
- they will either sell the property or rent it; typically, they rent it
- they intend to fix it up and rent it
- purchased the property 8-9 months ago
- they closed down the house in the winter and were unaware of the fact that a lot of the pipes in the walls were broken, which delayed the rehab
- they acquired other properties that needed less fixing
- he also was unaware that he was on a timeline
- he had not been aware of homeless people living the back yard either; the grocery store complained about that to DSI
- they post their properties with their contact information
- as soon as he found out, he went over and cleaned things up but he is not at every property every day
- he is trying to avoid is a \$1400 VB fee and a \$560 inspection fee when the property will be inspected anyway; to get the C of O, he will need to have the Fire inspector come in and inspect to get the rental license

Mr. Neis:

- pulled up the TISH 2012, which indicated several code violations inside the property: ungrounded 3-prong outlets; broken something for heat - all the more reason that the building should go through a Code Compliance Inspection

Mr. Singerhouse:

- the Code Compliance Inspection Report must be done before Mr. Evans can obtain permits to do any of the work

Ms. Moermond:

- any 1 of 3 documents can be used to transfer properties: 1) the Truth in Sale of Housing Report; 2) the Fire Certificate of Occupancy Report; and 3) the Code Compliance Inspection Report
- this building has been sitting; it had the porch ripped off of it; it didn't have a permit pulled at the time that it happened; the permit was pulled once it was called out by the inspector; it has been empty and there were homeless people living in the back yard
- major code violations and unoccupied is enough to be a Cat 2 Registered VB
- will be happy to waive the VB fee for a period of time to let Mr. Evans get the Code Compliance Inspection and do the work
- she will recommend a 4-month waiver on the VB fee to get the Code Compliance Certificate
- the City Council may look at it differently
- CCPH will be Nov 20, 2013 at 5:30 p.m.

Referred to the City Council due back on 11/20/2013

Staff Reports

Other