



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, June 10, 2014

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 14-7](#) Ordering the rehabilitation or razing and removal of the structures at 1022 MINNEHAHA AVENUE WEST within fifteen (15) days after the April 16, 2014, City Council Public Hearing. (Amended to razing and removal only) (Public hearing held and closed; laid over from June 18)

Sponsors: Thao

Owner to provide the following conditions:

- 1) money of \$40,000 set aside into an escrow account with an affidavit letter by Friday, June 13;*
- 2) complete cleaning the inside of the house by Wednesday June 18, 2014 at 10 a.m.;*
- 3) put the lockbox on the door and provide the lockbox combination to DSI staff, Jim Seeger; and*
- 4) remove the cats from the house by Friday June 13.*

Note: Inspector Yannarely will be inspecting the property on Wednesday, June 18 at 10:00 a.m. to see that the cats are gone and the house is cleaned.

RE: 1022 Minnehaha Avenue West (Single Family)

Harvey Johnson, husband of owner, Norma Johnson, appeared.

Ms. Moermond:

- Mr. Johnson received a letter saying that you needed to remove the cats from the property, the materials from the house; put on a lockbox for the inspectors and communicate the combination to them; and provide proof that you have the available funds for the project

Mr. Johnson:

- have a new arrangement with the Humane Society for the cats; he has an appointment with them; also, has a backup in case the Humane Society can't take the cats
- he went to Floyd's and bought a combination lockbox; will be installed today
- have spent a lot of time getting the large furniture out of the house - given away and thrown away

- now, they are mopping the floors, cleaning everything
- asked if he could leave some of his tools there; also some construction materials

Mr. Magner:

- any thing you may have in an unoccupied building has a greater chance of theft
- DSI doesn't have any problem with him leaving tools, equipment or supplies for rehabilitation
- DSI does have a problem with animals and items that are used for normal living (TVs, couches, food, etc.)

Mr. Johnson:

- he is confused about how he needs to prove the availability of the funds

Ms. Moermond:

- in this particular case, she would like to see proof that Mr. Johnson has the money in a separate account
- haven't had an inspector out there yet

Mr. Johnson:

- he'd appreciate it if the city would first let him clean-up the house
- he needs to remove a large file cabinet today
- he also needs to rearrange some tools and equipment so that inspectors have access to the walls

Mr. Magner:

- application for the code compliance inspection was made Jun 2, 2014
- Performance Deposit was received
- inspectors can't go in before the combination lock box is installed; that needs to be done within the next couple of days because it still takes 3 weeks to turn things around and timing is an issue; the combination should be given to the inspectors; the lockbox should be put on today; inspectors, most likely won't get in until next week
- get done in the house what you need to move around or get out by the end of the week or Monday, for sure
- the inspectors won't mind if Mr. Johnson is there while they are there

Ms. Moermond:

- inspectors will probably come in individually
- wants evidence of financing (money in a separate account) by Friday, Jun 13, 2014; also, a letter from Mr. Johnson indicating that those funds will be dedicated to this purpose; continue to clean out at top speed; put up the lockbox today and call Jim Seeger with the combination today
- the bidding process will be the next step
- plans and bids that the general contractor comes up with are all subject to approval by the City Council and then, those would be the basis for them getting a permit to do the work

Mr. Johnson:

- needs to remove a soiled rug from the staircase and an old fish tank

Ms. Moermond:

- it's important that after the house is cleaned out, it should also be sanitized; according to the neighbors, there is quite a smell associated with the cats having been living there by themselves
- those cats need to be gone today or at least by the time the inspectors show up; Animal Control could be of service or a Veterinarian Office
- after this, a code compliance inspection needs to take place

- Mr. Johnson will need to hire a general contractor who can put together a work plan for this rehab; subcontractors for plumbing, heating, ventilation and electrical; provide Ms. Moermond with the bid that he is accepting; if the amount of the bid exceeds the \$40,000 set aside for the project, we will need to see that he has the additional funds necessary to pay that

Mr. Magner:

- suggested that Mr. Johnson start engaging contractors as soon as this week even though the code compliance inspection is not yet done; tell them that the city wants the house fixed up and it has to meet minimum code standards; they can give him estimates and include addendums as soon as the code compliance inspection report comes through

Ms. Moermond:

- the next meeting for this will be the City Council Public Hearing next Wed, Jun 18, 2014

- Mr. Magner will set up an inspection appointment for 10 am next Wed with Inspector Joe Yannarely, 651/266-1920

- call Reid Soley at 651/266-9120 with the lockbox combination; he will contact Mr. Seeger

- Ms. Mai Vang will send a letter confirming today's action

Referred to the City Council due back on 6/18/2014

2 [SR 14-60](#)

Reviewing the rehabilitation or razing and removal of the structures at 806 EDMUND AVENUE.

Sponsors: Thao

Legislative Hearing Officer will be drafting a resolution to stay the enforcement of the structure and grant 180 days. City Council Public Hearing will be on July 9, 2014 and back to Legislative Hearing on September 16, 2014 and will continue the City Council Public Hearing to October 1, 2014.

RE: 806 Edmund Avenue (Duplex)

Kris Kujala and Paul Scharf, Ramsey County Property Records & Revenue, Tax Forfeited Lang, appeared.

Ms. Moermond:

- City Council ordered this property removed/repared within 15 days and Amended that at the table to be 180 days

- Ramsey County was to take over that rehabilitation

- it got moved forward off of its spot where it had been accelerated to within 2 quarters of the Council vote and then, it got moved on to the priority list

- that vote was Tue, Jul 26, 2011 and nothing's happened yet

- would like to get a concrete plan on the record

- she would like to put through a resolution stating the Orders for demolition and have it be under conditions of what Ramsey County's plan is

Ms. Kujala:

- they plan to renovate it this year; will be a 6-month project

- won't be released for a bid until Aug 1, 2014; they will accept a bid by Sep 1, 2014 and put them under contract

- she can guarantee that they will be 50% done by the end of this year, if not better

- this project will not be moved down on the priority list; it's the next renovation project

Ms. Moermond:

- she thinks that will be OK
- will put this on the City Council agenda for Jul 16, 2014 and ask for 6 months (Jan 2015)
- will recommend staying the demolition resolution granting 180 days
- when the bids come in, send Ms. Moermond a copy for the record

Steve Magner, Vacant Buildings:

- the \$5,000 Performance Deposit has not yet been posted
- county can send a request by email to Steve Ubl prior to the expiration date of the Code Compliance date and see if he will extend it or he may request that Jim Seeger does a walk through to make sure things haven't changed; then, you would pay for Mr. Seeger's costs only (1/4 of the code compliance inspection cost)
- permits won't be issued until that \$5,000 Performance Deposit has been sent in

Received and Filed

11:00 a.m. Hearings

Summary Abatement Orders

3 [RLH SAO 14-13](#) Appeal of John Hedlund to a Summary Abatement Order at 1436 WESTMINSTER STREET.

Sponsors: Brendmoen

Grant until August 1, 2014 to remove the cargo container and car port.

RE: 1436 Westminster Street (Duplex)

John Hedlund, tax owner, appeared.

Inspector Joe Yannarely:

- Inspector Seeley said that, to her knowledge, nothing has changed at the property

Mr. Hedlund:

- that's not true; the last time, she said that she drove by the property that morning and everything looked good

Ms. Moermond:

- Mr. Hedlund wanted to keep his storage container there and also wanted to keep the carport (tent structure)

Mr. Hedlund:

- wants to keep both the storage container and carport until Nov 1, 2014
- his preference is to keep the storage container permanently (he entered a letter from his neighbor, the only person who can see his property from her back yard; she has no problem with any of his items; she hopes that the city will allow him to keep his storage container and carport; she has allowed him to park his small trailer in her driveway for a short time because he has limited space for his vehicles and she doesn't mind helping him out)

Ms. Moermond:

- read the neighbor's letter (attached)

Mr. Hedlund:

- he met with Karen Zacho, Zoning, DSI; she pulled up a 1974 aerial photo; hope that is enough to qualify for a pre-existing gravel driveway
- he submitted the aerial photo of the property
- shows that the storage container is covered by trees; can't see it; container is sitting on top of cement slab where the garage used to be
- entered updated photos (attached)

Ms. Moermond:

- even though there is no view of the storage container from the neighbor's yard (it's obscured by trees and large bushes), the city's Zoning Code, Fire Code and Building Code don't allow that type of structure on your property (is a cargo container allowable as a structure)
- particularly, the Building Code and Fire Code talks about that structures with only one way in/out isn't usable as a structure; this would be an unsafe building

Mr. Hedlund:

- asked if putting in a second door would qualify the structure

Ms. Moermond:

- you'd have to do that under permit and the building inspector would need to approve it
- asked why Nov 1, 2014 is wanted as a deadline since he has had the carport up for a very long time

Mr. Hedlund:

- explained that he started to work for his brother's irrigation business and they have been extremely business; it won't ease up until later this summer and during that time, he hopes to get the siding and construction work done - the carport contains the materials he needs, etc.; he should be able to take it down by Nov 1, 2014
- the materials can't go into his garage because he is refinishing that, as well; he took things out so that he could do that; after it's finished, things can go back in again
- he can be more flexible on that if he needs to be, especially, if he's allowed to keep the container

Ms. Moermond:

- Inspector Seeley gave you a week and a half when she wrote the Orders; May 22 was the deadline
- is taking that into consideration and the yard being cleaned up; now, what makes sense moving forward
- this is on the City Council's Public Hearing Jul 9, 2014
- at that time, she will recommend that they Order the carport and storage container be gone by Aug 1, 2014
- you can go and talk to the Council then or you can write a letter to be attached to the file
- noted that Karen Zacho also spoke to you about not having a home occupation out of your garage, etc.

Referred to the City Council due back on 7/9/2014

4 [RLH SAO 14-16](#)

Appeal of Kevin Odom to a Summary Abatement Order at 472 CONCORD STREET.

Sponsors: Thune

July 8 LH: status on Zoning appeal.

RE: 472 Concord Street (Single Family)

Kevin Odom and another man, Guadalupe Alternative Programs, owner, appeared.

Inspector Joe Yannarely:

- 3 years ago, they removed a house at this location (Dec 2011); the hole was left
- Director Selinski, said that they would do something with it but that never occurred
- plans were submitted; a variance was secured; a building permit was pulled in the summer of 2012; the same thing happened in 2013
- Orders were issued because you can't just leave a hole there but no one wants to come down on a nonprofit
- now, they lost their variance and permit and nothing has changed
- entered photos from 2012 and 2013 (look nearly identical)
- the city would like to get a contractor to fill in the hole; seed it; make it look decent for the neighborhood; and if they want to build on it, fine
- this has been going on for too long

Mr. Odom:

- 2009, they purchased the property; it was a Cat 2 Vacant Building
- it was purchased along with the house right next to it
- their intention was to rehab both structures
- this happened before he got there
- but, since they are a nonprofit, they have budgetary constraints, operating on a seasonal budget
- the house on the right was rehabbed in 2010; they can do only 1 house at a time
- Oct 21, 2010, the house in question was changed to a Cat 3 VB - Condemned, subject to demo
- there was an Order to demo, so they did that
- he remembers getting an Order saying that the lot needed to be maintained - trash, grass, etc. and since he's been there, he and his students would clean-up, mow the grass and shoveled the snow (contracted)
- Mr. Yannarely and his office have been very lenient with them
- when he came, the variance was nearly up; the variance is expensive - \$520 - so, he came down to DSI and talked to them and they gave him an extension and they became active in permitting but the plan didn't work; he worked with Ms. Tilley and everything got redlined; he completed everything that was asked for but the estimated cost became way too much and wasn't doable; he went to their board and told them that they needed to get a new plan
- Nov 2013, he brought in a new architect, Paul Ormseth, who has put in a plan; they resubmitted the variance; entered a receipt for that
- variance hearing is scheduled for Jul 7, 2014
- Mr. Ormseth met with YaYa Diata and drew up plans to cover everything
- his background is construction manager
- the main problem with the initial plan was the retaining walls, etc; the lot is tight- it's not conforming
- is asking for just a little more time; he understands that it's been a very long time
- his program is directly related to what he teaches at the school
- even with this structure, they will be desperate for space

Mr. Yannarely:

- the last complaint received was from Councilmember Thune's Office

Ms. Moermond:

- when the Council took this to vote back in 2011 - to have this building removed, some of the language in that Resolution said that the "hole needs to be filled and the site stabilized" (ground cover-grass) but that didn't happen right away but it was

*Ordered to have happened; DSI was cutting you a break, hoping to get it addressed
- building on this property can wait for a while as far as she's concerned; she needs to see an end game, something the city can rely on (she understands the situation - a nonprofit operating on a shoestring, etc.)*

- there's been 2 years worth of breaks without any progress

Mr. Odom:

- they have everything in place to start once they secure a permit

- they paid Mr. Ormseth to handle that entire process; currently, he's on vacation and will be back tomorrow

Ms. Moermond:

- wants to put this on the City Council agenda for Jul 9, 2014, 2 days after the Board of Zoning Appeals Hearing

Mr. Odom:

- the city won't allow us to submit the plans until we have the variance

- Mr. Ormseth is working directly with YaYa Diata, who took a look at the plans and said, "Let's go ahead and submit them"

- asked if there was anything they could do to show good faith; he is committed to getting this started ASAP

- his goal is to be framed-in and sheet-rocked before the snow falls

Ms. Moermond:

- will Lay this OVER to Jul 8, 2014 LH; the BZA will have ruled at that time

- would love to have his architect present at the Jul 8 LH

- City Council Public Hearing will be the next day, Jul 9, 2014

- if you don't have your variance by Jul 8, that hole will need to be filled by Jul 18, 2014

- if you have your variance, she will set up conditions about how quickly the project needs to be done whether or not you meeting your timeline

Mr. Odom:

- he will make the deadlines

Referred to the City Council due back on 7/9/2014

Correction Orders

- 5** [RLH CO 14-7](#) Appeal of Erin Pavlica to a Order to Provide Garbage Service at 1226 CHARLES AVENUE.

Sponsors: Stark

Appeal withdrawn per Steve Magner. Appellant is sharing garbage service with neighbor.

Withdrawn

Orders To Vacate, Condemnations and Revocations (NONE)

1:30 p.m. Hearings

Fire Certificates of Occupancy

6 [RLH FCO 14-68](#) Appeal of Patty McDonald to a Fire Inspection Correction Notice at 461 MCKNIGHT ROAD SOUTH.

Sponsors: Lantry

Grant the appeal.

RE: 461 McKnight Road South (Single Family)

Patricia McDonald and Carl Anderson, owners, appeared.

Ms. Moermond:

- we are following up on the water flow issue

Ms. McDonald:

- got a copy of Tom Beach's letter

- Mr. Beach came out

- she is frustrated with both of them; she called both Tom Beach and Wes Saunders Pierce that day; she talked to Mr. Beach and told him the situation and forwarded all the information; she never heard back from them; tried calling again and didn't get a message back

- she sent a letter of disappointment and emailed them again

- she sent all the information to both guys; never heard back

- she names of some of the people who were involved in the first place:

Ramsey-Washington Metro Watershed District; Joe Mueller, St. Paul, official contact on the project (Aaron Hass has taken over his position)

- she emailed Aaron Hass, too and didn't hear back

- finally, she called Wendy Lane, Tom Beach's supervisor; after she called Ms. Lane and left a message, she finally got a call from Tom Beach

- she spoke with Mr. Beach about the issue; he seemed to think it was just a driveway issue

- when she asked Mr. Beach about a solution, he said, "That would be expensive" that's all he said

- she asked Mr. Beach to come and look at it but he said that he didn't drive anymore and maybe he could get there later this week

- it was very frustrating

- when Mr. Beach got there, he looked at the driveway part, then, she showed him the rest and he said, "That would be expensive to fix"

- Mr. Saunders Pierce never came out and she never heard back from him - nothing

- she entered the Feasibility Report on Mailand-McKnight Road Gully Erosion put out by the cities of Maplewood and St. Paul, Ramsey County and prepared for the Ramsey-Washington Metro Watershed District (attached)

- she also submitted a copy of her statement in which she said that their main goal is to keep the water from getting into the garage and the house (attached)

- it would also be nice if the back yard didn't get filled with water

- they have done the best they could to keep the water from the garage and house

- she called around to see if they could get residential porous asphalt and found out that they can't; examples of porous asphalt that she found are in city projects; and many of the asphalt companies hadn't even heard of it; Bituminous Roadways make the produce but don't do any residential work

- she also talked about all the research she did on porous asphalt

- doesn't think that they should have to pay to solve the entire problem

- a French drain installation perhaps could work (go under the driveway)

- there are solution to the whole problem but they are costly

- for now, she just wants to add Class 5 to the driveway

- they continue to grade the surface so that it remains porous; there's a little bit of a

dip before the swale

- they have gotten quotes from companies to come and jack up the garage apron, the sidewalk along the house and the sidewalk in front of the stairs - over the years, it has settled because of the water problem

- they can do pea gravel

- originally, McKnight Road didn't flood; in 1965, they raised it about 12 inches and paved it

Ms. Moermond:

- she knows that Mr. Beach and Mr. Saunders Pierce did talk back at the office

- she needs to get the materials to be shared with city staff

- these are unique circumstances that justify a variance

- will recommend granting this appeal; gravel is great

Referred to the City Council due back on 7/9/2014

2:30 p.m. Hearings

Vacant Building Registrations

- 7 [RLH VBR 14-46](#) Appeal of Daniel Diaz to a Vacant Building Registration Notice at 14 SYCAMORE STREET WEST.

Sponsors: Thao

Waive the Vacant Building fee for 90 days to get Fire Certificate of Occupancy re-instated.

RE: 14 Sycamore Street West (Single Family)

Daniel Diaz appeared.

Mr. Diaz:

- his mother will be moving back in

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection process started in Feb 2014; there has been no show by the property owner; the tenants did not know about any inspections; and no repairs have been done

- all the letters went to Tom Delisle, listed owner by Ramsey County

- she is confused because Mr. Diaz says that his mother is moving back in; for all intents and purposes, this is a rental property and not owner-occupied

- a lot of issues haven't been taken care of for a long time

- deferred maintenance and long term noncompliance

- was sent to the Vacant Building Program

Matt Dornfeld, Vacant Buildings:

- he opened a Category 2 Vacant Building on May 7, 2014 per the C of O Revocation

- he documented that the building appeared vacant

- he issued a Summary Abatement for tires, garbage, rubble, scrap wood, discarded Christmas tree, junk and loose litter strewn throughout the yard

- he did not document any major violations

- posted VB placards

- too photos

- May 14, 2014, he re-inspected and there was no change in the yard

- issued a Work Order to clean up the yard; Parks cleaned it up May 14, 2014; assessment is pending for \$466
- also issued a Tall Grass/Weeds letter May 22; grass was cut by property owner, documented

Ms. Shaff:

- Inspector Brian Tonnancour on Feb 25, 2014 wrote Orders for 18 items, ranging from interior stairs guardrail, handrail, hot water heater in basement, address numbers, requiring main floor bedroom be rid of 50% of clutter, doors missing, exit obstructions, can't gain entry, smoke detectors, CO alarms, extermination

Mr. Diaz:

- his mom has been living there 19-20 years
- she and her husband bought the house Contract for Deed from Mr. Delisle
- his mom, his dad and his grandmother were all living there
- his dad died first; a few years later, his grandmother died and mom didn't want to live there alone so, his uncle lived there - has been staying there for the past 3 years (he doesn't speak good English); but Mr. Diaz pays the mortgage and Mr. Delisle has his phone number
- basically, his mom couldn't take care of the house anymore and asked him to take care of the house
- now, when all this paperwork came in, he didn't know anything about it because Mr. Delisle said that he had no way of contacting Mr. Diaz; however, his address and telephone number is on the checks that he writes to Mr. Delisle and the checks are cleaning
- thinks that the cost for the city to remove things from the yard is excessive
- his uncle planned on moving out in May because his mother wanted to move back in May 1, 2014
- the house is almost paid off (\$2500-\$2800 left)
- the excuse he had from Mr. Delisle was that he didn't know how to contact him; so, after all this paperwork went to him, Mr. Delisle said the Mr. Diaz better take care of things
- he is trying to get the house back up to code
- his brother is going to move back into the house with his mom so that she won't be living there alone
- this was never a rental property
- his mom lives on Social Security

Ms. Shaff:

- recommend his mother contacts Southern Minnesota Regional Legal Services (SMRLS), their senior attorneys, who specialize in some of these things because legally, the house is hers
- would definitely recommend legal counsel because this is very important
- Mr. Delisle has legal counsel; his mom should, too.

Mr. Diaz:

- his mom has dementia

Ms. Moermond:

- the property value (\$51,500) is much more than \$2500 right now
- she thinks that Mr. Diaz and his mom need to get the Contract for Deed registered
- you are about to have a huge asset in your hands, the house, valued at \$51,500
- we need to get the house into your mom's name
- the city will send letters just to your mom once the house is in her name
- his mother is older; English is her second language; and she is having difficulty comprehending and remembering things, so, it would be in her and Mr. Diaz' interest

to have legal aid (SMRLS)
- the city wants your interests protected

Mr. Diaz:

- she does speak English but her mind isn't quite the same
- his mom has the Contract
- asked if he could get a permit to start getting house back up to code; he and his brothers will get it all taken care of

Ms. Shaff:

- there is a lot on the list that does not require a permit
- the Fuel Burning Equipment Report requires a permit and be done by a licensed heating contractor; it wouldn't need to be done in an owner-occupied house but she would recommend that it be done

Mr. Diaz:

- there is a brand new furnace in the house, a Lennox; installed by his brother

Ms. Moermond:

- so Mr. Diaz and his 4 brothers can do the work that needs to be done
- but you will need to hire a licensed contractor to do the Fuel Burning Equipment Test; we need to make sure that the furnace is functioning properly

Mr. Diaz:

- a month will be plenty of time to finish
- they want to paint the walls, shampoo the carpets and repair the railings, etc.

Ms. Moermond:

- call SMRLS, 651-222-5863; you will probably need to go into the office for intake information
- get the house in Mr. Diaz' mom's name; list his name as a contact
- let SMRLS, the professionals, handle this
- will grant Mr. Diaz 1 month to get this work done
- as soon as everything is done and a city inspector has gone through the house to confirm that it's done, they Mr. Diaz' mother can move back in
- we will re-assign this case to Ms. Shaff
- will recommend that the VB fee is waived for 90 days

Referred to the City Council due back on 7/9/2014

Other

8 [RLH OA 14-7](#)

Appeal of George Prine to a Denial of Request for Fence Variance at 5 CROCUS HILL.

Sponsors: Thune

Grant an 18 inch variance for the fence being installed.

RE: 5 Crocus Hill (Single Family)

George Prine appeared.

Ms. Moermond:

- we don't have a building inspector here today
- this fence permit variance wasn't granted

- Appellant is asking for a 90 foot privacy fence, 8 feet high
- it's on a corner lot; fence in rear (alley) side only

Mr. Prine:

- Mr. Wagner suggested that he appeal to LH
- provided photos
- the field inspector recommended granting the variance; Mr. Ubl denied the variance and then said to talk to LH
- the fence would but up against the beautiful brick wall that's 8 ft 6 in; there's multiple family housing on the other side of that brick wall
- it's all high density
- the traffic is one of the big issues in the back; people park large trucks on the driveway along the old fence
- want to use Western Red Cedar for the fence
- they have all the yard landscaped but they are still looking at trucks and garages, etc.; the traffic cuts through back there

Ms. Moermond:

- looking for an 18-inch variance
- on the inside of the alley fence, they will be putting tall trees and ornamental grasses, etc (brought out the plans)
- there's no gates for the driveway
- will recommend an 18 inch variance to the Councilmember and if he's OK with it, Mr. Prine won't need to come to the City Council Public Hearing; if the Councilmember isn't OK with it, Ms. Moermond will let Mr. Prine know so that he can come to the CCPH and make the case to the Council

Referred to the City Council due back on 7/9/2014