

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
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651-266-8585

Tuesday, October 14, 2014

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

NONE

11:00 a.m. Hearings

Summary Abatement Orders

- 1 [RLH SAO 14-39](#) Appeal of Barry Kostyk to a Summary Abatement Order at 349 COOK AVENUE EAST.
Sponsors: Brendmoen
Withdrawn
- 2 [RLH SAO 14-37](#) Appeal of Catherine Walsh to a Vehicle Abatement Order at 1080 NORTON STREET. (To be referred back into Legislative Hearing April 14, 2015)
Sponsors: Brendmoen
Catherine Walsh, owner, appeared.

Ms. Moermond:
- had not completed her work with Public Works; she thought that someone from PW staff would be here today but there was some miscommunication, evidently because staff is not here
- would like to get a proposal to vacate the Right-of-Way because there is no alley there and there is not going to be an alley there
- would like to allow access for the people with garages off the alley (2-3 properties); everyone else has garages in the front and they access from the street
- her husband has always kept the area clean because people dump there
- there has never been a problem with them accessing their garages from the alley and her husband has always maintained it
- there has been no problems or concerns from others for 50 years

Ms. Walsh:
- suggested that perhaps it would be simpler to contact whomever complained and ask if they have any more problems

Ms. Moermond:

- might be overstepping her bounds but she'd like to grant the Appellant a variance to park there for 6 months (thru the winter); and during that time period, work with the City Attorney's Office about a solution
- will ask City Council to send this back to LH in 6 months to see how it's going
- requested that Ms. Walsh get a letter from the property owner of 1079 Arundel saying that the Walshes are allowed to continue to park and use the unapproved right-a-way (alley); send it to Ms. Moermond (she will not concern herself with the Walshes parking there if they have a written agreement from 1079 Arundel)
- Legislative Hearing Officer recommends the City Council refer this issue back to the April 14, 2015 Legislative Hearing and grant a temporary variance until that time.

Legislative Hearing Officer recommends the City Council refer this issue to the April 14, 2015 Legislative Hearing and grant a temporary variance until that time.

Referred to the City Council; due back on 11/5/2014.

1:30 p.m. Hearings

Fire Certificates of Occupancy

3 [RLH FCO](#)
[14-150](#)

Appeal of Daniel D. Arndt to a Fire Inspection Correction Notice at 1164 CHARLES AVENUE.

Sponsors: Stark

Daniel D. Arndt, trustee and his son appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice issued by Fire Inspector Jeremy Hall
- Inspector Hall send out a couple appointment letters to conduct an inspection
- this property has never been inspected by their office; has a Provisional C of O
- he spoke with Mr. Arndt prior to this hearing
- Mr. Arndt and his wife purchased this property for their son approximately 10 years ago (TISH)
- the Arndts are currently living in WI and their adult son and his wife occupy this property
- Mr. Arndt is the primary care giver for the occupants
- the Arndts are asking to be exempt from the Fire C of O Program

Ms. Moermond:

- Legislative Hearing Officer recommends that this property be exempt from the Fire Certificate of Occupancy program.

Legislative Hearing Officer recommends that this property be exempt from the Fire Certificate of Occupancy program.

Referred to the City Council; due back on 11/5/2014.

4 [RLH FCO](#)
[14-154](#)

Appeal of IBEW Local 23 to a Fire Inspection Correction Notice at 932 PAYNE AVENUE.

Sponsors: Bostrom

Michael H. Hoppe, IBEW Local 23 business manager/financial secretary, appeared.

Fire Inspector A. J. Neis:

- *Fire Certificate of Occupancy Correction Notice (mixed occupancy: offices on main level and residential units upstairs that have always been vacant)*
- *there's a mutual understanding between their office and ours that they don't occupy that space; it's not used; and we issue the C of O for the main level of the building, only, which has had a good history of compliance*
- *Inspector Schmidt did the inspection of the whole building (has always been inspected in the past)*
- *he issued Orders to repair some of the walls and ceilings in the kitchen and bathroom of the upstairs units, which are not in use*
- *the property is up for sale and they don't want to make any repairs - holding out to see what the future buyer would like to do with the upstairs space*
- *appealed is the Order to repair the walls and ceilings of the 2nd floor*
- *fire separation was not called out so he doesn't see it being an issue*
- *nonconforming use*

Ms. Moermond:

- *Legislative Hearing Officer recommends granting an appeal for the current tenancy.*
- *the issue will need to be revisited when someone else is occupying the building*

Legislative Hearing Officer recommends granting an appeal for the current tenancy. This issue will be revisited when someone else is occupying the building.

Referred to the City Council; due back on 11/5/2014.

5 [RLH FCO
14-151](#)

Appeal of Harry "Dutch" Erkenbrack to a Fire Inspection Correction Notice at 429 ROBERT STREET SOUTH.

Sponsors: Thune

Harry "Dutch" Erkenbrack appeared.

Fire Inspector A. J. Neis:

- *Fire Certificate of Occupancy Correction Notice issued by Fire Inspector Sean Westenhofer Sep 29, 2014*
- *appealed are the awnings on the 2nd floor, east side of the building - #4 and some other Orders*
- *they believe that the awnings have not changed since they purchased the property*
- *they are asking for additional time to make the required repair/replacement*
- *no photos in file*

Mr. Erkenbrack:

- *is appealing only the awnings; the rest of the items have been taken care of*
- *financial burden right now*
- *they bought it as Condemned in 2000 and opened in 2009; it went through all the inspection processes; everything was brought up to code*
- *the awnings were the same as when they bought the building; there's awnings all the way around the building but the ones on the east side are the ones that are deteriorating (2nd level); the awnings on the other sides have 25 years of wear on them, as well, but they aren't deteriorating*
- *they are left with the option of repairing them or removing them*
- *taking them down would leave the building looking a little awkward and repairing them now would require a substantial amount of money: \$3,000-\$4,000*

Ms. Moermond:

- *viewed these awnings at Mr. Neis' lap top*

- the east side awnings are broken thru - canvas rotted by weather; half umbrella style
- the awnings on the other sides of the building are in better shape

Mr. Erkenbrack:

- they have done so much other work: new flooring; new patio; etc.
- had to put in an all new security system
- he wants the awnings repaired or replace, too,
- requests additional time - maybe another year

Mr. Neis:

- awnings don't look structurally deficient; the canvas is worn
- some options: 1) remove the east side awnings - no cost; and we would not care how long it took to replace them; 2) repair them; or 3) replace them

Mr. Erkenbrack:

- has a few bids to remove the awnings; they are around \$700

Ms. Moermond:

- the call is legitimate; they have not been properly maintained
- Legislative Hearing Officer recommends that the owner remove, repair, or replace the awnings by November 14, 2014.
- can ask City Council for additional time

Legislative Hearing Officer recommends that the owner remove, repair, or replace the awnings by November 14, 2014.

Referred to the City Council; due back on 11/5/2014.

2:30 p.m. Hearings

Vacant Building Registrations

- 6 [RLH VBR 14-79](#) Appeal of Keith Hayes to a Vacant Building Registration Notice at 318 FRONT AVENUE.

Sponsors: Thao

Legislative Hearing Officer recommends denying the appeal.

Keith Hayes, owner, appeared.

Chad Lemmons, attorney, representing Mr. Hayes, appeared.

Jeff DeLisle also appeared.

Ms. Moermond:

- City Council denied Mr. Hayes' appeal upholding the Condemnation and forwarding it to the Vacant Building Program

Fire Inspector A. J. Neis:

- was Condemned Aug 21, 2014; it was upheld by City Council; appeal was denied; referred to Vacant Building Program
- only a sheet rock permit is open; no final on it
- no electrical or plumbing permits have been pulled; however, electric and plumbing work were done
- the walls were closed without inspection

Rich Singerhouse, Vacant Buildings:

- Inspector Kalis opened up a Category 2 Vacant Building Oct 1, 2014; also wrote a Summary Abatement to secure the building; it was secured the next time he visited; a garbage Summary Abatement was also issued Oct 6, 2014 and that refuse was removed by owner on Oct 13, 2014

Mr. Lemmons:

- Mr. DeLisle had someone come out and followed up on the electrical; they have no letter from that electrician, however; no permit, either
- his understanding was that all that had to be done was to re-install the 2 GFIs that had been incorrectly installed
- explained that Mr. Hayes does not read very well and he assumed that as a homeowner, he could do a lot of this work himself
- Mr. DeLisle explained to Mr. Hayes that a licensed electrician needs to do electrical work; they will get that straightened out

Ms. Moermond:

- big concern about the walls being closed up is that the city doesn't know what is behind that sheet rock

Mr. Neis:

- there's a lot more than just 2 GFI outlets

Mr. Hayes:

- the list says that some things might require permits for electricity and plumbing but he has been doing his own electricity and plumbing for 35 years; he didn't feel that he needed those 2 permits
- everything on that list is all done
- just need the inspectors to come out and check out everything
- is asking that the VB be dropped
- he understands now that he needs to get permits for electric and plumbing; he has the permit for the sheet rock
- has photos

Mr. Lemmons:

- the electric and plumbing issues will be handled properly; permits pulled by licensed contractors
- they do understand, that it's a Condemned property and no one can occupy the property; and before permits can be pulled; this needs got off the VB list and before it can get off the VB list, it needs a Code Compliance Inspection; Mr. Hayes understands that now
- went thru the list:
 1. frayed carpet: has been secure to the stairway
 5. address numbers: they are there; showed pictures of exterior of the building
 6. stairways -front and rear have been cleaned-up
 7. remove all vehicles: there were no vehicles there today; none in the garage; none in the street; none on the property
 - 8.-9. don't know if proper inspection has been done; garage does have material in it stored in an orderly manner; he didn't see any combustion materials in the garage (Ms. Moermond: she saw very large piles; it's very hard to know if there are combustibles under those piles)
 10. plumbing - he did that himself; will hire a plumber to verify the work; get permit
 - 11.-17. electrical issues; will hire a licensed electrician, get permits

Mr. DeLisle:

- Ken Moline, American Electric, said that everything was OK; no safety issues (Ms. Moermond: need a permit)

18. the windows were free from obstructions; the room was empty except for an empty black trash bag

19. Mr. Hayes has removed all unapproved locks

20. zoning: property is vacant and Mr. Hayes understands that once the Condemnation has been lifted, it can be occupied only as a single family residence

Mr. Neis:

- this property has had a long-term history of being run as a rooming house and allowed illegal sleeping in the basement, in rooms with no egress even though it is a legal single family dwelling

- we had discussed this with Mr. Hayes during the appeal process; he was to keep no more than 4 unrelated adults in the house

- the day that he went back with SPPD, Mr. Hayes had admitted to allowing more people to move in with him

- furthermore, back in 2003, Code Enforcement received a complaint of too many residents living in this house

- 2008: police issues there; also a complaint of being over-occupied

- 2009: complaint of people living in the basement; more police issues

- 2014: complaint of disorderly house; people sleeping in the basement; people coming and going; a lot of activities

Mr. DeLisle:

- Mr. Hayes tried to remove the person sleeping in the basement but he wouldn't leave

Mr. Hayes:

- when Inspector Neis came back, the house was not over-occupied

- 2 people were helping me and they were sleeping in the living room

- some tenants moved others in without his knowledge (girlfriend, kids, etc.)

Mr. Lemmons:

- Mr. Hayes did not intentionally, allow all these people to live there

- the best he could do with those uninvited people was to either call the police or bring eviction action; an Unlawful Detainer still takes 3 weeks to get done; normally, it takes 6 weeks to get the people out completely

Mr. Neis:

- this is a legal single family dwelling zoned B-2: legal nonconforming use (Mr.

DeLisle: at one time, this was a piece of commercial property)

Mr. Lemmons:

- continues with the list:

22. extermination of insects - Mr. Hayes bombed it himself to get rid of roaches; he did not hire anyone; he used 3 cans

Ms. Moermond:

- when you have large piles of things, you aren't able to get into those piles with bombs (Mr. DeLisle: those piles are gone now)

Mr. Lemmons:

- he proposes that Mr. Hayes hires a professional exterminator and have the report sent to Ms. Moermond

23. light fixtures: he replaced the globes in the basement

25. repair/maintain walls and ceilings: he repaired walls and ceilings; painted

- Mr. Hayes repaired the kitchen cabinets and countertop; fixed the water faucet

- another cabinet needs to be installed; it's been delivered but it's the wrong size
30. has made sure that there's 30 inches of clearance around the furnace and water heater; all debris is removed from the basement

Mr. Neis:

- new sheet rock that Mr. Hayes installed in the basement must be removed to inspect the walls - electricity
- Romax was pinched, frayed and then concealed (in previous inspection); has no idea what's underneath the sheet rock
- smoke detectors: 1 on each level of the house; 1 in each bedroom and 1 outside each bedroom

Mr. Hayes:

- Habitat for Humanity is going to come in and replace the windows; upgrade the electricity and plumbing; got a grant for \$12,000

Ms. Moermond:

- Habitat will be able to come in and do their work; it's just a matter of timing
- referred him to House Calls Program for a dumpster and other housing services after the last LH

Mr. Hayes:

- he told Ms. Witgenstein that he was working on the house and didn't need housing

Mr. Neis:

- read email from Kay Witgenstein Sep 23, 2014: I called and spoke with Keith Hayes. He is quite sure, very confident that that house will be ready by 10-1. I discussed the need to have a place to stay if it doesn't pass but he is sure that it will pass. He mentioned that he could be in the house during the day, not at night, until everything is fixed. At this point, I don't think I have enough to open up a file.
- mentioned that there's a large crack in the stucco on the garage area

Mr. Lemmons:

- exterior of the building seems to be fine and the yard was pretty clean, too
- the garage is not really attached to the house; they are separate structures; there's a walkway between the garage and the house

Mr. DeLisle:

- Mr. Hayes has had 2 Contracts for Deed with him; he owns it now; owes about \$59,000

Ms. Moermond:

- this property was Condemned; Condemnation was appealed; she recommended that the City Council deny the appeal but give a little time to repair or vacate; the Council decided to give him another couple weeks beyond that to give him a chance to get things fixed or get out; compliance didn't happen and the building went to the Vacant Building Program, Category 2 under Chapter 43 of the code
- you want to role back way and address the items that were on the Condemnation list because you don't want to go into the VB Program but she thinks that this building needs a Code Compliance Inspection
- is sorry that Mr. Hayes finds himself in this circumstance; she is very concerned about him and where he's going to be living
- she doesn't think it will be a workable situation until it's fixed properly under permit and inspected
- the plumbing has no venting and there are electrical issues throughout
- work was done without permits; it needs permits and a sign-off from inspectors

- Mr. Hayes needs to contact Kay Witgenstein, House Calls Program, Ramsey County 266-1285
- she is not confident that Mr. Hayes can manage all of this from what she's seen so far; he's in over his head on all of this

Mr. Hayes:

- I been getting stuff done

Ms. Moermond:

- the over-occupancy problem seems to re-present itself over the years and it's likely to create a disorderly house situation again, moving forward
- guesses that Mr. Hayes likes to have people around; and it also helps to get a little money to pay the bills but that has not been working out
- some people are taking advantage of him and his good nature
- she can't fix this for him; she can't get him out of the VB Program and look at the Condemnation list again; there are too many problems

Mr. Lemmons:

- he has dealt with many elderly clients over the years and he sees what's going on here and it bothers him but it's not Mr. Hayes' doing; people take advantage of his good nature
- would like to know what Habitat for Humanity proposes to do for this property - they are a good organization

Ms. Moermond:

- 3 problems: 1) need to find stable, safe housing for Mr. Hayes (he can't live there while this work gets done; he can go back when everything is fixed); 2) need to get the Code Compliance Inspection (Habitat could use that report-"to do list"- to guide them in their repairs); and 3) Mr. Hayes needs to have someone watching out for him (Mr. Lemmons agreed to help him out with that; he said that he'll stick around for the long haul)
- City Council Public Hearing Nov 5, 2014 at 5:30 pm
- Mr. Hayes will get a letter; copy Mr. Lemmons and Mr. DeLisle
- he can go over and clean and do minor repairs from 8 am - 8 pm
- probably looking at 6 months before he can move back in again

**Legislative Hearing Officer recommends denying the appeal.
Referred to the City Council; due back on 11/5/2014.**

- 7 [RLH VBR 14-78](#) Appeal of Paul and Rebecca Novak to a Vacant Building Registration Fee at 1443 HAGUE AVENUE.

Sponsors: Thao

Withdrawn

- 8 [RLH VBR 14-77](#) Appeal of William Jasinski to a Vacant Building Registration Notice at 1208 MARGARET STREET.

Sponsors: Lantry

Withdrawn

- 9 [RLH VBR 14-80](#) Appeal of Alexis Vigliotti to a Vacant Building Registration Fee at 573 SAINT CLAIR AVENUE.

Sponsors: Thune

Alexis Vigliotti, owner, appeared.

Inspector Rich Singerhouse, Vacant Buildings:

- Code Inspector John Ross Condemned this building for lack of electric service Aug 14, 2014*
- Vacant Building Inspector Matt Dornfeld opened a Category 2 Vacant Building Aug 19, 2014*
- no Code Compliance Inspection Report*
- no permits open*

Ms. Vigliotti:

- since then, she has the electricity back on*
- just started a new job*
- would like to have the Vacant Building sign off; since the VB signs have been on, her house has been robbed*

Fire Inspector Neis:

- called Xcel to confirm that the power was back on*

Ms. Moermond:

- if the electric service is confirmed, you're appeal is granted*

Mr. Neis:

- the electricity at 573 Saint Clair is on*

Ms. Moermond:

- Legislative Hearing Officer recommends granting the appeal so that the owner is no longer in the vacant building program.*

Legislative Hearing Officer recommends granting the appeal so that the owner is no longer in the vacant building program.

Referred to the City Council; due back on 11/5/2014.