



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, March 31, 2015

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 15-9](#) Ordering the razing and removal of the structures at 1404 BARCLAY STREET within fifteen (15) days after the April 15, 2015, City Council Public Hearing.

Sponsors: Bostrom

Inspector Steve Magner, Vacant Buildings:

-The building is a one-story, wood frame, single-family dwelling, with a detached one-stall garage, on a lot of 8,276 square feet. According to our files, it has been a vacant building since April 12, 2011.

-The current property owner is Edward R. Hermann (deceased) per AMANDA and Ramsey County Property records.

-On December 17, 2014, 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 January 13, 2015 with a compliance date of February 12, 2015. 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 \$16,600 on the land and \$88,400 on the building (864 sq.ft. house).

-Real estate taxes for 2010 through 2014 are delinquent in the amount of \$24,805.04, which includes penalty and interest. Property is scheduled for tax forfeiture July 2016.

-The Vacant Building registration fees were paid by assessment on April 30, 2014.

-As of March 30, 2015, a Code Compliance Inspection has not been done.

-As of March 30, 2015, the \$5,000 performance deposit has not been posted.

-There have been twenty-six (26) SUMMARY ABATEMENT NOTICES since 2011.

-There have been twenty-two (22) WORK ORDERS issued for:

- Garbage/rubbish*
- Boarding/securing*
- Tall grass/weeds*
- Snow/ice*

-Code Enforcement Officers estimate the cost to repair this structure exceeds \$45,000. The estimated cost to demolish exceeds \$12,000.

-DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to 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.

-The city has been maintaining it; looks like it's been abandoned.
 -Mr. Hermann's obituary was published in Apr 2012; he read it

Amy Spong, Heritage Preservation Commission (HPC):

- 1946 building; original owner on index card is C. Pittman
- was not identified in the 1983 Historic Site Survey (too young) and the city has not done any additional survey work since then in this part of St. Paul
- it doesn't appear to possess any historic significance or have any potential for possessing any historic significance
- there's covering over the early siding
- demolition would not have an adverse affect

Ms. Moermond:

- based on the condition of the property and the fact that we won't have any responsible party coming forward
- will recommend ordering this building removed within 15 days with no option for its rehabilitation

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

Referred to the City Council due back on 4/15/2015

2 [RLH RR 15-10](#)

Ordering the razing and removal of the structures at 1192 DALE STREET NORTH within fifteen (15) days after the April 15, 2015, City Council Public Hearing.

Sponsors: Brendmoen

Inspector Steve Magner, Vacant Buildings:

- The building is a two-story, wood frame, commercial dwelling on a lot of 12,632 square feet. According to our files, it has been a vacant building since January 4, 2010.
- The current property owner is May Building Inc. per AMANDA and Ramsey County Property records.
- On December 30, 2014, 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 January 5, 2015 with a compliance date of February 4, 2015. 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 \$125,000 on the land and \$87,300 on the building.
- Real estate taxes are current.
- The Vacant Building registration fees were paid by assessment on January 30, 2015.
- As of March 30, 2015, a Team Inspection has not been done.
- As of March 30, 2015, the \$5,000 performance deposit has not been posted.
- There have been seventeen (17) SUMMARY ABATEMENT NOTICES since 2010.
- There have been eleven (11) WORK ORDERS issued for:
 - Garbage/rubbish
 - Grass/weeds
 - Snow/ice
 - Other – steel spikes in parking lot
- Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish is \$20,000 to \$25,000.
- it is their understanding that Mr. May has signed a contract with Buberl to take it down
- he was out there yesterday; Xcel was removing the gas service; the Asbestos Abatement is on-going; the Notices have been put in; the excavator is on site; he

spoke with the contractor later in the day and his plan is to remove the building this coming Mon, Apr 13, 2015

-DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to 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):

- originally built in 1913; a 2-story commercial building*
- looks like it may be concrete block; it says brick in the description*
- it has an addition around all 4 sides of the first story*
- it's on a corner but the integrity has been negatively affected from it's original construction*
- there's no Sanborn Insurance Map for this area*
- there's been a lot of alterations over the years*
- given it's loss of integrity, demolition will have no adverse affect*

Ms. Moermond:

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

Referred to the City Council due back on 4/15/2015

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

3 RLH VO 15-15 Appeal of Marc Hudson to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 975 BEECH STREET.

Sponsors: Finney

Marc and Marpessa Hudson, owners, appeared.

Fire Inspector Leanna Shaff:

- inspector was in the house in Jan; there was a list of things that needed to be done; you had recommended to Council that he had until Feb 9, 2015 to come into compliance*
- due to some illnesses, the inspector didn't make the appointment in time to make of compliance; he didn't get out there for another month and in Mar in found that the Orders had not been complied with*
- the inspector set a Vacate date*

Ms. Moermond:

- summarized the notes from the last LH Jan 6, 2015; Fire Inspector A. J. Neis was here that day - Inspector Brian Schmidt had done an inspection in Dec following a complaint that came in Dec 5 about a bathroom; he found 7 violations and scheduled a Fire C of O inspection; Mr. Hudson asked for more time and he didn't agree with some of the Orders; photos in the file; tenants were destruction - when Mr. Hudson goes in to fix things, the tenants just tear it up again; New Year's Eve, they smashed the bathroom mirror off the wall; they were drunk and already owed him \$50 late fee for Nov; they have no damage deposit; Mr. Hudson did not get a letter from the inspector until Dec 22, 2014 although it was postmarked Dec 8; he tries his best to help people who need help; need 4-5 more days*
- Fire Inspector Shaff staffed the next LH; there were 32 deficiency items on the C of O report; money is an issue - waiting for his business partners to pay up; heat*

inspection scheduled for Jan 15 and dryer vents; extra smoke detectors; Ryan told you that you didn't need a permit for some work but you actually did -we talked about getting that finalized

Mr. Hudson:

- he didn't really understand the things that Mr. Smith wanted him to do; he wanted him to get the water heater up to code - something was leaking and Dean replaced that; he didn't have to pull a permit; he has the receipt*
- the electrical work was done by an electrical contractor*
- permits were pulled; thinks the dates are wrong; he handed them and photos to Ms. Moermond; scanned*
- James came out and inspected the dryer vent*

Ms. Shaff:

- dryer venting: permits were pulled and finalized*

Mr. Hudson:

- house was built in 1889*
- introduced photos of the property*

Ms. Moermond:

- your switches and plugs pre-date the codes*

Ms. Shaff:

- I can explain: there is an assumption in the codes that a building is compliant under the code it was built; unless you remodel, replace, add-on, majority modify, we can't make the whole house come into today's standards; so, if that receptacle hadn't been changed out in many years, it wouldn't necessarily had to be a GFCI*

Ms. Moermond:

- let's go thru the Mar 11, 2015 Orders:*
- #1- don't see permit for water heater; Mr. Hudson replaced it himself; needs to get a mechanical contractor, who is licensed to work in St. Paul to make sure it was installed correctly; permits needs to be pulled and finalized*

Ms. Hudson:

- when can the placard be taken off the door; it's embarrassing*

Mr. Hudson:

- dryer exhaust - DONE*
- electrical fixtures - DONE*
- outlet in kitchen - DONE*
- holes in Unit 1 bath - DONE*
- electrical bath fixture - DONE*
- walls - DONE*
- smoke detector/CO - DONE; take down the one in the kitchen, bracket, too*

Ms. Moermond:

- call the company about the fuel burning equipment report (Standard Heating)*
- deal with the water heater permit issue*
- smoke detector needs to be signed after it's determined where they will be located; inspector will check*
- you can take down the placard*
- Grant until May 1, 2015 for compliance on everything. (Revocation placard can be removed from the house.)*

Referred to the City Council due back on 5/6/2015

1:30 p.m. Hearings**Fire Certificates of Occupancy**

- 4 **RLH FCO 15-44** Appeal of Scott Beck to a Correction Notice - Complaint Inspection at 694 BRADLEY STREET.

Sponsors: Brendmoen

Grant a variance on the ceiling height issue. (No hearing necessary)

Referred to the City Council due back on 5/6/2015

- 5 **RLH FCO 15-43** Appeal of Judy Toft to a Fire Inspection Correction Notice at 2111 BURNS AVENUE.

Sponsors: Finney

Judy Toft, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted by Inspector Laura Huseby on Mar 16, 2015

- 9 deficiencies were found; mostly exterior; rest are small interior

- exterior items are being appealed

- no photos

Ms. Toft:

- want an extension of time for doing exterior work and also for interior bathroom repair

- basement bathroom tile is chipping; she wants to get bids for a whole new floor

- painting and cement repair need warmer weather

- she had the garage door replaced already

- would like until Jun 1, 2015; she will go faster if she can but some of the workmen she's called don't even call back

Ms. Moermond:

- have the trash removed ASAP from NW corner of property

- will give her until Jul 1, 2015 for the exterior items

- will give her until Jun 1, 2015 for the interior

Grant until June 1, 2015 for the interior and grant until July 1, 2015 for the exterior on the condition that the trash from the northwest corner is abated right away.

Referred to the City Council due back on 5/6/2015

- 6 **RLH FCO 15-42** Appeal of Alfredo Medina to a Fire Inspection Correction Notice at 937 MINNEHAHA AVENUE WEST.

Sponsors: Thao

Alfredo Medina appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy Inspection conducted Mar 16, 2015 by Inspector

Wayne Spiering

- 44 Orders
- appealed today is item #42 ceiling height
- the maximum ceiling height is 6'8" - 4 inches shy of the 7' requirement
- photos were taken

Ms. Moermond:

- what proportion?

Ms. Shaff:

- 111.5 total sq.ft.; so, half of it

Ms. Moermond:

- will recommend granting a variance on the ceiling height

Mr. Medina:

- all the tires are out
- is waiting for the estimates on the brick item #11 on the garage and #14; contractors are looking at May
- all the rest is getting done; most is done
- they finished the gutters
- the yard is all clean
- vehicles have been taken care of

Ms. Moermond:

- will grant until May 1, 2015
- item #4 - the deadline is not clear; there's 2 different items in play: 1) Work Plan from a licensed structural engineer; and 2) getting the work done under permit; seems to her there should be 2 separate deadlines

Mr. Medina:

- waiting on contractors estimates

Ms. Moermond:

- her expectation is that he has a contractor and a Work Plan put together by Apr 16, 2015 and the work done by Jul 1, 2015
- Grant until April 16, 2015 to provide a report and work plan to perform repairs to the garage under permit; grant until July 1, 2015 to come into compliance.

Referred to the City Council due back on 5/6/2015

7 [RLH FCO 15-25](#) Appeal of Benjamin Roberts to an Inspection Appointment at 124 LEXINGTON PARKWAY NORTH.

Sponsors: Thao

Owner withdrew his appeal. Owner and daughter did not want to provide documentation relating to daughter's mental disorder status.

Withdrawn

2:30 p.m. Hearings

Vacant Building Registrations

8 RLH VBR 15-20 Appeal of Martin Hyndman to a Certificate of Code Compliance Requirement at 863 WINSLOW AVENUE.

Sponsors: Thune

Martin Hyndman appeared.

Fire Inspector Leanna Shaff:

- Jan 2013, Inspector Sean Westenhofer set out a letter for a Fire Certificate of Occupancy inspection date; he inspected the property and sent out the list on Feb 21, 2013

- inspector's notes: 3-19-13: he received an email from owner stating that he is going to remain living in the property; he will continue to make the repairs from the Fire C of O inspection and will contact me once he's ready to rent out the unit

- on 9-26-13 notes: Inspector Westenhofer spoke with the owner; he's selling the property

- 1-19-15 notes: Inspector Niemeyer talked to Inspector Westenhofer about this property; his notes say that it was pushed out to give him time to register homestead with the county; he checked with St. Paul Regional Water Services; they still show the owner living in Lake Elmo, so, he decided to stop at the property and make contact because all of his calls haven't been returned; later, he wrote that he stopped by the property and spoke with the tenant, who confirmed that the owner lives in Lake Elmo, not at this property

- 2-2-15, he writes that on 2-27-17, he met owner and wife at property and conducted re-inspection; owner stated that the occupants were not paying any rent; they were just house sitting for him until he could sell the property; they told him that they were concerned because the building is non-owner occupied; during the re-inspection, he found an illegal sleeping room in the basement and notified the owner that he was Condemning the basement with a re-inspection for the basement on 3-2-15 at noon to verify the basement was empty

- he writes on 3-2-15: attempted to conduct re-inspection today and was not able to gain entry to the bldg; called owner, he stated that it was the occupants responsibility to meet him and allow access; he asked if someone could be present on 3-3 meet him to verify the basement was empty; owner became loud and stated "You do what you have to do and I'll deal with it in 2 weeks when I get home;" I let him know that I was going to Revoke the C of O and send the file to the Vacant Building Program; Inspector Niemeyer posted the Revocation placard on the building

- through noncompliance and lack of cooperation from property owner over an extended period of time, the Fire C of O was Revoked and sent to VB

Inspector Matt Dornfeld, Vacant Buildings:

- Inspector Dennis Senty opened a Category 2 VB on Mar 3, 2015 per the referral from Fire Inspection Program

- Inspector Senty documented that on Mar 3, 2015, he noted that the house appeared to be occupied; dog inside; house secured; he posted VB Placards; garage was open to entry - south side door; he issued Orders to secure it

- Mar 10, 2015, owner called and stated that occupants had moved out but had not removed all of their things; he gave him 1 week extension; owner said house would be empty in a week.

- Mar 18, 2015, met owner at property; some boxed belongings still in house; some food items in kitchen; owner stated that he allows former tenants into the house to get their belongings; they return their keys; he is cleaning house; he does not leave tenants alone on property because of the condition of the property when he was finally able to get into the house; he is cleaning the kitchen today; stated that he is filing an appeal

- Mar 20, 2015, a Sears roofing contractor called about getting a permit to replace the roof; Inspector Senty explained the Cat 2 VB status and the pending appeal; the

roofer stated that he met 2 people at the property that he thought lived there; the owner was not on the property at the time
 - Inspector Senty also issued a Summary Abatement Order, which he closed out

Mr. Hyndman:

- appealing because he has definitely made some mistakes; he is trying to rectify the mistakes in the past
 - is going through the Correction Notice items and get it all done and squared away

Ms. Moermond:

- things haven't happened so far; wonders why things would be different in the future than they have been in the past?

Mr. Hyndman:

- he pretty close to finishing now; has a couple more on the list
 - property is empty; basement is empty
 - CO report on heating system still needs to be done; he is hoping for contractor to come tomorrow
 - items #20 and #21 are not done
 - is trying to sell it

Ms. Moermond:

- if you get your C of O re-instated by May 1, 2015, you don't have to go into the VB Program
 - the C of O Certificate can substitute for the TISH
 - Fire Inspection Program will need to confirm that all these things are done
 VB 2 file is closed; owner needs to get Fire C of O reinstated by May 1, 2015. If it's not reinstated, the property will enter the VB Program on May 4, 2015 and a code compliance will be required.

Referred to the City Council due back on 5/6/2015

3:00 p.m. Hearings

Other

- 9 [RLH OA 15-3](#) Appeal of Joseph Bianconi, on behalf of Blessed Sacrament Church, 2119 STILLWATER AVENUE, to a determination that no liquor could be consumed in their church.

Sponsors: Finney

Received a call from Joe Bianconi stating they are canceling their appeal. Appeal withdrawn.

Withdrawn