



City of Saint Paul

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Minutes - Final Legislative Hearings

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Tuesday, May 12, 2015

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Staff Reports

- 1 [SR 15-18](#) Reviewing request of owner to have Council reconsider its Order to Remove or Repair the Structures at 349 CURTICE STREET.

Sponsors: Thune

Resolution granting a stay of enforcement for removal will be placed on the May 20, 2015 City Council agenda.

John Dockry, Bank of America, owner, appeared.

Ms. Moermond:

- you were going to take care of some things

Mr. Dockry:

- he entered documents:

- two sworn construction statements signed by Bob Antoneson: 1) for the work that's been completed to date; and 2) for the work that is to take place; there's also a time line of that work in a calendar format

- affidavit of cost and funds available signed by the Vice President of Bank of American, indicating their commitment

- two receipts: 1) \$5,000 receipt for the previously forfeited bond that was paid yesterday; and 2) \$10,000 receipt for the performance deposit that was made yesterday

- cost to complete the project: \$50,000

Ms. Moermond and Inspector Steve Magner, Vacant Buildings, reviewed the documents.

Mr. Dockry:

- after receiving the code compliance inspection report, it became apparent that there is more to be done than just repairing the fire damage; they are adding a parking surface (regrading and re-excavating; and regrading for drainage, etc.) all part of the construction statement

- requesting additional time to finish

Ms. Moermond:

- Mr. Antoneson is thinking that it will take 6 weeks to complete it

- will recommend granting a 90-day stay of enforcement of the Order to Remove the

building under the conditions that have been met
- you can pull permits beginning this Thu, Mar 14, 2015
- the deposit will be refunded

Received and Filed

2 [SR 15-13](#)

Reviewing request of owner to have Council reconsider its Order to Remove or Repair the Structures at 872 SELBY AVENUE.

Sponsors: Thao

Father and son, James and Jerold Logan, owners, appeared.

Mr. Jerold Logan:
- a lot of things have been completed; entered documents

Ms. Moermond:
- it would be appropriate to get a bond instead of making a performance deposit; it's more affordable
- amount: \$5,000
- if we can get that, she will recommend granting until Sep 1, 2015 to come into compliance (120 days)
- get the bond posted and she will prepare that resolution for the City Council to consider next Wed, May 20, 2015; and if the bond is posted by that time, she will get the Resolution voted on right then and there; if the bond isn't posted by then, she will ask for a 2-week layover
Resolution granting a stay of enforcement for removal will be placed on the May 20, 2015 City Council agenda.

Received and Filed

3 [RLH TA 15-116](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1505, Assessment No. 158804 at 872 SELBY AVENUE. (Public hearing continued from May 6) (Public hearing to be continued to September 2, 2015)

Sponsors: Thao

Father and son, James and Jerold Logan, owners, appeared.

Ms. Moermond:
- tax assessment related to the Annual Vacant Building Registration fee
- she is hoping to get the work done and using that as an incentive

Mr. James Logan:
- taxes are not completely caught
- have a Confession of Judgment - they pay a certain amount at the end of Jan

Ms. Moermond:
- will ask the City Council to lay this VB tax assessment of \$1595 over to Sep 2, 2015
- anniversary date is Sep 1, 2015
- that amount will end up on the 2016 taxes anyway; if you get done earlier, all the better
Public hearing to be continued to September 2, 2015.

Referred to the City Council due back on 5/20/2015

4 [SR 15-25](#)

Reviewing request of David Sawin, Minnesota Catholic Credit Union, on behalf of Michael Russo to have Council reconsider its Order to Remove or Repair the Structures at 1220 VIRGINIA STREET.

Sponsors: Brendmoen

David Sawin, Minnesota Catholic Credit Union on behalf of Michael Russo, appeared.

Ms. Moermond:

- *this is an old file; the owner bought the building under troubling circumstances and his illness has kept him from fixing it; he is in financial straights*
- *now, we are talking with the Credit Union*

Mr. Sawin:

- *he was made aware of the Order to Remove about 3 weeks ago; he was unaware that was going on; so, he stepped in and also got Mr. Russo's brother involved (Mario Russo), who is going to help out with the situation*
- *unfortunately, the homeowner just doesn't have the strength to do any of the work; he wanted to do it all himself and was not willing to accept help; now, he is willing to accept help*
- *the Credit Union has lent money to him and his brother to finish the project*
- *they are not proceeding with a foreclosure*

Inspector Steve Magner, Vacant Buildings:

- *this goes back a ways*
- *original legislative hearing was Feb 12, 2013*
- *read the original Summary into the record:*
- *one-story wood frame single family dwelling with a 3-stall detached garage on a lot of 8,734 sq.ft.*
- *has been a vacant building since Jul 5, 2011*
- *the owner at that time was E H Pooled 211 LP per Ramsey County*
- *Dec 6, 2012, an inspection of building was conducted; a list of deficiencies which constitute a nuisance condition was developed; photos taken*
- *as Order to Abate a Nuisance Building posted Dec 10, 2012; compliance date Jan 9, 2013*
- *as of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code*
- *estimated market value on land: \$33,600; on building: \$21,800*
- *real estate taxes for 2012 were delinquent at that time*
- *vacant building registration fees had gone to assessment*
- *code compliance inspection had been performed*
- *\$5,000 performance deposit had not been posted*
- *7 Summary Abatement Orders*
- *2 Work Orders*
- *estimated repairs exceeded \$50,000; estimated demolition cost: \$8,000 - \$10,000*
- *no one appeared at that LH Feb 12, 2013*
- *Recommendation from the Hearing Officer for the Mar 6, 2013 City Council Public Hearing was to Remove the building within 15 days*
- *a letter was sent Feb 13, 2013 to E. H. Pooled telling him that a hearing was conducted and no one appeared; that the recommendation was being forwarded to Council*
- *Mar 7, 2013 a letter was sent to Michael Russo; he had appeared at the City Council Public Hearing; indicated that he had become the owner but did not have a Warranty Deed*

Ms. Moermond:

- *Mr. Russo was referred to the Attorney General's Office; it was found that there*

were misdeeds on the part of E.H. Pooled

Mr. Magner:

- at that point, the city was ready to move forward to Remove the building but stopped with the situation of Mr. Russo; he was told that we needed a rehab plan, funds in excess of \$50,000, and we needed to take care of the ownership issue
- ultimately, there was a Council resolution certified May 21, 2013 saying the property would be Removed within 15 days
- Nov 12, 2013 another resolution was passed giving Mr. Russo 180 days Stay to complete the project, at which time he posted the \$5,000 performance deposit and had additional representation who was going to help him: a contractor
- since then, that contractor called DSI and asked for a little more additional time and that the property would be done May 1, 2014; DSI said, "OK" but that has come and gone and here we are
- some work has been done but not enough to say that it's complete; we cannot sign-off on the property

Ms. Moermond:

- this property was not demolished because the demolition budget was busted last year because of a couple emergency demos; it would be on the docket this year but for this LH
- moving forward, we would like to keep it from being knocked down
- we do not have a current code compliance; the last one was done Jun 26, 2012
- the property has been maintained
- you'll get a letter of what you need to do - confirming the following conditions:
- you'll need to order a new Code Compliance Inspection
- and based on that inspection, you'll need to put together a Work Plan from start to finish with deadlines

Mr. Sawin:

- he is managing the construction loan with Mr. Russo
- he anticipates the project will be complete within the next 2 weeks
- he will provide a copy of the agreement with Mr. Russo
- the funding is there to finish
- has photos
- the outside is all done; the inside is almost all done: taping is done; kitchen cabinets are in; flooring is in
- we still need the electrician needs to come back to do his finishing work; plumber needs to do his finishing work; the furnace guy needs to actually install the new furnace and finish the duct work
- they have a letter indicating that they would have until Jun 1, 2015; his concern is that if something doesn't happen as planned, they have a couple extra weeks beyond Jun 1, 2015

Mr. Magner:

- read letter that Mr. Ubl sent out (attached) to Mr. Michael Russo; Advent Construction; Old Republic; and Kline Agency
- deadline - Jun 1, 2015; the \$5,000 performance deposit forfeiture will be extended to Jun 1, 2015; had been submitted Nov 4, 2013
- permits are from 2014

Mr. Sawin:

- believes that they will hit that date
- they want to make sure that things are done property; they are putting in an egress window although it doesn't require one; it will make it more saleable
- Mr. Russo understands that he can't stay there right now; is living on Social Security

disability

- his brother is helping him but he will have to sell it
- it's a fresh remodel; the house is beautiful

Ms. Moermond:

- thinks that this one requires a Seeger only code compliance inspection

Mr. Sawin:

- a rough-in inspection was done; the guy said, "Don't call me back until you're done and I'll do the final inspection"

Mr. Magner:

- Mr. Russo or the contractor can contact Mr. Seeger to come and verify what has been done; that's reasonable; can go to the DSI counter to request this
- he will also make note in the file that the LH is requiring this; so that Mr. Seeger knows about it

Ms. Moermond:

- we'll get that Seeger only inspection done
- all permits seem to have been pulled
- the money is sufficient; Mr. Sawin provided documents and photos
- Mr. Sawin can email a copy of the agreement
- keep the property maintained
- will recommend extending the performance deposit forfeiture deadline for a couple more weeks to Jun 15, 2015

Owner shall maintain the property; there will be a Jim Seeger inspection only. The bond deposit is extended to June 15, 2015.

Received and Filed

Remove/Repair Orders

- 5 [RLH RR 15-5](#) Ordering the rehabilitation or razing and removal of the structures at 668-670 CONWAY STREET within fifteen (15) days after the March 4, 2015, City Council Public Hearing. (Public hearing continued from April 1) (To be referred back to Legislative Hearing on June 9; City Council Public Hearing to be continued to June 17, 2015)

Sponsors: Lantry

Inspector Steve Magner, Vacant Buildings:

- had LH Feb 10, 2015; no one appeared; was Laid Over to Mar 10, 2015
- read the letter sent Feb 11, 2015 to Harbour View (attached)
- property is scheduled to forfeit Jul 31, 2015; delinquent taxes total: \$14,275.71
- City Council Public Hearing scheduled for Mar 4, 2014
- letter was sent Mar 12, 2015 to Ramsey CO Property Records & Revenue

Amy Spong, Heritage Preservation Commission (HPC):

- property is located within the Dayton's Bluff Historic District
- HPC held a hearing for potential demo Mar 12, 2015
- staff did a report and submitted their findings
- HPC voted unanimously (10-0) to recommend the City Council delay any Order to Remove the property; at least until after the tax forfeiture date later in 2015; and to undertake a timely and more complete evaluation of the condition of the property, inside and outside, to full determine the feasibility of rehabilitation and realize the

historic resource's full economic potential; she introduced their resolution
 - added that Edward Johnson and his wife, Mary, who live directly across the street at 667 Conway appeared; they are concerned about the loss of the building in the neighborhood; they believe it's an attractive building and it doesn't appear to be in serious condition; he said that there were people living there from time to time; he felt that the last owners may have gotten scammed in some way (they moved in May 2014 and he saw someone move out); he doesn't want a vacant lot; is concerned about demo; he was told by the city inspector that it was nice inside; he has been on the first floor - it has natural woodwork in good condition
 - she had a call from another neighbor, who did not make her testimony into the record because it was after the hearing; she is a realtor and also lives in this vicinity; she showed an interest; Ms. Spong encouraged her to call Dayton's Bluff District Council
 - HPC is encouraging to allow for more time, at least until the tax forfeiture
 - at the last LH in Mar, Ramsey Co representatives attended

Ms. Moermond:

- asked Mr. Magner if he had access to the interior of the structure

Mr. Magner:

- needs to talk with staff to see if DSI can still access it
 - doesn't know if there's a lock box there

Ms. Moermond:

- thinks that a fresh code compliance or a building only inspection would really inform the discussion right now about doing a layover
 - if DSI doesn't have access, maybe we could get an administrative warrant to gain access

Ms. Spong:

- whenever one of these properties is referred to HPC for an historic resource review; staff always makes an attempt to get into the property to try to, at least, give some more visual assessment; an attempt was made with DSI back in Mar, which was unsuccessful

Mr. Magner:

- he will check into gaining access

Ms. Moermond:

- she really wants to get in there to get some sort of assessment
 - will lay this over for 4 weeks to Jun 9, 2015 LH
 To be referred back to LH on June 9, 2015 and continue the City Council Public Hearing to June 17, 2015.

Referred to the City Council due back on 6/3/2015

6 [RLH RR 15-12](#)

Ordering the razing and removal of the structures at 1181 EDGERTON STREET within fifteen (15) days after the June 3, 2015, City Council Public Hearing.

Sponsors: Brendmoen

Augustine Wamuo, manager, appeared.

Inspector Steve Magner, Vacant Buildings:

- 2-story wood frame duplex on a lot of 4,356 sq.ft.
 - has been a vacant building since Oct 8, 2014

- current property owner is Virgie-n-Mary LLC per Ramsey County Records
- Feb 18, 2015 - inspection of building conducted; list of deficiencies which constitute a nuisance condition was developed; photos
- Order to Abate a Nuisance Building posted Mar 6, 2015; compliance date Apr 5, 2015
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$8,900 on the land; \$21,100 on the building
- real estate taxes are current
- VB fees were paid by assessment Dec 1, 2014
- as of May 8, 2015, a code compliance inspection has not been done
- as of May 8, 2015, the \$5,000 performance deposit has not been posted
- 3 Summary Abatement Notices since 2014; no Work Orders
- estimated cost to repair exceeds \$50,000; estimated cost to demolish exceeds \$12,000
- was Condemned by the Fire Certificate of Occupancy Program and referred to the VB Program as a dangerous structure because there had been a partial collapse of the south side foundation wall

Amy Spong, Heritage Preservation Commission (HPC):

- 1889 late Victorian era duplex built as income property; the builder built 4 of these similar houses in a row (only 3 left); all have projecting side bays
- this one had a 1 1/2 story barn located in the back of the lot
- all 3 of these houses had full width front porches that engaged with the bays; the porches are no longer there
- this area was last surveyed in 2011
- the area directly adjacent was identified as a potential historic district but this little group of 3 or 4 houses was cut out of that and not recommended because of their lack of integrity; there have been a lot of alterations
- siding has been covered; porches have been lost and replaced with stoops
- there are several vacant lots nearby on these 2 blockfaces
- submitted a map from the 2011 survey (NW Payne Phalen Potential Residential Historic District); you can see how this area was etched out
- unfortunately, it's not eligible for the national register and doesn't appear to be eligible on a local level or as part of a local historic district
- demolition would not have an adverse affect

Ms. Moermond:

- it's integrity is ultimately compromised because the foundation collapsed

Mr. Wamuo:

- Oct 17, 2014, I authorized the city to demolish this property
- he has tried to secure funds to rehab or demolish but the estimates were way too much for him to do it right now
- also wanted to talk about the tax assessment coming forward

Ms. Moermond:

- then, it needs to come down
- will recommend removal within 15 days with no option for rehabilitation
- the tax issue will come up later and we can talk about it then
- City Council Public Hearing will take place Jun 3, 2015
- Building removed in 15 days with no option for repair.

Referred to the City Council due back on 6/3/2015

870 FULLER AVENUE within fifteen (15) days after the June 3, 2015, City Council Public Hearing. (To be referred back to Legislative Hearing on June 9, 2015; City Council Public Hearing to be continued to June 17, 2015)

Sponsors: Thao

*E. Diane Smith, owner, appeared.
Andy Barnett appeared.*

Inspector Steve Magner, Vacant Buildings:

- one story wood frame single family dwelling with detached 2-stall garage on a lot of 4,792 sq.ft
- has been a vacant building since Jun 20, 2014
- current property owner is Juanita W. Oliver/E. Dianne Smith per Ramsey County records
- Mar 4, 2015 inspection was conducted; list of deficiencies which constitute a nuisance condition was developed; photos taken
- Order to Abate a Nuisance Building was posted on Mar 6, 2015; compliance date of Apr 5, 2015
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$20,000 on the land; \$60,200 on the building
- real estate taxes for 2014 are delinquent in the amount of \$2,244.38, which includes interest and penalties
- VB fees were paid by assessment Aug 4, 2014
- as of May 8, 2015, a code compliance inspection has not been done
- as of May 8, 2015, the \$5,000 performance deposit has not been posted
- 8 Summary Abatement Notices since 2014
- 9 Work Orders: garbage.rubbish; boarding/securing; tall grass/weeds; snow/ice
- estimated cost to repair exceeds \$75,000; estimated cost to demolish exceeds \$15,000

Amy Spong, Heritage Preservation Commission (HPC):

- 1 1/2 story built in 1908 by contractor/builder Robert Sinclair; original owner - Albert H. Woker House, a clerk for the Northern Pacific Railroad
- built as a single family dwelling; doesn't look as though it was turned into flats early on
- an auto garage was also built at the back of the property
- some of porch elements have been changed and updated over the years making it difficult to assess an architectural style but the upper floor front still has a palladian window, which has an arched top with 2 flanking windows
- an inventory form was completed in the 1980's as part of the 1983 Ramsey County Historic Site Survey; state inventory #RA-SPC-1431
- in the 1980's, the original turned spindles and the columns were still present; the siding was not covered; by 2011, the spindles had been changed out
- many of the houses on these 2 block faces appear as though they are from a similar era; there are even some more earlier, high style, late Victorian houses, as well, on these block faces - a fairly contiguous block face
- was within the boundaries of the 2011 Historic Site Survey that the city did; some additional evaluation was also done; the recommendation from the 2011 survey was that it was not recommended for further study; essentially, there's been changes to the property that have impacted it's historic integrity and is no longer eligible
- the form from DSi was sent thru PED to the state historic preservation office; a letter from them states that they do not feel the property is eligible for the national register on its own and therefore would probably not be eligible on its own for local

designation; and is not identified as part of a potential historic district in St. Paul
- because of all those items, demolition would not have an adverse affect

Mr. Barnett:

- we are interested and have talked with the Summit-U Planning Council and Rondo Home Fund about saving the building, perhaps by Ms. Smith selling or donating it to the developer or land bank
- we want Ms. Smith to understand her options and what her next steps would be

Ms. Smith:

- she moved in this house in 1979 and she raised her kids there
- her mom lives across the street
- she got sick in 2013-2014; now, she's in assisted living
- she can't walk upstairs anymore - it's 13 stairs to the bathroom
- one of her children lives in Arizona; her daughter lives in Mpls
- her mom and dad bought the house and they lived there; they put everyone's name on 3 houses
- she built the garage and paid for it

Mr. Barnett:

- he contacted Western Bank because he saw them listed but they haven't responded back; the Associated Bank was also listed and he didn't hear back from them either; doesn't think that there's a mortgage

Ms. Moermond:

- in many circumstances you could get time to fix up the house but that's not where you are at with your life; you are in assisted living and taking care of yourself
- at this point, you can't sell this house on the open market because city ordinance says that you have to take care of the nuisance condition (repairs) before it can be sold; the exception to that is selling it to a non-profit community development corporation or to the Housing & Redevelopment Authority (a 3rd party non-profit that doesn't have a vested interest in taking advantage of you); Mr. Barnett is here to speak from that perspective
- the fly in the ointment is that there's more names on the title than yours
- asked what the Ownership and Encumbrance Report says

Mr. Magner:

- there was a loan in 1994 for the amount of \$12,641.62 with Western State Bank; also, one with Liberty State Bank in 2003 for \$13,852
- the Mortgage Satisfaction may have never been recorded

Ms. Smith:

- one was for the siding and the roof, she thinks; the other one was for the garage; she has paid them both

Ms. Moermond:

- will ask Michele Vojacek to do some follow-up
- her preference would be for Ms. Smith to get the property into her name, only; then, be able to sign it over or sell it
- we need to put a time certain on it because it can't continue as it is
- legal aid has pro bono attorneys for senior

Ms. Smith:

- she called legal aid and told them that she was coming here about the house; she can call them again
- her mother passed away in 2006

- she thought that Mr. Barnett could help her with these things; let them take the house over

Ms. Moermond:

- suggested that she call SMRLS and tell them that you think that you need to probate the property (the process whereby a deceased owner's name comes off the record)
- assuming that Ms. Smith is low income, she would qualify for legal aid

Mr. Magner:

- if the owner of the property is donating or selling at a reduced fee, it would be the buyer's responsibility to clean up the title work; need the cooperation of the seller, too; he doesn't know that there's any benefit for the seller to do anything; she can quit claim it or
- the issue is that if she doesn't do something soon, the house will be forfeited in Aug 2016

Mr. Barnett:

- hasn't done much leg work yet; was waiting for the outcome of this hearing first; thinks he can find a community developer who'd be interested
- we'd want to order a full code compliance inspection report to get an idea of the scope of the rehab
- can also check on the title work

Ms. Moermond:

- let's get the code compliance inspection ordered right away; also, get some communication started right away about the title
- she will call to see if the inspection can be expedited
- City Council Public Hearing is Jun 3, 2015; at that time, she will Lay it Over to the Jun 17th CCPH
- a Legislative Hearing will be set up for Jun 9 - we can talk about the results of the code compliance inspection, potential scope of work, title work, etc... everything needed to get the house fixed
- we will need to stay in front of the tax forfeiture in Aug 2016

To be referred back to Legislative Hearing on June 9, 2015 and continue the City Public Hearing to June 17, 2015.

No action on case as of 5/26/15. -MM

Referred to the City Council due back on 6/3/2015

8 [RLH RR 15-14](#)

Ordering the rehabilitation or razing and removal of the structures at 1839 SAINT ANTHONY AVENUE within one hundred and twenty (120) days after the June 3, 2015, City Council Public Hearing.

Sponsors: Stark

Mark Kneer, TCM Properties LLC, appeared.

Inspector Steve Magner, Vacant Buildings:

- 2-story wood frame duplex with a detached 2-stall garage on a lot of 5,663 sq.ft.
- has been a vacant building since Aug 3, 2009
- current property owner: TCM Properties LLC per Ramsey County Property Records
- Feb 20, 2015 inspection was conducted; list of deficiencies which constitute a nuisance condition was developed; photos taken

- Order to Abate a Nuisance Building was posted on Mar 6, 2015; compliance date: Apr 5, 2015
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$50,400 on the land; \$16,000 on the building
- real estate taxes are current
- Vacant Building Registration fees were paid by assessment Aug 29, 2014
- Code Compliance Inspection done Apr 15, 2015
- as of May 8, 2015, the \$5,000 performance deposit has not been posted
- 9 Summary Abatement Notices since 2009
- 8 Work Orders issued: garbage/rubbish; boarding/securing; tall grass/weeds; snow/ice
- estimated cost to repair = \$75,000; estimated cost to demolish = \$20,000
- received a letter dated Apr 21, 2015 from Union Park District Council which read: The Union Park District Council Land Use Committee at its Apr 20, 2015 meeting, reviewed the issue of the potential Order to Repair or Remove the building(s) located at 1839 St. Anthony Avenue. After a discussion with the Committee members and residents, some of whom were familiar with the structures on the property, the Committee voted to recommend that the residence on the property be save, if at all possible and not be removed. Please include this recommendation at the Public Hearing on this issue on May 12, 2015.

Amy Spong, Heritage Preservation Commission (HPC):

- this 2-story Queen Anne structure was built in 1886
- it has lost some of its historic features; from the early Sanborn Maps, it had an L-shaped 1-story open porch
- it appears that it was never turned into flats at an early stage or prior to 1925, which often happened with some of these really large structures
- part of Union Park Neighborhood
- 2001- city completed a Residential Real Estate Development Context Study
- St. Paul has 4 or 5 tangle town neighborhoods with curvy streets that were designed around parks
- this neighborhood was suggested for further evaluation and study, some of which came about when the Green Line was being brought in and some survey information was required; unfortunately, they did an analysis of the whole neighborhood and found that there wasn't enough integrity to support an historic district there but there still are some scattered houses throughout this neighborhood that she believes warrant preservation
- this house has wide-lap siding that may be covering the original; the porch has been removed; decks have been added; not sure about original windows
- these houses had generous sized lots, so if a larger sized house is removed, it creates a larger sized hole
- nothing but a set of railroad tracks across the street
- while it does not have potential for national or local historic designation, she would encourage rehab, if at all possible
- is consistent with neighboring houses; the Green Line proximity; etc.

Ms. Moermond:

- so, it's on a contiguous block face that's residential, situated a across from the railroad tracks
- has been in the VB Program for a while

Mr. Kneer:

- has had some contractor issues a while ago
- is fully prepared to have it rehabbed; he has all his bids, adding up to \$45,000 now, with about another \$10,000 yet to come

- the code compliance was re-done

Ms. Moermond:

- looks as though the property hasn't been consistently maintained

Mr. Kneer:

- the garage has been broken into several times
- he has had issues with the management company - a lot of turnover
- has a staff of people who maintain his properties

Ms. Moermond:

- \$16,000 value of building; the parcel is worth almost 3 times more than the building
- she needs to see the money set aside for this project; needs affidavit
- put together a work plan with a time line
- need a performance deposit (he waited until after this hearing)
- sounds as though you are close
- get this information to her in 2 weeks
- will Lay this Over to May 26, LH

Need to provide the following conditions by May 26 Legislative Hearing:

- 1) provide a financial letter indicating that the owner plans to dedicate at least \$65,000 for the rehabilitation of this property and financial documentation such as a construction loan, a line of credit or a bank statement which demonstrates the financial means to complete this project;
- 2) a work plan which includes timelines for completing the work and must be done in accordance with the Code Compliance Inspection Report; and
- 3) post a \$5,000 performance deposit or bond.

Laid Over to the Legislative Hearings due back on 5/26/2015

9 [RLH RR 14-12](#)

Ordering the razing and removal of the structures at 391 VIEW STREET within fifteen (15) days after the July 23, 2014, City Council Public Hearing. (Public hearing continued from May 20)

Sponsors: Thune

No one appeared.

Ms. Moermond:

- we will be having a meeting on this tomorrow
- will lay this over; shall we go longer than 2 weeks?

Inspector Steve Magner, Vacant Buildings:

- this issue here is that no one has probated; basically, we have an abandoned property that won't forfeit until the following year
- the neighbors and district council would like to see it rehabilitated
- both the a neighbor and district council have interest in acquiring the property and rehabilitating it; so, we would need to expedite the forfeiture to the county and work with the City Attorney's Office to do that
- thinks that setting a date should be pending the outcome of tomorrow's meeting
- doesn't think that getting inside the building would be an issue

Ms. Moermond:

- it would be really great if the city did a code compliance inspection on this one

Mr. Magner:

- let's have that discussion tomorrow and figure out how will proceed

Ms. Amy Spong, Heritage Preservation Commission (HPC):

- concerned about the prolonged water infiltration on the eaves

- take a lot of photos

To be referred back to Legislative Hearing on May 26, 2015 and continue City

Council Public Hearing to June 3, 2015.

Referred to the City Council due back on 5/20/2015

10 [RLH RR 15-15](#)

Ordering the rehabilitation or razing and removal of the structures at 155 WHEELOCK PARKWAY EAST within fifteen (15) days after the June 3, 2015, City Council Public Hearing.

Sponsors: Brendmoen

John Dockry, Bank of America, owner, appeared.

Inspector Steve Magner, Vacant Buildings:

- 1 1/2 story wood frame single family dwelling on a lot of 10,890 sq.ft.

- has been a vacant building since Feb 20, 2014

- current owner listed as Daniel E. McNulty per Ramsey County records

- Feb 18, 2015, inspection was conducted, a list of deficiencies which constitute a nuisance condition was developed; photos taken

- Order to Abate a Nuisance Building was posted Mar 6, 2015; compliance date Apr 5, 2015

- as of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code

- estimated market value: \$33,000 on the land; and \$66,600 on the building

- real estate taxes are current

- VB fees were paid by assessment Mar 31, 2015

- as of May 8, 2015, a code compliance inspection has not been done; a \$5,000 performance bond has not been posted

- 2 Summary Abatement Notices since 2014

- 2 Work Orders: garbage/rubbish; tall grass/weed

- estimated cost to repair exceeds \$50,000; estimated cost for demolition exceeds \$15,000

Amy Spong, Heritage Preservation Commission (HPC):

- 1950 colonial revival

- new windows and a possible addition on the east elevation

- it was only included in the 1983 site survey; so, she doubts that this Wheelock Pkwy area was focused on too heavily

- it was not identified for individual historic potential nor as part of an historic district

- currently, there's an evaluation going on of Wheelock Pkwy as part of the Grand Round, so there may be some importance to this section based on city planning and landscape architecture but she doesn't anticipate that the housing on each side of it to be impacted or determined eligible

- letter from the state historic preservation office that demo will not have an adverse affect nor will eligible national register properties be impacted

- demolition will not have an adverse affect on the historic integrity and character of this area

Mr. Dockry:

- Dan McNulty was the mortgager/owner of this property

- PHH Mortgage Corp, was the mortgagee and went to sheriff's sale Dec 9, 2014

- it was vacant at the time of service of the foreclosure; he does not know if PHH

went forward with 5-week redemption period

- right now, to the best of his knowledge, PHH will be the full fee owner at the end of the redemption period on Jun 9, 2015 unless there's been a shortening of the redemption period
- all he received from his client, NationStar Mortgage, was the notice of the public hearing yesterday afternoon
- obviously, the conditions have not been met
- is here to see what conditions/requirements his client would need to meet in order to proceed in order to potentially, rehabilitate or at least, evaluate what they would like to do

Ms. Moermond:

- first thing, a code compliance inspection should be ordered
- let's find out if they've gotten a shortened redemption period; Jun 9 is very near

Mr. Dockry:

- because the house is vacant, his client would have the authority to go in and stop this from happening under statute; either way, they will have access
- he was informed in the email that they were in the receipt of these letters from the city and, as of early yesterday, they were out soliciting bids already

Ms. Moermond:

- need to maintain the property
- if they are going to fix it, the city needs the \$5,000 performance deposit
- need a Work Plan
- need evidence of financial where-with-all to do the work
- if you get the \$5,000 performance deposit posted by Jun 2, 2015, it will buy time for everything else; it's refundable
- City Council Public Hearing Jun 2, 2015
- a letter will be sent confirming this
- has talked with the Councilmember and he is supportive of the rehab going forward if they can come up with the requirements; he will sign a resolution to grant them time if the conditions have been met

Mr. Magner:

- he will put a note into the computer system that DSI will issue permits beginning this Thu, May 14, 2015

The following conditions must be met by June 3, 2015:

1. post the performance deposit by June 2;
2. obtain a code compliance inspection;
3. maintained the property;
4. provide a work plan with timelines; and
5. provide financial documentation.

As of 5/26/15 No conditions met. -MCM

Referred to the City Council due back on 6/3/2015

11:00 a.m. Hearings

Summary Abatement Orders

- 11 [RLH SAO 15-21](#) Appeal of George Lange to a Summary Abatement Order at 815

LINCOLN AVENUE.

Sponsors: Thune

George Lange, owner, appeared.

Inspector John Peter Ross:

- *complaint came in Mar 16: property at 815 Lincoln Ave was placed on the market and is being sold as a multi-family dwelling; it goes on to say it's zoned R-4, which is Single Family Residential (R-1 to R-4 is Single Family); complaint goes on to say that historically, the house was constructed as a single family and occupied as such; a 2nd kitchen was added on the 2nd floor*
- *met with Mr. Lange at the house to inspect*
- *this is a complex issue because the TISH was inspected as a duplex; however, there's a disclaimer at the bottom saying that it was done without respect to zoning*
- *the house has been used as a duplex for some time; for a while, there was even a renter on the 3rd floor, according to Mr. Lange*
- *being that it's being treated and sold as a duplex, a Summary Abatement Order was issued (although, maybe a Correction Order would have been more appropriate) with the intent to get Mr. Lange's attention and hopefully, have him appeal the SA*
- *with the Order, Mr. Ross also sent instructions for appealing this to Zoning as a nonconforming use, which may be the better venue*
- *Orders: remove the 2nd floor kitchen and cease marketing the house as a duplex*

Ms. Moermond:

- *this should be a Correction Order instead of a Summary Abatement Order*
- *asked Mr. Ross if he were Withdrawing the SA and issuing a Correction Order instead*

Mr. Ross:

- *he would be willing to Withdraw the SA and send a Correction Notice and Mr. Lange may be willing to pursue rezoning*
- *Mr. Lange has been very cooperative thru all of this*

Ms. Moermond:

- *let's start with a Correction Order; it's the right order for this*
- *a SA says that if you don't take care of the nuisance, the city will take care of it for you and charge you for it*
- *a Correction Order says if you don't take care of the violation, the city will pursue the next level of enforcement, which would be a criminal citation or charges for Excessive inspections or both*
- *the city is not going to go in and take out your 2nd kitchen*
- *this is about how Mr. Lange wants to move forward on this; let's figure out the best plan*

Mr. Lange:

- *he wants to sell it*
- *has lived there for 5 years; he made a mistake; the house was divided up into 3 kitchens; the previous owners lived there 30 or 40 years; they raised their 10 children there; he assumed it was a duplex so, he bought it with that idea; he has lived on main floor and rented out the 2nd floor; it was his mistake to not check to see whether it was a legal duplex*
- *it's a huge, huge house; 6400 sq.ft; a family of 6 looked at it with some interest*
- *it's so large, he doesn't see selling it as a single family in this day and age*
- *he can't live there if it's a single family; it's over \$4000/month to pay PITI and heat, so he needs to either sell it or get a zoning change*
- *in the meantime, he has renters and he lives there*

- has not yet started the paperwork to get the zoning changed
- main floor = 2200 sq.ft; 2nd floor = 2800 sq.ft; 3rd floor = 1000 sq.ft. and the basement is finished and could easily be living quarters, too; it's set up very nicely for 2 very large duplexes
- there's a 2-stall garage and parking for 2 more cars near the garage; also, additional parking off the alley

Ms. Moermond:

- you will need to go and get neighbors' signatures (owners)
- only 4 non-related adults can live in a single family home

Mr. Ross:

- the department's urgency on this is that a potential buyer may read the TISH (inspected as a duplex) and buy it with the intention of using it as a duplex complicating matters

Ms. Moermond:

- it is incumbent upon you, Mr. Lange, as the seller to disclose this to the potential buyer

Mr. Lange:

- he told the realtor that it should not be listed as multi-family; to change it to single family

Ms. Moermond:

- let's get the Correction Order out saying this needs to be deconverted or get a zoning change/variance within 90 days from when City Council considers it on Jun 3, 2015
- can't use it as a duplex; the locks between the units need to be removed
- let's see what you can do with the zoning change/variance

Mr. Lange:

- his biggest concern is giving his tenants notice that they have to leave
- their lease expires Jun 1, 2015 but they are building a home and wanted to stay on for a couple more months until their house is ready; they don't want to move twice; he thinks 90 days would accomplish that

Ms. Moermond:

- the more quickly you can move on the zoning change/variance, the better
- Mr. Ross will find out if DSI could share the neighboring owner's list/address with Mr. Lange to help him secure signatures; he needs 2/3 neighbors within 100 feet; that will expedite the process for Mr. Lange
- the Summary Abatement will be gone; the Correction Order will be issued today Appeal denied; the owner is granted 90 days to deconvert the property back to a single family use or the owner should have a zoning variance in place.

Referred to the City Council due back on 6/3/2015

12 [RLH SAO 15-20](#) Appeal of Steven Gilsdorf to a Vehicle Abatement Order at 679 OTTAWA AVENUE.

Sponsors: Thune

Steven Gilsdorf, owner, and his son, Matt Gilsdorf, appeared.

Inspector John Peter Ross:

- Vehicle Abatement Order issued by Inspector Mark Kaisersatt Apr 22; compliance

May 4, 2015

- 2 vehicles: a Ford and a Chevrolet lack plates, vital parts - deemed inoperable by sight; they are parked on an approved surface, the driveway
- according to city ordinance, all vehicles have to be licensed, operable, and parked on an approved surface
- the photos are recent; no photos were taken initially

Mr. Steven Gilsdorf:

- this is all temporary; his son has been doing demolition derbies since 2009; he buys cars, strips them out, paint them, go to county fairs, etc, smash them and then, dispose them; it's a hobby; not just abandoned cars; it's all temporary; one is gone by Jul; the last one is usually gone early Aug of the year
- things get messy and are cleaned up quickly
- his point is that it's his son's hobby; the cars aren't abandoned
- he doesn't have another place to work on the cars
- they would like to be able to keep the cars to get them ready
- the garage is used for storage

Mr. Matt Gilsdorf:

- it's an older garage and these cars are longer than normal; doesn't know if they'd even fit
- he could put car covers on them when he's not working on them
- he drove both cars home when he bought them
- he has the titles and license plates for both cars

Mr. Steven Gilsdorf:

- could probably get one car in there but now, it's all set up for his son's tools
- both he and his son live at this property
- both cars do run/are operable
- they never park them on the street

Ms. Moermond:

- they are missing vital parts and appear inoperable

Mr. Matt Gilsdorf:

- most of their immediate neighbors actually like it; they've come to fairs to watch him drive

Mr. Steven Gilsdorf:

- he like him to be able to keep them at least for the summer
- he wants to buy a house, so this will be the last summer he will be here
- his car is parked on the street during the summer
- the tires need to go the junk yard; the sled is used to carry the guts from the cars down to the junk yard
- there's also an overgrown lawn chair - all that can get cleaned up quickly

Ms. Moermond:

Appeal granted with the following conditions:

- 1) all vehicles will have plates with current tabs,
- 2) the area will be kept neat,
- 3) all cars will be covered when they are not being worked on,
- 4) all cars will be operable,
- 5) there will be no more than two cars on the parking pad at any time.

Referred to the City Council due back on 6/3/2015

Order at 962 THIRD STREET EAST.

Sponsors: Finney

Appeal is denied; no one appeared.

Referred to the City Council due back on 6/3/2015

Correction Orders

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 14 [RLH VO 15-25](#) Appeal of Mary Jo Charpentier to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1551 RUTH STREET NORTH.

Sponsors: Bostrom

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 5/19/2015

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 15 [RLH FCO 15-48](#) Appeal of Grant Pylkas to a Fire Inspection Correction Notice at 1756 IOWA AVENUE EAST.

Sponsors: Bostrom

Appeal withdrawn; the property is now in compliance.

Withdrawn

- 16 [RLH FCO 15-75](#) Appeal of Will Anderson, for MFCA, to a Fire Inspection Correction Notice at 374/376 MARIA AVENUE.

Sponsors: Finney

Will Anderson, President, Maria Flat Condo Association (MFCA), appeared.

Mr. Anderson:

- property with a very unique history; currently, Strip Club building with 2 commercial spaces on the main level and 4 residential above

- he is a partner in the 2 commercial units and he owns 1 of the residential units above, which subsequently has made him the President of Maria Flat Condo Association

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection Apr 29, 2015 conducted by Fire Inspector George Niemeyer

- photos
- there are 20 Orders
- #15 also says: provide access to the inspector to all areas of the building; we have not had access to residential unit #4 and some of the commercial space, including the basement
- all of the condo units are non-owner occupied
- only 2 items that are being appealed: heat test and the exterior repairs
- Ms. Boulware was out there with Inspector Niemeyer; she will talk about the exterior

Christine Boulware, Historic Preservation Commission (HPC):

- known as the Shock Block; it's a pivotal building to the Dayton's Bluff Heritage Preservation District
- masonry building
- yesterday, May 11, 2015, she was able to walk around the exterior of the property with Mr. Niemeyer to observe some of the conditions
- generally, some spalling of brick; paint is peeling in certain areas; mortar is falling out in some places - most below the cornice line, partially along areas of the sidewalk; there are different reasons for seeing that; more specific areas on the south side where there's venting that comes out of the basement level; typically, those are things that happen when water becomes a problem behind masonry or on masonry
- because this property is within a heritage preservation district, all exterior work does require approval by the Heritage Preservation Commission/staff and needs to comply with Chapter 74 of the legislative code

Mr. Anderson:

- when he got the building, it was in major disrepair; they have done a number of things to stop the degradation of the building; the problem is that there's been a number of band aids applied to the building
- he doesn't have a problem with anything on the list of deficiencies; he's not here to fight this but he needs to develop a time line
- if some of these things are fixed, it would simply be "band aiding" - example: ceilings peeling around kit and bath vents; he can have those ceilings fixed; he's done it inside his unit about 3 times, now; the problem is that in an old commercial building, the vent stacks that go above the roof line are galvanized and they frost up in winter but on a warm sunny day the moisture and water comes back in down through the vents and ruins the ceilings; that needs to be fixed; fixing just the ceilings right now won't solve their problem; he would like to postpone fixing the ceilings right now until they can come up with the money to actually fix the vents to remedy the problem and then, fix the ceilings; the vents are on his list of things to do and he plans to get to those later in the fall of this year
- another thing on the list is that we don't have a boiler inspection; the thing is that the boiler will not pass inspection; they are working with STAR to get a grant to put a new boiler into the building; have gotten a bid - about \$23,000, which will also fix all of the existing venting; the current boiler is vented improperly, he's told; it has galvanized pipes that are rusting out; he worked with Crosstown Mechanical to get a bid to properly pull out the existing furnace and install a new one with proper venting; that's \$23,000 that they currently don't have
- the ceilings definitely need to be fixed but if we just band aid them, they will look like this again in the winter; he like to actually fix the stacks so they don't have the problem, which from an historical standpoint, should be unnoticeable - then, we can fix the ceilings in the fall
- the brick and mortar: somewhat of the same problem - the water heater servicing the Strip Club restaurant was improperly vented, as well; so likely, the stack that runs up through the roof is probably also degraded and will need to be replaced; so, although he can fix the brick and mortar but if he doesn't fix the stack underneath, he's putting on another band aid

- he wants to be able to fix things properly in the proper order and they have a plan and an agenda to do so; just need HPC and the city to work with them on getting it done
- final question: one unit is up for a short sale, right now, the on they did not get access to; and there's another unit that the guy, desperately wants to sell (his tenant hasn't paid rent in several years and he hasn't evicted him yet, a colorful story); he is trying to figure out how he is responsible for getting things fixed in their units even though it's a condo - he needs clarification on that, as well

Ms. Shaff:

- Ms. Boulware has photos going back quite a ways
- she understands that there may be issues with the rest of the building but these are minimum code requirements; living in less than a building with minimum standards (D- bldg) is not acceptable
- according to Mr. Niemeyer, Mr. Anderson told him that this was an old building and how could he expect him to possibly afford the repairs; that he had no intention of doing exterior work
- 1st appointment letter was sent out 3-16-15; inspection took place 4-29-15
- we're looking at 90-day compliance unless there are special circumstances like working with HPC approvals

Mr. Anderson:

- this place is not a D- building; it's made substantial improvements in the last 5 years, his unit, in particular, and the Strip Club are both incredibly nice; the ceiling has some flaking paint but has been "band aided" several times in the past; he's in favor of fixing it in the right way
- also, he never told Mr. Niemeyer that he had no intentions of doing anything to the outside of the building - that's totally false

Ms. Boulware:

- has photos dating back to 1998 and it appears that in some of these areas, at least below the cornice line, they show that water in these areas is maybe more of a long term problem
- photos from 2005 show the back of the building; there's a tall parapet - the roof slopes to the back
- she, Ms. Moermond and Mr. Anderson viewed the photos together
- water maybe getting behind that cornice in certain areas; maybe there's a failing flashing somewhere - water is moving between areas that could be causing this
- all photos were scanned

Mr. Anderson:

- all in the back emergency stairwell has been fixed
- they put a new roof on the whole building about 3 years ago so the water problem is solved; it's a double Dupont rubber roof; water from rain is not getting in around the roof
- they do have a condensation problem with the stacks

Ms. Moermond:

- access to Unit 4 in foreclosure; she was not reading into this that Mr. Anderson would be responsible for doing those repairs as President of the condo association

Mr. Anderson:

- from what Mr. Niemeyer said, he needed to arrange for access to the unit; Mr. Anderson asked him how he could be responsible for access to a unit that he didn't own that the owner rents out to someone else; to him, the owner of that unit would be responsible for access and for doing the repairs in the unit; paraphrasing what Mr.

Niemeyer said was that they needed one point of contact and that point of contact was responsible for making sure everything got done

Ms. Moermond:

- a lack of access to confirm all of this is going to result in a Revocation of the C of O for that unit*
- it's a judgment call as to whether or not the problems within that unit affect other parts of the structure*

Mr. Anderson:

- Angie, owner of Unit 4 has no problem complying; she just didn't know that Mr. Niemeyer needed to get in; he thinks that's in a short sale, not foreclosure; she is still making payments and up-to-date with her association dues; when George comes back out, she will arrange for access to her unit - her tenant will be there to provide access; and because it's "for sale" there should be no other issues except perhaps a little peeling paint around her vent in the kitchen*
- he is not concerned about Unit 4; he's concerned about Unit 3, owned by Joseph Palen and occupied by Lou Sudheimer; they may not comply with what's requested of them in Unit 3 and he does not want their lack of responsiveness to affect the rest of the building, certainly not the commercial spaces; Unit 3 did provide access*

Ms. Shaff:

- owners in condo associations may choose to pool their resources in order to live together; each unit is dependent upon the other to be in compliance*
- they do not issue individual Fire C of O's to individual units; they issue to the building as a whole; typically, one person makes sure that everyone is in compliance; each individual unit or common space can affect the rest of the building*
- she has not found a building permit for the new roof*
- no access to basement (Ms. Moermond wanted an explanation)*

Mr. Anderson:

- 2 years ago when the fire inspector came out, he checked out all the units but he never went into the restaurants and never went down into the basement; so, when this inspection was set, he anticipated that they were only inspecting the units where people lived; the restaurant was closed and their space is alarmed; so, if we go in, it sets off their alarms; so he told Mr. Niemeyer that when he came back, it should be on a day when the restaurant was open and that would also provide access to the entire basement*
- Mr. Niemeyer is going to find things in the basement; the boiler won't pass; it provides heat but he doesn't know if it's safe; he has never had it tested; they have a plan to replace it and he has the bid with him for \$23,000 Crosstown Mechanical; they plan to have it installed in July (STAR grant)*

Ms. Shaff:

- found no roof permit from 3 years ago; special concern because of leaking, flashing, etc.*
- flat roof systems are totally different from other roofs*
- there's a permit from 2003 for repair of deteriorated brick, parapet and chimney, etc; that permit was closed by the system in 2005 because of no activity in one year; the estimated value of work was \$6,000*

Mr. Anderson:

- he did not own the building at that time; he got involved in 2007-08*
- worked with a STAR grant to have the roof installed; hired a reputable, licensed, bonded, insured contractor (believes that it was All Seasons Roofing, out of..... same year as we did the storm windows in 2012)*

- when he hired contractors, he went off the list provided by the city; and don't the contractors pull the permits?

Ms. Boulware:

- the storm windows were reviewed by HPC in 2012

Ms. Moermond:

- ultimately, the owner is held accountable; they hire the contractor, who is supposed to take care of these things; if he doesn't, the owner is left holding the bag; a lot of reputable contractors will go back and pull the permit and work to have it inspected - squared away; that should happen in this case

Ms. Boulware:

- south elevation photo - not solved yet; has a higher level of deterioration; whatever is being vented through there is moist and probably hot (Mr. Anderson: it's the boiler and it's in the plan); will require HPC review

Ms. Moermond:

- has ideas about moving forward
- need a Work Plan
- need financial ability to do the repairs (talked about STAR grant of \$23,000); if you are going to be granted extra time, she needs to have a commitment that you are going to be able to execute this work)

Mr. Anderson:

- he's told that they have preliminary approval of the STAR funds (half loan; half grant) and if they agree to it, they will get it
- either way, the boiler will be replaced; the association has about \$15,000 right now

Ms. Moermond:

- inspector is already scheduled for re-inspection
- if the ceiling isn't repeatedly getting wet, she is less concerned about mold formation

Ms. Shaff:

- there's a lot of discoloration; photo of bathroom ceiling

Mr. Anderson:

- added that if she wants him to do the ceilings, they can Kilz the ceilings; but they will look bad again in fall and winter
- has concerned with Unit 3 complying but all the rest of the repairs are already in progress

Ms. Moermond:

- maybe it's a matter of cutting out the old sheet rock and replacing it with new

Ms. Shaff:

- once the space between the ceiling and the roof assembly gets wet and compromised, it loses all its assembly fire rating and we could have some very big fire issues

Ms. Moermond:

- struggling with whether or not your appeal should be kept alive if there's other issues that will come up from inspection of Unit 4 and the basement
- would like to see Mr. Anderson again at LH on Jun 9, 2015 at 1:30 pm, at which time, she wants to see his Work Plan and have All Seasons pull a permit and have it finalized

- will talk about the extension at that time

Ms. Boulware:

- needs to know whether any masonry work is necessary sooner rather than later; it's harder/more expensive to do that work as it gets colder, so, it's necessary to keep the time frame

Ms. Moermond:

- getting an extension is going to be dependent upon getting the roof permit situation squared away - needs to be taken care of right away

Appellant to provide a work plan to outline all work to be done by September 15, 2015; have All Seasons pull a permit for the roof.

Laid Over to the Legislative Hearings due back on 6/9/2015

17 [RLH FCO 15-64](#) Appeal of Brikti Ytbarek and Kidane Assefa to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1068 SUMMIT AVENUE.

Sponsors: Thune

Bob Travers, realtor, appeared on behalf of Brikti Ytbarek and Kidane Assefa.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy issued Apr 17, 2015 by Inspector Justin Elvestad
- only thing being appealed is the rear parking and driveway to the garage - requiring that all parking spaces be paved with asphalt, concrete or durable dustless surfacing; site plan ahead of time
- photo of gravel driveway

Christine Boulware, Heritage Preservation Commission (HPC):

- noted that a lot of properties along Summit have access to the garage from both Summit and from the alley

Mr. Travers:

- this property has access to the garage just from the alley
- he sold this property on behalf of the previous owner to the buyers he is representing here today
- owners are both physicians who live in the British West Indies and who purchased this property about 1 1/2 years ago, at which time, a bail certificate was issued; both units (up and down) were rented; at that time, the plan was that when the lower unit's lease was up/terminated, they were going to homestead the property and move in and they have done that; they filed an application with Ramsey Co last week (entered a copy)
- also entered a copy of an Affidavit from Brikti
- she was living here temporarily in a rental unit; the tenant is now out and the owners have started to do clean-up and move in; she took on a position at the VB; her husband will join her within the next 30-60 days; she is the sole homesteader, at this point
- his understanding of the statute is that if it's an owner-occupied duplex, there's no need for a Certificate of Occupancy; thus, any compliance with this Order might be moot
- the other half of the story (entered photos from when they purchased the property) - the area in question was grassy in the back and had never been parked on or utilized by the tenant; in fact, the previous owner had indicated that the garage was used, solely, for storage of some of his personal items; no tenants had ever had access;

and that was the rule when the new owners took possession of the property; when they viewed the property last week, it appeared that the lower unit tenant had been back there on occasion; it also appeared that he had, at least driven on one occasion, all the way up the hill (they saw one set of tire tracks), which was totally unacceptable

- now, they are gone; and it's not a problem; there's adequate parking both on the side, the driveway and on the street; for those reasons, the current owners think that being required to pave that area for a storage shed doesn't make any sense and is costly; secondly, it's owner-occupied and is not in need of a C of O

- he observed other driveways along that back alley way in between Grand and Summit, that are dirt/gravel and are being used as driveways; they are not paved; he presumes they are owner-occupied

Ms. Shaff:

- usually, when she sees these Ramsey Co documents, there's a stamp on the top, which lets her know that it's been filed; here, there's no stamp

Ms. Moermond:

- this is before it's been filed

Mr. Travers:

- it was stamped May 5, 2015; he asked for a copy of the stamped document and they said, "Not until it goes upstairs and it gets finally approved", so it's in their hands

Ms. Moermond:

- being out of the C of O Program won't get you out of the paving and ground cover situation in the back yard because the Orders can be converted from the one program to the next, Code Enforcement Program

- there's a lot of grass growing thru the gravel and there aren't clearly defined lines of the parking area

- this is begging for a site plan to be done and approved

- the whole area does not need to be paved but there does need to be clean lines about what is and what isn't driveway and parking area; a ribbon driveway would work, she believes; it allows for better water filtration

- it needs to be dealt with; it's not zoning or maintenance compliant

Mr. Travers:

- she is living there part time and renovating it; her lease in Roseville is up in 30-60 days

- this place is much closer to the VA

Ms. Boulware:

- this property is located in the Summit Avenue West Heritage Preservation District, so all exterior work, including parkscaping does require HPC review

- a site plan would be necessary; also under Chap 34 of the code, there's a maximum amount of space that you can have back there for parking/paving

Ms. Moermond:

- is satisfied that it can be released from the Fire C of O Program; these Orders can be transferred to Code Enforcement; Inspector John Ross would pick them up

- these Orders will be WITHDRAWN and a new set of Orders be put into place

- it definitely needs a site plan (review)

- deadline: Sep 1, 2015

Property can be released from the certificate of occupancy program. Present orders will be withdrawn and new orders will be issued by Code Enforcement and attached to this appeal.

Referred to the City Council due back on 6/3/2015

- 18 [RLH FCO 15-72](#) Appeal of Kidane Assefa and Brikti Ytbarek to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 1068 SUMMIT AVENUE.

Sponsors: Thune

Duplicate (see RLH FCO 15-64)

Withdrawn

2:30 p.m. Hearings

Vacant Building Registrations

- 19 [RLH VBR 15-36](#) Appeal of Ryan Holten to a Vacant Building Registration Fee at 618 BRIMHALL STREET.

Sponsors: Tolbert

Ryan Holten, E. K. Johnson Construction LLC, appeared.

Inspector Rich Singerhouse, Vacant Buildings:

- received a referral from Inspector John Peter Ross, Code Enforcement re: this property
- went out and opened a Category 1 VB
- documented: unoccupied; secured by normal means; gas/electric yellow tagged; chipped/peeling paint; VB placards were posted on the front door; photos taken; garage secure
- multiple code violations as far as Summary Abatements, etc
- SA's: 4-14-15; 2-9-15 complaints re abandoned house unoccupied for 2 years; tall grass/weeds in 2014
- exterior looks pretty good
- just received a complaint re extensive work being done on the interior without permits

Mr. Holten:

- there's been some demolition going on in the interior
- he's an employee of EK Johnson Construction - owner is Ethan Johnson; he recently closed on this house; he put in an offer some time ago that was accepted (short sale); the bank delayed approval for close to a year or more; sometime between the offer going to the bank and the bank approving the offer, it became a registered vacant building; after he closed, he found out that it as vacant
- shortly after that, he talked to someone in DSI and got some wrong advice; they could just net out the fee at the next closing (they were going to do extensive work to the house and sell it); they made it sound that the VB fee could be pushed out for a while; since then, he found out that is not the case and they are fine with that
- he went in a couple weeks ago to pull permits and found out that he couldn't pull permits until the VB fee was paid; so, he started making calls about it and found out that he should appeal the case
- they aren't here to cause problems
- also was told that there'd be a decision today
- rehab will be completed in a couple months
- closed approximately 2-3 weeks ago

Ms. Moermond:

- DSI can go ahead and issue your permits to do the work but the VB fee will come forward: if it goes unpaid, it will roll into being a proposed tax assessment; then, we can talk about reducing it based on when you finished the project; she would be interested in prorating it; when you get the letter in the mail, it will contain a yellow post card; send it back and indicate that you want to talk about it; we will set you up for another LH
 - you can pull permits tomorrow morning
- Appeal denied and owner is allowed to pull permits.*

Referred to the City Council due back on 6/3/2015

20 [RLH VBR 15-31](#) Appeal of Jonathan Gutierrez to a Vacant Building Registration Fee at 25 ELIZABETH STREET EAST.

Sponsors: Thune

Jonathan Gutierrez-Rivera, owner, appeared.

Inspector Rich Singerhouse, Vacant Buildings:

- Category 2 Vacant Building; opened Dec 17, 2014
- no active permits
- VB was assessed Apr 30, 2014; a hearing heard before on Jan 13, 2015 and per the Legislative Hearing Officer: hold VB fee for 90 days; property owner admits that the work will not be done in 90 days; he will allow the VB fee to go to assessment once the waiver expires in 90 days; LHO will revisit the assessment and possibly adjust it depending upon the property owner's progress

Ms. Moermond:

- she is looking at a bill that would lead to an assessment

Mr. Gutierrez-Rivera:

- we thought it was going to be a minor remodeling project but it's become a major renovation; we're adding a whole new level to the entire house
- when he was here in Jan, it was the middle of winter and they couldn't move forward 100% but right now, they are ready to rip off the entire 2nd floor and add a new addition to it
- they can't pull the permits because of the VB fee; advised to come here to get clearance to pull permits

Ms. Moermond:

- asked why permits weren't pulled in the last 3 months

Mr. Gutierrez-Rivera:

- when he went to DSI, they said, if you are going to have this kind of renovation, you want to pull the permit when you are ready to move forward and in the middle of winter, it was hard to pull off the entire 2nd floor

Ms. Moermond:

- but we talked about it, that you had a 3 month window to pull those permits

Mr. Gutierrez-Rivera:

- DSI said that the permits were good for only 6 months; you need to complete your plan within 6 months
- we had a previous permit that expired; so, they continued to as much as they could inside but they couldn't do the major thing because of the weather - it would have made things worse

- DSI said you want to make sure you pull this permit when you are ready to do it so that you have enough time to get it all done

Ms. Moermond:

- doesn't want to hold you up; wants you to be able to pull permits

- let this go to assessment; you can appeal the assessment, itself

- we will allow permits to be pulled

Appeal denied; owner is allowed to pull permits.

Referred to the City Council due back on 6/3/2015