



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
legislativehearings@ci.stpaul.mn.us
651-266-8585

Tuesday, July 14, 2015

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 15-22](#) Ordering the rehabilitation or razing and removal of the structures at 812 COOK AVENUE EAST within fifteen (15) days after the July 15, 2015, City Council Public Hearing. (Amended to grant until November 13, 2015 to rehabilitate or raze the structure)

Sponsors: Bostrom

Daniel Reiff, Reiff Law Offices, appeared representing the owner, JBB HD One LLC.
Linda Stern, US Props, owner's agent, appeared.
Troy Olson, Reiff Law Offices' consultant, appeared.
Ms. Tanika Nolan, a neighbor, appeared.
Ms. Ruth Boettcher, American Sign Language interpreter, appeared.

Inspector Joe Yannarely:

-Ms. Stern posted the \$5,000 Performance Deposit today
-does not see a code compliance inspection report on file yet

Mr. Reiff:

-there should have a code compliance inspection report because Mr. Seeger was out there 2 days after the last hearing; doesn't know why the report isn't there

Mr. Olson:

-he met Mr. Seeger out at the property; he did an inspection and said that it wasn't going to require a new code compliance inspection; he was just going to update the fire report in the system
-Mr. Seeger said that it didn't affect the property enough to justify doing another whole code compliance inspection

Mr. Yannarely:

-there's a fire report from Jun 29; this is an addendum to the previous code compliance report (printed it out for Ms. Moermond)
-property maintenance has been good but someone has been complaining a lot on it; we go out there but the complaints aren't founded

Mr. Reiff:

-introduced the Work Plan; deadline to finish is Sep 25, 2015

Ms. Moermond:

- doesn't see timelines; needs a breakdown on how the contractor expects to have pieces of the project done (elect work will be done as of _____)*
- and please put that into writing (the contractor, Mr. Washington had to leave for a 10 am meeting)*
- the timeline helps to communicate the expectations with the neighbors - to see if it's progressing as planned*
- let's talk hazardous materials*

Mr. Reiff:

- the day after the last hearing, we had an asbestos inspector out; there is asbestos siding on certain parts of the house; that's included in the Scope of Work to abate; there is no asbestos in the soil (has been tested); there is also no lead in the soil (provided a soil test for the record; scanned)*

Ms. Moermond:

- 5 samples of soil were taken from 812 East Cook Ave - different locations around the house*
- the test says that CHR is present*

Mr. Olson:

- CHR is Chrysolite, the asbestos in the siding (not the soil)*

Mr. Reiff:

- they sent the soil tester out a 2nd time, as well; he took from one neighbor but not from the other neighbor; there's no asbestos found in their soil*
- on one side of the property, there's no soil; it's concrete*

Ms. Moermond:

- wants to look at an aerial map and mark on it where the different tests have occurred (just a quick analysis to show CC)*

Mr. Reiff:

- his client intends to rehab this property; the bid for the rehab has come down significantly since the last time we were here and the insurance company is satisfied with the financial arrangement*
- currently, the insurance reimbursement is at \$37,000 and he expects that will be going up \$5,000 - \$10,000*
- the bid to rehab is \$70,000, which includes the asbestos abatement*

Ms. Moermond:

- this is up at City Council tomorrow; is it possible for your contractor to get a timeline in by then?*

Mr. Reiff:

- we will talk to him right away*
- client intends to rent but may also look into selling it to an owner-occupant*
- 2 months ago, his client got the house back on a lease with an option that failed*

Ms. Moermond:

- if there's a possibility of this becomes a rental, she would like to attach some behavior conditions to the resolution: tenant screening; leases that include crime free addendum so that tenants can be removed; some guarantee that you folks will be monitoring it and things won't be going on forever in a bad way*

Mr. Reiff:

-his client already has the crime free addendum in their leases; tenant screening is a standard part of their operating procedure

-he believes that his client does plan to sell the property with a traditional sale

Ms. Moermond:

-wants to hold them accountable on the behavioral piece of it

-is feeling good about the materials that have been provided and that the Work Plan addresses these items

-she will re-word the resolution and include the expectation that there's a crime free addendum to leases

-would like them to proactively contact the beat cops to let them know that they are rehabbing the property

Mr. Olson:

-while he and Mr. Seeger were in the property, a cop did come in; the neighborhood is watching because someone had called and said that we were breaking in

Ms. Moermond:

-you have from 8 am - 8 pm to do the work

-no one can sleep at the house

Mr. Reiff:

-they have installed security cameras in the property

Ms. Nolan:

-the property has not been maintained; entered her photos taken Sun

-is concerned about the asbestos in their yard; she is wetting the ground 3 times a day; they cannot use their yard

-they cannot get their work done unless the asbestos is taken care of

Ms. Moermond:

-there are specific protocols from the MPCA for removing asbestos; she understands that their contractor is aware of those

Mr. Reiff:

-they do have an asbestos certified contractor

Ms. Moermond:

-the testing company is Engstrom Analytical, St. Louis Park; their tests aren't consistent with Ms. Nolan's test with what needs to happen; Ms. Nolan may want to show these testing reports to her insurance company; this may be considered a private nuisance where the insurance companies work things out

Ms. Nolan:

-the siding fell off their building onto our yard; asbestos all over their yard; the fibers were visually seen

Ms. Moermond:

-Ms. Nolan's insurance said that it wasn't going to pay for replacing soil on her property until the 812 E. Cook property was dealt with; the owners of 812 E. Cook tested their soil and it's OK; so, because of that, your insurance company will need to know that, so that they can go ahead and replace your soil now

-provided copies of 812 E. Cook's soil test reports

-will offer a grant of time for rehab of 812 E. Cook with a buffer

-will recommend granting until Nov 13, 2015 for completion of the rehab of 812 E.

Cook

Ms. Nolan:

-that's a long time for us not to be able to use our yard

Mr. Reiff:

-the asbestos will probably be the first that comes off because we will have to do the demolition first; probably within 1 week

-they anticipate starting on Jul 25, 2015

Ms. Moermond:

-will ask for a grant of time to Nov 13, 2015 at tomorrow's City Council meeting

-will amend the resolution to include a requirement that there be a Crime Free Addendum on the least

-as the rehab continues, your contact person will be Linda Stern; provide that to SPPD

Grant until November 13, 2015 for rehab of the building and to include a crime free addendum condition in the lease.

Referred to the City Council due back on 7/15/2015

2 [RLH RR 15-13](#)

Ordering the rehabilitation or razing and removal of the structures at 870 FULLER AVENUE within fifteen (15) days after the June 3, 2015, City Council Public Hearing. (To be referred back to Legislative Hearing on September 22 and Public Hearing to be continued to October 7, 2015)

Sponsors: Thao

Andy Barnett and Greg Finzell appeared.

Ms. Moermond:

-this was here last on Jun 24, 2015 and City Council sent back to LH

-most recent correspondence from to our office from Mr. Barnett indicates that on Jun 24, 2015, she continued the matter to today; we were hoping that Greg Finzell could do something. Their executive committee won't sign off on it until they have some concrete numbers

Mr. Barnett:

-in the past 2 weeks - he has been coordinating with the owner E. Dianne Smith, general contractor and trade contractors for Rondo Land Trust to develop a scope of work based on property conditions and the code compliance inspection report; worked on putting together a proformer rehab budget that Mr. Finzell can take to his Executive Cte to determine if there's project feasibility from their standpoint that would allow us to move forward with the donation of the property from Ms. E. Dianne Smith to the Land Trust for rehab and resale rather than demolition

Mr. Finzell:

-most likely, they will make a decision on Jul 23, 2015, the next regular Rondo board meeting; this is on the agenda and it looks like he will have everything they need

-the contractor called him yesterday afternoon; all the subs have been through and he's hoping to get the last of the numbers this morning and be able to put the proformer together; then, we will work with Andy on the source and use piece of it

-he was told to bring as much information to the board meeting that he had and they will make a decision based on the most solid information that he has

-he will share his information on the expected cost

Ms. Moermond:

-she thinks that would show the Council that there are concrete actions being taken to do this

Mr. Finzell:

-the board needs to discuss their capacity to take this on; this needs a lot of work; he believes that there are funds to do the work but first the board needs to know the final cost

-the full board will meet on Jul 23 and take action on this project

Ms. Moermond:

-on Jul 15 CCPH, she will ask City Council to lay this matter over to the first Wed in Aug - Aug 5, 2015

Amy Spong, Heritage Preservation Commission (HPC):

-first inventoried in 1983; her notes show that she provided that inventory form

Ms. Moermond:

-read some of Ms. Spong's report:

-neighborhood has a lot of context, especially, railroad context

-the area has nice historic fabric (historic built in the same era, integrity, continuity, similar character)

Ms. Spong:

-referred to as the Albert H. Walker House

-noted that there was still a palladium front window still in tact

-Ms. Boulware notes: see if interested in transfer to nonprofit

-HPC staff recommendation: demolition would have no adverse effect but encourage rehab as far as general character

-this was identified in our 1983 survey but is wasn't recommended for further study for historic designation in the 2011 survey

Inspector Joe Yannarely:

-asked if there was anyone in charge of taking care of the property because the city has cut the grass twice; cleaned up the garbage; there's another complaint for tall grass/weeds in today

-3 Abatements in the last 3 weeks

Mr. Barnett:

-he will take care of that

-asked to be notified on the Orders

Ms. Moermond:

-Mr. Barnett will be put onto the Vacant Building Registration Form

Mr. Finzell:

-need to do some due diligence on this; there were some outstanding loans; they need to make sure that they are paid or find out the status of those rehab loans; also, any special assessments

Mr. Barnett:

-the loan from Associated has been satisfied and recorded (DSI)

-his notes from Jun 24 was that DSI was also going to connect with Western Bank; he spoke with them during this past week and they didn't have anything in their records; she suggested having a title company do a search

Ms. Moermond:

*-we have an Ownership and Encumbrance Report (Mai Vang scanned it and made copies for Mr. Barnett and Mr. Finzell); on her quick scan, she noted that it said that there were 2 mortgages that had been taken out and currently, there are none
-she will call Michelle Vojacek to see if the loans have been satisfied
-come back to LH on Jul 28; we'll make sure that everything is here that is needed*

Layover to July 28 Legislative Hearing and City Council Public Hearing to be continued to August 5, 2015.

Referred to the City Council due back on 7/15/2015

- 3** [RLH RR 15-21](#) Ordering the razing and removal of the structures at 1059 VAN SLYKE AVENUE within fifteen (15) days after the July 15, 2015, City Council Public Hearing. (To be withdrawn)

Sponsors: Brendmoen

Appeal to be withdrawn. Owner has demolished the property.

Referred to the City Council due back on 7/15/2015

- 4** [RLH OA 15-8](#) Making recommendation to Ramsey County on the application of Hui Wang for repurchase of three tax forfeited vacant lots on Sylvan Street with the following PINS: 19-29-22-32-0060, 19-29-22-32-0061, 19-29-22-32-0062.

Sponsors: Brendmoen

Allow for the repurchase of these properties.

Ms. Moermond:

-statement from the owner as to why this went tax forfeit was delinquent taxes resulted from late payment. I've been paying the scheduled property tax up to the time of forfeiture. Because of the address change, I did not receive the delinquent Notice

-looks as though the delinquencies are quite small - \$1,153

-these are all vacant parcels facing an industrial site

-she is not seeing a concern'

-checked the history on these properties and they seem to be well maintained

-they are vacant and haven't been subject to criminal activity

-in that case, she would recommend to allow for the repurchase of the properties

Referred to the City Council due back on 8/5/2015

11:00 a.m. Hearings

Summary Abatement Orders

- 5** [RLH SAO 15-47](#) Appeal of John Krenik to a Vehicle Abatement Order at 1270 CLEVELAND AVENUE.

Sponsors: Tolbert

John Krenik, owner, appeared.
Kristian Weir, attorney, appeared.
Marion Sherman, neighbor, appeared.

Inspector John Peter Ross:

- vehicle abatement*
- complaint came in early May, 2015*
- he visited the site May 6: several vehicles on the lot have not moved in the last 6 months*
- he discovered 3 vehicles: one was a Buick Regal - lack of current license and tabs; appeared to be dismantled and inoperable; the 2 other vehicles were collector vehicles with remnants of a tarp*
- sent Orders May 6; compliance May 18 to license the Buick Regal; and he referenced MN Statute 168.10 subd 1e: Collector vehicles are to be screened from ordinary public view by means of fence, shrubbery, rapidly growing trees, or other appropriate means.*
- shortly after that, he received a call from Mr. Krenik on whether a tarp would be appropriate; and technically, in his mind, a tarp does not meet the definition or the spirit of the law; he suggested that Mr. Krenik try it and he would hold open the Order to see if the use of tarps placates whomever made the original complaint*
- he went out on another inspection and there were tarps over the 2 collector vehicles and the Buick had up-to-date tabs; he closed out that complaint; however, he made a note saying that the tarps were not proper screening, technically, but that he would abate it pending further complaints*
- another complaint did come in not only addressing these 2 vehicles with tarps but also that there was a pick-up truck parked at the rear of this property (Mr. Krenik owns this lot and the lot behind him with the same address, formerly railroad ROW - guessing it to be about 1000 feet in length)*
- upon subsequent inspection, he found the collector vehicles parked and the pick-up parked behind the garage*
- during the appeal process, he went back and took current pictures (Jul 9) to see if anything had changed*
- in addition to the tarps over collector vehicles, a stockade has been erected on the driveway and sidewalk (photos); the vehicles are clearly visible*
- the City Attorney was consulted regarding the interpretation of the statute for appropriate means of screening; both the letter and intent of the statute is that tarps of this sort and also a stockade fence do not screen from ordinary public view; the vehicles need to be stored in a garage or on a rear parking pad*
- one of the drawbacks of allowing tarps is that a "collector" vehicle could sit in the driveway "forever" even if it were inoperable and a mere shell as a project; the tarp would not allow DSI to abate it under any other ordinary means (operable, drivable, secure from entry, expired tabs, etc.) - a detriment to DSI's authority*
- DSI recommends that the Hearing Officer recommend that use of tarps and the use of tarps in conjunction with the stockade is not screened from ordinary public view*

Ms. Moermond:

- asked Mr. Ross if he also checked the Zoning Code's definition of visual screen; it would apply in this case, as well as the state statute; although you site only the one; the Zoning Code's definition is a more precise definition; Mr. Ross could revise his Orders*
- she would use them together*

Mr. Weir:

- the state statute provides more than enough guidance to make this determination*
- Mr. Krenik is more than willing to make whatever adjustments are necessary*
- under the state statute, he is allowed to store his cars outside; the result cannot be*

that he has to put them in storage
-under the statute, his duty is not to placate his neighbors, it is to meet the requirements of the statutes; and is he does that and his neighbors have a problem, he is simply allowed that right; the issue is not whether his neighbors keep complaining; it's whether or not he has met his obligations under the statute; the statute requires a fence, a shrub, a tree or other appropriate means; and these are to be interpreted by their plain, ordinary meaning; clearly, this fence, by definition would have to be sufficient; it's far larger than a tree or a shrub
-he's done more than enough to cover the statute
-and, throughout the process, he's been given absolutely no guidance as to what would be sufficient for the city; and he has asked for it, repeatedly

Ms. Sherman:

-has a side-by-side next to this property; it's a nice unit in a beautiful location except when the tenants go to their kitchen sink and look out the window, they see this junk yard out there
-as you approach on Cleveland north at the intersection before the intersection of Sheridan and Cleveland, you can see his property; you can see the vehicles; his portable fence does not cover the vehicles; he has at least 4 vehicles on that driveway, sometimes, 5; he also has at least 4 vehicles on the street: a van, 2 trucks and another car
-in the back of his house, coming off Return Ct, he's built another building and he has a vehicle back there; he has vehicles all over; it's an eye sore to Cleveland; not what he has in his junk yard back there but on Cleveland
-she has been there 33 years; he moved in the early 90's and he's just been a thorn in a lot of people's side

Mr. Krenik:

-when he bought that railroad property, the neighbors considered it their own private dumping ground; we took out ten 20-yard dumpsters of debris that had been dumped onto that property over the years by the neighbors
-when he constructed his home there, the neighbors felt that they could use his property to have have their dogs dump on it; grow their pot plants on the property, etc.
-the blue truck parked in the back is loaded with windows and they were in the process of being taken to a demo site in Lakeville
-Ms. Sherman had some new sidewalk put in this spring and the cement truck dumped and cleaned out it's shoots and left all the concrete debris on his property (photos)
-it's been a very hard situation; we've been continually harassed; we've tried to clean up things and develop the property

Ms. Moermond:

-today, we are just going to focus on the 2 vehicles in the Order: green & white Buicks, tarped, behind the fence

Mr. Weir:

-if Mr. Krenik meets the requirements of this statute, which he has attempted to do (their position is that he had met the requirements of the statute), then, he is not in possession of a junk yard; the idea of the law is to prevent eye sores
-his fence is 4 ft in height
-Mr. Krenik entered his photos of the fence

Ms. Moermond:

-she does not think that this (temporary fence) meets the requirement of being a visual screen; she does not agree that this is screening from ordinary public view;

she thinks that you can see, which may mean that this location won't work because it can't be screened appropriately

-thinks that the state statute definition of screening is consistent with what the city's Zoning Code provides: "The land between the screen and the property line shall be landscaped and maintained so that all plant materials are healthy and that the area is free of refuse and debris. Required visual screens shall have no openings for pedestrians or vehicles except as shown on an approved site plan."

Mr. Weir:

-is there a law that says that city code should be applied to state law?

Ms. Moermond:

-in this case, it's also a definition that would apply; the Order is not written with a Zoning Code violation, which is why she asked Mr. Ross if he wanted to modify his Order at this time or in the future; we haven't heard back on that yet

-she doesn't think that this works either way; she doesn't think that a screen has been created; she doesn't think that fence provides a screen; she thinks that it's just too short; she doesn't think that it works

-the Council will decide this

Mr. Ross:

-he thinks that the state statute is sufficient; however, he will be amending the Orders to include the Zoning Code's definition of visual screening

-the state statute does give the city jurisdiction in applying Orders

Mr. Weir:

-believes that the state statute takes precedent; it's rule has jurisdiction; Mr. Ross's reading of the statute is a bit incorrect in how an agency works under a state statute; it allows them to enforce the statute but it's interpretation is entirely bound by the language of the statute; he cannot create his own interpretations; he is not free extend himself beyond the limits of the statute; he has to follow the actual wording
-on what basis do you find that this fence is insufficient? Why does it not comply with the statute?

Mr. Ross:

-the photos he took were at eye level as he was standing on the sidewalk; in his mind, they are not screened from "ordinary public view;" at his eye level, he can see the cars (stored in a rear area on a parking pad with a 6 ft fence where someone would not normally see it might work)

Ms. Moermond:

-so, whether or not the Zoning Code is applied, Mr. Ross thinks that this is the main issue (from ordinary public view); that's why you issued the Order that you did

Mr. Weir:

-the statute gives 2 other specific examples beside a "fence" - a "shrub" or a "rapidly growing tree"

-he can't imagine any tree that would cover these cars more than this fence

-"screened" doesn't mean entirely invisible; it has to be covered up to the extent that it's really not a problem

-being able to see the top of a tarp covered car does not seem to go with the legislative intent of the statute; it seems more than sufficient

-re collector cars, the statute also says that "classic collector vehicles; collector military vehicles; street rods; licensed or unlicensed; operable or inoperable may be stored in compliance with the statute outside"

Ms. Moermond:

-is comfortable with the tarps existing

Mr. Krenik:

-he got this design from city staff - designed with environmental issues in mind so that animals, etc. would not make a home; talked DSI office and explained what he was doing; also talked with another city council staffer; together they came up with this idea built to city code for a fence; the nice thing about it is that it's removable and he can put it back; several neighbors also have complimented him on how nice it looks

Ms. Moermond:

-screening "from ordinary public view" does not exist here; she doesn't think that this fence provides that screening "from ordinary public view" and she doesn't think it's an appropriate means

*-you can present this to the City Council on Aug 5; ask for their opinion on this
-will put the compliance date out to Aug 21, 2015 so that if City Council decides that the fence does need to be removed and the cars need to be screened in another fashion or maybe moved to another location, you will have some time to react to their decision*

Mr. Krenik:

*-originally, had a parking pad site approved by the city; however, it was discovered that because it was not in an adjoining lot, it was not OK
-this was designed by Mary Montgomery, city staff, to solve this issue and allow me to park the cars there and do restoration; for this driveway, he needed to cut down 2 beautiful oak trees to satisfy the city (cost him \$6,000); all along, he has tried to work with the city; no one has given him direction and that's the most frustrating thing*

Ms. Moermond:

-City Council will provide that guidance because you filed an appeal

Grant until August 21, 2015 for compliance.

Referred to the City Council due back on 8/5/2015

- 6** [RLH SAO 15-53](#) Appeal of Kate Bratt to a Summary Abatement Order at 731 SAINT ANTHONY AVENUE

Sponsors: Thao

Appeal withdrawn; issue has been resolved.

Withdrawn

- 7** [RLH SAO 15-55](#) Appeal of Margarito G Perez to a Vehicle Abatement Order at 717 SIMS AVENUE

Sponsors: Bostrom

Margarito G. Perez, owner, appeared. Laura interpreted.

Inspector John Peter Ross:

-complaint came in about rubbish in the yard

-Orders were issued Jun 25: 1) regarding some dry concrete, motor oil and rubbish, which has been abated; and 2) commercial trailer without registration, lacking current license and tabs; also commercial vehicles are not allowed to be parked in residential

driveways or back yards; and also for a camper parked on grass, an unapproved surface - compliance date Jul 6;

-prior to Jul 6, the 2nd Order was appealed

-he wants to keep the trailer for storage of personal items

-DSI says that exterior storage of that type is not allowed; looking to have the commercial trailer removed

-photos

Ms. Moermond:

-so, everything has been addressed except for this commercial trailer

Mr. Perez:

-he stores personal items: toys, bicycles, etc. in the trailer; it has been there for years with no problems

-the camper has current tabs

Ms. Moermond:

-the city can't allow it to be there because commercial vehicles aren't allowed on residential property; it's forbidden under the Zoning code

-want to give you time to make alternative arrangements

-no kind of trailer would be allowed other than a hitch trailer

Mr. Ross:

-a shed under 200 sq.ft is allowed and does not require a permit

Ms. Moermond:

-you can keep the camper but move it back onto the approved surface that the trailer is currently on

-will grant 2 months to have the commercial trailer off the property

Grant an extension for 2 months to relocate the commercial trailer; grant the camper but it must be on an approved surface.

Referred to the City Council due back on 8/5/2015

Correction Orders

- 8 [RLH CO 15-13](#) Appeal of Michael J. Miller to a Correction Notice at 2006 NORFOLK AVENUE.

Sponsors: Tolbert

Michael J Miller, owner, appeared.

Ms. Moermond:

-recalls: parking pad in the front yard and curb cut; the curb cut was Ordered to be removed there shouldn't be parking in the front

Mr. Miller:

-it's a former driveway with curb cut

Ms. Moermond:

-she is concluding that you are not responsible for removing the curb cut and the cement there but you may not park in the front yard; we had talked about whether of not the old driveway could be used for occasional parking of a visitor,

Mr. Miller:

- the previous owner used it as a parking pad
- they have used it once or twice that he recalls

Ms. Moermond:

- it's up to you if you want to remove the driveway; you don't have to remove the curb cut; it's been in existence since before 2003
- you were called out on a Zoning violation; however, before a curb cut would be put into place, it would have to have Zoning approval (doesn't know if that happened or not)
- whenever the street is re-built, the curb cut will go away
- you don't have to do anything else
- your appeal is granted; however, you may not park in the front

Inspector John Peter Ross:

- this decision will be entered into STAMP
- for any future complaints, they will note that it's been granted
- re: the curb cut, if this becomes part of the RSVP Project, they will remove the curb cut and improvements will be assessed to you

Ms. Moermond:

- noted: that if there's any question in the future, a resolution will be on the record granting your appeal.

Grant the appeal.

Referred to the City Council due back on 8/5/2015

9 [RLH CO 15-12](#)

Appeal of William and Alicia Lockwood to a Correction Notice at 1098 WOODBRIDGE STREET.

Sponsors: Brendmoen

William and Alicia Lockwood, owners, appeared.

Inspector John Peter Ross:

- this was held over from the Jun 16 hearing so that the homeowners could explore options for obtaining financial assistance
- at the hearing, it was recommended that Inspector Westenhofer inspect the interior, which he has done; Orders have not been issued yet; photos indicated some water damage on the ceiling; some obvious defects
- previous Orders for the exterior: siding, fascia, chimney....

Ms. Lockwood:

- they filled out applications for NeighborWorks and Habitat; haven't heard back yet from NeighborWorks; Habitat turned them down because they had too much of an income
- her daughter's husband is a trucker and he is getting tired of being on the road; so, he wants to move by fall to Wisconsin; and she has to go where her daughter goes because she's a diabetic and her daughter gives her the insulin and takes care of her blood sugars; is concerned about how this will all work out with the repairs

Ms. Moermond:

- advised them to give NeighborWorks a follow-up call and let them know that these Orders are "big time" and the city is pushing on you;
- there's a lot wrong with the house and you don't have the money
- if you can't get the house repaired in an appropriate length of time, you may have to

move out of the house

Ms. Lockwood:

-the taxes and insurance are included in the house payment

Ms. Moermond:

-she's going to take back what she said

-the chimney concerns her and being able to get in and out of the house safely concerns her; she is concerned that if the porch has soft boards, the door won't be able to open smoothly; wants to focus on those things right now

-will give you a deadline for those things; if you meet that deadline, great

-if you don't meet the deadline, the next step that DSI would take would be to issue an Excessive Consumption for not having the repairs done on time and/or write a Criminal Citation

Mr. Ross:

-most likely, DSI would begin with an Excessive Consumption for noncompliance

Ms. Moermond:

-we're going to try to get this taken care of so you can live there safely

-the main goal is to see that you get to live there

Mr. Lockwood:

-they really want to get those repairs done, too

Mr. Ross:

-there are some safety problems: threshold into the porch; it's a fall hazard

-start fixing with what you can do

Mr. Lockwood:

-I can't fix the threshold; the wood is too soft on the bottom; can't fall thru it yet

-fixed the curling near the bathtub and fixed the screens; really need new tile in the bathroom

Ms. Moermond:

-you can get a board, at least 3/4 inch solid wood to put over that area but that won't be acceptable for very long

-will give you a deadline of Sep 1, 2015

-if you hear from NeighborWorks, I'll look at this again

-keep looking for help

-call my office to get an extension

Grant until September 1, 2015 for compliance.

Referred to the City Council due back on 8/5/2015

10 [RLH CO 15-15](#)

Appeal of Charles Greer to a Correction Notice at 953 SAINT ANTHONY AVENUE.

Sponsors: Thao

Charles Greer, owner, appeared.

Inspector John Peter Ross:

-blvd rock garden with some brick work and plantings around a tree

-he consulted with Public Works right away on this; they admit that the rock garden looks great; however, this kind of encroachment on city ROW does put the City of

Saint Paul at liability for public property and personal law suits

-regulations on blvd encroachments: encroachment is defined as any above or below grade protrusion beyond on the property line, which extends into, above, over or otherwise occupies public street, alley, sidewalk, blvd or ROW; which would include rocks, group of plants... there is a provision for PW to issue a permit on this type of thing, similar to a rain garden, where permits are required; it's his understanding that no permit had been applied for so, the Orders were issued to remove the rock garden on the blvd

Mr. Greer:

-he had the rock garden since about 2001

-he called the city and asked if he could put a rock garden on the blvd and she said, "Sure; no problem with the rock garden." She also gave him a list of plants that were inappropriate to plant on the blvd but the rock garden is fine; so, he put in the rock garden

-he has gotten nothing but compliments on his rock garden

-he maintains his property well; he has owned this property since 1989 and he watched this community go through great changes

-the purpose of blvd plantings, in his understanding, is to enhance and improve the aesthetic appearance of the city streets, avenues and alleys

-the guidelines for blvd planting does not say that he cannot put certain things out in the rock garden

-Sec 34.01 states: to allow use of the Public ROW by adjacent property owners (was what I was written up on); there's no houses across the street and there's not a heavy amount of traffic going across this ROW

-when he asked this lady if he needed a permit to put in the rock garden, she said that there was no need for a permit to beautify or enhance the blvd; so, he went ahead and put in the rock garden

-if there were a complaint, it would have to come from the adjacent property owners - for his safety, his welfare that he cannot come across the ROW to access his property but since St. Anthony is a one-way, there is no way there is a walk-way

Ms. Moermond:

-there is no issue in terms of the height of your plantings according to the photos

-there is a concern regarding snow plow blades; do you have too much hard landscaping and not enough soft scaping?

-the bricks right next to the curb do not appear to have been damaged after all these years, so the snow plow blades aren't hitting them

-she is OK with this but she wants to someone in Public Works because the Order is written up as an encroachment issue

Mr. Greer:

-brought up photos of other blvd gardens/plantings (Where did they get permission or where did he go wrong and they are right?)

-people say it's beautiful and Inspector Sean Westenhofer, who wrote it up, says that it's one of the most beautiful rock gardens in all of Frogtown

-it beautifies St. Paul

-both his adjacent neighbors said that they did not complain about it

Ms. Moermond:

-looked at photos

-the difference in the photos is the flat connection between the rocks and the curb; your bricks create extra height next to the curb; that's the only difference she sees

-she has no problem with the rocks, whatsoever; she is a little concerned about the bricks lining the curb but she doesn't see damaged bricks

-PW is concerned about blades and trip hazards
 -she will talk with PW - maybe the bricks aligning the curb need to be taken out or just dug in deeper (?)
 -but, no way does the rock garden have to come out; she is inclined to let it go, as it is
 -scanned Mr. Greer's photos
 -will Lay this Over for 1 week to hear from PW (LH Jul 21, 2015)

Laid Over to the Legislative Hearings due back on 7/21/2015

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 11 [RLH FCO 15-110](#) Appeal of Callan Crawford to a Correction Notice-Complaint Inspection at 1043 WAKEFIELD AVENUE.
Sponsors: Finney
Grant the appeal.
RE: retaining wall - Mr. Crawford had a survey done; the retaining wall is on his neighbor's property at 1039 Wakefield
Referred to the City Council due back on 8/5/2015
- 12 [RLH FCO 15-130](#) Appeal of Reverend Tilman Bergman to a Fire Certificate of Occupancy Correction Notice at 499 CHARLES AVENUE
Sponsors: Thao
Reverend Tilman Bergman and Dave Olson, Church Council President, appeared.
Fire Inspector Leanna Shaff:
-Fire Certificate of Occupancy Inspection conducted Jun 17, 2015 by Inspector Wayne Spiering
-appealing only #4: requiring a kitchen hood suspension system in the basement. Currently, they have just a vent system; no suppression, etc.; not an issue if there's no cooking with grease laden vapors; they do a lot of cooking pasta but also fry up hamburger (grease laden vapors) once a week; the Loaves and Fishes Program rents the kitchen facility
-boiling is not an issue; frying up hamburger is
-canisters are not approved for commercial use and would not take care of grease laden vapors
-photos
Rev.. Bergman:
-has been Senior pastor there for 21 years; Loaves and Fishes has been using their facility for over 25 years; this has never been an issue in all previous inspections; nothing has been changed; after 25 years, there's never been an incident; they keep

a proper fire extinguisher right there
-Inspector Spiering told the custodian that this could run up to \$30,000, possibly more
-the church has always tried to comply but this one is rather onerous
-they may have to terminate the program with Loaves and Fishes; there's no other facility in the immediate neighborhood - there's no other church that even fries hamburger - some of them don't even have hoods, let alone suppression units
-Loaves and Fishes serves on an average of 4 nights a week up to 100 people; they would have to terminate the program
-and, what does this mean for us as a congregation - does it mean that we wouldn't even be able to use the kitchen?

Mr. Olson:

-has there been a change in the requirement since their previous inspection or has something changed within the fire code?
-this has never been raised before
-an expense of this size is very onerous - they are running a deficit in the church and Loaves and Fishes is a nonprofit and doesn't have the funding; they share some expenses because they are the primary users of the kitchen; the church uses it sometimes
-they are concerned about the loss of this service to the people in that community; they serve about 150 per night between 5:30 - 6:30 pm; different churches have volunteer groups that come in and prepare the food under supervision of an employee of Loaves and Fishes, who has a commercial kitchen license; they bring the food, prepare it, serve it and clean up; the meals vary; each serving group sets their own menu, coordinated with Loaves and Fishes and Second Harvest; a free meal given to people with no questions asked - some are very needy; others are very lonely; we are one of many sites; on an average, they service 1800 meals a day in the metro area, last year having served over 400,000 metro wide.

Ms. Moermond:

-questioned why it hasn't been called out in the past.

Ms. Shaff:

-has no answer, typically inspection is only a snap shot in time
-didn't look at who past inspectors were
-as jobs get easier, it makes us understand codes better
-maybe last inspector didn't have all the information

Rev. Bergman:

-so in situation like this the codes in a restaurant for frying out hamburgers, 8 hours a day, are we considered a restaurant or church

Ms. Shaff:

-the code does not differentiate. You are going to fall into either a dwelling unit or you're serving more than say family
-it's where people gathered or food is being prepared.
-this is where it's the most hazardous even though being supervised
-occupancies where people get together and do things
-if only warming things or an occasional pancake breakfast once or twice a year, then it's no big deal.
-4 nights a week, 150 people, grease, then this applies

Rev Bergman:

-I do understand and Spiering was cordial in walking around
-asked if this is something that is normal
-his response was that it was for him because he normally do restaurant inspections

*-he did asked Spiering why now an issue after 25 years
-we do occasional congregation, uses for warming sauces and spaghetti, hamburgers and frying pan
-appreciates the concern
-made calls to other congregations
-we have a council meeting Thursday night*

Ms. Moermond:

*-she is not thrill about this
-don't have an answer for now
-do want to read the Fire code in more details and take a look at how other churches have managed this
-they indicated they don't do any deep frying
-asked if Loaves and Fishes uses a commercial kitchen elsewhere*

Rev Bergman:

*-they are used all around the metro area
-about 95% of people of being served meals for families who just have this option and the other 10% are elderly who lives in their homes but goes to the congregation for social gatherings
-we are in opposition to these inspections
-this is money issue for us*

Ms. Shaff:

*-feel comfortable having personal turmoil but on the other hand how do she reconciles these issues when this is where the most damaged life safety concerns are.
-talking about good amount of people
-see lots of wood fires all the time
-have you talked to the insurance co about this*

Rev Bergman:

*-I agreed but people in the kitchen are small
-we were given a gift so that we can put in a full fire detection, active system which is being monitored 24/7
-yes we talked to the insurance. Loaves and Fishes has their own insurance. They carry a major insurance policy.*

Ms. Shaff:

*-as far as the Fire codes, they are different occupancies, how it's used, a factory is more dangerous than an office, that is how the code addresses.
-Spiering does the restaurants, she is all residential specialist*

Ms. Moermond:

*-wants to look at this more carefully and it's the Council's job in this case to balance those two public goods
-if granted, it's for the understanding that it's the hunger issue prevails this time
-my work would be around conditions that would make this more safe, regulation that would make it safe as possible.
-deadline for this is August 5.*

Ms. Shaff:

-Item #3

Rev Bergman:

-it's in the dining area

-Dave Olson will be there

Ms. Moermond:

-I will have inspector go out and do inspection and close out everything but the venting issue

-Layover to September 8 at 1:30 p.m.

Laid Over to the Legislative Hearings due back on 9/8/2015

13 [RLH FCO](#)
[15-133](#)

Appeal of Winnie Crosbie (WYYC Property Management) to a Fire Certificate of Occupancy Correction Notice at 2100 STILLWATER AVENUE

Sponsors: Finney

Winnie Crosbie, WYYC Property Management, appeared.

Fire Inspector Leanna Shaff:

-Fire Certificate of Occupancy conducted Jun 25, 2015 by Inspector Laura Huseby

-13 Orders on list

-photos

-the Appellant says that the house is listed for sale

Ms. Crosbie:

-would like to put off the repairs and leave them for the next owner; most likely, it will be an owner-occupied house

-the seller is out of state; they want to sell the house "as is"

-the purchaser will have their own inspection at the time of signing Purchase Agreement

-current tenants are moving out end of Aug, 2015

-if the house doesn't sell by the end of Oct, the owner might comply and get it all done before they re-rent it but she'd rather sell it than rent it

-she's retiring and moving out of state

Ms. Shaff:

-some things definitely have to happen - a few safety issues

-dryer vent - DONE

Ms. Crosbie:

-the vent just needed aluminum taping; the vent itself was there (photo)

Ms. Shaff:

-but the inspector writes that the vent was disconnected and not insulated per the Energy Code

Ms. Crosbie:

-will check with the repair person

-she has another house and also had a dryer vent issue and trying to get a licensed person to come out and just do that for you is almost impossible because the job is too small and all the tradesmen have more work than they can handle; she called 4 different contractors and they wouldn't come out; she finally got the OK from the inspector; if you say you just need a dryer vent, the tradesman won't even come out

-will take care of all the safety issues

-hoping that you will allow it because as she pointed out, the buyer will have their own inspection, as well

Ms. Moermond:

-#10 concerns her - combustible materials being stored -things around the water heater and furnace; charcoal, lighter fluid in the closet; she wants that gone today

Ms. Crosbie:

-they have a shed they can put those items into

Ms. Shaff:

-photos show stained ceiling tiles in the basement

Ms. Crosbie:

-licensed plumber came to fix the kitchen sink; something was leaking - DONE

Ms. Moermond:

-Inspector Huseby will do a follow-up on the combustibles, etc.

-the deadline for compliance on these Corrections is Aug 14, 2015; if they are not completed by then, the Fire C of O will be Revoked and the property vacated by Sep 1, 2015; then, she anticipates that the property will go into the Vacant Building Program; there are obvious exterior code violations

-#10 now; hot water heater, now

-all items done by Aug 14, 2015

Ms. Crosbie:

-can we not do the driveway?

Ms. Moermond:

-the driveway is broken up quite a bit; and there's a ton of overgrowth - not good maintenance

-the driveway is in pretty bad shape; it needs to be re-done before the house can be re-occupied

Grant until August 14, 2015 for compliance. If not in compliance, Fire C of O will be revoked and tenant(s) must vacate by September 1, 2015.

Referred to the City Council due back on 8/5/2015

2:30 p.m. Hearings

Vacant Building Registrations

- 14 [RLH VBR 15-50](#) Appeal of Seregela Abebe to a Vacant Building Registration Renewal Notice at 750 WESTERN AVENUE NORTH.

Sponsors: Thao

Seregela Abebe, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

-Vacant Building Registration fee

-has been a Category 2 Vacant Building since Jul 7, 2009; Ramsey County has been the owner since then

-Mr. Abebe is in the process of going thru Inspector Soley's Sale Review process; he has already purchase it from the County

-spoke with Reid Soley and the process is on-going; Mr. Abebe needs better bids before Mr. Soley will give his approval on the Sale Review

-a Code Compliance Inspection is on file

-no permits have been pulled
-here to discuss the 2015-16 VB fee of \$2025 past due (Jul 7, 2015)

Mr. Abebe:

-plans to fix it up and live there
-he bought it May 22, 2015
-contractors are very busy
-estimates he will be finished with the rehab in 9 months

Ms. Moermond:

-this has been in the VB Program for 6 years; in 45 days, the fee will be sent to assessments
-will get a letter in late Aug; you should appeal that assessment then; you'll have a better idea then on when you will be finished and she can reduce if if you'll be done soon
-asked Mr. Dornfeld to arrange it so that Mr. Abebe can pull permits

Ms. Moermond:

-get started; we'll talk when it's an assessment

Deny the appeal but allow permits to be pulled. (Let VB fees go into assessment.)

Referred to the City Council due back on 8/5/2015

15 [RLH VBR 15-49](#)

Appeal of Nachman Goldberg to a Vacant Building Registration Notice at 1809 YORKSHIRE AVENUE.

Sponsors: Tolbert

Nachman Goldberg, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

-Mr. Dornfeld made this a Category 2 Vacant Building Jun 29, 2015 per Order from Supervisor Steve Wagner and Senior Building Inspector Steve Ubl
-Inspector Ubl was on site and sent the following email to Mr. Wagner and Mr. Dornfeld, which generated the Cat 2 VB status: we have a property at 1809 Yorkshire that is under construction. An application was submitted for an addition; was reviewed and is ready to be picked-up. The contractor has not picked up the permit and is doing this work without it. The area building inspector contacted the contractor (Lemax) on Jun 16, 2015 to stabilize the site and purchase the permit. Neither has taken place. A phone call to the contractor, Boris, on Fri, Jun 26 from the area building inspector was made and Boris assured the inspector that the site would be stabilized that day. To date, the site is a nuisance and needs to be stabilized. I called the contractor's office and left a voice message this morning to call me ASAP. The area building inspector will write Orders for work without a permit and unlawful construction practices. The site is in need of immediate repair to stabilize soils. The neighbor's property is being affected by erosion; the home's footings are being undermined and the site has no erosion control practices implemented. The property is a nuisance. I'm asking you to re-establish the site, control erosion, stabilize the hillsides and incorporate BMP's as soon as possible. Please contact me if you have any questions. Sincerely, Steven Ubl, Senior City Building Official
-at the time of his inspection, which was later on that afternoon on Jun 29, 2015, remained true
-there was no one on site and the rear of the property was wide open to trespass; so, he was able to gain access to the property
-the interior is down to the studs and rough-ins
-due to the emergency concern, there was an emergency abatement issued and

signed by Mr. Wagner to immediately: cap open sewer lines, backfill south side of structure, stabilize east and west squalls and install erosion control measures on the south side of the property

-estimated abatement cost: \$6,500

-he went by this afternoon and that work has been completed

Mr. Goldberg:

-this is his home; and he is very frustrated

-when all of this happened, he was on the East Coast; they went on a small vacation

-he came back Jun 30

-his wife told him that someone was at the property; she spoke to the workers who were there; they told her that the city had called them; that afternoon, they got a Notice from Inspector Dornfeld on Thu afternoon and he was unable to contact anyone at the city because of the Jul 4th weekend; Mon morning, he spoke with Inspector Wagner, Inspector Ubl, etc.

-back tracking: he contracted Boris (Tsvetovat?/Lemax?) back in the winter

Mr. Dornfeld:

-for the record, Boris has been causing a lot of problems for the city and its inspectors

Mr. Goldberg:

-we applied for permits back in Mar; he was denied because of a small zoning issue, which they fixed; then, he left the country for 3 weeks in Mar; got back Apr 15 approx, and we still didn't have the permits; then, Boris had some medical treatments

-he got in touch with the city about this; he didn't know what was going on; he asked if the permits were ready; Mr. Ubl left a message Apr 29: Your permit's ready for pick-up; he told Boris that (he left all the work in Boris' hands)

-Boris started working, slowly; gutting the inside of the house, etc; when things weren't moving fast enough and Mr. Goldberg pressured him, Boris started to do some framing to calm him down; he thought that everything was in Order; he didn't know that Boris hadn't picked up the permit (he found that out Jul 6)

-he started excavating Jun 10; doesn't know how Boris got so far without permits; he kept on saying that he had the permits - everything is fine

-they had issues with the soil; need piling; he mentioned to Boris that the side of the property was caving in and then, it rained; it was a mess; he said that he'd take care of it tomorrow; he left for New York Jun 15 and he got back to this mess

-the whole project was supposed to take 4 months from the issuance of the permit May 1, 2015

-they have been living in a friend's very small basement; he has 4 children

-Boris is blaming him because he made changes to the initial plan

-he paid Boris 26% down, which is around \$68,000

-he has terminated Boris; now, the only thing he can do is to sue him; he is one of many people... and he's not going to get paid back

-believes that Boris doesn't have the available funds; otherwise, why would he not pick-up a permit?

-he knows that Boris didn't pay his workers for a long time

-luckily, yesterday Boris did give him a \$6,000 check for appliances; his wife ran to the bank and cashed the check

-he is in touch with Inspector Ubl; he decided to do the contracting himself; he already has a framer, a plumber lined-up (Boris broke the water line)

-is here to request that the VB fee be waived, since it was not meant to be vacant

-the property is secured

-has applied for code compliance inspection and then, he will re-apply for the permits and go ahead full force

-the plan is to be able to move back in before winter

Ms. Moermond:

*-wants to help him out; this will remain a Cat 2 VB
-will grant a 3 month waiver on the VB fee and then, process it after that if it's unpaid, which will probably be the case; it will come forward as an assessment in Nov and it wouldn't come before her until Jan or Feb 2016; at that time, the project will be done and she can decrease accordingly (don't pay the bill right now; and if you not done when you get billed in 3 months, don't pay the bill; appeal it and we'll talk)
-your VB fee will be waived so you will be set up to pull permits after the code compliance inspection is done*

Mr. Goldberg:

-assumes that the \$6,500 is on the property, right?

Ms. Moermond:

-yes, it's on the property

Mr. Dornfeld:

*-when he was told to post the placard, the estimate shown on it was from Mr. Ubl and Mr. Magner (Kammish's estimate)
-the \$6,500 will be part of your law suit
-it will show up as a property tax assessment*

Ms. Moermond:

-that assessment will also come forward as a proposed assessment; the payments can be divided up to 5 years

Waive the VB fee for 3 months and allow permits to be pulled.

Referred to the City Council due back on 8/5/2015

Staff Reports

- 16 [SR 15-79](#) Appeal of Dan Hekrdle to a Vacant Building Registration Notice at 670 BELLOWS STREET.

Sponsors: Thune

Owner in compliance.

Received and Filed

3:00 p.m. Hearings

Other

- 17 [RLH OA 15-6](#) Appeal of Fred Kueppers for Grand Heritage Properties, LLC to a Fire Inspection Code Compliance Notice at 1659 GRAND AVENUE.

Sponsors: Tolbert

Appeal withdrawn per Appellants request.

Withdrawn