



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, August 25, 2015

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [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. (To be laid over to October 6 Legislative Hearing and Public Hearing on October 21, 2015)

Sponsors: Finney

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

Mr. Scharf:

- they've done an initial evaluation; have made entry*
- would not categorize the building as a "Remove" under their evaluation*
- they've talked with some neighbors and they've done a clean-up of the exterior and changed locks*
- it will be on the list*

Ms. Kujala:

- they stabilized it for the neighborhood*
- the neighbors are certainly responding to it's previous ownership/occupants*
- in the county's opinion, it's not worthy of demo*
- now, that it's in their possession, they will be notifying all municipalities under statutory requirements*
- HRA can have conversations with the local CDC's - if anyone is interested in picking it up for rehab*
- they are still doing 4R work; however, the county board is looking for some changes to the 4R Program; so, county management staff is currently needing to review what type of changes they would like to make with the 4R Program*
- right now, they have halted all renovations on the 4R Program and are only conducting demolitions and de-constructions until they receive further direction from the county board*

Ms. Moermond:

- doesn't know if the HRA has the capacity to do this, either*

Ms. Kujala:

- there are certain things that the county board is asking to be put into place regarding*

the county HRA; having some conversations with the state
-there's another workshop in Nov with the county board in relationship to the 4R Program and the future and future partnerships
-from the timeline she has seen in the past from the city HRA, it would be about a 6-month endeavor
-the county would like the opportunity

Ms. Moermond:

-in the past, we've talked about a case or two that you did with Jim Erchul, Dayton's Bluff Neighborhood Housing Services, where they have picked up a property and did the rehab

Ms. Kujala:

-they would have acquired those through the HRA
-HRA sent it to the CDC or we've sent it to the CDC; they review the list and then put in their wish list with the HRA; the HRA then puts together the entire list and sends it over to us
-typically, the way the HRA responds to that list is that they put everything on "hold" for 6 months; after that, they come in with a resolution on the ones that they've found funding for - that a CDC has the capacity to fund and meets their timelines
-anticipate that list to be done in 60 days (end of Oct)

Ms. Moermond:

-is there a list for those that forfeit Aug 1, 2015?

Mr. Scharf:

-he transferred that list to Inspector Matt Dornfeld; if there are issues going on, they notify us and we react to it

Ms. Kujala:

-there's always issues going on because no one is taking care of them
-they like to send out that list in July but that didn't happen this year
-another thing that may happen is sort of a partnership with TSL and CDC's working together on rehabs - where we would be doing a portion of it and they would be doing a portion; there's nothing definite yet

Mr. Scharf:

-the 4R Program will continue but the framework is in flux; partnerships seem to be the direction we want to go

Ms. Kujala:

-a workshop was conducted with senior management and the county board
-Heather Worthington has been having conversations about the changes with Jonathan Sage Martinson, Director, PED; she is going to be scheduling additional meetings
-there is an audio record of that workshop, Jul 21 (on website)

Ms. Moermond:

-suggested that maybe Ricardo Cervantes should be part of that conversation because she is more concerned with enforcement activity
-she would like to listen to what happened at that workshop to get a sense of it

Ms. Kujala:

-have had conversations about the last 2 renovations they had done: 806 Edmund Ave and 989 Burr St; they wanted to save them and keep them stable in the community; they weren't worthy of demolition; they did a fabulous job on them;

however, the economy is still recovering
-they've been invited to come to many hearings to come and save properties that are not worthy of demolition but they are not cost effective

Ms. Moermond:

-the private market could not address these problems; only government agencies can do this; it's fixable at a loss if you want to do it right

Amy Spong, Heritage Preservation Commission (HPC):

-is curious, of the large Victorian homes that had been turned into triplexes, did you consider reducing it to a duplex instead of a single family?

Ms. Moermond:

-will chat with the councilmember about what is feasible from his perspective on how long he's willing to wait on dealing with this building

-how can this be managed?

-she wants to listen to the tape of this meeting

-will notify you of future plans

-asked if they would like another hearing scheduled or would they like to write a letter or ?

-normally, she would like to get your reaction in the hearing process so that you have the time to say everything that you want to say and there can be some exchange on the record; at Council, there's not much question and answer; it's harder; if there's a record created at LH, they can look at that beforehand

Ms. Kujala:

-they'd like the hearing process; their biggest goal is to preserve the asset

Ms. Moermond:

-there's no end game on this one yet; may have one in a few months as these conversations progress

-will Lay this Over for us to talk to each other in one month; she will have had a chance to do all of this in that time and communicate it back to you

Ms. Spong:

-if you do plan in talking with Councilmember Finney, she'd be interested in also talking with him

Ms. Moermond:

-OK; she will bring that us

To be laid over for 1 month (October 6 LH); Public Hearing October 21, 2015.

Referred to the City Council due back on 9/16/2015

2 [RLH RR 15-28](#)

Ordering the rehabilitation or razing and removal of the structures at 1004 GROTTO STREET NORTH within fifteen (15) days after the September 2, 2015, City Council Public Hearing.

Sponsors: Brendmoen

Sylvia Wilhelmi, owner, and James Vin Zant, general contractor, appeared

Inspector Steve Magner, Vacant Buildings:

-read letter of Aug 12, 2015 from Mai Vang (attached)

-conditions to be met in order to receive a grant of time:

1) post a \$5,000 performance deposit, if have not done so;

- 2) apply for a new code compliance inspection, if have not done so;
- 3) provide a lockbox on the building for inspectors to gain access;
- 4) a work plan or sworn construction statement with timelines for the completion of the rehab;
- 5) submit bids from a general contractor and subcontractors;
- 6) provide financial documentation indicating the amount of funds to do the rehab (line of credit, construction loan, personal bank account);
- 7) if using personal bank account, provide a letter of commitment/affidavit dedicating the fund amount for the project (all account numbers must be whited-out); and
- 8) the property must be maintained

- \$5,000 performance deposit has been done
- code compliance inspection has been completed
- lockbox was taken care of
- the property has been maintained

Mr. Vin Zant:

- he has worked for Ms. Wilhelmi and her husband on this project back in 2008
- the house has all new plumbing, electrical, HVAC; it's been re-insulated; new dry wall
- what's remaining is to trim it out: sink cabinets, hook up plumbing
- there's an open mechanical permit; probably a new permit needs to be pulled and closed out
- sheet metal permit is finalized
- electrical permit is finalized; new service was brought in
- new deck has been installed on the back and new stucco
- it's a sharp looking property
- the majority of work has been done
- it's a matter of going thru the code compliance inspection report and making sure that any new requirements are met
- new furnace, new water heaters, etc.
- if Ms. Wilhelmi's husband Dale hadn't fallen into medical issues, the property would have been completed already; she has asked me to come and finish it all to final inspection
- he did the original demo and framing in 2008; he can't imagine that there's be much on the code compliance report

Mr. Magner:

- the code compliance report is still not in the system

Ms. Moermond:

- asked Mr. Vin Zant to put together a Work Plan and email it
- asked Ms. Wilhelmi to submit her financial information - a letter of commitment/affidavit dedicating the funds for the amount of the project

Mr. Vin Zant:

- ball park estimate to finish: \$10,000 - \$15,000
- he will put a full sworn statement together and email it in with subs' bids and timelines
- his materials will be wrapped up today and sent
- could probably finish in 30 days; is asking for 60 days just to make sure everything gets covered since he hasn't seen the code compliance inspection report
- will put together a packet and email it today

Ms. Moermond:

- will send an email to the code enforcement folks and ask them to email it to you

-City Council Public Hearing Sep 2, 2015

-if you're thinking 60 days, I'm going to go 90 to take into account any potential delays; we'll go with a block of 90 days

Owner needs to meet the following conditions in order to receive a grant of time:

- 1) contractor to provide a detailed work plan with timelines or sworn construction statement and must be in accordance with the code compliance inspection report;
- 2) revised financial documentation from the Bank;
- 3) provide subcontractor bids and their timelines for the project; and
- 4) the property must be maintained.

If the conditions are met, Ms. Moermond will ask the City Council for grant of 90 days to complete the project.

FOLLOW-UP 9/2/15: This item did not appear on the Council's agenda for public hearings on 9/2/15. Therefore, I will be asking the Council to bring it in under suspension, conduct a public hearing and lay the matter over 2 weeks to 9/16/15. Also, the code compliance inspection report was just issued today, so I would like to have the contractor review it to see if the scope of work needs to be modified. Lastly, the letter from Wells Frago does suffice in terms of whether there is money available to do the work. However, I asked for a letter/affidavit from Ms. Wilhelmi indicating she will use these funds for this purpose.

Referred to the City Council due back on 9/2/2015

3 [RLH RR 15-33](#)

Ordering the razing and removal of the structures at 720 JENKS AVENUE within fifteen (15) days after the September 16, 2015, City Council Public Hearing.

Sponsors: Bostrom

Inspector Steve Magner, Vacant Buildings:

The building is a one-story, wood frame, single-family dwelling, with a detached one-stall garage, on a lot of 4,792 square feet. According to our files, it has been a vacant building since August 2, 2011.

The current property owner is National Home Investors LLC per AMANDA and Ramsey County Property records.

On May 20, 2015, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on June 12, 2015 with a compliance date of July 12, 2015. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.

Taxation has placed an estimated market value of \$10,000 on the land and \$25,000 on the building.

Real estate taxes are current.

The Vacant Building registration fees are due and owing in the amount of \$2,025 (the last fee was paid by assessment on 8/29/14).

As of August 21, 2015, a Code Compliance Inspection has not been done.

As of August 21, 2015, the \$5,000 performance deposit has not been posted.

There have been twenty-four (24) SUMMARY ABATEMENT NOTICES since 2011.

There have been twenty-six (26) WORK ORDERS issued for:

- Garbage/rubbish
- Boarding/securing
- Tall grass/weeds
- Snow/ice
- Other exterior – metal awning

Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish is \$12,000 to \$15,000.
DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days; if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Amy Spong, Heritage Preservation Commission (HPC):

- mid-century ranch style built in 1957
- cross gables wood frame
- has 2 over 2 windows with horizontal divisions characteristic of the era
- in a neighborhood that for the most part, was mostly developed already by the 1920's
- it looks like it was an infill house; not consistent
- not been recognized because it wasn't old enough in the 1983 survey to be considered historic; it was old enough in the 2011 survey; however, it was not identified as having potential for historic significance
- received a letter back from SHPO that there's no potential for national register listing; neither are any nearby resources impacted
- demolition will not have an adverse effect

Ms. Moermond:

- will recommend it's removal within 15 days with no option for its rehabilitation

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

Referred to the City Council due back on 9/16/2015

Staff Reports

- 4 [RLH OA 15-10](#) Making recommendation to the Ramsey County Commissioners on the application of Cherie Johnson, for repurchasing the tax-forfeited property at 977 FULLER AVENUE.

Sponsors: Thao

Ms. Moermond:

- 977 Fuller Ave: a Repurchase Application

Steve Magner, Vacant Buildings:

- this was submitted by Cherie Johnson (attached)
- lots of angst and a lots of loss noted in her letter
- looks as though she lost control of taking care of this; now, she is seeking to reclaim this property

Ms. Moermond:

- when she looked at the history on this file, it looks like 2014 was a bad year but otherwise, there seems to be an OK history on it; basically, she just lost control of it in 2014 in terms of mowing the lawn and a couple snow removals, etc;
- in the letter she says that she had depression

Mr. Magner:

- they opened it as a Category 2 Vacant Building but after they opened it, Ramsey County said that the house was occupied; so, they closed the file (it was within a couple days of them opening the file); they changed it back to a Cat 1 VB and closed the file (Ramsey County must have allowed this person to stay in place)

-they don't seem to be maintaining; in May 2015, there was tall grass/weeds; snow/ice from Feb 2015; prior to that, there was a lot of activity (2014) and some prior to that

Ms. Moermond:

-there aren't any police reports; she called
-it's been owner-occupied for quite a while

Mr. Magner:

-no harm in allowing one more try at this point in time
-with the lack of any type of behavioral issues, I guess we can move forward

Ms. Moermond:

-note for the record: 2014 was a bad year; there have been nuisance conditions; back in control in 2015
-wants to be assured by the owner that the property will be maintained again in the future

Allow for repurchase with the condition: the property must be maintained.

Referred to the City Council due back on 9/16/2015

5 [SR 15-86](#)

Reviewing request of owner to have Council reconsider its Order to Remove or Repair the Structures at 210 GRAND AVENUE.

Sponsors: Thune

Imran Kahn, owner, appeared.

Ms. Moermond:

-last time at hearing, you were given 90 days to remove the structure - that was your plan
-the structure wasn't removed in the intervening time; you discovered that you could not do the new building that you wanted to; you came up with some plans for the rehab of the building but you had only the authority, at that point, to go to demo; that was the vote at City Council; at the last minute, Councilmember Thune said that we would look at this again
-can see that Mr. Kahn doesn't have any paper with him today

Mr. Kahn:

-he emailed the paperwork
-Mr. Bloom and Corinne, Zoning, gave him the information of what he needed to do to get ready to pull permits
-it will be a 1-story building
-he has all the bids: HVAC-\$37,000; Electric-\$20,000+
-he will be the general contractor on it
-his goal is to pull the permit this week
-he spent \$10,000 to start ordering the mechanicals; the HVAC person wants to purchase the supplies
-plans are being drawn right now

Mr. Magner:

-read the Aug 12 letter (attached) to Remove/Repair this property - LH scheduled for Tue Aug 25, 2015; listed conditions to be met
-on Aug 10, we put a note into the system to allow a performance deposit but not permits until Council grants time
-as of yet, we do not have a performance deposit

Mr. Kahn:

-he will write out a check (Ms. Moermond: need to go to DSI at 375 Jackson St)

Mr. Magner:

-they've already done the plan review

-maybe they needed additional information

Mr. Kahn:

-yes; he had to get the HVAC plans and the mechanical plans drawn; also, he had to address the roof - get approval from Tom Beech about roof drainage in the winter; he will have the snow professionally removed and taken away

Mr. Magner:

-if you have satisfied plan review issues, it will be a matter of Council granting time

-it's more in the hands of City Council and the owner now

Ms. Moermond:

-going back to the list of things that you needed to have---

-you are ready to pay the performance deposit

-you will need to prepare a detailed sworn construction statement with timelines - have that in by 2 weeks

-you will need to submit the financial documentation that you have the financial ability to do the project

Mr. Kahn:

-he emailed a pre-approval from Alliance Bank last night; they will give me a loan; their appraiser will go this week - they needed all his bids to go forward; they've reviewed all the financials, etc.

-taxes aren't paid yet; neither is the SAC fee; he will pay that all at once

Ms. Moermond:

-she needs to have all the pieces in place before the Council will greenlight this project

-is not sure that she will accept a pre-approval; will take a look at his paperwork

-she would like to have this all done in 2 weeks - Sep 9, 2015

-if you get it all in, she can get a resolution to City Council

-City Council Public Hearing Sep 16, 2015

Mr. Kahn:

-asked if there was any way they could get the slab in and start exterior siding?

Mr. Magner:

-so, you want to start work before the Council grants you time

-the state building code says that you have to have a permit before you start any construction

-since it's a Category 3 Vacant Building, you have to have a grant of time from City Council first

Ms. Moermond:

Will draft a new Resolution to go before Council at Public Hearing on September 16 if the following conditions are met by September 9:

- 1) a revised letter from Alliance Bank approving the loan to be used for the project;
- 2) post the \$5,000 performance deposit;

- 3) pay outstanding taxes with Ramsey County;
- 4) provide a work plan with timelines for the repairs.

Owner/contractors will not be able to pull permits until grant of time is approved by Council.

Received and Filed

6 [SR 15-88](#)

Reviewing request of owner to have Council reconsider its Order to Remove or Repair the Structures at 929 SEVENTH STREET WEST.

Sponsors: Thune

Owner: Hank Hanten appeared.

Staff: Steve Magner, DSI-VB/CE, Amy Spong-PED-HPC, Jean Birkholz, Mai Vang and Moermond Moermond, Council Research

Ms. Moermond:

-The City had it with the project. I talked to you earlier about having no vote of confident of ability to rehab on this given the failures.

-Need to have a plan from someone else to undertake this.

-Building is looking like an egg given the cracks in the structures, more separation front and back.

Mr. Hanten:

- the engineer report says it an adequate building.

-it was his brother's building, recently quit claim to him in lieu of foreclosure. He had no control of the bldg now

-he has a letter of commitment from Western Bank for \$100k, roofing bid, and can put together a work plan but don't have all the bids.

-Previous owner gutted the entire building; more than half of the items in the code compliance no longer exists-there are no bathrooms, no stairs

Ms. Moermond:

-we are looking at a completely empty structure and has been inside with the building official, Steve Ubl.

-went through with the previous owner, Andre Stouvenel.

-when looking at the engineering report, it was dated December 24, 2013 and thinks there needs to be updated here.

-we don't have a copy of the update report and needs him to submit it.

Mr. Magner:

- hard to tell how far back we want to go back on this. Been in place for along time in dealing with the OTA since 2013. As far as ownership issue, pertrate to us that this Andre Stouvenel was going to come in and solve the issue and that is why you were doing a contract sale to him and since you were financing this and ultimately this puts you back in the position.

-You are really the mortgage co behind this property and you have some responsibilities. This unusual situation, Ms. Moermond took the time to ask that Mr. Ubl and I go out there. We were there last year in 2014 – bldg. is gutted, roof leaks, nothing done since the last 24 months period with the exception of Mr. Stouvenel making a lot of promises and he didn't go through with it. I guess the question is why didn't you rehab the property back then instead of selling it off. but the realty is I don't think that this was a successful operation from day one. He didn't have the ability to make the repairs. He is the guy with the pickup truck working for someone else.

-At this time, staff's recommendation is to move forward with the resolution as it is.

We have a purchase order in hand to move forward with demolition.

HPC recommendation from original minutes

Mr. Hanton:

- reason I didn't have ownership in this and not having control of it, I didn't want to put more money into it.*
- understand the frustration but I do have a bid for roof that just came in.*
- statement from Western Bank for \$100,000. willing to put up the \$10,000 bond today*

Ms. Moermond:

- what about getting it fix and occupy*
- what needs to be done is have a Fire C of O.*
- don't think the engineer report is current, deterioration of the building is likely to occur, roof is not addressed and it has been a couple years and needs to be reassessed.*
- the quality of the roof was sketchy*
- roof was repaired with salvage roofing materials*
- can't get 30 days without posting the bond*
- have you paid the taxes*

Mr. Hanten:

- got the electrical contractor, rough-in, plumbing cap, there is no plumbing in there. I work with Conlins Electrical on project and they can come in to put in the lighting, has a masonry contractor to come in and fix the wall.*
- I don't have any disagreements with you all. I am here to salvage the property.*
- have the bid from Rayco Construction here and they are 2-3 weeks out on it*
- would like a 30 days to get the roof started.*
- the taxes are not current but Western bank will give me the money for the repairs.*

Ms. Moermond:

- can we get documents about the quit claim deed transaction [showed Ms. Moermond the deed]*
- Put together a plan.*
- Maintain the property*
- Pay the taxes*
- Detailed WP from Rayco*
- Post the \$10k bond.*
- Revised FP*

Mr. Magner:

- bid on demo is \$34k not including hazardous materials*

LO 2 weeks to Sept 8 to get all materials. If all good, PH on Sept 16.

Action Minutes:

Continued to September 8. The following conditions must be met in order to receive a grant of time:

- 1) a revised letter from Western Bank approving the loan to be used for the project;*
- 2) post a \$10,000 performance deposit or bond;*
- 3) pay outstanding taxes with Ramsey County;*
- 4) provide a detailed work plan with timelines or sworn construction statement from Rayco Construction in accordance with the code compliance report for the repairs;*
- 5) provide a clear engineer report to address the roof issue; and*

5) the property must be maintained.

Will draft a new Resolution to go before Council at Public Hearing on September 16 if the conditions are met:

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

11:00 a.m. Hearings

Summary Abatement Orders

7 [RLH SAO 15-59](#) Appeal of Ryan Kaess (Kaess Law LLC) to a Summary Abatement Order at 205 SEVENTH STREET WEST

Sponsors: Thune

Ryan Kaess, Kaess Law LLC, appeared, representing Kawaljit S. Bhatia, owner.

Inspector John Peter Ross:

-complaint came in regarding graffiti artwork on the sidewalk at Maharaja's Store

-photo taken (paint or chalk)

-sent Summary Abatement Order to remove artwork on Jul 28, 2015; compliance Aug 4

-rational for the SA is 3-fold: 1) if it's graffiti, graffiti is defined as something put on without an owner's (the city) consent; 2) if it's advertising, -footprints directing people into the building, it's covered under the sign ordinance and is not allowed; 3) if it's considered artwork, there's a resolution #02-1108 that talks about the policy for allowing public art in the public right-of-way (ROW); it requires submitting an application; "Anyone wishing to install art in a public ROW shall submit a request to the director of Public Works..... " there's no application on file
-lacking application for approval, this needs to be removed

Mr. Kaess:

-entered letters from a professor of Indian American Studies at Concordia University

-it's the position of his client, that this is the very definition of "street art"

-it's his understanding that this is a combination of water soluble paint and chalk; so, it's not permanent

-it was placed there by a lot of the customers of Maharaja's

-it's street art that beautifies that area

-Maharaja's has been in St. Paul between 30-40 years; it's essentially a cultural and artistic landmark in this city

-it's been sort of a hub of a lot of new artists in this city

-Mr. Bhatia is well known for encouraging new artists; if you've been in his store, you will see a lot of artistic works and that's what this is

-this is simply another medium to beautify this city and to encourage artwork in this city

-he understands that Mr. Bhatia probably did not go thru the proper channels to get this approved; however, such is the nature of street art (part of the artistic process)

-we are asking for a variance or waiver on this particular ordinance to allow this street art to continue; it will be gone by winter

-next year, there will be something brand new

-we have people coming by and simply loving this artwork

-Mr. Bhatia wants to give back to this city; and one of the things that he wants to focus on is the cultural importance of India Americans in St. Paul; this is just an example

-none of this is gang affiliated; it's simply to beautify the city in a different artistic medium

Ms. Moermond:

-is very familiar with neighborhood

-the city does not own the right-of-ways; ROW is a public easement onto the property that belongs to Mr. Bhatia; the ROW is for everyone else to go thru

-in terms of signage, she cannot deal with it; it's a Zoning matter

-she is limiting herself to the right-of-way and the graffiti question

-she is thinking that this is graffiti; it's street art and nice but that doesn't mean that it's OK without a street art permit; she suggests that they go get a permit for the street art but as it stands, it's not OK

-we, as a community need to agree as to what the ground rules are

-she likes the art but not the lettering that looks like it borders on the graffiti that you see on a garage that was tagged by a gang

Mr. Ross:

-provided a copy of the policy on art and the public right-of-way and a permit application

Ms. Moermond:

-have the owner fill out the application and give it to the Dept of Public Works; show them photos; talk to them about what your long-term plan is; they can suggest alternatives if they aren't happy with it

-will give you one month

-will lay this over for one month

Layover to September 22, 2015 for owner to submit an application with Public Works to get an approved plan to have the art work/graffiti to continue on the sidewalk in front of the Maharaja's Store.

Laid Over to the Legislative Hearings due back on 9/22/2015

Correction Orders

8 [RLH CO 15-22](#) Appeal of Shirley Wyttenback to a Correction Order at 1053 BEECH STREET.

Sponsors: Finney

Shirley Wyttenback, owner, appeared.

Ms. Wyttenback:

-doesn't understand half this stuff that they're saying

-the first time I was here, I didn't know that I was here just for the junk in the yard; I thought I was here for the junk and the parking; so, I asked the inspector if she would send me another Order so that she could appeal it and she did

Ms. Moermond:

-for clarification, the Order was for vehicles parked on an unapproved surface

Ms. Wyttenback:

-she bought the house in 1982; it had Class 5 already

-there are 7 houses on the alley that crosses Earl and goes up her alley - all have Class 5

-when the inspector came out, she had 3 other people with her, one of which was an

inspector and he said, "This should be grandfathered-in; you had this house for so long; this surface should be grandfathered-in."

Inspector John Peter Ross:

-multiple issues: vehicles that were inoperable, unlicensed; refuse; unapproved parking surface

-this has been on-going since May 2015

-under 34.08 Exterior Property Area Code -parking areas require a hard, dustless surface; grandfathered does not apply to that type of code

-the dept suspects there's an on-going issue with auto salvage or scrapping

-there's also been a boat, trailer there

-today, we are dealing only with the unapproved surface of the parking area

Ms. Wyttenback:

-there's no business going on there

-she wants to be able to park in her own parking lot; it's a residential home

Ms. Moermond:

-we are not concerned with a business there

-residential homes should not have a parking lot

-looking at code on ground cover: "You can't have more than 1500 sq.ft. of impervious surface"

-that area looks too large

-you need to make it less than what it is

Ms. Wyttenback:

-he son drew a diagram, which is entered with the appeal

-she showed where she would be willing to put sod that will take off 20 feet on the sides; it will look stupid but she is willing to do that

-this has never been an issue; has lived there 32 years

-she thinks that she is getting slammed-dunked by the city, when everyone else has Class 5

-the area is 52 feet long from the shed to the alley; it's 40 feet wide

Ms. Moermond:

-it's not the Class 5 she objects to so much; it's the massive parking area (lot) and this is a residential home

-if both of these diagrams are correct, you are in excess of 2500 sq.ft. with gravel; the law says 1500 sq.ft.

-the Order says: Remove and file a site plan with zoning for parking spaces in the yard; have you filed that with Zoning?

-you need to file a site plan with Zoning

-the letter you got tells you to contact the inspector and call DSI, 266-8989

-we need to reduce the size of that parking lot

-unless you get Zoning approval to have parking in excess of 1500 sq.ft., this minimum property maintenance code applies, which is 1500 sq.ft.

Ms. Wyttenback:

-she thinks that this is straight harassment to be honest; if she has lived there for 32 years and never had complaints,,, explain, why now?

Mr. Ross:

-provided a sample site plan and how to apply for a variance

Ms. Moermond:

-this is a Correction Notice and if you don't comply, the inspector could write a citation

that would bring you into court and they could do more for you than what she can here
 -work with Zoning; you have 2 weeks to get your Application for Site Plan Review in to Zoning; if that happens, she can grant you 60 days to come into compliance; if Zoning doesn't approve it, you can appeal to the Board of Zoning Appeals
 -if you don't turn the plan in to Zoning in 2 weeks to initiate this, then, she will want to see it fixed by Nov 1, 2015

Grant 2 weeks for owner to put in an application with Zoning to get approved plan for parking surfaces. If the plan is approved, Ms. Moermond will ask Council for 60 days to come into compliance. If no application, then owner must come into compliance with the parking surface by November 1, 2015.

Referred to the City Council due back on 9/16/2015

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 9 [RLH VO 15-46](#) Appeal of Rafael Fuentes to a Fire Certificate of Occupancy Revocation and Order to Vacate at 436-438 PAGE STREET EAST

Sponsors: Thune

Rafael Fuentes, owner, appeared.

Ms. Moermond re-capped:

*-we had a hearing on the Vacate Order for the house because someone was living there; actually, more than one person was living there but as of Mon, they're all gone; then, it was a Registered Vacant Building
 -we talked about whether it would be sufficient to get your permit closed only or needing more; you had a building permit out there and her thinking was that it probably would be fine just to finish the building permit but to be double sure that was the right choice, she wanted the building inspector to take a look and make a recommendation: either to finish the current building permit or if you needed to do a Code Compliance Inspection; she heard back that for this property they would recommend that a Code Compliance Inspection should be done so, she wanted to talk to you specifically, about that before she said anything more to the Council; we had hoped that it would be good enough to finish the existing permit*

Inspector Isaac Stensland:

*-the property is a 2-family duplex
 -the original permit for the work in questions is for build out of a storage area and a future bedroom expansion that was to take place off the south side of the duplex; basically, they're building an addition with 3rd story rooms and the 2nd floor rooms would become larger; therefore, enlarging existing bedrooms; the permit was released Sep 24, 2013
 -Mr. Dave Tank, previous inspector, noted from Jan 24, 2014: Corrections were required; sent the property owner a letter requesting an inspection set up for Feb 10, 2014; Mr. Tank was 30 minutes late so, he left a card on site because they had missed each other
 -Feb 26, 2014: there was a verbal Order; Mr. Tank noted that he called the owner; talked to a woman and asked her to have Mr. Fuentes contact him regarding an inspection
 -they met on site Mar 4, 2014 when Mr. Tank gave some verbal Orders: he needed*

to obtain an electrical permit, plumbing permit, warm air permit; will need to address riser height, 3rd level, different structural corrections, need to verify frost depth of foundation to put a new foundation in below an existing porch that was supported by posts, they were going to put in a full block foundation and insulate it for heated space; Mr. Tank wasn't able to verify frost depth on that foundation and he had some questions regarding some structural issues at that time

-Jun 17, 2014: Mr. Stensland's first inspection on site after he took over the area. Unit 438: framing was approved in 3rd floor storage area expansion and 2nd fl framing

-Jun 14, 2014: Unit 438: insulation was approved

-we proceed without any phone calls until around Jul 2015; he was notified from Fire Inspector George that work had been proceeding; he asked me when the last time I'd been out there; I said I needed to get out to approve a final inspection in Unit 438 and framing and insulation final in Unit 436

-Jul 31, 2015: he was out there; Unit 436 had all the framing completed; 2nd fl was insulated and dry walled; 3rd fl was framed only; not insulated; none of the structural was approved there; 2nd fl had the bedroom added onto; the window in the new wall didn't meet current egress code (big concern); the structural items that were covered up was a big concern; entering the bldg on the 1st fl, there are probably 3 or 4 different new walls that had new dry wall on them that had obviously been sanded - he could see some new studs there; a fair amount of remodeling had taken place in the kitchen without any framing inspections; possibly electrical in those areas; he went back to check and saw that no electrical had ever been approved from Unit 436; the last time an electrical inspector was out there was Jun 3, 2014; quite a bit of work had taken place during that year plus he's nervous from an electrical standpoint; the warm air permit was finalized Aug 25, 2014; there's been quite a bit of work that hasn't been inspected and the home has been occupied throughout that time.

Inspector Matt Dornfeld, Vacant Buildings:

-they made this a Category 2 Vacant Building and dependent upon today's hearing, they will proceed with the Code Compliance Inspection process

-he confirmed that both units were vacant and the yard area is now maintained

-he spoke with Mr. Fuentes on the phone and advised him to be here today

-Inspector George Niemeyer was original inspector

Ms. Moermond:

-last time we talked about the financial resources to finish the work that's going on

-she wanted to give Mr. Fuentes an opportunity to talk about the Code Compliance Inspection - having the trades inspectors go through there to take a look at it because there's a lot of change and a lot of things had been covered up; Mr. Stensland doesn't know what has transpired in between; also, there's some electrical work...

Mr. Stensland:

-looking at electrical inspector Sebansky's notes: he was called out for inspection Jul 31 and left a "no entry" notice saying that he must have missed whomever was going to meet him; the last inspection was Jun 3, 2014; rough-in for the 3rd fl, south end 2nd fl took place

Ms. Moermond:

-knows that Mr. Fuentes was frustrated and it sounds like DSI is frustrated, as well
-we need to get to the other side

Mr. Fuentes:

-first of all, he apologized for last week (Ms. Moermond: that was a miscommunication; that email bounced back - some kind of problem that was unintentional; no need to apologize)

-the biggest problem here, he thinks, is misunderstandings; the fire inspector kept telling him to cover up the walls and the other inspector said, "I have to see under the walls." The fire inspector just kept pushing to close the walls and Mr. Fuentes kept telling him that he couldn't do that because the other inspector needed to see what was behind those walls.

Ms. Moermond:

-she can see where both things are true; the fire inspector would say, "Close up the walls" and thinking, 'under permit'; and the permit people are saying, "Close all your permits." that might sound conflicting although, it's not intended to be
-reading Orders, dated Jul 22, 2015: the inspector Condemned as "unfit for human habitation and that must not be used until re-inspected and approved by this office due to the fact that there's exposed wiring, unfinished walls throughout, unfinished ceilings throughout and improper fire separation between the 2 units and a lack of properly installed smoke detectors." What she understands from this is that there's a lot of work that isn't done including that the walls are open
-you can't have the bldg occupied until all of that is done
-you're going to need more permits to be able to do that work and
-there's a concern that the project is substantially different from when it began

Mr. Stensland:

-last time he was out Jul 31, 2015, that set of plans showed up and it showed the overall scope of work, which was much larger than he originally believed it to be from his first visit the year before; there was a structural addendum that Dave Tank had Mr. Fuentes submit that showed ___ headers and different things and that's he saw out there and he was able to approve the framing for 438; when he came back Jul 31, 2015, he had this set of plans, which had been approved thru Plan Review, that showed a much larger scope of work
-in referencing the plan and seeing what is taking place on site, it appears to generally match, maybe more expansion in the attic but when he looks at trade permits: electrical, especially - the 2nd and 3rd fl rough-in south end was approved Jun 3, 2014; when he was out for his framing inspection 2 weeks after that, there was a substantial amount of work done in that time, so, he knows that the electrical inspector hasn't seen that, based on his notes
-looking at warm air permit, it says, "Extend the B venting only" - there's definitely some exhaust fans, heat supplies - different work going on there that's been covered up, as well; electrical and warm air had work done and covered up at this time, along with structural

Ms. Moermond:

-if it's been covered up, how would a Code Compliance inspection identify that work

Mr. Stensland:

-the first step is to expose what's been covered up
-then, inspectors could establish what had been done under permit, if anything, and what new permit would be required; new Corrections Orders could be written up
-any work that hasn't been inspected, the sheet rock has to come off so that electrical, warm air, plumbing, structural guys can come in and inspect the work

Ms. Moermond:

-asked Inspector Dornfeld to put this property into the Night Check Program
-must get a Code Compliance Inspection and permits need to be pulled to cover the rest of the work that needs to be done; if Mr. Fuentes doesn't want to do that, he can go to City Council and tell them what his idea is
-the City Council Public Hearing Sep 16, 2015
-if he decides that he can live with her recommendation, the application for Code

Compliance Inspection was provided; the fee for a duplex is on the form
-moving forward, if you do the code compliance inspection, you will have one point
person: it would switch from Mr. Stensland to Jim Seeger (he would be your point
person for all of the trades - be able to coordinate and answer questions)
-can give you a 90-day VB fee waiver to give you the opportunity to get the code
compliance inspection done and get your permits

Deny the appeal; property remains a VB Category 2 and owner will need to obtain a
code compliance inspection and new permits will need to be pulled. This property will be
put on night checks; waive the VB fee for 90 days.

Referred to the City Council due back on 9/16/2015

10 [RLH VO 15-49](#)

Appeal of Charles Lampert to a Condemnation and Order to Vacate at
701 SUMMIT AVENUE

Sponsors: Thao

Charles Lampert, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

-there's a lengthy file history

-City Attorney Skarda emailed background to him this morning (attached)

-per CA Skarda: "Mr. Lambert was arraigned on Oct 19, 2013 given and signed a
copy of his rights. He entered a plea of guilty to two counts of failure to maintain the
exterior of his property. The agreement was that I would further continue the case to
the spring of March 18, 2014 for him to fix the screens and broken windows. He also
needed to come with a timetable for the rest of the items. He represented that he
worked for Tom Boche and Sandy Gaye, who were both architects and that he was a
mechanical engineer so he was very aware of the work he had ahead of him. He
represented that the extra time was needed to allow him to prepare and layout the
plan for remaining work and timetable.

On March 18, 2014, the matter was further continued to May 20, 2014. This
continuance was due to the severity of the winter and actually requested by the code
enforcement officer. Mr. Lampert was given until May 1, 2014 to finish the windows
and screens and until the end of August to finish the fascia, chimneys, etc.

Mr. Lampert failed to appear for the court date on May 20, 2014 and a warrant was
issued. MR. Lampert did not address the warrant until another situation was issued
on January 1, 2015.

Mr. Lampert's court date on the two cases was set for February 17, 2015 and he
appeared with Attorney Steven Meisinger. They asked for time to consider options
and the offer was granted and the matter was continued to April 21, 2015.

on April 21, 2015, Mr. Lampert and his attorney appeared. They told me that the
property was being foreclosed upon and that the Sheriff's Sale had already
happened. They agreed that they would continue working on the glass and screens
and have that work done by July 21, 2015. If that was complete, he would need to
have at least half of the roof done by September. The two cases were continued to
August 18, 2015 for a compliance hearing.

Before the August 18th compliance hearing, I learned that the property had gone into
vacant building status due to Xcel shutoff. It appeared that the redemption period
was almost up. At that point, I believed that Mr. Lampert lacked the funding and
capacity to complete the work. Given the vacant building status and the need for a
full code compliance report, I did not believe continuation of the criminal cases was
warranted. The sentence on the 2012 case was vacated and a misdemeanor
conviction with a fine imposed.

I believe all photos associated with the cases will be coming to you as part of the
complete file."

-because of those code violations and the recent Xcel Energy shut-off, the property was Condemned by code inspector Ed Smith on Aug 11, 2015
-I opened a Category 2 Vacant Building Aug 17, 2015

Mr. Lampert:

-I still owe it; redemption is Oct 9, 2015 and I do have the funds available
-power has been restored; 1/3 of the glass is in place
-he has gone thru different difficult hardships
-he realizes that things have gone to long without action; is hoping for a chance to keep the house out of the vacant status
-he switched architects; one who does historical work
-is hoping for the opportunity to move forward with his life and keep the house; and restore it
-his power had been out for 1 month

Ms. Moermond:

-what about the siding

Mr. Lampert:

-that's on the east side and will be done next week, along with the soffits on the west side
-the mortgage is now \$200,000; he paid \$300,000 (purchase price was \$510,000)

Ms. Moermond:

-your house was Condemned because it lacked basic facilities (electric/gas was shut-off)
-Xcel was turned back on last Fri, Aug 21, 2015; \$7,000 was paid
-you can be put into the VB Program for several reasons: if the property is unoccupied & Condemned; for a portion of the building meeting this definition deemed Category 2; the next one is unoccupied and has multiple housing and building code violations, which this definitely does
-you've been thru the court system on this and haven't produced; you've gone thru a bench warrant
-the condition, based on what she can see, is bad; exterior stuff is significant
-the code is clear; this should be a Cat 2 registered VB and given the track record that you have established and the fact that there are still significant code violations going on for multiple years, she is not likely to see any progress on those
-you will need to get a Code Compliance Inspection and a Certificate before it can be re-occupied
-you need to do a financial analysis of what's best for you in your position; for some people, it's loss mitigation; for others, it's fixing or selling it; or whatever
-if you decide to sell, you need to sell it to someone who can show the city that they can fix it; must go thru State Review
-will grant a 3-month waiver on your VB fee; after that, you'll get a bill for the entire year; that also allows you to pull permits (waiver and code compliance inspection done)

Resolution may be amended to reflect information not available at time of approval.

Deny the appeal; the property remains in the Vacant Building Program. Owner will need to obtain a code compliance inspection but the VB fee will be waived for 90 days and permits will be allowed to be pulled.

Referred to the City Council due back on 9/16/2015

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

- 11 [RLH FCO
15-112](#) Appeal of Robert Stein to a Correction Notice - Complaint Inspection at 332 JESSAMINE AVENUE EAST.
- Sponsors:** Brendmoen
- Robert Stein, RDS Investments Co. owner, appeared.
Leanna Shaff: DSI-Fire*
- Ms. Moermond:
-my understanding is that you got a surveyor who has not been out there yet
-questioning if he has the pins in yet to determine where the property line is*
- Mr. Stein:
-he is scheduled to come out this Friday at 8:30 a.m.
-confusion on the date, thought she said 30 days
-talked to someone here but never told him he wasn't coming in
-might resolve it today depends on where those pins are*
- Ms. Moermond:
-Deny the appeal unless he can demonstrate through a survey that it's the City's wall.
If it's the City, it will get referred back to Code Enforcement to have the Order re-assessed.*
- Referred to the City Council due back on 9/16/2015**
- 12 [RLH FCO
15-198](#) Appeal of James Swartwood to a Fire Certificate of Occupancy Correction Notice at 1765 FREMONT AVENUE
- Sponsors:** Finney
- Cal Prinz, property manager, appeared.*
- Fire Inspector Leanna Shaff:
-Fire Certificate of Occupancy inspection conducted Jul 1, 2015 by Inspector Jonathan Gaulke
-20 deficiencies
-#14 (kitchen 3 outlets) & #18 (wall) are being appealed
-this is his first C of O inspection*
- Mr. Prinz:
-the unit has been occupied for over 1 year; she has little kids; they get dirty hands
-she is moving out soon and of course, they will clean and paint the unit; they clean/paint on the turnover*
- Ms. Moermond:
-thinks that there would be provisions in the lease that the property would be maintained
-he could hold the tenant accountable
-no photos*
- Mr. Prinz:*

-yes, there are provisions in the lease for both the tenant and the landlord responsibilities and keeping the unit clean would be the tenant's responsibility
 -he doesn't see handprints on the wall as problematic; he had a hard time actually seeing the handprints on the wall; he thought it was a strange order

Ms. Moermond:

-let's get the walls washed, at least

Mr. Prinz:

-the kitchen has 3 outlets; one on 20 amp circuit
 -when Mr. Gaulke came back, he went thru that with him; there are 3 outlets in the kitchen, one of which is on 20 amp circuit; and he said, "No, the Order was written because there's not an outlet within 5 feet of the sink." Mr. Prinz doesn't see that in the Order

Ms. Shaff:

-shouldn't have to have any more outlets in the kitchen

Ms. Moermond:

-will grant your appeal as long as the outlets are functioning
 -get the wall washed by Sep 11, 2015

Resolution may be amended to reflect information not available at time of approval.

Grant the appeal for Item 14 as long as the outlets are functioning; grant until September 11, 2015 to have the walls cleaned.

Referred to the City Council due back on 9/16/2015

13 [RLH FCO
15-188](#)

Appeal of Vivian and Colin Hempel to a Fire Certificate of Occupancy Correction Notice at 107 HAMLIN AVENUE NORTH

Sponsors: Thao

Grant the appeal to have the property be removed from the Fire C of O Program. No hearing was necessary.

Referred to the City Council due back on 9/16/2015

14 [RLH FCO
15-192](#)

Appeal of Tong Yang to a Fire Certificate of Occupancy Correction Notice at 2033 NOKOMIS AVENUE

Sponsors: Finney

Tong Yang, owner, appeared along with Tang Vang, who will be interpreting.

Fire Inspector Leanna Shaff:

-Fire Certificate of Occupancy Correction Notice
 -re-inspection conducted on Aug 5, 2015 by Fire Inspector Jonathan Gaulke
 -listed 3 deficiencies
 -appealing bedroom ceiling height requirement of 7 ft and the windows that he said had been approved by the city inspectors
 -photos
 -73 inches (6'1") in both rooms in upper level
 -he says that the window was done under permit dated 3-31-15; it's active but has not yet been inspected and therefore, not approved

Mr. Yang:

-the construction company installed the window under permit and called city to come and inspect; they said that the window was complete and legal by the city

Ms. Shaff:

-the record shows that the permit is active issued; it has not been inspected at all ("Install new egress window upstairs in bedroom to meet code") on front of the folder; no record of any inspections of that window

Mr. Vang:

-this house was built in 1922; legal as a 3 bedroom
-he did put in an egress window
-for him to take those 2 bedrooms away,,,,,

Ms. Moermond:

-there was an Order telling you to replace the windows?

Mr. Yang:

-yes; the window before was too small; he called the construction company to re-do it and they put in a double window; he doesn't know if they called the inspector to come out again; they just told me that the window was complete
-the double window is large enough for escape
-he is not satisfied; there's a bathroom up there
-1922 is a long time ago
-why do they complain about a room not high enough?
-it was listed from the county as having 3 bedrooms

Ms. Moermond:

-the property was misrepresented to you but it didn't have 3 legal bedrooms
-is shocked that there would be an Order on the window when the ceiling was so incredibly low
-with this style of house, that space was not built to be a bedroom; just storage
-over the years, owners have converted the space to bedrooms

Ms. Shaff:

-the 2010 TISH says: low headroom on 2nd floor; it also discloses the windows

Ms. Moermond:

-6'1" is not high enough for a bedroom; it's not a safe height for ceiling

Mr. Yang:

-the inspector should not have ordered me to put in a new window (\$3000) when the room is not high enough to be a bedroom

Ms. Moermond:

-she agrees; would like to look into this a little more; she is concerned, too
-will recommend that the 2nd floor room cannot be used for sleeping
-apologizes for the confusion

Mr. Yang:

-I don't want to Condemn my house
-I'm not satisfied; will go to the City Council

Ms. Moermond:

Deny the appeal to have the upper level room remain a bedroom.

Referred to the City Council due back on 9/16/2015

15 [RLH FCO](#)
[15-194](#)

Appeal of Rick Huston to a Fire Certificate of Occupancy Correction
Notice at 435 PHALEN BOULEVARD

Sponsors: Brendmoen

Rick Huston, Regions Hospital/Health Partners, appeared.

435 Phalen Blvd and 445 Phalen Blvd (open parking structure)

Fire Inspector Leanna Shaff:

*-445: a re-inspection of the Fire Certificate of Occupancy Jul 20 conducted by
Inspector Sebastian Migdal*

*-Order regarding the upper level door leading to the stairwell: Remove the
unapproved locks from the exit doors; the door must be openable from the inside
without the use of keys or special knowledge or effort*

*-he is requiring that the card reader be removed from the door because it requires a
key fob*

*-the stairway is part of the exiting system; we should be safe once we reach that stair
tower*

*-in the 435 building, some of them may be unlocked during certain hours; however,
there's still people in the building (cleaning personnel, etc, who don't have a fob and
would expect to be able to get into that place of security and make their way to the
public way to be able to get out)*

*-435 has the same type of issues as 445 on the 3rd floor lobby exit and the 4th floor
lobby exit*

*-on the 3rd floor, those are open during regular business hours or in case there's an
alarm but there are going to be some times that there isn't an alarm or somebody
hasn't had the opportunity to turn on the alarm, etc.*

*-on the 3rd floor, she found it rather disconcerting that the only way without that key
fob, after hours or something, is down the elevator*

*-the 4th floor is where same day surgery is done; there are 2 exits and the elevator
from the lobby; the 2nd exit goes down a hallway and passes the same day surgical
rooms (entered a diagram of the 4th floor); they are worried about people getting
back into the rooms where people are having surgery; and, although she can't design
a way, one of the ways to deal with that problem is to secure the doors to the surgery
room*

Ms. Moermond:

-you need the card reader to get into the stairwell?

Ms. Shaff:

*-yes; during regular business hours, they're unlocked but after those hours, you need
to fob to get into the exits (parking ramp)*

-4th floor - those are on alarm and you need to key fob to get thru those also

Mr. Huston:

*-all of their card readers require a key fob on entering; they don't ever prevent
anyone from exiting; the exception to that would be on the 445 stairwell, secured at
the top level of the parking ramp; the purpose of securing at that top level is because
there's a high occupancy of homeless individuals and others that have caused a
great deal of problems for that property; the intent is to provide safety and security for
the staff that actually uses it for parking; it's not a daytime problem for them; it's an
after hours and weekend problem*

-it is tied into the fire alarm system; if the fire alarm were to go off, the lock

de-activates and anyone can gain entrance to the stairwell or get out of the stairwell;
it is also programmed in a loss of power
-there are other provisions - types and devices out there but they don't provide the
level of security this provides to the staff

Ms. Shaff:

-asked, if she drove into that parking ramp, there's not a gate, just an arm that comes
down, does she need a key fob to get into that ramp? (Mr. Huston:
-yes, you do)

Ms. Shaff:

-but the homeless could just walk thru at any time? (Mr. Huston: yes, the homeless
can just walk thru any time)
-so, if she's on the top floor and is surprised by a person and she can't get into the
stairway, she has to run back down a level and another level to get out? (Mr. Huston:
if you have key fob)
-typically, like in a high rise, once you get into the stair tower, you'd be able to
re-enter a floor of the building

Ms. Moermond:

-she needs to think about this one

Mr. Huston:

-he believes that they have provide reasonable means of securing the structure and
meeting aspects of the code; it's really the only reasonable means to maintain that
property in a safe and secure manner

Ms. Moermond:

-this didn't come up when the plans were reviewed or when the minor rehab was
done

Ms. Shaff:

-Mr. Migdal said that he went back thru the file and did not see where this was
allowed for
-when she has been at the building, she noticed that there were multiple security
officers there (Mr. Huston: there should only be one); she suggested that an option
might be to have an escort available

Ms. Moermond:

-she would suggest the panic bar, alarms and cameras
-let's say, a Health Partners employee who's going in doesn't have the key fob and
wants to enter, an alarm would go off, possibly (an alternate way that you would
know if a homeless person was going thru, there'd be that alert)
-will Lay this one (445) Over; enforcement is stayed

Mr. Huston:

-it is tied into our fire alarm system; so it is safe means and it's on loss of power as
well, which are 2 of the provisions that you typically look for when having a locked
door to an exit

Ms. Moermond:

Layover to further discuss the card reader leading to the parking ramp.

Mr. Huston:

-435 on 3rd floor, you actually have an access to an exit; it's 2635 sq.ft., 135 sq.ft. beyond the 2500 sq.ft. that require 2 exits to begin with; so, we have provided that level of security so that staff have a secure area to work from that is going to be protected from those people that we have to deal with on a daily basis; yes, we are in violation of the code by 135 sq.ft., which requires a 2nd exit and again, it's tied into the fire alarm system so it de-activates on activation of the fire alarm; also, on the loss of power
 -on the 4th floor, we are below the 2500 sq.ft; has been in existence since it was built

Ms. Moermond:

-is inclined to grant the appeal on the 435 building; 135 sq.ft. is negligible

Grant the appeal.

Referred to the City Council due back on 9/16/2015

16 [RLH FCO
15-195](#)

Appeal of Rick Huston, on behalf of Health Partners, to a Fire Certificate of Occupancy Correction Notice at 445 PHALEN BOULEVARD

Sponsors: Brendmoen

Rick Huston, Regions Hospital/Health Partners, appeared.

435 Phalen Blvd and 445 Phalen Blvd (open parking structure)

Fire Inspector Leanna Shaff:

-445: a re-inspection of the Fire Certificate of Occupancy Jul 20 conducted by Inspector Sebastian Migdal

-Order regarding the upper level door leading to the stairwell: Remove the unapproved locks from the exit doors; the door must be openable from the inside without the use of keys or special knowledge or effort

-he is requiring that the card reader be removed from the door because it requires a key fob

-the stairway is part of the exiting system; we should be safe once we reach that stair tower

-in the 435 building, some of them may be unlocked during certain hours; however, there's still people in the building (cleaning personnel, etc, who don't have a fob and would expect to be able to get into that place of security and make their way to the public way to be able to get out)

-435 has the same type of issues as 445 on the 3rd floor lobby exit and the 4th floor lobby exit

-on the 3rd floor, those are open during regular business hours or in case there's an alarm but there are going to be some times that there isn't an alarm or somebody hasn't had the opportunity to turn on the alarm, etc.

-on the 3rd floor, she found it rather disconcerting that the only way without that key fob, after hours or something, is down the elevator

-the 4th floor is where same day surgery is done; there are 2 exits and the elevator from the lobby; the 2nd exit goes down a hallway and passes the same day surgical rooms (entered a diagram of the 4th floor); they are worried about people getting back into the rooms where people are having surgery; and, although she can't design a way, one of the ways to deal with that problem is to secure the doors to the surgery room

Ms. Moermond:

-you need the card reader to get into the stairwell?

Ms. Shaff:

-yes; during regular business hours, they're unlocked but after those hours, you need to fob to get into the exits (parking ramp)

-4th floor - those are on alarm and you need to key fob to get thru those also

Mr. Huston:

-all of their card readers require a key fob on entering; they don't ever prevent anyone from exiting; the exception to that would be on the 445 stairwell, secured at the top level of the parking ramp; the purpose of securing at that top level is because there's a high occupancy of homeless individuals and others that have caused a great deal of problems for that property; the intent is to provide safety and security for the staff that actually uses it for parking; it's not a daytime problem for them; it's an after hours and weekend problem

-it is tied into the fire alarm system; if the fire alarm were to go off, the lock de-activates and anyone can gain entrance to the stairwell or get out of the stairwell; it is also programmed in a loss of power

-there are other provisions - types and devices out there but they don't provide the level of security this provides to the staff

Ms. Shaff:

-asked, if she drove into that parking ramp, there's not a gate, just an arm that comes down, does she need a key fob to get into that ramp? (Mr. Huston:

-yes, you do)

Ms. Shaff:

-but the homeless could just walk thru at any time? (Mr. Huston: yes, the homeless can just walk thru any time)

-so, if she's on the top floor and is surprised by a person and she can't get into the stairway, she has to run back down a level and another level to get out? (Mr. Huston: if you have key fob)

-typically, like in a high rise, once you get into the stair tower, you'd be able to re-enter a floor of the building

Ms. Moermond:

-she needs to think about this one

Mr. Huston:

-he believes that they have provide reasonable means of securing the structure and meeting aspects of the code; it's really the only reasonable means to maintain that property in a safe and secure manner

Ms. Moermond:

-this didn't come up when the plans were reviewed or when the minor rehab was done

Ms. Shaff:

-Mr. Migdal said that he went back thru the file and did not see where this was allowed for

-when she has been at the building, she noticed that there were multiple security officers there (Mr. Huston: there should only be one); she suggested that an option might be to have an escort available

Ms. Moermond:

-she would suggest the panic bar, alarms and cameras

-let's say, a Health Partners employee who's going in doesn't have the key fob and

wants to enter, an alarm would go off, possibly (an alternate way that you would know if a homeless person was going thru, there'd be that alert)
-will Lay this one (445) Over; enforcement is stayed

Mr. Huston:

-it is tied into our fire alarm system; so it is safe means and it's on loss of power as well, which are 2 of the provisions that you typically look for when having a locked door to an exit

Ms. Moermond:

Layover to further discuss the card reader leading to the parking ramp.

Laid Over to the Legislative Hearings due back on 9/1/2015

17 [RLH FCO
15-172](#)

Appeal of Mary Arvanitis to a Fire Certificate of Occupancy Correction Notice at 444-448 SAINT PETER STREET.

Sponsors: Thune

Mary Arvanitis appeared.
Leanna Shaff: DSI-Fire

Ms. Shaff:

-Fire C of O inspection conducted on July 21 by Insepctor Kris Skow-Fiske
-when talking with Skow-Fiske this morning, we drew up a floor plan (here attached)
-few orders being appealed, Nos. 3 and 4; 3 being the exit doors; change the swing of the door and No. 4 is to provide and maintain approved panic release hardware on all exit doors.
-For No. 3 and looking at the floor plan, there are two sides, one for 444 and one for 448; in 448 the occupant load is 75; in 444 it's 96
-both would require two exits and doors need to swing outward
-in 444, there is an exit which goes through the kitchen which is not allowed and required that they exit through the 448 side if the deadbolt door is removed
-there is also on the front doors. If we take the cylinder deadbolt lock off between the two places then we can eliminate the exit through the kitchen.
-many of these older buildings have flat face on them, has elco at each doors large enough for the doors to swing out.
-due to no air conditioning, there are screen doors on so this would prohibit the doors from swing out.
-there are alternatives to this: 1) relating to the screens doors, if they have the door that are held together by magnets, that would be an alternative
2) the back door on the 448 side goes to any alleyway which leads to the parking needs panic hardware and swings out.
-her understanding is that these spaces are only rented out for special events; however, they were rented for crash ice event and they were packed. This is a concern for people to get out.

Ms. Arvanitis showing Ms. Moermond photos describing the doors.

-pictures showing the doors to each of the cafe. here is the interior one door. if this is open and if it can be secured this is the door with the egress swing of the direction of people needing to get out in case of emergency.
-she is the owner of the original coney island buildings. Please notes that these building dates back to 1858 and 1888 and are registered for the historical significant. Her family has restored the interior/exterior to original period of time to meet City codes. Regarding maintenance and safety as paramount, the doors are utilized to meet crucial needs as well as represent history. The doors providing the central

ventilation, protect pest, rodents & bugs and preserving historical genuiness and safeguarding our patriots/properties. There are four set of exit doors that are double doors. The outer doors swing out from right to left and inner doors swing left to right. It is crucial to retain the use of these double doors. Additionally, extra ordinary cost associated with the modification to the existing door system while maintaining integrity of the building would place hardship. The outer doors held screens for the ventilation system. The buildings do not have no air conditioning and rely on two large exhaust fans, one at the rear of the cafe and other at rear of the tavern to keep cool and ventilated year round, especially during warmest season. The exhaust fans draw in cool air through the screen doors in the front of the buildings and push warm air at the rear. The loss of the screen doors will be extremely detrimental and cost unbearable condition. This type of ventilation also aids in the operation of our restaurants. Because we are able to keep the inner doors open and have the means to provide doors that swing out the direction of travel we believe our two door systems work wells. The buildings' historical significance during our restoration process and places a role in time dating back to the 1880s. Based upon the paramount need of our existing ventilation system, historical significance and undo hardship leads to the expense of modification and unwanted rodents.

-wants to keep doors as is

-want to introduce that conditions be added to the Fire C of O requiring that the existing inwards swing egress of doors be sufficiently secured and in open decision in a manner that does not impede egress at all times and when businesses to open to the public

-typically, an event is 25 to 100.

Ms. Shaff:

-questioning how events a year

Ms. Arvanities:

-8 to 10 at this point in time.

-we do keep the doors that swing in opened.

-need the screens and cross ventilations

-this is the first time mentioned to us, thought we have met these codes

-find a mechanism that would secured and the doors that swing in would position or remain in position and then doors leading out that would swing out and would allow the egress in an emergency.

Ms. Shaff:

-during winter carnival, it's pretty cold and crash ice

Ms. Arvanties:

-the doors are opened during that time

-fully aware from past inspections that we do the exits. For some unknown reason, our windows do steamed up.

-the the screens it also comes with inserts which are made of plexiglass.

-these are custom made doors, none measured the same.

Ms. Moermond:

-if the occupancy load was down to 50 we wouldn't have an issue and the use is not going to give us more than 50

Grant the appeal for as long as the buildings continue to be used in the same fashion and under current ownership. Will revisit if owner hold larger events.

Referred to the City Council due back on 9/16/2015

- 18 [RLH FCO
15-189](#) Appeal of Nick Hubers to a Fire Certificate of Occupancy Correction Notice at 2138 THIRD STREET EAST
- Sponsors:** Finney
- Grant a 4-inch variance on the ceiling height in the upper level bedroom. (No hearing necessary)*
- Referred to the City Council due back on 9/16/2015**
- 19 [RLH FCO
15-202](#) Appeal of Dareld Meggitt to a Fire Certificate of Occupancy Correction Notice at 1058 WESTERN AVENUE NORTH
- Sponsors:** Brendmoen
- Dareld Meggitt appeared.
Leanna Shaff; DSI-Fire*
- Ms. Shaff:
-Fire Certificate of Occupancy inspection conducted on August 6 by Scott Perrier. In the orders, we have 4 items. No. 3 is being appealed for the small size bedroom. Interior of the 2nd bedroom is 76 sq ft and there are 2 occupants in the room and need to reduce to 1. Concerned that owner said that this is the 3rd-4th reinspection.*
- Ms. Moermond:
-so we are looking at a room smaller than 8 by 10.*
- Ms. Shaff:
-Code required smaller than 10 by 10. Need 100 sq ft for 2 ppl.*
- Ms. Moermond:
-you do need a 100 sq ft for two people
-why should this be allowed*
- Mr. Meggitt:
-it's a bunkbed and a dresser in the room. The tenant's two children that spends there on the weekend. This is the first time. The bunkbed puts the two little girls in place.
-an AC on the door and being used for the room. It was taken out of the window and sitting there.*
- Ms. Moermond:
-when you got two people in that small space, it's harder to exit and she sees overcrowding in this.*
- Mr. Meggitt:
-he can see a concern if there were two separate beds in there
-there is a clear path at the doorway
-there are two and this is a duplex
-this one is 9 by 9*
- Ms. Shaff:
-questioning how many bedrooms?
-hard to say that only small people can sleep there
-understand the argument
-first C of O done in 2011,*

Ms. Moermond:
-what class building is this

Ms. Shaff:
-Class B, so will be back in 4 years

Ms. Moermond:
-can continue to be used for these two only during the current occupancy. Need to be revisited in 4 years.
Grant 4 years to continue the use.

Grant an extension for 4 years to allow current tenant(s) to continue using the room as a bedroom. This will need to revisit in the next reinspection cycle.

Referred to the City Council due back on 9/16/2015

2:30 p.m. Hearings

Vacant Building Registrations

20 [RLH VBR 15-67](#) Appeal of Gary Richardson to a Vacant Building Registration Requirement at 825 DELAWARE AVENUE

Sponsors: Thune

*Frank Popplewell Realtor for Gary Richardson, owner, appeared.
Matt Dornfeld, DSI-VB; Leanna Shaff, DSI-Fire*

Ms. Shaff:
-Fire Certificate of Occupancy inspection started on 4/15 with an appt letter in March. Had trouble getting into the property. Tenants not notified of the inspections. Inspector was there 4/23, 5/26, 6/22, revoked on 7/20 and there again on 8/5. The owner told the inspector that he had made an an agrmt with the tenants for them to make the repairs. He made it clear that it would be between them. Owner didn't take that to heart and he didn't show up because he is out of state. Little things been done since the process, no shows and long term non-compliance. Revoked the certificate of occupancy.

Mr. Dornfeld:
-Dennis Senty opened a Category 2 Vacant Bldg on August 6, 2015 – unoccupied, secured by normal mean, electrical conductors from house to garage to low to grade. Revoked Cert of Occupancy; posted VB placards, garage service door opened to entry and issued that to be secured.

Ms. Moermond:
-asking why appealing and what is the plan

Mr. Popplewell:
-the work had all been done to best of his knowledge
-he has had difficulty with the tenants
-contractors were doing some of the work

Ms. Moermond:
-it's a registered vacant building, lots of attempts to get in to see repairs were done and limited sucess with that

-what is his plans with the bldg.

Mr. Popplewell:

-he wants to make it right and get the vacant building taken away; it's been in great shape

-tenants are gone since the beginning of August

-been in there taking pictures of it, in decent shapes, would love to sell it, great area.

Ms. Moermond:

-when she looked at the list she thinks it's border line case.

questioning whether it will benefit from a code compliance inspection.

-asking if the inspector can look at it and make a recommendation.

-asking if the house is going to be occupied before the sale

-let's make it a preliminary to see if occupy yet in 90 days

-Waive the vb fee for 90 days and see if place can be sold or occupy

-Cat 1 and revisited in 90 days.

-Tish required.

Referred to the City Council due back on 9/16/2015

21 [RLH VBR 15-65](#) Appeal of Michael Champion to a Vacant Building Registration Requirement at 418 EARL STREET

Sponsors: Finney

Owner, Michael Champion, appeared

Matt Dornfeld, DSI-VB

Mr. Chamption:

-had a problem with the title issue

-closed in June

Mr. Dornfeld:

-sale approved May 14, 2015, CCI on file, electr, plumb are finaled, bldg remained opened

-VB fee due Aug 7, no complaints nor problems

-looking for a waiver of the fee

Ms. Moermond:

-how long until finished

Mr. Champion:

-we are pretty much done now, waiting for FHA standards right now

-everything on CCI is taken care of

-had a delay with the heating guy; they got stuck on AC calls

-needed a boiler put in and pipes put in but it's all done now

-filed for an inspection, his first time doing this process

-want the fee waived

-Waive the VB fee for 90 days.

Referred to the City Council due back on 9/16/2015

22 [RLH VBR 15-64](#) Appeal of Emily Baldwin to a Vacant Building Registration Requirement at 778 UNIVERSITY AVENUE WEST

Sponsors: Thao

*Patrick Ruble, Emily Baldwin, Terry Forliti, Breaking Fee
Leanna Shaff, DSI-Fire*

Ms. Shaff:

-Fire Certificate of Occupancy on July 7 and order to vacate. Inspector George Niemeyer wrote 11 items. The biggest order is the change of use throughout. Inspector documented the order to discontinue the unapproved occupancy or use or contact the building official to do a code analysis and to comply with requirements for approved occupancy. The building use has been changed by the ownership from residential to a B or business occupancy per letter dated April 3, 2015 from Steve Ubl stating the building was to be reverted back into residential use by July 1, 2015. This did not happen, hence, the revocation of occupancy.

Mr. Dornfeld:

-we opened up a VB Category 2

Ms. Moermond:

-so the building wasn't converted back to residential use with the July deadline

Ms. Forliti:

-when we were first notified that we didn't have a C of O, 2 years after occupying the building we decided that based on the changes, it would cost us way more to do that so we decided to sell the building and hired Patrick Ruble and contacted Steve Ubl about looking at other buildings. We rented 3 other buildings on University Avenue, paid for inspections and fell through. While trying to move and sell this building we couldn't find another suitable building. We were looking for a commercial building.

Ms. Baldwin:

*-run a non-profit so when originally moved in the building it was a commercial property. Maybe not legally but it was being used as a commercial.
-when we bought it and moved in we have every intention of the building being a commercial property which took us by surprise when we found out it was not.*

Ms. Forliti:

-when talking to Steve Ubl, we told him we were going to try to close on the bldg by July 1

-when found out we were not able to we asked for extension to August 1 and he accepted it.

-we were also out of the building then.

-I talked to Carrie as DSI and asked her if we needed to complete the list of items from the letter dated July 2nd if we were going to vacate and she said no

-we then didn't do anything so when the inspector came and inspected we were out

-our organization is to get women out of trafficking

-we agreed with the code violations but after reviewing them we thought we can talk about taking care of them by hiring someone to fix them and having Niemeyer come back to inspect

-we want to come into compliance with the exception of the driveway/parking lot and hoping to get back to T2 Zone 1

-we had Jeremy Hall before and he had never cited us for any deficiencies.

Mr. Ruble:

-the building is marketed and we temporarily took it off just to get this matter resolved.

-will be again actively marketed for sale

-understanding is zoned T2 all residential and it could be commercial given issues

-we have been marketed as a commercial property

Ms. Moermond:

-reading from Mr. Ubl's note here, it's not so much about the underlying zoning but much about the construction of the building

Ms. Forliti:

-it's more the ADA issue

-had determined it would be too expensive to fix and would sell it

-it was a home and I walked through it and told them what I was looking for and then purchased the bldg at that time

Ms. Shaff:

-looks like they purchased the building in August of 2013 and it came out of a code compliance in May

-when it had been used as a commercial space before

Ms. Baldwin:

-she believes the commercial aspect piece is related to the parking lot

-we were told to put in yard where parking lot exists

-when we bought it, that was the driveway for it

-it's surrounded by commercial properties

Ms. Fortili:

-we want the vacant building signs removed because we had four break-ins

Mr. Dornfeld:

-he thinks the letter for Steve Ubl dated April 3rd would supercede the code compliance back in 2012

Ms. Shaff:

-on May 23, 2013 the building was used as family residential

Ms. Baldwin:

-with the ADA compliance and because we have the two bldgs on University, this was solely used as administrative space

-we have to keep our records for so long, fundraiser boxes and those were being held in the basement and when we moved out it took us extra days to move those out

Ms. Fortili:

-when we took over the building why wouldn't we made aware that it was not a commercial building

Ms. Shaff:

-you should have hired someone to do the inspection and who was aware of the codes.

-in each jurisdiction it's different.

-once it gets its code compliance, it would have received its certificate of occupancy

Ms. Fortili:

-we would like to address the deficiencies with the exception of the driveway

-would like to have the signs removed

-want to cooperate with the City

-work closely with the community

-whoever want to buy the property will likely to have to come into compliance with the ADA requirement

Mr. Ruble:

-No. 7, would this still be required if it's vacant
-trying to move from Cat 2 to Cat 1
-It's zoned T2 so it could go either way but it will be disclosed

Mr. Dornfeld:

-the pros to the placards is that we don't have occupancy
-cons is that it attracts criminal activities
-he has no problem with the placards being removed

Ms. Moermond:

-not comfortable this being a registered VB Category 1
-need to be consistent with its use
-questioning whether these items need to be addressed before it can be occupied
and she would like to see the list of items addressed before it can be occupied,
making it a Category 1 is a turn-key and they wouldn't have to address the issues.

Mr. Rubel:

-we can market the place by using a TISH report which would show the deficiencies
or as a commercial and make them aware of what needs to be done.

Ms. Moermond:

-they get the TISH report and the Fire existing C of O order and make this a Category
1 so that this set of Order is shared with the TISH report so there is no
misunderstanding to purchaser that it's not fitted out as a residential structure and
there is hanging order on the pavement issue.
-don't want to solve the pavement before solving the use
-waive the VB fee for 6 months. If sold and occupied legally, the TISH report and Fire
Order must be fully disclosed. Owner can take the placard off the building.

Referred to the City Council due back on 9/16/2015

23 [RLH VBR 15-66](#) Appeal of Mahad Farah (Twin Cities Prop Mgmt) to a Vacant Building
Registration Requirement at 735 WILSON AVENUE

Sponsors: Finney

Mahad Farah, Twin Cities Property Mgmt LLC, appeared - Chief Partner
Matt Dornfeld, DSI-VB

Mr. Dornfeld:

-Category 2 VB approved through their sale review process on 7/14 from a Victor
Guzagen
-as of 8/4/15, Mr. Guzagen transferred the title from his name to Twin Cities Property
Mgmt LLC, a company he is part-owner of
-a new contractor bid was submitted and approved by Inspector Soley
-totaled \$32,600 and permits may issue now
-VB fee comes due on August 7, 2015, a bldg permit on August 6

Mr. Farah:

-we have a deadline and trying to get it done by end of September
-wants a 90 day extension
-Waive the VB fee for 90 days.

Referred to the City Council due back on 9/16/2015