



# 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*

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Tuesday, October 13, 2015

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Remove/Repair Orders

- 1 [RLH RR 15-39](#) Ordering the razing and removal of the structures at 179 ATWATER STREET within fifteen (15) days after the November 4, 2015, City Council Public Hearing.
- Sponsors:** Thao
- Greta Bjerkness, Attorney, Wilford, Geske & Cook on behalf of Ocwen Loan Servicing LLC, Woodbury, MN*
- Ms. Bjerkness:*  
*-house was sold at sheriff's sale Aug 14, 2015; they shortened the redemption period to 5 weeks, which expired Oct 7, 2015*
- Inspector Steve Magner, Vacant Buildings:*  
*-The building is a one and one-half story wood frame single-family dwelling with a detached two-stall garage and a detached shed on a lot of 9,148 square feet. According to our files, it has been a vacant building since April 28, 2015.*  
*-The current property owner is Cheryl L. Connors per AMANDA and Ramsey County Property records.*  
*-On July 16, 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 July 24, 2015 with a compliance date of August 23, 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 \$43,300 on the building.*  
*-Real estate taxes are current.*  
*-The Vacant Building registration fee was paid by check on July 13, 2015 by Altisource.*  
*-On October 8, 2015, the Code Compliance Inspection fee was paid; however, the inspection has not yet commenced.*  
*-As of October 12, 2015, the \$5,000 performance deposit has not been posted.*  
*-There were two (2) SUMMARY ABATEMENT NOTICES since 2015.*  
*-There were four (4) WORK ORDER issued for:*  
*- Boarding/securing*  
*- Grass/weeds*  
*Code Enforcement Officers estimate the cost to repair this structure exceeds*

\$75,000. The estimated cost to demolish is \$10,000 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.

Ms. Moermond:

-will make a call to try to expedite the code compliance inspection

Amy Spong, Heritage Preservation Commission (PHC):

-1 3/4 story wood frame home built 1885

-it was originally built at 850 Simcoe St, which was just around the corner; moved to 179 Atwater in 1927

-original owners were Martin and Annie Bach

-essentially was a workers' cottage

-a lot of people have lived there - quite a variety

-was surveyed last in 1983; this was not inventoried at that time

-it's outside the 2011 survey boundaries

-it looks like the 2nd story window pattern and arrangement was changed; and the gable

-wood lap siding still in tact underneath asbestos siding

-the porch has been altered

-there is some woodwork inside

-there had been a lot of debris, according to pictures taken Jul 2015; hard to assess interior wood

-added: they received the determination back from SHPO and if CDBG funds or federal funds are used ....

Ms. Moermond:

-suggested that they move quickly to clean out the house so that the code compliance inspection can take place; if she expedites the code compliance inspection, the house needs to be ready to go; inspectors need to be able to see everything

-it's a Registered Vacant Building; no one should be living in there

-let's get it cleaned out ASAP

-the VB fee has been paid

-it's being maintained

Ms. Bjerkness:

-it's been secured

Ms. Moermond:

-will call to expedite the inspection no sooner than Fri, Oct 16; a lock box should be present and DSI should know the combination

-will LAY this OVER for 2 weeks to Oct 27 LH to get the code compliance inspection done

-City Council Public Hearing Nov 4, 2015

-based on a surface analysis, it may not be a good rehab candidate but it's a very large lot

-if you decide to go ahead with the rehab, we will establish some conditions at the Nov 4 LH; if not, we'll make arrangements for you to do the demolition unless you choose not to

**Laid Over to the Legislative Hearings due back on 10/27/2015**

668-670 CONWAY STREET within fifteen (15) days after the March 4, 2015, City Council Public Hearing. (Public hearing continued from September 16) (Amended to remove within 15 days with no option for repair)

**Sponsors:** Finney

*Inspector Steve Magner, Vacant Buildings:*

*-Aug 27, 2015, letter sent by Mai Vang to Kris Kujala and Paul Scharf, Ramsey County Property Records (attached)*

*-Aug 25, 2015, Ms. Moermond, Legislative Hearing Officer stated she will ask Council to continue the matter to LH Tue Oct 6, 2015 with City Council Public Hearing Wed Oct 21, 2015*

*-doesn't think anything has changed*

*Ms. Moermond:*

*-spoke with Kris Kujala yesterday to find out the County's intentions with this property; she said that it go onto the first Look List that they send to the HRA and the city; it's expected to come out in a couple or week; in the past, it has been delayed; the city will have a chance to look at it and make a determination about whether we want to acquire; if we do, we have 6 months in which to do that; she doesn't think that the county will do a rehabilitation on this property; they have a lot of back-up and are not willing to expedite this in any way to move it to the front of their line of rehab; and they are not sure that the 4R Program will survive this budget cycle; she doesn't think that it's going to be helpful to lay this matter over; doesn't see any new information coming forward*

*-will recommend the Council order the building removed within 15 days with no option for its rehabilitation*

*Remove within 15 days with no option for repair.*

**Referred to the City Council due back on 10/21/2015**

**3**      [RLH RR 15-40](#)

Ordering the rehabilitation or razing and removal of the structures at 719 PAYNE AVENUE within fifteen (15) days after the November 4, 2015, City Council Public Hearing. (To be referred back to November 10 and 24 Legislative Hearings and continue the Public Hearing to December 2, 2015)

**Sponsors:** Bostrom

*Abdiwoli Ali and Abdirahman Ali, Alka Inc, owner, appeared; also, Ms. Leslie McMurray, Executive Director, Payne Phalen District 5 Planning Council.*

*Inspector Steve Magner, Vacant Buildings:*

*-The building is a one-story commercial building with two attached garage/service bays on a lot of 15,682 square feet. According to our files, it has been a vacant building since April 5, 2012.*

*-The current property owner is Alka Inc. per AMANDA and Ramsey County Property records.*

*-On February 11, 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 August 4, 2015 with a compliance date of September 3, 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 \$158,400 on the land and*

*\$56,900 on the building.*  
*-Real estate taxes are current.*  
*-The Vacant Building registration fee was paid by assessment on April 30, 2015.*  
*-A Team Inspection was completed on September 24, 2015.*  
*-As of October 12, 2015, the \$5,000 performance deposit has not been posted.*  
*-There was fifteen (15) SUMMARY ABATEMENT NOTICES since 2012.*  
*-There was five (5) WORK ORDER issued for:*  
*- Garbage/rubbish*  
*- Boarding/securing*  
*- Grass/weeds*  
*- Snow/ice*  
*-Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$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.*  
*-in addition, there's a letter from Payne-Phalen District 5 Planning Council*

*Amy Spong, Heritage Preservation Commission (HPC):*  
*-built 1964; 1-story concrete block commercial, more contemporary structure*  
*-she believes that it was originally built for an auto use/fueling station (city does not have good records from the 60's)*  
*-just past the 50-year mark for needing to be considered for national register*  
*-got form back from SHPO that there are no reported historical/archeological resources in the project area; they do not believe that this property or any near by if demolition was to occur*  
*-located within 2011 historic survey the city did for this neighborhood; was not recommended or re-identified*  
*-it's just outside the boundaries for the Payne Avenue National Register Eligible Historic District*  
*-demolition would not have an adverse affect on the historic character of the neighborhood*

*Mr. Ali #1:*  
*-purchased Aug 5, 2015; we are Alka Inc*  
*-he came in to DSI to see how to get a code compliance inspection done; they told him that it had moved from a Category 2 to a Category 3 Vacant Building status but according to what he knows, the previous owners didn't get a letter*  
*-he wants to get all the repairs done; inspectors came Sep 24;*  
*-has had contractors come in but it's taking a while to get back estimates - maybe by this week's end*  
*-wants to open a convenience / coffee shop; his mom has had experience*  
*-he moved to St. Paul 17 years ago to this neighborhood; he was 13 years old; his single mom had 8 kids; they had no transportation; and the only place they could buy groceries was a small grocery store or they could walk all the way to Cub (was Rainbow at the time) on Arcade*  
*-right now, there's a lot of immigrants living in that neighborhood and their plan is to make it easier for those without transportation to access groceries*  
*-they also plan to hire immigrant youth*  
*-the neighborhood has problems with crime; hanging around*  
*-his brother will be helping him*  
*-he just needs more time to get it all done*  
*-they have talked to DSI about making this a convenience / coffee shop*

*Mr. Ali #2, brother:*

-added that they have been looking at this place for the past 2-3 years; at first, the price was quite high but as the years went by, the price was lowered and not, we could not let it go; he is guessing that there's something wrong with the building -they just want it to be a better neighborhood; a lot of people come and go; most who live around there are from Nepal and Thailand; none of them has a car

Mr. Ali #2:

-MN Pollution Control Agency told him that he'd need to take out the tanks  
-he's going to take them out; will have grocery store

Ms. Moermond:

-thinks that we will need a different code compliance inspection in order to take a different use into account

Mr. Magner:

-it's possible that the team could amend the code compliance report to reflect the change in use  
-assuming this is a B-2 occupancy, the big issue is that they need to remove the tanks; will need to work with the MN Pollution Control Agency to get them out; make sure they have a licensed contractor to do that; there might be some funding available for that - thinks that the state has a program; once the abatement is completed and needed documentation is sent back in, he thinks that there's a partial payment back from the state - maybe 50%; they will need to research that  
-knows that if the gas station is not re-established, the tanks need to be removed  
-if the gas station use is re-established, then the tanks have to be certified for use  
-Assistant Fire Marshal Phil Owens could give them more info on that

Ms. Moermond:

-the cost for rehabilitation is estimated at \$100,000 by DSI; (Mr. Magner: that estimate is based on the expectation for gas use, not for a different use; if the tanks are abandoned, those costs could be less but the bays were previously used for car repair and that must be reconfigured for retail; they will need to submit plans for that reconfiguration)

Mr. Magner:

-the building deficiency inspection (done to determine whether or not the building constitutes a nuisance or dangerous structure) was done Feb 11, 2015; they met the owner at the site; they informed us that they had a potential buyer and asked us to hold off for 30 days; nothing happened to move forward; did another building deficiency inspection was scheduled for Jun -no one met them at the property; so, DSI prepared the rest of the documents and decided to send out the Order to Abate; owner called again asking us to hold off but at that time, we had a lot of complaints coming in so, gave them until the end of Jul and posted it Aug 4; then, the previous owner reached out to you guys to get rid of it for a low price

Ms. Moermond:

-from that inspection, it was plain to the previous owner that this building was going to be a Cat 3 VB but the city was trying to work with them to allow the building to be sold  
-you will be able to do something with this building but it's going to be a more complicated deal; and the owner did not disclose that to you

Ms. McMurray:

-several organized entities in the neighborhood met with the Board of District 5; the community has long viewed 719 Payne's deteriorated condition as a nuisance and people have complained to the city; it's at a key corner where new development is

*proposed a few blocks away*

*-they were surprised to learn that the building had been purchased; Mr. Ali reached out to the district council and came to a meeting just last week; we were really impressed with his attempt to reach us; he is committed to come to every available meeting to talk about the vision that he and his family have for this site; we were disturbed to hear that the building was a Cat 3 VB status; we felt that every effort should be made to support that vision of the owner and property; he spoke eloquently about some of the needs of the immediate community; it will be customer based  
-we recommend that time be granted to make the vision happen*

*Mr. Ali:*

*-he has provided a code compliance report to the contractors that he asked to come in  
-he told them that he needed to replace the foor; the ceiling; the floor; the sheet rock; the heating/cooking system; ventilation; lighting; furnace; water heater, etc*

*Ms. Moermond:*

*-thinks it would be useful to have one of the project facilitators involved with this; perhaps, Jeff Fischbach; sit down with one of them and a revised code compliance inspection report to weigh things out  
-the rehab has to be ahead of any licensing process*

*Mr. Magner:*

*-thinks they need to sit down with a project facilitator first; if part of the space is going to be a retail establishment and part of it a coffee shop, they might want to leave the separation in the building; ultimately, they will probably need to hire an architect and an engineer to work up some plans; but before, we modify the code compliance inspection report, they probably need to look at their hard costs of doing the envelope (basic roof and basic repairs and mechanicals) so that they have a rough estimate of where they're at financially*

*Ms. Moermond:*

*-get the estimates but those estimates won't be the end of the discussion  
-first thing you need to do is talk to a project facilitator; (Mr. Ali: is working with Jeff Fischbach already) to find out what needs to happen before you can pull permits on the rehab; he's going to want to know all that you're going to do  
-she is concerned about the amount of money it will cost to do the rehab; so, she will need to see the money (cash; line of crdit; construction loan)  
-she hates to see folks get half way in and then run out of money*

*Mr. Ali:*

*-he has a business account*

*Ms. Moermond:*

*-you will need to submit the \$5,000 Performance Deposit; you will need to do that before she can bring this case forward to the City Council  
-the property needs to be maintained  
-continue to talk with the district council  
-let's talk again in 2 weeks at which time you will have submitted the \$5,000 Perf. Dep; have talked with Jeff Fischbach; and gotten more estimates  
-we will try to get Mr. Fischbach here for discussion, too  
-development agencies might be able to provide advice: 1) in Mpls - East African Development Corp; 2) in your neighborhood, there's the North East Neighborhood Dev Corp; they provide business loans; and East Side Neighborhood Dev Corp*

*Owner to post the \$5,000 performance deposit by the next Legislative Hearing date.*

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**Laid Over to the Legislative Hearings due back on 10/27/2015****4**      [SR 15-113](#)

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

**Sponsors:**      Thune*Hank Hanten, owner and David Wickiser, realtor/broker, appeared.**Mr. Hanten:**-as of this morning, Paulette has withdrawn her offer and the Purchase Agreement is in the process of being nullified; she's unable to move forward with the plan that she wants to do with the multiple dwellings...**Mr. Wickiser:**-the level of build-out that Paulette was planning to do would have necessitate a number of issues  
-he is now representing another potential buyer; he's had a number of inquiries; the current person owns a shop on Grand Ave and she would like to open a retail space in this bldg  
-he is here today on behalf of her to ask for more time  
-the neighbors want to see the building remain  
-the people who are looking at it right now are very serious-doing a tremendous amount of due diligence  
-have updated structural reports and multiple contractors have put in bids: HVAC, plumbing, electrical, building  
-has a pretty clear idea of what a likely re-use would be**Mr. Hanten:**-I brought forward all the necessary items on our Aug 27 letter; he'd be willing to move forward with the roof to save the building  
-he will continue to market it**Ms. Moermond:**-we need to see a lot better plan; put together a Work Plan and how you would execute it; include the use and how is the build out appropriate to that use**Mr. Hanten:**-he can come up with a plan in 2 weeks**Ms. Moermond:**-will focus on a buyer's plan but not indefinitely  
-would like to resolve this matter completely before the current Councilmember leaves office  
-resolution to her means that we have the building nuisance abated; there's 2 ways that can happen: 1) fix it; or 2) level it  
-she needs to have good plans approved by the City Council**Mr. Wickiser:**-the current potential purchaser has a shop on Grand Avenue, which she is more than willing to relocate to West 7th Street; her husband has extensive experience renovating historic properties; he's a contractor  
-they have a reasonable build out that would conform to what the building has**Mr. Hanten:**-asked if he could move forward with a plan to turn it into retail space?*

*Ms. Moermond:*

*-the Council rejected your plans; they voted it down and said that they would be willing to look at a purchaser's plan; that was clear in their intent  
-asked Mr. Hanten how long before he can conclude the cancellation of the current Purchase Agreement?*

*Mr. Wickiser:*

*-this week  
-had a meeting with DSI personnel: Jim Bloom, John Stadenski, and 2 fire people and thinks he has a clear idea of what they want in plans  
-this potential purchaser would provide a single occupant  
-the structural reports did not mention any immediate dangerous structural issues but the roof is leaking*

*Mr. Hanten:*

*-he would put on a new roof and secure the building if he knew for sure that the building would not be torn down; he already has a roofer, who can be out there in 2-3 weeks*

*Mr. Magner:*

*-the real bid issue here is that he thinks the Council and the Administration would like to see that the whole project is completed with 1 plan; if the building can't be saved, why throw money after it.  
-we all want the building to be used - up and running; we really don't want a vacant lot  
-we are not in a Layover scenario; we're sitting on a Resolution to remove*

*Mr. Wickiser:*

*-a Purchase Agreement with the potential buyer could possibly be attained in 1 1/2 weeks, if not before  
-they have not yet drawn up the plans; after the meeting with DSI, this isn't an easy one to figure out; it will take some time and he respectfully asked for time to develop good plans to move forward*

*Ms. Moermond:*

*-let's talk again Nov 10 LH, by which point, you will have concluded a Purchase Agreement and hopefully, some plans will be on their way to being completed  
-send that Purchase Agreement to my office right away after you get it; also the cancellation on the other PA*

*Purchaser to provide a copy of the executed purchase agreement as well as the cancelled purchase agreement and provide a plan for rehabbing the property.*

**Laid Over to the Legislative Hearings due back on 11/10/2015**

- 5 RLH OA 15-13** Making recommendation to Ramsey County on the application of Charnell Hudson for repurchase of tax forfeited property at 134 ELIZABETH STREET EAST.

**Sponsors:** Thune

*Application for Repurchase.*

*Ms. Moermond:*

*-quite a bit owed in taxes (\$8000)*

*Inspector Steve Magner, Vacant Buildings:*

*-code enforcement history:*



-Revocation from Oct 1, 2015 from Fire Certificate of Occupancy Program; they still list it as Revoked-Occupied; the parties are still in there; assumes that Ramsey County doesn't want to be in the business of renting out properties  
-garbage/rubbish complaint from Apr 2015; Work Order was generated  
-another garbage/rubbish complaint in Apr 2014  
-2013: a mold issue on a C of O complaint  
-Apr 2013: exterior complaint  
-sale in 2012, when they purchased it  
-not a huge amount of code enforcement

Ms. Moermond:

-ran the Police Report (attached); 5 years worth  
-looks like she was in custody for a bit of that time; detained Sep 2012 until May 2013; went back to serve and released in Jul 2014 to Roseville; home again Jun 1, 2015  
-she'd like to do a Confession of Judgment  
-there's been a lot of nuisance activity happening here in her absence; she didn't seem to be present for the vast majority of it; only 1 item in 2012 was unfounded;  
-in 2013: there's an explosion of activity - 42 calls to SPPD: lots of advise (violation of restraining order; burglary no forced entry; criminal damage to property; theft; warrant in May; criminal damage to property  
-in 2014: 26 calls to SPPD: criminal damage to property a couple of times; crimes against persons; theft; domestic assault; medical situation; domestic; interfering with 911; investigate; criminal damage  
-it's noteworthy that nothing is going on since she's been released; a good sign  
-nuisance property for 2013 and 2014 when she wasn't living there  
-she also indicates that she has 3 kids who are here

Mr. Magner:

-too many police calls; excessive use of police; not sure if he's comfortable saying that repurchase is a good road to take  
-is wondering how the ownership interest lies here (we don't know if she paid cash or ??; looks like the purchase was in 2012)  
-will ask Vicki to check ownership with Ramsey County and get back to you

Ms. Moermond:

-will find out more from Ramsey County about when she acquired the property  
-she is more sympathetic since there's been police activity since Jan 2015; wants to confirm with the SPPD  
-will check with Central Team FORCE unit  
-will Lay this Over for 2 weeks to Oct 27 LH

FOLLOW-UP 10/25/15: Property has had 3 Fire C of O inspections on 9/10/15, 10/1/15 and 10/20/15 and the certificate has been revoked. A Fire C of O is necessary as Ramsey Co is the owner; and therefore, the house is not owner-occupied. The revocation and photos have been attached to the record.

**Laid Over to the Legislative Hearings due back on 10/27/2015**

## 11:00 a.m. Hearings

### Summary Abatement Orders

- 6 [RLH SAO 14-17](#) Appeal of Roger Hodge to a Summary Abatement Order at 642 HALL AVENUE. (Public hearing continued from January 21) (To be referred

back to Legislative Hearing on October 13, 2015; Council public hearing to be continued to October 21, 2015)

**Sponsors:** Thune

*Appeal withdrawn. Issue resolved.*

**Withdrawn**

- 7 [RLH SAO 14-18](#) Appeal of Mary L. Murphy and Thomas M. Murphy to a Summary Abatement Order at 15 BAKER STREET WEST. (Public hearing continued from January 21) (To be referred back to Legislative Hearing on October 13, 2015; Council public hearing to be continued to October 21, 2015)

**Sponsors:** Thune

*Appeal withdrawn. Issue resolved.*

**Withdrawn**

#### Correction Orders

- 8 [RLH CO 15-30](#) Appeal of Jocelyn Sweet to a Correction Notice at 123 ISABEL STREET WEST.

**Sponsors:** Thune

*Ms. Moermond:*

*-the owner, Jocelyn Sweet, has been out of commission since the last legislative hearing and her family, a friend and a realtor have become involved with this -our goal is to get the broken and boarded windows on the exterior fixed; the bigger goal is to get the house siding, insulation, etc. where there used to be a breeze-way connecting the house to the garage*

*-deadline for replacing windows: Oct 30, 2015*

*-deadline for stabilizing (re-tarpping) the side of the house: Dec 1, 2015*

*-complete repair of the side of the house: Jun 1, 2016*

*Replace the window by October 30 and stabilize the siding of the house by*

*December 1. Complete repair of the side of the house by June 1, 2016.*

**Referred to the City Council due back on 11/4/2015**

- 9 [RLH CO 15-31](#) Appeal of Thong Yang to a Correction Order at 496 NEBRASKA AVENUE EAST.

**Sponsors:** Brendmoen

*Bee Yang, brother of Thong Yang, owner, appeared along with their mother, Lao Lee. Mai Vang interpreted for Lao Lee.*

*Mr. Yang:*

*-mom lives in the house along with Thong Yang; they own in partnership*

*-he is in the process of moving out of the house*

*Inspector Paula Seeley:*

-received complaint Sep 18 about a retaining wall, which is causing water leakage into the neighbor's basement; the wall is deteriorated; she doesn't really know if the water leaking into the neighbor's basement is caused by these cracks because their driveway at the top of the retaining wall is ponding water

-she spoke to the neighboring property owner and told him that his gutters were completely full and needed cleaning out; maybe that would help his drainage problems

-sent Orders with compliance set for Oct 2, 2015; told him to call me if he wanted more time

-winter is coming; will freeze soon

-the neighboring property is lower than Mr. Yang's; their foundation is a good 5 feet from the wall

-the wall is along the property line

Ms. Lee:

-have lived there since 2010; there was a lot of snow

-they did not know that the wall was deteriorated

Mr. Yang:

-weather was pretty bad during that time; they made a mistake by purchasing it; all of the wall was covered with snow

-it was a foreclosed house and they spent a lot of money fixing it up and almost lost the house; and now this

-a few contractors have estimated that it would cost between \$5500 and \$9500 or more to replace it

Ms. Moermond:

-let's see if we can find a more affordable solution

Ms. Lee:

-talked also about a huge tree behind their garage; another tree is growing sideways; they are concerned about it falling and damaging more things

Mr. Yang:

-called it a monster tree; he called Xcel; they came out and said they could do nothing; cable and phone lines are going thru it

-he got estimates to remove 3 trees: 1) \$10,000 big one; 2) \$3500; and 3) \$1200

-all of these things will cost too much for them

Ms. Moermond:

-you could repair the wall (Mr. Yang: it's about 4 ft high and tapers down)

-if the wall falls, it will effect your driveway; it will fall onto the neighbor's property

Ms. Seeley:

-those blocks could be replaced with new ones; seal it up with mortar; and then, the entire wall could be skim-coated to seal it up for the winter

Mr. Yang:

-they weren't sure that repair would pass code; they didn't want to waste time and money

Ms. Moermond:

-Ms. Seeley will be happy to work with you on the repair of the wall

-make sure the downspouts are not directed toward the driveway to prevent ponding

Ms. Seeley:

- suggests waiting until spring to replace the wall
- there could be financial help from East Side Neighborhood Development Corporation
- if the wall is not over 4 feet, you don't need a permit to repair or replace a wall
- she will come by tomorrow or Thu to look at how he can re-direct the downspouts
- she will ask Carl Mueller, City Arborist, to check out the trees

Ms. Moermond:

- Mai Vang will send out a letter of confirmation
- follow up with the ESND

Grant one week to replace any missing bricks in the retaining wall and redirect the water spouts away from concrete driveway to prevent pooling of water; grant until June 1, 2016 for permanent repair of the retaining wall.

**Referred to the City Council due back on 11/4/2015**

### 11:30 a.m. Hearings

#### Orders To Vacate, Condemnations and Revocations

### 1:30 p.m. Hearings

#### Fire Certificates of Occupancy

- 10**     [RLH FCO  
15-221](#)     Appeal of Jim Kunz, Kleinman Reality, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 2034 YORKSHIRE AVENUE.
- Sponsors:**     Tolbert
- Order has been withdrawn by the Dept.*
- Withdrawn**
- 11**     **RLH FCO  
15-254**     Appeal of Tarryl Olson to a Fire Inspection Correction Notice at 1099 BUSH AVENUE.
- Sponsors:**     Bostrom
- Tarryl Olson, Olson Property Investments LLC, owner, appeared.*
- Fire Inspector A. J. Neis:*
- Fire Certificate of Occupancy Correction Notice issued by Fire Inspector Supervisor Leanna Shaff
  - Ms. Shaff inspected this property due to some continuing police issues
  - item under appeal is the driveway in the back of the building; it's class 5 with an improved alley
  - photos in the file
  - it went thru a full code compliance back in 2008 or 09
  - has been a continuing problem on the Fire C of O, Code Enforcement and SPPD's radars
- Ms. Moermond:
- sounds like there's a lot of issues going on

Mr. Olson:

-that issue is gone; it started back in Jul, when he received a call from Ms. Shaff saying they arrested a man on their porch, which was one of his tenants, for a controlled substance; he immediately proceeded with eviction proceedings to remove her

-then, they had the inspection; at the follow-up inspection, there were 3 remaining small items that he corrected

-the driveway has been that way for a very long time; has never been brought up as an issue in the past

-the cost is overwhelming for him

-there are hundreds of unimproved parking areas in the neighborhood

-he's worked to take care of the items on the inspection and the removal of the bad tenant

Ms. Moermond:

-the city is moving toward loosening it's requirement on class 5

-she would like to see a diagram of the entire property showing the parking area, the house, garage, etc. with dimensions

-ultimately, she is looking for a surface that has clean lines around it; defined with landscaping barriers, etc. on 3 sides because class 5 has a tendency to migrate; it needs to be contained

-the photos show a broken down class 5 in some places

-it needs additional class 5; clean lines between areas and 4 feet between your property line and the parking area

-submit plans to me by next Tue, Oct 20

-deadline for the work: Nov 20, 2015

Submit site plan by Tuesday, October 20 and grant an extension to November 20, 2015 to come into compliance with the parking lot.

**Referred to the City Council due back on 11/18/2015**

12 [RLH FCO  
15-267](#)

Appeal of Eric Hillman, Coldwater Ventures, LLC to a Fire Certificate of Occupancy Approval with Corrections at 619 PASCAL STREET SOUTH.

**Sponsors:** Tolbert

Eric Hillman, Coldwater Ventures LLC, owner, appeared.

Fire Inspector A. J. Neis:

-Fire Certificate of Occupancy referral notice after a C of O inspection

-2 remaining violations: one is fire alarm, repaired & maintained and provide documentation of proof of compliance

-started as a complaint from the Fire Dept after responding to a false alarm; found a defective alarm

-up & down duplex

-a fire alarm system is not required inside this building; however, at one time, this house may have been used as a group home where a fire alarm system would have been a requirement; in any case, since the fire alarm system is there, it must also be maintained in an operative condition of replaced

-not mentioned in the Orders is the option to physically removed the system in its entirety; if that were done, smoke detectors would need to be installed: one on each level; one outside a sleeping room and one inside each of the sleeping rooms; they may be battery-operated

Mr. Hillman:

-they may eventually live in this building; some family is living there now in the lower unit

-in time, it may be wise to have a system like that; in the meantime, he could remove the panel, etc.

Mr. Neis:

-taking it out now is the easiest fix, especially, since it's an antiquated system; and having it there provides a false level of security

Ms. Moermond:

-so, you will come into compliance by removing the entire fire alarm system and installing battery-operated smoke detectors by Nov 13, 2015

-City Council Public Hearing Nov 4, 2015

Grant until November 13 for compliance by way of removing the fire alarm system and installing battery-operated smoke detectors.

**Referred to the City Council due back on 11/4/2015**

**13 RLH FCO  
15-255**

Appeal of Tracy Lowmanstone to a Fire Inspection Correction Notice at 1006 VAN BUREN AVENUE.

Sponsors: Thao

Tracy Lowmanstone, C of O Responsible Party and Administrator of the Estate of Bruce Stone, appeared.

Fire Inspector A. J. Neis:

-Fire Certificate of Occupancy Correction Notice by Jonathan Gaulke

-appealed: 2nd floor sleeping room has a 6'5" ceiling height; it's a very large bedroom and has escape windows; it appears to have been used as a bedroom previously; has smoke detector

-dimension: 11 x 17 1/2 feet

Ms. Moermond:

-looks like the 6'5" area spans about 3 1/2 feet

-probably 1/4 - 1/3 of this space is 6'5"

-knee wall is over 5 feet

-she really needs the square footage of the room above 5 feet

Ms. Lowmanstone:

-has photos

-the stairway comes up between the 2 rooms; there's a very similar sized room on the other side

Mr. Neis:

-the air conditioner needs to move to the opposite side window

-mentioned that there may be a code change down to 6'4" in the near future

Ms. Moermond:

-they are expecting that new building code will be adopted within the next 90 days

-doesn't like recommending ceiling heights this low

-will withhold her recommendation until they get the current language out there; if it's close to where the new code is at, she will probably recommend a variance; her concern is that there's so much of it below that level, which is an impediment to emergency personnel getting in as well as someone getting out

- Mr. Neis will consult with Supervisor Shaff on this issue
- enforcement is stayed for the next 2 weeks until this is resolved
- she will pull the building code / fire code
- state codes are changing
- if she hears from DSI in 2 weeks, Oct 27 LH Staff Report at 1:30; Appellant is welcome to appear
- will send the Appellant a letter
- City Council Public Hearing Nov 4, 2015

Layover to review new code on the ceiling height issue.

**Laid Over to the Legislative Hearings due back on 10/27/2015**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 14     [RLH VBR 15-83](#)     Appeal of Terry Glass to a Vacant Building Registration Fee Warning Letter Requirement at 646 AURORA AVENUE.

**Sponsors:**     Thao

*Terry Glass, owner, appeared.*

*Inspector Matt Dornfeld, Vacant Buildings:*

- this was here at LH back on May 8 as a Category 2 Vacant Building; Ms. Moermond granted a VB fee extension for 120 days in order for him to have time to get a code compliance inspection done and pull permits, which he did; the rehab is still on-going
- the 4 month waiver ended on Sep 21 and the VB fee is now due
- anniversary date is May 17

*Mr. Glass:*

- first, he had to wait a month before the inspectors got out there to do the inspection
- things are progressing now: has pulled permit for electrical, mechanical; he is shopping plumbers right now
- he'd be farther along if he didn't have to work every day
- is asking for a 3-4 month extension to get all the work done

*Mr. Dornfeld:*

- code compliance inspection was ordered by Mr. Glass on Jun 2, 2015; the code compliance inspection report was completed on Jul 9, 2015

*Ms. Moermond:*

- wants Mr. Glass to be able to keep working on it but she doesn't want to do it on a waiver
- we will let this go to tax assessment and we can talk about it in an assessment hearing; there, she can decrease the assessment accordingly; she can also divide it over a number of years
- wants Mr. Glass to be able to pull permits, too

*Mr. Glass:*

- when he first got into the program, we were focused on 1 or 2 things - the boiler issue and waiting for funding

*Fire Inspector A. J. Neis:*

-this building was Condemned for lack of basic facilities  
 -initially, it had a boiler issue; we were waiting for funding from a community group to get that done; we came in and lifted the Revocation/Condemnation because the owner could not get financing otherwise; the contingency upon that was that the C of O would stay open as long as we got the boiler in and all was fixed; Inspector Hall went out to verify and found additional work being done (the toilet had been taken out; went back to the VB Program and needed a code compliance inspection)

Mr. Glass:

-he had pulled out the toilet so he could put the floor down  
 -the water was running but the inspector didn't think there was  
 -this was all about the financing

Ms. Moermond:

-it still will be in the VB Program; things are progressing, we can figure out how much of the VB fee should be reduced taking into account what happened  
 -keep pulling permits and closing them out

Deny the appeal. Will look at the fees when it comes through as an assessment; allow for permits to be pulled.

**Referred to the City Council due back on 11/4/2015**

**15**     [RLH VBR 15-82](#)

Appeal of Matt Jackson to a Vacant Building Registration Renewal Notice Requirement at 226 GROTTO STREET NORTH.

**Sponsors:**        Thao

Matt Jackson, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

-has been a Category 2 Vacant Building since Oct 16, 2013; Inspector Dennis Senty has been working on the file  
 -there is a code compliance inspection report on file as of Jan 5, 2015  
 -permits still open: building, plumbing  
 -permits finaled: warm air and electrical  
 -house/year maintained  
 -here to discuss VB fee due Oct 16, 2015

Mr. Jackson:

-he doubled checked the plumbing permit; the work was done months ago; when the inspector came to do the final, he found one more thing and we took care of that but they still didn't close it out; he called his guy at NorthStar, who said that it was on the inspector's side of things; he thought he handled that a couple weeks ago  
 -he owns one side of this half double dwelling and got noticed to do the roof but he couldn't do it because the other side was bank-owned and they wouldn't deal with him; he was limbo in about 5 years; finally, the bank sold it on-line auction but he wasn't aware of it; since last Oct, he and the new owner have been working together to get the property off the list  
 -everything that he could possible do on his own, he has done: all electrical, plumbing, mechanical has been done for months; he poured a whole new foundation; tuckpointed inside and outside,..... the work that has taken a long time has been the work that he's had to do with the owner on the other side  
 -Jim Seeger walked thru about 2 weeks ago; he said that he'd vouch for him if you want to call him; he gave him a list of 4 small things that still needed to be done and were done that same day  
 -all that's left is painting the outside and they will start painting in the next day or two



*-just asking to not have to pay the whole year of VB fee*

*Ms. Moermond:*

*-will recommend granting a VB fee waiver to Jan 1, 2016*

*Waive the VB fee until January 1, 2016.*

**Referred to the City Council due back on 11/4/2015**

- 16 [RLH VBR 15-86](#) Appeal of Al Morales to a Vacant Building Registration Fee Warning Letter Requirement at 1046 HANCOCK STREET.

**Sponsors:** Finney

*Grant appeal. No hearing necessary. Building was not in the VB Program for the time period specified.*

**Referred to the City Council due back on 11/4/2015**

- 17 [RLH VBR 15-80](#) Appeal of David Lundy for Willow Creek Development Group LLC to a Vacant Building Registration Fee Warning Letter Requirement at 1443 JEFFERSON AVENUE.

**Sponsors:** Tolbert

*David Lundy appeared on behalf of Willow Creek Development Group LLC.*

*Inspector Matt Dornfeld, Vacant Buildings:*

*-Fannie Mae was the previous owner; became a Category 2 Vacant Building Jun 6, 2014*

*-new owner took over Aug 12, 2015 and the VB fee immediately came due and went go assessment Sep 30, 2015*

*-code compliance inspection report on file*

*-property has been maintained*

*Mr. Lundy:*

*-he buys properties and remodels them*

*-he researched this property; the website talked about it being a Cat 2 reg VB*

*-shortly after he acquired it, he found out that it was the prior owner's responsibility to pay that fee*

*-about Aug 6, an extension was done so that when he bought it, the fee became due*

*-they did not need to order a code compliance inspection; however, they did*

*-now, he is trying to make this property habitable*

*-Reid Soley suggested that he come down here*

*-site survey is due back today; he plans to go down to DSI to apply for a permit*

*-should take between 7-9 months; they are going to take it down to the foundation;*

*it's a 1 1/2 stories; he plans to make it a full 2-story*

*Ms. Moermond:*

*-9 months will be 3/4 of a year; she would like to get it down to 6 months, if possible so that the VB fee would be cut in half*

*Mr. Lundy:*

*-understands that the first year of the VB fee was assessed to taxes; this new year was somewhere around Jun and for some reason was extended to Aug 6*

*-his complaint: the website says that "the annual VB fee must be current" (there's no explanation) so, when he bought this property, it was his understanding, based on*

*due diligence, that the fee was paid*

*Mr. Dornfeld:*

*-the city can't bill the federal government so, we automatically extend it because they're not going to pay it; as soon as a new owner assumes the property, then, the bill becomes due*

*Ms. Moermond:*

*-this wasn't disclosed to you by the seller*

*-she is mostly concerned that this property is rehabbed; to see you pay your fare rate on it*

*-now, we're talking about the 2015-2016 VB fee that was due Jun 6, 2015 but automatically extended; it went to assessment the end of Sep*

*-he's had the property about 2 months*

*-will be finished with the rehab a little bit after Jun 2016*

*-she thinks that the right way to go is to decrease the assessment by 1/4*

*-when you get the proposed assessment letter in the mail, send back the yellow post card and appeal it; will see you when we talk about the assessment*

*-once you get your code compliance certificate of your fire c of o, you are automatically out of the VB Program*

*Deny the appeal and let VB fee to go to assessment. Allow permits to be pulled.*

**Referred to the City Council due back on 11/4/2015**

**18**     [RLH VBR 15-81](#)

Appeal of Donna VanGundy of APC 1 LLC to a Vacant Building Registration Fee Warning Letter at 1541 SEVENTH STREET EAST.

**Sponsors:**     Bostrom

*Robert Marish, ReMax, real estate agent, appeared; he is coordinating everything on behalf of ACP1 LLC, who purchased the property with the intention of repairing it to get a Certificate of Occupancy in order to rent it out; he works thru an REO servicer Dale Ross, Britania Development, contractor, also appeared.*

*Inspector Matt Dornfeld, Vacant Buildings:*

*-Category 2 Vacant Building since Sep 4, 2013; Inspector Dave Nelmark has been monitoring it*

*-code compliance inspection report on file*

*-house/yard maintained*

*-permits: building open; plumbing, warm air, electrical finalized*

*-Mr. Nelmark issued a VB fee waiver that's good thru Nov 1, 2015*

*-here to discuss the upcoming VB fee*

*Mr. Ross:*

*-everything was done 3 weeks ago; they called for final inspection 3 weeks ago; inspector came out and added a few items that took 3 days to finish; inspector called them back the following week and said that he couldn't close because there was a HVAC violation since 2014; and they didn't know anything about the HVAC violation; inspector said that he should never have come out to do the inspection; they just took care of it; they had the HVAC company go out to clean the ducts, HVAC test, Orsat test and to close that out, the Orsat test report needed to be submitted to the city; it was dropped off today*

*Ms. Moermond:*

*-provided a building inspector, Jim Seeger, 651/266-9046 to call; he can go back to check out; he will be the one who signs-off*

-you are a couple months past the anniversary date; you had a waiver  
-you will be close  
-get your code compliance certificate issued by Dec 1, 2015; she will call to expedite

Waive VB fee until December 1, 2015.

**Referred to the City Council due back on 11/4/2015**

- 19 [RLH VBR 15-76](#) Appeal of Stan Karbowski to a Vacant Building Registration Requirement at 849 SHERBURNE AVEUNE.

**Sponsors:** Thao

*Appeal withdrawn by dept. Fire exempt so fee waiver was given.*

**Withdrawn**

- 20 [RLH VBR 15-89](#) Appeal of John Bodine and Lisa Lenzner, representing Flip Flop Flippers, to a Vacant Building Registration Fee at 908 EARL STREET.

**Sponsors:** Bostrom

*John Bodine and Lisa Lenzner, appeared, representing Flip Flop Flippers LLC*

*Mr. Bodine:*

*-closed Jul 31, 2015*

*Inspector Matt Dornfeld, Vacant Buildings:*

*-Category 2 Vacant Building file opened Sep 27, 2013*

*-Code Inspectors Nelmark and Friel are working on the file*

*-new owners as of Jul 31, 2015*

*- VB fee was due as of Sep 27, 2015*

*-code compliance inspection report on file*

*-not seeing any trade permits yet*

*Mr. Bodine:*

*-pleading ignorance*

*-this is an investment property; their realtor informed them that HUD overrode the city's code compliance issues*

*-once they took ownership, their contractor tried to pull permits but was told that he couldn't do that until a code compliance inspection was conducted, which took about 6 weeks*

*-they are looking at a 6-week renovation time, based on what their contractor is saying but none of these code compliance items were included in their numbers when they purchased the property; roughly \$20,000 in code compliance repairs are needed out of their \$35,000 budget on this property*

*-nothing in the code compliance insp. report is being grandfathered-in; they were not intending to hard wiring smoke/CO detectors, which mean cutting out plaster walls, so, we need to sheet rock*

*-asked if there was any way to get leniency on things that he believes should be grandfathered-in and since they had no idea that this VB fee wasn't up-to-date - so, could they get leniency on that?*

*-in the meantime, they'd also like to pull permits ASAP (?)*

*-ideally, they want to fix it up and sell it; they are also OK with renting it*

*Ms. Moermond:*

*-is sorry that he got bad information from his realtor*

-during HUD's ownership, the city can't make them do anything; the city doesn't have that authority; as soon as someone else owns it, everything falls on that new ownership; HUD sold it to you without disclosing this information and you received bad advise and you have a limited budget

-state law talks about hard-wired smoke and CO detectors; is sorry HUD has such low standards; their own buildings are held to higher standards

-this list of corrections isn't of current codes; it's just codes that bring it up to minimum standards

Mr. Bodine:

-they are questioning the need for a railing going upstairs; it's a 100-year old house and we weren't planning to do anything to these stairs; and there's a window, which would hamper that installation

-there's a long list of things that just don't make sense; they want us to basically re-plumb the entire house, which would be fine if there's something wrong with it, which they don't know yet because they haven't been able to turn on the water; his contractor has discussed this at length with Reid Soley, who says we have to deal with the report

Ms. Moermond:

-specifics, like the railing is something we need a photo of so we can discuss it; it's a fall hazard not to have a railing there but there may be ways to accommodate the situation

-we've had building codes in St. Paul since before the turn of the last century and things have changed

-the plumbing list - she thinks that is just because the system wasn't up and running; there's also a lot of venting

-she can help with the VB fee but that's not where the real problem is going to be -asked how this property got into the VB Program

Ms. Mai Vang:

-it was referred by SPPD, who ordered a boarding; they observed it was empty

Mr. Bodine:

-the code compliance list will run just over \$20,000 and the contractor estimates it will be done in about 6 weeks

Ms. Moermond:

-let's waive the VB fee for 90 days; City Council Public Hearing is Nov 4, 2015

-permits can be issued without the VB fee being paid

-if work is on-going after 90 days and we don't have a code compliance certificate, we can re-visit the VB fee in the tax assessment process

-your contractor can talk specifics with the building inspector

-you can pull permits by 8 am tomorrow

Waive the VB fee for 90 days from November 4 Public Hearing and allow permits to be pulled.

**Referred to the City Council due back on 11/4/2015**