



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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651-266-8585

Tuesday, November 28, 2017

9:00 AM

Room 330 City Hall & Court House

11:00 a.m. Hearings

Summary Abatement Orders

Correction Orders

- 1 [RLH CO 17-39](#) Appeal of Charles John Coyle to a Correction Notice at 1739 MARGARET STREET.

Sponsors: Prince

Attachments: [1739 Margaret Street.appeal.11-02-17](#)
[1739 Margaret St.Photos.11-6-17.pdf](#)
[1739 Margaret St.Site Plan.11-14-17.pdf](#)
[1739 Margaret St.Coyle Ltr.11-17-17.doc](#)
[1739 Margaret St.Photos.11-27-17](#)
[1739 Margaret St.Coyle Ltr.11-30-17](#)

No one appeared.

Ms. Moermond:

-update: we have 2 retaining walls in failure

-I talked with Brian Karpen, City's structural engineer, who had a chance to go out to look at this property; he thinks that as long as the retaining wall is not failing at a faster rate, we're fine with monitoring it on a 90-day basis moving forward; the code inspector needs to go there, at least every 90 days to make sure that the rate of failure hasn't accelerated; he must take pictures & show them to Mr. Karpen

-the other component of this is the stairway; while Mr. Karpen finds that the stairway is not constructed to code or supported in a fashion that's consistent with the bldg code, he does not object to it's continued use as long as we monitor it on a 90-day basis (it allows continued access to the garage & the garbage area; the property is mid-block); the stairway does not present a hazard at this time

-they asked for an extension to help them gather funds; I was OK with that, going out as far as a year as long as there wasn't a significant change in the wall; so, let's have the inspectors continue to monitor & take photos every 90 days; if there is a significant change, we'll need to re-visit it; fresh Orders for faster action

-will recommend Council grant a 1 year extension

Grant an extension for one year to November 28, 2018 to replace the wall. The stairway may continue use; however, inspector will monitor every 90 days to make sure the state of failure has not changed.

Referred to the City Council due back on 12/20/2017

2 [RLH CO 17-47](#)

Appeal of Keely Morgan to a Correction Notice at 428 CHEROKEE AVENUE.

Sponsors: Noecker

Attachments: [428 Cherokee Ave.appeal.11-14-17](#)
 [428 Cherokee Ave.photos 10-27-17](#)
 [428 Cherokee Ave.Morgan Ltr.11-30-17](#)

Keely Morgan, owner, appeared.

Inspector Mark Kaisersatt: (for Insp Lisa Martin)

-our office received a complaint in early Oct 2017 about the placement of garbage/recycling containers near the front sidewalk on a permanent basis; Ms. Morgan constructed a little retaining wall; photo

-we issued Orders; after some conversations with Ms. Morgan, I encouraged her to appeal

-code: garbage & recycling containers can only be in the front line of the house on the day of pick-up

Ms. Moermond:

-are there any problems with respect to the construct of the retaining wall?

Mr. Kaisersatt:

-I have none; I know this went thru Zoning & I'm surprised to find it back in Code; I'm unaware of any Zoning issues

Ms. Moermond:

-it looks like a sound wall to me; it doesn't look like it's high enough to justify an engineering requirement

Mr. Kaisersatt:

-I would be surprised; I observed it up close & personal; it was done in a very professional manner

Ms. Moermond:

-I agree

Ms. Morgan:

-there is no alley behind the house; I park in front

Ms. Moermond:

-there are site conditions unique to this property that make it necessary to store the garbage/recycling containers in the front location; the owner has taken reasonable measures to make it a secure location so that it's not likely to obstruct pedestrians or motor traffic, etc.

-I recommend that Council grant the appeal

Grant the appeal.

Referred to the City Council due back on 12/20/2017

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations (Fire)

- 3 [RLH VO 17-56](#) Appeal of Anna Hofschulte to a Condemnation as Unfit for Human Habitation and Order to Vacate at 1251 BARCLAY STREET.

Sponsors: Bostrom

Attachments: [1251 Barclay St.appeal.11-20-17](#)
 [1251 Barclay St.Photos.11-13-17](#)
 [1251 Barclay St.Hofschulte Ltr.11-27-17.doc](#)
 [1251 Barclay St.Hofschulte Ltr.11-30-17](#)

No one appeared.

Ms. Moermond:

-Mai Vang will follow-up with Ms. Hofschulte to see if she can make those deadlines; if she can't, we'll schedule a hearing; at that hearing, I would be looking for a Work Plan; we'll also have a new appeal form filled out & a new Legislative file started on it; however, we can waive the fee because it's continuing the same matter

Grant the appeal on the condemnation and order to vacate and allow owner to re-occupy the property as there are proper working smoke detectors and carbon monoxide alarms and clear egress pathways of at least 4 ft wide through the hallways and bedrooms to doors and windows. Remaining items were converted to a Correction Order with a deadline of December 12, 2017 for Items 1 through 8 and December 18, 2017 for Items 9 through 11.

Referred to the City Council due back on 12/20/2017

- 4 [RLH VO 17-55](#) Appeal of Chong Yang to a Fire Certificate of Occupancy Revocation and Order to Vacate at 980 JESSAMINE AVENUE EAST.

Sponsors: Bostrom

Attachments: [980 Jessamine Ave E.appeal.11-17-17](#)
 [980 Jessamine Ave E.Photos.11-20-17.pdf](#)
 [980 Jessamine Ave E.Vue Ltr.12-8-17.doc](#)

Travis Vue, owner appeared. Chong Yang, person filing the appeal, the tenant did not appear.

Mr. Vue: I am the owner of the house, Mr. Yang is the tenant.

Supervisor Neis: gives staff report, Revocation of Fire C of O with order to vacate by Inspector Thomas. Revoked for long term noncompliance. Started in June for exterior complaint of fence; he issued orders on fence and garage. That was completed. We

still have remaining deficiencies, with deck and smoke detector affidavit, and combustibles in house, exterior sidewalk.

Ms. Moermond: You have a complaint that comes in in June, Inspector looks and writes orders, and then the inspector opens up the whole Fire C of O, and restart a cycle to inspect fresh?

Mr. Neis: I believe in this circumstance, it was due for renewal.

Ms. Moermond: So these orders are looking at entire property, even though it started with a single complaint.

Mr. Neis: The complaint triggered the inspection.

[looks at photos]

Ms. Moermond (to Mr. Vu): I'm assuming the tenant appealed so they wouldn't have to leave their house.

Mr. Vue: correct. After we got the complaints, we got the items done. The tenant did it though, and let me know about it. I double checked.

Ms. Moermond: There's a mismatch with the photos; uploaded Nov 20th, but photos from Sept 20th.

Mr. Neis: He went out Nov 9th, did you fix them after the 9th?

Mr. Vue: Yes.

Ms. Moermond: We need to make sure the dates on these files indicates when the photos are actually taken. If it's not correct it needs to be corrected. I have photos dated July 6th, 9th and Sept 20th. I have no recent photos.

Mr. Neis: those were the photos that were loaded.

Ms. Moermond: So this needs a re-inspection to even process the appeal.

Mr. Neis: Mr. Vue has indicated that the work was done, after Nov 9th. But if he's saying things are done, we have no problem reinstating C of O on re-inspection.

Mr. Vue: yes, it's done; I will be doing alarm affidavit today. We fixed the sidewalk a year ago but with the winter it just cracked again.

Mr. Neis: This time of year with the weather changes I wouldn't be opposed to approve the certificate and give until spring for the sidewalk.

Ms. Moermond: Continue to December 5th, send inspector out and fresh photos of any remaining violation. Recommend granting the appeal, but want to attach a deadline. PO doesn't need to come next Tuesday.

Layover to 12/5 for reinspection.

Laid Over to the Legislative Hearings due back on 12/5/2017

Sponsors: Prince

Attachments: [783 Sixth St E.appeal.11-22-17](#)
[783 Sixth St E.photos 11-6-17](#)
[783 Sixth St E.Owner Work Plan.11-22-17](#)

Appeal withdrawn by tenant as DSI accepted work plan from owner.

Withdrawn

- 6 [RLH VO 17-58](#) Appeal of Erin Wise and Hannah Smith, tenants, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 783 SIXTH STREET EAST.

Sponsors: Prince

Attachments: [783 Sixth St E.appeal-Wise.11-22-17](#)
[783 Sixth St E.photos 11-6-17](#)
[783 Sixth St E.Owner Work Plan.11-22-17](#)

Appeal withdrawn by tenants as DSI accepted work plan from owner.

Withdrawn

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 7 [RLH FCO 17-208](#) Appeal of Paul Dotty to a Fire Inspection Correction Notice at 997 MARION STREET.

Sponsors: Brendmoen

Attachments: [997 Marion St.appeal.11-14-17](#)
[997 Marion St.Photos.11-28-17.pdf](#)
[997 Marion St.Dotty Ltr.11-30-17](#)

Paul Dotty, owner, appeared.

Fire Supervisor Leanna Shaff:

-Fire Certificate of Occupancy inspection conducted Nov 13, 2017 by Inspector Mike Cassidy

-4 Orders on the list

-#4 -repair/replace dryer exhaust duct; requires a permit & installed by a licensed contractor; this looks like the dryer is vented into a bucket, which is not code compliant; it must be vented to the exterior or removed

Mr. Dotty:

-all stores in St. Paul sell this interior vent for electric dryers; there's a pipe that goes into a little dish with water in it to collect the lint (had the product with him in a box); he explained that what he has is bigger & a little better; it's a 5-gallon pail with a galvanized pipe coming out & going into it with a nylon filter that catches all the lint;

the sock is down into the water; I followed the idea of that product

Ms. Moermond:

*-I've never seen that product accepted before; it has the flexible pipe
-my understanding is that the Mechanical Code would not accept this as a solution;
there's a lot that could go wrong*

Ms. Shaff:

*-that is correct & correct
-the code has some specifics as to venting outside
-at this time, the state mechanical code isn't going to recognize this repair*

Mr. Dotty:

-why is this product allowed to be sold in Minnesota, then?

Ms. Moermond:

*-if you want to appeal the mechanical code, itself, we can provide you with another
appeal process thru the building official; Mai printed a bldg code appeal form
-your appeal is denied*

Deny the appeal.

Referred to the City Council due back on 12/20/2017

8 [RLH FCO](#)
[17-211](#)

Appeal of Keren Orr to a Fire Inspection Correction Notice at 362
SHERBURNE AVENUE.

Sponsors: Thao

Attachments: [362 Sherburne Ave.appeal.11-21-17](#)
[362 Sherburne Ave.photos 10-12-17](#)
[362 Sherburne Ave.bid.12-6-17.pdf](#)
[362 Sherburne Ave.Orr Ltr.12-12-17.doc](#)

Keren M. Orr & Janice V. Orr, owners, appeared.

Fire Supervisor Leanna Shaff:

*-Correction Order; started as a referral on Aug 7, 2017 about the peeling paint on the
house; Inspector Franquiz responded & wrote Orders; he also scheduled a C of O
inspection; on Sep 15, the property owner wanted to re-schedule; he inspected on Oct
10; on Nov 13, he notes that the property owner wanted to re-schedule again, which he
agreed to for Nov 30, 2017
-the exterior orders are being appealed due to the cold weather
-photos*

Ms. Moermond:

*-your deadline for everything was Nov 30; everything is done except for the exterior
painting*

Ms. Orr:

*-also, we are appealing the cracks in the driveway in the back; I forgot to add that to
the painting*

Ms. Shaff:

-#3 - garage front; it says the garage has large cracks in the concrete block wall; the main garage door is damaged; roof has a section that's sagging; the joists going across the garage are sagging; have the joist bars evaluated & provide documentation; there may be some structural issues with that garage roof

Ms. Orr:

-we took some of the boards off that were on top of the joists (so, it looked like it was sagging)
-no one uses the garage; so I mentioned to the inspector that we'd have that done next year
-the lady who lived there had to move out; she has Alzheimer's & her family came & just took her & left everything - all the trash; we had to get 2 dumpsters to empty it; we tried to fix it up for the new tenant

Ms. Shaff:

-the pictures of the garage show a lot of deflection

Ms. Moermond:

-I'm concerned about the garage roof holding the snow load; large sections don't seem to have enough support; the garage isn't being used right now; the tenant doesn't have a car; I think it would be appropriate if the garage structure itself were Condemned & use prohibited

Ms. Shaff:

-I would concur; however, I don't think that it's something we want to wait on to get a professional evaluation

Ms. Moermond:

-thinking that the garage should be marked in some way to prevent entry in the interim

Ms. Shaff:

-a contractor could give them a professional opinion of what is wrong & what it would cost to repair it

Ms. Moermond:

-garages of this size usually cost about \$1500 to knock down; you want to weigh that cost with the cost of doing the repair & the value of having the garage on an on-going basis
-I'm going to give you a deadline on getting the repair done; I want to Condemn it so no one goes into it

Ms. Orr:

-the garage is locked - both doors; I think the side door is barred up
-the little hole in the roof of the house has been fixed

Ms. Moermond:

-so, it's secured
-I can give you an extension to Jul 1, 2018 for the painting & cracks in concrete behind the house
-in 2 weeks, provide documentation to my office from a licensed contractor to say that this is a safe roof & joist; or have them develop a bid for the repair to make it safe; or move towards eventual demolition of the garage
-will Lay this Over to Dec 12, 2017 LH

Layover to December 12 for owner to provide a bid from a general contractor or licensed carpenter which includes the repair cost and timeline to make the garage roof and joist safe. Alternatively, provide a bid for the demolition; grant to July 1, 2018 for the painting and house cracks and cement work behind the house.

Laid Over to the Legislative Hearings due back on 12/12/2017

2:30 p.m. Hearings

Vacant Building Registrations

- 9 [RLH VBR 17-82](#) Appeal of Clifford Scott to a Vacant Building Registration Notice at 434 FRY STREET.

Sponsors: Stark

Attachments: [434 Fry St.appeal.11-3-17](#)
[434 Fry St.Condemnation Ltr.10-23-17](#)
[434 Fry St.Photos.10-23-17](#)
[434 Fry St.SAO.10-23-17](#)
[434 Fry St.Scott Ltr.11-17-17.doc](#)
[434 Fry St.Martin Email.11-28-17](#)
[434 Fry St.Photos.11-28-17](#)
[434 Fry St.Scott Ltr.12-11-17.doc](#)

Clifford Scott, owner, appeared.

Ms. Moermond: So we have some updated information from Inspector Martin. She was out there Nov 20th. She wrote an email saying she met you on site, found the front door had no handle, side door didn't open, rear yard still had wooden pallets, egress window now open to basement but water lines in interior are blocking the window, the patio window is shattered, many broken windows, missing window boxes, had you remove chainsaws with gas from kitchen, basement has personal belongings but bed was gone, holes in chimney, plumbing in basement and bathroom doesn't meet code, the 2nd floor bath to sink and tub aren't working, hanging light fixture and non-functioning smoke detector on 2nd floor. Extension cords, missing door handles, main floor clutter has been removed, 2nd floor very cold. Permits haven't been approved on new heating system; all permits are active but haven't been inspected or approved.

Mr. Scott: have all the final inspections scheduled on heating for tomorrow, they've all been addressed. Door in front has handle, the thermostat is set at 57 degrees but all radiators function, egress window plumbing matter is fixed.

Ms. Moermond to Fire Inspector Dornfeld: the permits you were looking at can you give me a status report. As of Nov 14th they were pulled but not closed.

Mr. Dornfeld: I see a building permit on July 1st, 2016 that was pulled, still open. Electrical permit from 9/13/16, open. Mechanical permit pulled 9/13/16 still open. Most recent was building permit pulled 2016 for 9/20/16 final inspection, corrections required, missing seal and carbon and smoke detector. Electrical permit 9/13/16, last

inspection was 10/3/16. Mechanical permit 9/13/16 to replace water heater, shows approved.

Ms. Moermond: We talked at the last hearing you had Phil Krinke from St Paul Plumbing and heating doing the work, but he never called on permits.

Mr. Scott: I'm doing that tomorrow afternoon. The inspections for the heating and hot water system, they're all done. (final heating, electric, and mechanical). Does the contractor need to be there?

Ms. Moermond: That is traditional, but Mr. Krinke often doesn't show up.

Mr. Scott: So I just inform them there's an inspection?

Ms. Moermond: yes. So, on this picture that was taken, from last Monday, have you had electrical work done? This light fixture hanging from the ceiling? It needs to be secure inside the ceiling.

Mr. Scott: I guess....I'm not sure what room that's in.

Ms. Moermond: That's not a safe installation, that needs to be addressed.

Mr. Dornfeld: There is an electrical permit on file that's open.

Mr. Scott: if I could have the inspector look at it and tell me if I need a permit.

Ms. Moermond: So when I read off those things, it sounded like you've been taking care of them?

Mr. Scott: Front door handle, side door wasn't mentioned so I just had it sealed and locked but it's not used regularly. I removed the old boiler. Pallets gone. Egress window opens, pushed up water lines so there's clearance. Haven't fixed the patio window, will have to replace whole unit. There are hairline cracks in some panes, nothing broken as far as missing glass. Didn't know about sash cords, one window may have had an issue. Bed is gone from basement, dresser and personal belongings belong to someone who moved out. No one is sleeping there. Holes in the chimney, only one hole in the top. Chimney holes in basement patched with concrete. Plumbing permit for bathroom sink upstairs and basement, I have to schedule that.

Ms. Moermond: you can do that now

Mr. Scott: Hanging light fixture and nonfunctioning smoke detector 2nd floor; need to fix. Needs a new battery.

Ms. Moermond: You're really on the line about being in the vacant building program. I'd like to see the permits signed off on. You still need plumbing permit and talk to electrical inspector about light fixture upstairs. Layover to December 5th, and inspector Martin can take one last look.

Layover to December 5. (Inspector will confirm if repairs are addressed and permits are finalized)

Laid Over to the Legislative Hearings due back on 12/5/2017

- 10 [RLH VBR 17-83](#) Appeal of David Kari to a Vacant Building Registration Fee Warning Letter at 405 JESSAMINE AVENUE.

Sponsors: Brendmoen

Attachments: [405 Jessamine Ave E.appeal.11-17-17](#)
 [405 Jessamine Ave E.Photos.11-1-16](#)
 [405 Jessamine Ave E.Kari Ltr.11-30-17](#)

David Kari appeared.

Supervisor Matt Dornfeld, Vacant Buildings:

-Inspector Tom Friel made this a Category 2 Vacant Building on Oct 31, 2016
-it's a 2-story, wood frame 3 unit building that is being vacated at this time
-Inspector Singerhouse & I met SPPD & fire inspectors at the house; referred by Fire Inspector Brian Schmidt
-lower unit was occupied & tenants were notified to vacate immediately
-boarding contractor was called to secure
-house has peeling paint on window sills; defects in siding; broken & missing windows, storms, screens; defects in chimneys, etc, as well as a large number of deficiencies on Revocation list
-detached 1-car garage was opened by a rep of the owner
-good news to report: no recent complaints or violations found by Insp Rick Gavin
-code compliance inspection report on file
-warm air, mechanical, plumbing, electrical permits all finalized; still working on a bldg permit that's open
-VB fee is past due as of Nov 1, 2017

Mr. Kari:

-the main thing left: some of the windows; also need a lock box on there

Ms. Moermond:

-will grant a 90-day VB fee waiver

Waive the VB fee for 90 days.

Referred to the City Council due back on 12/20/2017