



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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651-266-8585

Tuesday, April 12, 2016

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 16-11](#) Ordering the rehabilitation or razing and removal of the structures at 1698 LAFOND AVENUE within fifteen (15) days after the April 6, 2016, City Council Public Hearing. (To be referred back to Legislative Hearing on April 12; Council public hearing to be continued to May 4)

Sponsors: Stark

Owner missed hearing. Rescheduled to April 26.

Laid Over to the Legislative Hearings due back on 4/26/2016

- 2 [RLH RR 16-9](#) Ordering the rehabilitation or razing and removal of the structures at 839 THOMAS AVENUE within fifteen (15) days after the March 16, 2016, City Council Public Hearing. (To be referred back to Legislative Hearing on May 17; Council public hearing to be continued to June 1)

Sponsors: Thao

John McKusick, McKusick Building Services LLC, owner, appeared.

Jared M. Goerlitz, representing Jan Holmes, also appeared.

Inspector Steve Magner, Vacant Buildings:

-update

-Mar 29, 2016 a letter was sent to Mr. McKusick regarding the R&R at 839 Thomas Ave

-it stated that he needed to meet the conditions stated in the Feb 24, 2016 letter in order for Ms. Vang to ask the Council to grant time for rehabilitation

-conditions referenced in Feb 24 letter: 1) \$5000 Performance Deposit; 2) maintain property; 3) property taxes must be paid or an arrangement made; 4) work plan or sworn construction statement with timelines for the completion of the rehab; 5) provide financial documentation indicating the funds for the rehab (city's estimate exceeds \$30,000; 6) provide subcontractors bids; and 7) provide affidavit indicating the amount of funds used for the project

-as of today, we have received a bond

Mr. McKusick:

-has made arrangements to pay property taxes with Ramsey County; emailed that to you; he handed in a Confession of Judgment document to be scanned into the record

Mr. Magner:

-had questions re the work plan that Mr. McKusick submitted: has a document that says it's the breakdown cost for the rehab - his concern is that it says the total project cost is \$4576; also submitted is a proposal from Snelling Company; the idea of this document is to have everything included and the bottom line should be the Total Project Cost, whereas this is just part of the total cost

Mr. McKusick:

-the Total will be the combination of both those documents, mine and Snelling Company plus the 2 pages of breakdown costs for other items on the code compliance report; he is doing 100% of the building projects charging \$25/hour; he can hire subcontractors with an LLC at that price

Mr. Magner:

-he has some concerns about that
-back to the former document, it says, "Not included: any radiator work, boiler removal or asbestos abatement." So, how will that be dealt with?

Mr. McKusick:

-we are not 100% sure that we will be removing the boiler; the boiler can be repaired up to code level for a minimal cost
-we are trying to re-sell the house - their end game
-if they need to tear out the boiler, I will be doing it; I will be done with the asbestos abatement class at that time;

Mr. Magner:

-so, you're not licensed as an abatement contractor under the State of MN?

Mr. McKusick:

-I'm lead certified and I believe that the asbestos abatement is just another 8-hour class
-if I removed the boiler, I would be licensed or I would hire someone who is licensed
-we can get the boiler up and running for \$1200

Mr. Magner:

-this document should reflect all that
-he is being asked by the hearing officer to make a recommendation because she will turn around and make a recommendation to the Council; he can't, honestly, make a recommendation off something that now you say you're not going to do or you might do - ultimately, then, Council won't be able to make a decision
-the expectation was a full work plan with an estimated cost of \$30,000 but you're saying the estimated cost is somewhere around \$10,000-\$12,000 but then, there's a bunch of unknown factors; people who are doing skilled labor are much closer to the prevailing rate than \$25/hour
-at this time, he can't recommend to the hearing officer that he thinks this is an approved plan; based on what he's heard and what he has in front of him is not acceptable as a plan for rehabilitation 839 Thomas Ave

Mr. Goerlitz:

-he hasn't seen any of this; the documents haven't been provided to him
-he doesn't represent Mr. McKusick; he represents the lender, Jan Holmes, on this property, who is now the holder of the Sheriff's Certificate of Sale from back in Jan 7, 2016 confirmed by the court order on Feb 9, 2016 (file #62CB152241); also on Feb 9,

we asked the court to reduce the redemption period to 5 weeks, which the court denied because Mr. McKusick said, "No."
-to him the crux of this is twofold: 1) Mr. McKusick putting together a comprehensive plan based upon the code compliance inspection report; and 2) whether he has the financial ability to pay for completing that plan, especially, for that beyond what he can do himself (has any proof been provided?)
-as a lender, we don't want a property that's worth \$100,000 to end up with a recommendation to be demolished, when we at some point, can step in and tag the \$30,000 to get his done to recover our \$100,000
-during this redemption period, we don't have the right to take possession of this property; on Feb 9, we asked to be given a shortened redemption period of 5 weeks since Mr. McKusick wasn't doing anything; Mr. McKusick attended that hearing and said, "No. I'm going to take care of this. I'm going to the City Council and do what's necessary to rehabilitate this property."
-at some point, he wants this process to be aware that there's another party here that has legal rights that can't step in here today and pay for these things; but, we should be given the ability to rehabilitate this property
-some historic group said that they've contacted neighbors and they believe that this property should be rehabilitated instead of demolished
-doesn't have a recommendation but asked that the city not forget about them
-six weeks from Feb 9, 2016, we get clear title and possession and the right to possession on Aug 9, 2016 (full 6 month redemption)
-somewhere along the line, we made Ms. Moermond aware of the situation and sent documents

Mr. Magner:

-a couple of the conditions on the Feb 24 letter have been taken care of: 1) we have a performance bond posted; 2) the property has been maintained; and 3) we understand that there's been a Confession of Judgment to satisfy the partial payment of the property taxes and a plan has been established
-there's been some attempt to complete the work plan/sworn construction statement but it doesn't entail everything that needs to be done; and it's not laid out in a fashion that clearly identifies the costs and financial ability to complete the work; we need more details - where funds are coming from, deadlines, etc.

Mr. McKusick:

-I have the cash and the credit to do what I need to do

Ms. Mai Vang:

-he had a conversation with me about that; I recommended that he put the cash into an escrow account so that money will be used for the project; he indicated that he cannot do that

Mr. Magner:

-you have to show us that you have the money somewhere: in a savings account, checking account, business account, escrow account, etc; we need verification

Mr. McKusick:

-\$2700 is everything I need to do all of my work (building)
-Snelling Company is willing to finance what I can't pay for up front (need documentation)
-I've already given you an affidavit that I have all of the materials already
-you asked me for a breakdown of my labor as a general contractor; I was not told to write the bid as a general contractor; I was told to breakdown my labor, materials, etc. which I did
-I'm living there; it's my property

Mr. Magner:

- explained more thoroughly what a work plan might look like, including what you may need to pay for disposing the asbestos, which you can't do
- Ms. Mai Vang provided an example of a work plan
- suggested that a 2-4 weeks Layover might be enough time for completion of these conditions because he doesn't have enough information to make an adequate recommendation

Ms. Nhia Vang:

- she would not be comfortable with what's on the table now; the work plan needs to be more clearly laid out and the numbers need to add up; plus, she needs proof of funds
- she'd like the work plan re-worked, noting all the detail, including timelines; documentation of funds to be spent; proof of funds;

Mr. Magner:

- and, you cannot reside in a Category 3 Registered Vacant Building
- you can be in the building working from 8 am to 8 pm when you have active permits

Ms. Nhia Vang:

- you need to have all these items ironed out by the next meeting
- will recommend a 30-day Layover to give you ample time to get this bid out properly; can submit to me; I will send it to Mr. Magner for review
- keep in communication with me so that when you come back, it's easier to rubber stamp
- Layover to May 17, 2016 LH
- you will get a letter confirming today's action

Mr. McKusick:

- thinks that he has a better understanding of what the city wants now

Amy Spong, Heritage Preservation Commission (HPC):

- clarification: Historic St. Paul submitted a letter; 3 letters that were submitted as part of testimony for today; they are a local nonprofit organization, not the same as the valuation work that she does

Ms. Nhia Vang:

- 3 letters were submitted indicating support for this building not to be torn down
- email from Anthony James, Real Estate Consultant; email from Aaron Rubenstein, Historic Saint Paul; and an email from Corina Serrano, Frogtown resident

Mr. Goerlitz:

- wants to clarify a couple things: his understanding is that the Snelling Company bid is incomplete; needs to outline exactly what it's going to do to satisfy the conditions of the code compliance report vs. what's going to be done by Mr. McKusick
- it needs to address what's going to happen with the boiler (repaired or replaced)
- some financing information will also need to be provided; proof of funds

Mr. Magner:

- thinks that Mr. McKusick can do a fairly good job re the building code items and he's allowed to do those items; but when it comes to electric, plumbing, heating, he needs each section laid out in detail

Ms. Nhia Vang:

- reiterated that Mr. McKusick is not to live at the property while he is working on it

To be referred back to Legislative Hearing on May 17; continue public hearing to June 1.

Owner to meet the following conditions:

- 1) the work plan needs to be revised to show the contractor(s) or subcontractor(s) names that he plans to hire to do the the work, as well as their bids, for the electrical, plumbing and heating items and to include detailed project costs; including asbestos removal of the boiler, if any (can document his own labor and the value of his labor) This must be done in accordance with the Code Compliance Inspection Report;
- 2) financial affidavit indicating the amount he has for this project; and
- 3) financial documentation; this could be a construction loan, a line of credit or a bank statement which demonstrates that he has the financial means to complete the project.

Referred to the City Council due back on 5/4/2016

3 [RLH RR 16-8](#)

Ordering the rehabilitation or razing and removal of the structures at 595 JESSAMINE AVENUE EAST within fifteen (15) days after the March 16, 2016, City Council Public Hearing. (To be referred to May 17 Legislative Hearing; Council public hearing to be continued to June 1)

Sponsors: Bostrom

Michael Yang appeared, representing his brother Dao P. Yang, owner.

Inspector Steve Magner, Vacant Buildings:

-read Mar 25 letter and Summary from Feb 23:

-Mar 25, 2016, letter was sent re the Order to Remove/Repair 595 Jessamine Ave East (attached); it references the LH from Feb 23, 2016 at which the Summary of the property was read but no one appeared (attached)

Amy Spong, Heritage Preservation Commission (HPC):

-reviewed her report from Feb 23, 2016 LH (attached)

-staff recommendation: demolition will have no adverse effect from an historic preservation perspective

Mr. Yang:

-thanked staff for accommodating his request to reschedule

-this is the first home of his parents when they arrived here in from Laos in 1979

-there was a fire and his little niece passed away; since then, his brother and his wife have been really hurt and are currently seeking professional help

-they are have secured 2 estimates for rehab from 2 contractors ranging from \$70,000 - \$90,000

-have the \$5,000 performance deposit and are currently working with the neighborhood home repair loan programs: The Dayton's Bluff Neighborhood Housing Service, the Saint Paul Home Improvement Lending Program, and consulting with Dan Bostrom's Office; he spoke with Scott Renstrom yesterday; we are also looking their relatives to help with a loan

-he is requesting additional time

-they want to keep this house in the family; they have done a lot of work on the house with family money but we need more time

Mr. Magner:

-explained that the \$5,000 performance deposit is required to complete the repairs on the Category 3 Vacant Building according to Chap 33, Legislative Code
 -it's a standard requirement to move forward - to continue this process to show good faith to ultimately get a grant of time to complete the rehabilitation
 -if those funds are available and your brother can give you the authority to deposit, it would be a good idea to bring those funds to DSI as soon as you can; that deposit will stay there until the project is finished; if City Council decides not to grant time, you can make application to have that money refunded to you
 -suggested that this matter be laid over for a period of time to get everything needed in place

Ms. Nhia Vang:

To be referred back to Legislative Hearing on May 17; Public hearing to continue to June 1.

The following conditions must be met in order to receive a grant of time prior to May 17 hearing:

- 1) post a \$5,000.00 performance deposit with Dept. of Safety & Inspections; and
- 2) pay the outstanding property taxes with Ramsey County (real estate taxes for 2015 are delinquent in the amount of \$916.73).

If the aforementioned conditions are met; the following conditions can be submitted at the May 17 hearing:

- 1) financial information dedicating the funds for the project (a line of credit, sworn construction loan or bank statement); if it's being handled by an insurance company due to the fire, Mr. Dao Yang will need to submit documents showing pending claims(s) and outcome of the claim(s).
- 2) provide an affidavit of financial commitment if the funds are from a Bank;
- 3) provide a work plan, including timelines, for the rehabilitation of the building; and
- 4) submit general and subcontractor bids.

Note: the same conditions mentioned above were also mentioned in the March 25 letter.

Referred to the City Council due back on 5/4/2016

11:00 a.m. Hearings

Summary Abatement Orders

- 4 [RLH SAO 16-10](#) Appeal of Paul Garding to a Vehicle Abatement Order at 338 BURGESS STREET.

Sponsors: Bostrom

Paul Garding

Inspector Paula Seeley:

-Vehicle Abatement Order issued Mar 10, 2016

-3 vehicles: 1) silver/blue Dodge Van with expired tabs parked on an unapproved parking surface; 2) blue GMC safari parked on an unapproved surface; and 3) blue trailer parked on an unapproved surface

-believes that appellant is requesting more time to file a site plan to put in approved parking (concrete, asphalt or approved pavers)

Mr. Garding:

*-has not yet filed a site plan with Zoning; will do
-the vehicles are his
-has gotten rid of the GMC; and is trying to sell or junk the trailer
-went in to get current tabs for the Dodge Van but since they are due in May, it was suggested to him to wait until May 1, 2016 to provide new ones
-requesting time because they will be gone for 2 weeks in May; won't be back until May 13, 2016; believes that he can get it done between May 13 and Jun 1, 2016; asked for a little leeway in case of rain*

Ms. Nhia Vang:

*-will grant an extension to Jun 7, 2016
-asked that he email his approved site plan by Apr 26, 2016 to LH*

Mr. Garding:

-they will leave Apr 30, 2016 so, he will get the tabs when they return May 13; he will have the vehicle moved while they are gone

Grant an extension until June 7, 2016 to come into compliance with the parking surface. Owner will need to submit a site plan to Zoning for review and approval. Owner will also need to bring the expired tabs current by May 15, 2016.

Referred to the City Council due back on 5/4/2016

Correction Orders

- 5 [RLH CO 16-3](#) Appeal of Robert Arnold, Ashland Property, LLC to a Correction Order at 443 ASHLAND AVENUE.

Sponsors: Thao

Jeff Arnold, property manager, Ashland Investments LLC, owner, appeared.

Inspector Paula Seeley:

-DSI office received a complaint about a sump pump dumping and creating major ice build-up in the alley and public sidewalk; Chap 45 does not allow any kind of water to be dispersed over the public sidewalk or alley ROW

-photos

-this morning, she called the city's water resource management person, Wes Saunders-Pearce; he said that he'd check into it with traffic control, Public Works and we'll go from there; he is not in today

Mr. Arnold:

-he emailed Mai Vang their engineer's report

Ms. Seeley:

-she also has a copy and wants Mr. Saunders-Pearce to read it over because sent her back an email saying something about soils ("I skimmed the TKDA report on my cell phone; there are too many site specific variables: soils, drainage problems, etc.....can't comment on this report at this time)

Mr. Arnold:

-wanted to point out items from the report: it points out that there is severe cracking

in the alley that's been going on for quite some time
-there's also an Bell Telephone Utility ___ in the alley near their building that has not been serviced in quite a long time; the engineer was able to come back over the man hole - there was standing water
-there is a low spot in the street where the alley meets Arundel so, water ponds there
-our building is right up against the alley - pretty much at the low point so, we get drainage for that entire alleyway and all of the corresponding garage driveways, etc., which is about equal to the square footage of our ares - 7000 sq.ft.
-after the report was completed, for a test, we had our sump pump turned off - it rained and we observed a normal amount of water coming out of the gutter for our roof drains and we did not see a corresponding stream of water for the alley; it was reaching those cracks before it got to the end of our gutter and our walkway - going into the subsoil

Ms. Nhia Vang:

-will Lay this Over to have the water resource person look at it

Ms. Seeley:

-thinks that a month will be good

-I'll have Wes give you a call to arrange to meet out there

Ms. Nhia Vang:

-Laid Over to May 17, 2016 LH.

Laid Over to the Legislative Hearings due back on 5/17/2016

6 [RLH CO 16-10](#)

Appeal of Alena Kulp to a Correction Notice at 528 SHERBURNE AVENUE.

Sponsors: Thao

Alena G. Kulp, owner, appeared.

Ms. Kulp:

-entered photos of her driveway

-also entered photos of 3 random alleys and parking areas in her neighborhood in very close proximity

-wondering why after 30 years, all of a sudden.....

Inspector Paula Seeley:

-complaint came into DSI office Mar 16, 2016 for parking on an unapproved surface

-Inspector Ross went out and issued Orders to provide an approved parking surface; he added that there are several unapproved parking areas along that alley; it's all over the city but we address only the ones that we get complaints on

-we need the Hearing Officer's recommendation

Ms. Kulp:

-she was shocked after she got the letter; has been there for almost 30 years and has a clean property; her daughter lives in the front house; the people who were in the back house were problem tenants; she suggested that they move and they did

without paying the rent; thinks that those previous tenants made the complaint

-2 cars are being parking there right now

Ms. Nhia Vang:

-moving forward, she would recommend that Ms. Kulp discuss the area with Zoning - submit a site plan and have it approved

Ms. Seeley:

-since it's been that way for so long, sometimes Zoning continues to allow it

Ms. Nhia Vang:

-she would like Zoning's determination; if it's been like that for 30 years or more, maybe they will allow it

-contact Zoning at 651/266-9908; ask them for a determination

-she could put in pavers; they are cheaper and put grass in between the pavers

-talk with Zoning; contact our office for additional time

Ms. Kulp:

-I need time to get the money together

Ms. Nhia Vang:

-Lay Over to May 17, 2016 LH to get site plan approved; send it to my office by Apr 26, 2016

Owner to submit site plan to Zoning for review and approval of the gravel driveway by April 26, 2016; will discuss further at the May 17 Legislative Hearing.

Laid Over to the Legislative Hearings due back on 5/17/2016

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 7 **RLH VO 16-16** Appeal of Edward Hamernik to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 383 MICHIGAN STREET.

Sponsors: Noecker

Edward Hamernik, SOKOL Minnesota Board of Trustees, appeared.

Fire Inspector Leanna Shaff:

-we were her back on Mar 15, 2016

-we laid it over to today for a few things to happen

-this is a building code issue with the stairway

-the building official approved the temporary stairway for the event that has come and gone; she spoke with Mr. Steve Ubl this morning; he submitted an email, dated Apr 2, 2016:

to Building Inspector Isaac Stenslad: "A permit was issued for the temporary stairs and I reviewed the structure Friday evening. The list below was issued to the owner's representative and placed in AMANDA. You and I will need to stay in touch to ensure compliance until a permanent stair is installed. There is a considerable amount of work to be completed on the interior in the future but we will deal with that as it comes t us.

Temporary C/O for second level OK with the following conditions:

- 1) Add additional stabilizer bar to connect temporary stairs to building at top of stairs
- 2) Add protection at two locations where bolts protrude into stair
- 3) Level landing required at bottom of temporary stair
- 4) Stairs to be examined PRIOR to any event on second level to ensure stability, level and secured
- 5) Add exterior light to stairway
- 6) Temporary stairs allowed until Jun 1, 2016
- 7) New permanent stair to be completed as soon as possible

8) Any and all future work must be under a new permit and approved by HPC and DSI (attached)

Mr. Hamernik:

-he also got an email from Mr. Ubl but it wasn't quite as detailed as the aforementioned email

-we understood the conditions and we complied with all except we haven't put in an exterior light; we will have it installed this weekend

Ms. Shaff:

-talk with the building inspector, Isaac Stenslad; it also needs an electrical inspector

Mr. Hamernik:

-thought we'd put in a temporary light

Ms. Nhia Vang:

-get in touch with the building inspector or Mr. Ubl (let us know when you have)

Ms. Shaff:

-this has become a building code issue, which is not this hearing's purview; we are done here; everything going forward is in the building official's hands

Ms. Nhia Vang:

-recommends deferring this to the building official, Mr. Stephen Ubl

Deny the appeal; and the permanent exit stairway issue has been deferred to the Building Official at DSI.

Referred to the City Council due back on 5/4/2016

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 8 **RLH FCO 16-44** Appeal of Cal Prince to a Fire Inspection Correction Notice at 908 BEECH STREET.

Sponsors: Prince

Grant an extension until July 1, 2016 on the exterior items.

Staff Report only:

Fire Inspector Leanna Shaff:

-we were here before on Mar 22, 2016; at that time, it was laid over to today for her to go out and look at the property

-yesterday, she approved both the Certificate of Occupancy on 904-906 Beech and 908 Beech with deficiencies; both have exterior items on the list for which it's still not quite warm enough to take care of like ground cover and painting

-she gave an extension to Jul 1, 2016 to complete those exterior items

-both C of Os were re-instated on Apr 11, 2016

Referred to the City Council due back on 5/4/2016

- 9 **RLH FCO 16-50** Appeal of Cziasarh N. Yang, United Home Healthcare, to a

Rescheduled Per Request Fire Inspection Correction Notice at 506 KENNY ROAD.

Sponsors: Brendmoen

Cziasarh Neng Yang, President and Ai Nee, United Home Healthcare Inc, appeared.

Fire Inspector A. J. Neis:

-Fire Inspection Correction Notice issued by Fire Inspector Mitch Imbertson Feb 16, 2016

-re-inspection scheduled for Apr 19, 2016 at 1:30 pm

-one item is being appealed: an abandoned fuel tank - An AST Fuel Oil tank (estimated 1000 gallons) is still present in the basement and has been out of service for multiple years. "All above/underground tanks which have been out of service at least 1 year shall be properly removed, unless tanks are tested in an approved manner and properly returned to service. This work will require a permit."

-Appellant is questioning why this wasn't called out in the past; it should be grandfathered-in

-one of Mr. Yang's comments is that the previous owner had the fuel oil tank drained & cleaned in the early 80s; a St. Paul Fire Chief was there to ensure that the work was performed correctly; Mr. Neis believes that did happen because that was standard procedure at that time; however, after a tank has been abandoned or out of service for more than 1 year, the Fire Code says that it is to be removed from service or properly abandoned in place (filling it up with an inert material such as structural foam, etc.) or having it physically removed by a licensed contractor
-the tank is still there and has not been removed nor properly abandoned in place

Mr. Yang:

-they are the new owner of the property and they feel that this is not fair; we take over the property and now, we have to do this for the City of St. Paul while many fire inspectors have inspected the building during the last 35 years and they have not asked the previous owner to remove the tank; why us? They feel that because they are a minority, they are being taken advantage of - they have to pay more - take on more responsibility

-he thinks this matter should be corrected by the previous owner

-we asked for the history of Fire inspections for the last 10 years, which was sent to us but there was no citing regarding the removal of the tank; however, the recent inspection called for the removal of the tank and that's not fair

-has photos

-purchased this property in Nov 2015 and we were not made aware of this tank by the previous owner; the previous owner said that he had owned the building for the past 35 years and there had been no mention of the need to remove the tank

-Jeff Cooper, from a maintenance company, came to inspect and said that it should not be a crime just to let the tank be the way it is

-Randy Smith, from another company, came to estimate what it would cost to remove the tank: \$1960

-to be fair to him, he thinks that either the City of Saint Paul or the previous owner pay half of the cost; but he doesn't think that it's fair at all to put all of the cost on him

-why did the city allow it to be there for the last 35 years and now, ask him, a new owner, to do the job? That's not fair.

-if you review the package of documents I sent, you will notice that from 2005 to 2015, there was no citing of the removal of the tank

Mr. Neis:

-Mr. Yang is completely correct; based on the records, no Orders were issued to remove the tank

-if this tank was not in use for more than 1 year after 1983, it should have been taken

out in 1984

-unfortunately, previous inspections did not call and he can't speak as to why they didn't call it (this is a long, old question that's been asked of us)

-Mr. Imbertson, who he believes was the previous inspector, as well, made mention of it but didn't Order the previous owner to take it out; now, transferred into new ownership, it must be removed

-these tanks, however, are very difficult to remove but the reality is that it has to be taken out

-based on the longevity of noncompliance, it must be taken out or abandoned in place (liquid removed); all lines must be disconnected and completely filled with an approved inert solid material

Ms Nhia Vang:

-does not have an answer for him as to why this wasn't ordered before; the only recourse is to go after the previous owner to recover that cost

Mr. Yang:

-it is not fair because we pay taxes and we pay for the inspection and before we came to this hearing, we had to pay \$25 just to appeal

-he doesn't think that it's his job to go after the previous owner

-so, the city won't even write the previous owner, Mr. Davidson, a letter (?); he would really appreciate if they would - he is the one who should be responsible for the removal of this tank

Ms. Nhia Vang:

-the minutes of this hearing will reflect that it was the previous owner's responsibility to remove that tank

-if you need time to remove the tank, she can grant additional time for him to do it

-wanted to make sure Mr. Yang knew that how this came about is not race-based; the city did not single you out because you are a minority

Mr. Neis:

-referred to an email conversation between Inspector Imbertson and Mr. Davidson

-Mr. Imbertson indicated that the last full inspection of the building was 3 years ago.

"As well as I can recall the inspection, I saw the tank in the basement and questioned it at the time. I was given the explanation that the tank had all the oil removed and was properly abandoned at the time when the underground tanks were removed. He believed that to be accurate at the time, so he did not cite anything in the previous report to require it to be removed."

-so, he did mention it with the previous owner but the previous owner told the inspector that it had been properly done; and instead of Inspector Imbertson looking to verify, he took the owner at his word, assuming that no one would be less than truthful with him; now that Mr. Imbertson is much better trained in his job, he looked at it further and found that it had not been properly done

Ms. Nhia Vang:

-asked Mr. Yang why he did not open that door when he did a walk through with the owner before he purchased the property

Mr. Yang:

-the previous owner did not point out the door or the tank

-the basement was just full of storage; we didn't even know that door was there; there were boxes in front of the door; we only learned of the tank when the fire inspector came out and opened that door

Mr. Neis:

-with boxes in front of that door, inspectors may not even have known it was there just as you didn't

Ms. Nhia Vang:

-she can only grant an extension of time to have the tank removed; the city cannot help with the financial part

-she can provide a list of resources, which may be able to provide some financial assistance

-asked Mr. Yang to get a bid for abandonment in place, which would reduce his cost

Mr. Neis:

-he has no issue with putting this out a few more months - even the end of the year; it's a large expense and must be done by a licensed contractor under permit, whether abandonment or removal

Ms. Nhia Vang:

-will grant an extension to Dec 30, 2016

-City Council Public Hearing May 4, 2016

Deny and grant an extension until December 30, 2016 to come in compliance with the removal of the tank or get the tank completely filled with approved inert solid materials.

Referred to the City Council due back on 5/4/2016

- 10 RLH FCO 16-51** Appeal of Matilde Ong and Tolomeo Ong to a Fire Inspection Correction Notice at 2135 SUBURBAN AVENUE.

Sponsors: Prince

Matilda Ong, owner, appeared.

Fire Inspector A.J. Neis:

-Fire Certificate of Occupancy Inspection Correction Notice issued by Fire Inspector Jill Pettiford

-item #6 is being appealed which is to provide a ceiling height of 7 ft. over half the floor area of the room; this room has a maximum ceiling height of 6'10"

-he spoke with Supervisor Shaff regarding this; Ms. Shaff accompanied Ms. Pettiford on this inspection and the room appears to be code compliant the best that it can be and she is not opposed to having a variance granted so that this room can be used as a bedroom

Ms. Nhia Vang:

Grant the appeal for the upstairs bedroom ceiling height.

Referred to the City Council due back on 5/4/2016

2:30 p.m. Hearings

Vacant Building Registrations

- 11** [RLH VBR 16-22](#) Appeal of Jennifer Neujahr to a Vacant Building Registration Notice at 1499 SCHLETTI STREET.

Sponsors: Brendmoen

Owner and DSI has reached a resolution. Appeal withdrawn.

Withdrawn

12 RLH VBR 16-20 Appeal of Courtney Prescott to a Vacant Building Registration Notice at 925 SYLVAN STREET.

Sponsors: Thao

Courtney Prescott, owner, appeared.

Fire Inspector A. J. Neis:

-was referred to the Vacant Building Program by Fire Inspector Jonathan Gaulke, Fire Inspection Division

-process has been going on since Dec 2015 and numerous Correction Orders have been issued

-on Jan 28, 2016 the Certificate of Occupancy was Revoked due to noncompliance and gave an additional 30 days to have the property come into full compliance (Mar 2, 2016); when the inspector went back out, there were still numerous code violations and he ordered the building Vacated and it went into the VB Program

-the property has had a lot of issues within the past couple of years; the owner lived there/did not live there/did live there; in 2012 complaints came in that the downstairs toilet was not functional and problems with the heat; 2014 - lack of heat; water shut-off list in Feb 2015; mattresses/box springs, refuse in driveway; another water shut-off May 2015; garage fire in May 2015; bags of refuse on side of house Jun 2015; tall grass & weeds Sep 2015; refuse, furnace not working and was red tagged, etc.

Inspector Matt Dornfeld, Vacant Buildings:

-Inspector Mike Kalis opened a Category 2 Vacant Building on Mar 7, 2016 per the C of O Revocation and the list of deficiencies as Inspector Neis noted

-Mr. Kalis issued multiple Work Orders to have a city crew clean up these issues (first on Mar 14 and again on Mar 23, 2016)

-SPPD had to remove stolen utility trailers from the property on Mar 22, 2016

-as of Mon Apr 11, 2016, Mr. Kalis documented that the house appeared to be vacant and secure

Ms. Prescott:

-she inherited the house when she was 18 years old but she didn't want to live there, so she had a renter for 2 years; then, she moved into it but didn't want to stay there; had another renter, who was horrible; she would not let me in to fix anything and she left all of her belongings there, including the stolen trailer; she called the cops about the trailers being on her property; she was much younger and had no money

-with emergency assistance and help from the city, she wants to move back into it; that's what her grandmother wanted

-she is not going to school any more and will focus on fixing up the house; the house is 101 years old today

-emergency assistance said that they'd come out and weatherize the house, which would cover most of the deficiencies

Mr. Dornfeld:

-thinks that we are here today because Ms. Prescott is appealing the Vacant Building status

-as the house is now, she needs to order a code compliance inspection; that will produce a report listing all the work that needs to be done; then, you'll need to hire contractors and have them pull permits for the work that needs to be done; then, the

*inspectors will come back out and finalize those permits
-the VB fee is \$2,085, which has not been paid
-in order to get out of the VB Cat 2 status, the code compliance inspection (\$472)
needs to be ordered first; then, the VB fee needs to be paid before permits can be
pulled*

Mr. Neis:

*-the reason why his office is looking for the code compliance inspection is because of
the "back and forth" that the property has gone through
-the building received a valid Certificate of Occupancy in 2013; then, we got a
complaint; then, it became owner occupied again so we closed the C of O; once that
happened, the owner move out again and re-rented it; then, we got more complaints,
etc.*

Mr. Dornfeld:

*-he would be willing to offer a 90-day VB fee waiver to help them be able to pull
permits and get to work on the place
-you cannot live there until you go through this process*

Ms. Nhia Vang:

*-will waive the VB fee for 90 days; house needs code compliance inspection; owner
can pull permits*

*Deny the appeal but will waive the Vacant Building fee for 90 days and allow permits
to be pulled.*

Referred to the City Council due back on 5/4/2016

- 13** [RLH VBR 16-23](#) Appeal of S & K Properties to a Vacant Building Renewal Notice at
741 UNIVERSITY AVENUE WEST.

Sponsors: Thao

*Reached a resolution. Owner was given a 90 day fee waiver to allow time to rehab.
Open permits and close to completion.*

Withdrawn