



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final - Final-revised

### 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, September 26, 2017

9:00 AM

Room 330 City Hall & Court House

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#### 9:00 a.m. Hearings

##### Remove/Repair Orders

- 1 [RLH RR 17-30](#) Ordering the rehabilitation or razing and removal of the structures at 1106 HAWTHORNE AVENUE EAST within fifteen (15) days after the August 16, 2017 City Council public hearing. (Public hearing continued from August 16) (Amend to remove within 15 days)

**Sponsors:** Bostrom

*David R. Mortensen, Attorney, appeared o/b/o Caliber Home Loans Inc, servicer for the mortgage.*

*Steve Magner, Code Enforcement Manager:*

*-read the letter sent Aug 10, 2017 from Mai Vang to David R. Mortensen re: 1106 Hawthorne (attached)*

*-conditions: 1) \$5000 perf deposit must be posted by Aug 15 (was posted Aug 10); and 2) clean out property by Aug 16; if those conditions are met, LHO will ask the Council on Aug 16 to refer the matter back to LH on Sep 26 to meet the following conditions:*

- 1) provide a lock box & combination*
- 2) apply for code compliance inspection*
- 3) provide a sworn construction statement or work plan including timelines*
- 4) provide financial documentation indicating the amount to do the rehab (line of credit, construction loan, or personal bank account)*
- 5) must provide an affidavit indicating dedication of funds if using a personal bank account*

*note: property must be maintained*

*-if conditions are not met, LHO will recommend to Council on Oct 4 that the building be removed within 15 days*

*Mr. Mortensen:*

*-one correction: that was the first of 2 letters; the revised letter sent out the same day did not require that the home be cleaned out by Aug 16 due to the fact that we were still in the redemption period*

*-it is cleaned out now; garbage & debris were removed; personal property was boxed, collected & stored in a room (entered photos) making room for the code compliance inspectors to go thru the property*

*-the code compliance inspection was requested; don't think that it got to the city until last week*

*Ms. Moermond:*

*-that's too bad; why is that?*

*Mr. Mortensen:*

*-there were a couple of weeks when we were trying to get the vendor into the property; we had a couple of bids, issues..... I'm not sure what happened as far as timing goes; I know that the vendor that we were working with in Florida was closed for a couple of weeks because of Hurricane Irma*

*Mr. Magner:*

*-I looked this morning & I didn't see a code compliance application in the system; it's possible that it came in Thu or Fri of last week and is sitting in someone's basket; I will check with my office later today & send a person to physically look for it, get it into the system to get it going*

*Mr. Mortensen:*

*-I did receive a note from the vendor that it had been submitted & signed for around noon on Fri - over night track  
-we have a contractor at the property to do a walk-thru & create a pre-bid  
-my client currently has an affidavit drafted as committing the expected \$40,000, which will be revised based on the bids  
-a contractor went out to get a preliminary bid on the roof, which is about \$10,000  
-I don't have the actual work plan*

*Mr. Magner:*

*-the property has been maintained; we received a complaint on Sep 21 indicating that work was being done without permits; Mr. Seeger went out to the property Sep 25 & indicated that new doors had been installed without permits & that he posted a red tag; my assumption, in this case, is that the client is probably not trying to rehab the bldg without permits; it's that the vendor isn't clear that they just can't go ahead & start doing things*

*Mr. Mortensen:*

*-there may have been a security issue; we had a discussion back in Aug about a door that had been done; I don't think it was a new door installed in Sep  
-I did tell my client that work done at the property needs to be permitted, so we don't run into that issue*

*Ms. Moermond:*

*-these conditions were to be addressed by today in order to have time allotted  
-this speaks really poorly of your client's capacity to actually execute a rehabilitation and the time the city would normally allot*

*Mr. Mortensen:*

*-I understand  
-it's a matter of liability; under Foreclosure Law, I can't just go in & clean out personal property before the end of the Redemption period; we did try to do a shortened Redemption period*

*Mr. Magner:*

*-got an email from staff: the Code Compliance Application is \$9 short; we can't send*

out Seeger until we have the full amount

Ms. Moermond:

Owner to provide the following conditions by noon, October 4 or LHO will recommend that the building be removed within 15 days with no option for repair:

1. a detailed work plan, with timelines, or sworn construction statement;
2. financial information (a line of credit, sworn construction loan or a bank statement) dedicating the funds of at least \$50,000 available to do the project.

NOTE: the code compliance inspection was paid for; however, the fee was insufficient. Owner will resubmit code compliance inspection fee.

If the conditions are met, will do a 2-week layover to get plans finalized and confirm they are in compliance with the forthcoming code compliance inspection report. Note, Ms. Moermond requested that the Building Official have the inspection expedited.

**Referred to the City Council due back on 10/4/2017**

**2**      [RLH RR 17-28](#)

Ordering the rehabilitation or razing and removal of the structures at 2096 REANEY AVENUE within fifteen (15) days after the August 2, 2017, City Council Public Hearing. (To be referred back to Legislative Hearing on September 19)

**Sponsors:**      Prince

*Erick Flyckt, Usset, Weingarden & Liebo PLLP, o/b/o US Bank, appeared.*

*Steve Magner, Code Enforcement Manager:*

*-Itr sent out Sep 15 - Remove/Repair structure at 2096 Reaney*

*-Itr sent out Jul 17 - confirmed that Legislative Hearing Officer recommends that City Council grants the house be cleaned out by Jul 21 in order for interior inspection on or about Jul 24; and that the City Council Public Hearing is scheduled for Aug 2, 2017; LHO will ask for a Layover to LH*

*-it has been inspected*

*Mr. Flyckt:*

*-entered a general overview - got the insp report late yesterday afternoon*

*-I don't have subcontractor bids*

*-US Bank is committed to either rehab/remove the property within the timeline*

*-I have a letter committing funds for the project; will increase, as necessary; think it's in affidavit form*

*-Midwest Inspection is like a resource manager*

*Ms. Moermond:*

*-if we could get actual contractors with timelines*

*-the dollar amount seems fine*

*-how much time do you think your guys need to get some details on the work plan?*

*Mr. Flyckt:*

*-I'd appreciate a couple of weeks or .....*

*Mr. Magner:*

*-looks like they did a lot of work here; just need supplemental documentation*

-they have \$124,000 to work with; Mortgage Contracting Services has gone thru & established quite a bit of documentation as to what needs to be done; they've reviewed the code compliance

-I'd like to see a Sworn Construction Statement that includes the general contractor with a breakdown of subcontractors' bids (detailed report of costs)

-clarification from US Bank confirming the money dedicated for this rehab

-then, I think we could recommend 180 days

-I think we're past the 3/4 point - not yet at the goal line

-we'd like to see those bids on Oct 10

Ms. Moermond:

-Legislative Hearing Oct 10, 2017; City Council Public Hearing Oct 18, 2017

Owner needs to provide the following conditions by October 10:

1. a sworn construction statement or work plan including timelines in accordance with the code compliance inspection report; and
2. bids from the general contractor and subcontractors.

The October 10 hearing is not necessary if the conditions are met.

**Laid Over to the Legislative Hearings due back on 10/10/2017**

**3**      [RLH RR 17-41](#)

Ordering the rehabilitation or razing and removal of the structures at 272 GOODHUE STREET within fifteen (15) days after the October 18, 2017, City Council Public Hearing.

**Sponsors:**      Noecker

No one appeared.

Steve Magner, Code Enforcement Manager:

-The building is a two-story wood frame duplex with a detached two-stall garage on a lot of 4,792 square feet. According to our files, it has been a vacant building since August 16, 2016.

-The current property owner is Shirley M. Rodgers per AMANDA and Ramsey County Property records.

-there's a note in the file as to notification: we did everything we could to get Shirley's current address: 531 Superior Street, St. Paul MN; as soon as we received that information, we mailed a letter on Sep 18, 2017 to Ms. Rodgers regarding the Notice of public hearing Aug 18, 2017 & Order to Abate dated Jun 27, 2017 & explained that those documents had been sent to her on Goodhue Street & returned by USPS as undeliverable with no forwarding address. When we reviewed Ramsey County Property Taxation Records in preparation for the hearing, it appears your address was recently updated to 531 Superior Street. If you wish to present whatever plans you have for this property, please attend the Legislative Hearing on Tue, Sep 26, 2017 at 9 am. If you are unable to attend the hearing & would like your plans to be considered, please contact Mai Vang, Legislative Hearing Coordinator, & she will re-schedule it to a different date. If you have any questions concerning City's actions at your property on Goodhue Street, please contact Inspector Joe Yannarely at 651/266-1920. That letter was sent out Sep 18, 2017; it has not been returned.

-we posted the Legislative Hearing Notice on the bldg & we posted the Order To Abate placard prior to that; also posted a Vacant Building placard

-On June 21, 2017 an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on June 27, 2017 with a compliance date of July 27, 2017. 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 \$17,600 on the land and \$137,000 on the building.

-Real estate taxes are current.

-The Vacant Building registration fees were paid by assessment on September 1, 2017.

-As of September 25, 2017, a Code Compliance Inspection has not been done.

-As of September 25, 2017, the \$5,000 performance deposit has not been posted.

-There have been eight (8) SUMMARY ABATEMENT NOTICES since 2016.

-There have been four (4) WORK ORDERS issued for:

- Garbage/rubbish
- Boarding/securing
- Grass/weeds
- Snow/ice

-Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish exceeds \$20,000. Since this property has been vacant for more than one year, it would need to go before the Planning Commission for approval to re-establish the non-conforming use as a duplex.

-DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to remove this structure within fifteen (15) days.

-we also sent Notice to the Housing Redevelopment Authority (HRA); I had a quick conversation with them; they acknowledged that they received it; they provided a loan at one point (Feb 2013 - \$2,895; another loan Mar 2013 - \$2200)

Ms. Moermond:

-because Ms. Rodgers just received this letter, I'd like to Lay this Over for 2 weeks in the event that she would still want to be heard; then, have it go to Council on Wed, Oct 18, 2017; let's send her a letter

**Laid Over to the Legislative Hearings due back on 10/10/2017**

**4**      [RLH RR 17-42](#)

Ordering the razing and removal of the structures at 653 JESSAMINE AVENUE EAST within fifteen (15) days after the October 18, 2017, City Council Public Hearing.

**Sponsors:**      Bostrom

(No one appeared)

Steve Magner, Code Enforcement Manager:

-The building is a one-story, wood frame, single-family dwelling, with a detached one-stall garage, on a lot of 4,047 square feet. According to our files, it has been a vacant building since August 19, 2011. Garage fire

-The current property owner is Carrington Mortgage Services LLC per AMANDA and Ramsey County Property records.

-On July 6, 2017 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 17, 2017 with a compliance date of August 16, 2017. 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 \$8,500 on the land and \$61,500 on

*the building.*

*-Real estate taxes are current.*

*-The Vacant Building registration fees were paid by check on August 15, 2017.*

*-A Code Compliance Inspection was completed on October 10, 2016.*

*-As of September 25, 2017, the \$5,000 performance deposit has not been posted.*

*-There have been thirty-two (32) SUMMARY ABATEMENT NOTICES since 2011.*

*-There have been twenty-seven (27) WORK ORDERS issued for:*

- Garbage/rubbish*
- Boarding/securing*
- Grass/weeds*
- Snow/ice*

*-Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. 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.*

*Ms. Moermond:*

*-noted that Carrington, current owner, ordered the code compliance insp completed Oct 10, 2016; they should know which direction they're moving*

*-history since 2011 looks really bad; what's it been for the past year?*

*Mr. Magner:*

*-Aug 7, 2017 - boarding Order*

*-Jul 31, 2017 - exterior complaint; fire damaged garage*

*-Jun 21, 2017 - Work Order to clean property yard*

*-May 18, 2017 -garbage Abatement Order*

*-Mar 8, 2017 - boarding Order*

*-Nov 15, 2016 - Work Order*

*-we keep maintaining*

*Ms. Moermond:*

*-in large measure, they seem to have abandoned the property*

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

**Referred to the City Council due back on 10/18/2017**

## Other

- 5 RLH OA 17-16** Making recommendation to Ramsey County on the application of Mee Lee Moua, DBA Malina's Sports Bar, for repurchase of tax forfeited property at 691 DALE STREET NORTH.

**Sponsors:** Thao

*Steve Magner, Code Enforcement Supervisor:*

*-Repurchase Application for 691 Dale Street North*

*Ms. Moermond:*

*-when we reviewed this, we did not have the police calls in front of us, so we held off making a recommendation*

*-I have the police calls for this parcel & there's a few others: 627 Van Buren & 695*

Dale - all of which are in the same bldg  
-I also asked for the intersection of Van Buren & Dale  
-asked Mr. Magner's assessment of those police calls

Mr. Magner:

-there's alarms; investigations; pro-active visits (done because of their history);  
drunkenness; disturbances; boys & girls, etc.  
-we're spending resources  
-I would recommend not to allow for Repurchase

Ms. Moermond:

-in 2014, the owner had things pretty well in hand - just 11 calls for service as opposed  
to 2012, when there were 28 calls for service (not even the entire year)  
-in 2015, there were 20 calls  
-in 2016, only 9 calls  
-so far this year from Jan - Aug, there've been 19 calls to SPPD - on their way to  
surpass their record  
-looks as though management isn't working out too well

Mr. Magner:

-we have a party here who was, in our opinion, was duly notified about 2 residential  
structures to which they never showed or did anything to save those structures; they  
running a commercial establishment badly & I don't have any good faith in their  
abilities to manage properties in the City of Saint Paul  
-I don't think that they should be allowed to Repurchase this property; I think this  
property should be remain forfeited; and the County should sell it at auction to  
someone else; it doesn't seem to be a good fit

Ms. Moermond:

-I agree; note: tax troubles with the State of MN (sales tax, according to licensing  
information)  
-will recommend to not allow for Repurchase

Recommend denial for repurchase.

**Referred to the City Council due back on 10/18/2017**

- 6 RLH OA 17-20** Making recommendation to Ramsey County on the application of Pamela J. Hagemann for repurchase of tax forfeited property at 42-44 COOK AVENUE WEST.

**Sponsors:** Brendmoen

Ms. Moermond:

-Repurchase Application for a property that's \$17,898 in arrears of delinquent taxes

Steve Magner, Code Enforcement Manager:

-read letter from Pamela J. Hagemann (attached): Over the past several years, my life has been very difficult. My children's father came down with kidney failure. Upon trying to help him, I lost my son in a motorcycle accident. Nine months later, I lost his father. I became severely depressed & was not maintaining what I should have. With the love & support of my family, I'm requesting ownership of my home again. This house is all I have left. It's how I maintain a monthly income; it's my retirement. Without this home, I am homeless, no income, mercy on me. I will catch up on all property taxes & maintain on top of it. The house has been in my possession for 25+

years. There is a plan set in place to maintain & keep paying my property taxes in time. I promise you this will not happen again. Please give me the chance to have my home back. Without this property, I become a burden to society with no financial means. For over 20 years, I was able to maintain this property. Life just got really hard the past 5 years. I should have asked for help sooner during my hardest times. No parent should lose a child; I lost myself during that time. Nothing mattered to me. Now, that I'm in the healing stage of grief, I see I did not deal with this the way I should have. I'm truly sorry for letting it get this far. Please give me the opportunity to have my home back. Please.

Ms. Moermond:

-Mai, could you check in STAMP - look at the C of O; if she is the owner & she says this is her home,- it's a 4 unit apartment bldg; was she an owner-occupant of this apartment or is this an investment property that she called her home; right now, her address is in Fridley  
-there's been some code problems

Mr. Magner:

-all letters went to 1314 Rice Street

Mai Vang:

-the first C of O letter - 120 Magnolia Ave W  
-another - Jun 26 - also 120 Magnolia

Ms. Moermond:

-Ms. Hagemann is trying to make it sound like it was her home  
-it would appear that this has not been her home; it's a 4-plex that she never did live in  
-both the upper/lower portions of the 42 side appear to be vacant - coincides with the water shut-off  
-the code enforcement information, on it's own, isn't terrible  
-re: police call history - it looks like they had a rough patch in 2014 with one of the units; otherwise, it's not exceptional

Mr. Magner:

-this is not a house; if this were as house, it'd be a different story; this is a business that she's running in the city & hasn't paid taxes over a long period of time to allow it to go tax forfeit; if you're running a business, you can't just be MIA for 2-3 years  
-in 2006, 2007 & 2008 the city was dropping containers  
-we've had complaints about the sidewalk  
-it tax forfeited on Aug 21, 2017

Ms. Moermond:

-during her period of ownership, there have been problems but during the past 5 years, there haven't been significant problems

Mr. Magner:

-I recommend to not allow Repurchase, DSI's point of view  
-the 44 side also has a shut-off; maybe all of it is vacant

Ms. Moermond:

-I'm stuck with the past 5 year piece of it; I think she's been a bad manager; half of the bldg is vacant  
-I will run it by Councilmember Brendmoen  
-my opinion is to Hold our recommendation



*Withhold recommendation to County.*

**Referred to the City Council due back on 10/18/2017**

## 11:00 a.m. Hearings

### Summary Abatement Orders

- 7     **RLH SAO**             Appeal of Denise M. Fonville to a Summary Abatement Order at 593  
       **17-76**                     VAN BUREN AVENUE.

**Sponsors:**             Thao

*A new resolution will go to Legislative Hearing on November 14, 2017 with a City Council Public Hearing on November 15 to determine if the nuisance condition is abated.*

*Denise M. Fonville, owner, appeared.*

*Supervisor Lisa Martin:*

*-Vehicle Abatement Order was issued Sep 14, 2017*

*-the vehicle appears inoperable & is parked on an unapproved surface*

*-photo*

*-when Ms. Fonville arrived today, we had a conversation about the situation; this vehicle was her father's; the reason it's parked there is because of the angle of the alley and a flatbed truck having to get in there; she's planning to put tires on the vehicle; it has current tabs; she is looking for a few weeks to get the tires*  
*-there is an approved surface on the property*

*Ms. Fonville:*

*-I'd like a month to get the whole car repaired; to get the tires, I'll need 3 weeks*

*-may dad passed away; the car was given to me; I want to keep his car; I hired*

*Walker's Towing; they needed to put it back there until I can get it fixed; right now, it doesn't run*

*Ms. Moermond:*

*-first you need to get the tires; then, you will get it fixed to run; then, some body work needs to get done*

*-when it comes home, it will be parked on an approved surface*

*-at the Oct 18, 2017 City Council Public Hearing, I'll ask for an extension to Nov 1, 2017*

*-on Nov 14, I'll ask staff if you've taken care of it*

*Grant to November 1, 2017 to comply with the vehicle.*

**Referred to the City Council due back on 10/18/2017**

- 8     **RLH SAO**             Appeal of Richard S. Heller to a Summary Abatement Order at 1223  
       **17-79**                     MARION STREET.

**Sponsors:**             Brendmoen

*Richard S. Heller, owner, appeared.*

Supervisor Lisa Martin:

-Summary Abatement Order issued Sep 15, 2017 to remove/abate the many items in the yard; compliance Sep 22

-he has had many sales at his property; you are allowed to have 3 garage sales per year in the City of St. Paul

-he has his front door open selling things out of the home

-he also has a lot of storage in the back yard

-photos showing what still is left which is much better than it was

-there's still buckets, wood, debris and he cannot have any more sales at the property

-his property is very visible - right off Maryland & Marion

Ms. Moermond:

-is there any history?

Mr. Heller:

-I officially represent Twice Exception - State of MN statute 120B

-I am twice disabled

-when I came in the bldg, security checked me & the machine went off; they asked me to pull up my socks

-I have a data request because I haven't seen the whole file: personal & public

-your application for appeal is not very accessible for people with blindness disabilities; it's not ADA complaint

Ms. Moermond:

-we don't have the ability to fill out the forms online; you can only print them out online; we don't have the technical capacity to fill it out online

Mr. Heller:

-it's not functional & acceptable for blindness specific people

Ms. Moermond:

-I'm looking at your appeal; does it say what you want it to say?

Mr. Heller:

-you have pictures; I don't have pictures

Ms. Moermond:

-you can have copies of my pictures that were taken yesterday at your property

-I also would assume that you know what your own property looks like

Mr. Heller:

-I took a picture this morning; Racquel described it for me

-what was done this morning, I worked out with Inspector Richard \_\_\_\_\_

Ms. Moermond:

-for the record, your appeal says the following: I spoke to the inspector Richard Kedrowski. We have a gentleman's agreement (extension). He said the property is in fine shape, except I have to do four items, and I said I would take care of it, and he is going to come out on Monday. The four items are metal door frame, plastic containers, the signs, and the tomatoes off the steps. Because of the lack of prior data regarding the initial nuisance, I am in the process of data requests under the name Heller for private and public data. Due to the situation, I am asking for a delayed administration hearing before the data comes in so we can understand the

*findings to the current ordinance violation as it relates to the initial file number (see attached). (The above was typed by Racquel Naylor as told by Richard Heller.) your initials; dated 9/21/2017*

*-that is what the appeal is*

*-I need to take this to the conditions at your property & have you tell me how this relates to the items that we're talking about: storage of materials - cleaners, tarps, saw horses, roofing, flashing, signs on front steps, etc.*

*-how does your ADA situation or your data requests pertain to those items?*

*Mr. Heller:*

*-you don't have the same information as I have*

*-entered photos he brought*

*Ms. Moermond:*

*-I have what you submitted & nothing else but the photos that I received*

*-the pictures are also online*

*-let's talk about the current situation of what we have Orders on: the clean-up in the yard; I'm looking at a Summary Abatement Order from Sep 15, 2017*

*Mr. Heller:*

*-those photos are no longer accurate; all that has been taken care of*

*-asked for a transcription*

*-I haven't seen any data on the garage sales*

*Ms. Moermond:*

*-we don't transcribe; we can provide an audio; everything I do is put on the record*

*-it looks like there are 2 things remaining in the yard: saw horses & wood framing*

*-I don't care about the 3 garage sales*

*Mr. Heller:*

*-all is gone & won't be out there*

*Ms. Moermond:*

*-this case goes to City Council Public Hearing on Oct 18, 2017*

*-I will recommend denial; you are already compliant*

*-will send out an inspector on Oct 10 to see that conditions have been addressed*

*Deny the appeal; however, inspector will confirm on October 10 to see if the nuisance has been abated.*

**Referred to the City Council due back on 10/18/2017**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 9 [RLH SAO 17-65](#) Making finding on the appealed nuisance abatement ordered for 25 ELIZABETH STREET EAST in Council File RLH SAO 17-56.

**Sponsors:** Noecker

*Lacey Gutierrez, owner, appeared.*

*Ms. Moermond:*

-we have a couple of problems; I wish I could make this easier  
-it's my understanding that you have an engineering solution that will maintain the hillside that happens to support the garage but the engineering solution requires you to go all the way up to your property line so you need a variance for going all the way to the property line & it will require encroaching a couple feet into the next property owner's yard, so, you'll need an easement from them, as well as them getting a variance to have something built within 3 feet of their property line; so this is genuinely twisted  
-our building inspector looked at your engineering review and said that your engineering plans are on track

Ms. Gutierrez:  
-we're waiting for the design

Ms. Moermond:  
-how's the conversation with the neighbors going?

Ms. Gutierrez:  
-I, honestly, can't speak to that; I don't know that there has been a conversation  
-it was my understanding that the city was going to help with that

Ms. Moermond:  
-the city may have a role in facilitating a conversation that would involve the neighbor; we can't force that neighbor to the table; we can't really do anything with that neighbor; that's really going to have to be up to you guys

Ms. Gutierrez:  
-what do we do if they're not willing to work with us?

Ms. Moermond:  
-you hire a lawyer; we're talking about private property rights & the city can't say that they have to provide access to you to repair the wall or to provide you with part of their property for you to use to repair/replace the wall; you would need to negotiate that with them  
-if they say, "No," I really don't know but I do know that we don't have the right people sitting here to problem solve this (no attorney; no neighbors in agreement & winter is coming)  
-I'm worried about this needing to be shored up  
-what's the situation out there, Matt?

Mr. Dornfeld:  
-all I can report is what Inspector Benshoof reported - it's at kind of a standstill  
-read Insp Benshoof's email: Still not much progress; they contacted an engineer for the retaining wall & a possible fix; however, haven't signed a contract or paid the fees; one of the solutions to the problem requires some type of easement of sorts to build the wall & encroach onto the neighbor's property; so, they'll have to hire an attorney to draft a letter for \_\_\_\_\_. Inspector Benshoof

Ms. Gutierrez:  
-we have signed the contract & we have paid the fees

Ms. Moermond:  
-but you need access to the neighbor's property to do the work

Ms. Gutierrez:  
-I would imagine so

Mr. Dornfeld:  
-but this wall would benefit them, as well

Ms. Moermond:  
-the curious thing is that this was written as a Summary Abatement Order, which means that if they don't do it, we will..... so, would we do emergency shoring on this?

Mr. Dornfeld:  
-it's not my expertise and so, the wall has pretty much, already collapsed; the garage sits on top of the property; it's about 4-5 feet away from the drop-off; I would say that most of the damage is done; I'm not sure what we would shore up; but that would be up to Ubl & Magner

Ms. Moermond:  
-what's the timeline that you guys are working on to get this taken care of?

Ms. Gutierrez:  
-we wanted it accomplished a long time ago; I would say, 'as soon as possible'

Ms. Moermond:  
-asked Mai to find the address for the neighboring property & the name of the owners; it's on the corner of Gorman & Elizabeth - Erasto Perez  
-I don't see that there would be a major objection to this by the neighbor; you would need to talk to him about the proposal & the need for the variance

Mr. Dornfeld:  
-I think that we need Steve Ubl in on this discussion

Ms. Gutierrez:  
-I've never met the neighbor

Mr. Dornfeld:  
-if the neighbor's not in agreement, we'll need to figure an alternative solution -Plan B

Ms. Moermond:  
-I will talk with Steve Ubl; & we'll try to get a hold of Perez  
-I think that Matt, Steve Ubl & I need to go look at the place with Insp Benshoof; we'll set that up for the future

Mr. Dornfeld:  
-I'd be willing to lobby Mr. Perez

Ms. Moermond:  
-in 2 weeks, we'll have a Plan B  
-will Lay this Over to Oct 11 LH at 2:30 pm

**Laid Over to the Legislative Hearings due back on 10/10/2017**

**10 RLH VBR  
17-65**

Appeal of Andrew Nilssen, Hosford Properties, to a Vacant Building Registration Notice at 672 EDMUND AVENUE.

Sponsors: Thao

*Andrew Nilssen, Hosford Properties, owner, appeared.*

*Fire Supervisor Leanna Shaff:*

- a Fire Certificate of Occupancy Revocation preceded the Vacant Building status*
- photos*
- received a complaint in Apr 2017 about overflowing trash, bedbug infestation, etc.*
- Inspector Huseby responded to that complaint & transferred it to the Fire C of O Inspection*
- there have been 10 complaints so far in 2017 & Insp Huseby had great difficulty gaining access*
- she had to Condemn one of the units in Jun 2017*
- there's quite a list for this duplex*
- the Revocation turned into a Condemnation because there was quite a large gas leak from the water heater; it was dangerous to allow people to stay in the bldg*
- there's also long term noncompliance, deferred maintenance, unresponsiveness, etc.*

*Ms. Moermond:*

- on Aug 9, 2017, a Revocation letter went out saying that the reinspection is on Sep 8, 2017*
- on Sep 8, 2017, you Revoked & also Condemned because of the gas problem; had Xcel pin the meter*

*Supervisor Matt Dornfeld, Vacant Buildings:*

- Appellant has already paid for a Code Compliance Inspection; so, I'm assuming we may be here today to talk about the VB fee rather than the Condemnation*

*Mr. Nilssen:*

- we're working on getting the bldg cleaned out so the inspectors can go in; then, getting the Code Compliance Inspection Report back & hiring a company to fix everything; some trades inspectors have already been in the property*
- we're looking to get a continuance on that VB fee*

*Ms. Moermond:*

- I'll give you a 90-day VB fee waiver*
- if you go longer than 90 days, you'll get a renewal Notice 15 days before the 90 days are up; if it's not paid, it will be proposed to go onto your taxes; you'll get an assessment letter in the mail with a yellow post card; send that post card & we can prorate that assessment*

*Waive the vacant building fee for 90 days.*

**Referred to the City Council due back on 10/18/2017**