



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, January 14, 2014

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 13-60](#) Ordering the rehabilitation or razing and removal of the structures at 392 ARBOR STREET within fifteen (15) days after the January 2, 2014, City Council Public Hearing. (Public hearing continued from January 2)

Sponsors: Thune

The following conditions must be met by January 31, 2014 in order to receive a grant of time:

- 1) must provide a work plan including timelines for completing the work (can document your labor and the value of your labor);*
- 2) must submit bids from a general contractor and subcontractors;*
- 3) must provide financial documentation indicating the amount of \$50,000 to do the rehab (line of credit, construction loan, personal bank account; etc.)*
- 4) if using personal bank account, must provide an affidavit indicating the dedication of \$50,000 to be used for this project;*
- 5) must pay the property taxes and be brought to current; and*
- 6) must maintain the property*

RE: 392 Arbor Street (Single Family)

Janyth K. Loney, owner, appeared.

Steve Magner, Vacant Buildings:

- read letter sent Jan 6, 2014 (attached) to Janyth Loney*
- the \$5,000 Performance Deposit has been posted (the first step)*

Ms. Loney:

- she will be doing the rehab; she needs to know the process*
- a Code Compliance inspection was done Apr 16, 2013; that report was sent out Apr 25, 2013 (Code Compliance Inspection fee paid Mar 28, 2013)*
- some past taxes still need to be paid; someone came out from the city and said that if the house might be demolished, she should probably wait on paying those taxes (all taxes before were paid by her)*

Ms. Moermond:

- the back taxes need to be paid
- the registered VB was paid last summer
- the \$5,000 Performance Deposit has been posted
- maintenance his being done
- the last things have to do with a Work Plan and Finances
- the Work Plan shows the activity, the time, anticipated final inspection on that part (plumbing, heating, electrical, building, etc)
- shared a sample Work Plan - need estimates
- city's estimate to do rehab is \$50,000 plus (your estimates may show a lower cost; she needs to see that; owners supplies and labor value can be accounted for in the Work Plan)
- finances: must demonstrate that owner has at least \$50,000 available to cover this particular project and is designated as such (a business/personal account, line of credit, construction loan, rehab loan, etc.); if it's your personal/business account, provide an affidavit indicating that you will not spend money from this account that has been assigned to this project
- permits must be pulled (electrical, mechanical, plumbing, heating, the contractor pulls the permit; if you are the general contractor on a project, you can pull that permit; if someone else is going to do it, they have to pull that permit)
- contractors must be licensed in the City of Saint Paul; building contractors must be licensed in the State of MN
- license numbers are usually on the bid and their business cards
- provide you Work Plan by Jan 31, 2014; it should show that you can finish the project within 180 days (6 months)
- City Council Public Hearing Feb 5, 2014
- Ms. Mai Vang will send a letter confirming today's results

Referred to the City Council due back on 2/5/2014

2 [RLH RR 13-62](#)

Ordering the rehabilitation or razing and removal of the structures at 929 SEVENTH STREET WEST within fifteen (15) days after the January 2, 2014, City Council Public Hearing. (Public hearing continued from January 2) (To be referred to Legislative Hearing February 25, 2014 and City Council Public Hearing on March 5, 2014)

Sponsors: Thune

Although the property owner did not appear, the Legislative Hearing Officer continued the matter; the following conditions must be met in order to grant time for the rehabilitation:

- 1) must provide a general over all work plan, including timelines, for the project;
- 2) must provide financial documentation dedicating the funds of at least \$50,000 available to do the project (a line of credit, sworn construction loan or a bank statement). Additional funds will likely need to be identified later in the review process;

Additional conditions will be asked at the January 28 Legislative Hearing.

RE: 929 Seventh Street West (Commercial/Apartment-B-Commercial)

Amy Spong, Heritage Preservation Commission (HPC):

- noticed that is an updated structural engineering report (Ms. Moermond: when that came in, she sent it to Steve Ubl, Steve Manger and Brian Karpen to review; her goal was to find out if the building is sufficiently stable so that the "dangerous building status" put on it by Fire Inspections, could be lifted)

Steve Magner, Vacant Buildings:

- spoke with Greg Schroeder and explained to him that based on what the engineer wrote, it appears that his report has been done after some things have happened: 1) the items that had been stored on the roof have been removed; and 2) the heating/cooling plant that had also been on the roof has also been removed; so, the major stresses that were on the roof have been removed; the report also detailed that the structure itself was steel with masonry infill and the area that's compromised is in between steel structures (there's steel structures supporting the roof and the sides and then there's wood members infill between those sections; in certain areas the roof is deteriorated but even if that whole section falls through, it would not mean that the whole building would collapse; it could be cut out and a remedial repair could be made; then, the whole roof could be replaced or brought into an acceptable standard)
- after reading the report and speaking with Greg, he was going to go back to Mr. Ubl and Mr. Karpen, who were going to discuss it with Phil Owens and have him comment on it but doesn't think there was enough time for him to take that advice
- doesn't think that DSI, at this time, considers the building dangerous; it doesn't negate the fact that it's still a nuisance and the issue still needs to be resolved through this process; however, it certainly alleviates some of the concern that the only resolve is to demolish the building
- it buys us some time

Ms. Moermond:

- City Council Public Hearing is Feb 5, 2014

Ms. Spong:

- potential snow loads has been part of that discussion
- they probably did not do any investigation of the steel itself and at those connections; are there any outwardly signs, such as rust, etc. to show that a need for more exploration and testing is necessary?

Mr. Magner:

- read from the report: "the building's roof structure system consists of riveted steel or iron trusses spanning about 37 from side to side wall; the trusses are approximately 68 inches deep at the center ridge.....trusses are spaced approximately 14 feet between the and..."
- there are wood members in the infill that are supporting the structure so, if a section fell in, it doesn't mean that the whole building is compromised

Ms. Moermond:

- the report said it should hold the snow load
- we need to be clear that this building is in extraordinarily bad condition (its brick veneer has pulled away; it has all kinds of repair issues; basic structural members are compromised; the roof is in horrible condition even though it can bear the snow load)
- but the structural engineer says that it's not in imminent danger of collapse
- the structural engineer's report needs to be reviewed and the dangerous building status needs to be lifted; and that needs to be communicated to the Fire Department so that they have an appropriate reaction if there's a fire there

Mr. Magner:

- read 2 more paragraphs into the record from the last page of Mr. Dobie's report: "The removal of the equipment has mitigated the dangerous structural failure; however, in the long term, the broken joist should be repaired. With the exception of this localized questionable area under the dog house, the structural system of the building is essentially in the condition that it was constructed and is satisfactory."

*Cosmetic repairs and masonry exterior in a few isolated areas is recommended."
"The structure is capable of supporting snow loads and live loads. Removal of the old multiple layer built-up of roofing has reduced the load on the structure by approximately 7 lbs per sq ft and by a total of approximately 3500 lbs. The load reduction would correspond to the 10 to 16 inches of snow. For many years with this weight of the old built-up roof in place. The rood has adequate support for the seasonal snow load."*

Ms. Moermond:

- the dog house is quite literally a dog house on the roof (a shelter over the mechanical plant that was on the roof)*
- she understands that there is a Purchase Agreement with a contractor on this building but not with the women who came to testify at the earlier hearing*
- will Lay this Over to Jan 28, 2014 Legislative Hearing*
- Ms. Mai Vang will send a letter listing the city's expectations*
- we need plans because technically, there is a change of use and those plans need to be reviewed*

Mr. Magner:

- this is not doable within 3 weeks; thinks it's more of a 90-day planning project*
- we need to get them back to the table and let them know that we need general overall plans (not building plans) and we need an general overall estimate of the rehabilitation and identification of the costs and where they are coming from*
- if the potential buyer is a business person doing this level of business and entering into a Purchase Agreement, most likely, they already have an idea of what it's going to cost and a time frame; that all needs to be articulated to the city*

Ms. Moermond:

- OK; plans will need to be entered and reviewed*
- an architect and a contractor will need to be hired*
- we'll need that back-and-forth conversation with the city's plan review staff*

Ms. Spong:

- wonders if there is additional structural evaluation that needs to happen*

Ms. Moermond:

- a Purchase Agreement has been entered; the potential buyer is Andre Stouvenel (in Legistar); \$150,000 with \$2,000 earnest money*
- the city's estimate to just stabilize the roof is between \$50,000-\$60,000*
- would like to see in evidence right now what they can put toward the project and let them know that amount will increase once we have estimates for doing the actual work*
- wants them to show up at the table; we need them in the room*
- Ms. Mai Vang will send them a letter with the expectations (\$50,000 on the table now and then additional monies will be asked for as plans are further developed)*
- back here Jan 28, 2014*

Laid Over to the Legislative Hearings due back on 1/28/2014

3 [RLH RR 13-63](#)

Ordering the razing and removal of the structures at 872 DULUTH STREET within fifteen (15) days after the February 5, 2014, City Council Public Hearing.

Sponsors: Bostrom

No one appeared; remove the building within 15 days with no option for repair. (HPC staff indicated that the 106 Review forms from DSI were not sent to SHPO back in

September but were sent to SHPO on January 9th; therefore, they asked that this be delayed until they have the SHPO letter.

RE: 872 Duluth Street (Single Family)

Steve Magner, Vacant Buildings:

- The building is a one and one-half story wood frame single-family dwelling on a lot of 5,227 square feet. According to our files, it has been a vacant building since October 22, 2009.
- The current property owner is Rebecca Lynn Bertini and Phyllis F. Bertini per AMANDA and Ramsey County Property records.
- On September 5, 2013, 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 November 12, 2013 with a compliance date of December 12, 2013. 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 \$12,900 on the land and \$27,500 on the building.
- Real estate taxes are delinquent for the years 2010, 2011, 2012 and 2013 for a total amount of \$13,386.63, which includes penalty and interest. (Note: the property is scheduled for tax forfeiture July 31, 2014).
- The Vacant Building registration fees were paid by assessment on December 3, 2013.
- A Code Compliance Inspection was done on May 12, 2010 and has since expired.
- As of January 13, 2014, the \$5,000 performance deposit has not been posted.
- There have been fifteen (15) SUMMARY ABATEMENT NOTICES since 2009.
- There have been twelve (12) WORK ORDERS issued for:
 - Garbage/rubbish
 - Boarding/securing
 - Tall grass/weeds
 - Snow/ice
- Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$12,000.
- DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days; if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Amy Spang, Heritage Preservation Commission (HPC):

- there's no record of the original building permit;
- appears to be built in 1885
- vernacular, workers style; in the beginning, there were some Queen Anne elements found
- not identified in the survey and this area has not been surveyed since then
- more changes have happened that would negatively affect the properties' historic integrity
- 1887 addition put on; front porch has been enclosed
- appears to have new doors and windows
- it's at the end of a dead end street where the railroad tracks area; also Phalen Blvd
- there's a row of 4-5 houses; then, it transitions into more commercial/industrial use
- there's not a strong residential neighborhood character
- it's on the fringe; no strong context
- demolition will not have an adverse affect

Ms. Moermond:

- looking at the photos, the house appears to be abandoned
- taxes haven't been paid for many years
- house is owned outright by the Bertini's
- has been in the Vacant Building Program for 4 years, for about the same time period that taxes haven't been paid
- clearly, it's a gross unsanitary
- perhaps, the owners have died

Mr. Magner:

- the issue: since 2007, there's been a high level of interaction with SPPD and DSI
- there's been a lot of illegal occupancy over the last 4 years and shut-offs
- for a period of time, there were generators running there
- there were behavior issues and code issues
- there was a lot of scrapping and other activities that involved police response

Ms. Moermond:

- so, we have scrapping, squatting and other criminal behaviors there; also, it appears to have gross unsanitary conditions within the property; and no one is to be found; it will forfeit the summer of 2014
- it doesn't look as though the county would be interested in rehabbing it
- she doesn't think that the Council would want this to continue to be a neighborhood nuisance
- will recommend Removal within 15 days with no option for rehabilitation

Ms. Magner:

- an Historic Review was filled out Sep 5, 2013

Ms. Spong:

- we don't have a letter from SHPO yet; we need to have it with the file

Ms. Moermond:

- but the 106 Review appears to have happened now
- City Council Public Hearing Feb 5, 2014

Laid Over to the Legislative Hearings due back on 1/28/2014

11:00 a.m. Hearings

Correction Orders

- 4 [RLH CO 13-34](#) Appeal of Robin Magee to a Correction Notice at 466 MARSHALL AVENUE. (Public hearing continued from December 18, 2013) (To be withdrawn)

Sponsors: Thao

Appeal to be withdrawn. Agreements had been made by inspector and appellant. Deadline for compliance is now April 2, 2014 to repair the garage.

Referred to the City Council due back on 1/15/2014

1:30 p.m. Hearings

Fire Certificates of Occupancy

5 [RLH FCO](#)
[13-270](#)

Appeal of Mergens Properties, LLC to a Fire Inspection Correction Notice at 2441 UNIVERSITY AVENUE WEST.

Sponsors: Stark

RE: 2441 University Avenue West (C-Retail-General)

Bob Slater, Certificate of Occupancy Responsible Party, Mergens Properties, appeared.

Ms. Moermond:

*- we had other inspectors go out, who confirmed and elaborated on what the first set of Orders said
- got an email from Inspector Wayne Spiering's supervisor, Angie Wiese, went out with a building inspector*

Ms. Shaff:

*- read that email - a forwarding of what Inspector Mike Bark had sent to Ms. Wiese: Angie,
Two items were apparent to me regarding the inspection that I attended with you and Wayne Spiering yesterday at
2441 University Ave West.*

Item 1 □ The wooden loading dock at the North end of the building appears to lack legitimate frost footings as well as adequate structural elements.

Item 2 □ The stair toward the rear of the building connects 4 floors which would require the stairs to be within a 1HR enclosure. Currently there are no fire rated doors assemblies nor walls at any of the levels that the stair serves.

Mr. Slater:

*- he was not present when those inspectors were out there but the tenant was present (he has been there for 27 years and knows more about the building than Mr. Slater does)
- is familiar with the Orders*

Ms. Moermond:

- provided Mr. Slater with photos that had notes on them showing the concerns of the inspectors

Mr. Slater:

*- there's no argument about the dock; it needs to be fixed; his problem comes with the Historical Society and all the steps that he'd need to go through for approval
- tenant told him that all the other things that Mr. Spiering had told him about had been taken care of
- has not yet talked with any Historical Preservation staff from the city
- it's his understanding that he would need to have architectural drawings before they approve the dock*

Ms. Moermond:

- when you go to apply for a permit, a plan is needed; don't know whether or not they would need to be architectural/engineer drawings

Mr. Slater:

*- this concerns him and he is new to all of this
- the building is 100 years old and has been inspected many times and nothing has*

changed in 30 years, according to the tenant

- why does this become an issue now
- to make those changes is also unbelievably expensive
- and, as he's told you at a previous hearing, before the LRT went in, there were 87 parking spaces between Raymond and #280; now, there are 5
- the tenant doesn't know what to do; he can't spend that kind of money, not knowing where they are going
- the dock will need to be fixed or the building won't be able to be used
- doesn't see that urgency with the stairway

Ms. Shaff:

- her concern: the stairway is part of an exiting system and being able to get out when there's a fire is paramount; the stair tower is a sacred place, basically; once she enters into it, she is safe until she gets outside (for a 1-hour period of time); fire and smoke travels rapidly, especially in an open stair tower; it acts like a chimney; that's why it needs to be enclosed
- if the whole building were sprinklered, it could possibly work

Mr. Slater:

- he hates to belabor the point but why is this crucial today but it wasn't 6 years ago or when all the other inspections took place?

Ms. Shaff:

- looked up the file: was inspected in 2001, 2004, 2007, 2010 and 2013-2014
- she doesn't know what Inspector St. Martin saw in Jun 2010
- an inspection is just a snapshot in time
- she can't answer for what someone saw or didn't see as they inspected years ago
- just because it wasn't called out before at an inspection doesn't allow for the deficiency to continue
- there are occupant life-safety issues here; they need to be safe in order to get out
- codes are minimum compliance
- all the inspectors are saying that this needs to be repaired and she concurs

Ms. Moermond:

- looking at the photos, the plywood is not original (looks fairly new)
- gave 3-4 minutes for Ms. Shaff to review the Jan photos
- the tenant needs to figure out a plan for this space

Mr. Slater:

- the owner died and his widow lives in another state
- tenant has 2 more years left on his lease
- because of the problems and questions with Light Rail, the last lease was for only 3 years; customarily, it's for 5 years
- the dock is estimated to cost \$50,000
- the stairway is estimated to cost between \$75,000 and \$150,000; that's a lot of money
- can this business last here with Light Rail is a question anyway

Ms. Shaff:

- understands that this is an expensive undertaking but you can't put a price on a human life when it comes to safety

Ms. Moermond:

- trying to think about a specific band-aid plan or even it's possibility
- clearly, the dock needs to be re-done
- can the tenant reduce the number of floors that he's using

Mr. Slater:

- there are 5 people employed there
- not more than 10 people in there at one time at any give moment
- tenant uses the Internet a lot to sell

Ms. Moermond:

- can't figure out how this can work

Mr. Slater:

- fire is the major danger concern and yet, this building has been here for over 100 years, operating in this way, and there's never been a fire

Ms. Moermond:

- didn't hear that the inspector was ready to Condemn this building and without a Condemnation she will grant an extension to May 23, 2014 for both the loading dock and the stairwell 1-hour fire separation repairs
- the rest of the Orders deadline is Feb 1, 2014
- if something happens between now and then to make the situation worse, she will look at it again

Referred to the City Council due back on 2/5/2014

6 [RLH FCO 14-7](#)

Appeal of Tsehai Ghebre to a Fire Certificate of Occupancy Approval With Corrections and Fire Certificate of Occupancy Fee Invoice at 331 MCKNIGHT ROAD SOUTH.

Sponsors: Lantry

Laid over to get inspection status on the dryer. (After the hearing, appellant called and informed that the dryer is electric rather than gas). Inspector will need to confirm; approve the Certificate of Occupancy Invoice.

RE: 331 McKnight Road South (Duplex)

Tsehai Ghebre, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted by Inspector James Thomas
- received notification on Oct 8, 2013 that the 333 unit was on the water shut-off list
- Mr. Thomas issued Orders to have the water turned back on and Condemned it
- it was due for the Fire Certificate of Occupancy inspection so, it was scheduled for both units
- Mr. Thomas was out there 4 times; the 4th time, he approved the Fire C of O with a deficiency (dryer exhaust duct) on Dec 20, 2013
- the dryer exhaust is being appealed today; also being appealed is the bill for the inspection
- this deficiency was first called Nov 25, 2013
- as of this morning, there has not been a permit taken out for this repair, which the code requires

Ms. Ghebre:

- she did not allow the tenant to put a dryer into the unit
- found out that tenant had a dryer in the unit when she got the letter
- tenant thought that there had been a permit pulled
- Ms. Ghebre had told Mr. Thomas that she would be away for Christmas and could not take care of it at that time

- when she returned, she unhooked the dryer and a neighbor capped off the gas
- tenant then said that she would find a licensed contractor to hook it up correctly; it's not done yet

Ms. Shaff:

- is concerned that the gas line is capped off properly since a licensed contractor did not do the work

Ms. Moermond:

- between now and Feb 14, 2014, the dryer must be permitted by a licensed contractor to install the dryer or the dryer needs to be completely disconnected from the gas by a licensed plumber

Ms. Ghebre:

- submitted the photos of the area in the basement

Ms. Moermond:

- wants to have Inspector Thomas go back out to check the cap off and report back

Ms. Shaff:

- Ms. Ghebre should call Inspector Thomas between 7:00-8:30 a.m. tomorrow morning to set up a time to check the gas cap off
- she will also let Mr. Thomas know about this

Ms. Moermond:

- will Lay this Over to next week Legislative Hearing, Tue Jan 21, 2014 at 11:30 a.m. to hear back from Inspector Thomas
- if tenant has the dryer properly installed, the city doesn't have any issues

Ms. Shaff:

- re: the bill
- Mr. Thomas was out: 10-22; 11-6; 11-25; and 12-20-13
- cost: \$200 for the first 2 inspections (original Fire C of O inspection)
- there were 2 more re-check inspections at \$100 each = \$200
- \$200 + \$200 = \$400
- Inspector Thomas was actually saving her money by doing it this way

Ms. Moermond:

- the bill is legitimate; the inspector did the work; can't lower the bill for no reason

Laid Over to the Legislative Hearings due back on 1/21/2014

2:30 p.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 7 [RLH VO 13-63](#) Appeal of Tovah Flygare, SMRLS, on behalf of tenant Mildred Radcliff to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 951 DESOTO STREET.

Sponsors: Brendmoen

Property owner must be in compliance by February 10, 2014 or the building must be vacated.

RE: 951 DeSoto Street (Apartments)

Mr. Klusney, Attorney, Southern Minnesota Regional Legal Services (SMRLS), appeared.

Alan Peterson, owner, appeared.

Ms. Moermond:

- this has a lot of moving parts*
- an Emergency Tenant Remedy Action was happening*
- repairs were going on*
- we had an additional complaint come in*

Fire Inspector Leanna Shaff:

- this was Laid Over to get results from an inspection*
- Inspector Tonnancour went out to inspect*
- we still have 20 items on the list*
- have some concerns*
- read Inspector Tonnancour's email to Mr. Klusney: Please see the attached copy of the Orders from the re-inspection. I have a couple of concerns. Mr. Peterson decided to renovate an entire unit instead of gaining 100 per cent compliance on the property as a whole.....He opines that Mr. Peterson is not taking this seriously. At the last hearing, I made it clear to him that he needed compliance prior to any renovations taking place. Also, at the time inspection, there were still repairs that needed to be completed, along with the 2 broken windows that he claimed to not know about (failure to maintain his property). The inspection took place Jan 10, 2014; some items are pretty serious*
- there have been 5 inspections on the C of O process*

Mr. Klusney:

- ETRA: yesterday, we were in court*
- history and summary: when they saw that the C of O was being Revoked, they filed an Emergency Tenants Remedy Action; the first hearing was held Dec 16, 2013 there was a Court Order to make the repairs by the next hearing, which was Dec 30, 2013; not all the repairs were done, so we were scheduled for another hearing that took place yesterday; the pattern seems to be that there has been a substantial amount of repairs that have been made during this period and there are a few left; in court, yesterday, we went through all of those and Referee Yannish agreed that what's left wasn't very substantial but none the less, they were there; the Order that was issued last Thursday said that "the remaining repairs need to be done by Jan 24, 2014 or the building Vacated; so, Referee Yannish accepted the recommendation; the inspector told Mr. Peterson that this was going to be it; by the 24th, everything else needed to be taken care of*
- based on what happened in court yesterday, it sounds to him that there may have been some miscommunication about smoke detectors, etc.; Mr. Peterson brought some of the documentation with him today*
- SMRLS represents 1 of the tenants and are counseling another tenant on this situation*
- SMRLS would really like to see this building not be vacated*
- if the repairs are not made by Jan 24, and because this would be the 3rd time in court, Mr. Peterson would be facing a \$750 fine; and if the building were to be vacated, he's been court ordered to put up his client in a hotel which will cost Mr. Peterson, for that size of family, at least \$100 per day; and ultimately, the building would go onto the VB list*
- he thinks it's a huge incentive for Mr. Peterson to get this all taken care of*
- it sounds like one of the issues, concerning some broken windows, was not even on the original set of Orders*

- his office has done a lot of work on this to persuade Mr. Peterson to get this all done
- Referee Yannish listened to Mr. Peterson's explanation of each of the repairs in court yesterday and was convinced that there is not a substantial amount of stuff here that is left
- his recommendation would be to hold off
- the next court hearing is Jan 28, 2014 but there is an interim order that says he needs to fix everything that's in the Jan 9 Order

Ms. Moermond:

- the Revocation and Order to Vacate is in play and that appeals to the City Council
- SMRLS filed an ETRA

Ms. Shaff:

- there's repairs in Unit 2, the basement, Unit 1, Unit 3, Unit 4, Unit 5, Unit 6, the extermination, the driveway, providing the access to the entire building, exterior window/screens
- Ms. Flygare was involved with different tenants in this building one year ago; she fears going through this annually

Mr. Peterson:

- he resents the inspector's comment that he's not taking this seriously
- they will move the unused washers and dryers to the garage
- about renovating the unit; he wanted to do a nice job, not just apply a bandaid
- what was left at this last inspection was the carpeting; and that would have been done except when they pulled it up, they found a substandard subfloor (he doesn't know how this building, especially this subfloor, survived the code compliance done a couple of years ago; the work was done horribly)
- we are going over and above of what is being asked of us; we are taking this very seriously
- he has some questions; this is unfair
- #1-new one: the interior of the glass is broken; the exterior glass is not broken (he doesn't know if that will be done on time because it's thermal pane and it has to be sent off for vacuum sealing (?) but it will be paid for and we'll show you the receipt)
- #3-closet door: the tenant wants the closet door off; he keeps taking it off because he has drawers in there; is it really required to have a door on there?
- #5-new one: we will put on a new toilet seat
- #6-this is correct; we didn't have the carpeting installed; it was purchased and lying in the unit
- #7-the kitchen floor was done; doesn't know why this one is not "off" the list
- #8-new one: there's a large piece of missing pane; he will find it
- #9-he says there's water leaking around the ceiling; there is not water leaking around the ceiling; we've checked it gout; we've gone there when it's raining and there is no water leaking; I explained this all to him; so, then, he wants proof of the roof repair; we've been up there and checked; there's no leak; how do I get rid of this one?
- extermination; he had emailed the reports and this time, he brought with him a hard copy; doesn't understand why the extermination isn't off the list, as well as the smoke alarms; he also brought in the smoke detector affidavit and a copy of all the extermination treatments; that should be "off" the list
- driveway: is on the next door lot; it's not our property; it's a vacant lot; someone is plowing it but it's not me; he doesn't know whose cars are parking there; he will again issue a letter to his tenants; this vacant parcel is south of us
- he went through all the items, one by one, with Referee Yannish yesterday: which ones were new; which were old; what he has done and what he has not done; she didn't think any of them were very substantial; I should work it out with the inspector to get it all done

Mr. Klusney:

- the reason we're involved is because we don't want it vacated
- doesn't think there's really any safety issues left but it's small stuff that the city wants done to sign-off on the Certificate of Occupancy
- most of the EMTA cases that we go into have real serious stuff involved; when it started this was serious; now, the seriousness is not so much; we now are frustrated and the city is frustrated with how much time has gone into this; now, he's almost there
- one more inspection Jan 24, 2014; so, Referee Yannish scheduled another court date right after that; she doesn't see this from the city's side; she sees the improvements that have happened

Ms. Moermond:

- asked Mai Vang to print out the photos from the latest inspection in Jan 2014; scan them, the extermination reports and the smoke detector affidavit
- at City Council Feb 5, 2014

Ms. Shaff:

- sees a receipt from Lawland's Pest Control, dated Oct 31, 2013 and Nov 14, 2013 treatment for bedbugs
- doesn't see a follow up confirmation re: bedbug extermination; we will need to see that

Ms. Moermond:

- if we don't have a C of O issued by Feb 5, she will ask that they Order the building Vacated by Feb 10, 2014; they can also choose to write a criminal citation
- photos: she sees mold and mildew in the basement
- the next inspection is scheduled for Jan 24, 2014 at 9: 30 am
- Referee Yannish will be reasonable
- asked Ms. Shaff to review the items with the inspector and probably go along to the inspection to make sure that this is handled perfectly (copy her with things in writing)

Mr. Peterson:

- they are going to rip that out in the basement
- his fear is that the inspection will just keep adding things to the list

Referred to the City Council due back on 2/5/2014

8 [RLH VO 13-65](#)

Appeal of Allen Peterson to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 951 DESOTO STREET.

Sponsors: Brendmoen

Property owner must be in compliance by February 10, 2014 or the building must be vacated.

RE: 951 DeSoto Street (Apartments)

Mr. Klusney, Attorney, Southern Minnesota Regional Legal Services (SMRLS), appeared.

Alan Peterson, owner, appeared.

Ms. Moermond:

- this has a lot of moving parts
- an Emergency Tenant Remedy Action was happening
- repairs were going on

- we had an additional complaint come in

Fire Inspector Leanna Shaff:

- this was Laid Over to get results from an inspection
- Inspector Tonnancour went out to inspect
- we still have 20 items on the list
- have some concerns
- read Inspector Tonnancour's email to Mr. Klusney: Please see the attached copy of the Orders from the re-inspection. I have a couple of concerns. Mr. Peterson decided to renovate an entire unit instead of gaining 100 per cent compliance on the property as a whole.....He opines that Mr. Peterson is not taking this seriously. At the last hearing, I made it clear to him that he needed compliance prior to any renovations taking place. Also, at the time inspection, there were still repairs that needed to be completed, along with the 2 broken windows that he claimed to not know about (failure to maintain his property). The inspection took place Jan 10, 2014; some items are pretty serious
- there have been 5 inspections on the C of O process

Mr. Klusney:

- ETRA: yesterday, we were in court
- history and summary: when they saw that the C of O was being Revoked, they filed an Emergency Tenants Remedy Action; the first hearing was held Dec 16, 2013 there was a Court Order to make the repairs by the next hearing, which was Dec 30, 2013; not all the repairs were done, so we were scheduled for another hearing that took place yesterday; the pattern seems to be that there has been a substantial amount of repairs that have been made during this period and there are a few left; in court, yesterday, we went through all of those and Referee Yannish agreed that what's left wasn't very substantial but none the less, they were there; the Order that was issued last Thursday said that "the remaining repairs need to be done by Jan 24, 2014 or the building Vacated; so, Referee Yannish accepted the recommendation; the inspector told Mr. Peterson that this was going to be it; by the 24th, everything else needed to be taken care of
- based on what happened in court yesterday, it sounds to him that there may have been some miscommunication about smoke detectors, etc.; Mr. Peterson brought some of the documentation with him today
- SMRLS represents 1 of the tenants and are counseling another tenant on this situation
- SMRLS would really like to see this building not be vacated
- if the repairs are not made by Jan 24, and because this would be the 3rd time in court, Mr. Peterson would be facing a \$750 fine; and if the building were to be vacated, he's been court ordered to put up his client in a hotel which will cost Mr. Peterson, for that size of family, at least \$100 per day; and ultimately, the building would go onto the VB list
- he thinks it's a huge incentive for Mr. Peterson to get this all taken care of
- it sounds like one of the issues, concerning some broken windows, was not even on the original set of Orders
- his office has done a lot of work on this to persuade Mr. Peterson to get this all done
- Referee Yannish listened to Mr. Peterson's explanation of each of the repairs in court yesterday and was convinced that there is not a substantial amount of stuff here that is left
- his recommendation would be to hold off
- the next court hearing is Jan 28, 2014 but there is an interim order that says he needs to fix everything that's in the Jan 9 Order

Ms. Moermond:

- the Revocation and Order to Vacate is in play and that appeals to the City Council

- SMRLS filed an ETRA

Ms. Shaff:

- there's repairs in Unit 2, the basement, Unit 1, Unit 3, Unit 4, Unit 5, Unit 6, the extermination, the driveway, providing the access to the entire building, exterior window/screens
- Ms. Flygare was involved with different tenants in this building one year ago; she fears going through this annually

Mr. Peterson:

- he resents the inspector's comment that he's not taking this seriously
- they will move the unused washers and dryers to the garage
- about renovating the unit; he wanted to do a nice job, not just apply a bandaid
- what was left at this last inspection was the carpeting; and that would have been done except when they pulled it up, they found a substandard subfloor (he doesn't know how this building, especially this subfloor, survived the code compliance done a couple of years ago; the work was done horribly)
- we are going over and above of what is being asked of us; we are taking this very seriously
- he has some questions; this is unfair
- #1-new one: the interior of the glass is broken; the exterior glass is not broken (he doesn't know if that will be done on time because it's thermal pane and it has to be sent off for vacuum sealing (?) but it will be paid for and we'll show you the receipt)
- #3-closet door: the tenant wants the closet door off; he keeps taking it off because he has drawers in there; is it really required to have a door on there?
- #5-new one: we will put on a new toilet seat
- #6-this is correct; we didn't have the carpeting installed; it was purchased and lying in the unit
- #7-the kitchen floor was done; doesn't know why this one is not "off" the list
- #8-new one: there's a large piece of missing pane; he will find it
- #9-he says there's water leaking around the ceiling; there is not water leaking from the ceiling; we've checked it gout; we've gone there when it's raining and there is no water leaking; I explained this all to him; so, then, he wants proof of the roof repair; we've been up there and checked; there's no leak; how do I get rid of this one?
- extermination; he had emailed the reports and this time, he brought with him a hard copy; doesn't understand why the extermination isn't off the list, as well as the smoke alarms; he also brought in the smoke detector affidavit and a copy of all the extermination treatments; that should be "off" the list
- driveway: is on the next door lot; it's not our property; it's a vacant lot; someone is plowing it but it's not me; he doesn't know whose cars are parking there; he will again issue a letter to his tenants; this vacant parcel is south of us
- he went through all the items, one by one, with Referee Yannish yesterday: which ones were new; which were old; what he has done and what he has not done; she didn't think any of them were very substantial; I should work it out with the inspector to get it all done

Mr. Klusney:

- the reason we're involved is because we don't want it vacated
- doesn't think there's really any safety issues left but it's small stuff that the city wants done to sign-off on the Certificate of Occupancy
- most of the EMTA cases that we go into have real serious stuff involved; when it started this was serious; now, the seriousness is not so much; we now are frustrated and the city is frustrated with how much time has gone into this; now, he's almost there
- one more inspection Jan 24, 2014; so, Referee Yannish scheduled another court date right after that; she doesn't see this from the city's side; she sees the

improvements that have happened

Ms. Moermond:

- *asked Mai Vang to print out the photos from the lastest inspection in Jan 2014; scan them, the extermination reports and the smoke detector affidavit*
- *at City Council Feb 5, 2014*

Ms. Shaff:

- *sees a receipt from Lawfland's Pest Control, dated Oct 31, 2013 and Nov 14, 2013 treatment for bedbugs*
- *doesn't see a follow up confirmation re: bedbug extermination; we will need to see that*

Ms. Moermond:

- *if we don't have a C of O issued by Feb 5, she will ask that they Order the building Vacated by Feb 10, 2014; they can also choose to write a criminal citation*
- *photos: she sees mold and mildew in the basement*
- *the next inspection is scheduled for Jan 24, 2014 at 9: 30 am*
- *Referee Yannish will be reasonable*
- *asked Ms. Shaff to review the items with the inspector and probably go along to the inspection to make sure that this is handled perfectly (copy her with things in writing)*

Mr. Peterson:

- *they are going to rip that out in the basement*
- *his fear is that the inspection will just keep adding things to the lis*

Referred to the City Council due back on 2/5/2014

Vacant Building Registrations

9 [RLH VBR 14-5](#) Appeal of Michael Hawes to a Vacant Building Registration Requirement at 405 JESSAMINE AVENUE EAST.

Sponsors: Brendmoen

Waive the Vacant Building fee until February 15, 2014.

RE: 405 Jessamine Avenue East (Three/Four Family)

Michael Hawes, Certificate of Occupancy Responsible Party, appeared.

Fire Inspector Leanna Shaff:

- *Fire Certificate of Occupancy inspection that started in the previous cycle; the owner was doing some basic repairs and renovations; a C of O was approved with deficiencies in Dec 2012 but after a significant amount of time had gone by and those items weren't corrected, Inspector Ellis Revoked the C of O for noncompliance (windows) Jul 29, 2013, status-Revoked Occupied; the tenants vacated in Sep 2013 and the status was changed to a Revoked Unoccupied, still giving the property owner time to comply, which did not happen through a couple inspections*
- *he referred it to the Vacant Building Program in Dec 2013*

Mr. Hawes:

- *he is Tower Properties LLC, owner*
- *all the Notices went to the Property Management Company, Hamline Properties and not to him*

Matt Dornfeld, Vacant Buildings:

- Inspector Tom Friel opened a Category 2 VB on Dec 13, 2013
- his notes state that the 2-story wood frame, 3 unit building that is vacant and secure was referred to him by Fire Inspector Benjamin Ellis, due to a Revoked C of O; also says: minor siding defects and cracks and crumbling to the top coat of foundation; missing and defective storms and screens; rotted window frame on 2nd floor window; the detached shed/garage has an open service door; sidewalk is not shoveled; some rubbish, concrete blocks in back of garage; there's a "For Sale" sign in the yard
- Inspector Friel issued Orders to clean up the yard and secure the shed; also, remove snow and ice from sidewalk
- as of Dec 19, 2013, Inspector Friel reports that the building appears to be vacant and is secure; and all of the exterior issues are in compliance (Summary Abatement Order)

Ms. Moermond:

- Tower Properties LLC has a partner

Mr. Hawes:

- he is appealing to get off the VB list; it's up "For Sale" with an offer, contingent on it being off the VB list
- his realtor wasn't sure why the building was even on the VB list
- they had a tenant who put her wrist through the window; it was a psychotic episode; has police report
- they had bad tenants who wouldn't let the inspector access the inside; Jul 29, 2013, the police evicted this scary tenant
- after that, they started to fix the windows
- he believes that the first Notice went to Hamline Properties, a property management company that is no longer in business
- they completely re-did everything because the evicted tenants had trashed everything
- he called Inspector Friel, who said that it was a fire inspection issue
- when he called the fire inspector who wrote the report, he said that he had talked to the owner; and if you are the owner, I talked to you in great length about the deficiencies; so, he asked if the inspector could just tell him what the issues are and the inspector said, "Well, I've already done that." He then called up his partner, who said that he didn't get a report and no one talked to him about deficiencies; so, he thought, the report must have gone to Hamline Properties; he went to DSI downtown to get the report and it talked about the window; the supervisor suggested that he appeal; she was surprised that it would go to this extreme on 1 issue
- all the work has been done and we have an offer on the house; have a YouTube on it

Ms. Shaff:

- she is reading - the referral is dated Nov 9, 2012: "Unit has been waiting 3 years to get storm windows installed; also, other windows on building have been broken or missing there are missing screens or broken doors;" so, we know this has been going on at least since 2012
- she is not seeing a permit for the replacement of some windows

Mr. Hawes:

- we replaced the windows that were broken with new glass and caulked them
- he has the police report
- after that psychotic episode where the tenant put her wrist through the glass, the tenants put plexi glass over the broken window
- once he was able to get in there, he put glass back in

Ms. Moermond:

- the C of O was Revoked for long term noncompliance
- she hears that you and your people were afraid of these tenants and didn't deal with it because of that
- fire inspection staff went out there a couple of times and in Sep 2013, they noticed that the building was empty but the problem still existed; they noted that and referred it to the VB Program
- in Dec, 2013, you have an offer on the place
- she doesn't know what's going on inside the house
- there's only 1 item left but there's a question of what Mr. Hawes needs to do to sell the property
- perhaps, this needs a Code Compliance Inspection
- in the letter Mr. Hawes got, it said that the Vacant Building Registration fee is \$1,440 annually
- asked staff if there was a request for a waiver

Ms. Shaff:

- there was to A. J. Neis
- on Jan 9, 2014, the property owner called wanting us to remove the VB status

Mr. Dornfeld:

- there is no HOLD as of yet on the VB fee; it comes due Jan 15, 2014

Ms. Moermond:

- he will need one of two documents to sell the building: 1) Fire Certificate of Occupancy; or 2) Code Compliance Inspection Report
- she wants him to get his Fire C of O re-instated; so, let's get an inspector in there; pay the Fire C of O fee
- do all of the repairs quickly and correctly with the appropriate permits and she will get him out of the VB Program
- if he doesn't do that, he will be kept in the VB Program
- she will waive the VB registration fee for 1 month - Feb 15, 2014
- call the inspector to schedule an appointment for a fresh Fire C of O inspection
- Mai Vang provided him with an application

Referred to the City Council due back on 2/5/2014

10 [RLH VBR 14-3](#)

Appeal of Lorie Miller, Camelot Estates, LLC to a Vacant Building Registration Fee at 1747 MARSHALL AVENUE.

Sponsors: Stark

Deny the appeal.

RE: 1747 Marshall Avenue (Three/Four Family)

Lorie Miller, Camelot Estates LLC, owner, appeared.

Matt Dornfeld, Vacant Buildings:

- Category 2 Vacant Building since Jul 19, 2012
- Camelot Estates went thru Sale Review Process and was approved to purchase on May 13, 2013
- since then, they gave them a 90-day VB fee waiver Aug 1, 2013
- gave a 2nd VB fee waiver for 45 days on Oct 29, 2013
- for this hearing, it was extended for another 30 days until Feb 7, 2014
- believes that the property owner is here to request a little more time on the fee
- all the trades' permits are pulled and open

- not sure how far they are from complete compliance

Ms. Miller:

- apologized - didn't realize that this was the 3rd extension already
- was hoping that the plumbing would have been finalized by now
- the other trades permits are nearly finalized except for the building one
- says that the HVAC permit will probably take 4 months to final; they have upgraded the property from boilers to forced air and have additional costs of \$60,000 - this made more sense but it took a lot longer than she anticipated; they had to get the gas company out - all delayed the sheet rocking, etc.
- they are working in there as much as possible and they are working on the exterior issues
- this is her first experience with all this, too

Ms. Moermond:

- have got 6 months worth of extensions already
- will recommend that this go forward; it's a bill and if the bill isn't paid, it turns into an assessment; the Appellant will have a chance to appeal that assessment
- getting things done more quickly than not will be in her favor in order to get the assessment reduced
- will recommend denying this appeal
- when this comes up as a tax assessment, the Appellant will get a letter from the city with a yellow post card - send that yellow card back in to appeal that assessment; so, before this goes onto your property taxes, you have another chance to ask for a reduction
- this VB fee is for Jul 19, 2013 to Jul 19, 2014 bill
- can also go before City Council Public Hearing on Feb 5, 2014

Mr. Dornfeld:

- if this is done by Feb 7, 2014, you'd be completely out of this

Referred to the City Council due back on 2/5/2014