



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, March 14, 2017

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Other - Repurchase Applications

- 1 [RLH OA 17-7](#) Making recommendation to Ramsey County on the application of June D. Calton for repurchase of tax forfeited property at 34 WINONA STREET WEST.

Sponsors: Noecker

Ms. Moermond:

-34 Winona Street W; looks like this property went tax forfeit because the owner went into the nursing home; the mother and her daughter had lived there; the daughter was not able to manage the taxes without mom's income to supplement; now, the daughter wants to repurchase so that she can pull out the equity in order to have a little money for herself; she calls it her nest egg for retirement

-what do you think after looking at the code enforcement history on this property, Steve?

-I see that is just went into the Vacant Building Program this last week

Steve Magner, Code Enforcement Manager:

-up until then, we really didn't have any complaints on this property

-we got a list of vacant properties from the county and we were asked what we planned on doing with this one; so, we went out to look at it; we noted that it was vacant & that it needed some work; so, we opened a Category 2 Vacant Bldg file on it

-there have not been many other problems

-we understand that it's unoccupied and outside of a couple of permits, there's been nothing in the last 5 years

-I am not opposed to repurchase

-with an owner-occupied property, it's 6 years

Ms. Moermond:

-I don't see any problems with the file

Mr. Magner:

-I don't see any problem with allowing repurchase

-I'm surprised that they wouldn't have tried to sell the property before it forfeited to do this

-ultimately, they will need to understand that they are going to have to go thru the normal steps

-back taxes are \$9,000

Ms. Moermond:

Recommends allowing for repurchase.

Referred to the City Council due back on 4/5/2017

2 [RLH OA 17-8](#)

Making recommendation to Ramsey County on the application of Steven Mevayaro Okagbare for repurchase of tax forfeited property at 718 ORANGE AVENUE EAST.

Sponsors: Bostrom

Ms. Moermond:

-there's not much of a police history but a somewhat more going on code enforcement wise

-taxes are really, really high

Steve Magner, Code Enforcement Manager:

-this has been in the VB Program since 2009

-the city has been maintaining it since 2009

-to me, the discussion I should be having with my staff is should we be addressing this as a potential for an Order to Abate.....

-I certainly would not allowing this applicant to do a repurchase because he clearly has no capacity to solve his problems

Ms. Moermond:

-given substantial history: utilities shut-off that started in 2009 getting it into the VB Program; they have abandoned the property to the city to maintain since that time; it has presented a municipal problem; and therefore, I would say to the City Council that their resolution should recommend against repurchase

Mr. Magner:

-looks as though they bought this out of foreclosure; went into foreclosure in 2009; looks like in 2010, Steven Mevayaro Okagbare purchased the property; he applied for a bldg permit & an electrical permit, both have long expired; same with the mechanical & warm air; obviously, he had some intent to rehabilitate it when he first purchased it

-after that, from 2012-2013, the city seems to have been doing all of the maintaining

Ms. Moermond:

Recommends denial of the repurchase.

Referred to the City Council due back on 4/5/2017

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

3 **RLH VO 17-3**

Appeal of Theresa Salais-Wietzel and Daniel Veessenmeyer to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 171 GRANITE STREET.

Sponsors: Brendmoen

Daniel Veesenmeyer, occupant, appeared.

(Mr. Veesenmeyer can be heard but his words are not easily understood.)

Inspector David Smith is shadowing Fire Inspector Neis today, as well.

Fire Inspector A J Neis:

-Fire Certificate of Occupancy Condemnation/Order to Vacate, conducted by Fire Inspector Joe Brown on Feb 22, 2017 with a Vacate date Ordered for Mar 9, 2017 at 11 am

-Insp Brown went back out to the property on a routine fire inspection because the C of O was due for renewal

-Insp Brown consulted with me because he was rather surprised at the condition of the home; he found multiple code violations on the interior and the exterior violations have compounded far beyond what they were the last time this was heard; and that's why Code Enforcement Inspector Sean Westenhofer is here today, as well

-previously, the Appellant was given more than ample time to get the property cleaned up: junk, vehicles without doors; fire wood lined up close to a city block long in the back; the occupant had admitted to the inspector that he was using the home for business use and scrapping; there were smoking materials inside the home that had been improperly discarded, which is very dangerous when you have excessive accumulation of materials of clutter; the smoke detectors had been disabled, which had been done previously; the Appellant put the batteries back into the detectors while he was there; there was a gas stove that had been installed without a permit; there was gas-powered equipment being stored inside the house; it appears that they may even have been taking out part of the foundation for additional storage; Insp Westenhofer can speak to the exterior

-this is not only an unsafe bldg but this entire property is becoming a public nuisance, which is the reason for the Condemnation

Ms. Moermond:

-is there a Summary Abatement Order on this property?

Mr. Westenhofer:

-we don't have a recent one; this file was just handed to me the other day to follow-up on; the last SA was sent Jul 11, 2016 and it looks like Insp Ed Smith had been assigned to monitor the property; it looks as though he's been out there weekly but I don't see any other Orders for this property

Ms. Moermond:

-normally, the Fire Orders in and of themselves give a date for the completion of the work but they don't have the authority that code enforcement has to do the work if the owner does not take responsibility for doing it

-would you, Sean, be writing a new set of Orders that address these exterior code violations?

Mr. Westenhofer:

-my intention is to update the Orders; I will be sending out a SA, a VA along with a Correction Notice

-I have been out to the property and these photos are current-from this morning: you can see the vehicles in their current state of disrepair; vehicles that are not properly licensed; some vehicle tabs have just expired; also, there's a long wood pile (some off the ground; some not); scrap parts; I will be writing up all of that

-it appears that the neighboring property will also be receiving Orders

Mr. Neis:

-photos of the interior in the Fire C of O folder
-the occupant has been instructed many times to not park in the unapproved parking areas in the yard
-there's a bobcat that is continuously run around the property and the neighborhood; it's parked in the yard, too
-there was a junk vehicle parked blocking the sidewalk & partially on the property
-on Feb 23, when I went out, Parking Enforcement & SPPD came out and gave the person who owned the vehicle an hour to move the vehicle or it would be towed
-this property has been given multiple chances to comply; whether it be malicious or what, it continues to deteriorate for the occupants and is a public nuisance condition to the entire neighborhood

Mr. Westenhofer:

-as you see in the photos, the bobcat is blocking the public sidewalk and it appears to be plugged into something-being charged; he is continuously doing that

Mr. Veesenmeyer:

-I might have to plow snow in the morning

Mr. Neis:

-there was no snow when I went there & the bobcat was parked in the same spot
-Inspector Brown spoke with the Appellant on Feb 22; the insp told me that the Appellant had admitted to using the home for business use, which is made clear by the photo evidence

Mr. Veesenmeyer:

-there's no scraping

Ms. Moermond:

-the most important question right now is "Can you live there right now?"
-to Mr. Veesenmeyer, "I'm going to assume that you want to appeal whatever Orders Mr. Westenhofer writes about the clean-up of the yard"

Mr. Veesenmeyer:

-I might have to appeal to clarify
-the property next to the alley is a commercial property & I should be able to park there; you told me last time that since the alley wasn't paved it was OK for me to park there; I put in class 5

Ms. Moermond:

-I'm going to ask Mr. Westenhofer to get me those Orders & I will attach them to this appeal (all 1 topic; all together)
-class 5 can be used as a parking surface but you would still need to get approval from Zoning as to where the parking surface could be place on the property

Mr. Westenhofer:

-and that would require a shared parking agreement between the shared partners

Ms. Moermond:

-let's talk about the Order to Vacate
-I'm going to put a deadline of Mon, next week, Mar 20 on the Orders; we can talk again next Tue, if we need to, about your plan to address those items in the context of Mr. Westenhofer's Orders because there's significant money attached to the city doing the clean-up & I don't want to kid you about that

Mr. Veesenmeyer:

-it's spring time & I'm short of cash

-I was working on the interior but when Mr. Brown came, I was stuck.....

-I used to own this property; had finance problems; now, I am in the process of buying it back; explained his arrangements with Mr. Berget, owner

Mr. Neis:

-I certified the building in Oct 2015; it was approved with one remaining violation: he was to have the permit finalized for the kitchen

Mr. Veeseemeyer:

-I called the inspector but the permit wasn't finalized; he told me to take a picture of the smoke detector & I did that

Mr. Neis:

-I can't verify that

-Virgil Thomas was the inspector; the kitchen had been gutted and needed to get done; the permit was pulled but not finalized; that stove was not there when I last inspected; we were waiting for the kitchen permit to get finalized; there have been a lot of mis-truths

-Insp Brown found evidence of burning construction materials in the yard; the Appellant denied any burning but when I went out there the next day, there was a smoldering pile of particle board in the yard

-this property has been a continuous problem

Mr. Veeseemeyer:

-that stove was there in 2006

Ms. Moermond:

-things are not great from looking at the photos

Mr. Veeseemeyer:

-I have most of the interior done; needs paint

-I have a lot of tools; I got rid of the pressure washer; the foundation is not compromised at all; I was cleaning the dirt

Ms. Moermond:

-do you have a photo of the area of the foundation being dug out?

-if you are doing something with the foundation, I will need to see a bldg permit so an inspector can confirm that work and see that things are moving ahead properly

Mr. Neis:

-I have it in the C of O file; (attach Feb 2 photos to file; white bucket with green strip on it)

-the dirt in the basement is not intended to be removed (Mr. V: I was just cleaning up some of the dirt)

Ms. Moermond:

-I'm familiar with your property & your problems; a garage would help you with storage but it may not solve all of your problems; you need to have your house not have code violations

Mr. Veeseemeyer:

-it sounds worse than it is

Mr. Neis:

-in addition to the life safety issues, Chapter 34 clearly says that if a home is being

used as a home business without having been approved as such, condemnation is warranted

-from the photos, you see clear panoramic views of clutter & house is only 14 feet wide

Ms. Moermond:

-would warrant Condemnation or Revocation of the Certificate of Occupancy? (profoundly different issues)

Mr. Neis:

-under Chap 34, it says, "Action authorized to Condemn structures as unfit for occupancy" and then it gives the definitions of what that would be.....

Ms. Moermond:

-I'm honing in on material endangerment, which I do see present vs. more of a regulatory problem, which I would see as a Revocation of the C of O but not for Condemnation of the structure; Condemnation necessitates Revocation, also; we've got it coming from both directions

-the Appellant is saying that he corrected a bunch of things right away: smoke detector was addressed while the inspector was on site

-this bldg is headed to become a Vacant Building; I don't know if that's clear to you & Mr. Berget; it's Condemned right now; you appealed the Orders (Feb) some of which have been corrected; I am more than happy to send out an inspector to confirm that
-looking back, 18 months ago Mr. Neis gave Mr. Berget a C of O; now, you're here & taking responsibility

Mr. Neis:

-Mr. Veeseemeyer is a contractor; he does plaster & stucco, etc, so the permit for the kitchen would be in his scope

Ms. Moermond:

-but items 5,6,7,8 are electrical items; cover plate off; damaged electrical fixtures; extension cord wiring; frayed wiring

-in one of the photos, it looks like an old thermostat was pulled out of the wall

Mr. Veeseemeyer:

-there's no frayed wiring

-there's all brand new wiring in the house - since 2006

-the thermostat hadn't been hooked up right; was in the process of

Mr. Neis:

-the electrical permit pulled went inactive; was not approved/finaled

-there's pictures over the kitchen sink of extension cords; it looks like there's a brown 2-prong extension cord being plugged into a 3-prong appliance (electrical hazard); a photo of an improperly installed light fixture

-the thermostat belongs in the wall

-going back to the C of O approved with Corrections; it had 2 deficiencies: 1) exterior parking space - not to park there (if I recall, they were given additional time by the Council to square that away; and 2) the other was for the ceiling in the kitchen, which was to have the permit finaled; both would not hold up the approval of a C of O

Mr. Veeseemeyer:

-the thermostat is in the wall

-at the time, I called Mr. Thomas and he came out and said, "Everything was fine;" he just asked me to send him a picture of the smoke detector installed, which I did

Ms. Moermond:

-was this the first inspection that Mr. Brown had at this property?

Mr. Veesenmeyer:

-yes

Ms. Moermond:

-it talks about removing clutter in here - that house is really full of stuff; when you're talking, it sounds as if you've got your son there, at least part of the time; and a girlfriend there, at least part of the time

Mr. Veesenmeyer:

-my son was using the upstairs for a closet; he lived there a long time ago; he did come back for a while after a car accident; when Mr. Brown came, he was taking clothes out of the room

-a lot of the stuff is my tools

Ms. Moermond:

-Mr. Neis, can you get an inspector out there next Mon, Mar 20?

-I'm thinking that we'll re-visit this on Tue with fresh information from a fresh inspection

-I'm interested in seeing all of this addressed in the interior by Mon; we will talk about the exterior & whatever isn't done next Tue, Mar 21 at 11:30 am

-you need to stop running your business from the property because it appears that you don't have a home occupation permit; some types of businesses are allowed from home; some are not under the city's code

-you are looking at being a Registered VB & not having your house any more because of the conditions that are going on

-first fix the interior and you better do it under permit (electrical work; the heating appliance in the kitchen needs to be repaired/replace by a licensed contractor)

-the clutter in the basement needs to disappear; I need an assessment of the basement, which cannot be done with all of that clutter in there

Mr. Neis:

-Mon at 10:30, I will do an inspection & I will do my best to get a bldg inspector to come with me

Ms. Moermond:

-I will call Steve Ubl and ask him to free up somebody at 10:30 on Mon

Mr. Neis:

-I will ask, as well; Inspector Westenhofer will join me

-we may need to adjust to get a bldg inspector to come with

Ms. Moermond:

-Mr. Westenhofer will write a SA, VA & a Correction Order; those Orders will be added to this appeal

-I would like the items that Mr. Westenhofer covers in his Orders to be removed from the Fire C or O Orders, so they appeal in only 1 place

-you will be sent a letter confirming this action

-the letter will also be placed in Mr. Veesenmeyer's mailbox (Mr. Westenhofer will do that, personally)

-this will go to City Council Public Hearing on Apr 5, 2017

Note: Summary Abatement Order, Vehicle Abatement Order & Correction Orders will be issued for extension; these Orders will be added to this appeal. There will be a follow-up inspection on Monday, Mar 20, 2017.

Laid Over to the Legislative Hearings due back on 3/21/2017

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 4 [RLH FCO 17-30](#) Appeal of Cheryl Mikel, Love in Action, LLC, to a Correction Notice - Re-Inspection Complaint at 605 COMO AVENUE.

Sponsors: Thao

Follow-up inspection with Supervisors Wiese and AJ Neis, revised order to be discussed at next hearing.

Laid Over to the Legislative Hearings due back on 4/4/2017

- 5 [RLH FCO 17-33](#) Appeal of Kathleen J. Schmieg to a Fire Safety Inspection Appointment at 422 JESSAMINE AVENUE EAST.

Sponsors: Brendmoen

Kathleen J Schmieg, occupant, appeared.

Fire Supervisor Leanna Shaff:

-complaint came in Jan 6, 2017; it read, "The owner does not reside at this property; person, allegedly is renting out rooms, possibly more than 4 unrelated adults occupy the house; there are bars on the windows;"

-inspectors went out & did not get a response when they knocked on the door

-Ms. Schmieg is Power of Attorney for the owner; she lives at the property with her son, his wife & their 2 kids; a guy & girl are have been staying there for the past months because they didn't have a place; the girl would not allow access; they spoke on the front steps

-we transferred this to the Fire C of O Program; we have not been inside the home

Ms. Moermond:

-do we have a copy of the Power of Attorney?

Ms. Schmieg:

-I could not find that but I can get a copy for you

Ms. Moermond:

-I need to see that if you are saying that it applies to this case; Ms. Shaff, does it apply?

Ms. Shaff:

-well, it goes back to..... a.. Ms. Schmieg lives at the property & did before the incarceration; it's a tough one

Ms. Moermond:

-so, how is this different from having an owner, who died & we have a nephew who continues to live at the property & there's no responsible party, in that case; how does this differ from that?

Ms. Shaff:

-it differs in that.... they were functioning, basically, as a family prior to the

incarceration; it's not like the property owner is dead; the family unit's continuing to live there while he's gone

Ms. Schmieg:

-I have no ownership in the property; he's been incarcerated since 2010 & I've been there since 2001; I don't have interest in the ownership part; I'm there to take care of it while he's in prison; I don't pay any rent

-the day that the fire inspector came to my house, he came on a Fri morning; I just got out of bed, I told my son to get me a robe; the fire inspector said to me, "You don't need robe; just let me step on in;" I thought that was very unprofessional; he had no I.D.; I told him that he could come back on Mon; you can't just knock on my door & expect to come in without any notice; he said that he wouldn't be around on Mon; I had the code inspectors there before the fire inspector came

-I put bars on my bedroom window because I am afraid that someone would come in; they have been there since 2010

-it's not a rental

-and that fire inspector was so rude to me; he said, "If you have more than 4 people living in your house & you aren't relatives, it's a rental;" I have 3 people there who aren't relatives; the rest are my relatives; I asked him what would happen now? and he said, "I don't know; they'll have to move;" I asked why? I don't have more than 4 unrelated; he said, "Well, I'll have to talk to my supervisor;" that's how it ended; I don't even know if he was a fire inspector

-all this has been going on since 2000 when the house was Condemned when Robert first got into trouble

-now, all of a sudden, it's a rental; I think that's unfair to me

Ms. Moermond:

-I don't understand; I've never heard that before

-I think this went down the wrong path early on

-the code goes by whether or not a property is an owner-occupied single family or owner-occupied duplex; if it's not owner-occupied, it' needs a Fire Certificate of Occupancy; it doesn't say anything about being rental

-I feel as though we are splitting hairs about to what extent this is an owner-occupied home while Mr. DeFlorin is incarcerated

-there are 2 situations where we routinely allow non owner-occupied single family homes & duplexes to be released from the Fire C of O Program: 1) where the property is held in Trust; mom & dad have lived there for 40 years & now, have put the property into a Trust; they continue to live there; their name is not on the deed anymore; the Trust owns it; or 2) where an argument can be made that the property is functioning as part of a household that is contained in 2 houses; classic example: a child who has some disabilities & has some dependence on a parent, a sibling, some familial relationship; someone who doesn't live in the same house but who could not live independently, either

-here, you've been with Mr. DeFlorin for a while; your household is here; you don't fit into the box where I would say, you are an owner-occupant or a Trust or

Ms. Schmieg:

-if my name would be on the house, would it be owner-occupied?

-a Quit Claim deed?

Ms. Moermond:

-that's where I'm going

-Power of Attorney would not necessarily put your name on the house

-yes, a Quit Claim deed would

-there are also ways that you can do a partial ownership interest, as well

-they would work to get you out of the C of O Program

-the zoning code says that you can have up to 4 unrelated adults living with you
-the fire code can limit the number of people if you don't have enough square footage
-get an ownership interest in the property or you'll need a Fire C of O
-deadline: Jun 1, 2017 to get a proper legal document filed with the Fire C of O folks that shows you have an ownership interest in the property

Ms. Schmieg:

-continued to talk about the unprofessional way that Fire Inspector Daniel Klein treated her

Ms. Shaff:

-asked Ms. Schmieg to talk about that with her in the hall

Ms. Moermond:

Grant to June 1, 2017 for Ms. Schmieg to provide documentation that she is part (or full) owner of the property in order to be released from the Fire C of O Program.

Referred to the City Council due back on 4/5/2017

6 [RLH FCO 17-31](#) Appeal of Don Cameron to a Fire Inspection Correction Notice at 669 YORK AVENUE EAST.

Sponsors: Bostrom

Don Cameron, owner and his son, Lucas, who manages the building, appeared.

Fire Supervisor Leanna Shaff:

*-Fire Certificate of Occupancy inspection on Feb 23, 2017 conducted by Fire Insp Joe Brown
-there are 11 items on the deficiency list
-photos
-some, obviously newer plumbing was done without permits*

Mr. Don Cameron:

*-between Lucas & I, we own about 10 properties like this in Saint Paul; they are all in immaculate condition and are inspected every 5 years
-I bought this one in Aug 2017; in Jun 2017, I came in front of you & asked you to re-instated the C of O; the city had Revoked the C of O on the former owner with this list of violations; in Jun, I told you that I would buy this & fix it up on the condition that you would re-instate the C of O & you did that....*

Ms. Moermond:

-I don't think so; I think what I would have said in that case is, "If you address the code violations, the C of O will be re-instated;" (he brought up the letter directing him about York saying that the C of O is no longer Revoked)

Mr. Don Cameron:

-I fixed it all up; put in a new boiler, etc; all has been done

Ms. Moermond:

*-it, obviously needs additional repairs; you must agree with that
-I'm looking at cut open holes in the walls; exposed plumbing; fire damage; stove that's compromised & burnt; when I look at these, I think, "These are things that need to be addressed" (photos)*

Mr. Don Cameron:

-they all have been addressed except for items #9 & #11
-#9 - we had a plumber in Unit 3, who said that the tub overflow drain was not connected to the pipe, so, he flagged that (we had done nothing to the plumbing in there); we can go in there & hook it up; that's not a problem but the plumber said that a city plumbing inspector would come in and make us redo the plumbing in the whole bldg & right now, the bldg is filled with tenants
-I'm asking you to remove items #9 & #11 from this list

Mr. Lucas Cameron:

-he bought this bldg & we both have worked on it together; this is our full-time job & we take pride in what we do with our properties
-we were working with the previous owner in Jun-Jul of last year; he was in his mid-80's and not capable of maintaining the property; we worked with him and Inspector Thomas to do everything that was required for that fire inspection (he listed the items); we spent \$61,000 in repairs to satisfy Mr. Thomas' list to improve this property; and we did not touch 1-inch of waste piping; it is existing plumbing

Ms. Moermond:

-I'm not sure where you're going with the argument that it was existing; I guess that you didn't create the problem; that's clear - you are new owners; you walk in & that wasn't part of your scope of work; I believe you
-are you saying that because it's been there forever that it shouldn't be subject to new codes; are you saying....

Ms. Shaff:

-I'm looking at "supply" that's new; we're not talking "waste" here (photos)

Mr. Lucas Cameron:

-what I was trying to get to is that in Unit 3 - why didn't the city, in Jun of last year, flag us to do that plumbing work because we have already completely put in new bathroom vanities, new kitchen cabinets & rented this out to a nice young lady, who is living in there with all of her stuff; she's going to have to find a new place to live; why didn't this get ordered in Jun of last year?

Ms. Moermond:

-this is a picture of supply, not waste

Ms. Shaff:

-I want to make sure that you are aware: when you purchase a bldg that already has leased renters, you purchase their lease to; so, it's not an excuse
-looking at the photo: this here needs new plumbing; if this is new, it is not code compliant installation
-this around the tub is not code compliant

Ms. Moermond:

-a very different deal than tearing up the walls

Mr. Lucas Cameron:

-if we pull a plumbing permit for the supply, they may require us to re-do all the venting in the bldg

Ms. Shaff:

-explained that more than half the houses in Saint Paul are pre-1945; the city doesn't make you bring plumbing up to current codes with every change that is made; remember that code compliance is minimum compliance; that's all that we can enforce

-when you pull a permit, you need to use a licensed plumber in the City of Saint Paul; they can give you an estimate of what it will cost
-I'm not seeing where this is going to result in re-plumbing the whole bldg unless there's a whole lot else that's really bad

Mr. Don Cameron:

-I showed the list to the plumber that we got in and he said that the city would make us tear out walls & re-plumb everything
-I prepared the lease termination Notices for these 5 tenants; I will terminate their leases so that I can get in there & have the plumbers get in there & deal with all of this, which will cost me more than \$40,000

Ms. Shaff:

-asked if he'd gotten a 2nd opinion yet

Mr. Lucas Cameron:

-there's nothing wrong with the plumbing there; there's nothing leaking - no problems whatsoever; this bldg is completely clean & repaired
-the main thing is, why didn't the city flag this back in Jun so we would have known this before we bought the bldg?

Ms. Moermond:

-I don't know what was happening there; I don't want to go there
-right now, we have to deal with the situation as it is
-your fear is that you have to evict everybody & blame the City of Saint Paul because they want to tear up the bldg; I haven't gotten any plumbing inspector saying that they want the whole bldg torn up and re-plumbed; that's the fear that your contractor instilled in you; I have been sitting in this chair for so many years & I have yet to see a case where things go that way but for one (explained)
-Ms. Shaff, would you describe how this is not code compliant right now as shown in the photo?

Ms. Shaff:

-under the vanity, we've got unsupported.... pipes; I don't see permits in the system; & I know that it's not original equipment
-there are all sorts of things in the state plumbing code, which is state law, requires; & all of it must be inspected by a plumbing inspector

Mr. Don Coleman:

-there's one other issue: #9 - the deck (showed Ms. Moermond a photo of the deck-scanned); when I applied for the permits for the garage & chain link fence, I had new asphalt put in; I wanted to put a deck there so, this inspector, Nathan, came & said, "You need a tube of poured concrete 8" diameter & pour it into "..... so, I put that in there; there's 2 footings; I was going to put the deck in this spring but now, with this Order... for me to have to go pull another whole new permit....I already told them, why should I have to pull another permit?

Ms. Shaff:

-inspector notes: the footings were poured; make sure you get a permit for exterior deck
-the footings would be part of a deck permit, not part of a fence permit
-in bold on the Orders: New plumbing requires a permit and new deck requires a building permit.

Mr. Don Coleman:

-I don't have to build a deck; I won't build it

Ms. Moermond:

*-I believe that you do good work & I believe that you have good tenants in the bldg
-I don't have control over anything that isn't in the Orders; I can't project Orders either
-asked Ms. Shaff if there's a reason why there isn't something in the Orders about the
fence & the deck? Usually, there's a note in the Orders to deal with this*

Ms. Shaff:

*-the inspector was just making sure that you know that you will need a permit to
construct the deck*

Mr. Don Coleman:

*-I've already dealt with it; the other inspector said, "Put in some footings here and
you're good"*

Ms. Shaff:

*-you believe that you're taken care of but there is no bldg permit; the bldg permit for a
deck would deal with the footings; all you have is a fence permit, which is not a bldg
permit*

Mr. Don Coleman:

*-for that reason, I'll buy a \$7 bag of asphalt from Menards & cover over the footings &
forget about it*

Ms. Moermond:

*-code compliance is all that we're worried about; just pull the permit; you have the
footings already there
-I'm going to run these photos by the Sr. Plumbing inspector to get his take on them
-I have doubts about the conclusions that your plumbing contractor came to about
this*

Ms. Shaff:

*-and because you're not an owner-occupant, you need to hire a licensed contractor
under permit*

Mr. Lucas Coleman:

*-asked about item #9 which says, "Provide approved plumbing materials;" What
exactly was the inspector referring to because that's kind of vague; what exactly does
he want done with the pipes? (waste lines, supply line, what...)?*

Ms. Moermond:

*-under the sink, according to the photo, the pipes aren't supported as they should be;
I'm not a plumbing inspector & I can't design for you*

Ms. Shaff:

*-that's something that you & your contractor need to solve; looking at it, I can say that
it isn't right; you need to get a contractor under permit out there to figure it out*

Ms. Moermond:

*-I will Lay this Over for 2 weeks
-I will share these photos with the Sr. Plumbing Inspector
-we will communicate to you the expectations*

*Legislative Hearing Officer to discuss plumbing photos with Senior Plumbing
Inspector.*

Laid Over to the Legislative Hearings due back on 3/28/2017

2:30 p.m. Hearings**Vacant Building Registrations**

- 7 **RLH VBR 17-11** Appeal of Mike Kelleher to a Vacant Building Registration Requirement and Order to Vacate 2137 WELLESLEY AVENUE.

Sponsors: Tolbert

Michael Kelleher, owner appeared.

George LeTendre, Attorney, and Erica Minus, House Calls Program, appeared.

Ms. Moermond:

*-I'm the Legislative Hearing Officer & I've had a chance to look through your case
-I spoke with Nhia Vang, who was here last time, about what is going on; it sounds like in the past, you've had problems with hoarding and your house needs some repair work done; also, you have limited income
-I don't know what your intentions are moving forward
-I understand that you cleaned out a lot already
-asked Mr. Kelleher what his goal for this property was*

Mr. Kelleher:

-I would like to get back into it

Supervisor Matt Dornfeld, Vacant Buildings:

*-DSI received a neighborhood complaint of hoarding & gross unsanitary; Inspector Martin Condemned the property and gave him a month to make some corrections, that were slow in coming; Ms. Martin transferred it to the Vacant Building Program; I got the file & opened a Category 2 VB & met with Mr. Kelleher a couple of times at the property; we discussed options, the code compliance inspection, rules & regulations, etc.
-this has been to appeals once at which the Appellant admitted to having boiler problems that were caused by Xcel Energy; nonetheless, the house froze up; the Appellant requested to simply address the plumbing & heating issues; Ms. Nhia Vang agreed to allow more time for clean out to allow the house to be inspectable
-Mr. Wagner & I went out this morning to see whether the house was inspectable and to determine whether or not the plan of having just those issues addressed would be all that was necessary or if a full Code Compliance inspection was needed
-Mr. Wagner ruled that, and I think, in the Appellant's agreement, that the house should have a code compliance inspection; he did not feel comfortable just taking care of the plumbing & heating issues and leaving the electrical/structural as is without going through the code compliance inspection
-Mr. Wagner also offered a loan through PED, that possibly Mr. Kelleher could be granted up to \$25,000 to make these repairs
-Mr. Wagner also volunteered that we'd extend the VB fee waiver another 60 days for a total of 150 days
-Mr. Kelleher intends to re-occupy as soon as possible & as soon as it is code compliant
-now there is confusion over what was explained to them at the property this morning about through this loan process*

Mr. LeTendre:

-yes, someone called to complain but we believe that the reason they called in, we believe, is that because NSP made an error, this place froze up

-we are not denying the hoarding but that's how the whole problem started
-the insurance is going to cover the heating system & the piping system and that's what we offer this morning going forward; let's get the permits & let them go & replace the whole system
-the problem with the loan is that if it's a VB, Mr. Kelleher can't qualify for it; he is willing to do the code compliance now; how can we keep it out of a VB status and still have him comply with inspections and the repairs?
-the insurance will cover the heating & plumbing systems
-the electrical is the next big expense
-there is some plaster issues but this isn't a house that's falling down; there's not a structural problem
-how can we solve these issues, get some financing & get Mike back into his house?
-we are looking for some suggestions

Ms. Moermond:

-one issue is the VB classification; another is, if you're seeking financing
-you aren't working; live on Social Security, about \$12,000/year
-you own a nice house in a nice neighborhood
-you have a small private mortgage (\$4000)

Mr. LeTendre:

-Mike can swing it if it will just be the cost of the electrical system but we don't know how involved the code compliance inspection will be
-if, the heating, plumbing & electrical work is done & inspected, why can't he live there? It's not falling down

Mr. Kelleher:

-I'm living in a motel now & I don't know if the insurance will pick up that cost
-I do have a \$2500 deductible
-the yard is now all cleaned up

Ms. Moermond:

-that works well to get the neighbors more relaxed

Mr. Kelleher:

-that was kind of a mix-up there because Lisa Martin told me to put the stuff in plastic bags & out in the backyard for the dumpster but getting the dumpster didn't go as fast as we all wanted; so, it all went fast in 1 day - everything went fast in 1 day

Mr. Dornfeld:

-and the house is broom clean

Mr. LeTendre:

-and, we don't want it to be unsafe; so, let's do the 3 safety issues to get most items taken care of; yes, there are areas of sheet rock & painting that are needed but they are not safety issues

Ms. Moermond:

-tell me a little bit of what was going on when Lisa Martin Condemned it

Mr. Kelleher:

-on Dec 29, Lisa Martin put the Condemnation placard on the front door; so, I called her & we set up a date when she came out; then, I got a letter saying that in 20 days I had to get everything done; I had 2 cars in the back yard & she told me to get rid of one of them & to wait on the next one; she said that we'll get a dumpster & we'll put it in the back where the car is; well, I didn't get rid of the car fast enough; so, all of a

sudden, everything was gone

Mr. Dornfeld:

-there were multiple Orders on the vehicles and to abate everything in the back yard; that was done Jan 23, 2017

Mr. Kellerher:

-and they took everything including the bird bath & bird houses
-I can understand why the neighbors would complain but I didn't realize that the dumpster was going to be delayed for that long; it's all done now
-I was not in the house any more on Dec 29; I was at the motel & I don't remember getting a letter saying the house was Condemned
-Matt told me about appealing, so I came down & filed the appeal

Mr. LeTendre:

-Mike called me in the middle of Feb & told me that he had set up an appeal; I hadn't seen this letter but I would have appealed at the time because of the situation; the heat going out, the house freezing up, him moving out - not excusing that but I think at that point in time, we could have addressed this another way rather than going into this VB process
-the insurance company recommended Service Master; they came out & hooked up a heater; they couldn't do any work because of the condition; since it's been cleaned out, he has had 1 bid & has 2 more coming; & at that time, we're going to let the insurance company choose which one to go with
-the insurance is going to be paying for the majority of this
-but the problem is that at this point, we can't pull a permit

Ms. Moermond:

-reading the Order, I'm wondering if some of this can be converted to a Correction Order
-Matt, what were you & Mr. Magner seeing today that led him to think a code compliance inspection was necessary?
-the property, according to all of the codes that we go to, needs a code compliance inspection

Mr. Dornfeld:

-a code compliance inspection would give us all of the answers that we are looking for; and Mr. Magner said today that he does not feel comfortable with the electrical system in its current state - not being looked at by a licensed electrician; with that said, I can't speak to what that may entail or to a financial figure; Mr. Magner did throw out a \$5000 - \$6000 electrician job (get a whole new system, GFCIs, etc.)

Mr. LeTendre:

-it's a fuse system

Mr. Dornfeld:

-structurally, the house is good; certainly not in imminent collapse; there are some water spots that could use attention, etc.
-the life safety repairs that need to happen because of the system failure are expensive (\$52,000) - covered by insurance after the deductible
-I'd like you to talk with Mr. Magner

Ms. Moermond:

-this is complicated; we won't resolve it today but we can make it so that the contractor can pull permits to fix the heating system & the pipes, etc. & get to work on that; we will make it so that the city won't block those permits from going through

*-we'll wait another week on the decision of the code compliance inspection report; I might want the bldg official to look at this along with the electrical inspector
-want you to know that we are stepping way outside the box on this & I don't know that I can*

-if the house got wet, maybe the whole electrical will need to be replaced

-give me a week to find out more detail about what was seen today

-we will allow warm air, mechanical & plumbing work permits

-I can't promise that more repairs won't be identified after you finish with the plumber, etc.

-I will add 60 days to the VB fee waiver

-the Appellants will get some electrical bids

Permits may be pulled to address boiler and heating system repair while appeal under consideration. Waive the vacant building fee for 60 days. Owner to provide electrical bid(s) at the next hearing.

Laid Over to the Legislative Hearings due back on 3/21/2017