



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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651-266-8585

Tuesday, January 13, 2015

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 14-26](#) Ordering the razing and removal of the structures at 1007 ARUNDEL STREET within fifteen (15) days after the February 4, 2015, City Council Public Hearing.
- Sponsors:** Brendmoen
- Supervisor Steve Magner, Vacant Buildings:*
- The building is a one-story, wood frame, single-family dwelling on a lot of 3,485 square feet. According to our files, it has been a vacant building since June 6, 2011.
 - The current property owner is GMAC Mortgage LLC per AMANDA and Ramsey County Property records.
 - On October 9, 2014, 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 October 22, 2014 with a compliance date of November 21, 2014. 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 \$8,400 on the land and \$13,600 on the building.
 - Real estate taxes current.
 - The Vacant Building registration fees were paid by check on June 25, 2014.
 - As of January 12, 2015, a Code Compliance Inspection has not been applied for.
 - As of January 12, 2015, the \$5,000 performance deposit has not been posted.
 - There have been ten (10) SUMMARY ABATEMENT NOTICES since 2011.
 - There have been nine (9) WORK ORDERS issued for: Garbage/rubbish; Boarding/securing; Tall grass/weeds
 - Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish is \$12,000 to \$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.
- Amy Spong, Heritage Preservation Commission (HPC):*
- 1988 workers cottage with early additions (1893 and 1932)
 - small one story gabled house
 - original name on permit card is Stein
 - still has some wood windows and wood paneled door

- very little setback from street
- not recognized in 1983 city survey; not within boundaries of 2011 survey
- wide vinyl siding covering majority of exterior (wood siding underneath some places)
- no potential for historic resource (SHPO)
- demolition will have no adverse effect
- may have been a fire

Ms. Moermond:

- roof looks rotted
 - will recommend removal within 15 days with no option for rehabilitation
- Remove the building within 15 days with no option for repair; no one appeared.

Referred to the City Council due back on 2/4/2015

2 [RLH RR 14-27](#)

Ordering the rehabilitation or razing and removal of the structures at 699 HAWTHORNE AVENUE EAST within fifteen (15) days after the February 4, 2015, City Council Public Hearing. (To be referred to Legislative Hearing on February 10, 2015; Council Public Hearing to be continued to February 18, 2015)

Sponsors: Bostrom

Dave Mortensen, Esq., Wilford, Geske & Cook, appeared representing mortgage holder and fee owner, US Bank and HUD; (it's a FHA loan and a HUD property; they have interest in property, although not currently on title; that will be forthcoming) Betty and Bob Revoar, neighbors Michael Beulow, interested in acquiring property

Mai Vang:

- Five Brothers Mortgage called yesterday requesting that this be Laid Over

Mr. Mortensen:

- spoke with Five Brothers' attorney yesterday; they are the vendor hired by US Bank that has been monitoring and commencing repairs at the property; he has been working with them to get information about what's been going on and what's going to happen in developing a Work Plan with them

Inspector Steve Magner, Vacant Buildings:

- Five Brothers contacted their office; DSI responded back that they had already been in contact with Mr. Mortensen and that they should contact him

Ms. Moermond:

- would like Five Brothers copied on correspondence that goes directly to Mr. Mortensen

Mr. Magner:

- The building is a two-story, wood frame, duplex with a detached two-stall garage, on a lot of 4,356 square feet. According to our files, it has been a vacant building since June 28, 2011.
- The current property owner is US Bank Nat Association c/o US Bank Home Mortgage per AMANDA and Ramsey County Property records.
- On October 15, 2014, 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 October 31, 2014 with a compliance date of November 30, 2014. 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 \$11,600 on the land and \$68,400 on the building.
- Real estate taxes are current.
- The Vacant Building registration fees were paid by check on July 15, 2014.
- A Code Compliance Inspection was done on May 2, 2012 and has since expired. A new Code Compliance Inspection was applied for on January 12, 2015.
- The \$5,000 performance deposit was posted on January 9, 2015.
- There have been nine (9) SUMMARY ABATEMENT NOTICES since 2011.
- There have been seven (7) WORK ORDERS issued for:
 - Boarding/securing
 - Tall grass/weeds
 - Snow/ice
 - Exterior – bushes blocking public ROW
- Code Enforcement Officers estimate the cost to repair this structure exceeds \$30,000. The estimated cost to demolish exceeds \$12,000.
- explained that if the city were not to grant time, DSI would send back the Performance Deposit; they would, however, ask for a request to be submitted; then the city would refund that money. If the city grants a period of time, however, and that time expires, then, the city would keep that deposit for failure to comply.
- time periods for Work Orders: currently, there's pending snow/ice; have had complaints in 2014 about tall grass/weeds and snow/ice

Amy Spong, Heritage Preservation Commission (HPC):

- corner large lot property; permit issued in 1924
- says duplex on the index card
- appears that it was probably a wood sided wood frame house and at some time, was stuccoed over (considered a loss of integrity)
- not a lot of interior photos
- gabled roof
- Ole Johnson, original owner
- footprint is 28 ft x 45 ft
- there are some vacant lots between the 2 block faces (not a lot of continuity within the neighborhood)
- historic site survey last done in 1983; neighborhood was re-surveyed in 2011; this property was not identified as having historic potential as an historic resource; also, it is not in a potential historic district
- demolition would not have an adverse effect on the historic character of the property

Ms. Moermond:

- an original duplex on a lot of 4356 sq.ft.

Mr. Magner:

- Five Brothers is listed as the contact on the VB registration form

Mr. Mortensen:

- the bank wants to continue making repairs
- entered some documents: 1) closing document; 2) preliminary work plan based on 2012 code compliance inspection report; 3) 8 pages listing the work that has been done, etc. (so far, client put in approximately \$50,000 worth of work); and 4) photos with a broader context than the city's pictures

Mr. Magner:

- Jan 9, 2015, a document went out to Flve Bros Morg Services and Securing, Warren MI for snow/ice; also went to US Bank address; and Occupant
- we don't have any permit activity on this property; nothing seen since 2002; all work

seems to have been done without permits

- a complaint came in 2011: Custom Electric Services doing electrical work without permit

Ms. Moermond:

- will put a call into Mr. Ubl

- the inspection folks should be looking at what was on the 2012 code compliance report; the work done and what they would call out right now is going to be a little more complicated

Mr. Magner:

- Dec 28, 2011: Dave Blake visited the site; didn't find anyone; then, Dan Moynihan contacted you; then, Sr. contacted Custom Electric Service and left a message; Dave witnessed hazardous wiring into meter, no cover; Dan ordered Xcel to disconnect and call Five Bros Mortg and inform them that the power was being disconnected; Dave red taped the property; (work was being done without a permit)

Mr. Mortensen:

- the photos show that his client is serious about putting money into this building
- he understands the permit issue and he had advised his client what it needs to do
- will update the Work Plan when the new code compliance inspection report is done
- is looking on a fairly short time frame for the interior work once the report is done and permits are pulled
- exterior work - as soon as the weather breaks
- the property needs to be maintained
- looking for 180 days for rehab (CCPH Feb 4, 2015)
- Five Bros is the general contractor
- elect & plumbing - approx \$20,000

Ms. Moermond:

- will need contractor bids and evidence of financing (letter documenting that money (approx. \$30,000) is set aside for this purpose)
- need to update the work plan as needed
- city will charge double fees for permits because work had been started without permits

Betty and Bob Revoar:

-Ms. Revoar: they live close to this house; they have had a lot of bad houses/people living in their area but they do have some good neighbors; if the city doesn't tear it down, the only person they would want to own that house would be Michael Beulow; he has a house near theirs and it's kept up meticulously

-Mr. Revoar: the city wants the quality of life on the East Side to come back but it can't come back when the landlords aren't keeping up their properties; they don't rent to anyone except Section 8; when you have so many people in one area who are depressed, how can it get better; the city has to do something about these landlords; our area is the worst one in St. Paul; we've stayed in our house because we always thought that it was going to get better; crime on the East Side doesn't go reported; the quality on the East Side is bad news; we love our house and are going to stay living there; Mr. Beulow will do a good job

Mr. Beulow:

- owns DB Housing Associates and also a neighbor of this property
- he'd like to see is that US Bank not be allowed to move forward with this property; they've had 4 year that the property has been vacant and they have not performed at all; he would guess that most of the paperwork and the \$50,000 has been for paying the fee for a maintenance company to maintain the property and not for the up keep

of the property

- *he'd like to know when the Performance Deposit was posted (Fri Jan 9 2015)*
- *they've missed deadline after deadline for 4 years*
- *it annoys him that they keep implying that there's some HUD interest, which is supposed to have some significance*

Mr. Mortensen:

- *HUD has a financial interest in the property*
- *US Bank holds the title but HUD will be the owner of it*
- *there was a sheriff's sale*
- *many of these expenses have been paid by HUD*

Mr. Beulow:

- *he doesn't think that US Bank should be allowed to continue with the property*
- *he expressed interest 3 years ago, 2 years ago and about 1 month ago - in purchasing the property and have never received any follow up on any of those 3 efforts (Emails and phone messages)*
- *he is trying to bring what's gone on for years and years to a conclusion*
- *put up or move on, US Bank*

Mr. Magner:

- *is under the impression that the current plan of US Bank is to work with Five Bros to rehab this structure, to obtain a code compliance certificate, which takes it out of the Category 3 status VB and once that's achieved, the property will be conveyed to HUD and then, US Bank and HUD will actually work out whatever financial issues they have and then, HUD will be left with the property and they will market it at will; so, they will do with it what they at that time*

Mr. Mortensen:

- *as a general overview, that's fairly accurate but he thinks there's more into the relationship between US Bank as servicer and HUD as the investor*

Mr. Magner:

- *normally, HUD wants the party who was servicing the mortgage to eliminate the situation before it comes back*
- *his concern with the plan is that the city gets something in writing that says the project will be completely in the time frame established by the city and that we will actually see a code compliance certificate issued; (the city has had situations where the servicer comes in, they check-off 17 items on a 50 item list - meeting the high spots for conveyance; then, conveyance happens and the city is still left with a property that is still a nuisance and HUD will take a period of time to liquidate the asset and the new party has to pick up the pieces of it still being a nuisance property); the problem with all that is that the information dissemination stops when, in this case, your client would convey it to HUD*
- *in this case, we would like to see that your client is actually going to obtain the code compliance certificate; and the house is ready for occupancy*
- *the goal: house fixed up; signed-off and people living in it, paying taxes and contributing to the city*

Ms. Moermond:

- *HUD is not a good steward of vacant housing in the city; they don't do the repairs; they sell it to someone who is completely unaware that there's an Order on the building to abate the nuisance condition, which is alarming; we have Councilmembers talking to congressional and senate representatives about this exact problem*
- *the city would love to see HUD perform; she has her doubts, which is very unfortunate*

Mr. Mortensen:

- he has been before Ms. Moermond several times over the past 5 years; this is the first time where he sees that work has already been started; his client is already in the process: there are already new furnaces there; plumbing is ready to go; electrical is ready to go; we are not starting from scratch here

Ms. Moermond:

*- from her perspective, you really are starting from scratch because until you have a sign-off on a permit, she can't say that the work is done
- if you present a nuisance abatement plan that meets all of the conditions that the city asks for, she would recommend a grant of time if all is OK
- she will call Mr. Ubl to see if an inspection can be expedited
- will LAY this OVER for 2 weeks back here; City Council Public Hearing Feb 4, 2015
- send us a draft; Mr. Magner will copy us or vice versa*

Mr. Beulow:

- asked if a deadline will be established and if that isn't met, are there consequences?

Ms. Moermond:

- the purchaser would be required to do what was expected except for the federal government and as soon as the federal government transfers the property, the purchaser would be required to do what was in the standing Order; she would review it and recommend to the Council about whether or not they should re-open the case

Ms. Spong:

- this property has been determined not eligible for historic national register; goes back to Section 106: The National Historic Preservation Act but the city acts as the agency for certain pots of money we get from HUD; but in this case, it would probably be HUD's responsibility to check whether it has to go through any additional review or consideration

Ms. Moermond:

*- so, there is some great irony in that if HUD doesn't do the fix, the city will use federal dollars to knock it down
Owner to provide work plans, bids, financial documentation and maintain the property.*

Laid Over to the Legislative Hearings due back on 1/27/2015

3 [RLH RR 14-28](#)

Ordering the rehabilitation or razing and removal of the structures at 353 WHEELOCK PARKWAY WEST within fifteen (15) days after the February 4, 2015, City Council Public Hearing. (To be referred to Legislative Hearing on February 10, 2015; Council Public Hearing to be continued to March 4, 2015)

Sponsors: Brendmoen

Wendy Forster, owner, appeared along with her sister.

Michael Fleishmann, Attorney representing Ocwen Loan Servicing, appeared.

Inspector Steve Magner, Vacant Buildings:

-The building is a one-story, wood frame, single-family dwelling with an attached two-stall garage, on a lot of 8,276 square feet. According to our files, it has been a vacant building since November 18, 2013.

-The current property owner is Ronald Forster and Wendy Forster per AMANDA and

Ramsey County Property records.

- On October 8, 2014, 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 October 21, 2014 with a compliance date of November 20, 2014. 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 \$39,900 on the land and \$106,300 on the building.
- Real estate taxes current.
- The Vacant Building registration fees were paid by assessment on December 1, 2014.
- As of January 12, 2015, a Code Compliance Inspection has not been done.
- As of January 12, 2015, the \$5,000 performance deposit has not been posted.
- There have been five (5) SUMMARY ABATEMENT NOTICES since 2013.
- There have been five (5) WORK ORDERS issued for:
 - Garbage/rubbish; - Boarding/securing; - Tall grass/weeds
- Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish is \$12,000 to \$15,000.
- SA and WO occurred: Aug 2014; May 2014; Oct 2013; Sep 2013

Ms. Forster:

- she was not added to the mailing list for any of these notices until Oct 2014; Mr. Dornfeld told her the notices were going to 353 Wheelock

Amy Spong, Heritage Preservation Commission (HPC):

- 1984 raised split level; original owner was James Holland
- was not surveyed in 1983 because the house was not yet built
- the house is not old enough to have acquired any historical significance in its own right
- there is no potential for this house as an historic resource
- demolition would not have an adverse effect from an historic perspective
- neighborhood contains similar era housing
- there are some earlier houses mixed within on the north end

Ms. Forster:

- her son is Ronald Forster

Ms. Moermond:

- notifications are sent to the current owner of record at Ramsey County Property Tax Records
- go to the county records and get current contact/s on the record if you want to get the mail

Ms. Forster:

- she called Matt and asked how they could get into the house to do the repairs; he told her that it was too late
- they would like to hire a contractor to do the repairs; there has been some nice work already done on the house
- it's a very nice house and has a lot of potential
- she and her sister have a lot of money invested in it; they both helped her son buy the house but he has some issues
- they want to fix it up and sell the house; to tear it down would be a shame
- her son was in and out of the house and she was living out of town and wasn't paying that much attention; it is her understanding that her son was told to stop working on the house; then, he disappeared some times; is not sure when it actually went vacant

- she and her daughter-in-law went to the house in Oct; there was a new lock on it; they did a lot of cleaning in the house
- her son is out of the picture; he has defaulted; she is prepared to get the loan current and do the repairs
- believes that to get it current would take about \$12,000; mortgage on it is about \$46,000

Mr. Fleishmann:

- the \$12,000 is past due
- will provide Ms. Forster with an itemized statement of what is owed

Ms. Forster:

- she and her son are listed on the mortgage
- we are at year 7 of a 30-yr mortgage
- she and her sister put down \$60,000 on the mortgage initially; her sister has some money in repairs

Ms. Moermond:

- you would need to clear at least \$46,000 to pay Ocwen and another \$60,000 to pay yourselves and you'd need to find financing to cover the cost of the rehab that staff estimates over \$100,000
- and, if the neighbors' property values are low, you're not in a good place; talk to a realtor, who knows the neighborhood
- if no action is taken, the house will go back to the bank

Mr. Magner:

- we don't have a code compliance inspection report yet, so we don't know the real cost of what the rehab will be
- looking at the photos, siding work needs to be done; some of the interior is gutted; and we have no knowledge of the electrical, plumbing, heating conditions; they need to be inspected

Ms. Forster:

- they do have some money set aside for the rehab (\$40,000) and will have income from a house that will be sold in the spring; it has no mortgage on it
- the windows are in the house; there's enough siding to finish the exterior; and the sheet rock is also there; the main floor just needs some trim; the basement hasn't been started
- her concern is getting her sister's money back out of it; it's a very nice house that needs some work

Mr. Magner:

- all the work has to be done by licensed contractors under permit
- to get started you need to apply for the code compliance inspection; need to put a lock box on it so city staff can inspect; give DSI the lock box combination; it will take 2-3 weeks to get the inspection done, and you will get the report; take the report to contractors and they will provide you with bids for the work that needs to be done; submit that to the Legislative Hearing Officer and she will make a recommendation of time

Ms. Moermond:

- she needs to know whether or not the sisters are going to get their money back out; need the figures to find out
- the first 2 things you'll need: 1) code compliance inspection - \$500 (lock box must be on the house); then; 2) have a contractor walk thru with the inspection report and look at the house and he will give you an estimate

- she will call Mr. Ubl, city's building official, to see if this inspection can be expedited
- will Lay this Over for 2 weeks: Jan 27, 2015 LH

Mr. Magner:

- you are the owner, you can cut the lock and change the lock; get a lock box - give combination to DSI
- you can be in the house from 8 am - 8 pm
- generally, if we have a lot of complaints from neighbors, there's usually something going on

Ms. Forster:

- her son spoke with Matt Dornfeld, who said that he hadn't complied: he didn't get the necessary permits
- the house has been winterized

Mr. Magner:

- Nov 2013, they had conversations with Ron and advised him to file an appeal of the Condemnation and Vacant Building status (lack of water service was basis for Condemnation); son filed an appeal and Ms. Moermond denied that appeal in Jan 2014; the house remained a Cat 2 VB and required a code compliance inspection; the VB fees were held for 120 days
- then, DSI received complaints about illegal occupancy in Feb 2014; another complaint in Feb 2014; and another complaint...

Ms. Moermond:

- Layover to Jan 27, 2014 LH
- Owner to order a code compliance inspection and provide a lock box.

Laid Over to the Legislative Hearings due back on 1/27/2015

11:00 a.m. Hearings

Summary Abatement Orders

- 4 [RLH SAO 14-18](#) Appeal of Mary L. Murphy and Thomas M. Murphy to a Summary Abatement Order at 15 BAKER STREET WEST. (Public hearing continued from October 15) (To be referred back to Legislative Hearing on May 5, 2015 and City Council Public Hearing on May 20, 2015)

Sponsors: Thune

Rachel Osdoba, Goetz & Eckland, appeared representing Roger Hodge.

Ms. Moermond:

- noted that 642 Hall Avenue and 15 Baker Street West have the same records attached
- update to see what's going on with the litigation

Ms. Osdoba:

- they filled this case with Ramsey Court Oct 22, 2014 and have not yet received a scheduling Order, which is a little outside of the norm
- last week, they filed their joint Discovery Plan (working with the Murphy's attorney); they put their discovery deadline at May 15, 2015; they are active in the discovery process; they just scheduled depositions for Feb 19, 2015

- in late Oct, 2014, they have had inspections of the property; they hired an engineer and a surveyor to look it over; they did not hire a repair contractor; they have not yet received the official reports from those inspectors
- they cannot yet participate in remediating the situation because they dispute the liability but because they've had those inspections, the Murphy's are welcome to repair the property as they see fit
- they have discussed with Murphy's attorney some motions that they are planning to bring
- there will be a resolution now that we are in litigation
- she asked that the hearing officer recommend that this issue be tabled again
- they are willing to come back and keep the city updated on how the litigation is going
- litigation is slow but they are working toward a resolution

Ms. Moermond:

- this garage is undermined; we need to know how much so; that dirt wall could slide down in the spring and further undermine the garage, so, we need to abate that nuisance condition; and we are frozen right now; expect the frost to be gone by May 1, 2015 (Inspector Craig Mashuga concurred)
 - ultimately, it's whether or not that garage needs to be shored or removed; if the city has to step in, it will be removed because the city does not do shoring
 - also, the garage is too close to the property line, which exacerbates the situation
 - will Lay this Over to May 5, 2015 LH for an assessment
 - she is concerned about snow and melt and their impact on the stability of the garage
 - asked that the expert's reports also be provided to the city
- To be referred back to LH on May 5 and CPH on May 20, 2015.

Referred to the City Council due back on 1/21/2015

- 5 [RLH SAO 14-17](#) Appeal of Roger Hodge to a Summary Abatement Order at 642 HALL AVENUE. (Public hearing continued from October 15) (To be referred back to Legislative Hearing on May 5, 2015 and City Council Public Hearing on May 20, 2015)

Sponsors: Thune

Rachel Osdoba, Goetz & Eckland, appeared representing Roger Hodge.

Ms. Moermond:

- noted that 642 Hall Avenue and 15 Baker Street West have the same records attached
- update to see what's going on with the litigation

Ms. Osdoba:

- they filed this case with Ramsey Court Oct 22, 2014 and have not yet received a scheduling Order, which is a little outside of the norm
- last week, they filed their joint Discovery Plan (working with the Murphy's attorney); they put their discovery deadline at May 15, 2015; they are active in the discovery process; they just scheduled depositions for Feb 19, 2015
- in late Oct, 2014, they have had inspections of the property; they hired an engineer and a surveyor to look it over; they did not hire a repair contractor; they have not yet received the official reports from those inspectors
- they cannot yet participate in remediating the situation because they dispute the liability but because they've had those inspections, the Murphy's are welcome to repair the property as they see fit
- they have discussed with Murphy's attorney some motions that they are planning to

bring

- there will be a resolution now that we are in litigation
- she asked that the hearing officer recommend that this issue be tabled again
- they are willing to come back and keep the city updated on how the litigation is going
- litigation is slow but they are working toward a resolution

Ms. Moermond:

- this garage is undermined; we need to know how much so; that dirt wall could slide down in the spring and further undermine the garage, so, we need to abate that nuisance condition; and we are frozen right now; expect the frost to be gone by May 1, 2015 (Inspector Craig Mashuga concurred)
 - ultimately, it's whether or not that garage needs to be shored or removed; if the city has to step in, it will be removed because the city does not do shoring
 - also, the garage is too close to the property line, which exacerbates the situation
 - will Lay this Over to May 5, 2015 LH for an assessment
 - she is concerned about snow and melt and their impact on the stability of the garage
 - asked that the expert's reports also be provided to the city
- To be referred back to LH on May 5 and CPH on May 20, 2015.

Referred to the City Council due back on 1/21/2015

6 [RLH SAO 15-3](#)

Appeal of Norma J. Anderson to a Summary Abatement Order at 1425 SEVENTH STREET EAST.

Sponsors: Bostrom

Norma J. Anderson, owner and her daughter, Lisa Anderson appeared (1425 Seventh St. East).
Sam Hjort, Hjort Family LP, owner and his brother, Bill Hjort appeared (1433 Seventh St. East).

Inspector Craig Mashuga:

- photos and aerial
- complaint came in Dec 10, 2014 for 1433 7th St E (came from owner of 1433, Sam Hjort)
- inspector went out Dec 12 and found many tires on the property line; he took photos
- complainant also stated that those tires had been moved from the 1425 7th St E property; he took photos of 1425 and found no violations of that area, except for the property line violation; he is undecided about whose property is what
- he phone Mr. Hjort and told him that the tires seemed to be on his property and explained that the only action he could take was made from what he saw at the time of the photos
- he didn't take any action but gave Mr. Hjort more time to work out the situation
- Mr. Hjort mailed some photos
- Mr. Mashuga talked to his manager and reviewed photos with him; at that time, due to the property line issue, he was instructed to issue abatements to both properties
- Dec 31, 2014, he issued similar Orders to both parties with the same compliance date of Jan 8, 2015
- he received another call from Mr. Hjort and suggested that he could appeal
- he received a call from Ms. Anderson, who said that she also was going to file an appeal
- as of today, the condition still exists
- tires are along the fence line of the properties with a retaining wall
- no stake was found
- Ms. Anderson has an enclosed back yard

- Mr. Hjort also stated that there was an issue with the property line
- Mr. Hjort shows all the tires in her yard; roughly 70 tires

Mr. Sam Hjort:

- read prepared statement:

- a complaint was made to his management company, King Management, Stillwater, MN by the owner of 1425 in mid Oct of last year; the woman who called attempted to place blame on himself, his brother/ tenants; they have photographs taken by the management team dated Oct 17, 2014 documenting the position of the tires entirely on 1425; entered those photos also the police report of Oct 15, 2014 by Officer Daniel Lewis, SPPD regarding 1425; on the line titled incident, it states, "74 code enforcement - investigate"; on the line titled comments, states, "Someone dumped 30 tires into the caller's yard. Advise."

The caller information is redacted but the simple reasoning shows clearly that the caller was the owner of 1425." Shows that Ms. Anderson did complain that the tires were on her property at that time

- he and his brother's position is that if this had been investigated in a timely manner back in Oct, 2014, it would have shown that the tires were entirely on her property and the SA would have been issued to 1425

Mr. Mashuga:

- he had not received a complaint of tires on 1425; the only complaint he received was the one that came in Dec 10, 2014 (Mr. Hjort's complaint)

Mr. Sam Hjort:

- by Ms. Anderson's own admission to Officer Kantorowitz, who got involved later,....., her son moved the tires from her yard to where they currently reside: partially on his lot and partially on the retaining wall and few tires on her property; their tenants have made complaints and inquiries about the tires and they would like the tires removed - they are an eye soar and adversely affect the aesthetics of the property; additionally, neither his brother or him have ever placed any item on 1425 nor have they ever asked the same owner to help store, dispose or share the cost or removal of refuse from their properties; his brother and he spend many dollars each year with trash collection, and removing stuff that's dumped on their property but they have never asked Ms. Anderson to share those costs; they do not comprehend the reasons why they should be made to share the cost to remove these tires from her property or those placed on our property on her behalf;

- he had a survey done of the area in 1989; he entered it into the record

Mr. Bill Hjort:

- the surveyor points out that the fence that runs north to south between the 2 properties is actually on their property; the retaining wall was actually installed by the previous owner or 1425 encroaches a little

Mr. Sam Hjort:

- explained that someone had to come from 7th St East to the only access to the property and back in all the way to the property line to dump the tires

- they have many apartments facing that direction and no one saw it happening

- his caretaker saw shredded cardboard scattered all over Ms. Anderson's property; seems like a lot of effort went into this dumping

- stated emphatically that they had no direct or indirect involvement/knowledge of the placement of 30+ tires on the property located at 1425 until notified by their own management company on Oct 22, 2014 nor did they know of the existence of the tires on their property prior to the incident nor the means or motives of any of their tenants to place them onto 1425; they are sorry for any current inconvenience but offer no apology as they had nothing to do with it; they have made every attempt to

act within the letter and spirit of the law; regardless of the current location of the tires, they would prefer that the abatement Order go to 1425 and any tires that are partially or totally on their property should be considered illegally dumped by the owner of 1425 or agents operating on her behalf by her own admission in accordance with Ramsey County Solid Waste Ordinance, Section 17.01 Illegal Dumping and ...

Ms. Moermond:

- someone did go way out of their way to dump these tires

Ms. Anderson:

- has owned this property for 20 yrs
- she came back from being overnight at her son's and found all those tires in the backyard; her son placed the tires up on top of the retaining wall until they figured out what to do; when she found them, she called the police and made a report but they refused to come out (the same day that she called King Management Co; she wanted to know if anyone had seen the tires being dumped); at the time, she did not know whose fence it was; it has been deteriorating over the past years to where there's a big gap in it where someone could come in and dump; the fence has been deteriorating because the snow back there gets dumped right near the fence (has photos) and all the snow falls into her yard; the snow put pressure on the fence; according to Mr. Hjort, the fence is his; when she has called and spoken with Mr. Hjort about the fence, he had said that it wasn't his fence; so, we just left it like that because nothing has happened until now
- those tires were all over her yard and that's why they had to move them until they could do something; her son was cleaning up the yard
- she's on Social Security and working besides; doesn't have a lot of money
- her daughter has pictures of all the snow that's been pushing on that fence for many years
- the fence should have been fixed; she didn't know who was responsible for what
- there is a police report from her calling and saying that tires were dumped

Lisa Anderson:

- she can provide photos
- knows that if the fence had been fixed, the tires would not have been dumped there
- she has been struggling with this issue, including the fence issue

Mr. Sam Hjort:

- he has never spoken with Ms. Anderson before about the whole fence issue
- knew that the fence was on his property; they are more than willing to have that fence torn down and replaced (the portion that's on their property); on advice of counsel, they were under the assumption that this fence may belong to Ms. Anderson if she had made a claim of adverse possession, which she has not done

Mr. Bill Hjort:

- the retaining wall also straddles the property line, which would be a major undertaking; they're not quite sure what to do

Ms. Anderson:

- about 5 yrs ago, they have known that the fence was weak, so, her son nailed boards back up again when they came loose or fell; however, some of the pieces of fence disappeared, so her son wasn't able to nail them back up again; but there's really nothing wrong with some of it, but all along the garage, those pieces of fence disappeared; the part of the fence that's missing is from the amount of snow pushed up against it the last couple of years
- a lot of trash from the dumpster comes onto her property
- there's more like 75 tires, not 35

Ms. Moermond:

- in this forum, she can't make a determination about the fence

Lisa Anderson:

- the main point about the fence is that if the snow removal hadn't pushed apart the fence, there would have been no access to dump the tires; if the snow pushing up against the fence hadn't deteriorated the fence to the point where there's a gap, this incident wouldn't have happened because the fence is fairly in tact around the rest of the yard

Ms. Moermond:

- she can look only at the abatement Order to get rid of the tires; she can't look at what preceded that, which would be a matter for private litigation
- the tires constitute a nuisance condition that needs to be dealt with and currently, the tires are on Mr. Hjort's property and she sees that they were previously on Ms. Anderson's
- this would also be a good case for mediation (there's more going on here)

Mr. Sam Hjort:

- they will put up a new fence (it's on their property) but will not do anything about the retaining wall
- it's been established that the tires from her property were moved by her son and put onto their lot, partially

Mr. Mashuga:

- if the city does the abatement, there will be a large assessment: approximately \$1000 - \$1500; (Ms. Moermond: it can be done more cheaply if you call around to places that accept tires; some do recycling; some places will even pay you; others will charge you about \$5/tire)

Lisa Anderson:

- while it would be their preference that the neighbor takes the entire cost, at a minimum, they would at least propose that it's shared because if that fence, itself would still be in place, there would not even be tires in the yard (the fence would still be in place were it not for the fence being pushed over by Hjort's snow removal company)
- they would like to remove the tires themselves; they do not want the city to do it but they need an extension of time

Mr. Sam Hjort:

- there were 2 criminal acts committed: 1) dumping on Ms. Anderson's property; and 2) Andersons dumping the tires onto our property
- "we were blameless"; is sorry that happened to her but they had nothing to do with it

Mr. Bill Hjort:

- the existing condition is that there's a huge gap in our fence and it runs some length of the property line
- they were not involved until Ms. Anderson's son put the tires on our property

Ms. Anderson:

- she had informed King Management Co about the situation and they said they would get a hold of the owners; the next thing she heard was that there was an inspector with pictures of tires all over the yard; she called only to let them know about the situation and now here we are; there was no conversation with the owners at any time about anything; there is no way that she can afford \$1,000 for the city to come out and remove those tires and that's not necessary; she is willing to work it out

- they just haven't had contact with anyone

RECESS was taken for 15 minutes.

Ms. Moermond:

- she spoke with an attorney who prosecutes cases in this area to get her insight on the criminal side of all of this; clearly, a crime was committed by tires being dumped onto Ms. Anderson's yard; and clearly, a crime was committed when Ms. Anderson's son moved onto the neighboring property
- if she goes down the middle and say there's mutual responsibility for the tires, you could further litigate the matter
- thinks that Ms. Anderson is responsible; she was dumped on
- the question: is there some reason to say that the Hjorts are partially liable? Arguably, but that is not what's in front of her now
- if Ms. Anderson were to do the clean-up, she will need permission from the Hjorts to go onto their property; it sounds as though the Hjorts would be more than happy to give that permission
- if the Hjorts were to put the tires back onto Ms. Anderson's property, that would be another act of dumping
- the Hjorts are willing to take down the old and rebuild the fence on their property
- will recommend that the Hjort's appeal be granted
- will recommend that Ms. Anderson's appeal be denied
- the Hjorts will take care of the fence during 2015; Mr. Bill Hjort made that commitment

Mr. Mashuga:

- mentioned that there may be privacy screening required when you have a parking area (headlights issue, etc.)

Mr. Bill Hjort:

- raising a good question; the fencing company said that we'd have to go through a permitting process; he thinks it's \$15 for a permit; they would bring the plan down to DSI when they apply for the permit and at that time, they would advise on what is necessary regarding code; if a higher fence is required, that will be fine
- the cost will be about \$7500 for a 7 ft high fence

Lisa Anderson:

- asked that they be consulted in the fence process and have the opportunity to potentially, upgrade it; they would be willing to cover that cost differential or at least, have that conversation

Ms. Moermond:

- mentioned that right now, the Hjorts have a parking lot that a car could drive off of; and so, they may be required to have a fence regardless because of that circumstance; we need to talk with the building folks on that; the permit people could answer that
- wants the Anderson's to have a chance to remove the tires; provided Kay Witgenstein's number at Ramsey Co: 651/266- (House Calls Program, Public Health); she may be able to help you get rid of the tires or know of resources
- it will probably be cheaper for you to rent a trailer, load them and take them to an appropriate place; call Ramsey Co - Solid Waste/Recycling Information; check the website
- if the city ends up removing all or some of the tires, that charge will come forward as an assessment and she hears all assessment cases; she could recommend that the payments be divided over 5 years at a 4 1/4 interest rate
- deadline for tire removal: Sunday, Mar 1, 2015

Grant until March 1, 2015 to remove the tires.

Referred to the City Council due back on 2/4/2015

7 [RLH SAO 15-2](#) Appeal of Sam Hjort to a Summary Abatement Order at 1433 SEVENTH STREET EAST.

Sponsors: Bostrom

Sam Hjort, Hjort Family LP, owner and his brother, Bill Hjort appeared (1433 Seventh St. East).

Norma J. Anderson, owner and her daughter, Lisa Anderson appeared (1425 Seventh St. East).

Inspector Craig Mashuga:

- photos and aerial

- complaint came in Dec 10, 2014 for 1433 7th St E (came from owner of 1433, Sam Hjort)

- inspector went out Dec 12 and found many tires on the property line; he took photos

- complainant also stated that those tires had been moved from the 1425 7th St E property; he took photos of 1425 and found no violations of that area, except for the property line violation; he is undecided about whose property is what

- he phone Mr. Hjort and told him that the tires seemed to be on his property and explained that the only action he could take was made from what he saw at the time of the photos

- he didn't take any action but gave Mr. Hjort more time to work out the situation

- Mr. Hjort mailed some photos

- Mr. Mashuga talked to his manager and reviewed photos with him; at that time, due to the property line issue, he was instructed to issue abatements to both properties

- Dec 31, 2014, he issued similar Orders to both parties with the same compliance date of Jan 8, 2015

- he received another call from Mr. Hjort and suggested that he could appeal

- he received a call from Ms. Anderson, who said that she also was going to file an appeal

- as of today, the condition still exists

- tires are along the fence line of the properties with a retaining wall

- no stake was found

- Ms. Anderson has an enclosed back yard

- Mr. Hjort also stated that there was an issue with the property line

- Mr. Hjort shows all the tires in her yard; roughly 70 tires

Mr. Sam Hjort:

- read prepared statement:

- a complaint was made to his management company, King Management, Stillwater, MN by the owner of 1425 in mid Oct of last year; the woman who called attempted to place blame on himself, his brother/ tenants; they have photographs taken by the management team dated Oct 17, 2014 documenting the position of the tires entirely on 1425; entered those photos also the police report of Oct 15, 2014 by Officer Daniel Lewis, SPPD regarding 1425; on the line titled incident, it states, "74 code enforcement - investigate"; on the line titled comments, states, "Someone dumped 30 tires into the caller's yard. Advise."

The caller information is redacted but the simple reasoning shows clearly that the caller was the owner of 1425." Shows that Ms. Anderson did complain that the tires were on her property at that time

- he and his brother's position is that if this had been investigated in a timely manner back in Oct, 2014, it would have shown that the tires were entirely on her property and the SA would have been issued to 1425

Mr. Mashuga:

- he had not received a complaint of tires on 1425; the only complaint he received was the one that came in Dec 10, 2014 (Mr. Hjort's complaint)

Mr. Sam Hjort:

- by Ms. Anderson's own admission to Officer Kantorowitz, who got involved later,....., her son moved the tires from her yard to where they currently reside: partially on his lot and partially on the retaining wall and few tires on her property; their tenants have made complaints and inquiries about the tires and they would like the tires removed - they are an eye soar and adversely affect the aesthetics of the property; additionally, neither his brother or him have ever placed any item on 1425 nor have they ever asked the same owner to help store, dispose or share the cost or removal of refuse from their properties; his brother and he spend many dollars each year with trash collection, and removing stuff that's dumped on their property but they have never asked Ms. Anderson to share those costs; they do not comprehend the reasons why they should be made to share the cost to remove these tires from her property or those placed on our property on her behalf;
- he had a survey done of the area in 1989; he entered it into the record

Mr. Bill Hjort:

- the surveyor points out that the fence that runs north to south between the 2 properties is actually on their property; the retaining wall was actually installed by the previous owner or 1425 encroaches a little

Mr. Sam Hjort:

- explained that someone had to come from 7th St East to the only access to the property and back in all the way to the property line to dump the tires
- they have many apartments facing that direction and no one saw it happening
- his caretaker saw shredded cardboard scattered all over Ms. Anderson's property; seems like a lot of effort went into this dumping
- stated emphatically that they had no direct or indirect involvement/knowledge of the placement of 30+ tires on the property located at 1425 until notified by their own management company on Oct 22, 2014 nor did they know of the existence of the tires on their property prior to the incident nor the means or motives of any of their tenants to place them onto 1425; they are sorry for any current inconvenience but offer no apology as they had nothing to do with it; they have made every attempt to act within the letter and spirit of the law; regardless of the current location of the tires, they would prefer that the abatement Order go to 1425 and any tires that are partially or totally on their property should be considered illegally dumped by the owner of 1425 or agents operating on her behalf by her own admission in accordance with Ramsey County Solid Waste Ordinance, Section 17.01 Illegal Dumping and ...

Ms. Moermond:

- someone did go way out of their way to dump these tires

Ms. Anderson:

- has owned this property for 20 yrs
- she came back from being overnight at her son's and found all those tires in the backyard; her son placed the tires up on top of the retaining wall until they figured out what to do; when she found them, she called the police and made a report but they refused to come out (the same day that she called King Management Co; she wanted to know if anyone had seen the tires being dumped); at the time, she did not know whose fence it was; it has been deteriorating over the past years to where there's a big gap in it where someone could come in and dump; the fence has been deteriorating because the snow back there gets dumped right near the fence (has photos) and all the snow falls into her yard; the snow put pressure on the fence;

according to Mr. Hjort, the fence is his; when she has called and spoken with Mr. Hjort about the fence, he had said that it wasn't his fence; so, we just left it like that because nothing has happened until now

- those tires were all over her yard and that's why they had to move them until they could do something; her son was cleaning up the yard
- she's on Social Security and working besides; doesn't have a lot of money
- her daughter has pictures of all the snow that's been pushing on that fence for many years
- the fence should have been fixed; she didn't know who was responsible for what
- there is a police report from her calling and saying that tires were dumped

Lisa Anderson:

- she can provide photos
- knows that if the fence had been fixed, the tires would not have been dumped there
- she has been struggling with this issue, including the fence issue

Mr. Sam Hjort:

- he has never spoken with Ms. Anderson before about the whole fence issue
- knew that the fence was on his property; they are more than willing to have that fence torn down and replaced (the portion that's on their property); on advice of counsel, they were under the assumption that this fence may belong to Ms. Anderson if she had made a claim of adverse possession, which she has not done

Mr. Bill Hjort:

- the retaining wall also straddles the property line, which would be a major undertaking; they're not quite sure what to do

Ms. Anderson:

- about 5 yrs ago, they have known that the fence was weak, so, her son nailed boards back up again when they came loose or fell; however, some of the pieces of fence disappeared, so her son wasn't able to nail them back up again; but there's really nothing wrong with some of it, but all along the garage, those pieces of fence disappeared; the part of the fence that's missing is from the amount of snow pushed up against it the last couple of years
- a lot of trash from the dumpster comes onto her property
- there's more like 75 tires, not 35

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- in this forum, she can't make a determination about the fence

Lisa Anderson:

- the main point about the fence is that if the snow removal hadn't pushed apart the fence, there would have been no access to dump the tires; if the snow pushing up against the fence hadn't deteriorated the fence to the point where there's a gap, this incident wouldn't have happened because the fence is fairly in tact around the rest of the yard

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- she can look only at the abatement Order to get rid of the tires; she can't look at what preceded that, which would be a matter for private litigation
- the tires constitute a nuisance condition that needs to be dealt with and currently, the tires are on Mr. Hjort's property and she sees that they were previously on Ms. Anderson's
- this would also be a good case for mediation (there's more going on here)

Mr. Sam Hjort:

- they will put up a new fence (it's on their property) but will not do anything about the

retaining wall

- it's been established that the tires from her property were moved by her son and put onto their lot, partially

Mr. Mashuga:

- if the city does the abatement, there will be a large assessment: approximately \$1000 - \$1500; (Ms. Moermond: it can be done more cheaply if you call around to places that accept tires; some do recycling; some places will even pay you; others will charge you about \$5/tire)

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- they would like to remove the tires themselves; they do not want the city to do it but they need an extension of time

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- there were 2 criminal acts committed: 1) dumping on Ms. Anderson's property; and 2) Andersons dumping the tires onto our property

- "we were blameless"; is sorry that happened to her but they had nothing to do with it

Mr. Bill Hjort:

- the existing condition is that there's a huge gap in our fence and it runs some length of the property line

- they were not involved until Ms. Anderson's son put the tires on our property

Ms. Anderson:

- she had informed King Management Co about the situation and they said they would get a hold of the owners; the next thing she heard was that there was an inspector with pictures of tires all over the yard; she called only to let them know about the situation and now here we are; there was no conversation with the owners at any time about anything; there is no way that she can afford \$1,000 for the city to come out and remove those tires and that's not necessary; she is willing to work it out

- they just haven't had contact with anyone

RECESS was taken for 15 minutes.

Ms. Moermond:

- she spoke with an attorney who prosecutes cases in this area to get her insight on the criminal side of all of this; clearly, a crime was committed by tires being dumped onto Ms. Anderson's yard; and clearly, a crime was committed when Ms. Anderson's son moved onto the neighboring property

- if she goes down the middle and say there's mutual responsibility for the tires, you could further litigate the matter

- thinks that Ms. Anderson is responsible; she was dumped on

- the question: is there some reason to say that the Hjorts are partially liable?

Arguably, but that is not what's in front of her now

- if Ms. Anderson were to do the clean-up, she will need permission from the Hjorts to go onto their property; it sounds as though the Hjorts would be more than happy to give that permission

- if the Hjorts were to put the tires back onto Ms. Anderson's property, that would be another act of dumping

- the Hjorts are willing to take down the old and rebuild the fence on their property

- will recommend that the Hjort's appeal be granted
- will recommend that Ms. Anderson's appeal be denied
- the Hjorts will take care of the fence during 2015; Mr. Bill Hjort made that commitment

Mr. Mashuga:

- mentioned that there may be privacy screening required when you have a parking area (headlights issue, etc.)

Mr. Bill Hjort:

- raising a good question; the fencing company said that we'd have to go through a permitting process; he thinks it's \$15 for a permit; they would bring the plan down to DSI when they apply for the permit and at that time, they would advise on what is necessary regarding code; if a higher fence is required, that will be fine
- the cost will be about \$7500 for a 7 ft high fence

Lisa Anderson:

- asked that they be consulted in the fence process and have the opportunity to potentially, upgrade it; they would be willing to cover that cost differential or at least, have that conversation

Ms. Moermond:

- mentioned that right now, the Hjorts have a parking lot that a car could drive off of; and so, they may be required to have a fence regardless because of that circumstance; we need to talk with the building folks on that; the permit people could answer that
 - wants the Anderson's to have a chance to remove the tires; provided Kay Witgenstein's number at Ramsey Co: 651/266- (House Calls Program, Public Health); she may be able to help you get rid of the tires or know of resources
 - it will probably be cheaper for you to rent a trailer, load them and take them to an appropriate place; call Ramsey Co - Solid Waste/Recycling Information; check the website
 - if the city ends up removing all or some of the tires, that charge will come forward as an assessment and she hears all assessment cases; she could recommend that the payments be divided over 5 years at a 4 1/4 interest rate
 - deadline for tire removal: Sunday, Mar 1, 2015
- Grant the appeal.

Referred to the City Council due back on 2/4/2015

Orders To Vacate, Condemnations and Revocations

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 8 [RLH FCO 15-2](#) Appeal of Marc D. Hudson to a Correction Notice-Complaint Inspection and Inspection Appointment letter at 975 BEECH STREET.

Sponsors: Lantry

Marc D. Hudson, owner, appeared.

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy inspection done Jan 8, 2015 by Inspector Brian

Schmidt

- there are 32 items on that report
- she did not staff the original hearing; knows that Inspector Schmidt was supposed to do a full C of O
- notes from the last LH indicate that there were some things that needed to be fixed but Mr. Hudson contended that he was done

Mr. Hudson:

- all the items related to the outlets were done immediately
- might need time to repair a little hole in the soffit/fascia area (because of the weather)
- a few things were overlooked during the inspection like the outlet over the washer
- the living room is done; the hallway has a CO; the west bedroom door is broken again
- mostly everything on this list will take 5 minutes per item
- found 4 more bedroom windows that need something
- about 90% of this is already done
- he wants to get this house up to Section 8 Code
- will get to the floor tile tomorrow
- #19 is done too
- he had his tenants move all the stuff that was blocking windows

Ms. Moermond:

- looking at Orders that were issued Dec 8, 2014 and every single one of them also appears on the Orders that were issued last week

Mr. Hudson:

- Inspector Hall called me and told me that he was going to put the items from the first list on this list; he said, "Don't get overwhelmed, Mr. Hudson; I'm going to put the rest of that on there so you can keep record of it..... "

Ms. Moermond:

- seeing that the items listed Dec 8 were not addressed when the Orders were issued on Jan 8, 2015; they were still a problem; the reason that he would carry them over from one set of Orders to the next is because they hadn't been addressed

Mr. Hudson:

- argued that they had been addressed

Ms. Shaff:

- if the issue is abated (taken care of), it no longer appears on the Orders; if it's on the Orders, then, it has not been addressed

Ms. Moermond:

- based on performance, she is not seeing why Mr. Hudson should get additional time to address these things
- what will be different going forward

Mr. Hudson:

- most of these items are done for Unit 1
- the 2nd inspection was conducted thru the whole house

Ms. Moermond:

- these Orders say that Mr. Hudson did not finish the items from the first inspection and now, you have another 25 items
- this is about peoples' safety

Mr. Hudson:

- money is an issue on the code things; he has to wait for some of his money from his father (they are business partners); it will take him another week to get that together
- he has Jan 15 set up for the heat inspection and dryer vents
- his contractor friend will be repairing the bathroom floor, hole in soffit and stairs

Ms. Moermond:

- there are critical life safety issues on this set of Correction Orders, namely, smoke detectors and CO detectors that either aren't there or aren't operating; that's a big problem

Ms. Shaff:

- typically, we go back in 24 hrs and if they aren't operational or there; we vacate the building

A Recess was taken for Ms. Shaff to contact Inspector Schmidt

Ms. Moermond:

- Inspector Shaff has had a chance to talk with Inspector Schmidt on this

Ms. Shaff:

- as far as the smoke detectors are concerned, Inspector Schmidt found that there was adequate protection for the ones that worked; and the ones that didn't work could wait until the re-inspection (because they were covering the same area-duplicates); but, if they are present, they all have to work

Mr. Hudson:

- wants to apologize to staff
- the inspector wasn't happy with everything that Mr. Hudson did, so now, he has to go and do it again
- in Unit 1, they found another thing that they hadn't found on original inspection- a safety switch that needs to be replaced and the dryer vent needs to be replaced
- most things are really things that don't cost much money and won't take a lot of time
- he does need time on the things that cost more money: heat equipment test, etc.
- bathroom floor needs to be re-done; still a little spongy; furnace needs new filters; range hood needs replacing, too
- would like a better quality of tenant; he was trying to help out his black people, who were having problems renting but he got bit by the same people who he was trying to help
- needs a few days after Jan 8; it's about the finances; he has a family he has to feed for the rest of the month; if he spends what he has on these issues now, he won't be able to feed his family; he will spend what he can on the house
- these tenants are on their way out; they are disrespectful and cause a lot of damage
- he has 2 neighbors who keep an eye out on the things going on at this address; they help him out
- his policy is: 3 police calls and the tenants are out; no drugs in the building
- if his caretaker hasn't taken care of these things, he will do it himself

Ms. Moermond:

- will recommend granting until Feb 9, 2015 to make sure Mr. Hudson completes the work
- City Council Public Hearing Jan 21, 2015

Ms. Shaff:

- some of these things require licensed contractors working under permit; according

to the city, these things aren't done unless a licensed contractor pulls the permit and that permit if finalized by our city inspectors

Mr. Hudson:

- he called Ryan's Heating and they told him that if all the work had already been done, he didn't need to pull a permit

Ms. Moermond:

- that was incorrect information

Grant until February 9, 2015 to come into compliance.

Referred to the City Council due back on 1/21/2015

- 9** [RLH FCO 15-5](#) Appeal of Ben Hosfield for Covenant Capital to a Fire Inspection Correction Notice at 579 FOREST STREET.

Sponsors: Lantry

Grant a variance on the square footage of the rear west bedroom in Unit 1.

Referred to the City Council due back on 2/4/2015

- 10** [RLH FCO 15-6](#) Appeal of Susan Bushard to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 426 WABASHA STREET SOUTH.

Sponsors: Thune

Susan Bushard, Bushard LLC, owner of the building and Paul Hempel, Vice President, Northern Philatelic Library, appeared.

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy Inspection by Inspector Michael Urmann; Supervisor Neis was also there

- this is a big building with a very large basement

Ms. Bushard:

- that space is a philatelic library; her husband purchased it from someone else who passed away; his vision was to make a library in this area for stamp collectors to come and do research; technically, it's a private library but the public is welcome - those who want to sell stamps or want their stamps to be looked at so they can figure out what they want to do with them, etc.

Mr. Hempel:

- the building is the old Thompson Hotel right across from Boca Chica

Ms. Shaff:

- Inspector Urmann called out the library space and private office; this space isn't approved for that use and for the public; that would change exiting and there are other requirements: occupancy separation; rated ceilings, doors, etc., which hasn't been done

Mr. Hempel:

- some of it has been done: they had previously fire-rocked the ceiling in the large hall; 2 rooms' ceilings hadn't been done for fire code; and there's no 2nd exit

Ms. Shaff:

- changing the occupancy from the previous use to a business type use would require

more things to be done: check zoning; all build-out would need to be done under permit and signed-off

- Mr. Workman had used it for storage; had an overhead garage door for bringing in equipment, etc; at that time, some of the residents had some of their things stored down there; that kind of use doesn't necessarily require a 2nd exit; however, once the public is involved, it would require a 2nd exit from those spaces and all of that would need to be approved by the building official
- would also need emergency lighting
- asked if Ms. Bushard was planning to continue the same use for this space or looking for time to dismantle

Ms. Bushard:

- they are looking for time in order to put in the 2nd egress and get emergency lighting; she took care of the other things that were needed because she had tenants who were affected
- is trying to get the money together to do the ceilings and get the 2nd egress in; they do want to do it but need more time

Mr. Hempel:

- probably need a year
- the library is more of a private library; there is never a large occupancy; a big event will draw maybe 10-12 people; the books take a large amount of space

Ms. Bushard:

- she needs to know what amount would be fair/reasonable; they have hired an architect

Ms. Shaff:

- noted that all plans need to be submitted and approved by the building dept

Mr. Hempel:

- the space is divided into 3 rooms: 1) an entrance comes into an approx area of 12 x 30- goes back further to a bathroom; 2) go thru a stone archway, which leads to a 20 x 20 area; and go thru another stone archway to a door, which goes into a large hall where most of the books are kept, 40 x ____; they can email a diagram

Ms. Bushard:

- all the material that will be going into this space was in basement; then, they rented an apartment for it but they ran out of space
- just the board members have been in the space (Mr. Hempel: the most that have ever been in the library at one time is 15 or 16 people; stamp collecting or philately has the most published documents of any hobby; people who want to do research will contact them to get a book)

Ms. Moermond:

- looking for a way to devise a condition of lowered use/or no use while they have the time to take care of these Orders; she wants to mitigate the danger presented

Mr. Hempel:

- have the money for the ceiling but not for the egress because that's much more expensive because of where it's located; the structure is already there; the ceiling is just a matter of sheet-rocking with fired grade sheet rock
- previous use was storage; filled with junk; probably in the 1920's, it was a speakeasy
- the library needs a long-term home and they would like this to be it; there are only 3 other major philatelic libraries in the country

- there's 1 window in the entrance area
- explained where the 2nd egress would be located
- there are couches, chairs in the entrance for people to use while waiting
- he has an 8 1/2 x 11 draft of the floor space with all the future rooms detailed

Ms. Bushard:

- will submit the architect's plans to the city for approval

Ms. Moermond:

- from now until Mar 1, 2015, there shall be no more than 3 people using this space at one time
 - she needs more information
 - needs a diagram of the space (Mr. Hempel will send one)
 - get the plans into the city and apply for the permit; get things going; if permits are approved to go forward, the Council will be comfortable with the use
 - will Lay this Over for 2 weeks to LH Jan 27, 2015; City Council Public Hearing Feb 4, 2015
 - the expectation in that you will have your plans in by Mar 1, 2015; the work completed 6 months thereafter (Sep)
- Layover to January 27, 2015 to further discuss the library space and for owner to submit a diagram of the space; in the meantime, no more than 3 people are allowed in the library space at one time until Mar 1, 2015.

Laid Over to the Legislative Hearings due back on 1/27/2015

2:30 p.m. Hearings

Vacant Building Registrations

- 11 [RLH VBR 15-3](#) Appeal of Jonathan Gutierrez to a Vacant Building Registration Notice at 25 ELIZABETH STREET EAST.

Sponsors: Thune

Jonathan Gutierrez, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- Inspector Senty opened a Category 2 Vacant Building Dec 17, 2014 per Certificate of Occupancy Revocation by Inspector George Niemeyer
- Inspector Neis appears to have approved this
- Neis' notes: discussed with Inspector Niemeyer; permit has been opened since 2011; no permits for plumbing, electrical or mechanical; I advised to send to VB as a Cat 2
- photos online
- Inspector Seeger was advised of the change in the VB status

Supervisor Leanna Shaff:

- complete construction; no plumbing, heat, mechanical, etc.
- gutted with house wrap

Mr. Gutierrez:

- after they purchased the property, they tried to fix most of the cosmetic issues but as they dug in, they started to find more and more issues; so, it's taking way longer than what they originally estimated because there's more work with structure and foundation; they are trying to make it right

- bought it in 2010
- wants 6 months more time to get it all done; also trying to avoid the fee
- they will get all the permits that they need
- there's no code compliance inspection report
- they had to remove everything because it was all bad and illegal
- the inspectors have been there a couple of times; we will pull the necessary permits

Ms. Moermond:

- will do a 90-day waiver on the VB fee and we will see how things are going then
- there still will be an assessment coming forward for the VB fee because 90 days will have passed and the job won't be done when the tax assessment comes out; she can decrease that when she sees it, which will be about 6 months out; if you are getting close to being done at that time, she can decrease it by so much less; you will be able to pull permits between now and then; you will get a letter in the mail with a yellow/gold post card in it; the letter will explain the assessment for the VB fee; send the yellow post card back and we will schedule a LH so you can come back and talk about how close you are; she will figure out how to decrease the assessment

Mr. Dornfeld:

- are we changing this back to a Cat 1 VB and side tracking the code compliance inspection?

Ms. Moermond:

- pull your building permit and come in with all your fresh plans and we won't require a code compliance inspection
- Waive the Vacant Building fee for 90 days and allow permits to be pulled.

Referred to the City Council due back on 2/4/2015

12 [RLH VBR 15-5](#)

Appeal of Gene Christianson to a Vacant Building Registration Renewal Notice at 719 GLENDALE STREET.

Sponsors: Stark

Gene Christianson, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- Category 1 fire exempt VB, opened Jan 15, 2014 by Inspector Mike Kalas due to severe damage
- 11 unit building; this is the corner unit
- currently, there's an open building permit on file
- Inspector Kalas documented that the building was gutted; new windows have been installed
- Inspector Bohan has been in contact and working with the property owner; visited Nov 14, 2014 and stopped by informally since then (was in the vicinity inspecting another building)
- originally, they put in a 90-day VB fee waiver for the fire
- given the length of time it's taken for the rehab, the first initial VB fee for 2014-2015 went to assessment in Aug 2014
- here today to discuss the 2015-2016 annual VB fee

Mr. Christianson:

- both of them, actually
- first time he got Noticed, he wasn't in town and by the time he got back, he sent in the gold card to appeal
- thinks that the whole problem is that his building permit is for 719 Glendale (it's a row house; there are 5 addresses in front)

- VB registration is for 711 Glendale; nothing wrong with that but that unit wasn't affected by the fire; people are living there
- the 719 Glendale unit was burned
- the addresses for the row house: 711, 713, 715, 717 and 719 (5 doors exiting in front); he owns all of the units

Mr. Dornfeld:

- Ms. Sandburg noted here in the system that she changed primary property address for this VB from 719 to 711 Glendale Street; so, it looks like it was opened as 719 but then changed to 711; (it seems that change was made to work in the system)

Ms. Moermond:

- wonders if they're all on the same tax parcel and if they are, then, there would be one address that would be the "official address" for that whole parcel

Mr. Christianson:

- he has had this building for 30 over years and has address problems all the time (Xcel bill comes to one address; St. Paul Water has a different address; there's even a side address on the building for his apartment in the basement; and he owns a house plus a garage there, too - 2 more addresses; all difficult to explain to people)
- he was told when he got the building permit that he had 6 months to complete the rehab; he wants to get this done more than anyone; he's losing rent!
- he has all the contractors lined up
- waiting for the framing contractor to finish up, get that inspector out and then, go on to electrical, etc....insulation,
- he's had Jayhawk Mechanical out to look at it; they can't see anything that needs to be done plumbing-wise
- got a guy ready to sheet rock as soon as all the other stuff is done
- building is sealed up and it's not an eye soar anymore
- has a settlement from insurance (took 6 months)
- he's ready to go

Fire Supervisor Leanna Shaff:

- Inspector Bohan's notes are all under 711 Glendale St for all units

Ms. Moermond:

- if the city is calling it "711", it's because the county has that address on it's record for this building
- she will tailor the recommendation according to when Mr. Christianson thinks he can have this done

Ms. Christianson:

- he's guessing this will be completed in 3 months

Ms. Moermond:

- will recommend the City Council grant a 90-day waiver on the VB fees; will ask DSI to issue you permits even though you haven't paid the VB fees; if you don't finish in 90 days, you will get an assessment letter with a gold card in it; send in that gold card and we can talk about how much that fee will be (the faster you finish, the more prorated the fee will be)
- Waive the Vacant Building fee for 90 days and allow permits to be pulled.

Referred to the City Council due back on 2/4/2015