



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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651-266-8585

Tuesday, December 9, 2014

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 14-24](#) Ordering the razing and removal of the structures at 722 CONCORDIA AVENUE within fifteen (15) days after the January 7, 2015, City Council Public Hearing. (Public hearing to be continued to January 21, 2015)

Sponsors: Thao

Lee Mosher, Attorney, appeared on behalf of Marie Freeze, tax owner.

Mr. Mosher:

- Marie Freeze is one of three owners of this real estate*
- property had a fire in Oct 2013*
- history: the problem is that there are 3 owners; original owner was George Freeze, who died in Mar 1988; he did not have a will; Ramsey County Probate Court issued a decree giving the property, in the form of a life estate, to his surviving spouse, Marie Freeze, his client*
- property is also owned by a remainder interest in 2 step children: Richard Freeze (Ricky), who lives in FL and Yolanda Campbell, identified in the probate decree as the other owner of the 1/2 remainder interest. At the time of George Freeze' death, Yolanda could not be located; she was not located until Mr. Mosher became involved a few months ago. Yolanda had a different mother than Ricky; her mother did not want Yolanda to be located; her mother also did not want to be located and she moved Yolanda moved her around the county while she was in school. It took great efforts on Mr. Mosher's part to find her; she had changed her name twice and had been in multiple states; Mr. Mosher is in communication with Yolanda but he does not yet represent her; she and Ricky are adverse; his client has offered each (Ricky and Yolanda) more than the value of this property; Yolanda has somewhat agreed to cooperate but Ricky has demanded a large sum of money in order to cooperate with the disposition of the property; Ricky has also objected to the demolition of the property and has arranged for an inspection of the property by his engineer/construction consultant and his person says that the property should not be torn down*
- waiting for the Code Compliance Inspection Report to know what's required for rehab*
- about 1 year delay between the time of the fire and when he became involved*
- trying to sort this out rapidly*
- is waiting to hear from Yolanda and Marie to see if they are agreeable to start*

litigation

- the problem with life estates and remainder interests is that the usually remedy in law for these situations is to bring a Partition Action; however, MN Supreme Court, as recently as last week, the MN Court of Appeals has held that a life tenant may not bring a partition action against a remainder owner; although a remainder owner can bring a partition action against another remainder owner; he is trying to convince Yolanda to retain his firm so that they may represent Yolanda and Marie in an action against Ricky to have partition and sale (usually, they are very difficult); the process in a partition action is to have the district court appoint a referee and they obtain appraisals; then, the referee sells the property and the court determines the disposition of the proceeds

- today, he is asking for at least 6 months to commence litigation; and hopefully, there will be a default by Ricky and the court will determine what happens (unless Ricky comes to some agreement)

Steve Magner, Vacant Buildings:

-The building is a two-story, wood frame and masonry, single-family dwelling with an attached two-stall garage, on a lot of 12,197 square feet. According to our files, it has been a vacant building since November 1, 2013.

-The current property owner is Ricky Allen Freeze/Campbell (Marie L. Freeze is listed as the tax owner) 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 23, 2014 with a compliance date of November 7, 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 \$33,300 on the land and \$3,800 on the building.

-Real estate taxes are current.

-The Vacant Building registration fees were paid by check on January 31, 2014.

-A Code Compliance Inspection was applied for on November 7, 2014; an inspection has been done except for the mechanical section.

-As of December 8, 2014, the \$5,000 performance deposit has not been posted.

-There have been two (2) SUMMARY ABATEMENT NOTICES since 2013, which resulted in NO WORK ORDERS being issued.

-Code Enforcement Officers estimate the cost to repair this structure is \$90,000 to \$100,000. The estimated cost to demolish is \$20,000 to \$25,000.

-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):

- 1976 split level contemporary building

- this area has had a lot of demolition of first generation homes due to the construction of Interstate 94 (the old Rondo Neighborhood)

- both the north and south sides of I94 had a lot of HRA development and infills (late 70s and early 80s)

- original owner was George Freeze on the permit cards

- Summit University Neighborhood - and would not have been identified in the 1983 Historic Site Survey (house wasn't old enough to be considered)

- demolition would not have an adverse effect on the historic character and integrity

Mr. Magner:

- based on the age of construction, it's less likely that there are asbestos containing materials in this house but the city would still attempt to do an asbestos survey; if

none found, the cost of demolition would drop; if found and not abated, the dwelling would need to be contained, driving the cost up

- whenever there's a fire, the estimated cost up front is generally higher

Ms. Moermond:

- noticing that no permits have been pulled but the code compliance inspection is 3/4 done

- noticing Nov 1, 2013 - this entered the VB Program

- there would have been a 90-day waiver on the VB fee and a 90-day waiver on the requirement for a code compliance inspection because it was a fire

Mr. Magner:

- 3 of the 4 trades inspections have been completed; the mechanical is left (Inspector Pat McLaughlin); the other trades inspections were done the week of the 20th

- date of fire is Oct 30, 2013; has Fire Report - damage estimate: \$100,000

- they didn't change the Category status until they issued the Order to Abate at the end of Oct 2014

- the inspector told him that the parties he spoke with were waiting on the insurance company; we don't have anything in writing about that

- the VB Registration form is from Nov 1, 2013 indicating that they want the fire exemption - filled out by Marie Freeze; the form indicates that they can have a fire exemption up to 90 days

- very little work has been done by Code Enforcement

Mr. Mosher:

- initially, they wanted to demolish the property but due to Ricky's objections, they are legally prevented from doing that unless they have a court order against Ricky's interest (only the other life tenant can do that)

- they have paid the renewal fee for the VB registration

- also paid code compliance inspection fee

- noted: no Notice has been give to Yolanda by the city; technically, she and Ricky are considered the fee owners of the property

- they also obtained an asbestos report and have spent over \$12,000 to have the debris removed from the property (done in the last few weeks by Professional Restoration)

- they are on track to have the property restored/rehabbed (after the debris was removed, it absolutely looks like a house that should be restored)

- understands that the city cannot wait indefinitely

- we have cooperated with the city since he has become involved: he arranged for the city to get into the building; he put the lock box on the building; he met with the inspectors at the house and he met with the contractors there (all within the past 6-8 weeks)

- asking that the value be preserved

- feels they have been more than generous in their attempt to resolve a settlement with Ricky; appears that their only remedy is commencing litigation by Yolanda against Ricky with the consent of Marie

- asking for a reasonable time period to resolve this

- Marie received at least \$100,000 insurance settlement, which was a large part of the delay

Mr. Magner:

- read Mr. Soley's email into the record (attached) Wed Nov 12 informing Mr. Magner that the city did not have an address for Yolanda or Donna Campbell, who lives in CA; Donna Campbell is Yolanda's mother; Mr. Mosher said that he has the address for Donna Campbell but does not wish to reveal it at this time

- the city looked for Ms. Campbell / Ms. Richmond

- he spoke with legal counsel about notification to Yolanda; their response was that the city will continue to move forward as we are; the steps the city has taken through it's normal procedures meet the criteria of the Ordinance
- the Ordinance requires the city to Notify the owners identified by Ramsey County, which the city has done
- DSI goes beyond that and orders an O&E; beyond that, they research that O&E to verify that it's been done correctly
- they looked through data bases and accessed the Internet to find an additional information
- they posted the property and published in the Legal Ledger
- also, they sent certified to Marie Freeze and Lee Mosher; U.S. mail to Richard Allen Freeze
- he received a phone call from Richard Freeze, who received the Notice; he had a question; he also asked if the city contacted Yolanda; he told him that the city did not have a direct contact for her and asked Mr. Freeze if he had a direct contact; Mr. Freeze said, "No, I don't but Marie has it."
- based on counsel, the city has met it's legal requirements for notification

Mr. Mosher:

- Yolanda's current name is Yolanda Richmond; however, due to the family situation, he is not authorized to reveal her address at this time

Ms. Moermond:

- you are not going to get 6 months to resolve this
- perhaps, the city's action might be a clarion call for people to get together on this if the court might expedite in this type of situation (?)

Mr. Mosher:

- he is trying to bridge the gap with 3 people who have adverse interests; he has a duty to his primary client, Marie and Ricky has made her life difficult and he suspects that he will try to leverage whatever he can to get out of this
- the city should do what the city needs to do
- if we preserve the property, then Ricky can't say that we haven't done whatever we can do to preserve the property
- he prefers not to go to litigation; however, they may have no choice
- Marie does not want to move back into this property; she is 86 years old and she lives now in Georgia near her daughter
- the law is quite unusual because as he understands it, the law is that the insurance proceeds all belong to the life tenant or the name insured; the remainder owners have separate insurable interests; if they do not obtain insurance to protect their interest, they have no claim to the insurance proceeds; thus, 100% of the insurance money goes to Marie; the remainder owners get the real estate but Ricky wants a large sum of money that legally, does not belong to him, in Mr. Mosher's opinion
- Marie would sell the house to someone who could fix it up; she would need good title

Mr. Magner:

- there's a problem with that: this is a registered Category 3 VB and Chap 33 does not allow the sale of a Cat 3 VB in this condition; a Cat 3 VB is a nuisance, dangerous structure; the property could not be sold until it's either rehabilitated and have a code compliance certificate issued or the structure would have to be removed; then, the real property could be sold

Ms. Moermond:

- explained that in such a case, an agreement could be crafted where a developer would agree to fix it up with title coming down the line

Mr. Mosher:

- understands the city's position
- but there are practical problems using the government power to destroy economic value through police regulations when there's no practical point of it; thinks we can get through that; there are ways to resolve this that he believes meet the requirement of Marie, the city and the economic interests of Ricky and Yolanda
- he is asking for 6 months; thinks that's reasonable in giving them sufficient time to deal with the legal issues and practical problems

Mr. Magner:

- except for the fact that the house has been cleaned out and you have applied for a code compliance inspection, the city doesn't have anything saying that this is going to be resolved; if the City Council was to provide 6 months, there still wouldn't be anything happening with this house until the 3rd quarter 2015, which is a long time to put something out; it would be different if Ms. Freeze had that party (Yolanda) here today with a decision about what to do with the property;

Mr. Mosher:

- he is working hard to negotiate with the parties involved to find a resolution that works for everyone, including the city
- a year has gone by and the city had done virtually nothing as far as he can tell; now, he would like some time to work toward an agreement with the family and then bring that to the city

Mr. Magner:

- it's not the city's responsibility to make sure the owner of property provides the correct information to Ramsey County, the holder of the record; in this case, Ricky Allen Freeze/Campbell lists his address at 722 Concordia Ave; if he's moved, it's up to him to notify Ramsey County Property Records with his new address; it's not up to Ramsey County or the City of Saint Paul to go look for Ricky Freeze or Yolanda Richmond

Ms. Moermond:

- her job is to abate the nuisance condition or set up circumstances where that can happen
- this situation is complex, ownershipwise and yet, very simple, in terms of the action that would need to be taken
- you want time to sort the ownership out in court; she doesn't have that time to give; she does have time to give in order to prepare plans to get this rehabilitated and to work with a contractor who can do that

Mr. Mosher:

- the dilemma here is that the money to rehabilitate it would be coming from Marie Freeze and until the title is sorted out, it would be her giving money to Ricky, to whom she has already offered more than the entire value of the property in order to resolve this; so, all it takes is one person in a Partition Act, who is economically irrational to throw a monkey wrench into it and cause substantial damage to the other owners
- the city should need to do what it needs to do

Mr. Magner:

- DSI did not pursue this sooner because the initial information he received from his inspector was that his perception was that the owner was dealing with the insurance company and that the owner's plan was to remove the property; so, we kept laying it out

Ms. Moermond:

- is confident that she can get the code compliance inspection report expedited (mech)
- the property has been taken care of; taxes have been paid
- we don't have a \$5,000 Performance Deposit posted (a condition needed in order for LO to recommend a grant of time)

Mr. Mosher:

- that \$5,000 would be coming from Marie and she has already spent \$12,000 for debris removal

Ms. Moermond:

- since we can't get the \$5,000 on the table, she will recommend the building be ordered removed

Mr. Mosher:

- he will be out of the country Jan 7, 2015; asked for a layover

Ms. Moermond:

- will ask CC for a 2-week layover
- Remove the building within 15 days with no option for repair. (Public hearing to be continued to January 21, 2015 per attorney's request.)

Referred to the City Council due back on 1/7/2015

2 [RLH RR 14-25](#)

Ordering the razing and removal of the structures at 722 MARYLAND AVENUE EAST within fifteen (15) days after the January 7, 2015, City Council Public Hearing.

Sponsors: Bostrom

Inspector Steve Magner, Vacant Buildings:

- The building is a one and one-half story, wood frame, single-family dwelling with a detached, one-stall garage, on a lot of 4,792 square feet. According to our files, it has been a vacant building since July 25, 2013.
- The current property owner is Harvey W. Melby per AMANDA and Ramsey County Property records.
- On September 17, 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 September 29, 2014 with a compliance date of October 29, 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 \$8,800 on the land and \$41,200 on the building.
- Real estate taxes for 2014 are delinquent in the amount of \$1,085.28, which includes penalty and interest.
- The Vacant Building registration fees were paid by assessment on August 4, 2014.
- As of December 8, 2014, a Code Compliance Inspection has not been done.
- As of December 8, 2014, the \$5,000 performance deposit has not been posted.
- There have been thirteen (13) SUMMARY ABATEMENT NOTICES since 2013.
- There have been thirteen (13) WORK ORDERS issued for:
 - Garbage/rubbish
 - Boarding/securing
 - Tall grass/weeds
 - Snow/ice
 - Vehicles

- Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$12,000.
- DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days; if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.
- has the Fire Report: damaged to the building is estimated at \$60,000; was a porch fire (originated in the NE corner of the front porch; ignition source was an open flame device)

Ms. Moermond:

- it looks as though Mr. Melby walked away from it because the taxes aren't paid
- no work has been done to maintain the property

Amy Spong, Heritage Preservation Commission:

- 1 1/2 story colonial revival built in 1913; contractor was Chas. Peterson
- original owner was August Seelander
- Payne Phalen neighborhood
- still has original wood lap siding exposed
- porch piers are formed concrete block with square tapered columns still in tact
- earlier windows; most are boarded up on the front
- has an older accessory structure
- was not identified in 1983 survey; nor was part of any potential historic district
- was with the boundaries of the 2011 survey, which kind of identified this particular property but they did not recommend it for further research; had no potential for an historic resource
- demolition would not have an adverse effect nor was this a potential district

Ms. Moermond:

- looking at the lot in the photos, it's extremely overgrown and untended
 - will recommend removal within 15 days with no option for its rehabilitation
- No one appeared; remove the building within 15 days with no option for repair.

Referred to the City Council due back on 1/7/2015

3 [RLH OA 14-31](#)

Making recommendation to Ramsey County on the application of Fred T. Vanderbeek for repurchase of tax forfeited property at 474 CURTICE STEET EAST.

Sponsors: Thune

Inspector Steve Magner, Vacant Buildings:

- Repurchase application
- applicant is Fred T. Vanderbeek, deficient in paying taxes; Ramsey County has taken his property and Mr. Vanderbeek would like to have it back
- unusual situation here is that the building is illegally occupied by Mr. Vanderbeek

Ms. Moermond:

- it looks like it is a Registered Vacant Building and it belongs to the county

Mr. Magner:

- the city and the county are interested in vacating the structure; initially there was a county deadline of Dec 1, 2014, which has been extended
- Mr. Vanderbeek seems to be very good at contacting public officials in all kinds of levels of government
- the state attorney general's office recently contacted Mr. Magner; they were investigating; Mr. Magner provided them with background info

- DSI's issues: has been a Category 2 Registered Vacant Building since Mar 2008; Mr. Vanderbeek purchased the property after that and moved in; a code compliance inspection was done in 2008 but the work was never completed; permits never signed-off; a furnace was installed and not signed-off; DSI does not know the current situation on the electrical, plumbing, mechanical, etc; DSI would require a new code compliance inspection
- the county is aware of all these things and is interested in vacating Mr. Vanderbeek
- the county want to rehab this property and sell it
- he doesn't believe that Mr. Vanderbeek has the money or wherewithal; he has never presented any ability to cooperate with the city
- based on all those issues, he recommends that Council not allow Repurchase of this property

Ms. Moermond:

- she was under the impression that an attorney would be here today by the name of Angela _____

Ms. Mai Vang:

- she forwarded the letter of notification to the attorney via Email, who responded with "Thank you."

Ms. Moermond:

- she will give her a courtesy call today and let her know that the recommendation from Mr. Wagner and I going to the Ward 2 Office would be that they not recommend to the county that this property be Repurchased
- Deny the repurchase of the building.

Referred to the City Council due back on 1/7/2015

11:00 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 4 [RLH VO 14-62](#) Appeal of Terry Luther to a Revocation of Fire Certificate of Occupancy and Order to Remain Vacant at 125 WINNIPEG AVENUE.

Sponsors: Thao

Terry Luther, owner, appeared.

Fire Inspector A. J. Neis:

- Revocation of the Fire Certificate of Occupancy and Order to Remain Vacant
- previous LH Nov 4, 2014; appealed at that time was the Vacant Building status of the property; owner had indicated that it was ready for inspection; LHO said that if it was ready, the Revocation would be lifted and allow it to be occupied
- Mr. Luther contacted him to inspect; Mr. Neis inspected Nov 13 and found that the building was not at all ready for occupancy
- the house had missing window screens, exterior storage, rear deck was unsafe- had loose guard rails, rotted boards; and the owner was very reluctant to allow Mr. Neis access to the garage (he questions what could be going on in there)
- house door was not weather-tight; cabinets in kitchen were rotted and deteriorated; the owner had tried to make it look nice by putting on new counter tops and a new sink (bandaid); the plumber was not properly installed; no permits were pulled; plumbing was actively leaking; he advised owner to seek a licensed plumber and pull a permit to properly install that; damaged outlets in kitchen and living room; several

other electrical issues; initially, he had removed the hard-wired smoke detector and tried to replace it with a battery detector

- a lack of maintenance and deterioration over an extended period of time causing the wood to rot from plumbing leak*
- appealed is deficiency #2: excessive accumulation of materials that cause a nuisance or harbor rodents (a lot of exterior storage-roof trusses and other building materials piled up in the back yard next to the garage); it looked like there was coming and going activity while he was there; owner said that he did not have the keys to the garage*
- the garage building permit has been active since 2011 (to raise the roof and other garage repairs)*
- Correction Orders were issued by the building inspector in 2011; inspection made in 2012*
- no progress has been going on; materials causing a nuisance*

Ms. Moermond:

- you get to be a Cat 1 VB until Jan 1, 2015 or before if you get your Fire C of O re-instated*
- so, this inspection was presumably, to get the Fire C of O re-instated sooner*

Mr. Luther:

- yes, when Mr. Neis came out to inspect Nov 13, he thought everything had been corrected and was fine*
- admitted he put in battery smoke detectors because the his cleaning people got water in the electric smoke detectors; since, then he put in hard-wired smoke detectors*
- has hired an electrician and taken out a permit; the electrical issues have been corrected - ready for a final*
- has hired a plumber, who made the plumbing corrections; waiting for a final*
- Nov 13 - the house had new carpet in it; all has been repainted*
- screens have been corrected*
- kitchen sink has been fixed underneath*

Mr. Neis:

- active permits were pulled for the plumbing on Dec 3, 2014; electrical was pulled Dec 6, 2014*

Mr. Luther:

- has had a lot of expenses and is looking for more time to finish the garage*
- the materials for the garage are covered with tarp; stored off the ground*
- the garage is water-tight*
- his plan is to complete the garage next spring*
- asking to be able to leave the materials there for 6 months*

Mr. Neis:

- he wouldn't have an issue if the materials were put inside the garage*
- it's a large garage on this residential property*
- the materials have been there since Sep 2012; Virgil Thomas inspected*
- Mr. Luther was issued Correction Orders on the garage by Todd Sutter, Nov 2011*
- the corrections were never verified as done because no one called back for an inspection*
- doesn't know what condition the materials are in after sitting out there all this time; he never lifted up the tarps*

Mr. Luther:

- he has other things in the garage; he didn't have keys on him at the time of Mr. Neis'*

inspection

- *that garage is not for rent; it's his personal property*
- *he rents out the house and uses the garage for his own things*

Ms. Moermond:

- *it wouldn't be a nuisance violation if those materials were stored inside the garage*
- *doesn't care where the materials go but 2 years is long enough for them to be outside*
- *it's not acceptable under the Property Maintenance Code to have these materials stored outside*
- *2 yrs is long enough to get the project finished*
- *will recommend that Council uphold this Order to remove the materials by Dec 17, 2014*

Mr. Neis:

- *if it's not done by Dec 17, he will forward this to Code Enforcement to issue a Summary Abatement Order to remove those materials from the property*

Ms. Moermond:

- *that makes perfect sense; and that SA is appealable*
 - *the SA Order will say, "We really want you to remove those materials and if you don't, the city will and it will cost a lot."*
 - *it's a code violation*
 - *all Mr. Luther's ducks must be in a row before the house can be re-occupied*
 - *if it's not done by Dec 17, a SA Order will be issued on Dec 18 (give you a little bit more time) and then the city would do it; it would still be done by Jan 1, 2015, when you need to have it done in order to your C of O back without having to go thru a whole code compliance inspection*
- Grant until December 17, 2014 to remove the exterior storage of excess building materials stored under tarps. If the building materials are not removed, Code Enforcement staff will issue a summary abatement to remove the materials. For the remaining items, the deadline for compliance is January 1, 2015 as stated in the November 4 Legislative Hearing.*

Referred to the City Council due back on 12/17/2014

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 5 [RLH FCO 14-170](#) Appeal of David Saunders to a Fire Inspection Correction Notice at 1748 MARSHALL AVENUE.
- Sponsors:** Stark
- David Saunders, owner, appeared.*
- Fire Inspector A. J. Neis:*
- *Fire Certificate of Occupancy Correction Notice issued by Fire Inspector Jay Bohan*
 - *was in LH a few weeks ago; the matter was laid over in respect to the way Mr. Bohan wrote the Orders*
 - *after the hearing, he consulted with Inspector Bohan about the Orders and decided for him to Withdraw the Orders with regard to the rooming house issue and for him to issue the Order regarding the Zoning Code about student housing; after further consideration, having both Orders in the same document seemed rather redundant*

and in some ways conflicting

- 5 students live here at this time and it's not a matter of being overcrowded; it may be a matter of being over occupied depending on a pending decision by the BZA
- the Order was Withdrawn
- if Mr. Saunders is granted his appeal thru the BZA to be a registered student house, then, we would re-issue the Orders under "Rooming/Boarding" house for the 5 occupants

Ms. Moermond:

- it seems that there are 2 zoning issues one of which has been written up; the other one, not written up: student housing and rooming/boarding
- if you have 5 unrelated adults, that in and of itself, is a violation that isn't written
- then, the student housing ordinance, on top of that, is a separate violation

Mr. Saunders:

- am a bit confused; did receive the letter from Mr. Bohan dated Nov 25, 2014
- has an issued with #6
- he looked at his documentation and had submitted an application for student housing; it was returned to him saying that it was incomplete; they wanted a copy of the lease and the students' IDs; he provided those but did not hear anything further; so, it appeared to him that the the dept. erred in allocating the house next to him to become a student dwelling when his application was already in-house

Mr. Neis:

- has no response to that; that was when Inspector Urmann was assigned to the application processes
- he has no record of having received the returned application; he will go back into the records to look further

Mr. Saunders:

- the original letter is dated Jul 25, 2012- notifying of the student housing overlay; they provided an application, which was completed and sent in; he got a letter back saying that he needed to provide a copy of the lease and student IDs, which was then submitted; he heard nothing after that
- he was surprised at this last inspection when he was told that his house was 150 feet from another student dwelling
- the other issue is that he knew nothing about the 5 vs 4 occupants
- entered a copy of the lease

Mr. Neis:

- looked in the record
- Aug 16, 2012, Mr. Saunders was mailed a letter of incomplete student housing registration; from what he can tell, after that, there was no additional correspondence sent to the city; he was supposed to provide that information before Dec 5, 2012
- everyone who submitted an application back then was automatically approved for student housing, so the city did not err approving one person over another; at that time, he would have received a Student Housing License as well as the person next door
- Inspector Bohan and Mr. Neis are currently doing student housing inspections

Ms. Moermond:

- need to have 4 or fewer people there regardless of whether it's student housing
- if you want to have more than 4 people there, you need to apply for a rooming/boarding house
- she can't make that call; it's a zoning call; she works only with the occupancy issues

Mr. Neis:

- the definition of a rooming house is under Chap 34.07; is not in this set of Orders
- wanted the result of the Board of Zoning Appeals to be addressed first

Ms. Moermond:

- Mr. Saunders' appeal is granted as far as we can go here; there are not too many people living here from a Public Health perspective but from a Zoning perspective, you do

Mr. Saunders:

- will be putting the property up for sale in March

Ms. Moermond:

- if you want student housing, go to the BZA because they don't have your records from before
- if you want more than 4 people living there who are unrelated, you need to go to Chap 34

Mr. Neis:

- their records will be stayed until the BZA makes a decision
- under Chap 34, a rooming house is defined as any residential structure or dwelling unit, supervised or not, would provide living and sleeping arrangements for more than 4 unrelated adults for periods of 1 week or longer. Any residential structure or dwelling unit, which provides single room occupancy as defined in federal regulations to more than 4 unrelated adults or any building housing more than 4 unrelated individuals, which have any one of the following shall be considered regulated as a rooming house. Rooming unit doors are equipped with door locks; shared kitchen facilities.
- you may apply to the BZA for both situations; if they grant you student housing application, they will still not let you put 5 people in the house; if you apply for a rooming house, they may grant you a rooming house variance but then, they will not let you put 5 students in there

Ms. Moermond:

- if you have 4 or fewer, you are not a rooming/boarding house and using deadbolt locks is a violation of the Fire Code
- Grant the appeal because the item has been withdrawn by the department. If Mr. Saunders wishes to have property be occupied as rooming/boarding or student housing, he may apply separately to the Board of Zoning Appeals. NOTE: the orders will be stayed until the result of the BZA decision.

Withdrawn

2:30 p.m. Hearings

Vacant Building Registrations

- 6 [RLH VBR 14-100](#) Appeal of Ahti Hujanen to a Vacant Building Registration Notice at 920 LINCOLN AVENUE.

Sponsors: Thune

Ahti Hujanen, owner, and Robert Hengelfelt, purchaser, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- Registered Vacant Building appeal
- received a neighborhood complaint Nov 5, 2014 stating there was a house fire back in Jul 2014; complaint reads: no work in progress; tarps on windows; some windows uncovered; neighbors worry that pipes will freeze; holes in roof
- doesn't know why someone from Fire Inspector of Code Enforcement or Vacant Buildings was not out there previously
- has no Fire Report
- code inspector Ross responded to that complaint and confirmed the complaint; he issued a Correction Notice documenting what he saw re code violations; house in dilapidated state
- photos
- gave 10 days to make repairs, which is impossible
- Nov 18, 2014, Inspector Ross Condemned the house with the code violations caused by the fire and transferred the file to the Vacant Building Program
- the house was unfit for habitation
- opening up a Category 2 Vacant Building file is more justifiable if the building has been Condemned previously
- Inspector Senty opened up a Cat 2 VB and had some on-goings with a realtor
- there's a Purchase Agreement in place; no TISH on file or whether it's even needed in this case
- it no longer falls under their 90-day fire exemption
- it's documented that there's roughly over \$300,000 worth of damage from the fire

Mr. Hujanen:

- this is his own home; he loves the house
- fire happened Jul 11, 2014; it was struck by lightening; Fire Dept was out 3 different times; fully damaged
- he's been working with the insurance company, which was giving him low ball offers; he engaged an attorney, who advised him to get 3 bids on the repairs so that a negotiation could take place for a settlement
- he worked with an architect first; then, got 3 builders in there and got their estimates back; they were very expensive
- after the settlement check was issued in mid-Nov, it was clear that he was not going to be able to cover the costs; so, he decided to sell it; he put it up for sale on a Fri and by Tue he had 4-5 offers and Robert Hengelfelt's offer was the best
- he found out he had a neighbor, Steve Verkus, New Life Construction, who lives across the street; he's a roofing contractor who stepped in when the fire was still there; Mr. Hujanen contracted with him to put on tarps, clean-up debris from what the city left and put on a roof; he took a lot of liberties with that: he did the demolition of the whole interior and proceeded to try to charge him \$129,000 for the work, which was a significant chunk of his settlement; one of the reasons why he couldn't re-build; he then, fraudulently cashed the insurance check; he is in a dispute with them (Mr. Verkus filed a lien against the property, technically, 3 days after he cashed the check that was payment; that stopped the sale)
- his intent had been to re-build; he had 3 bids, he selected a builder; now, Mr. Hengelfelt wants to take it over and it being a Cat 2 VB gets in the way of where he wants to go with it
- he would like some time to resolve this and execute the sale so that Mr. Hengelfelt can begin construction

Mr. Hengelfelt:

- he is a contractor and wants to buy the house, rehab it and sell it
- he has been a licensed contractor in St. Paul for 15+ years; does a lot of historic preservation type work
- the house does need a lot of work but it's not too intimidating
- he would like to avoid the Cat 2 process for a variety of reasons (it slows things

down and complicates things)

- he also thinks that he has enough experience that he doesn't need that kind of oversight

Mr. Hujanen:

- the lien is in the process of being litigated; once that's finished, the title can transfer
- they have a signed Purchase Agreement - to close by the end of Dec 2014
- the realtor did not think that the house needed a TISH because of the state it was in: clearly, a complete loss
- he started to interact with his insurance company 5 days after the fire, when the adjuster came out
- the insurance company brought in another construction firm, Bellaford, to do an estimate on it; they came back with an offer 3 weeks later of \$287,000, which would barely cover the cost of framing, not to mention all the interior work that needed to be done; that's when he talked with his attorney and she recommended to have them hold off while he got 3 estimates from other independent contractors (the real cost), which took quite a bit of time; it was either late Oct-early Nov when he got all those estimates; he submitted them to his insurance company and at that time, they agreed that it was a total loss and they started their process of issuing payments, which took a few weeks

Ms. Moermond:

- wondering why the Fire Dept hadn't communicated to Code Enforcement that there had been a fire; then, it would have automatically showed up with the VB Program and they would manage it - give you 90 days to resolve things and then, give an extension, perhaps
- this building is a total loss; the building permit will be a complex application

Mr. Hengelfelt:

- basically, the building has been gutted - down to the framing; the good thing is that he can now see where there are problems
- the reason for gutting was the water damage, not the fire; the fire was restricted to the NE corner of the attic space; and the fire dept was out 3 times because it rekindled
- everything that he's seen appears to be manageable but it will take a lot of work
- if it were his choice, he would not Condemn it

Ms. Moermond:

- she would because you can't live in it; that's the standard that Condemnation revolves around
- you permit applications will need to be very comprehensive and they will be reviewed collectively that there's nothing that a code compliance inspection would add to that on a gutted house; this situation would not benefit from a code compliance inspection
- this should be a Cat 2 registered vacant building; it's not habitable
- but it will not require a code compliance inspection (would be a moot point)
- will recommend granting a 90 day waiver on the VB fee but she does not anticipate that it will be done in 90 days
- you can't move anyone in to live there
- a VB fee will be coming down the pike
- a Sale Review is also a moot point (Ms. Dornfeld will put a note in the file explaining the situation)

Mr. Hujanen:

- they filed a counter claim against them last Fri; the hope is that they will negotiate

Ms. Moermond:

- *from the city's perspective, it will look for expedition of transfer of title*
- *if we are not any further down the road in a few months, we will re-visit the Cat 2 situation and look at the Work Plan and the availability of money to finish the project*
- *Purchase Agreement dated Nov 18, 2014*

Waive the VB fee for 90 days; dwelling remains a VB Category 2 but no code compliance inspection or sale review is required.

Referred to the City Council due back on 1/7/2015