

MINUTES OF THE LEGISLATIVE HEARING
ORDERS TO REMOVE/REPAIR, CONDEMNATIONS,
ABATEMENT ASSESSMENTS AND ABATEMENT ORDERS

Tuesday, October 12, 2010
Room 330 City Hall, 15 Kellogg Blvd. West
Marcia Moermond, Legislative Hearing Officer

The hearing was called or order at 10:05 a.m.

STAFF PRESENT: Steve Magner, Department of Safety and Inspections (DSI), -- Vacant Buildings; Paula Seeley, Inspector, DSI; Christine Boulware, Planning and Economic Development (PED), Historic Preservation Commission (HPC); Matt Dornfeld, DSI –Vacant Buildings; Mike Urmann, DSI Fire Inspection

6. Ordering the owner to remove or repair the building(s) at 968 Jackson Street within fifteen (15) days from adoption of resolution. **(CPH 11/3)**

Man Huynh, Edina Realty, appeared.

Ms. Moermond requested a staff report. Mr. Magner reported that 968 Jackson Street is a one story, wood frame, single-family home with a detached one stall garage on a lot of 4,792 square feet. According to their files, it has been a vacant building since March 29, 2008. The current property owner is Deutsche Bank National Trust Company per Ramsey County. The City has had to board this building to secure it from trespass. There have been six (6) Summary Abatement Notices since 2008. There have been six (6) Work Orders issued for boarding/securing and removal of tall grass and weeds. On June 22, 2010, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on July 23, 2010 with a compliance date of September 3, 2010. As of this date this property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees have gone to assessment. Taxation places an estimated market value of \$15,600 on the land and \$31,300 on the building. As of October 7, 2010, a Code Compliance Inspection has not been completed (the old Code Compliance Inspection from October 2008 expired) and the bond has not been posted. The first half of 2010 Real Estate taxes are delinquent in the amount of \$1,591.52 plus penalty and interest. Code Enforcement Officers estimate the cost to repair this structure starting at \$75,000; demolition starting between \$8,000 and \$9,000.

Ms. Boulware, HPC, stated the property has had some alterations; staff would not be adverse to demolition.

Ms. Moermond noted that Mr. Jim Ferretti, Boston, Massachusetts, contacted her office last Friday and he said that he closed on the property a week ago Monday. He also said that Mr. Huynh would be representing him here, locally. He purchased the property from National Assets Group, which held it after Deutsch Bank National Trust Company. Mr. Huynh said that the property has not been sold.

Mr. Magner stated that the City would not recognize the sale to Mr. Ferretti because of his Category III status, he is barred from transactions under Chapter 33. His recommendation is to inform Mr. Ferretti of that; it is probably an illegal sale and needs to be reversed. Mr. Magner believes that Mr. Ferretti also

contacted his office; staff had the same conversation with him. Mr. Magner is unaware of any ability for the City of Saint Paul to move any further than to proceed with an Order to Remove the building within fifteen (15) days.

Ms. Moermond recommended Removal within fifteen (15) days with no option for rehabilitation.

2. Summary Abatement Order

1. 702 Wilson Avenue, Appeal of Deerbrook Holdings, Inc. (CPH 10/20)

Connie Rongitsch and Robert G. Wicker appeared.

Ms. Moermond requested a staff report.

Inspector Seeley, DSI, reported DSI received a complaint on August 17, 2010 that there was a lot of improper storage in the rear yard. Inspector Robinson went to inspect on August 18, 2010 and issued a Summary Abatement Order with a compliance date of August 24, 2010. He re-checked in on a couple of occasions but no work had been done. Inspector Robinson is no longer with DSI; he transferred the file to Inspector Seeley. She went to inspect on October 9, 2010 and noticed a couple of abandoned motor vehicles and three (3) large piles of debris underneath a tarp (she presented photos). Mr. Wicker filed an appeal. Scott Gunderson of California is the owner.

Mr. Wicker stated that they received a Summary Abatement Order from Harold Robinson. Mr. Wicker phoned Mr. Robinson and told him that the items the Ms. Seeley referred to as rubbish is actually approximately \$20,000 worth of oiled lumber. Mr. Wicker said that they could not fix up the properties unless they can keep the materials on the site to do it with. They had gone to the Heritage Preservation Commission and the building inspectors and were told to develop a plan. The plan will use up that lumber. Mr. Wicker noted that he has shoveled snow for and cleaned up the Wilson, Bates and City properties for over twenty (20) years. A building permit is posted on the door at 702 Wilson for putting in a 22 x 22 foot parking slab. Mr. Wicker said that they have increased the value of 702 Wilson from \$38,000 to \$100,000+. The taxes are paid. He stated that they will agree to remove the lumber but he asked the City to give them between six (6) to eight (8) weeks to finish the construction phase and clean up. They intend to get everything done by December 15, 2010.

Ms. Moermond stated that she has a solution she thinks Mr. Wicker will agree to. She will agree to give them more time to use the building materials but asked that they organize them a little bit better. Ms. Moermond asked about some piles of stuff in the photo. Mr. Wicker said they (boxwood hedge) are not there anymore. The boards that are leaned up against the house will be gone within a few days. A new door will be installed. Christine Boulware stated that she will need to review the new back door. Mr. Wicker said that the rebar will be going into the new parking slab. Ms. Moermond stated that he will need to straighten and organize to make it look better. Mr. Wicker agreed. **Ms. Moermond will give them until December 15, 2010.**

3. Orders to Vacate, Condemnations and Revocations

1. 1787 Orange Avenue, Appeal of Terri Brennan/Dan Brennan (CHP 10/20)

Terri Brennan and Dan Brennan appeared.

Mike Urmann and Matt Dornfeld, staff

Ms. Moermond asked for a staff report. Mr. Urmann stated that this started off as a referral to the property for exterior sales of materials, which appears to be tires. A letter was sent to the owner for the referral and also to set up an inspection date for the Certificate of Occupancy on the building. When the fire inspector returned to the building, he met with the tenant, who stated that he was unaware that the inspector had an appointment to come out; however, he allowed the inspection for the Certificate of Occupancy. At the time, the inspector was informed that the building owner may be at another address. The inspector attempted to contact the owner without success. The inspector then copied both of the letters to the responsible party that was listed from the county, as well as another address they had for the owner in Minneapolis. All of the Orders went out correctly and have not been returned to DSI but there has been no contact from the building owner, so it has become necessary to revoke the Certificate of Occupancy for non-compliance of all of the Orders.

Terri Brennan, tenant, stated that what she understood from her landlord is that he lives in White Bear Lake, MN. He and his wife are separated and his wife is not giving him his mail. When the inspector came out, they did the walk through. She asked for a copy of what needed to be done and everything on the list has been taken care of. Mr. Brennan thought that a letter should have been to both parties. Ms. Moermond responded that the City's responsibility, by law, is to notify the owner. It is up to the owner to share that information with the tenant. Mr. Brennan said that they did everything themselves. The landlord did have someone come to check the furnace. The owner must be a very busy person. Mr. Brennan asked that the City set up the inspection date with them. Mr. Urmann stated that the City's policy is that they cannot set up an appointment with the tenant unless they have been given permission by the building owner/legal responsible party acting in his stead. The tenant can provide entry, but the City must communicate with the building owner. Mr. Brennan stated that they would be ready at any time. Ms. Brennan suggested that they try to contact the owner. Ms. Moermond stated that she has no problem setting up the appointment and having the Brenna's try talking the owner into being there. Mr. Urmann noted that re-inspection is set up for 12 Noon, October 15, 2010.

Ms. Moermond asked which things haven't gotten done; those things the landlord will need to take care of. Mr. Brennan said that, regarding #8.

Bedroom north side – Reduce and maintain the number of occupants in the sleeping rooms to: 1-Bedroom being occupied by 2; bedroom measured at 90 square feet. Reduce to 1 occupant to sleep in the bedroom.

Mr. Brennan measured the room and found it to be 109 square feet. He believes that each need occupant needs 50 square feet. This room should meet the code. Also, the landlord had all new windows put in. They don't open as high as they should (2 inches too short) yet they are wider than they need to be, so the square footage is adequate or more. Mike Urmann noted that the problem with the egress windows is that they were installed without a permit or inspection.

Ms. Moermond asked when the windows were installed. Ms. Brennan responded, “A little over a year ago.” **Ms. Moermond stated that will recommend granting a variance on the egress windows and also on the square footage of the bedroom during the Brennan’s tenancy, only.**

Regarding the guardrail on the attic stairway, Ms. Brennan stated that the attic is currently used for storage, only. They put a lock on the door so that no one can go up into the attic. **Ms. Moermond stated that a guardrail needs to be installed.** She will be following up on this next Tuesday afternoon with Inspector Shaff.

On October 19, 2010, Ms. Moermond consulted with Ms. Shaff and recommended that Ms. Brennan install a guardrail for the attic stairway.

2. 934 Juno Avenue, Appeal of John Starbeck (CPH 10/20)

John Starbeck appeared.

Ms. Moermond requested a staff report.

Matt Dornfeld, DSI – Vacant Buildings Supervisor, reported that Orders were issued to the property owner on September 2, 2010 for a Fire Inspection for restoring water utility shut-off. On September 20, 2010, water was still not restored. On September 24, 2010, Inspector Rick Gavin condemned the home for nine (9) violations. The main violations were water and electrical shut-off and electrical meter having been tampered with. On September 25, 2010, Inspector Senty opened a Category II Vacant Building file; he checked with water service and found that the outstanding water bill was paid only to the point where it would put into a new shut-off cycle. About half of the bill remains to be paid. He checked with Xcel and found that the electricity remains off. They were told that a new tenant was moving in. When the inspector told Xcel that the property had been foreclosed past redemption period and was condemned, and that it did not have a current Certificate of Occupancy, Xcel stated that they were not going to restore power until the bill was taken care of. Mr. Senty issued Orders to the property owner, Federal National Mortgage Association (Fannie Mae).

Mr. Starbeck stated that after it went into foreclosure, he had no idea who owned the property. They had lost all communication with the previous owner. They have maintained the property going on three (3) years all along trying to figure who owned the property and how that was going to affect him. He had no idea when the water and power was going to be shut off because all the information was going to the owner. When he went to pay the bills, they would make the receipts out in Mr. Starbeck's name. He originally rented the property through Remax. At that time, the building wasn't up to code. He got it up to code. He stopped sending rent checks the last couple of months and put the money into a separate account. They expected a response from the original owner but didn't receive one.

Ms. Moermond asked how much the Xcel bill is. Mr. Starbeck replied, "\$2,100." Much of the back part of the duplex is on his meter (he had a verbal agreement). He likes the neighborhood and the home and he would like to stay there. Rent is \$650 per month but Mr. Starbeck was working to on the place to fix it up, so the rent per month was dropped to \$450 per month.

Ms. Moermond stated that they must have gas and electric to live there. She said that she can give them only a little bit more time to getting the power restored and a Certificate of Occupancy reinstated. October 31, 2010 is the time limit.

Ms. Moermond will recommend that the appeal be denied and an extension granted to October 31, 2010 to have the power restored or they must vacate the property. If the Certificate of Occupancy is not restored at that point, the appellants may be at the property between 8:00 a.m. and 8:00 p.m. to move out.