

City of Saint Paul

*15 West Kellogg Blvd.
Saint Paul, MN 55102*



Minutes - Final - Final

Friday, November 19, 2010

10:30 AM

Room 330 City Hall & Court House

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer

Mai Vang, Hearing Coordinator

Jean Birkholz, Hearing Secretary

legislativehearings@ci.stpaul.mn.us

651-266-8560

10.30 a.m. Hearings

Orders to Vacate, Condemnations and Revocations

- 1 [ALH 10-430](#) Appeal of Michael Gross to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 852 ALBEMARLE STREET.

Sponsors: Helgen

Attachments: [852 Albemarle St.Appeal.11-18-10.pdf](#)
[852 Albemarle St.Photos.11-17-10.pdf](#)

Ms. Moermond recommended denying the appeal.

STAFF PRESENT: Inspector Leanna Shaff, DSI - Fire; Mai Vang and Jean Birkholz, City Council Offices

Michael Gross and his father, Leonard Gross appeared.

Condemnation/Order to Vacate

Ms. Moermond stated that her job here is to consider the appeal of whether or not the building should be condemned and ordered vacated. This matter will ultimately be decided by the City Council. Ms. Moermond will make a recommendation to them to inform their discussion. Whatever her recommendation is today will remain until this matter is before them for a public hearing.

Inspector Shaff reported that this started as a referral - washer, dryer, couches, etc. in front yard and porch. Inspector Martin responded to that complaint which gave cause to inspect the interior of the building; she took numerous tell-tale photos. Ms. Moermond asked whether Inspector Martin did a full Certificate of Occupancy inspection. Inspector Shaff replied that she did although it had started out as a referral. Inspector Shaff reported that Inspector Martin found numerous life-safety issues. There are three (3) adults and five (5) children living in this single-family home. There are severe electrical issues and there has been a fire in the attic. It is not a Section 8 house. It failed its Section 8 inspection in July 2010. Prior to that, the last time it was inspected by Section 8 was in September 2008 and it was approved after six (6) tries. This would be its first Fire Certificate of Occupancy inspection. Ms. Moermond asked Inspector Shaff to walk her through the critical life-safety issues on the November 17, 2010 Orders. Inspector Shaff stated that first and foremost is the electrical work: 1) hanging fixtures; 2) open wiring; 3) extension cords that are wrapped around things; 4) plastic ceiling is discoloring; etc. There are also sanitation issues. Jennifer Lunzen, House Calls, has been to the property and will be working with the tenants to re-locate as quickly as possible. There is overcrowding in the sleeping rooms where there are four (4) beds in one room.

Ms. Moermond, Inspector Shaff and Michael Gross viewed the photographs showing the following:

- deteriorating basement steps*
- front door missing*
- driveway not cleared (Mr. Gross explained that the driveway is not his; two (2) other neighbors own it. There is no garage on his property.)*
- broken walk-way*
- window screens missing; locks missing*

- trash in the rear
- old fire extinguisher
- missing flooring
- discoloration on plastic ceiling fixtures (looks like electrical burn)
- dryer vent caked with dryer lint (highly combustible)
- illegal lock on bedroom door
- bathroom floor needs tile
- exhaust fan needs cleaning
- fixture hanging by a wire
- duct tape on electrical wires
- extension cords
- poor electrical outlets
- five (5) people in one (1) bedroom
- four (4) people in one (1) bedroom
- clutter
- open wires on second floor
- open hole into attic from hallway
- no power; no heat
- broken sheetrock
- discolored walls and ceilings from smoking
- furnace/water heater (water heater is new but no permits were pulled)
- circuit box overloaded
- rock foundation
- extension cord wrap around

Inspector Shaff stated that the tenants will be vacated Monday, November 22, 2010.

Ms. Moermond explained that all single-family homes and duplexes within Saint Paul that are rental are being rolled into the Fire Certificate of Occupancy Program. The program began approximately three (3) years ago and inspectors are probably half way through the whole population of one (1) and two (2) unit rentals in the City. In this case, the complaint triggered a full inspection. The Section 8 requirement is only connected to getting a Section 8 Certificate. She asked Mr. Gross what he is looking for in his appeal. Mr. Leonard Gross responded that after speaking with Inspector Martin yesterday, they were under the assumption that if they filed the appeal, the tenants would be able to stay in the house, and they would hire a licensed electrician to figure out their electrical problems. His son told him that when the work was done, the tenants needed to be gone. These tenants became tenants because Frank's mother had lived there previously for over five (5) years. Mike Gross added that the tenants didn't have a place to go and they begged him to let them move in, so he let them move in. Meanwhile, he has been trying to fix things. He would like to continue to repair the property. He wasn't aware until Inspector Shaff told him that anyone who worked there needed to be licensed. He added that the yard is now picked-up except for one (1) refrigerator and a little bit of brush which they will take care of this weekend. Inspector Shaff requested that they take the door off of the refrigerator immediately after this hearing. Ms. Moermond stated that she will have a code enforcement officer check to make sure the refrigerator is gone this afternoon. If the refrigerator is still there, the City will remove it and charge Mr. Gross; or they can remove the refrigerator door to make it safe. Ms. Moermond summarized the applicant's needs: 1) an extension of time to be able to fix the house; and 2) allow the tenants to remain in the house while the repairs are being made. She understands that it will take quite a bit of time to address all the repairs necessary, especially the electrical and sanitation issues.

Ms. Moermond will recommend denying the appeal and order it vacated. Mr. Gross will need to work with the shared driveway users to provide a usable surface; and will

need to provide the property grade to slope away from the building. Ms. Moermond will recommend that both those issues be done by April 30, 2010, with the balance of the matter taken care of before then. Inspector Shaff added that she will refer the house (clearly a Category 2 Vacant Building) to the Vacant Building Program, which will require the full code compliance. Ms. Moermond said that the building will need to be empty while the work is being done. Typically, they wait a couple of weeks before they refer it from the Fire Certificate of Occupancy Program to the Vacant Building Program. When it gets to the Vacant Building Program, there will be an annual fee and there will be a Code Compliance inspection (\$500). All of the items on that inspection will need to be addressed before the building can be re-occupied. If the work can be done in a timely fashion, Ms. Moermond may take another look at it. Mr. Leonard Gross noted his concern about the cost of getting it all done. Ms. Moermond responded that she needs to be concerned about the safety of the people who live in the house.

Referred to the City Council, due back on 12/15/2010

2 [ALH 10-414](#)

Appeal of Janice and Jim Mott to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 642 WHITE BEAR AVENUE.

Sponsors: Lantry

Attachments: [642 White Bear Ave N.Appeal.11-16-10.pdf](#)
[642 White Bear Ave N.Photos.11-5-10.pdf](#)
[642 White Bear Ave N Condemn-Vacate ltr.doc](#)
[642 White Bear Ave N.Correction Order.12-15-10.pdf](#)
[642 White Bear Ave N.Condmenation Placard Lift Ltr.12-15-10.pdf](#)

Ms. Moermond recommended that the following be done by Monday, November 22, 2010:

- furnace cleaned and inspected under permit
- windows and doors cleared and are openable
- smoke detectors tested
- purchase new carbon monoxide detector
- purchase new dehumidifier
- make sure there is access to the service panel

Ms. Moermond further recommended that the total volume of stuff needs to be reduced by 50 percent by Friday, December 10, 2010 to the satisfaction of Inspector Seeley or the City will remove it.

STAFF PRESENT: Inspector Paula Seeley, Department of Safety and Inspections (DSI); Mai Vang and Jean Birkholz, Council Research; and Kay Wittgenstein, Ramsey County House Calls Program

Janice and Jim Mot and Robin Hansen (newly assigned case manager to Janice) appeared.

Vacate Order/Condemnation/Revocation of Fire C of O

Ms. Moermond stated that she will hear from the appellants and then make a recommendation to the City Council on this matter. Ultimately, they will decide on the appeal. Ms. Moermond's decision will hold until the time of the City Council Public Hearing, December 15, 2010. First, she will hear the staff report.

Inspector Seeley reported that a complaint came into the office November 3, 2010:

- gross, unsanitary interior
- animal feces throughout the inside
- basement flooded with standing water

Inspector Seeley went to the house November 5, 2010, met Janice at the door and explained who she was. Janice allowed her into the house; a case worker was there at the time. Inspector Seeley saw that the kitchen was full of excessive storage; she could hardly walk through the hallway. She could see that the living room was totally full. James had to move things in order for her to get down the basement. When she got down into the half basement, she found more excessive storage with combustibles around the water heater and the furnace. Janice told her that the three (3) rooms upstairs were also full of stuff, so she didn't go up there. The basement has a very strong smell and she believes that the smell is coming from the damp dirt basement plus all of the storage. James had put down a rug over 3/4 of the basement dirt floor, which probably is causing the mold and mildew odor.

Ms. Moermond noted that Kay Wittgenstein was called in as a consultant on this case. She hadn't been to the house before because they have case management. Also, Ms. Moermond noted that Inspector Seeley had ordered the house vacated effective November 11, 2010 but it was extended. Ms. Seeley responded that she did extend the Vacate Order. She told them that as long as they work with Kay and get someone out there to help them over the next week or so, she would try to get the Vacate Order extended; however, Janice isn't capable of doing too much at a time and her son has been trying to help but he isn't capable of doing much either. There's a dumpster but there's not too much in it. So, she told Janice yesterday that she could be there working from 8:00 a.m. until 8:00 p.m. They really need people to help them clean out the house. The City could do it and then assess them over a certain number of years. If they had funding, they could hire domestic engineering. If the City does it, they won't go through anything; they'll just get rid of all the stuff and bill the Motts. Ms. Wittgenstein added that there are a few different agencies they can hire to get the house cleaned out quickly.

Ms. Robin Hansen, case manager, stated that she just received this case. She is surprised that with services (a public health nurse) in place, this issue has grown to this extent. She suggests that a working dehumidifier might solve the damp dirt problem. The combustibles can be taken out of the basement. She said that they have made great strides; they have been in their home for forty (40) years. The dog in the house is not theirs and they are not going to keep it; it is old and making messes. They were asked to keep it for while. Ms. Moermond suggested that the Humane Society could help in that regard. Ms. Hansen stated that she will need to go in and make sure that the clean-up is done properly. Ms. Moermond assured the Motts that they are not the first people to find themselves in this circumstance and there are resources to help because no one wants them to be out of their home. Ms. Hansen noted that the Motts have talked about working with Kay and going to the bank to get a loan to hire a crew to get the job done right.

Mr. Mott stated that they have two (2) cats but they can't be causing the odor; he has two (2) cat boxes, one (1) on either side of the room. He, personally, can't smell because he had worked with chemicals most of his life. The water that Inspector Seeley saw next to the wash machine is from the hose that goes directly into the drain. He got rid of all the stuff in the basement that they don't need. He still has some lumber to make bookshelves, etc. He will take the rust off his tools with a steel brush and then rub them with oil.

Ms. Moermond asked what kind of things had they accumulated over time. Ms. Mott responded: furniture, clothes, etc.; it's just a teeny little house with no space to store

stuff, so they ended up stacking. Ms. Moermond said that they have had trouble filling up the dumpster in deciding what can leave the house. Ms. Mott responded that it's really hard. They have taken things out to the locker so that the house would look fairly good when the inspector came back. Ms. Hansen stated that someone needs to help them make decisions about what to keep and what to throw. Ms. Mott said that she went through the kitchen cabinets and eliminated dishes; through the linen closet to eliminate stuff. The hard part is what's stored in the boxes. Ms. Hansen said that they will need to come up with rules for keeping things. Ms. Mott added that she has had many crises: she lost her grandma and a dear friend, her husband lost his brother last year; and since 2000 she has had eleven (11) operations. She hasn't had any energy to get up to do anything; she used to keep a very clean house.

Ms. Moermond viewed the photos that were taken after they took things to the locker. Ms. Hansen noted that Janice has agreed to attend a group on Wednesday afternoons at Ramsey County Mental Health Center for impulsive behavior, which will help her in purchasing things.

Ms. Wittgenstein asked if the entrances and stairways are clear of clutter. Ms. Mott replied that they are clear. They have cleaned-up the basement area around the furnace, water heater and fuse box. Ms. Hansen said from what she is seeing in these photos, they will be able to take care of things. Ms. Moermond urged her to look at the old photos.

Ms. Moermond stated that there are things that need to be taken care of right away. She wants assurance that:

- the windows and doors are clear and accessible; one needs to be able to open and close them;
- there are functioning smoke and carbon monoxide detectors hooked-up and working properly;
- the furnace is functioning safely; it needs to be cleaned and tested by a licensed contractor that must include a carbon monoxide test; the report from the contractor needs to be submitted to Inspector Seeley; (the furnace was replaced under permit in 1994);
- the air ducts need to be cleaned;
- all combustibles must be removed;
- a new working dehumidifier is in the basement;
- the dog must go;
- all extension cords must go;
- there are no new animals in the house

Ms. Hansen stated that as long as they have services in place, there should be a chore list that is checked on.

Ms. Mott explained that they have limited funds; they are living on Social Security but they will try to get a loan. She added that she sews in a room that has no outlets, so she needs an extension cord. Ms. Moermond responded that she then needs to move her sewing machine. Ms. Hansen suggested that they may need to hire an electrician to put in more outlets. Ms. Moermond stated that whatever electrical / mechanical work is done must be done under permit. Inspector Seeley stated that she will need to take a better look at all the electrical things in the house. Ms. Hansen will meet Inspector Seeley at the house on Tuesday, November 23, 2010.

Ms. Moermond stated that the Motts can't sleep in a place that doesn't have smoke detectors and access out of windows and doors. She recommended that the

following be done by Monday, November 22, 2010:

- furnace cleaned and inspected under permit*
- windows and doors cleared and are openable*
- smoke detectors tested*
- purchase new carbon monoxide detector*
- purchase new dehumidifier*
- make sure there is access to the service panel*

Ms. Moermond further recommended that the total volume of stuff needs to be reduced by 50 percent by Friday, December 10, 2010 to the satisfaction of Inspector Seeley or the City will take care of clearing it out. She believes that there will need to be more that needs to be done after that. She finds it troubling that the Motts have put some things into a storage locker. Ms. Moermond has seen many cases where the stuff in the storage locker migrates back into the house again, so, people end up back in this hearing room talking about how to keep people safe in their home. She trusts that Ms. Hansen will be able to help them with making good choices. Ms. Hansen thinks that they may be able to hire "The Green House" to help with clean-up. Ms. Moermond stated that the Motts can remain in their home; they will not need to leave.

Referred to the City Council, due back on 12/15/2010