



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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651-266-8585

Tuesday, July 28, 2015

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 15-13](#) Ordering the rehabilitation or razing and removal of the structures at 870 FULLER AVENUE within fifteen (15) days after the June 3, 2015, City Council Public Hearing. (To be referred back to Legislative Hearing on September 22 and Public Hearing to be continued to October 7, 2015)
- Sponsors:** Thao
- Appearances: E. Dianne Smith, owner; Kenneth Shaw, Ms. Smith's brother; Dianna Smith, Ms. Dianne Smith's daughter; Natalea Gaston, close family friend interested in purchasing the property; Greg Finzell, Rondo Land Trust; and Andy Barnett, NeighborWorks; Attorney John Dockry*
- Inspector Steve Magner, Vacant Buildings:*
-read the letter sent by Ms. Mai Vang, following the Jul 14, 2015 hearing (attached)
-there have been several hearings on this property; Mr. Barnett has been working with the property owner; she did not have the resources at this time to either rehabilitate or remove the structure; she was interested in donating the property to some form of non-profit; Mr. Barnett had reached out to community interests; he spoke with Rondo Land Trust and Mr. Finzell and the board were interested in rehabilitating this project; some preparatory work has been done, which we are review today
- Mr. Barnett:*
-Rondo Land Trust has been able to access the interior of this property several times; they ordered the Code Compliance inspection to see if this might be a feasible project for Rondo Land Trust; their board met and made a decision
- Mr. Finzell:*
-one of their contractors and the subs went through the house; estimated rehab cost: \$116,000; they also had a title search done; the board met last Thu and agreed to take on the project if they had clear title and if they could start after Jan 1, 2016; they thought at the time, that if they took it through tax forfeiture, it would ensure that they have a clean title; however, the title search showed that Western Bank is unsatisfied; although, he thinks that there may be a satisfaction but the county hasn't yet recorded it; the search shows 2 owners; also the back taxes are close to \$7,000, including special assessments

Ms. Smith:

-her goal is to have Maliq Davis and his wife, Natalea Gaston, rehab the house - bring it up to code, not using taxpayers' money

Mr. Shaw:

-Ms. Smith has been ill and they have talked with these folks over a year ago about rehabbing the property; Ms. Smith didn't know what was going on with the house and he is here to make sure that it gets turned over to Maliq and his wife (they are capable of rehabbing any property); they bought the property next door and rehabbed that; he and Ms. Smith are willing to turn it over to them at this time

Ms. Smith:

-Juanita Oliver is Ms. Smith's mother; she died in 2006; her estate has not been probated

Ms. Moermond:

-you aren't going to be able to transfer the property to anyone without clearing up that title because Juanita's estate still has an interest in it; and you need to work with the courts to get this squared away

-when a title passes thru a county thru a tax forfeiture, the title gets cleared; all of the liens, different ownerships, etc. - it's all clear and the property belongs to the State of MN but taken care of by the county

-the bad news: this is a Category 3 VB, which means that it can't be fixed except under specific circumstances; and it can't be fixed by anyone except the owner or a not for profit rehab group that is a partner of the city's Housing and Redevelopment Authority; so, as private owners, you would not qualify to be able to purchase and rehab the house; the city would, essentially, not pay any attention to that and go forward with its own plans; but you could work in partnership with them as an end buyer; that's between you and whoever does the rehab, in this case, Rondo Land Trust; that kind of arrangement can be made; talk about that will Mr. Finzell; a transaction cannot happen between Ms. Smith and Mr. Davis and his wife

-the title needs to be cleared but the problem may be that Ramsey County's title office hasn't yet officially cleared it on the title; Mr. Finzell and Mr. Barnett are working with Ramsey County to straighten that out

-you have 2 problems: 1) Juanita Oliver on the title; and 2) Western Bank mortgage not being paid off "officially"

Mr. Barnett:

-would the Davis' be able to function as Ms. Smith's contractor to do the repairs in her name and then, once the building had been removed from the Cat 3 status, the sale could be done (?)

Ms. Moermond:

-she has seen some arrangements like that but she can't get past the title issue on this one; that's where this one will hang-up; also, it this has been slowed down and continued in front of the Council (she's had this file out since May 12, 2015, a long time) to accommodate this situation

-this is set to back in front of Council Aug 5 and she needs to make a decision on what to recommend

-Mr. Finzell and Mr. Barnett are ready to go with the rehab but wouldn't be able to start until next year; and they need to clear the title; the preferred method for them to clear the title is to have the property go tax forfeit

Mr. Magner:

-the city could move forward with an expedited tax forfeiture (Ms. Moermond: state

law says that only the city can initiate that action)

Mr. Finzell:

*-they came in, in part, because it didn't seem as though anyone else was interested
-is it possible to do a parallel thing with clearing the title; if they can get a quit claim or quiet title action, whatever, to get the mother off the title; and then, they post the \$5,000 Performance Deposit / bond ... (Ms. Moermond: and present a Work Plan, evidence of financing sufficient to do the project, and, and,,,,,)*

Ms. Gaston:

-we can do that; they have rehabbed houses in the community and 3 of them have been Cat 2; they have experience; they have the resources; her husband has the background; they own the house next door to this house; actually, they inquired about this house 3 years ago but they weren't ready yet; we lost contact with Ken but ran into him a couple months ago; they want to keep it in the community - affordable housing in the community

Ms. Moermond:

*-she needs to wrap this up
-she is concerned that the title is going to hold this up
-if the city does it, it will be done if the court approves it
-if she allows Mr. Davis to go forward with the rehab, she would need to see a really great contract that shows that he is doing the work on behalf of Ms. Smith, the owner*

Mr. Magner:

*-city staff would be looking for:
-\$5,000 Performance Deposit / bond, in Ms. Smith's name, which is refundable if done on time
-contract with Mr. Davis and Ms. Smith stating that he will rehabilitate the property and provide a funding source for the rehab with Ms. Smith in lieu of title after the title is cleared (maybe a quiet title process-action by an attorney); Ms. Smith can't just quit claim the property because she's not the only person on the title because her mother nor Western Bank have been taken off the title; you need an attorney's advice; maybe a probate will be necessary; once that's done...
-a Work Plan will need to be developed with contractors, timelines and costs based on the Code Compliance Inspection Report (plumbing, electrical, mechanical, building); maybe Rondo would be willing to share their package; their estimate is \$116,000 for the rehab; the city's estimate is at least \$75,000*

Ms. Gaston:

*-she and her husband just want the chance; they just found out about this; if they would have known sooner, they would have been here
-they are ready to go when everything is in place*

Mr. Magner:

*-the wild card in the room is the timing on clearing the title
-Ms. Smith has the legal ability to apply for and be issued permits tomorrow if a grant of time is issued by the City Council and she wants to have someone work for her; you can show us that, contractually, and it can move forward; the problem with that is that, let's say after you've spent \$75,000 to fix up the house and someone related to Ms. Smith's mother came out of the woodwork and claimed some interest in the house; and it was litigated - you have now risked that investment*

Ms. Moermond:

-she thinks that the risk involved with going ahead with the rehab without a clear title is that the rehab could come to a dead stop if there are title problems along the way -

a significant consideration; she always wants to title to be a clear issue, moving forward

Mr. Dockry:

-has done several quiet title actions with Ramsey County, usually we say about 3-5 months to have title cleared up with something like this; you have to publish the summons for the unknown heirs, which takes a little more time; the Western Bank should be taken care of fairly quickly with a quick call to them, asking if it's been satisfied and getting it documented (a call has been made to Western Bank - that's underway)

Ms. Gaston:

*-if it could take that long, Rondo wouldn't be able to get to it until after 3-5 months either
-need more time to work on the title*

Ms. Moermond:

-with Rondo, the city has a guarantee

Mr. Finzell:

*-we are more than willing to work with them - share the numbers, etc; he has worked with the Davis family for years
-we probably would have started the rehab in Feb 2016*

Ms. Moermond:

-OK; let's have you get a hold of an attorney

Ms. Dianna Smith:

-needed clarification on why the county can't legally transfer the property

Mr. Magner:

*-explained that the property has not been probated and there are more names on the title
-an action to "Quiet the Title" to remove any other names from the title will need to be done*

Ms. Moermond:

*-will do a 2-month Layover
-in that time, she needs to see the Quiet Title initiated (need an attorney to start the paperwork)
-needs to see a \$5,000 Performance Deposit / bond posted within 2 weeks
-a draft legal agreement between E. Dianne Smith and the buyers to describe how this rehab will occur while it's still in Ms. Smith's name
-during that 2 months, put a Work Plan together ready to present and provide evidence of financing
-maintain the property (Mr. Shaw will make sure the property is maintained)*

To be referred back to Legislative Hearing on September 22, 2015 and continued the public hearing to October 7, 2015.

Conditions to be met in order to get a grant of time for the rehabilitation:

1) the \$5,000 performance deposit or bond must be posted by August 4, and if this condition is met, the following conditions should be met by September 22 in order to continue work on the project toward a grant of time from the Council for the rehabilitation of the building;

- 2) a work plan or sworn construction statement, with timelines, for completing the work in accordance with the code compliance inspection report;
- 3) if project is to be completed by the private owner, evidence of financing sufficient to complete the project, as well as an affidavit indicating those funds will be dedicated to the project, is required;
- 4) provide a draft legal agreement between the Davis and E Dianne Smith to describe how this rehab will occur;
- 5) initiate process of clearing the title by pursuing a quiet title action or probate and show the Western Bank mortgage on the property has been satisfied.
- 6) maintain the property.

Referred to the City Council due back on 8/5/2015

2 [RLH RR 15-25](#)

Ordering the rehabilitation or razing and removal of the structures at 910 COTTAGE AVENUE EAST within fifteen (15) days after the August 19, 2015, City Council Public Hearing.

Sponsors: Bostrom

LeRoy Hayes Jr., owner, appeared.

John Dockry, Attorney representing JP Morgan Chase Bank, also appeared.

Mr. Hayes:

-he lives in Houston, TX; he would like to know why the City of Saint Paul went to his sister's home, which he purchased for her in Aug 2004 and everything was updated according to the sale agreement

Inspector Steve Magner, Vacant Buildings:

-Summary:

The building is a one-story wood frame single-family dwelling, with a detached two-stall garage, on a lot of 5,227 square feet. According to our files, it has been a vacant building since December 8, 2011.

The current property owner is Leroy Hayes Jr. per AMANDA and Ramsey County Property records.

On April 17, 2015, 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 April 28, 2015 with a compliance date of May 28, 2015. 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 \$12,300 on the land and \$47,700 on the building.

Real estate taxes are current.

The Vacant Building registration fees were paid by assessment on January 2, 2015.

A Code Compliance Inspection was done on August 1, 2013 and has since expired.

As of July 24, 2015, the \$5,000 performance deposit has not been posted.

There have been twenty (20) SUMMARY ABATEMENT NOTICES since 2011.

There have been fifteen (15) WORK ORDERS issued for:

- Garbage/rubbish*
- Boarding/securing*
- Tall grass/weeds*
- Snow/ice*

Code Enforcement Officers estimate the cost to repair this structure exceeds \$30,000. The estimated cost to demolish exceeds \$12,000.

Amy Spong, Heritage Preservation Commission (HPC):

-constructed in 1913; 1-story, 24 x 24 (original footprint is very much in tact)

- original owner was L. E. Tinggen; builder was H. Wolff
- no Sanborn Insurance map
- context is residential - similar era
- foundation is a concrete block foundation
- appears that there may be a newer siding covering over the original siding
- wasn't in the boundary of the survey work and not identified in the 1983 survey
- because of that, demolition would not have an adverse affect on the historic character of the neighborhood
- is set on a hill; retaining wall in the front, in tact; large set of steps
- no interior photos

Mr. Magner:

- the Summary Abatement Orders and Work Orders have been spread out over the years
- in 2011, the Certificate of Occupancy was Revoked; the file was transferred to the VB Program; the Revocation was sent to Mr. Hayes; it identified 10 violations; it was referred as a Category 2
- the Revocation was based on long-term noncompliance
- an appointment letter was sent in Apr 2011; C of O with deficiencies was done May 5, 2011; a re-inspection done May 16, 2011; re-inspection Jun 20, 2011; final Revocation Jul 28, 2011

Mr. Hayes:

- he had intentions of getting the house repaired; it was the intention of his sister and brother-in-law to stay in that house until they passed away; that was the purpose of purchasing that home
- he has pictures of the house; it's in excellent condition with the exception of the interior; the outside is beautiful
- he is under the impression that someone had to have called the city for the inspectors to have come out; and force themselves into the house and start making inspections without anyone in the family asking for an inspection
- his sister already had inspections done; she has asthma and if there had been any mold or other problems with the interior, she would not have been able to live there
- they have smoke and CO detectors

Ms. Moermond:

- that was 4 years ago; why weren't you appealing that action at that item?

Mr. Hayes:

- he was appealing it at that particular time; there were people within the inspection dept. working against him; example: Mr. Seeger refused to let a contractor from Houston do the job because they wanted to get them out of the house; twice, he did that
- another gentleman from Mpls was going to do some work and Mr. Seeger did the same thing, as though, he was the judge and jury; that's the reason it has gotten to this particular point; Mr. Hayes even called Mr. Seeger's supervisor to try to get this done; Mr. Hayes called one particular time when a contractor was sick, so sick he had to go to the hospital with pneumonia; he asked Mr. Seeger for an extension in order to get the work completed; the supervisor said yes to an extension but Mr. Seeger still prevented the contractor from doing the work (he was in the hospital for almost 1 month)

Mr. Dockry:

- he represents JP Morgan Chase Bank, the current mortgagee on the property
- there is no default or foreclosure pending right now
- he decided to come in case Mr. Hayes was not going to come today

-he is trying to understand the intentions of what's going to happen and see what can be done

Mr. Wagner:

-clarified: there has been a Certificate of Occupancy file on this property since 2007; it's been a rental property since 2007 (any time the property is listed to a party that does not occupy the structure, it needs to have a C of O; in this case, since Mr. Hayes has the title but someone else was living in the property); an inspection of such property would occur on a routine basis

-he does not know what precipitated the inspections but if the inspections are done and the items on the deficiency list aren't done, the C of O would be Revoked and the file would be sent to the VB Program

-he does know that there were some complaints in 2011; specifically, about people living the garage in Aug, after the vacate date

-there doesn't seem to be any other activity here about previous inspections

-a TISH was done in 2004

-2013-a building permit was issued for repairs; it was issued after the Code Compliance Inspection; that permit would have expired; a new one would be needed now

-we needs permits for: 1) the building section; 2) electrical section; 3) plumbing section; and 4) heating section; permits are good for 1 year

-as a Cat 2 VB, a permit can't be pulled unless there has been a current code compliance inspection report

-now, we'd need a application for a new code compliance inspection; once that's complete and recorded in the system, permits can be issued; also, a \$5,000 performance deposit/bond would need to be posted; at this time, we need a grant of time from the City Council to further the rehabilitation

Ms. Moermond:

-a 10 minutes recess was taken to review the records on this property

-asked who Mr. Louis T. Sanders was in relation to Mr. Hayes

Mr. Hayes:

-Mr. Sanders is my brother-in-law

Ms. Moermond:

-Mr. Sanders is the one who filed a number of appeals, including an appeal on the Revocation of the C or O and Order to Vacate

-your sister and Mr. Sanders seemed to have people living in the garage, which was Condemned

-Mr. Sanders was also issued a Criminal Citation for occupying the house after it was Ordered Vacated

-it looks as though he was saying that you, Mr. Hayes, wouldn't be doing the repairs; it also looks like we took some time (doing layovers) to allow him to work with Southern Minnesota Regional Legal Services (SMRLS) to bring a Tenant Remedy Action against you so that repairs could be made to the house by a court administrator; it turned out that the income was slightly too high for SMRLS to serve; they were referred another attorney; they did not show for a couple of appeal hearings and she ended up denying their appeal

-the house was to have been vacated by Aug 31, 2011; thru the appeals process, the vacate date was extended to Oct 17, 2011

-it appears that were a significant number of behavioral issues and a significant number of corrections that needed to be made that led up to the Condemnation

-you are the owner; you are responsible

Mr. Hayes:

-he is trying to get an understanding of what has been going on here
-he paid \$12,000 so that his sister and Mr. Sanders could move into the house; and Mr. Sanders was supposed to take care of any work that needed to be done on the interior of the house because he didn't have any place to live; he only did this because Mr. Sanders was his brother-in-law

Ms. Moermond:

-he said in the hearing: "House probably shouldn't even have been sold; surprised they got away with selling it; deterioration in walls of bathroom from wetness of the shower became noticeable after 2 or 3 years"
-they let one of Mrs. Sanders' brother stay in the garage until Inspector Cassidy said that he couldn't be there, so, he moved to the basement, which was also not OK

Mr. Hayes:

-he didn't know anything about that

Ms. Moermond:

-that Revocation was appealed by the occupant of the house, not by you, the owner; more time was granted for vacating; repairs were not made at that time (2011); after several months of it not being repaired, it was sent to the VB Program and a separate letter was sent saying, "This place has been found to be vacant, Condemned, the C of O is Revoked; it's going into the VB Program" - and once that happens, you need a code compliance inspection report to pull a permit; from 2011- Aug 2013, there was no such inspection; in Aug 2013, there was such an inspection, when then allowed your contractors to pull a permit from Aug 2013 - Aug 2014; the work was not complete and we are still here; that's how all of this transpired

Mr. Hayes:

-wants to try to renovate the place; the exterior has been finished: steps, painting, etc.
-the lawn is mowed every 2 weeks; he has been paying his nephew to do the grass and snow

Ms. Moermond:

-she doesn't know that it's true because she doesn't have a current code compliance inspection report; that's what she needs
-will scan his photos into the record
-apparently, your lawn hasn't been mowed every 2 weeks; there have been 20 Work Orders to take care of your property
-the Orders for tall grass/weeds and snow were mailed to you

Mr. Magner:

-mailed to LeRoy Hayes, Jr, 9443 Misty Bridge St, Houston TX

Mr. Hayes:

-his intent has always been to fix this house; the city's compliance people told his general contractor to "let it do" - "don't do it because we want to get that property abated," meaning they wanted to get rid of the property completely; he can prove this - Living Goods Handyman, 289 Quehl Ave N, Lakeland, MN #651/983-7836, had this conversation with Jim Seeger in Jun 2014

Mr. Magner:

-we have a permit for single family repairs - application pulled Oct 17, 2013 by LeRoy Hayes, valued at \$3,000;
-Oct 29, 2013 - masonry approved front steps; no note on the rails (only work that was inspected and approved)

Ms. Moermond:

*-you're saying you want to fix the place but were denied the possibility to do that
-you ordered the code compliance inspection in 2013 and during the next 365 days
you did not complete the rehab and you didn't order a new code compliance
inspection*

Mr. Hayes:

*-I ordered the code compliance and the contractor got the report; the exterior of the
house was approved*

Ms. Moermond:

*-is frustrated and so is Mr. Hayes
-she has a very bad record of ownership and maintenance on this property; it's
Condemned and has been sitting vacant for a long time and on many occasions the
the city has had to issue Orders and send out crews to maintain
-she is also looking at the behaviors going on in the garage
-you haven't gotten a new code compliance inspection; you haven't paid the
assessments, except by taxes
-you haven't posted a \$5,000 Performance Deposit
-to get a grant to time to do the rehab, you will need to comply with the Conditions
listed below:
-we will send you a letter and copy Mr. Dockry indicating those requirements; if those
requirements can't be met, she will ask the City Council to Order the building
removed*

Mr. Hayes:

*-he has supplied his brother-in-law \$15,000 for work to be done on the interior for the
last 1 1/2 years (Ms. Moermond: - that's between you and your brother-in-law)*

*(An argument ensued regarding Notices that the city sent; Mr. Hayes said that he
didn't receive them; he hasn't signed for any mail; he found out about this hearing
thru another source)*

Conditions to be met in order to get a grant of time for the rehabilitation:

*1) the \$5,000 performance deposit or bond need to be posted by August 12; and if
this condition is met, Legislative Hearing Officer will ask the City Council to continue
the public hearing scheduled for August 19 to September 2; noting that all of the
conditions listed below will need to be met by August 26;*

- 2) obtain a new code compliance inspection;*
- 3) a work plan or detailed sworn construction statement, with timelines, for
completing the work in accordance with the code compliance inspection report;*
- 4) provide financial documentation indicating the funds for the project (line of credit,
construction loan, personal bank account);*
- 5) a letter of affidavit dedicating the amount of funds for the project; and*
- 6) the property must be maintained.*

*FOLLOW UP: As of 8/11/15 there has been no application for a code compliance
inspection or performance deposit. No work plans or financials.*

Referred to the City Council due back on 8/19/2015

3 [RLH RR 15-26](#)

Ordering the rehabilitation or razing and removal of the structures at
390 FRY STREET within fifteen (15) days after the August 19, 2015,

City Council Public Hearing.

Sponsors: Stark

Vincent Trang and his wife, Trang Vo, owner, appeared.

Steve Magner, Vacant Buildings:

The building is a two-story wood frame duplex on a lot of 4,792 square feet.

According to our files, it has been a vacant building since October 4, 2013.

The current property owner is Trang Vo per AMANDA and Ramsey County Property records.

On April 21, 2015, 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 April 29, 2015 with a compliance date of May 29, 2015. 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 \$50,400 on the land and \$176,000 on the building.

Real estate taxes are current.

The Vacant Building registration fees were paid by assessment on October 31, 2014.

A Code Compliance Inspection was applied for on July 2, 2015 but to date, has not been done. A Code Compliance Inspection was done on June 25, 2014 and has since expired.

As of July 24, 2015, the \$5,000 performance deposit has not been posted.

There have been seven (7) SUMMARY ABATEMENT NOTICES since 2013.

There have been four (4) WORK ORDERS issued for:

- Garbage/rubbish*
- Tall grass/weeds*
- Snow/ice*

Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$15,000.

-structures on the same parcel

Amy Spong, Heritage Preservation Commission (HPC):

-two structures on the same parcel

-we don't have some original permits on the index card

-the alley house, 392 Fry, predates the main house, around 1900; it's cottage style

-families usually lived in the alley house while they were building their main house

-there's been a lot of alteration to the alley house: sliding windows, vertical siding

-lack of integrity due to these changes; no historic character

-demolition would have no adverse effect to the historical character of the neighborhood

-there is no updated historic survey of this area; in 1983,

-the main house, 390 Fry was built in 1909 by Jay Swanson; it's a duplex

-an American 4-square classical revival style; clapboard siding; gabled roof with no dormers

-porch railing may have been changed; looks like concrete block porch

-it's a substantial property

-the block face is similar

-the area has no potential to be part of an historic district

-she would encourage rehab on the main house

-some windows are boarded up

Mr. Trang:

-bought the property in Dec 2014

-wanted to rehab both structures but now, he is willing to demolish the alley house at 392 and will make more parking area

-in Apr 2015, he came to apply for permits but could not get them because this was a Category 2 VB

-he talked to the contractor and has all the plans and finances; is ready to go

-the \$5,000 Performance Deposit is OK with him

-he came here to ask for 9 months to finish the project

Ms. Moermond:

-no

Mr. Trang:

-the city sent the letter about going from a Cat 2 to a Cat 3 to the wrong person; they never received a letter from the city since they bought the property

Mr. Magner:

-Ramsey County shows the owner living at 390 Fry

-the original code compliance inspection report has expired; it was done in Jun 2014

-a new application is in but apparently, they haven't been able to get out there yet

Mr. Trang:

-Mr. Seeger already did the inspection on Jul 10, 2015; he called me

-I called Mr. Seeger about the report and it's not available yet

Mr. Magner:

-we need to talk to Mr. Seeger about this; the system is not updated with an inspection; he will check with Mr. Seeger's boss

Ms. Moermond:

-we need to see a Work Plan for the rehab of 390 Fry (duplex); contractors need to be indicated with specific bids and timelines

-at this time, Council will allow you only 6 months grant of time

Mr. Magner:

-post the \$5,000 performance deposit/bond and you'll get 180 days; if you complete more than 50% of the rehab during that time, we can give you an additional 180 days per City Council

Mr. Trang:

-re: 392 Fry: he has a contractor to do the demo, doesn't remember his name; it's an Asian company

Mr. Magner:

-contractor needs to pull a permit for the demo of 392 Fry; as long as a demo permit is pulled around Sep 10 and the demo completed by Oct 1, 2015, you're good; if they run into unforeseen circumstances, let us know and we will work with you; but if there is no activity by Sep 10, the city will start the process of hiring a demo contractor

Mr. Trang:

-usually, they start with the interior and leave the exterior for last

-entered financial documents and Work Plan for review (Ms. Moermond: she needs much more detail in the plan; she needs to have a much better idea on how the money splits out over time and what specific tasks they will be doing; this is just a budget; she needs a Work Plan)

Mr. Magner:

-if it were his project, he'd do the exterior and interior simultaneously

Ms. Spong:

-added that there are photos showing holes in the soffit on the exterior; you need to seal them before you put any money into the interior; suggested that the exterior be done first to insure it being sealed

-the house is not designated as an historic building but it has original wood siding; so, she would encourage him to keep the siding wood

Conditions to be met in order to receive a grant of time for the rehab of 390 Fry:

- 1) post the \$5,000 performance deposit or bond by August 12;*
- 2) must provide a revised work plan to include timelines for completing the work;*
- 3) must submit bids from a general contractor and subcontractors;*
- 4) letter committing at least \$110,000 for both properties; and*
- 5) letter from the Bank dedicating the amount of \$110,000 to be used for the rehab.*

Referred to the City Council due back on 8/19/2015

4 [RLH RR 15-27](#)

Ordering the razing and removal of the structures at 392 FRY STREET within fifteen (15) days after the August 19, 2015, City Council Public Hearing.

Sponsors: Stark

Vincent Trang and his wife, Trang Vo, owner, appeared.

Inspector Steve Magner, Vacant Buildings:

The building is a one-story wood frame single-family dwelling which is located at the rear of the parcel to 390 Fry Street. According to our files, it has been a vacant building since October 4, 2013.

The current property owner is Trang Vo per AMANDA and Ramsey County Property records.

On April 21, 2015, 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 April 29, 2015 with a compliance date of May 29, 2015. 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 \$50,400 on the land and \$176,000 on the building.

Real estate taxes are current.

The Vacant Building registration fees were paid by assessment on October 31, 2014.

A Code Compliance Inspection was done on October 3, 2014.

As of July 24, 2015, the \$5,000 performance deposit has not been posted.

There have been seven (7) SUMMARY ABATEMENT NOTICES since 2013.

There have been four (4) WORK ORDERS issued for:

- Garbage/rubbish*
- Tall grass/weeds*
- Snow/ice*

Code Enforcement Officers estimate the cost to repair this structure exceeds \$25,000. The estimated cost to demolish exceeds \$10,000.

Amy Spong, Heritage Preservation Commission (HPC):

-two structures on the same parcel

-we don't have some original permits on the index card

-the alley house, 392 Fry, predates the main house, around 1900; it's cottage style

-families usually lived in the alley house while they were building their main house

-there's been a lot of alteration to the alley house: sliding windows, vertical siding

-lack of integrity due to these changes; no historic character

- demolition would have no adverse effect to the historical character of the neighborhood
- there is no updated historic survey of this area; in 1983,
- the main house, 390 Fry was built in 1909 by Jay Swanson; it's a duplex
- an American 4-square classical revival style; clapboard siding; gabled roof with no dormers
- porch railing may have been changed; looks like concrete block porch
- it's a substantial property
- the block face is similar
- the area has no potential to be part of an historic district
- she would encourage rehab on the main house
- some windows are boarded up

Mr. Trang:

- bought the property in Dec 2014
- wanted to rehab both structures but now, he is willing to demolish the alley house at 392 and will make more parking area
- in Apr 2015, he came to apply for permits but could not get them because this was a Category 2 VB
- he talked to the contractor and has all the plans and finances; is ready to go
- the \$5,000 Performance Deposit is OK with him
- he came here to ask for 9 months to finish the project

Ms. Moermond:

-no

Mr. Trang:

- the city sent the letter about going from a Cat 2 to a Cat 3 to the wrong person; they never received a letter from the city since they bought the property

Mr. Magner:

- Ramsey County shows the owner living at 390 Fry
- the original code compliance inspection report has expired; it was done in Jun 2014
- a new application is in but apparently, they haven't been able to get out there yet

Mr. Trang:

- Mr. Seeger already did the inspection on Jul 10, 2015; he called me
- I called Mr. Seeger about the report and it's not available yet

Mr. Magner:

- we need to talk to Mr. Seeger about this; the system is not updated with an inspection; he will check with Mr. Seeger's boss

Ms. Moermond:

- we need to see a Work Plan for the rehab of 390 Fry (duplex); contractors need to be indicated with specific bids and timelines
- at this tiCouncil will allow you only 6 months grant of time

Mr. Magner:

- post the \$5,000 performance deposit/bond and you'll get 180 days; if you complete more than 50% of the rehab during that time, we can give you an additional 180 days per City Council

Mr. Trang:

- re: 392 Fry: he has a contractor to do the demo, doesn't remember his name; it's an Asian company

Mr. Magner:

-contractor needs to pull a permit for the demo of 392 Fry; as long as a demo permit is pulled around Sep 10 and the demo completed by Oct 1, 2015, you're good; if they run into unforeseen circumstances, let us know and we will work with you; but if there is no activity by Sep 10, the city will start the process of hiring a demo contractor

Remove the building at 392 Fry Street within 15 days with no option for repair.
(Owner is going to proceed with demolition, the City would need to see a signed contract with a licensed demolition contractor)

Referred to the City Council due back on 8/19/2015

5 [RLH RR 15-29](#)

Ordering the razing and removal of the structures at 1820 REANEY AVENUE within fifteen (15) days after the August 19, 2015, City Council Public Hearing.

Sponsors: Finney

Joel Teraes, friend of owner, Deborah J. Eagan, appeared.

Mr. Teraes:

-background:

-he had Power of Attorney from Ms. Eagan when she bought this house in 2005; Ms. Eagan has 2 sisters: Cindy and Linda Bell, a realtor and nurse from Mpls

-Ms. Eagan's mother died 6-8 months ago; Deborah has been a diabetic for over 20 years; she had a competent federal job to which she was take a bus

-Ms. Eagan is currently missing and he is looking for her; her sisters have taken her out of her house and put her into an extended care home in White Bear Lake; they don't like him because he is a Viet Nam Vet; Ms. Eagan had called him several times but Cindy took Deborah's cell phone and threw it away

-he explained that Cindy had been a prostitute in Frogtown for about 10 years; eventually, she married her pimp; he worked the other side of University Ave; he stole to supply Cindy with drugs; he was caught

-Cindy started taking the mail from the house; had it forwarded to her house, including the mail that had been addressed to him that also came to the house

-Cindy rented this house out to some guy with his and Deborah's property still in the house; he doesn't know his name; this guy and the sisters and their husbands have made a mess over there; Mr. Singerhouse told him this yesterday

-I have been helping maintain the house since 2005; cut the grass; shoveled the snow; painted the exterior; worked on the roof, etc...

-he figures and the neighborhood drunk, who associates with other drunks, one of which is/was a city employee, who told him how to get rid of people/houses, talked with the sisters to set this all up....

-2 weeks ago, the city came over with a big bob cat and removed the dog kennel; Mr. Teraes asked him what was going on --- he took the table, 2 grills in the back yard, etc.

-Cindy talked Deborah into giving her Power of Attorney

-he is here because he saw the Notice on the house

Inspector Steve Magner, Vacant Buildings:

The building is a one-story wood frame single-family dwelling with a detached wood shed on a lot of 4,792 square feet. According to our files, it has been a vacant building since September 21, 2011.

The current property owner is Deborah J. Eagan per AMANDA and Ramsey County Property records.

On April 29, 2015, 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 May 12, 2015 with a compliance date of June 11, 2015. 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 \$14,300 on the land and \$51,600 on the building.

Real estate taxes are current.

The Vacant Building registration fees were paid by check on October 6, 2014.

As of July 24, 2015, a Code Compliance Inspection has not been done.

As of July 24, 2015, the \$5,000 performance deposit has not been posted.

There have been twelve (12) SUMMARY ABATEMENT NOTICES since 2011.

There have been five (5) WORK ORDERS issued for:

- Garbage/rubbish
- Boarding/securing
- Tall grass/weeds
- Snow/ice

Code Enforcement Officers estimate the cost to repair this structure exceeds \$60,000. The estimated cost to demolish exceeds \$12,000.

Amy Spong, Heritage Preservation Commission (HPC):

-front gabled bungalow constructed in 1924

-original owner was Anna Becker; builder was H. T. Becker

-some changes: siding; porch enclosed with vertical siding

-Greater East Side; have no Sanborn maps

-this area was not looked at very closely during the 1983 historic site survey

-this area has never been identified as having potential to be an historic district

-the building does not have individual potential for historic designation

-houses on the block face that appear similar in size, scale, and character

-demolition would not have an adverse effect

Ms. Moermond:

-there's no owner here to talk about fixing up the house; and without having an owner here, who is willing to take this on, she has no choice but to recommend that the Council demolish it

Mr. Teraes:

-the house has beautiful woodwork insider and it's in good shape - until her sister got in there and mad a mess

-the vertical siding was put on by a previous owner

-he is going to contact the White Bear Lake Police Dept to see if they can find Ms. Eagan; she could shed a lot of light on this situation

-his dad was a carpenter and he worked with him for about 20 years, so he has experience

-a bathroom and a bedroom were added to the back of the house

-he is not the owner but he will fix it up; taxes are paid; nothing owed on the house; he has a paper file; he intends to fix it up

Ms. Moermond:

-she doesn't have the owner here to say that she will fix it up and she can't grant time to Mr. Teraes

Mr. Teraes:

-he intends to find her

-she didn't do this on her own; he can't have this house, that she put her money into, destroyed because of her sister

-the stuff in the backyard was their and the city took it

Ms. Moermond:

- suggested that he contact the police dept in Wh Br Lake
- CCPH is Aug 19, 2015 - you've got a few weeks
- unless she comes forward and she has a plan, she really doesn't have a choice
- will recommend demo

Remove within 15 days with no option for repairs.

Referred to the City Council due back on 8/19/2015

11:00 a.m. Hearings

Summary Abatement Orders

6 [RLH SAO 15-56](#) Appeal of Lucy Smith to a Summary Abatement Order at 1747 RANDOLPH AVENUE

Sponsors: Tolbert

Lucy Smith, owner, appeared.

Mai Vang scanned Ms. Smith's photos & articles on monarchs and bees

Inspector John Peter Ross:

- there's a little confusion about what the issue is
- the initial Orders were sent out for tall grass & weeds; but Inspector Gavin found overgrowth in both the alley and front sidewalk; in filing the appeal, Ms. Smith is mentioning the flower garden
- explained that certain letters are sent out without an inspector, initially seeing the violation/potential violation; in the case of a complaint coming in about tall grass & weeds, those letters are sent out automatically without the inspector seeing it; it also happens in the case of snow & ice and graffiti
- the generic letter that Ms. Smith received wasn't meant to intimidate or scare; it's a form letter
- the first problem here was that the complaint was addressing the wrong issue, as he sees it; that letter was sent Jul 14, 2015
- when Inspector Gavin went to the property, he saw that the grass was fine but there was overgrowth in the alley and along the front sidewalk; the growth needs to be cut back to the edge of the paved portion/curb of the alley; in front, along the sidewalk edge
- there's a limit of 36 inches on blvd plantings but that was not included in the Orders
- here, the issue is not tall grass & weeds; it's the overgrowth spilling over the alley/sidewalk edge
- Mr. Gavin issued Orders Jul 23, 2015: Bushes, trees, plants obstructing public sidewalk/alley ROW; cut overgrowth back inside the property line
- the blvd planting is not an issue at this time
- the compliance date was Jul 30, 2015
- SA on record from 3 years ago to cut that overgrowth

Ms. Smith:

- the first letter was caused by complaint from someone who lives in CA
- she doesn't grow grass anymore; grass needs too much water; she grows a lot of milkweed for the Monarch butterflies and other insects
- she doesn't need to cut anything or water anything and no fertilizer

-she would rather have people do what she does; we are now in the 21st century
 -the 2nd type of letter she gets every year and she complies
 -this time, her worker did a lot of cutting back
 -asks for the right for growing those plants that save the Monarh butterflies and the good insects without being punished for it

Ms. Moermond:

-sounds like everything inside your yard is OK
 -the problems we are talking about now are about the overgrowth in the alley and along the front sidewalk
 -the blvd plants are OK; the mildweed is OK

Ms. Smith:

-she cannot work much; so she enjoys nature from her porch
 -her worker took care of the front; he now has to do the back
 -her garage is full

Ms. Moermond:

-will give you 3 weeks to get the overgrowth cut back

Grant the appeal on the tall, grass & weeds order; grant 3 weeks to trim back the bushes obstructing the alleyway.

Referred to the City Council due back on 8/19/2015

Correction Orders

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 7 [RLH FCO 15-113](#) Appeal of Barbara Otto, Program Manager at Lifetrack, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 709 UNIVERSITY AVENUE WEST.

Sponsors: Thao

Barbara Otto, Program Manager, Lifetrack Resources, appeared along with Tammy Kittelson, teacher; Jerry Mullan, occupational therapist; and Dan Touville, facilities manager

Ms. Moermond:

-we didn't do a site visit but she has been talking with all kinds of people
 -we talked last time about doing a delayed egress and Ms. Otto indicated that Mr. Touville had said that it wasn't possible to do a delayed egress

Mr. Touville:

-that is what Bloomington Fire told them; they are actually security people

Ms. Moermond:

-what came up in conversation last time was a concern on the part of Ms. Otto and all teachers, that there wouldn't be an ability to install a delayed egress on this; they could only really use the key pad - that would allow time for staff to keep the children from running out

-Fire Inspector A. J. Neis and Fire Engineer Angie Weise said that they did not understand how that could be the case - that they could not do a delayed egress; that didn't make any sense to them

-she was looking for some professional explanation from you as to why a delayed egress could not be done

Mr. Touville:

-the hardware people said that they do not make an exterior grade mount for a delayed egress; they do make an alarm

Fire Inspector Leanna Shaff:

-hasn't had that come up before

-would like them to speak with an actual alarm company rather than a security company

Mr. Touville:

-the company in Bloomington is an alarm company; the other company is not

Ms. Shaff:

-asked if there would be a way to protect it from the elements

-is sure that there are many different options that will meet the code; is trying to help explore solutions

Ms. Moermond:

-the alternative is for the city to say, "No, you can't have that."

-we are trying to figure out a way to provide the security you need and what you get right now from the key pad exit, which is not compliant with the fire code; and come as close as we can to the fire code requirement

-she can't give you a clean variance on this because it's a 2nd means of egress from classroom space; people have to be able to get out; and she thinks that a delay is the correct way to go

Ms. Otto:

-this is where they were hoping to get some insight from the city because they had already explored it and basically, there isn't an option

Ms. Moermond:

-the fire engineer said that she didn't even need to look at the site; she looked at the photos and talked with the inspectors, and there's not a reason why a delayed egress couldn't be used in this case

-she needs documentation from a company as to why a delayed egress can't work

Ms. Shaff:

-suggested that it might be advantageous to ask their annual alarm testing company to see what they might suggest; talk to them about it

Ms. Moermond:

-she is trying to figure out the best way to go

Ms. Otto:

-if the companies they use say that a delayed egress is not possible, can the city

engineer provide names of some companies that can to it

Ms. Moermond:

-the city can't recommend one business over another; the city can tell you only which companies are licensed with the city

-how much time would you like to get other companies to come in and take a look at it?

-she thinks that 3 weeks is good; make some calls to get some people out there to look at it and get something in writing from these companies about their considerations and recommendations; let's find out what the options are from a professional's point of view

Ms. Kittelson:

-part of the problem is that there's a lack of understanding about the danger here; it's very, very, very dangerous to have

Ms. Moermond:

-she completely understands; we talked about this extensively at the last hearing

-we still can't have the children in there in case of an emergency; we need a long delayed release - one that wouldn't function that differently from the one you have right now except that if it is an emergency, it doesn't require staff intervention to get out

-get multiple estimates

-we can handle this by email or other kinds of correspondence

Grant until August 18, 2015 to get something in writing by the contractors for proposal plans to get delayed release locking system for the exterior play area-gate exit.

Referred to the City Council due back on 8/19/2015

8 [RLH FCO
15-138](#)

Appeal of Mark Cemensky to a Fire Certificate of Occupancy
Correction Notice at 942 EDMUND AVENUE

Sponsors: Thao

Mark Cemensky, owner, appeared.

Fire Inspector Leanna Shaff:

-Fire Certificate of Occupancy Inspection resulted from a referral from a fire on Mar 20, 2015

-also received some complaints: no house numbers on the back of the property; 2nd floor window in the back is open with broken screen; there was also a garbage complaint that was sent to Code Enforcement

-Fire Inspector Neis responded and found: Unit #4 had the fire damage with additional issues; Xcel had turned off all the power and they would not turn it back on because they had red-tagged a couple of the appliances; Unit #4 was fully Condemned; when Xcel went to restore the power, they found that the boilers and water heaters were not properly vented so they red-tagged; Mr. Neis advised the owner and Condemned the entire building; advised owner that they could re-occupy Units #1, #2 and #3 once the utilities were restored

-they needed to do the entire Fire C of O Inspection (annual bldg)

-10 items

-driveway: the existing Class 5 driveway had not been maintained; vehicles are parking throughout the rear yard on muddy, grassy areas

-looks like the power is back on

-still a few things in #2

*-#4 still can't be occupied until all that work is finished and we need heating report;
smoke detector affidavit
-no photos*

Mr. Cemensky:

*-a 3-year old started a mattress on fire in Unit #4
-all is now in compliance
-contractor switched out a boiler and put in a chimney liner
-A.J. said it was in great shape except for the chimney liner; then, he said that the driveway was an issue
-the driveway is Class 5 and on that day, one of the tenants had his car pulled up; we could put up some bumper stops; it's been Class 5 for years and years; had photo on his phone - Ms. Moermond viewed*

Ms. Moermond:

*-the Class 5 parking area is abutting an asphalt alley; usually, when the city comes across these, we switch out the Class 5 to asphalt
-it looks like the Class 5 has been maintained; maybe, the area is too large, though*

Mr. Cemensky:

*-he put Class 5 down about 2 years ago
-he could put borders down, too, to define the area
-the lot is not on a corner*

Ms. Moermond:

*-will meet you in the middle; let's dramatically reduce the parking area and define the area
-reduce to 4 parking spaces; replace the rest of the area with soil and grass
-put together a site plan and we'll see how it looks
-segregate the surfaces of gravel and grass*

Owner to provide a site plan for the parking in the rear yard.

Laid Over to the Legislative Hearings due back on 8/11/2015

**10 RLH FCO
15-147**

**Appeal of Mark Cemensky to a Fire Certificate of Occupancy
Correction Notice at 942 IVY AVENUE EAST**

Sponsors: Bostrom

Mark Cemensky, owner and Barb Johnson, a neighbor, who lives on Forest, appeared.

Fire Inspector Leanna Shaff:

*-photos
-complaint inspection conducted Jul 9 by Fire Inspector Brian Schmidt
-all of these Orders have been transferred to the Fire Certificate of Occupancy
-the driveway Order is being appealed*

Mr. Cemensky:

*-just appealing the driveway
-he showed Ms. Moermond his photos
-Ms. Barb Johnson lives across the alley
-he explained to Ms. Johnson what was going on...
-if Ms. Moermond can get the city to asphalt the alley, he will asphalt the driveway;
the alleyway is in a lot worse shape than the driveway
-the driveway has been Class 5 forever; there's no water in the driveway*

Ms. Moermond:

-would like to see an aerial view

Ms. Johnson:

-there's never water on the driveway; the water is in puddles in the alley; all over the alley

-she has been there 52 years and the alley has always been a mess

Ms. Moermond:

-Mr. Cemensky showed where properties began and ended; where black top started and ended

-there's a lot of Class 5 spread around and migrating. . . .

-will look at an aerial on this

Mr. Cemensky:

-he can clean-up the boundaries; vegetation

-suggested that Ms. Moermond go back to photos 15 years ago; doesn't think the Class 5 migrated much

-he has never purposely tried to make the parking lots larger

Ms. Shaff:

-pulled up an aerial map

Ms. Moermond:

-we need to put together some plans and go from there

-we'll pull up a plat map and drop buildings on it

-Ivy will be easier to solve than Edmund

-will lay this over for 2 weeks

-can do things by email

Layover to get plans and review them for parking.

Laid Over to the Legislative Hearings due back on 8/11/2015

9 [RLH FCO
15-144](#)

Appeal of Vince Zewers to a Fire Certificate of Occupancy Correction Notice at 261 EIGHTH STREET EAST

Sponsors: Thune

PO wasn't aware of hearing date. Rescheduled to August 4.

Laid Over to the Legislative Hearings due back on 8/4/2015

11 [RLH FCO
15-112](#)

Appeal of Robert Stein to a Correction Notice - Complaint Inspection at 332 JESSAMINE AVENUE EAST.

Sponsors: Brendmoen

Layover so owner can get a survey done.

Robert Stein, RDS Investments Co, owner, appeared.

Fire Inspector Leanna Shaff:

-Correction Notice -complaint inspection was conducted Mar 21, 2014 by Inspector James Thomas

-replace and repair exterior landscape wall adjacent to the Public ROW

-there's has been some question as to whom this wall actually belongs to / who built it
-there's an email from Karen Zacho to Inspector Thomas re: that even Public Works was unable to locate any documents indicating that this retaining wall belongs to the City of St. Paul. She suggested that he hire a surveyor to find the corners on the property (attached)

Ms. Moermond:

-the wall looks as though it goes back quite a long ways
-even if the city built it, there may not be a requirement on the city to continue to maintain it; that would fall on you

Mr. Stein:

-appealing for a few different reasons
-#1- he went down to DSI and looked into the records; if the owner of the house built the wall, then there would certainly be a permit but there was no permit
-#2-the neighbor's wall is identical to his and it goes only on 1/5 of her property (what kind of person would build a wall on only 1/5 of their property? Surely, they would go the whole length)
-#3-I was supposed to contact the people in the city who go out and find property markers in 2014 and they were supposed to send him a letter as to who the wall belongs to and where the property lines were but they never sent that letter; he called them back; he thinks that they couldn't find the markers because they are under the wall the city built
-those are the reasons he is led to believe that it's the city's wall

Ms. Moermond:

-you can't count on a permit being there
-when there's a question about a property line, the city will check to see if there's pins/markers placed; if there's a dispute beyond that, a professional surveyor would need to be hired, which would be the responsibility of the private property owner

Mr. Stein:

-which was done and they couldn't find them because they think the city built the wall over the pins; their opinion was that the city built the wall; so, he went back down to DSI but they still couldn't tell him anything but the original house was sloped exactly the same on Jessamine as on Westminster; he doesn't think back in those days that a property owner would have the money to build a 13 ft high x 50 ft long wall like that
-he knows it's hard to fight the city when they know they're wrong ...

Ms. Moermond:

-finding who owns the property is the key here for her; she needs to see information that documents that it isn't your property; now, a determination has been made that it is on your property; it falls on that side of the sidewalk
-identified a similar case on Summit Avenue, a space in between the James J. Hill house and his son's house on Walnut Street

Laid Over to the Legislative Hearings due back on 8/25/2015

12 [RLH FCO](#)
[15-127](#)

Appeal of Dawn Torgerson to a Fire Inspection Correction Notice at 25 REV DR MARTIN LUTHER KING JR BLVD.

Sponsors: Thune

Dawn Torgerson, State of Minnesota Department of Administration, Plant Management Division, appeared.

Fire Inspector Leanna Shaff:

-Fire Certificate of Occupancy inspection conducted by Fire Inspector Sebastian Migdal on Apr 21, 2015
-appealing items: 9, 10, 11 and 12 - about the requirement of using a key fob in order to exit
-remove the card reader to get out or provide an alternate code compliant solution
-when you are coming out of the parking garage to the elevator lobby area, there's the exit stairs, too
-she spoke to Fire Engineer Angie Weise for quite some time about this; it's really 6 of 1 and half a dozen of the other; we do want people to be able to exit; however, there is a huge security concern for the building's personnel
-that staircase make this one of the hardest pieces
-no photos

Ms. Moermond:

-we've had similar situations with other state buildings
-we should have photos

Ms. Torgerson:

-there are 4 door ways that lead off the parking garage; the garage has 2 floors (P1 & P2 levels); there are exits off the south and north edge of the parking garage floor; they installed card readers going into the elevator lobby; at the time that they did that, they didn't know that it was a secondary egress; obviously, the primary egress is the big door that opens into the garage; there's also an entrance - a side doorway from which you can exit, as well; they did that for security
-their primary concern was that for the time it takes the big garage door to close, someone can easily get in there; folks were concerned that that would occur; the thinking was that if they put the card reader on the door, the employees could get in and someone else would not be able to get in
-it's a non-public area; always, if you are accessing a non-public area in the judicial center, you have to have a card reader; so the likelihood that an employee or a judge would be down in the parking garage without a card reader is minimal; so, in the event that they would have to get out of there, they would have a card reader; you have to have it to enter the elevator to get down into the garage
-they did it for an added level of security; they are concerned

Ms. Shaff:

-the Fire Code requires it but the code doesn't necessarily understand some other security concerns

Ms. Moermond:

-will recommend the Council grants the appeal

Grant the appeal.

Referred to the City Council due back on 8/19/2015

2:30 p.m. Hearings

Vacant Building Registrations

- 13 [RLH VBR 15-55](#) Appeal of Manoj Bhakta to a Vacant Building Registration Requirement at 1377 HOYT AVENUE EAST

Sponsors: Bostrom

Rescheduled to August 4 per owner's request.

Laid Over to the Legislative Hearings due back on 8/4/2015

14 [RLH VBR 15-53](#) Appeal of Samuel & Posha Baker to a Vacant Building Registration Requirement at 918 JORDAN AVENUE

Sponsors: Bostrom

Robert Stein, appeared on behalf of Samuel & Posha Baker.

Mr. Stein:

-he has an email from Posha Baker

Inspector Rich Singerhouse, Vacant Buildings:

-this is a referral from code enforcement to the Vacant Building Program

-6-15-15: water shut off and a Work Order for tall grass & weeds, refuse, etc.

-Inspector Dave Nelmark opened this Category 2 Vacant Building file on 6-16-15

-he inspected and found the building vacant; both the gas and water were off; the front door was kicked in; shingles were worn, loose; cracks in stucco; retaining wall leaning towards garage; rotted wood; peeling paint on windows, frames, porch & deck

-sent Summary Abatement Order to board the front door, which was boarded the next day

Mr. Stein:

-this had been Posha Baker's father's house

-the owners are appealing; Posha Baker's father passed away and she lives in Florida

-she didn't know that if the house is in foreclosure, she can't receive any proceeds from the sale

-Florida has a 1-day redemption period

-after the inspector was there on Jun 16, he contacted Ms. Baker to purchase the property from her

-on 6-20-15, he started to take care of the lawn and there was no sticker on the building at that time

-the inspector makes the property sound a lot worse than it is; it's actually a very nice house; remodeled, it's worth about \$180,000; he is going to be paying somewhere around \$100,000 for it; he makes it sound like a \$10,000 house, which is not correct

-the deferred maintenance is very easily taken care of

-Ms. Baker knows that if this is a Cat 2, he will not be interested in the property

-Ms. Baker's probate attorney is ready to start moving on this immediately if we can get it changed from a Cat 2 to a Cat 1

-questions how a house can go from Cat 0, bypass Cat 1 and go straight to a Cat 2; what happened to Cat 1?

Ms. Moermond:

-it's not a progression; it's a category; each category has a particular definition

Mr. Singerhouse:

-Cat 1 means the house is "turn-key" - ready to be occupied; no exterior deficiencies; secured by normal means; in this case, the door was kicked in; it's secured by other than normal means and there are exterior violations; it's certainly not the worst house

Mr. Stein:

-this is going to be rehabbed and sold

-we have to go thru the probate period

-is asking that it be a Cat 1, so they can probate it; there are 2 types of probate: 1) formal; and 2) non-formal; we will probably do the nonformal; it's only a 30 day wait after she has appointed a personal representative; she could not sign it over to him until 30 days after she appointed a PR

Ms. Moermond:

-is willing to entertain this sort of thing

-is wondering what level of assurance can she get that there's going to be minimal code compliance, which the Cat 2 Code Compliance Inspection would give her

-the Fire Certificate of Occupancy inspection would also give her another minimal list of compliance, if this were to be rental property; sometimes, she allows that to be used

-she needs to know that the place is ready to be occupied

Mr. Stein:

-the nonformal probate can be filed today

-during the probate period, he can guarantee that the grass would be mowed and there will be no garbage laying around, no broken windows, etc; the property will look as though someone lives there

Ms. Moermond:

-is willing to give you 45 days to get your Fire Certificate of Occupancy; if you can't get the Fire C of O, you'll need to get the code compliance inspection and do everything on that list

-will waive the Vacant Building fee for 90 days

Waive the VB fee for 90 days; grant 45 days to get Fire C of O reinstated. If not, revert back to Category 2 and a code compliance inspection will be required.

Referred to the City Council due back on 8/19/2015