



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
legislativehearings@ci.stpaul.mn.us
651-266-8585

Tuesday, October 10, 2017

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 17-18](#) Ordering the razing and removal of the structures at 675 AURORA AVENUE within thirty (30) days after the July 19, 2017 City Council public hearing. (Public hearing continued from August 16) (To be referred back to Legislative Hearing on October 10; Council public hearing to be continued to October 18)

Sponsors: Thao

Coretta B. Walker Rinehart, owner, appeared.

Ms. Walker Rinehart:
-entered the whole package

Steve Magner, Code Enforcement Supervisor:
-updated the record
-read letter of Sep 14, 2017 (attached); conditions to be met by Tue Oct 10, 2017: 1) revised detailed Work Plan or sworn Construction Statement including subcontractor bids; and 2) financial documentation

Ms. Moermond:
-reviewed the bids
-project currently bid to cost = \$78,000; there are sufficient funds available (\$166,759)

Mr. Magner:
-looked over the package; condition #1 has been met

Ms. Moermond:
-asked that Ms. Walker Rinehart to continue to set aside \$80,000 for this project
-provided Appellant with the standard affidavit
-City Council Public Hearing Oct 18, 2017; at that time, I will ask for 180 days to do the rehab on this structure

Referred to the City Council due back on 10/18/2017

- 2 [RLH RR 17-41](#) Ordering the rehabilitation or razing and removal of the structures at 272 GOODHUE STREET within fifteen (15) days after the October 18, 2017, City

Council Public Hearing.

Sponsors: Noecker

No one appeared.

Steve Magner, Code Enforcement Manager:

-a letter (attached) was sent out to Shirley Rodgers, 531 Superior Street address to confirm that on Sep 26, 2017 Legislative Hearing, Marcia Moermond, Legislative Hearing Officer, recommended to continue the above referenced matter to Tue Oct 10, 2017. If you have any interest in the property, please attend the hearing. If you do not appear on Oct 10, Marcia Moermond will recommend the City Council grant 15 days to remove the building with no option to repair.

Ms. Moermond:

*-this was a question of adequate notification; we were just making sure that she knew because we became aware of the Superior Street address after the Ownership & Encumbrance Report had been run; it wasn't on the official list of addresses
-no one is here today to speak on behalf of the property; so, when this goes to Council on Oct 18, 2017, I will recommend to order the building removed within 15 days with no option for its rehabilitation*

Remove within 15 days with no option for repair.

Referred to the City Council due back on 10/18/2017

3 [RLH RR 17-28](#)

Ordering the rehabilitation or razing and removal of the structures at 2096 REANEY AVENUE within fifteen (15) days after the August 2, 2017, City Council Public Hearing. (To be referred back to Legislative Hearing on September 19)

Sponsors: Prince

Erick Flyckt, Usset, Weingarden & Liebo PLLP, o/b/o US Bank, appeared.

Steve Magner, Code Enforcement Manager:

*-read the letter dated Sep 29 sent to Erick Flyckt (attached) with the following conditions to be received prior to the Oct 10, 2017 Legislative Hearing in order to receive a grant of time
- 1. a sworn construction statement or work plan including timelines in accordance with the code compliance inspection report; and
- 2. provide bids from the general contractor & subcontractors
-the City Council Public Hearing is scheduled for Wed, Oct 18, 2017 at 5:30 in Room 300 Council Chambers*

Mr. Flyckt:

*-update: the last time I was here, I submitted a general bid in the \$120,000 range from Midwest Inspection; last week that company pulled out & rejected the project
-US Bank found a new general contractor
-I got new bids that came in over twice as much as the previous bids; they are trying to get secondary bids to make sure that's what they're looking at; they had a bank holiday yesterday but it didn't cross my mind that they wouldn't be in yesterday
-they started sending documents to me at 8 am this morning
-I've received one initial commitment letter and a secondary one in at \$281,396; I've*

asked the bank to email them directly to me

Ms. Moermond:

-that seems extraordinarily high; \$125,000 seems more reasonable

Mr. Magner:

-why did Midwest back out?

Mr. Flyckt:

-I don't know; I think that the subcontractors came in with bids over their head

Ms. Moermond:

-when was the \$5000 Performance Deposit posted?

Mr. Magner:

-I received it Jul 10, 2017

Ms. Moermond:

-so, 6 months out gives us to Jan 10, 2018 (the first 6-month period)

-there's two 6-month time periods that are in play; the first 6-month time period is from when you post the \$5000 perf dep (you perform during that time or you lose the deposit) with the caveat that if you are more than 50% done at 6 months, the city is likely to continue the perf dep for another 6 months in order for you to finish the project -at this juncture, I would grant a length of time to Jan 10, 2018

Mr. Flyckt:

-we can correct that; I think I ordered the code compliance inspection on Jul 10

Mr. Magner:

-it was ordered Jun 15

Ms. Moermond:

-OK; so Dec 15, 2017 is what we're talking about

Mr. Flyckt:

-at \$281,000, I think my client may want to re-submit that

Ms. Moermond:

-if we gave you a couple more weeks right now to shop a little bit for better bids, it may make it more likely that you would be able to rehab or at least, to have that choice on the table for US Bank to make; I'm willing to do that but on the tale end, that's where your deadlines would be - you would need to be 50% done -is that something you would want to do - give them a little more time to shop now?

Mr. Flyckt:

-I would prefer that; I think we're very close to getting you a document that would be acceptable

Ms. Moermond:

-yes because your old bid, which was largely acceptable and your new one is outrageous, Mr. Magner... what are your thoughts?

Mr. Magner:

-if we move forward & gave you until Oct 15, it probably makes more sense; maybe

you could advise your client to go back to your first contractor and say, now that the code compliance is done, maybe your subcontractors could come back with somewhat higher bids, which would be better than \$281,000 (more like \$150,000 or so)

Ms. Moermond:

-here's what I'd like to do: we're at Oct 10, 2017 today; I'd like to give your company a chance to call & have a couple different contractors look at this over the next couple of weeks - get bids; if any of those bids are more attractive, your loss mitigation specialist will be able to come up with a decision with more options, at least

-if we go with a 2 week Layover here, we'll put it in front of City Council on Nov 1, 2017 -you've demonstrated that finances are available to do the rehab at the higher amount of money, so I'm not concerned unless you come back with a bid that's even more so; finances are done

-on Nov 1, 2017, I'd like to say that you get a grant of time until Dec 15, 2017 to get to the 50% mark but I wouldn't check that until Dec 26; & I wouldn't report back to CC until Jan 3, 2018; on Dec 26, 2017, if you are in the 45-55% area done, Mr. Wagner will tell me that he thinks the perf dep should be extended & that decision will be made by Jim Seeger, main Vacant Building Inspector; then, you get the extension of time but we'd need to have another LH to do that

-so, let's Lay it Over for 2 weeks so you have better information

-on Nov 1, 2017, I'll put a recommendation on the record; if the recommendation is based on a decision of US Bank saying that they're backing out of doing the rehab - that they're going to go ahead with the demo; then, we'll just figure out the appropriate number of days to talk about that; and you can apply to have the perf dep returned.

Remove or repair the building within 45 days (Making Finding resolution to be on December 26th Legislative Hearing. City Council Public Hearing Jan 3, 2018).

Referred to the City Council due back on 10/18/2017

4 [RLH OA 17-21](#)

Making recommendation to Ramsey County on the application of Michele Keller for repurchase of tax forfeited property at 1300 ALBEMARLE STREET.

Sponsors: Brendmoen

Steve Wagner, Code Enforcement Manager:

-this is an Application for Repurchase by Michele Keller, the owner at the time of for forfeiture

-read the letter:

-In 2010, I was no longer in college. I had no income; finally, in 2012, I began to receive \$400 a month to live on. In 2013 or 2014, I started to receive S.S.I. By then, I was already \$8,000 behind in property tax. I tried two judgements but was unable to pay them or the back taxes. I tried to sell the house but they would not because I had not gone through probate, which I was unaware of such a thing. This left me unable to get a loan or sell the house. I went to a public attorney & they could not fix the problem to do the lien. So, I found myself in a catch 22 situation. I could do nothing. After exhausting all resources, I left the home. I now live in a low income housing apartment.

Ms. Moermond:

-asked Mai Vang to check the ownership record with Ramsey County in STAMP

-it sounds like someone passed away and Michelle Keller continues to be an occupant in the property & has some rights in the property

Ms. Vang:

- Dorothy V. Fomer, Trustee is the owner & Michelle Keller, tax owner in 2015
- Katherine Saladin 2016; Katherine Saladin 2017; probably another relative

Mr. Magner:

- not a lot of complaints early on; they started primarily in 2014, 2015
- had Tall grass/weeds that were transferred to VB

Ms. Moermond:

- I count 9 complaints over 5 years
- can't make out much from the police calls; not necessarily a problem

Mr. Magner:

- there's a question about ownership; this is confusing; it says "the property is occupied by the Applicant's sister. The applicant has explained the circumstances that led to the forfeiture on the attached application." so, if the Applicant is Michelle Keller; she's claiming that she is the occupant

Ms. Moermond:

- Applicant's relationship to property owner: is what she said but then, in her statement, she said that she was unable to complete the probate process; and, she isn't showing up as the owner

Mr. Magner:

- so, she needs to have the property probated because if she Repurchases it, it's still, in what I'm assuming, the mother's name

Ms. Moermond:

- it looks like Ramsey County allowed for 2 Confessions of Judgment to be written with her in her current legal status as, perhaps, an inheritor of the property but not the actual owner
- but in terms of our stuff, are we seeing a pattern in the past 5 years that this is presenting a municipal or a police problem
- we've written several Summary Abatement Orders; they're not perfect in maintaining their property but it's not rising to the level of, what I would consider, a problem property

Mr. Magner:

- sometime between 2006 & 2010, Dorothy Fomer died or left the property because in 2006, she is listed as the owner & occupant of 1300 Albemarle; in 2010, she is listed as the owner as the Trustee; clearly, there was some type of association between the 2; somebody either established a trust..... because Ramsey Co won't just go in and put in "Trustee;"
- Michele hasn't cleared the title; if she purchases it, it will just go back to Dorothy Fomer Trustee; that's why she can't sell the property

Ms. Moermond:

- it sounds like she went to SMRLS and they weren't able to help (?)

Mr. Magner:

- I think we have someone who's not capable of maintaining her property

Ms. Moermond:

- asked Mai Vang to pull up some of the SAs from 2015; were they addressed to our

Applicant, Michelle Keller?

Mr. Magner:

-2015 letter went to: State of MN; Michelle Keller, 1300 Wilson; Homesteader Michelle Keller; Responsible Party Kathy Saladin

Ms. Moermond:

-so in 2015, Michelle was getting the Notices to maintain the property; it did go to Work Order

Mr. Magner:

-the only person who might actually know what's going on is Kathy Saladin in Clayton, Alabama

-I think we either give no recommendation or allow for repurchase

Ms. Moermond:

-let's Hold Recommendation

-I'll talk with the councilmember

Withhold recommendation.

Referred to the City Council due back on 11/1/2017

11:00 a.m. Hearings

Summary Abatement Orders

- 5** [RLH SAO 17-84](#) Appeal of Justin Johnson to a Summary Abatement Order at 1167 MINNEHAHA AVENUE WEST.
- Sponsors:** Stark
- Appeal denied; the nuisance condition is abated. (No one appeared.)*
- Referred to the City Council due back on 10/18/2017**
- 6** [RLH CO 17-36](#) Appeal of Paula M. Schilling to a Correction Notice at 824 FREMONT AVENUE EAST.
- Sponsors:** Prince
- Pamela Morke, appeared o/b/o her friend, Paula Schilling.*
- Ms. Moermond:*
- this Order was issued Aug 28, 2017 with a couple of different deadlines that were kind of far out*
- Ms. Morke went to talk with Councilmember Prince about this & the deadlines*
- It seems like this is something we can handle in LH*
- Supervisor Paula Seeley:*
- I talked with Travis, who said to give her more time; he suggested a deadline of Oct 31 to put up a fence in the back yard so people won't be able to see it*

-we thought it would be long enough but Ms. Schilling has taken ill
-photos taken Oct 6, 2017

Ms. Moermond:

-some fence sections are missing; & 1 fence post looks askew

Ms. Seeley:

-by Oct 31:

-we wanted the gate braced up, which they've done #2

-replace the fence that was taken down #1

-by Jun 1, 2018:

-#3 - replace & paint rear gate

-#4 - completely finish replacing all broken, defective, dilapidated areas of the fencing & completely finish painting all peeled, flaked, scaled, chalking paint or unpainted wood surfaces of the whole fence

Ms. Morke:

-I would like to have the completed date of Jun 1, 2018; part is due to the fact that Paula Schilling had a heart attack in Aug, 2017, about the same time that the Order was sent out; per her cardiologist, the 95% closure was most likely due to stress at the time; he placed 2 stents in the left side of her heart & in Sep, 3 stents, one critical, were put into her heart; he said that if this one coludes, it's over; just last week, Paula went back into the hospital; blood work showed elevated heart enzymes; she was held over night & instructed to rest for 2 weeks for the stents to heal

-in the future, 1) we need to paint the entry gates; the rest is painted; 2) we need to replace the gate in the back with green treated lumber that she already has; 3) complete the fence; 4) clean up construction materials; 5) we want to replace the roof on the shed; 6) paint the shed; 7) in spring, Hearts & Hammers is coming out to restore the house; they'll be looking at things like the windows & also paint; 8) we need to get some of the people who are living there now & not helping Paula with the rent or the food, out of there; 9) we need to find some help to maintain the yard; 10) 1 of the motorhomes will be removed because that person is moving; 11) we want to keep a line of communication open with inspections, Councilmember Jane Prince; and 12) keep Paula well

-I think the stockade fence looks pretty decent at this point

-the picket fence has been painted & pickets replaced

-I can't help Paula because of my medical situation

-the current gate has been secured with a lock & bar behind the fence (on the inside)

Ms. Moermond:

-what is the condition of the shed roof & the shed, in general?

Ms. Seeley:

-I haven't been able to get in the yard; a couple months ago, I was not allowed in the shed; I didn't go in the yard

Ms. Moermond:

-I need better information on the height of the drop off with the retaining wall where the new fence is being installed & where that one post isn't completely sunk in; the corner shows a 3-4 ft drop; I'd be looking for snow fencing or some kind of a barrier that could be easily installed to prevent someone from falling

-I would like to have Insp Seely take a look at the stability of the shed; could you facilitate that? I'm fine with going with a longer deadline if it can stay standing & be secure

Ms. Morke:

-it's a particle board roof on that shed; right now, it's solid but it's warped; we don't like the look of it, so, as long as we're fixing things, let's make sure we get that fixed

Ms. Seeley:

-we need to go into the shed & take a look at the roof from the inside; I will have Insp Stephan Suon take a look

Ms. Morke:

-I can work with either Insp Seeley or Insp Suon

Ms. Moermond:

-if the particle board is there & is failing, I don't want the shed to fail; I'd like to take some steps to make sure that the shed will at least stay standing; I need that assessment & I'm willing to work on deadlines
-Stephan will call you to set up a time

Ms. Morke:

-I'm working with Paula to get rid of some of the junk; we got rid of the tractors, finally, and some of the snowblowers; she's working a deal on her motorcycle, etc.

Ms. Seeley:

-get rid of those appliances in the back yard

Ms. Moermond:

-if Ms. Schilling isn't able to deal with the shed now, we may need to figure out a way to stabilize it
-will Lay this Over for 1 week for Ms. Seeley to report back on the shed

Laid over to report back on the condition of the shed.

Laid Over to the Legislative Hearings due back on 10/17/2017

- 7 [RLH SAO 17-86](#) Appeal of Willard C. Hodge to a Notice to Cut Tall Grass and/or Weeds at 16 KING STREET EAST.

Sponsors: Noecker

Willard C. Hodge, owner, appeared.

Ms. Moermond:

-when we were talking in assessments (you had gotten a tall grass/weeds assessment); when you had gotten a Summary Abatement Order on the tall grass/weeds, you called DSI & spoke with an intern; you asked the intern at DSI, "Where exactly do I need to mow?" and the intern replied, "Where you've always mowed."
-we looked at the photo of the hillside with its very tall grass, etc, and thought that what the intern had told you may not be a good assessment
-you had questions about property lines & your responsibility
-we just printed a plat map

Mr. Hodge:

-in addition to 16 King Street E, I own 20 King Street E, which I bought in 1968; (it was 0 King St for many years; then, it changed to 20 King St; now, it's 0 King St again)

Ms. Moermond, Supervisor Paula Seeley & Mr. Hodge gathered to look at the photographs

Ms. Seeley:

-pointed out where there was an unapproved alley at one time

Ms. Moermond:

-so, Mr. Hodge, you're responsible for maintaining half of that unapproved alley area (an alleyway that was never put into place)

-printed an aerial map with the Ramsey County property tax lines on it

Mr. Hodge:

-620 Humboldt is responsible for 5 ft there & I'm responsible for the other 5 ft

-I was never told anything about that

Ms. Moermond:

-you can buy that 5 ft if you want to; you'll need to get signatures of neighbors; pay \$100 to apply & pay \$500 for the land

Mr. Hodge:

-I tried that several year ago; I got the signatures; I had an attorney to do the paperwork but she never told me that it was valid for only 30 days; I paid over \$1000

Ms. Moermond:

-referred Mr. Hodge to the Real Estate Office, 1000 City Hall Annex, to talk to someone about the process; it's simpler & cheaper to do it yourself; if you're not interested, you're still responsible for mowing that 5 ft, even though it's on an incline

Mr. Hodge:

-why has no one said anything about mowing it for all these years?

-it's going to be a hardship for me to maintain that hill; after it was cut down, I could not climb it to rake it & clean it

-I had to hire someone to come in & weed whip the hill because when the city cut it down, they didn't do a very good job; then I had to have it raked; I wasn't very happy

-wondering about getting it grandfathered in on that hill; I was given the wrong information & it's been that way for 50 years

Ms. Moermond:

-I'm looking at tall grass & weeds; you can replant that into something & I'll be good with that but tall grass & weeds isn't OK

-you can have the hill landscaped; plan prairie grasses, plants, etc.

Mr. Hodge:

-so, you're saying that I have to cut it (?)

Ms. Moermond:

-let's get it done one more time this year by the end of Oct; then, you'll have the winter to think about it

Grant extension to October 31, 2017 to come into compliance.

Referred to the City Council due back on 10/18/2017

BOULEVARD.

Sponsors: Stark

Deny the appeal. (No one appeared.)

Supervisor Paula Seeley:

-we had to "Quick Stop" the Work Order; we were going to tow it just the other day; found out there was an appeal, so we stopped the WO

Ms. Moermond:

-my recommendation is denial of the appeal

-we'll put it in front of City Council Oct 18, 2017

Referred to the City Council due back on 10/18/2017

9 [RLH SAO 17-85](#)

Appeal of Mike Seeber to a Notice to Cut Tall Grass and/or Weeds at 1011 SELBY AVENUE.

Sponsors: Thao

Mike Seeber, owner, appeared.

Supervisor Paula Seeley:

-we got a tall grass & weeds complaint on Aug 28, 2017; compliance Oct 2

-the appeal was filed; the inspector talked with the owner but I can't remember the rationale of the appeal

Ms. Moermond:

-looking at the photo, it's rather an odd situation; there's this little strip of land in between the properties that's not mowed; is there a dispute about who owns that little strip of land?

-which side are you on?

Mr. Seeber:

-he pointed it out on the photo

-the neighbor's complaining & I'm not sure what the idea is but the inspector came out & talked to the neighbor a couple of times; apparently, there were 3 complaints made in succession

-I asked the inspector to tell me where the property line was to make sure that we were doing what we were supposed to do

Ms. Moermond:

-the inspector is not going to be an expert on the property line; he's not a surveyor

Mr. Seeber:

-I told him that I wasn't exactly sure where the property line is

-he said that he thought some of the weeds were on the other side; he thought they were on both sides

-we could not find the property marker; it's not obvious or it's not there

-after the 3rd complaint in 1 1/2 weeks, the inspector said that he'd have to turn it in

-I guess we need to figure out where the property line is

-interesting note: if the neighbor there is complaining about the weeds and finds it objectionable, there have been around 30 instances of the neighbor coming onto our property with construction equipment doing a number of things; they've been noticed by my attorney to not come on my property but they just continue to do it over & over

again; they come on even after my attorney & the sheriff told them not to; they can do that & yet complain about weeds that may even be on their property
-I feel that they're complaining out of spitefulness because at one point after they moved in, they came on my property, took my fence down, put a big vent pipe out of their bldg right onto my property & I asked about it; then, I called the city & asked if that was legal; a guy from the city came out &, I guess, he got after him - they've been mad about that ever since; relations turned at that point
-the strip is between me at 1011 Selby & 1025 Selby; the property line is a curve - not even a straight line

Ms. Moermond:

-looking at photos, plat map, aerial photos
-approximating where the property line is; it looks like their roof overhangs onto your property
-I'm thinking that the green belongs to you because of the way that overhang works on their bldg (my guide)
-I think this grass belongs to you

Mr. Seeber:

-I want the city to come out & make sure where the property line is
-how did the Order get written up without knowing where the property line is?

Ms. Seeley:

-because people just call the Call Center & put in a complaint

Mr. Seeber:

-I understand that but how did you know that the weeds weren't on somebody else's property?
-the inspector could not tell me where the property was
-you are issuing an Order of Law; it has to be based on some facts but this was a guess; the inspector told me that he thought the weeds were on both sides
-let's get out there & figure out where that line is

Ms. Moermond:

-we don't do that
-at this point, my finding to the City Council based on the available evidence, is that it's on your property; if you believe that it isn't on your property, it's on you to hire a surveyor to show otherwise
-City Council Public Hearing Oct 18, 2017
-I will deny your appeal & grant an extension to Oct 23, 2017 for compliance

Mr. Seeber:

-I intend to go to the City Council hearing

Ms. Moermond:

-OK

Deny the appeal and grant to October 23rd for compliance. A new resolution will go to legislative hearing on October 24 with a Council Public Hearing on Nov 1 to determine if the nuisance condition has been abated.

Referred to the City Council due back on 10/18/2017

Correction Orders

- 10 [RLH CO 17-35](#) Appeal of Mary Beth Leone-Getten to a Correction Notice at 1290 GOODRICH AVENUE.

Sponsors: Tolbert

(No one appeared.)

Ms. Moermond:

-the lot line in this case is in dispute

-I asked if the inspector would measure from the inside of that sidewalk corner

-in the Legistar file, I put in the number of feet that it was

-they did some very strange staking; there's a wood privacy fence and the one neighbor has the big brick oven on their side; they put in some green stakes; I'm not sure if they're trying to indicate that's where the property line is (?); it seems kind of odd to me; so, I thought, there's a lot of land there; there's got to be a yard & a half between those green poles and that privacy fence

-you can't have a pizza oven so close to a fence

-will Lay it Over for 1 week to Oct 24, 2017

Inspector to go out to property to determine the approximate property line.

10/12/17: Owner missed hearing. She stated that she called in to reschedule for October 24. Staff missed the email from Katie Burger. Rescheduled to October 24 per owner's request.

Laid Over to the Legislative Hearings due back on 10/24/2017

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 11 [RLH VO 17-45](#) Appeal of Greg Heck to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1650 IGLEHART AVENUE.

Sponsors: Stark

Greg Heck, ATM Ltd LLC, owner, appeared.

Fire Supervisor Leanna Shaff:

-Revocation of the Fire Certificate of Occupancy / Order to Vacate issued by Inspector Dan Klein

-this property was not applied for by the Appellant; it was found requiring a Fire C of O by a staff member

-Insp Klein sent out an appointment letter on Jun 23 for an inspection on Jul 19 (no show); the phone number we have is disconnected; St. Paul Regional Water Services has no contact info; nothing was found in a Google search

-Insp Klein sent out another appointment letter for an inspection on Aug 22 (another no show); he left a copy of the letter in the mailbox; sent out Orders to allow access

-St. Paul Regional Water Services now has the bill going to the property

-Sep 25, 2017 inspection (no show)

-Revoked C of O for continued denial to allow access

-Ramsey Co shows property is owned by ATM Ltd LLC, 6052 Olinger Circle, Edina

Mr. Heck:

-ATM Ltd LLC - that's me

-I'm just looking to get it inspected; I've owned it for about 1 year and 8 months; my kids live there with some of their friends

-the first couple times, I told my kids that the inspector was coming by & to be sure to let him in

-the last time, I was there for the inspection; I talked with the inspector

Ms. Moermond:

-so, you'd like your Certificate back again

Mr. Heck:

-it was inspected before I bought it; I'm sure there aren't any fire hazards

Ms. Moermond:

-when was the last Fire C of O inspection?

Ms. Shaff:

-actually, it hasn't had one; it had a Truth In Sale of Housing (TISH) in May 2015

-there's been a couple complaints (TGW & SAs)

Ms. Moermond:

-City Council Public Hearing Oct 18, 2017

-will grant an extension to Jan 1, 2018 to get your Certificate of Occupancy; if you don't, the Revocation will be re-instated

-provided a form for contact info

Grant an extension to January 1, 2018 to get Fire Certificate of Occupancy reinstated.

Referred to the City Council due back on 10/18/2017

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 12 [RLH CO 17-34](#) Appeal of Eric Eddy to a Fire Certificate of Occupancy Correction Order at 838 EDMUND AVENUE.

Sponsors: Thao

Eric Eddy, E&K Real Estate Investments LLC, owner, appeared.

Fire Supervisor Leanna Shaff:

-Correction Notice of a complaint inspection from a Fire Certificate of Occupancy inspection which was approved with corrections

-there were 4 items listed having to do with plumbing & the Landlord 101 Class

-the plumbing issues were all first cited on Apr 17, 2017; the permit now has been pulled but nothing has been done with it

Mr. Eddy:

-thinks that permit was pulled a month ago; recently, we re-did everything; the plumbers were in yesterday & did everything above & beyond what they needed to do;

they updated everything in the basement & first floor; so Plumbing Inspector Jim Kaufer will be in tomorrow afternoon to take a look at everything
-I've been emailing David Smith about the Landlord 101 Class

Ms. Shaff:

-I'm the instructor; I haven't given him the schedule for next year yet; we are still negotiating that

Ms. Moermond:

-so, you couldn't sign up if you wanted to; what do people do in the interim?

Ms. Shaff:

-hang tight; check in periodically; I'll have it up within the next week or so

Ms. Moermond:

-so, this certificate would be approved with the expectation that he would take the Landlord 101 Class within 12 months

Mr. Eddy:

-OK; that's fine; do you know the approximate month it will be?

Ms. Shaff:

-typically, I do one every month with the exception of Dec

Ms. Moermond:

-you could call your inspector

-it's on the city website: www.stpaul.gov/cofo

-permits are pulled & will be finalized

-your re-inspection is Oct 19

-in the event that there's a tweak that Kaufer's looking for, we can push this out until Nov 6, 2017

Grant an extension to Nov 6 for compliance.

Referred to the City Council due back on 11/1/2017

13 [RLH VO 17-43](#)

Appeal of Eric Eddy, E & K Real Estate Investments, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 658-660 THOMAS AVENUE.

Sponsors: Thao

Eric Eddy, E&K Real Estate Investments LLC, owner, appeared.

Ms. Moermond:

-I saw the photos & it looks like it's under control

Fire Supervisor Leanna Shaff:

-this was heard here before; the Appellant was given until Sep 1, 2017 for all plumbing items & that did not happen; so, the inspector took enforcement action against the Certificate of Occupancy

Ms. Moermond:

-sounds like you have the same plumber working on this property as on Edmund & the same inspection cycle

Mr. Eddy:

-Plumbing Insp Jim Kaufer was out last week; I believed that he signed off on everything

Ms. Shaff:

-It just looks like Insp Huseby needs to go back out to make sure that the soffits are done & that the cover plates, etc, are done appropriately

Mr. Eddy:

-I want to make sure that the grounding jumper issue isn't going to pop up with some kind of permit that was required that she talked to me very sternly about

Ms. Shaff:

-technically, it requires a permit - basically, anything to do with plumbing, electrical or mechanically requires a permit; if Insp Huseby said that you needed a permit, then, it needs a permit

Ms. Moermond:

-have the electrician pull an electrical permit to do the grounding

Grant an extension until November 6th for compliance pulling all necessary permits.

Referred to the City Council due back on 11/1/2017

2:30 p.m. Hearings

Vacant Building Registrations

- 14 [RLH SAO 17-65](#) Making finding on the appealed nuisance abatement ordered for 25 ELIZABETH STREET EAST in Council File RLH SAO 17-56.

Sponsors: Noecker

Lacey & Jonathan Gutierrez, owner, appeared.

Ms. Moermond:

-we started in May 2017 with a Summary Abatement Order to fix the retaining wall; Council granted to Aug 1, 2017 to fix it; it wasn't fix by then; you were encountering problems finding a solution on how to do the work

-after the Council's deadline Aug 1, we did follow-up to see if the nuisance had been abated; we laid it over a couple of times; you had identified an engineer who had a solution where you'd have a very deep wall, which required the cooperation of a neighbor

-Mr. Dornfeld used the phone number in the city system to contact the neighbor but that number wasn't working; at the end of the last hearing, I was looking for a Plan B

-Plan A was that you had a contractor & you figured things out with your neighbor & you solve it yourself

-Plan B is that the city needs to step in & take care of the problem

-in terms of Plan B, I asked the bldg official, Steve Ubl, and the city's structural engineer to take a look at the situation & to inform the work that we would need to do if the city needed to undertake the stabilization of those soils to protect the neighboring property; that is why Mr. Steve Magner is here; he is Mr. Dornfeld's boss & he would be in charge of all of the contracting around that work

-it's my understanding that you were at the front desk today talking about appealing Mr.

Ubl's findings

-I'd like to tell you how Mr. Ubl's letter fits in with what we're dealing with right now: his work was to inform the actions that Mr. Wagner will take; we are not in the business of enforcing Mr. Ubl's letter; Mr. Ubl's letter is a stand alone letter-Order; enforcement of a bldg code violation is handled through a contractor, licensure of a contractor, or if something like this, something that a criminal citation would be written for not coming into compliance with his letter; that is a distinct process from what we're doing right here; you have the form for a Building Code Appeal; if you fail to meet the deadlines that Mr. Ubl established in his letter for that work, the enforcement process would likely be a criminal citation that he would issue; then there would be enforcement through the court system

-for my purposes, I look at his letter as advisory to how we set a deadline & think about the stabilization of the soils & what needs to be done there

Ms. Gutierrez:

-what is the solution that he's offering here? You said that the city would go there & determine a solution if we can't execute a plan on our own; I see no solution other than what we've already discussed; what is the solution?

Ms. Moermond:

-he's not offering a solution; he's setting up parameters & those are the same parameters that Mr. Wagner would take on the open market to get bids for doing the work

Ms. Gutierrez:

-I'm confused; how is there a solution that the city can execute if we can't find a solution that works because we can't do the things needed in order pull a permit? That's the part I don't understand; you're saying that you can't force the neighbors to do anything

Ms. Moermond:

-you can't force..... we're not in the business of managing your relationship with your neighbor; we can have access to stabilize a public nuisance situation; you can't; whatever solution you come up with, that's all you; that's all your neighbor; the city is not in the middle of your relationship with your neighbor

Mr. Wagner:

-the real simple way for this to be resolved is for the property owner at 25 to have a working relationship with the neighboring property to access that site & make the needed improvements

Ms. Gutierrez:

-we have approached that & that isn't going to happen

Ms. Moermond:

-then you need an attorney or someone else to represent you in that discussion; we can't

Ms. Gutierrez:

-we are taking those steps but I want to understand.....

Mr. Wagner:

-ultimately, if we get to the point where we believe that there's a peril for more loss or danger, the city reserves the right to step forth with our police powers & take action;

sometimes, those actions do impact the adjoining property owner; in other words, if we believe that action was needed to step forth to install something on or next to the 25 Elizabeth property & we had to go through 619 Gorman, we would then use our police powers to do that; 619 might not be happy about that but ultimately, that would be the course of action we'd take; any costs that the city would incur will go back against the real property at 25 Elizabeth as a special assessment; our preferred option would be for the owner of 25 to either mediate the issues with the adjoining property owner, take some other action to resolve the problem or maybe obtain counsel to try to force this issue

-the city's building official and structural engineer aren't going to design something, hand it to you & tell you that's what you've got to do; they're going to say, "This is what has to happen; you have to find professionals that can make that happen"

Ms. Gutierrez:

-so, when you say you'll use your police powers to move forward, would you basically, be just using those powers to build exactly what it is we have a design for? - Essentially, you're going to be building a permanent structure, not a temporary solution, right?

Mr. Magner:

-I can't make a final determination on that because we're just trying to mitigate the loss of harm or danger to a collapsing structure; generally, when we mitigate something, we do shoring to stabilize the situation, whether for 6 months or 6 years; long term, it's not the final action taken; it's temporary; it still leaves you with the Orders to resolve the problem

-as property owners, you're responsible for what's on the property or what could happen at the edges

-we're talking about a retaining wall that's directly down from a garage; what if the garage is removed? Do you need the retaining wall?

Ms. Moermond:

-actually, there's enough of a drop there that the soils would not be retained because the retaining wall is already in a state of collapse

Mr. Magner:

-but the wall could be stepped back onto their property without the garage; so, that mitigates the need to go to the 619 Gorman property

Ms. Moermond:

-yes, it does

Mr. Magner:

-that's part of the situation that has to be explored

Mr. Gutierrez:

-with that, how do you solve the problem of having a garage on this property? We built that garage right where it is; we wanted it to be moved forward but the city said that we couldn't do that because of the Fire Code; the roof of that garage would be too close the neighbor's house; we had to file a variance

-so, you're not solving the problem; you're just creating another one

Ms. Moermond:

-now, we have an emergency situation; winter is coming & I need to have something

happen before we have a freeze/thaw cycle that could completely have that structure give way

Ms. Gutierrez:

-getting an attorney involved, having them enforce this with the neighbor & actually do the construction by Nov 6 is not

Ms. Moermond:

-you got the Order May 23, 2017 so, I have some sympathy for your position but this has been in play since May 23; now, time is short but time wasn't short when we started the conversation & it's only now that you're getting an attorney involved

Ms. Gutierrez:

-well, this didn't come into play until the last time I was here.....

Ms. Moermond:

-No; the Summary Abatement Order said that you're supposed to have this done by Aug 1, 2017; the work was not done on Aug 1; we Laid it Over & Laid it Over in hopes that your contractor and you would be able to work with the neighbor to encroach onto the neighbor's property to execute that solution; you did not have other solutions forthcoming - that solution isn't working

Ms. Gutierrez:

-the tone of the conversation has shifted completely; the last time I was here was my first interaction with you & the way I felt leaving here was that we were all in this together; you guys were going to be offering up solutions; he (Insp Dornfeld) was going to make a phone call

Ms. Moermond:

-you misunderstood

Ms. Gutierrez:

*-then, you weren't direct enough in your communication because that was my understanding of the conversation
-we are where we are; we're going to go ahead & submit this to file for an extension because we will need it but I just want you to understand that I don't think there's been as direct communication as needed, and by the way, both of us have been waiting for a response from the City of Saint Paul, as well; it's not just us not taking steps as quickly as we need to; you have also made commitments on your part that haven't been fulfilled*

Ms. Moermond:

-I have no idea what you're talking about - the commitments the city has made

Ms. Gutierrez:

*-Insp Dornfeld called me the day after the last hearing which he had committed to and he said, "I contacted the neighbor; it was the wrong phone number;" he told me that he was going to work to try to find another contact number for him & he would get back to me; I never heard anything
-Jonathan experienced the same thing where someone made commitments to follow thru on things & he never got a response; so, it hasn't just be us*

Ms. Moermond:

-I heard that conversation differently than you heard it; OK; I heard that he would try to

get a hold of them; I didn't hear that he would try to facilitate the conversation between you & them....

Ms. Gutierrez:

-he made the recommendation at the very end of the meeting: "You know what might help this conversation is if I called him;" it was a very nice offer; I understand that it wasn't a requirement but the conversation I was referring to was with him & I over the phone; you weren't there to hear that conversation; in that conversation he told me, "I will get back to you as I look for a different phone number so that I can make contact;" I didn't just sit twiddling my thumbs while I waited for him; we have been taking steps

Ms. Moermond:

-but at the end of the day, nothing has changed

Ms. Gutierrez:

-it's pretty much an impossible situation that we're dealing with; now, we understand the severity of it & will get an attorney to represent us
-we're asking for a deadline beyond Nov 6; Nov 6 is not realistic for all that needs to be done

Ms. Moermond:

-what does Nov 6 mean weather wise?
-Mr. Magner, what's your process on Nov 6 where a SA has not been complied with & you are charged with hiring a contractor?

Mr. Magner:

-we could move forward with soliciting some bids; I'd work with the bldg official to expedite the resolve - maybe just a temporary fix; then, I'd reach out to come contractors; I don't think it would take a real long time to turn that around; someone could start within 2 weeks once the decision was made by Council
-based on the averages that we've had, I've comfortable going into Dec 2017 to start
-I'm assuming we'll hear something back from the Appellants in the next 2-3 weeks about their progress; we'll probably have some kind of design sketched out ready to go just in case they can't move forward

Mr. Gutierrez:

-what difference is it if you do a temporary solution or if I do a temporary solution?

Mr. Magner:

-I don't know that the city's opposed to you providing a temporary solution but you have to understand, ultimately, this is a vacant building & if you provided a temporary solution to resolve this issue to get thru the winter, we couldn't just issue a Code Compliance Certificate until the permanent solution is in place but if you came back in about a week with a sketched out design for a temporary solution & then, in May, we're going to do this..., as long as our bldg official & structural engineer OK it & sign off on it, we are not opposed to that but those plans have to in our office ASAP

Mr. Gutierrez:

-the reason I'm asking that is because I already have that plan in place for a permanent solution but I'm not able to execute that solution

Mr. Magner:

-the city would prefer that you do it, you just need to show us what you're going to do

Ms. Moermond:

-if we put a Nov 27 deadline in place (work done, permits signed off); but if the work is not complete by Nov 27.....,

Mr. Magner:

-I can still work with a Dec 6 City Council Public Hearing because I will have everything in place at that time - ready to go, if needed

Ms. Moermond:

*-on Oct 18, I will tell the City Council that the work is not done
-will this temporary shoring cost over/under \$5000; if over \$5000, our preferred method is to do a longer Abatement Order; if under \$5000, the city can act; if we end up with an emergency, it's a whole new ball game*

Mr. Magner:

-re-issuing an Abatement Order can only be done after I discuss it with the bldg official; they have to make a cost determination & verify it; we should know by the end of the week if they want to issue that OTA

Ms. Moermond:

*-I need an answer next Tue afternoon
-my druthers would be to report back to Council that the nuisance condition has not been abated & DSI is authorized to issue an Order to Abate a Nuisance Condition (the wall); if it costs less than \$5000 -no harm, no foul; if it costs more than \$5000, you've got your paperwork ready to go in Dec to work; their deadline becomes the deadline that's established in the Order to Abate a Nuisance Condition & that deadline we can agree upon here as being
-we could schedule the LH on Nov 14, 2017 & City Council Public Hearing Dec 6, 2017; and on Dec 6, you'd be ready with your bids
-OK; moving forward, on Oct 18, I will recommend the Council find that the condition is not abated; if they go with my recommendation, they will ask DSI to pursue enforcement via an Order to Abate a Nuisance Condition (an entirely separate Order that would get issued); that Order would give you a set amount of time to address the condition
-we'll come back here on Nov 14 LH to discuss your plan, which hopefully, is well underway at that time; on Nov 15, 2017, it will go to City Council & I will say, "Let's give them x days to complete their plan to temporarily _____; if you have not completed it by that time, it will get turned over to Mr. Magner to complete that job*

Mr. Magner:

*-for the city, the most expedited method is to raze the garage to deal with the retaining wall; if we raze the garage to access the site to install this retaining wall, you lose a garage in the process; you need to take that into consideration in your plan
-you could move the garage, fix the wall & move the garage back again*

*Resolution to be amended to indicate nuisance condition has not been abated.
Therefore, LHO recommends City Council to authorize DSI to issue a substantial nuisance abatement order. Legislative hearing on November 14th and City Council Public Hearing on November 15th.*

Follow-up: Mr. Magner was out there with contractors and believes the job will come in at \$4,500, so we will stay with the summary abatement order. Ltr to owners: LH still

11/14 to review progress with abatement. CPH 12/6. Note, because a summary abatement order is being used, DSI will be empowered to take action following Council vote on 12/6, rather than 12/15. Details can be worked out in 11/14 hearing.

Referred to the City Council due back on 10/18/2017

- 15 [RLH SAO 17-80](#) Appeal of Kaetchen Haugen to a Summary Abatement Order at 629 HALL AVENUE.

Sponsors: Noecker

Appeal withdrawn, issue resolved.

Withdrawn

- 16 [RLH VBR 17-66](#) Appeal of Margaret Bierbach, Magwood Properties, to a Vacant Building Registration and Revocation of Fire Certificate of Occupancy and Order to Vacate at 934 HAWTHORNE AVENUE.

Sponsors: Bostrom

10/10/17: Deny, no show.

10/12/17: After a letter was sent, owner called to reschedule stating she didn't received notice of hearing.

Rescheduled to October 17.

Laid Over to the Legislative Hearings due back on 10/17/2017