

1.1064 Stinson Street, Appeal of Steven Truen

Appellant Steve Truen appeared.

Inspector Dornfeld gave a staff report. He said a Category 1 Vacant Building file had been opened due to a Certificate of Occupancy revocation by Inspector Martin in December of 2009. Inspectors Martin and Kalis had agreed on the Category 1 status based on minor exterior violations, a possible electrical service shut-off, and the possibility that the tenants and property owner had moved. Inspector Martin's notes from February 2010 stated that she had met the property owner who lived in Colorado and who claimed that the occupants did not pay rent. The basement was open to entry at that time, there were open electrical and plumbing permits, framing had been done without permits, and egress windows did not meet code. The status was changed to Category 2 on April 16 when the property owner did not complete repairs under permit within 30 days as instructed by Inspectors Kalis and Martin. A Code Compliance inspection was completed in August 2010 and fees would come due in December of 2010.

Ms. Moermond read from the appeal form and asked for clarification. Mr. Truen said he'd left for a temporary assignment in a remote area of Colorado in January 2005 and had stayed longer than anticipated. He said the property had been rented for 3 ½ of the 5 years he was there, and there were no problems other than excessive trash on a couple of occasions. He said the house had undergone a complete renovation under permit in 1995. He said his long term property maintenance person suddenly had to deal with terminal cancer while he was away, and when the tenants left in October 2009 he wasn't able to get back from Colorado until December. He said there were trash problems in the meantime and a neighbor called in complaints. He said he met with Inspector Martin after returning and finding the Category 1 vacant building status, and had worked to make repairs to the stairs as ordered. He reiterated that the house had been remodeled under permit in 1995, and said the egress windows called out by Inspector Martin had been installed at that time. He said he told Inspector Martin that he would find copies of the old permits when he returned to Colorado for a short time at the end of March, and she had said that was fine. He said the change in status to a Category 2 vacant building was in violation of the verbal agreement with Inspectors Martin and Kalis that no action would be taken before copies of the old permits were provided. He said he hadn't returned to Minnesota until July 3<sup>rd</sup> but had had someone keeping an eye on the house. He expressed frustration that he couldn't live in or sell the property, and said he was looking for a judgment that would allow him to return the house to owner-occupancy status and sell it. He said he was concerned about the order to move the sewer clean-out, and said he'd had it inspected and it was fine.

Ms. Moermond asked whether there were specific items on the Code Compliance inspection that Mr. Truen felt shouldn't have been called out. Mr. Truen said it should never have been a Category 2 in the first place because he'd had a verbal agreement with the inspector. Ms. Moermond asked again whether there were specific items that Mr. Truen felt shouldn't have been included based on previous permits. Mr. Truen said

everything, but specifically the sewer clean-out. He listed the items that were done and in progress.

Mr. Dornfeld said the building could be sold as long as the buyer went through a sale review process. Mr. Truen said the vacant building information he'd received said the property could not be sold until the deficiencies were corrected. Mr. Dornfeld said the prospective buyers could contact Reid Soley in DSI to provide a work plan and proof of financial capability, and the property could be sold. Mr. Stanford (prospective buyer) said that if a Truth in Sale of Housing inspection had allowed rather than a Code Compliance, the house could have been transferred without all of the costly changes and repairs.

Ms. Moermond took a brief recess to review the history.

Ms. Moermond asked why the items cited at the February inspection were not addressed. Mr. Truen said he didn't know because he never received the orders in the mail, but had called the inspector after two to three weeks. Ms. Moermond asked Mr. Truen whether he had been present for the inspection. Mr. Truen said he had but Inspector Martin had only mentioned the front steps, the carbon monoxide detector, and other small items.

Ms. Moermond confirmed online that the December 11 and February 5 letters were sent to the correct post office box in Steamboat, Colorado. She said notice was provided in December, February and March but the work wasn't done. Mr. Truen said he did start on the repairs.

Ms. Moermond said the situation had been going on since December and the property had been a problem for neighbors for some months. She said a few months passed before the Category 2 referral, and the property probably should have been a Category 2 to begin with. She explained that the Code Compliance was a requirement for reoccupation of Category 2 buildings and acknowledged that the Truth in Sale of Housing served as more of an "FYI." Mr. Truen said the file indicated that the reason for the Category 2 determination was lack of communication with the owner, but that was not consistent with his verbal agreement with Inspector Martin. He said it was his belief that Inspector Martin had tried unsuccessfully to find records of the earlier permits and assumed that the house had been remodeled without them.

Ms. Moermond reviewed the orders. She asked about the status of the basement bathroom. Mr. Truen said there was a bathroom roughed in in the basement. Ms. Moermond asked about the exposed wiring addressed in the orders. Mr. Truen said it was secondary wiring for electronic equipment that wasn't there yet. He said it was not electrical wiring. He said a few outlet covers and switch plates were missing, and there was a little bit of wiring visible in the unfinished basement ceiling.

Ms. Moermond asked whether the vacant building fees were paid. Mr. Truen said they'd been assessed for 2009. Ms. Moermond noted that the assessment hadn't been appealed.

Ms. Moermond said the Code Compliance list was a relatively small one. Mr. Truen said tearing up the basement floor seemed excessive, and the egress windows were approved in the 1990s.

Ms. Moermond noted that the original correction orders hadn't been appealed. Mr. Truen said he'd called and was given verbal reassurance by Inspectors Martin and Kalis that everything would be fine as long as the front steps were done by the end of the summer.

Ms. Moermond said the Code Compliance inspection was what was being considered. She said she would put the matter on the agenda for a City Council public hearing on October 20, and her recommendation would be to deny the appeal.