



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
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651-266-8585

Tuesday, August 8, 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, and Gene Atkins, Attorney, Hitchcock Law Firm, appeared.

Steve Magner, Code Enforcement Manager:

-read letter dated Jul 27- (attached) listed conditions that were to be met on Jul 25: 1) apply for code compliance inspection; and 2) post \$5000 performance deposit (those conditions were met); and listed new conditions needed to be met in order to receive a grant of time:

1) Work Plan or Sworn Construction Statement with timelines for the completion of the rehab

2) financial documentation indicating the amount of \$100,000 to do the rehab (line of credit; construction loan; personal bank account)

-City Council Public Hearing Wed Aug 16, 2017 at 5:30 in Rm 330

Ms. Walker Rinehart:

-I'm still working with Booker Construction; doesn't have timelines

Ms. Moermond:

-I need the subs' bids, too

Ms. Walker Rinehart:

-problem: they didn't get in there on time to do the Work Plan from the code compliance insp report; they called him & Booker was in the middle of a project in Crystal; they told him to call back; now, he's back in Saint Paul & has not had a chance to.....because the house is completely boarded up - had problems with break-ins; Booker had it boarded up & I don't know how to unboard it; it's up to him to unboard it for them to access the bldg

-Mr. Atkins is here because one of the reasons why the agreement with Daisy Wong fell apart was because.....

Mr. Atkins:

-I had been in negotiations with Daisy regarding the sale; we have not been able to come to terms at this point
-the estate faces a dilemma: if we tear it down & the deal with Daisy falls thru, we have now diminished an asset of the estate, which Ms. Walker has the fiduciary duty of the beneficiaries to maximize the value of the estate; so we are faced with not being able to come to terms with Daisy in demolishing the property or moving forward with this to rehab it & I fully anticipate that it will increase the value of the property so we can sell it for the benefit of the beneficiaries of the estate; that's part of what the delay was; we believed that we were going to be under contract with Daisy in order to sell it
-the estate has plenty of assets to pay for the rehab; the question I had is that the letter dated Jul 27 indicates that we need an affidavit that says we have dedicated up to \$100,000 for this project; a lot of the relatively liquid assets are held up in 3M stock; we can sell them in quick order; the problem with that & my concern is that 3M stock is an appreciating asset that under the Probate Code, the beneficiaries of the estate have a preference for an in-kind distribution of that stock to the beneficiaries; we would prefer not to cash out \$100,000 worth of stock when it's only going to take maybe \$60,000-\$70,000 in order to rehab the bldg when we have other income producing properties coming in - that would be my preference; my question is what do we need to have in that affidavit to get it satisfied that the estate has sufficient funds to complete this project?

Ms. Moermond:

-right now, I don't have any information that the estate has sufficient funds to complete this project
-my 2nd concern is if you do have sufficient funds, they're all tied up in properties & stock & who's going to write the check to Booker & his subs?

Mr. Atkins:

-Ms. Walker is, at that point

Ms. Moermond:

-and, from where does that money come?
-I don't want to hang around forever, we've really been patient on this one

Ms. Walker:

-the sale won't happen until after the rehab; Daisy is out
-when I get it fixed, my job, as the personal representative, is to do no harm to the estate; I need to go with whoever offers the highest amount of money

Ms. Moermond:

-I accept Booker's statement but it has to be completely re-done; he doesn't have the code compliance inspection report; he hasn't opened up the bldg to inspectors; he hasn't submitted sub contractor bids; there's no total amount listed; Booker needs to make himself available for this code compliance inspection
-and, I'm going to need to see the money set aside to do the project
-it's obvious that you won't be ready for the Aug 16, 2017 City Council Public Hearing

Ms. Walker:

-Booker said that he'll call Jim Seeger this week & give him the code to the lockbox

Ms. Moermond:

-by Sep 12, 2017 Legislative Hearing, I want to see the actual money set aside in a separate account that will be used to write the checks; I don't care where it comes from; I want to know that you can pay Booker or another contractor

Ms. Walker:

-I will be taking out a loan or seeking other options vs selling stock

Ms. Moermond:

-if the total is under \$100,000 for the project, I want to see a \$10,000 cushion because staff is estimating \$100,000+ to do the work on the place

-inspectors can't turn around the report super fast but Booker has done these projects before & he knows what we're looking for

-I need a much higher level of detail in the Work Plan & I need timelines

-I need everything with a bow on it by Sep 12 LH so that on Sep 20 when I'm in front of the City Council, I can say without qualms that I recommend you get the time to do the rehab

-the code compliance needs to get done; property needs to be maintained

Referred to the City Council due back on 8/16/2017

2 [RLH RR 17-35](#)

Ordering the rehabilitation or razing and removal of the structures at 1571 CHRISTIE PLACE within 60 days after the September 6, 2017, City Council Public Hearing.

Sponsors: Bostrom

Catherine Scobie & Thomas Rodriguez appeared.

Steve Magner, Code Enforcement Manager:

-The building is a one-story wood frame single-family dwelling with a detached 2-stall garage on a lot of 1565 square feet. According to our files, it has been a vacant building since Jun 29, 2015.

-Current property owner is First Look Builders Inc per AMANDA & Ramsey County Property records.

-On Mar 8, 2017, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed & photographs were taken. An Order to Abate a Nuisance Building was posted on Mar 27, 2017 with a compliance date of Apr 23, 2017. 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 \$22,300 on the land & \$65,100 on the building.

-Real estate taxes are current.

-The Vacant Building registration fees were paid Aug 1, 2017 (assessed).

-A Code Compliance Inspection was completed on Apr 18, 2017.

-On Apr 12, 2017, the \$5,000 performance deposit was posted.

-There have been 6 Summary Abatement Notices since Sep 16, 2015.

-There have been 4 Work Orders issued for:

-garbage/rubbish; grass/weeds

-Code Enforcement officers estimate the cost to repair this structure to exceed \$30,000; estimated cost to demolish exceeding \$15,000.

-this is an unusual case: previously this location was one large tract of land with a single family residential property; 10-15 years ago, the structure was removed & the lot was subdivided to create a number of residential lots for redevelopment, which started in earnest & quickly stopped; so, a number of these properties languished for a

number of years; this one was started; stopped & hasn't been finished; it's unfinished new construction

Ms. Moermond:

*-Is Skylark Homebuyers LLC also listed on the Ownership & Encumbrance Report?; they received certified mail on this
-are there any active permits?*

Mr. Rodriguez:

*-Skylark is the lender that financed the construction loan
-First Look Builders signed a quit claim deed over to the lender on Jul 10, 2017
-we are trying to take possession to finish the building, etc.
-the interior is 85-90% done; left are the kitchen cabinets, flooring, & touch-up paint; bathrooms are done other than fixtures, toilets, sinks
-exterior: we have the driveway, lawn, repair of siding & garage door
-it's very close to being done; now we have to finish the process to take over & complete the project*

Mr. Magner:

*-the permits were all pulled out in 2014 to the previous contractor; all of them would be considered inactive & expired; a new owner must pull all new permits for their own contractors
-a Code Compliance Inspection Report was done in Mar 2017 to identify the items that need to be completed
-in this situation, we'd be looking for a sworn contractor statement identifying what the contractor will do, what the sub contractors will do, the total dollar amount, & financing to prove they have money to finish the project; then, they can request a time frame from City Council*

Mr. Rodriguez:

-we have hired our own contractors; we have an estimated timeline of completion based on all of the sub's estimates (entered into the record; scanned); posted \$5000 perf deposit

Ms. Moermond:

*-I need a copy of the signed contract with correct timelines
-subs will need to pull fresh permits*

Mr. Rodriguez:

-requesting 90 days to cover unforeseen issues that may come up

Ms. Moermond:

*-you posted the performance deposit on Apr 12, 2017 & they are good for 180 days, which would take you out to about Oct 12, which is about 60 days rather than 90
-you will get a letter from Mr. Magner's staff in Sep 2017 that will say, "You've got 30 days to finish the job or we'll forfeit the performance deposit;" what we'll do here if you come through with everything that we expect you will, we will schedule a hearing later in Oct to find out where you're at; then, it will go forward to Council in Nov; so, practically speaking, you'll be looking at a 90-day grant of time; I will set it up that way; but I want you to know that letter will come because the Performance Deposit runs on its own time
-I'm anticipating that you'll send me an updated timeline, a signed contract in 1 week; you can email them; subs will pull their own permits, you will maintain the property in the interim*

Continued to August 22, 2017 LH. Provide revised detailed work plan with timelines from Klein Group; signed contract/accepted bids between owner and contractor; subcontractors to pull fresh permits; and maintain the property by August 15; also need mechanical bid.

Laid Over to the Legislative Hearings due back on 8/22/2017

3 [RLH RR 17-30](#)

Ordering the rehabilitation or razing and removal of the structures at 1106 HAWTHORNE AVENUE EAST within fifteen (15) days after the August 16, 2017 City Council public hearing. (Public hearing continued from August 16)

Sponsors: Bostrom

David Mortensen, Attorney, Kretsch Law Office, appeared o/b/o Caliber Home Loans Inc, servicer for the mortgage.

Ms. Moermond:

*-you emailed me yesterday with questions about the conditions
-I responded that there were 4 conditions that were to be met by today: 1) clean out of the interior; 2) applying for the code compliance inspection; 3) \$5000 performance deposit posted; and 4) paying the Vacant Building fee; of those 4 items, only the VB fee had been paid*

Mr. Mortensen:

*-correct; the other things are not done as of today
-I spoke with my client & they are prepared to apply for the code compliance inspection & post the \$5000 performance deposit
-there were some touchy issues with respect to going into the property & doing a clean out since we are still in the redemption period; my client doesn't have possession, per se, and since the county won't let us reduce the redemption period, we are on that "touchy" line of what we can do with this property; my client has hired M & M Mortgage Services to go the property & go through the items that are still in there; and at a minimum, store the items so that the code compliance inspection can be done; my client can't just arbitrarily go in, get a dumpster & just start cleaning, otherwise, it's exposing itself to liability & potentially, walking into a lawsuit
-at this point, it is having M & M Mortgage Services go to the property, go thru the items, store what needs to be stored, potentially toss what needs to be tossed to get it to the condition that Mr. Seeger & staff can do the code compliance inspection; and for that, we are asking for an additional 2 weeks*

Ms. Moermond:

-you will be taking possession of the property on Sep 22, 2017, the expiration of the redemption period

Mr. Mortensen:

*-correct
-we talked last time about issues with respect to my client having some things done at the property; I'm asking that this body keep in mind that my client may be putting the cart before the horse; and I've informed it that the city may have other issues with that process when someone goes out to address permit issues; but, at a minimum it shows that my client is committed to that; it has paid the VB fee; getting the approval for the code compliance took a few more steps to complete; it's retained a company to go out*

& do the work to clean it up so that a code compliance inspection can be done
-this is not a situation where we've had no response from the client
-my client does want to fix the house; it's trying to preserve it's asset to it's maximum value

Ms. Moermond:

-the owner is dead; there was no probate & no personal representative of the estate

Mr. Mortensen:

-correct; had there been a personal representative, we would have been able to reduce redemption; that's a county by county decision

Mr. Magner:

-noted that the \$5000 performance deposit is refundable if the City Council does not grant a period of time; so your client has really no liability in the perf dep

Ms. Moermond:

-we did hear from Gesinia Domingus, she represents M & M Mortgage Services; she contacted our office directly wanting to know what had happened with the hearing; we provided her a copy of the letter that we sent to you; she asked for the forms, which she was emailed; then, she asked how to fill out the forms & we referred her to the actual reading of the application
-you guys should be talking to each other

Mr. Mortensen:

-understood; & that's a little frustrating to me, as well
-I can get in touch with Ms. Domingus; I can straighten out communication with her
-I have forwarded all forms to my client

Mr. Magner:

-if your client wants to save the house, I think that they clearly do have the authority to clean out the house

Ms. Moermond:

-City Council Public Hearing Aug 16, 2017

Ms. Moermond:

-at the very least, the \$5000 performance deposit should be posted by Aug 15, 2017; the property should be maintained
-Council will send it back to LH on Sep 26 & go back to Council Oct 4, 2017
-have everything done by Sep 26, 2017 so that I can recommend a grant of time on Oct 4, 2017 at Council

1) Post the \$5,000 performance deposit by August 15;

Laid over to September 26 Legislative Hearing to meet the following conditions:

- 1) provide lockbox and combination
- 2) apply for code compliance inspection
- 3) financial documentation dedicating the funds for the project;
- 4) sworn construction statement or work plan for completing the rehab;
- 5) maintain the property; and
- 6) clean out of the property

If those conditions are not met, LHO will recommend removal of the building within 15 days with no option for repair.

Referred to the City Council due back on 8/16/2017

Staff Reports

11:00 a.m. Hearings

- 4 [SR 17-103](#) Request for extension by Marjorie Conrad to a Correction Notice deadline at 1595 BLAIR AVENUE.

Sponsors: Stark

Marjorie Conrad, owner, appeared.

Ms. Moermond:

*-last year you appealed the Correction Order; an extension was granted to Sep 1, 2017 and we are approaching that deadline; you contacted us saying that you can't make that deadline; you'd like to request an extension
-I asked Inspector Martin to go & see where you are at*

Supervisor Lisa Martin:

*-I took some pictures; they're not coming thru
-basically, the property looks great; she doesn't have very much more to go
-front of house has some issues on 3rd floor
-Sep 1 is pushing it as far as a deadline but the amount of progress is amazing*

Ms. Moermond:

*-that's a great report
-your documents have been marked on the Legistar page as not being available to the general public*

Ms. Conrad:

*-I was working with Nathan, Title Examiner, who sent me out on a mission to post a few things on the property title, an abstract and that didn't work
-so Plan B: was to change my title from abstract to torrens, which removes anything that's invalid
-in Jan, I started to look for my abstract; I called my title company but they don't keep them any more; then, I found a letter from them saying, "Oh; we have your title;" it was from 2006; in the meantime, I had a realtor do an Encumbrance Report to verify that my..... that's from Feb 2017
-when I finally got my abstract, I gave it to Nathan on Mar 22, 2017; he had to review it, which took 30 days to Apr; in Apr, he gave me an application to start a claim, which explains why there's no valid lien out there; when he was reviewing this, he was looking for anything historical that wasn't valid; and he has all of the legal documents from my lawsuit; tomorrow, he's going to get a default hearing date; he keeps saying, "If everything goes normally....."- thinks we can get it be next week (no guarantee)
-that's problem #1
-problem #2 - because of all the storms in Blaine, I've talked to certified installers & they say, "Well, I can get you on my calendar for Oct... "
-the person who did my garage said he was interested in doing it but he hasn't given me a bid yet; and he didn't do timely work on my garage*

Ms. Moermond:

-give me a range of time when you think that you'll have your title converted?

Ms. Conrad:

-if we can get the date for next week, the default hearing - then it takes about 30 days to convert it thru their office

Ms. Moermond:

-so, it's going to be at least 2 months

Ms. Conrad:

-the guy goes, "Basically, everybody's going to be busy for 2 years;" and that can't happen; there has to be somebody who can do something but he says, "You have to get on somebody's calendar

Ms. Moermond:

-does he need to have evidence of available funds before he'll put you on the calendar?

Ms. Conrad:

*-he didn't say that but the other guy said that he needed it
-I've been working with the ombudsman of my mortgage company..... but I'm hoping that once I have the judgment, I'm going to see if that's enough for them because there's really nothing more at that point
-the funds are being held by the mortgage company; they just changed servicers & also changed base - still a lot of changes*

Ms. Moermond:

-how much money to finish?

Ms. Conrad:

-think around \$10,000 because I already have the materials; they just have to buy some things

Ms. Moermond:

-I will grant an extension to Jun 1, 2018 based on the substantial progress that's already been made; you've been very articulate in describing the situation; & I feel quite confident

A new resolution will go before Council on September 6 to grant additional extension to June 1, 2018 based on progress made.

Received and Filed

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 5 [RLH VO 17-29](#) Appeal of Ray Hatchett to a Fire Certificate of Occupancy Revocation and Order to Vacate at 869 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Ray Hatchett, owner, appeared.

Fire Supervisor A.J. Neis:

- Revocation of the Fire C of O due to noncompliance based on a previous appeal that you heard & City Council action*
- Mr. Hatchett has made a diligent effort to get the life safety issues done; I spoke with him before this hearing*
- you had given him until last year to get the plumbing done & he had done that; he showed me pictures of the receipt and the card from the company that he hired to do the work; showed me pictures of the plumbing work (#3 & #4) that was done to comply with our Orders; however, his contractor applied for the permit but never paid for the permit; he told Mr. Hatchett that he'd take care of all of that, including the permits; Mr. Hatchett should be calling him because he didn't get what he paid for*
- it looks like the work is done right from what I can see in the photos so I'm not concerned from a life safety standpoint*
- the other issue is the parking surface & garage*

Ms. Moermond:

- so, the carry over items from when the Council last considered this, were the parking & plumbing issues*

Mr. Neis:

- the plumbing was supposed to be done last Nov 2016, which was done last Nov (but hasn't been finalized); he thought that all the plumbing issues had been taken care of, which is reasonable for him to believe because he paid the contractor to do the work*
- I can give you the contact info for Rick Jacobs, Sr. Plumbing Inspector - 651/266-9054*
- items 1 & 2 are what we are dealing with*

Ms. Moermond:

- your contractor needs to contact the plumbing inspector for a final*
- looks like we're down to dust on the parking surface*

Mr. Hatchett:

- this is rental property that my wife owns*
- right after my previous appeal on Jul 26, 2016, I lost my job Aug 12, 2016; I've exhausted all of my retirement money trying to address these issues; I just want to sell the property as is because I don't have the money to do the driveway or the garage*
- I have a mortgage; I am behind 1 1/2 months & I'm behind on my taxes*

Ms. Moermond:

- you have a lot to sort out all at once & I don't want to make things worse*
- I think we can go with a longer time period until you get things sorted out a little better*
- it sounds as though you're going to be looking at selling this property because it's not manageable any more; probably need to talk to the bank about a short sale on it if you're a little bit behind*

Mr. Hatchett:

- my tenant is trying to get caught up on his rent; I don't want to issue an eviction notice because then, I probably won't see a dime*
- I want to be caught up on my taxes before I sell it; I need to pay the first half of 2017 (\$1400)*
- I don't know what the city's requirements are with me selling the property with the driveway & garage the way they are*

Ms. Moermond:

-there are no requirements; just disclosure that there are Orders on it

Mr. Hatchett:

-I plan to give the tenants plenty of time to move - so he can get caught up on the rent so I can get some money to do some things to get the property ready to sell because I know that I can't afford to do the garage & the driveway
-the mortgage is with a company out of state
-I'm driving Uber now - that's my job; trying to take care of my wife

Ms. Moermond:

-you probably want to talk to them to let them know what's up & find out what they need out of this
-you won't have this done by Nov 1, 2017

Mr. Hatchett:

-I've talked to a real estate agent about the garage; maybe it would be better if I just tore it down because it is an eye sore & I don't want it to affect the sale; maybe I can break even

Ms. Moermond:

-we will push the driveway & exterior of the bldgs out to Jun 1, 2018; if you still own it then, it needs to be taken care of; if you don't own it any more, the new owner needs to have it taken care of
-that's conditioned on you getting this plumbing permit finalized by Sep 1, 2017; if your plumber doesn't get it finalized, then, you're in trouble with the big deadlines on this

Grant to June 1, 2018 for exterior of the building and driveway; grant to September 1, 2017 to get plumbing permit finalized.

Referred to the City Council due back on 9/6/2017

12:00 p.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 6 [RLH VO 17-23](#) Appeal of Richard Gruber to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 671 HAWTHORNE AVENUE EAST. (Public hearing continued from August 2)

Sponsors: Bostrom

Richard & Betty Gruber, owners, appeared.

Ms. Moermond:

-we've talked about what's going on at the house & what's not going on at the house any more; we've talked about conditions
-I was very busy on the phone last week trying to get a social worker involved; I talked to Veteran Services; I talked to the police, code enforcement & to fire trying to figure out what conditions would work for your situation so that you, Mr. Gruber, can continue to be there safely
-#1 - I want you to say that you, Richard & Betty, are the only people who will live at this property
-#2 - I'm asking that you re-key the entrances to the house and the 2 garages at 671 & 675 Hawthorne; have a locksmith come & re-key the entrances; I'm concerned that

*Terry Olson/someone else might have a key & so, they might still have access to your property; and that only you two get those new keys, no one else
-is that acceptable?*

Ms. Gruber:

-yes; we don't want other people coming in; we can do that

Ms. Moermond:

-also, as part of #1, that you won't provide access to anyone who isn't an immediate family member or a service person

-I want you to enforce the Trespass Order against Terry Olson; if he comes around, call the police; do you understand that and are going to do that?

Mr. Gruber:

-yes

Ms. Moermond:

-you talked with Lauren Lightner, The House Calls Program, Ramsey Co, yesterday for 45 minutes

Ms. Gruber:

-I didn't know that he talked to anybody

(Mr. Gruber didn't remember that he talked with Lauren on the phone for 45 minutes yesterday)

Mr. Gruber:

-someone came over to check my foot

Ms. Gruber:

-the nurse came over & cleaned his wound

Ms. Moermond:

-Lauren Lightner is a social work & is willing to be Richard's social worker; she is willing to come on a weekly basis to make sure that everything's going OK; she's from Public Health; she would be able to put a plan together to make sure you have a visiting nurse, if you need one; she will be able to make sure the house stays clean & decent, so that everything is safe & sound for you to continue to live independently in that house

-the fact, Richard, that you're not remembering visiting with her.....

Ms. Gruber:

-he's got dementia; I took him to the Doctor; on Mon they want to do some special testing on him

Ms. Moermond:

-I told Lauren that in the future, she should talk with both of you when she has appointments & that everything should go to both of you

-asked for Ms. Gruber's phone number to share with Lauren Lightner; she can help Richard get access to other services, as needed

-asking today that you re-key the entrances to the house & the 2 garages; don't let anyone else in except immediate family members & service people; also keep Terry Olson out; call police if he comes around

-are you comfortable signing an agreement saying that you're going to do those things?

-I will grant your appeal - you get to stay there if you agree to do these things; we will all sign the agreement & you'll each get a copy; is that OK?

*Mr. & Mrs. Gruber:
-yes*

(Richard Gruber, Betty Gruber & Ms. Moermond signed the agreement/conditions.)

*Mr. Gruber:
-do we have to rent the upstairs at all?*

*Ms. Moermond:
-no; not to anybody; get it empty & put a new lock on it to make sure that no one can get in there
-Betty, you'll be responsible for calling the locksmith for the re-keying; remember both garages: 671 & 675 Hawthorne*

*Mr. Gruber:
-the city boarded up the garage next door; they didn't want anybody to go in; they're saying that there's meth in it*

*Ms. Gruber:
-there never found anything; nobody was arrested; if they would've found drugs.....*

*Ms. Shaff:
-excuse me; there were people arrested and I saw the drugs; I have pictures of the drugs; and I'm the one who sent the Orders for getting that garage tested & cleaned for a meth lab; that bldg needs to be tested; it's considered, at this point, as hazardous waste
-you have to call a testing company and you have to pay for that*

*Mr. Gruber:
-we don't know where there's a testing company*

*Ms. Moermond:
-maybe Lauren Lightner can talk to you about that more; she will be able to help you with some of that stuff
-Lauren's phone number is 651/266-1285; she will be talking with both of you
-City Council Public Hearing on this is Aug 16, 2017*

Grant the appeal with conditions.

Referred to the City Council due back on 8/16/2017

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 7 [RLH FCO](#) Appeal of David Theobald to a Fire Inspection Correction Notice at 973
[17-136](#) JESSAMINE AVENUE EAST.
Sponsors: Bostrom

David Theobald, owner, appeared.

Fire Supervisor Leanna Shaff:

-Fire C of O inspection conducted Jun 21 by Inspector James Thomas

-6 items on the Correction Notice

-items #1 & #5 are being appealed

-#1- bedroom on east side is 63 sq.ft; code requires at least 70 sq.ft. for one occupant

-#5- bedroom on SE side doesn't list the sq.ft.

Ms. Moermond:

-did your inspector go back & get the size of the SE bedroom?

Ms. Shaff:

-not that I'm aware of

Mr. Theobald:

-he did get in; he called me & I got him permission to get in

Ms. Shaff:

-I don't have that information

Mr. Theobald:

*-Mike Cassidy - recognize that name? Is a trained & qualified inspector hired by you?
and Brian Schmidt?*

Ms. Shaff:

-yup

*-both he & Brian did the last Fire C of O inspection; it was not noted in the system so,
I can't say one way or another if it was used for a sleeping room or not at that time*

*-but the codes are pretty specific that just because something was incorrect doesn't
mean it allows it to continue*

Mr. Theobald:

*-but they did approve the C of O in 2009 & 2011; & I can verify that there was a bed in
that room at those times*

*-also, the last time Brian Schmidt inspected this unit, he cited some moisture damage
on the basement walls; I corrected it; according to a previous correction I did at 836
Cook & I was granted that appeal; so again, we had 2 different properties; 3 different
inspectors but 2 different results & I was awarded the appeal at that time; -there is
inconsistency among the inspectors for the exact same items; that's basically the
appeal -- the inconsistency that I'm experiencing makes it hard*

Ms. Moermond:

*-I don't have those appeals in front of me right now; so, I can't tell you why I granted
them; it may be a completely different reason*

-I don't doubt it but I don't remember

*-an inspector having made a mistake in the past or not having caught something in the
past doesn't mean that it gets to continue to be that way moving forward*

*-you may have made a decision based on a previous inspector's incorrect call but that
doesn't mean that it gets to continue to be that way*

-it looks like there's a single bed in the 63 sq.ft room (upper unit)

*-the number of sq.ft. that a room is allowed to be has been the same for a very, very
long time*

-this room is very tiny with a lack of maneuverability

-on the condition that only a single bed occupy that bedroom with no other furniture, I would recommend that the Council allow the continued use as a sleeping room
-the other bedroom with a full bed (photo) will have the same condition: only a single bed with no other furniture
-this condition would be carried over to future owners of the property, not just during your ownership or current tenants

Grant the appeal on the condition that the bedrooms in question have no other furniture than a single (twin) bed.

Referred to the City Council due back on 9/6/2017

8 [RLH FCO](#)
[17-131](#)

Appeal of Irish Johnson to a Fire Inspection Correction Notice at 507 LEXINGTON PARKWAY NORTH.

Sponsors: Stark

Irish & Kyle Johnson, owners, appeared.

Fire Supervisor Leanna Shaff:

*-Fire C of O inspection conducted Jul 7, 2017 by Inspector Laura Huseby; photos
-8 Orders
-owner is appealing owner-occupancy; they are in the process of renovating 2 homes*

Ms. Johnson:

*-this could possibly be our home or we may sell it once the renovations are complete; we may sell this one or the other
-most of the items will be included in the renovation
-we are already under contract with Andersen Windows to have all the windows replaced on Lexington; have done work with the dryer; smoke detectors are taken care of; something with the moisture*

Mr. Johnson:

*-essentially, anything that we perceived as being a safety issue has been taken care of
-we plan on selling both of those particular homes
-we just invested a total of \$17,000 into 507 Lexington & we've communicated to Fire & Safety Dept that the home is no longer utilized as a rental & hasn't been for quite some time; so, we didn't understand why we had to continue to go thru this process of getting our C of O*

Ms. Moermond:

*-the inspector went through the house & wrote code violations on it; we know that those exist; I don't know why you let the inspector in or why you didn't appeal earlier saying that you shouldn't be in the C of O Program; now, we have these things identified; you are working on them
-but, if I say OK, you're out of the C of O Program, I still know that there's probably cause to believe that you have these on-going code violations; you are fixing the house & these won't be on-going code violations
-I'd like to set this up so that you have the time that you need to close the book on this; we will switch the inspector who does the follow-up*

Ms. Johnson:

-the home does need painting as is on the Orders but I'm going to schedule that for next spring; I'm not sure whether we're going to paint it or choose to put siding onto the

house

-I don't plan on changing the front entry stairs - the railing

Mr. Johnson:

-we have 2 major investments at this time & we don't want this on-going communication with Fire & Safety; we told them 3 times.....

-the railing is 35" - this home is very old; when we rented it, it went thru Section 8 & was approved; it had a previous owner-occupancy

-I felt that because we kept deny them access, that we were making it worse; they may think that there's something totally wrong

-and in the basement where she said it was wet, it's limestone down there, some of which was painted over

-the Orders are not major - they are easy to deal with

Ms. Moermond:

-the handrail needs to be on the front entry stairway - 3 steps, then, up into the house

Mr. Johnson:

-I'm just trying to reduce the cost that we're putting into these 2 properties; & I'm trying to get off the time table of everyone else; I'm only 1 man; I only can do so much

Ms. Shaff:

-the code says "more than 3 risers" (needs a handrail)

-you can use the Fire C of O in lieu of a TISH; it would be a considerable savings

Ms. Moermond:

-an inspector will follow-up but I'm flexible on the time line

Ms. Johnson:

-we'd like to get an extension to Aug 2018

Ms. Moermond:

-the railing is something you can do this year

-siding/trim - next year

-water intrusion into basement - running a humidifier

-dryer vent - has been taken care of; did the person who did that pull a permit?

Mr. Johnson:

-no; there was tape around the actual vent into the dryer

Ms. Moermond:

-the tape job in the photo - it's not a smooth surface transition

Ms. Shaff:

-looking at the dryer vent photo - it's not right; there's a little bend here; a little bend there; some flexible, damaged; one place it wraps around a conduit

Mr. Johnson:

-that was taken care of

Ms. Shaff:

-the dryer vent work requires a permit no matter if done by the home owner or a licensed contractor; and there is not a permit in the system

Mr. Johnson:

-we purchased the home that way; we just put tape on it; if it's not what it's supposed to be, we'll cap it off; we don't have to have a washer/dryer in there

Ms. Moermond:

-that works

-I want to see this get done on a timeline that works for you guys & for what you're trying to accomplish to get this ready for sale, in all likelihood

-#7-basement laundry sink has electrical tape - sewer line/sewer gas; I'm concerned about this one; should the deadline be sooner rather than later; I think sooner (sewer gas possibility); the photo is very grainy; all came up to check out the photo

Ms. Shaff:

-if it's taped, it's usually for a reason, which would require a licensed plumber to check it out

-would require a plumber to cap it

Mr. Johnson:

-looking at that photo: "That's not tape; it's an actual coupling"

Ms. Moermond:

-we need to get better photos with better lighting so I can show it to a plumbing inspector

-Mr. Johnson said he would email photos taken from different angles
-otherwise, that will have an Oct 1, 2017 deadline & needs a plumber

Ms. Moermond:

-windows: DONE

-siding/trim #2: Jul 1, 2018

-railing-front entry #3: Oct 1, 2017

-garage #4: Jul 1, 2018

-dryer will be disconnected; take off list

-water #5: Jul 1, 2018

-smoke detector #7; take off list

-electrical tape at base of sewer line (possibility of sewer gas infiltration)

-Grant siding and trim to July 1, 2018 (Item 2);

-grant front entry stair handrail to October 1, 2017 (Item 3);

-grant to July 1, 2018 for the peeling paint on the siding and trim of the garage (Item 4);

-grant to July 1, 2018 for the dampness, mold and mildew of the basement (Item 5);

-owners stated they will be disconnect the dryer (6);

-Appellant needs to provide photo of waste line connection at floor to determine if item can be abated. If not abated, will grant to October 1, 2017 to address the issue;

-withdrawn (Item 8).

Referred to the City Council due back on 9/6/2017

9 [RLH FCO](#)
[17-137](#)

Appeal of George Leiter to a Fire Inspection Correction Notice at 1798 PALACE AVENUE.

Sponsors: Tolbert

George G. Leiter, owner, appeared.

Mr. Leiter:

- I'm renting out my own home while I'm teaching abroad*
- can't attend Landlord 101 Class*
- my tenants are responsible people; one of the tenants is a teacher at St. Paul Academy*
- Inspector Smith suggested I come here to explain that I can't do that*
- the class as well as the alternative are not offered during the summer when I'm home*

Fire Supervisor Leanna Shaff:

- I make the schedule for Landlord 101 Classes*
- there were a lot of classes this summer that people signed up for and then, they don't show*
- I do teach it about once a month*

Mr. Leiter:

- the website said it was 2 times..*

Ms. Shaff:

- I've taught it every month this year with the exception of Jan; they fill up fast; people say they're coming & they don't*
- I haven't yet put together classes for 2018 but everything is pretty full thru the end of the year*

Mr. Leiter:

- I'm leaving the day after tomorrow & will be back at the end of Jun 2018; then, I have a wedding in Ireland; not sure about the dates*
- this will be the last year of our current contract; not sure where things will stand for our next job*

Ms. Moermond:

- I will give you an extension of 1 year to figure this out*

Ms. Shaff:

- start checking the schedule early*

Ms. Moermond:

- if he would email you, Ms. Shaff, in Jan 2018 about the 2018 schedule.....*

Ms. Shaff:

- yes, that would be time to schedule a class*

Ms. Moermond:

- put a reminder on your phone to check periodically to sign up for over the summer*

Mr. Leiter:

- I might not be around because this school runs very late & if I get a job that starts early, I may not be able to come back*
- if there's curriculum material, I could learn in an alternative way; I would be happy to do that*
- I just wonder what will happen if I won't be able to be here next summer*

Ms. Shaff:

- we've elected not to do an online class because it is quite helpful to have the group setting (questions & answers; discussion)*

-I don't perceive that we'll be offering online classes
 -the Ordinance is clear that you have to take the class
 -an alternative that we will accept is the course for Crime Free Rental Housing; contact Ruth Ann Eide, St. Paul Police Dept; it is available online; the class is not free

Ms. Moermond:

-so, either one of those courses would work
 -I will grant a 1 year extension to come into compliance

Grant one year for owner to attend Landlord 101 class.

Referred to the City Council due back on 9/6/2017

2:30 p.m. Hearings

Vacant Building Registrations

- 10 [RLH VBR 17-56](#) Appeal of Terence C. Derosier to a Vacant Building Registration Fee Warning Letter at 1618 BEECH STREET.

Sponsors: Prince

Supervisor Rich Singerhouse:

-the water was turned on immediately; the house is in good shape

Ms. Moermond:

-will grant the appeal; water & electric have been restored

Grant the appeal. Water and electric have been restored.

Referred to the City Council due back on 9/6/2017

- 11 [RLH VBR 17-59](#) Appeal of Eric McCloud to a Vacant Building Registration Renewal Notice at 741 CASE AVENUE.

Sponsors: Bostrom

Eric McCloud, owner, & Mr. Yang appeared.

Supervisor Rich Singerhouse, Vacant Building Program:

-Condemned & referred to VB by Inspector Paula Seeley back on Aug 25, 2014

-on Aug 26, 2014, it became a Category 2 Vacant Building

-Code Compliance Inspection Report sent Jul 14, 2016

-went thru Sale Review on Aug 11, 2016

-Mr. McCloud is appealing the Category 2 status

Mr. McCloud:

-I'm appealing the Cat 2 status because of the condition of the house but I'm mainly appealing because we have had several break-ins over the last year; at least 7 break-ins, if not more; about \$2100 for broken windows plus every time the city boards up one of the windows, it costs me around \$500 - that's expensive; if I can get the status down.....I'm a little confused; maybe you can help me; if it's a Category 1, does that mean I can live in it?

Ms. Moermond:

-Cat 1 is turn key; yes

Mr. McCloud:

-then, I'd ask that it be a Cat 1 because it's pretty much ready to live in now; a permit is ready to be pulled tomorrow (I was told to wait on it until after this meeting) for the heater; the electricity is already up & running; everything's functional; I do need to ground some outlets

-the general bldg: some soffits need to be fixed or replaced

-this is the John A. Johnson House, he was a legislator in the 1800s who had this house built; it's really quite amazing; it has 3 stories; and it's condition is that I could live in it

-I had some work done on the heating many months ago; then, somebody broke in & ripped out all the new copper piping; if I move in, breaking-in won't be an issue

-everything that needs to be fixed will get fixed by me & it will get fixed faster if I'm living there; I'll be a part of the community; & there won't be any vagrants anymore; the house will no longer be a blight to the community

-the water was turned on 3 weeks ago

-my request is that it's changed to at least, a Cat 1 VB so that I can move into it & protect it

Mr. Singerhouse:

-I & Tom Friel did the bldg deficiency inspection on the property

-the house is in fair shape; it does need some work

-you have a copy of the Code Compliance Inspection Report; once that report has been done, I can't take it back & say that the Code Compliance Inspection Report doesn't exist; when you have a Cat 2 VB, it stays a Cat 2 until that Code Compliance Insp is signed-off; that's what I tried to explain to you when we were there

Mr. McCloud:

-how does it get signed-off?

Mr. Singerhouse:

-get the work done; then, it needs to be inspected by the plumbing, electric, warm air, building, etc. inspectors

Ms. Moermond:

-there are different inspectors for the different types of work within those categories; generally speaking, there are 4 trades areas

-you're in a bind several ways on this: 1) it was a Condemnation in 2014, that sends it into the VB Program as a Cat 2 (clean definition); and 2) by being in the VB Program for this length of time also makes it a Cat 2

-you were fully aware at the time of purchase that you bought a Cat 2 VB; you went thru the Sale Review

-the only way to get it out of being a Cat 2 VB is to get that Certificate of Code Compliance - push thru that list & get the sign-offs; the finish line is the same for everybody; and, there is no, "you can move in now"

-I can't give a partial OK

Mr. McCloud:

-the heating system is a huge expense; it will be done by the end of this week but by the time I move in, it could be ripped out again

Ms. Moermond:

-in terms of security for the building, you could put in cameras

Mr. McCloud:

-but that doesn't prevent; that's just good after the fact, unfortunately

Ms. Moermond:

-and, getting the work done more quickly will get you in there more quickly

Mr. McCloud:

-I hope to by the end of the month

Mr. Singerhouse:

-the house has a lot of nice woodwork - it has a very high potential

-I appreciate that you're going to fix this up

Ms. Moermond:

-there is a VB fee waiver on for 3 months & if for some reason, you go longer than 3 months to finish the project & it goes to assessment, we can talk about prorating it

Mr. Singerhouse:

-the Code Compliance was sent on Jul 14, 2016 - over a year ago; & he doesn't have all of his permits pulled yet

Mr. McCloud:

-I still need to pull the electrical permit; the heating permit is going to be pulled tomorrow; it needs to be pressure tested by the inspector

Ms. Moermond:

-I'm not hearing that there's been a significant change on the electrical

Mr. McCloud:

-work had been done by the previous owner but I need to double check that everything has a ground

Ms. Moermond:

-in the last 12 1/2 months, has the house gotten wet or changed significantly for the worst that would make that electrical inspection invalid or has it pretty much stayed the same?

Mr. McCloud:

-I'd say that we don't need to worry about a new inspection; no electrical was stolen or damaged

Ms. Moermond:

-then, I'm comfortable with the overdue code compliance

-we will allow you to continue to pull permits

-you don't need to get a new code compliance inspection

-get all your remaining permits ASAP

-Mr. Singerhouse will put a note in the system to allow you to pull permits

Waive the vacant building fee for 90 days; deny the appeal on the vacant building status.

Referred to the City Council due back on 9/6/2017

- 12 [RLH VBR 17-57](#) Appeal of Tsim Yang to a Vacant Building Registration Fee Warning Letter at 912 MAGNOLIA AVENUE EAST.

Sponsors: Bostrom

Supervisor Rich Singerhouse:

-I talked to Inspector Niemeyer; he had no problem with it; the water is on & the owner paid the Vacant Building fee

-we changed it from a Category 2 to a Category 1 VB

-he'll be ready to go within 30 days; he's painting & putting in carpet

Ms. Moermond:

Grant the appeal and VB Category is changed from 2 to 1; water is restored and building continues to be vacant.

Referred to the City Council due back on 9/6/2017

- 13 [RLH VBR 17-55](#) Appeal of Jacquelyn Vann to a Vacant Building Registration Notice at 1418 PAYNE AVENUE.

Sponsors: Bostrom

Jacquelyn Vann, tenant, appeared.

Vacant Building Registration

Fire Supervisor Leanna Shaff:

-Fire C of O inspection conducted by Inspector Dan Klein

-inspection letter was sent out on Jan 13, 2017

-there was no access on Feb 15 & Mar 14

-Fire C of O was Revoked on Apr 17

-inspector was allowed access by the tenant on May 17

-there was no access allowed again on Jun 22; he enforced the Revocation for long term noncompliance

Ms. Moermond:

-I'm not seeing Jun Orders attached to this appeal; only the May Orders & they do not say anything about a Revocation; so, I'm not going to treat this as being Revoked; I'm going to treat this as being a standard set of Fire C of O Orders

Ms. Shaff:

-you are absolutely right

Ms. Moermond:

-are the Jun Orders in the system?

Ms. Shaff:

-doesn't look like it

Ms. Moermond:

-so, you don't have a Revoked C of O; if you don't have a Revoked C of O, you are not in the VB Program; so, you are a winner right now but you've got to get some repairs done on the house

Ms. Vann:

- I & my family have been there for almost 4 years and the long term goal is for us to purchase the house because we've invested some money in it; it's perfect for us; I love my neighbors & my neighborhood
- the Orders are completed as of Jun 24
- owner is Justin Hardiman

Ms. Moermond:

- call Inspector Klein, 651/266-8988 between 7:30-9 am to come out for a reinspection; make yourself available
- Mai Vang will give you a set of Orders from May
- Mr. Hardiman is required to take a Landlord 101 Class; it's painless & free; he will need to sign up for that
- have Mr. Hardiman sign the smoke detector affidavit & send it in

Grant the appeal.

Referred to the City Council due back on 9/6/2017

- 14 [RLH VBR 17-58](#) Appeal of Craig Cohen and Elizabeth Toran to a Vacant Building Registration Renewal Notice at 928 SEVENTH STREET WEST.

Sponsors: Noecker

Craig Cohen appeared. Schmidt Keg House

Vacant Building Registration

Supervisor Rich Singerhouse, Vacant Building Program:

- opened a Category 2 VB Aug 18, 2014
- quite a few permits have been pulled over the last 10 months
- a renewal letter was sent out Jul 20, 2017

Mr. Cohen:

- we should have a Certificate before the first of the year, which allows our tenants to begin building their individual spaces
- this project is extraordinarily expensive to the point where \$2000 now, really matters; we are constantly finding new issues with the old building; but the bldg is secure & people are working on it

Ms. Moermond:

- so, it will be about 6 months, realistically, before you'll be getting your final sign-offs
- if we're in for 6 months, my preferred route would be to say let's let this go to assessments (don't pay it on purpose); you'll get a letter within 8 weeks, which will tell you that this is a proposed assessment onto your taxes; it will also come with a postcard that says, "I want to appeal this;" send that postcard in & comeback; I can then prorate that VB fee & also divide it over a number of years

Mr. Cohen:

- so, the purpose of the assessment is what?

Ms. Moermond:

- to run the VB Program, which consists of all the vacant building inspectors & their activities; part of which is monitoring the bldgs & tracking them

Mr. Cohen:

-at what point does it qualify as a non vacant bldg?

Ms. Moermond:

-a Certificate of Code Compliance or a Certificate of Occupancy

-in your case, get that Certificate of Occupancy as soon as you can; & I will prorate based on how quickly you get it

Deny the appeal on the vacant building fee waiver but allow permits to be pulled.

Referred to the City Council due back on 9/6/2017