



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, February 11, 2020

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 **RLH RR 20-10** Ordering the rehabilitation or razing and removal of the structures at 1282 HAGUE AVENUE within fifteen (15) days after the February 26, 2020 City Council public hearing. (To be referred back to Legislative Hearing on March 10 and to continue Public Hearing to March 25, 2020)

Sponsors: Thao

Recommend the building is removed within 15 days.

2/19/20: Per owner's request, rescheduled to February 25th Legislative Hearing.

Mimi Hasselbalch for Forethought Life Insurance, appeared

Hasselbalch: Life insurance, not title company, represented by Greenfield Law out of Florida.

Moermond: I think I heard from a paralegal there.

Magner: reads letter to Ms. Morgan dated January 31, 2020, confirming laying the matter over to today, and if interested in rehabilitating the property the following conditions must be met: work plan, bids from general and subcontractors, document demonstrating financial capacity, and an affidavit if using funds from a bank account.

Moermond: We didn't have a returned letter, so the post office seems to think they lived there. Where is Forethought on this?

Hasselbalch: she is current on her mortgage payments, so they are unable to provide any funding to rehabilitate the house per policy.

Moermond: it confuses me we hadn't heard from there. We have a CC from six months ago, and she appears to have disappeared entirely from the conversation since that time. Has DSI had any communication from Ms. Morgan?

Magner: no.

Moermond: this is going to Council February 26, I'm going to recommend they order the building removed. I have no option. I have no plans, no bids, no anything at this point. We'll send her a letter and see if that gets a response.

Hasselbalch: I have a phone number for her, does that help?

Moermond: we aren't in the practice of tracking people down, but if Forethought wants to contact her and let her know it may be in their best interest.

Magner: no permits, as recently as September we had an order to secure the shed. There was a plumbing permit in October of 2018, but it expired. Anything older than that is expired.

Moermond: why is the City concerned about the shed?

Magner: this goes back to the existence of the program, if we don't keep abandoned or vacant structures secure, they become an area for people to do unsavory things. That's well documented. We've had people go into the sheds and accost people. We don't want it as an attractive nuisance.

Moermond: hopefully she wakes up and takes care of the situation.

Hasselbalch: I did indicate she needed to contact the City.

Moermond: and the City has reached out a lot. Thanks for coming in today.

Referred to the City Council due back on 2/26/2020

2 [RLH RR 19-29](#)

Ordering the rehabilitation or razing and removal of the structures at 864 MARION STREET within fifteen (15) days after the December 18, 2019 City Council public hearing. (Amend to remove within 15 days) (Public hearing continued from December 18, 2019)

Sponsors: Thao

Recommend removal of the building within 15 days.

Abe Younkin, son of owner, appeared

Robert Schilling, owner, appeared

Moermond: when last we left you were missing a fair number of things. Let's have Mr. Magner update the record.

Staff report by Supervisor Steve Magner: in the letter dated January 31, 2020 regarding the remove or repair, it confirmed laying the matter over to this time, ad that time you were to provide documentation of sufficient financing to the rehabilitation, the code compliance must be completed, have taken substantial steps to clear title and the property must be maintained.

Moermond: so, financing, you need your code compliance, you need to clear the title and you need to maintain the property. Where to begin, why don't you tell me where you're at?

Schilling: As far as title, I'm working with Mark Lentsch on the title, the realtor who I purchased it from. He has it in his records of the sale.

Moermond: do you? Because we've been having this conversation since November and you said it is either in the house or Mark Lentsch can help me.

Schilling: He's got an attorney that's going to do a legal publication or something.

Moermond: I'd like something in writing from the attorney indicating exactly what they're doing. I think that was super clear last time that was supposed to be done for today.

Schilling: well, when I left here last time, I was told to be back the end of February. Specifically, you said I'll see you the 28th or 26th or whatever it might have been. But, because I had these doctor appointments I found no reason to talk about them, because the 11th was not in the picture that I was going to be here on the 11th.

Moermond: you received a letter indicating that on January 28th I was scheduling this for February 11th and you were present in the room on the 11th. I don't know what your confusion is.

Schilling: the 28 of January I was here and you said you'd see me again on the 28th of February or 27th or whatever the date may have been.

Moermond: No. February 11 is what is in our records.

Magner: my notes indicate Mr. Schilling appeared for the last hearing on the 28 and at that point of time the Legislative Hearing Officer recommended laying it over to February 11, 2020 and the Council meeting on February 19th.

Moermond: yes. So you have nothing from anyone showing you're working on the title.

Schilling: there was an email from Lentsch showing he was working on it to the City Council.

Moermond: No, actually, you didn't email my office, you emailed the Department of Safety and Inspections, and the City Council President. It was forwarded to me. Mr. Lentsch does not provide documentation that he's working to clear the title by emailing the Council President and the department. Mr. Lentsch files paperwork with the court system through his attorney and provides to me information that that has happened, that is demonstrating that you're actually doing something to get the title situation taken care of. I'm extremely disappointed. We don't have a code compliance inspection, you paid for it December 16th, but the inspectors couldn't get in because it was full of stuff. You said you'd clean out the house, and then you said "I haven't cleaned out the house because I think the title is in there, I need to go through stuff." And you said, you know paying for the inspection was supposed to be the first step to getting the inspection. You hadn't put a lock box on anything. I heard yesterday you contacted DSI about the lock box code. Is the house cleaned out? Ready to be inspected?

Schilling: Bruhn said he was coming on Friday.

Moermond: is the house cleaned out?

Schilling: there's still some things, I told him it would be done Friday by the time he got there.

Moermond: so you've blown your deadline on this too. You were supposed to have the inspection done. You said you'd have the clean out and inspection done. You don't.

Magner: I would like to go back on a couple of those points. Mr. Dornfeld and Mr. Yannarely received emails from Mark Lentsch and our most recent was February 10 at 4:41 pm. Subject was 864 Marion Bob Schilling, it reads: after driving past Marion property I'm not sure that a cash as-is sale, assuming the Cat 2-3 would bring \$55,000. If current fees due are over \$28,000 not sure there is enough cushion to cover costs ie: title fees, attorney fees, realtor fees, maintenance fees, trash/dumping fees and other costs to be determined. Mr. Schilling said that he will attend the hearing, without more details I am not planning on being there Tuesday and my office has no representation contract established with Mr. Schilling. On Long story short is that I'm not seeing anything from Mr. Lentsch they are agreeing to provide the documentation to clear the cloud on the title. We have people on the title that died a long time ago and no one working to clear the title to move forward to the next steps. Again, Mr. Lentsch is not here and he's saying he's not coming because he doesn't see there is an avenue based on the property condition and maybe the work it would take would even warrant doing that. The other issue is an email from Nathan this morning saying the inspectors are awaiting the cleanout, the lock box was just added yesterday, and would be cleaned out by Friday. Even if we didn't have a clear title by now, we could have at least had something in front of court and we're at the same point we were in the first hearing in November. There's been no progress with anything, the dept would reiterate we'd probably move forward with the removal of the said property.

Moermond: Mr. Schilling, let me turn it back over to you.

Schilling: I've definitely been working on it. The report from Mr. Lentsch is different than my conversation with him. He said he had an attorney that was reasonable. Now, evidently that isn't the case. I have a building contractor, Monte's Building and Remodeling, and I've known him for 40 years being in the appliance business. He's just waiting to find out what the city's got and we'll get right on it. My electrician Jared at Collins, he reached out to Xcel several times only to find out the electrical inspector has to order the electrical to go on, and no one else can. Why it is roadblocked like that, I don't know. That's the case there. A building cold and dark is hard to get people in, so that's hindered cleanout.

Moermond: you're mentioning companies your familiar with, but you don't have a code compliance inspection report, and you don't have bids and you haven't even had them walk through to develop even a preliminary bid.

Schilling: I was not anticipating coming in today, until I got this letter on the 5th.

Moermond: you were in the hearing, you heard verbally that we were scheduled for today, you received a written confirmation that we're scheduled for today.

Younkin: he misunderstood.

Schilling: are there transcripts of the last meeting?

Moermond: there are notes and you can get an audio recording of it if you'd like.

Schilling: I don't know why I had the impression I was going to back at the end of February.

Younkin: It was an accident.

Moermond: you're not on the same page as Mr. Lentsch. Ms. Vang will give you a copy of that information. Now, everything in the January 31 letter still needs to be done. Added onto that is the development of a work plan, which needs bids from the relevant contractors and execute things in the code compliance. I've got nothing and I've had nothing for 2 months now.

Younkin: I'm going to help him out now. I'm going to find out what you need, this is all new to me, but I'm going to help him.

Moermond: this will go to Council February 26. At that point I will order the building removed. If you have some progress to show and want to make your case, show up for that hearing and tell them and why you should be given a chance to carry on. Right now, I don't have enough, particularly the first thing is you don't own the house, beginning with that and moving forward through all of the other things. If you can come and convince them to give you time, they may do that, but I would say your best chance is if you can show concrete steps. That will be February 26, we'll send you a letter. I'm sorry I don't have better news.

Referred to the City Council due back on 2/26/2020

3 [RLH RR 20-11](#)

Ordering the rehabilitation or razing and removal of the structures at 174 PAGE STREET WEST within fifteen (15) days after the February 26, 2020 City Council public hearing. (Refer to Legislative Hearing April 14)

Sponsors: Noecker

Layover to LH on February 25, 2020 at 9 AM for update on cleanout and status of conversations with potential buyers. CPH February 26, 2020.

*Robert Bier appeared
Lauren Lightner, Ramsey County HouseCalls, appeared*

Magner staff report: a letter sent Jan 31, 2020 to property owner that says property must be cleaned out by February 11 along with a report from the company doing the cleanout and the property must be maintained. We have an email from Ms. Lightner.

Moermond: the cleanout was to get ready to have a Code Compliance Inspection. The cleanout is you Ms. Lightner?

Lightner: I gave him some ideas of vendors to do the work, and we offered the assistance of three 30 yard dumpsters to help finance the situation. He hired Verryn Enterprises, they started last Friday, the majority of the first floor has been cleaned out, but unfortunately he's run out of funding to pay the vendor and the basement still needs to be cleaned out. I've had a discussion with him recommending he ask family for help so inspections can happen. So, it is positive in that he's made a lot of progress. There were needles the crew had to work around, so there were challenges.

Moermond: so it is about half done?

Bier: maybe two thirds. There is the basement, it is still a mess. Verryn is still working today, this will be their last day. I have some to an agreement with Shar on payment. I've come for an agreement to pay for what's been done. At this point, I don't know if it is possible, but I'd like to know if I can sell to someone at this point. I'm burying

myself in debt and I don't know how to get everything done. I've should have done it long ago, I understand. I had the hope of going to banks and asking for a rehab loan, but then I started going through numbers and asking if I'd be better off just selling. If it is possible to sell, I'd like to. If that's not possible I'll have to try and find money to keep moving forward.

Moermond: is it possible to sell? Yes, but. The But being the property title can't transfer until the work is done. So a lot of people have a sale on a contract for deed and then have it incorporated that the place needs to be rehabbed.

Supervisor Steve Magner: simply what happens is that decades ago Council changed the ordinance to not allow Category 3s have a short sale and someone would take it who isn't qualified, and we'd be back in this room. You walked away with \$15,000 and they walk away with a bill because we tore the house down. So the title can transfer after the code compliance certificate is issued, but you have to have a contract with a qualified party and you have to have a partner who finishes the cleanout, gets the code compliance and brings contractors in and does the rehab, and then the title transfers and you get your final payment.

Moermond: we've also seen cases where the person doing the rehab has put a mortgage on the company.

Magner: it is similar, it is based on the partner you find having confidence in the project. They have to have a contractual agreement for assurance. We've seen paper contracts, we've seen mortgages, we've seen a number of properties done that way. There are certainly people out there who can step in, though the market is small.

Moermond: we left the conversation that the house needs to be cleaned out and need an inspection, that is required no matter what. It is a cat 3 requirement before any transaction. You're stuck with having to pay for that and get inspectors through. That gives any prospective buyers a clear road map of where it needs to go. I need to see a concrete way that you're preparing yourself to have that conversation with people. That would be getting that inspection report. The City won't let you walk away at this point, can you be walking away? Yes. But not quite yet. I think this is doable, but you got to hang on longer on it. In terms of people who do this kind of work. We talked last time about talking to NeDA, and they might have some thoughts. They do buy properties and rehab them, but they are a nonprofit who creates housing of middle and lower income. I don't know if this house is a good candidate. Talk to broker who knows people in the business.

Bier: I've had a couple people contact me recently, one said he'd worked with the City and County before on properties like this. I told him I need to get it cleaned out first. Once he's in it, it's a crapshoot whether he says forget it or not.

Moermond: that's just one person. And you need to look out for your own interests. Getting it cleaned out for perspective rehabbers. It sounds to me like you need to figure out financially how you get it done.

Bier: Ms. Lightner's dumpsters are done. I need another one. With my financing and paying Verryn Enterprises, I'm short on money until the first of the month.

Magner: you've pulled out three 30 yard? We can't send inspectors in until it is completely done. I think it is worth engaging the nonprofits and seeing if they want to partner. They don't have to wait until it is cleaned out. They are used to dealing with

those conditions. We can't send our inspectors in. This is the time to get people in who are interested. If you don't do something, you'll be like the last case. You have some time on your side because you got over the big hurdle, but I think this is the time to get three people interested in it and see what your options are. Otherwise you're going to continue digging yourself a hole, according to Lauren's numbers that's a lot of money.

Moermond: a lot of rehabbers have junk out companies they work with. That realistically is an option.

Manger: the dumpsters are a fixed price, but the labor is a different matter.

Moermond: this was originally scheduled to go to Council February 26. The cleanout is one of the big two things I can ask for at this point, and the \$5,000 performance deposit which doesn't sound like it is in the works if you can't afford the cleanout. Those are a couple things I look at to slow down the clock. I go back to the cleanout as a way to demonstrate your commitment. Getting it half to two-thirds is progress. I'm concerned about the balance and finding someone to help. I think Mr. Magner is right, talk to some people and find out who is available to look at it. Get on the phone and start reaching out, could be nonprofits, or traditional people who do these kinds of things. Let's talk on February 25 9 am and I'll get updated information on the cleanout and where you're at with conversation on potential rehabbers, and then I have good info to go to Council with.

Magner: if you have someone who is interested, have them call me and we'll walk them through any steps they need to know. Reid Soley would also be a good contact. I can brief Reid on that. He's the best person to contact.

Referred to the City Council due back on 2/26/2020

- 4 [RLH RR 19-34](#) Ordering the rehabilitation or razing and removal of the structures at 985 WOODBRIDGE STREET within fifteen (15) days after the January 8, 2020 City Council public hearing. (Amend to remove or rehabilitate within 180 days)

Sponsors: Brendmoen

By February 21, 2020 property owner must show 1) proof of financing including an affidavit setting aside project-specific funds, 2) a work plan and contractor bids with schedules for completing the work and must be done in accordance with the Code Compliance Inspection Report and 3) the property must be maintained.

Bill Bernier, owner, appeared

Staff report from Supervisor Steve Magner: per the letter sent Jan 31, 2020 to Mark Schwartz and Bill Bernier to confirm the Legislative Hearing on January 28 was being rescheduled to this date and the following conditions must be met. A completed work plan, proof of financing (please note Ms. Vang's email dated January 8, 2020 that any proof currently submitted wasn't sufficient) and the property must be maintained.

Moermond: so we're down to looking for work plan, property maintenance and financing.

Bernier: the work plan is I have hired a plumber, electrician, warm air, heating, they pull permits and do their work and I'm resolving floors, ceiling, cabinets, framing,

Sheetrocking, mudding, priming, sanding, and painting. That's the heating bid. The heating work was done years ago.

Moermond: so you have a current bid from work done a few years ago?

Bernier: I tried to get the plumbing bid this morning, he's got the bid done basically. The electrician is going through today. So that's basically the work plan.

Moermond: are you a contractor?

Bernier: no, John Henley Revnick is and he's the one who provided the bid. I've done this since 1995. I've worked with all the different inspectors.

Moermond: ok, I'm going to read for the record "I Bill Bernier hereby swear to rehabilitate the property address 985 Woodbridge St, St. Paul, MN in accordance to meet the code compliance inspection repair request dated January 27, 2020. I hereby submit a bid from the General Contractor Revnick Contracting for which I, Bill, will be making all the general repairs with any necessary guidance provided by Revnick- John Henley whom I've known since 1985. I here, to date, also submit the bid for the HVAC concerns. The plumber has also gone through the home with the repair list and the electrician is able to visit and review the code compliance list on Tuesday, February 11 and I hope to have plumber and electrician bid today." So, I need this fleshed out a little better. I need to see a calendar or a schedule on how you're approaching the work plan. You're indicating you're doing the work under the direction of a general contractor, so you're acting as his employee?

Bernier: no, like I said I've done 40 of these myself, I've never had to rely on a general contractor's bid in the past, but now you're requiring that.

Moermond: and you can do it yourself, but I want to see that work you're doing built into something more fleshed out. Let's get Mr. Bernier an example of a work plan. I note that the heating and cooling bid from Metro says they will do the work in the code compliance, and the Revnick bid says that too. How is this tackled on a schedule with a plan. You don't have all the bids, you'll be submitting more. I'm looking more, what are you doing month one, month two, when is your rough in inspection, when is your final inspection. That table is one way, we can send you samples as well.

Bernier: is there a blank one by chance? I've done 40 of these.

Moermond: well there's a remove or repair on this building.

Bernier: I've done 20 of these.

Moermond: Category 3's?

Bernier: no, category 2's

Moermond: That's a different thing.

Bernier: the work that gets done is typically the same. Bring the house to current code.

Moermond: financing is the other issue. A personal checking account is fine and good but I would really like to see the funds separated that you'll be using on the project for the reasons read into the record. A personal checking account isn't acceptable in this

case. If you could set up a separate account exclusively for this purpose that would be super helpful.

Bernier: is that what I have to do? I have \$100,000 in this back pocket. I've got \$140,000 coming from another property I bought that's getting redeemed. So I have \$240,000 cash, I mean, do I have to have it in a bank account or can I keep it in gold or stocks?

Moermond: please don't mock me. I've tried to tell you that showing me a personal checking account with fluctuation balances, like most people do, doesn't show me there's a standing \$75,000 to be drawn from to complete the project. There are other kinds of accounts you can set up. I don't want to see a personal checking account as a way to finance this. It needs to be a separate account and an affidavit that the funds set aside in this account will be dedicated to this purpose.

Magner: you could talk about setting up an escrow account, where the draws can only be used for the line items established on your work plan. Or it could be a separate checking account you indicate on an affidavit to the Hearing Officer that funds from this account shall only be used for the rehabilitation of this particular address and after a code compliance is obtained you can cash that out and dissolve the account.

Bernier: what is the minimum balance then?

Moermond: \$75,000. I don't have an accepted work plan for a different amount of money, that's the estimate from City staff which I'm stuck with right now. You have other bids coming in this week. I think it is reasonable to say you can have these things done by Friday the 21, and it will be in front of Council on the 26, and hopefully we can ask Council to give you a grant of time to do the fix. If you have questions about if something is sufficient you can email that in and ask.

Referred to the City Council due back on 2/26/2020

5 [RLH OA 20-5](#)

Making recommendation to Ramsey County on the application of Robert DeFlorin for repurchase of tax forfeited property at 422 JESSAMINE AVENUE EAST.

Sponsors: Brendmoen

Allow repurchase only if sold within 90 days.

Moermond: repurchase application for tax forfeited property at 422 Jessamine. The property owner Robert DeFlorin owes \$13,700 approximately in past due taxes. He indicates he has been incarcerated since 2007 so no way to pay, he will reoccupy once he gets code compliance and says thank you for helping me save my family home. What we look at according to policy is the last five years of code enforcement activity and the last five years of police activity to come up with a recommendation for the Ramsey County Board of Commissioners on allowing for repurchase or not. Mr. Magner you've looked at the code enforcement information on this, what's going on?

Supervisor Steve Magner: this is pretty straightforward; the department would strongly recommend not allowing repurchase due to the fact this property has been an extreme user of City services. Since 2017 we've had 25 work orders, between snow and ice, garbage and boarding orders. We've had a lot of criminal activity over the years, during his incarceration certain people have been in and out conducting illegal business which resulted in a lot of police calls which resulted in a lot of action in the department. The

County can deem whether it is rehabbed or razed.

Moermond: the nature of the work orders, is it basic property maintenance?

Magner: tall grass and weeds, snow and ice, boarding up windows, picking up garbage.

Moermond: so basically all the property maintenance has been done by the City since it went in the vacant building program. You said it was a problem property prior to entering into the vacant building program?

Magner: we have a string of activity going back to 2001 when our records start. We have complaints about garbage, vehicles, building maintenance, we made it a vacant building at one point, there was a rehabilitation and the property owner moved back in, we just started receiving complaints about exterior, garbage in the yard, a number of issues with the police and narcotics.

Moermond: Back in March of 2017 the Fire C of O program sent an appointment letter for an inspection since it was non-owner occupied, the request for appointment was appealed by a Kathleen Schmeeg who indicated she was his partner and should be allowed to live in the home as equivalent of owner occupant. I said she had about 2 months to get a power of attorney from Mr. DeFlorin to give her those rights, which she didn't get, so it went into the Fire C f O program. She was unable to demonstrate she was the responsible party and do the repairs, her appeal to Council was denied. Although he's been incarcerated since 2011, there's been 94 police calls to the property, 19 reports written ranging from an investigation of a death, assisting medical assistance, problem property, a ton of investigates and disturbances, firearm discharge, weapons discharge, crisis response, abandoned cars, violation of health laws, trespassing. Again, disturbances throughout. That's the full history of the time period we do look at, specifically about people living there, from March 3, 2017 through when the property was vacated there were 24 police calls in that 7 month time period. A high level of service when it was occupied legally. I concur, this has been a long-term problem property with the City, we have extensive documentation, problems by those he allowed occupied when he wasn't able to, work orders even after he was released. I will ask Council President Brendmoen if she wants the recommendation to read recommending as against or alternately, it must be sold within 90 days of repurchase.

Referred to the City Council due back on 2/26/2020

11:00 a.m. Hearings

Correction Orders

- 6 [RLH CO 20-1](#) Appeal of Andrea Suchy-Shinn and/or Will Shinn to a Correction Notice at 24 CONGRESS STREET WEST.

Sponsors: Noecker

No one appeared. Written testimony received after hearing. Recommend granting to July 1, 2020 to bring storage containers into compliance, noting permits and variances need to be applied for outside the Legislative Hearing process.

Update 2/14/20: upon receiving written testimony after hearing recommended granting to July 1 2020 to bring the storage containers into compliance.

No one appeared

Moermond: we have a situation where the people who live in this house store their cans in the right of way, specifically in the boulevard. This is a non-owner occupied property, but the owners own this parcel and the vacant parcel adjacent. As we talk about the problem, they have more options than most people would in terms of joining the two parcels and figuring out a solution. We directed them to resources and instructions on joining the parcels, but they had no specific plan in doing that, we said we'd work on adjusting deadlines if they did want to. Towards the end of the hearing he said he got it and they're just going to move the cans. Since they aren't here, I'm guessing they are just going to move the cans and we'll deny the appeal and they need to start storing the containers. Let's put this in front of Council 26 and give them to March 1 to move the cans.

Referred to the City Council due back on 2/26/2020

11:30 a.m. Hearings

Staff Reports

- 7 [SR 20-1](#) Review Appeal of Kevin Roepe or Craig Mader to a Fire Inspection Correction Notice at 584 FAIRVIEW AVENUE NORTH adopted by Council on December 18, 2019 under RLH FCO 19-126.

Sponsors: Jalali

Recommendation forthcoming granting conditional extension. Property owner is to provide updated work plan and a revised plan documenting emergency measures in place until sprinkler system is installed.

(3/12/20: Recommend granting an extension to August 1, 2020 to become code compliant by virtue of installing sprinkler system) - JZ

*Craig Mader, Harcros Chemicals, appeared
Chris Leaver, Summit Companies, appeared*

Moermond: what was thinking about for today, you've decided you want to go with a full sprinkler system, so I wanted to talk about what an extension would look like and put that in place, and condition that on interim safety measures that should be taken between now and when the sprinkler system would be effective. Just wanting to revisit the first set we laid out previously, I'm not sure we'll conclude this today.

Staff report by Supervisor Jim Perucca: staff has had an opportunity to review a February 7 email from Harcros with the sprinkler design and layout of the warehouse, as far as separation for control areas and proposed ratings of different areas. In principle we do agree with what we were presented, and it looks acceptable. The contingency would be that any plans have to go through full plan review both building and fire protection. While we've agreed in principle, we still need the full review. It looks like we still need hydraulic calculations given the last water flow test was a few years ago, you do indicate you've improved the interior curbing along with the separation from office space and the rest of the warehouse, which appears to be correct. Door swings appear to be correct. There was mention about emergency alarm system for review, which I anticipate being that submitted when other types of notification being proposed is, along with the plans in the near future. I'm assuming that the contractor is you?

Leaver: might be, we haven't made a contract yet.

Purucca: still up for bids?

Mader: yes, we'd like to.

Perucca: a proposed date of completion is required, and any permits for building and sprinkling. We've had our Fire Engineer review the density of the sprinkler placement and that does appear correct. In short it looks acceptable but we're looking to see what items from the original hearing have been done, some of the removal of flammables into control areas, oxidizer storage, we'd like to get back in fairly soon to verify conditions.

Mader: any time.

Inspector Mitch Imbertson: we've checked off some of the minor items from the original fire inspection but yes there are things from the original hearing need to be verified. Our staff said that they wouldn't want to do a flow test until the weather improves.

Leaver: we had a test we were given last year, with the addition of of a pump it won't be as effective. We obviously have the pump there to make up for it. I don't think we'll lose out on a total gallons, we just need enough from the street to and not lose too much pressure. We'd probably just end up with a different size pump.

Imbertson: you'd be able to do any design work and make any adjustments based on the rating.

Leaver: right, if it goes down quite a bit or for some reason it is way off from the first test we'd just end up with a different sized pump.

Imbertson: we don't have any reason to believe it would be different, we just don't have a test that's within the date that we would accept.

Leaver: in summary, I think you're looking at it the right away. It was sort of in line with the alternate plan anyways, we decided to continue with the same plan so we have walls and containment, it's a big piece of the design. We have architects and general contractors coming in for permits based on the scope of work.

Perucca: where are we at with the rearranging of flammables? And oxidizers?

Mader: it is all done. It is all segregated and in control areas that are sprinkled.

Imbertson: let's set up a time to meet up there.

Leaver: next week, I'm gone the rest of this week and I'd like to be there.

Moermond: going to back to the resolution the Council adopted, we're looking at a couple things here. Oxidizers and flammables are met. The current conditions are still not code compliant, so what's the plan from now until the sprinklers are in? Reducing something to writing would be help. How will you manage an emergency situation given you're not code compliant at this point? What measures are you taking to maintain safety on site. I just want something in writing so we're all on the same page about

expectation.

Leaver: there was work done to meet that, I thought that was done. Maybe it didn't get forwarded.

Moermond: I do have an emergency action plan. This is going to cover though when sprinklers are installed? It is dated April 10, 2019.

Mader: as a corporation we have an emergency action plan in place at all times. That's what we attached, and then there was anticipation of looking at different alarm system, but since we're going with the sprinkler it did push off some of the items. We did present our emergency action plan that is in place currently.

Moermond: I guess I wouldn't want to assume that what you developed in April was dependent upon being code compliant at that juncture. There's an addendum from December 20th, with the fire prevention plan?

Leaver: quite honestly it has been a while, but I did have a few comments to help them bump it up.

Moermond: has staff looked at this?

Imbertson: we haven't. If they could update with the current date and verify it is all still applicable.

Moermond: maybe look at the plans in Legistar and you guys can communicate since you have the insight necessary. Alarm upgrades are still on track?

Leaver: we're still doing them, but it will be one step since it won't be doing the same benefit as before.

Moermond: do we have a ballpark of when this will happen?

Mader: we don't as we've haven't talked to contractors.

Moermond: I'm happy to give an extension. I just want it buttoned up between today and when it is fully operational. If it is 6 months out, I just want contingencies covered between now and then. I'm hearing there are some variables, like with water pressure. Things that will slow you down.

Leaver: we'll submit an updated schedule.

Moermond: that would be great, then I can put that in front of Council and this is the deadline and here's what they're doing in the interim.

Leaver: the hope was still to make that end-date. That was the intent. We'll look at it and make sure if we think it will be pushed a few months we'll ask for that now. The front-end changed a little bit, obviously, because we felt some of the upgrades we were going to do so quickly weren't being done anymore with the sprinkler system so we've kind of put of those resources to getting that moving faster.

Moermond: which is the long term most important goal. Thank you for moving forward on this. I think some back and forth conversation with staff will help and nailing down some of the details.

Leaver: once we have the end date, it stays with us as far as permits?

Moermond: whatever I put in front of Council is the last time I will touch it, unless there's an additional appeal or request an extension. We just need a date that's going to work. Realistically.

Imbertson: if we can clarify in the resolution if it's a date to pull permits or finish the work.

Moermond: I always mean the job is done and permits are finalized.

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