



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
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651-266-8585

Tuesday, November 27, 2018

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 18-44](#) Ordering the rehabilitation or razing and removal of the structures at 931-933 SHERBURNE AVENUE within fifteen (15) days after the October 24, 2018, City Council public hearing.

Sponsors: Thao

No one appeared.

Steve Magner, Code Enforcement Supervisor:
-read the letter sent Nov 15 to Richard & Susan Gotch re: Remove/Repair 931-933 Sherburne (attached)

Ms. Moermond: this will be at City Council Public Hearing Dec 12, 2018

Ms. Mai Vang: I have received nothing

Ms. Moermond:

Remove within 15 days with no option for repair.

Referred to the City Council due back on 12/12/2018

- 2 **RLH RR 18-48** Ordering the rehabilitation or razing and removal of the structures at 636 HALL AVENUE within fifteen (15) days after the December 12, 2018, City Council Public Hearing. (Legislative Hearing on December 11, 2018)

Sponsors: Noecker

No one appeared.

Steve Magner, Code Enforcement Manager:
-read letter sent Nov 15, 2018 re: Remove/Repair property at 636 Hall Avenue (attached)

Ms. Moermond: have we received any documents?

Ms. Mai Vang: I have received nothing & our letter came back; Wilson Cuzco did not sign in at the last hearing & I have no contact information so I sent it to 636 Hall Ave

Ms. Moermond: that's not useful

Mr. Magner: we did have this Blaine address: 13218 Aberdeen St NE, Blaine; that's the same address that we sent the Notice of Public Hearings to

Ms. Moermond: has this property been maintained?

Mr. Magner: it seems kind of strange; it seemed that he was pretty gun-ho about moving forward

-the last Work Order we did was in Aug 2018

-I'll check Mr. Yannarely's notes to see if he's had to issue any other notices

Ms. Moermond: it's unfortunate about the letter not going to the address of record because it's scheduled to go to Council Dec 12, 2018

-let's put this on the LH agenda for Dec 11, 2018

-let's re-send the letter to the address of record that got serviced; please note in the new letter that he did not provide an updated address or email for us to communicate with him & that we would sincerely appreciate contact information & that he should get these conditions met ASAP; they will be reviewed on Dec 11

Legislative Hearing on December 11: Owner to meet the conditions listed below:

1. provide a detailed work plan or sworn construction statement, including timelines and bids/subcontractor bids, for completing the work required in the code compliance inspection report;

2. documentation of financing sufficient to execute the above work plan will need to be demonstrated (line of credit, construction loan, or personal bank account). You have estimated the work to be \$160,000. Please provide document of financing in that amount;

3. If the funds being used are not tied to the project (such as a construction loan), we require an affidavit that states the necessary funds will be set aside from other business or personal accounts, and;

4. the property must be maintained.

Referred to the City Council due back on 12/12/2018

3 [RLH RR 18-45](#)

Ordering the rehabilitation or razing and removal of the structures at 1232 SEVENTH STREET EAST within fifteen (15) days after the November 7, 2018 City Council public hearing.

Sponsors: Prince

Melissa Porter, Shapiro & Zielke, LLP, appeared representing Harrington Mortgage Service & MERS.

Steve Magner, Code Enforcement Manager:

-read letter sent Oct 11, 2018 listing conditions to be met (attached)

Ms. Moermond: those conditions were met; the matter was continued to today; where are you at with the shortened redemption time period?

Ms. Porter: the hearing was held & the Order was signed on Nov 21, 2018; the sale was originally scheduled to be held today; however, that sale was postponed & the new sale date is Jan 2, 2019; the redemption period will be 5 weeks from the date of sale according to the Order that was signed on Nov 21, 2018; the delay is due to the issues with the property; so, 5 weeks from Jan 2 will be Feb 5, 2019

Ms. Moermond: the code compliance inspection has been ordered; the interior clean out is done enough

Ms. Porter: they got rid of as much debris as they could & they moved the personal items to the center of the room so that the inspectors could walk the perimeter & see the walls & baseboards

Mr. Magner: we have a lock box combination & you're indicating that it's ready to be inspected

Ms. Porter: because of the holidays, I was unable to connect with my office; my office was closed; their office was closed; but I do know that they have had a hard time connecting with anybody at DSI between 7:30 - 9 am in order to schedule something

Mr. Magner: email Jim Seeger & copy Reid Soley, copy me & copy Joe Yannarely -email him telling him that it's cleaned out enough for city crews to go thru; then, he will re-que up the staff - it's been paid for & we have the lock box combination

Ms. Moermond: hoping to get this inspection done; then your clients can send their contractor thru so that they can decide whether or not they want a green light to rehab or something else

-we'll get that code compl insp done by Thu Dec 27, 2018

-sale date is Jan 2, 2019

-I will continue this to Jan 15, 2019 LH & I want to have a decision by then based on the insp report; you probably won't need to be here; if they want to proceed with the rehab, we'll figure out the money at that step

Get code compliance inspection report and bids by December 27, 2018 and will layover to January 15, 2019 for further discussion on what the property owner wants to do with the building. If code compliance inspection report and bids are not submitted by 12/27, owner should attend the hearing to explain plans.

Laid Over to the Legislative Hearings due back on 12/27/2018

4 [RLH RR 18-50](#)

Ordering the rehabilitation or razing and removal of the structures at 2059 IDAHO AVENUE EAST within fifteen (15) days after the January 2, 2019, City Council Public Hearing.

Sponsors: Bostrom

John M. Hanson, owner, appeared.

Steve Magner, Code Enforcement Manager:

-The building is a one-story wood frame and stucco single-family dwelling with a detached oversized one-stall garage on a lot of 8,712 square feet. According to our files, it has been a vacant building since January 29, 2016.

-The current property owner is John M. Hanson per AMANDA and Ramsey County Property records.

-On August 2, 2018, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on August 31, 2018 with a compliance date of September 28, 2018. 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 \$28,100 on the land and \$105,400 on the building.

-Real estate taxes for 2015 through 2017 are delinquent in the amount of \$10,237.81, which includes penalty and interest. Taxes for 2018 are due in the amount of \$6,600, which includes penalty and interest. Property is scheduled for tax forfeiture July 2019.

-The Vacant Building registration fees were paid by assessment on February 28, 2018.

-As of November 26, 2018, a Code Compliance Inspection has not been done.

-As of November 26, 2018, the \$5,000 performance deposit has not been posted.

-There have been eighteen (18) SUMMARY ABATEMENT NOTICES since 2016.

There have been ten (10) WORK ORDERS issued for:

- Garbage/rubbish
- Boarding/Securing
- Grass/weeds
- Vehicle
- Overhanging vegetation

-Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$15,000.

Ms. Moermond: this has been in the VB Program nearly 3 years; how do you want to approach this situation?

Mr. Hanson: I talked with Mr. Yannarely yesterday & got a run down on what I need to do to get this resolved; I'm going to rehab the house; I haven't filled out the code compliance insp application yet; I've been procrastinating

Ms. Moermond: where are you at with delinquent taxes & how did it end up in the VB Program?

Mr. Hanson: I can pay the taxes; I just kind of abandoned the place; I had some issues & I moved into a hotel; it got comfortable there & I had a lot of work to do on this & I just kept procrastinating; the water was shut-off; I bought it 30 years ago & I lost interest in it

-I own the house outright

-I used to have a home equity loan; it was never used; I got a letter to say that was satisfied

Mr. Magner: title work indicates no state tax liens or anything; a home equity loan was taken out Oct 5, 2010 for \$30,000

Ms. Moermond: there's a lot of work that needs to be taken care of

Mr. Hanson: my niece's husband is in the business; I can get him to help me

Ms. Moermond: first order of business is that it needs a junk out

Mr. Hanson: some stuff I want; will have to sort that out; I'll donate a bunch of things

Ms. Moermond: the end goal for you is to sell the house; to get as much equity out of it as possible

Mr. Hanson: I have the money to fix it

Ms. Moermond: you'll need to clean it out so that our trades inspectors can go in for the code compliance insp; they need to see the walls, etc; I think that you need to hire someone to help you to move things/clean out

Mr. Magner: the garage will need to be cleaned out too (cluster things into the center so the exterior walls are clear)

Ms. Moermond: clean out deadline: Dec 14, 2018 & apply for the code compliance inspection

-then, we'll talk again at Legislative Hearing, Thu Dec 27, 2018 & we'll have the inspection list

-after Dec 14, get the code compliance inspection done (Mai gave him an application)

-put a lock box on the door & give DSI the combination

-I will let the trades team know that you'll be applying for the code compl insp

-pay the back taxes (\$17,237.81 including assessments); your property will go tax forfeit the end of 2019; they'll give you a receipt; we can check that electronically; I will need to see that you have the financial wherewithal to do the fixes

-post \$5000 performance deposit with DSI

Mr. Magner: anything serviceable will remain; if not, it must be new; only certain modifications need to be done; if you're re-doing the whole house, then, the whole house needs to be re-wired to 2018 specs

Ms. Moermond: the next phase of things we'll talk about will be a Work Plan including bids for the rehab

Mr. Magner: this is not a new issue; we've tried to work with Mr. Hanson back in Nov 2017; the city was trying to do an assessment but he was busy & couldn't meet; it's important that Mr. Hanson understands that, moving forward, he'll need to meet the timelines established by the hearing officer for certain things to be done, if he doesn't do this, the other option - the recommendation of the Council will be a Resolution to remove the building & I'll hire a contractor to raze the structure

Ms. Moermond: if you're meeting the conditions, I'm going to continue to work with you to get this placed fixed & give you time to get contractors in there; if you're not working with me on this, then, we'll just pull the trigger & move forward to remove the building

Layover to December 27. Owner needs to provide the following information:

- 1) apply for the Code Compliance Inspection by December 14;*
- 2) do a clean-out of the property by December 14;*
- 3) bring delinquent property taxes to current by December 21;*
- 4) post the \$5,000 performance deposit by December 21.*

Laid Over to the Legislative Hearings due back on 12/27/2018

- 5 [RLH RR 18-51](#) Ordering the rehabilitation or razing and removal of the structures at 667 OHIO STREET within fifteen (15) days after the January 2, 2019, City Council Public Hearing.

Sponsors: Noecker

Dennis Winge, friend of Neal B. Christopherson, owner, appeared.

*Mr. Winge: Neal is not very healthy & is not doing well; he has cancer
-I signed a Purchase Agreement for his house on Nov 13, 2018; & I want to fix it to move in*

Steve Magner, Code Enforcement Manager:

-The building is a one-and-one-half story, wood frame, single-family dwelling on a lot of 7,405 square feet. According to our files, it has been a vacant building since May 26, 2006.

-The current property owner is Neal Christopherson per AMANDA and Ramsey County Property records.

*-On August 22, 2018, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on August 28, 2018 with a compliance date of September 27, 2018. 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 \$21,800 on the land and \$90,000 on the building.*

-Real estate taxes for 2018 are due in the amount of \$921.24, which includes penalty and interest.

-The Vacant Building registration fees were paid by check on May 31, 2018.

-An application for a Code Compliance Inspection was made on October 29, 2018; I believe that has been completed & the report is attached.

-As of November 26, 2018, the \$5,000 performance deposit has not been posted.

-No Summary Abatement Notices or Work Orders have been issued to this property.

-Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$15,000.

-since the Order to Abate & Declaration of the Nuisance on Aug 28, 2018, that changed the Category status to a Cat 3 VB, which means that the city won't allow a transaction of sale; but that doesn't exclude the possibility to instead of doing a Purchase Agreement, you could enter into a contract where you, as the potential owner or developer would rehabilitate the property for Mr. Christopherson & at the time, when the Code Compliance Certificate is issued by the city, then, you could transfer the title at the county

Mr. Winge: what if he dies? I respect what you guys are saying but it doesn't make no sense; he's sick

-I have the money - \$70,000-\$80,000 to do the rehab; I'll gut it out; I talked to a couple of inspectors who said that it wasn't that bad but I want to gut it out; I want to make the house for me

Ms. Moermond: have you done this kind of thing before?

Mr. Winge: yes

Mr. Magner: our recommendation is that you would employ legal counsel to come up with a legal binding contract that says, even if the individual passes during the period

of time of the contract, there still is an entity (being his estate) that can follow thru with this process; I can't give you legal advice but I can suggest that what the city would accept, normally in our process, is a legal binding contract for a period of time that follows the stipulations that City Council approves that says: Party A is going to allow Party B to do this & the accomplishment of this will cause this action to eliminate the nuisance & the city will remove its standard at which point, you're free & able to transfer that legal sale

Mr. Winge: why wasn't this categorized a "3" in 2006, 2007 or 2008; it's been empty for 10 years; why now?

-is it because I've shown some interest?

-the sign went on the window after I gave the check for the inspectors to walk thru (code compl insp)

Mr. Magner: you applied for code compliance on Oct 29, 2018

Ms. Moermond: the sign when up Aug 22, 2018 - months before then; it was already in the works

Mr. Winge: you couldn't even see the front of the house; now, you can see it; I paid to have 36 trees cut down; I'm ready to go to fix it; it's a nice house; it was raised up 25 years ago with a new foundation; 15 years ago, the front porch was put on

Ms. Moermond: city policy is that you can't sell a Cat 3 building; so, how do we work this so someone like you can fix up the bldg; the way that we've bent the rules in the past is to have that contract in place; an attorney can help you; the contract needs to be clear; the title cannot transfer until the Certificate of Code Compliance is issued; in order to get time from the Council to do the rehab, we're looking for the past due taxes to be paid; the \$5000 performance deposit to be posted; you'll need to submit a Work Plan with bids & timelines; some people use a Sworn Construction Statement; we ask that subcontractor bids/timeline are attached

-if you are not a general contractor, you get to do for one year if you don't have your license

Mr. Winge: or I can hire; I have a lot of friends in the trades

Mr. Magner: whoever is putting together the Work Plan, the big issue is that you need to have your sub bids; if you have things all sketched out, you can start sending that to the LH & we'll start reviewing it

Ms. Moermond: you have your estimate already (\$80,000); so, I'll be looking to see that you have that amount to spend on this project (business account, construction loan, loan agreement, etc.) so, you can prove that you have the finances

Mr. Winge: I want to gut it out; I want it all up-to-date; I want to make a nice house

Ms. Moermond: get it all together no later than Thu Dec 27, 2018 including the legal agreement & if I & Mr. Magner approve it, you can pull permits on the strength of that -at City Council Jan 2, 2019

-Mai Vang will send you a letter

Layover to December 27. Owner to provide the following information no later than December 27:

1) A contractual agreement between Dennis Winge and the owner. This will be a contractual agreement which must stipulate that Dennis Winge, as the purchaser, will be undertaking the rehabilitation of the property while the property is still owned by Mr. Neal Christopherson and that title is not transferred until the rehabilitation is completed and a code compliance certificate is issued. This agreement is subject to approval by the City;

2) A detailed work plan or sworn construction statement, including timelines, for completing the work required in the code compliance inspection report will need to be provided, including subcontractor bids;

3) Documentation of financing sufficient to execute the above work plan will need to be demonstrated (line of credit, construction loan, personal bank account). The City estimates the cost to repair to exceed \$50,000; however, Dennis Winge has estimated the work to be \$80,000; therefore, he will need to provide document of financing in that amount, and

4) If the funds being used are not tied to the project (such as a construction loan), an affidavit is required that states the necessary funds will be set aside from other business or personal accounts.

Laid Over to the Legislative Hearings due back on 12/27/2018

11:00 a.m. Hearings

Summary Abatement Orders

- 6 [RLH SAO 18-74](#) Appeal of Joann Hardy to a Vehicle Abatement Order at 668 LEXINGTON PARKWAY NORTH.

Sponsors: Thao

Appeal withdrawn by Appellant. Inspector and owner came to an agreement and issue was resolved.

Withdrawn

Correction Orders

- 7 **RLH CO 18-43** Appeal of Barbara Brekke to a Correction Notice at 1018 JENKS AVENUE EAST.

Sponsors: Bostrom

Barbara Brekke, owner, appeared.

Code Inspector James Hoffman: I talked with Brian Karpen, city's structural engineer, this morning; he said that he didn't think the garage was going anywhere; it would not collapse; if anything, the roof would fall in

Ms. Moermond: I spoke with Brian, who said that the building is plumb right now; he's not concerned about it collapsing; the concern is the hole in the roof becoming bigger, which will weaken the roof & there could be property damage

Ms. Brekke: anything that's in the garage belongs to somebody else, who hasn't shown much concern about it

*Ms. Moermond: I called the Rebuilding Together people; they told me that they would send me a copy of their application so that I could give it to you today but I haven't yet received it; the woman I spoke with told me that you are the kind of person that they work with; they just recently helped someone on the East Side with their garage; volunteers do the work but not in the winter
-I'm willing to give you a deadline of Jul 1, 2019*

*Ms. Brekke:
-I called a few of the organizations that you recommended & I'm waiting on what they're going to be sending me*

Ms. Moermond: follow-up with Rebuilding Together; you do need to get that application in & approved now, so that you're at the front of the line in the spring

Ms. Brekke: I wasn't really concerned about the structure, just the roof

*Ms. Moermond: I just needed confirmation
-at City Council Public Hearing, Dec 12, 2018, I will recommend that they grant an extension to Jul 1, 2019
-if you need other kinds of housing services, call the House Calls Program; they have dumpsters, housekeeping services, etc, call Erica Minus 651/266-1291*

Grant an extension to July 1, 2019 to repair the garage, under permit.

Referred to the City Council due back on 12/12/2018

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 8 RLH VO 18-56** Appeal of Attorney MaLeeha Rizwy, Southern Minnesota Regional Legal Services on behalf of Peggy Baker to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 752 CARROLL AVENUE #1.

Sponsors: Thao

MaLeeha Rizwy, Attorney, Southern Minnesota Regional Legal Services (SMRLS) and Peggy Baker, Appellant/tenant, appeared.

Ms. Moermond: Revocation of the Fire Certificate of Occupancy/Order to Vacate

*Fire Supervisor Leanna Shaff: this property has been here on a couple of occasions; the last time, it was here with Mr. James Cannon, owner on Oct 9, you granted him an extension to Nov 9, 2018 to remove the basement wall studs, venting, plumbing & electrical, which were installed without permit or bring into compliance by getting this work permitted & approved; Mr. Cannon failed to do so; so Inspector Laura Huseby took enforcement action by Revoking the Fire C of O & ordered it Vacated
-I've talked to Ms. Rizwy regarding the Vacate; it looks like she's looking for more time for her client, which we are not opposed to*

Ms. Moermond: it seems like this work is really doable

Ms. Shaff: it is; however, Mr. Cannon, at every step, just can't seem to get it done; Insp Huseby has been in contact with him but she can't get him thru the process

Ms. Moermond: Mr. Cannon is also an owner-occupant or so he represents

Ms. Baker: he had a mailbox out there but he didn't live there; they came in and said it's a triplex; I'm like, "No;" he said, "Oh! I just tell them that I live here;" which he don't

Ms. Shaff: it's not supposed to be a triplex; that lower area was under construction without permits; it's supposed to be a duplex

Ms. Moermond: he said that he bought it & that the former owner had started this work without permit (that he himself didn't do it but the fact is that he is stuck with the work whether or not he installed it)

-what are you looking for today?

Ms. Rizwy: primarily, Ms. Baker is looking for more time to find some place to go; the Notice was primarily to give the landlord the opportunity to make the repairs & to come into compliance; & to have a legal right to start collecting rent again but it hasn't afforded Ms. Baker enough time to find a place; she has a dog, which makes it harder; & in the winter, I think, you'd need something like 60 days to try to find.....

Ms. Moermond: has SMRLS considered doing an Emergency TRA to effectuate the repairs

Ms. Rizwy: we actually have one drafted & it sounds like... a couple of notes: he's been in & out doing some of the work; we just want to make sure that.....

Ms. Baker: a plumber came over there & he said they just told him to shut the valves off; so he dug it up from the concrete & shut the valves off; he told me it would be easier that way but as far as the drain in the basement, it stinks so bad; I told him about that & he said the plumber was coming but when the plumber came out, I told him & he said that's from the drain outside.... that needs to be checked & he's not a plumber for that; so, I don't know; the other repairs in the house, he barely's been fixing; I don't know if he has the money to do it but I paid Nov rent; I keep telling him stuff is wrong; they never told me this until when they came; he didn't even tell me; the inspector told me;

-I've been paying rent & there's been problems since I've been there; the electrician was supposed to come back the other day & fix the lights but he didn't; so, I don't know what to do

Ms. Moermond: it strikes me that the best solution for you might be the Remedy Action because apartment hunting is super hard & having a dog makes it harder & you get the repairs done & are able to stay; I think that SMRLS needs to help you do that

Ms. Rizwy: we got the ETRA drafted & as that there are some repairs going on, we just have to make sure that our factual allegations are current & accurate as of the day that we file it; our plan is to have it filed tomorrow or Fri, at the latest

-if the landlord can get the place into compliance & get his Certificate of Occupancy, that's the most stable & convenient option for Ms. Baker; if he's not going to listen to you & to a judge, then, she still would need a couple of months to find some place

warm to go to

Ms. Baker: I've been there since May; people before me trashed the place; he paid my storage rent until May 7; all the doors were busted - never finished fixing them; he doesn't fix anything but I still have to pay him \$1200/mo; I don't trust him

Ms. Shaff: he needs to un-do the stuff that's been done & broom clean the basement -an electrical permit was finally pulled on Nov 8, 2018 by Electric City Corp, St. Louis Pk; valuation of work is \$3800; a plumbing/sewer permit was pulled on Nov 6 to cap plumbing in basement bathroom (water closet, bathtub) by Jay Gadtke Plumbing Inc, Champlin; valuation of work \$800; that's all we're seeing at this point

Ms. Moermond: and there was probably venting underneath the sheetrock

Ms. Shaff: he was given until Nov 9 to get the permits; in the last hearing we talked about him getting contractors; then, he doesn't trust them so, then it doesn't happen -Insp Huseby hasn't heard from him

Ms. Moermond: & your attorney has explained to you that, right now, you don't have to pay rent as long as the C of O is Revoked

Ms. Rizwy: we'll ask the court in the TRA to make very clear that "no rent is due"

Ms. Moermond: the C of O was actually Revoked on Nov 9 (already a couple of weeks)

-I want to give you time but I also want to do what I can to make sure things keep moving - to get these repairs done & to the extent that we can keep you housed in the same place, that's better for everyone

-you will file tomorrow

-I'm comfortable going with the Vacate extension for at least 30 days; I'm comfortable going longer but I want to have it conditioned on things happening with the ETRA so that if he's not following thru, then you're situated in a way & can be making sure that the work gets done

Ms. Baker: the man upstairs pays more rent than me

Ms. Moermond: he should know, too, & maybe he wants to contact your attorney, that court has the ability to set those rent funds aside & they can be applied to doing this work

Ms. Baker: some of the lights, etc, did not work; he said that the electrician was going to come back out & fix it but when? I called the Fire Dept because I came home & I smelled smoke; it smelled like rubber was burning; whatever they fixed, the baseboard heater finally started working because it never's been working since I moved in there May 7; so the Fire Chief that came, he tried to call the landlord to tell him what it was & he told him that "She has a door in here that has a knob & I see in her text messages ('cause I keep the text messages) that she's been asking you to have someone fix it;" he knows my brother's an electrician; my brother says, "Your landlord don't have no money; and I can't just work for free;" the Fire Dept said the knob was out & the other part was still in there; you could get trapped in here; I told him that the Fire Dept said he needed to get that fixed immediately

Ms. Moermond: I will recommend to the City Council that they give until Jan 1, 2019 as a new deadline for the C of O to be re-instated or the place Vacated but if you file a

TRA & get the court on board with pushing thru these repairs, I'm willing to extend it another 30 or 60 days; and so, I'd like to amend that so when it's in front of City Council, I can say, "and they did the TRA so, I'm able to recommend this additional time for those repairs to be completed either by the landlord or as ordered by the court & facilitated thru whomever you work with"

Ms. Shaff: let us know what court decides so we can be working in tandem

Ms. Moermond: I can talk to trade inspectors to find out what the permit/inspection status is

-I fully anticipate that I will be extending this out to Feb 1, 2019 but I just want to keep the heat up to ensure that we have continued action

Grant to January 1, 2019 to vacate the property provided attorney for appellant files an emergency tenant remedy action (ETRA). If an ETRA is filed, may grant additional 30 days.

Referred to the City Council due back on 12/12/2018

9 [SR 18-182](#)

Review Request of Extension for Council File RLH VO 18-51 adopted October 17, 2018 for an Appeal of Ranjit Bhagyam to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 2012 COMO AVENUE.

Sponsors: Jalali Nelson

Ranjit C. Bhagyam, owner, appeared along with Carolyn Brown

Ms. Moermond: you're all working together to complete the repairs; I talked to Metric Giles, Deputy Director of Community Stabilization Project, on the phone; Carolyn Brown, you are here working with the landlord; the C of O had been Revoked; & we were working with new deadlines but that wasn't enough time for contractors to get the work done

Fire Supervisor Leanna Shaff: as far as we know, nothing has been really done; the last time I was in there was Nov 15, 2018; in the meantime, we got a new exterior complaint for trash & debris

-Insp Huseby writes that the electrical inspector issued a No Entry for an inspection scheduled for Nov 21

Mr. Bhagyam: I honestly did not know that the electrical inspector had the inspection; we did not know he was coming because the electrician who did the job said that we had to amend something & we did not know he was coming; Ms. Huseby saw the work done & she said to leave it open so the elect insp can come & take a look at it; permit was pulled; work was done & I apologize.....

Ms. Shaff: L & J Electrical, your contractor, must call for inspections according to the code; trades inspectors don't inspect unless they're called; somebody called & made the appointment; they didn't just show up there for

Ms. Moermond: L & J needs to follow-up & re-connect with the elect insp

Ms. Brown: they went in and added work that needed to be done - #10; so, L & J added to the permit;

-question: the basement toilet was leaking & they replaced it but did not know that a permit needed to be pulled to do that; so, we still need to pull that permit
-the debris in the yard has all been removed
-the heater that was in the basement has been removed
-all the light fixtures globes will be replaced

Mr. Bhagyam: I need to take care of #5 - I did not know that the fresh air intakes needed screen covers

Ms. Brown: we can get that done
-question: does a permit need to be pulled to tighten up bolts on the railing?

Mr. Bhagyam: I understand that we need to put a new strip of wood between the railing & the wall; now, the gap is 6 inches; needs to be less than 4 inches

Ms. Moermond: I feel comfortable about granting an extension on soffit/fascia repairs

Mr. Bhagyam: Ms. Huseby is coming on Dec 3; I've got everything taken care of except one big tote is supposed to be moved but I can't do it along; it will be picked up by a company
-my fear is that Ms. Huseby keeps adding things & if she comes again & Revokes my license....

Ms. Brown: we want an extension to the end of Dec 2018 just to be sure
-can the exterior work wait until spring?
-I'll send pictures & the affidavit

Ms. Moermond: I don't see photos of the eaves; I'm inclined to recommend granting an extension to Jun 1, 2019 for the exterior work (potholes & trim)
-for #7 & #9, we'll say the work doesn't require a permit (guardrail)
-all other items you think will be taken care of by the end of Dec (?)

Ms. Brown: yes; another question: can I provide a receipt for #16 for the purchase of material as documentation?

Ms. Shaff: it depends; the receipt may not say fire rated 5/8" gypsum board (which is required)

Ms. Brown: so, what do I need?

Mr. Bhagyam: Ms. Huseby said that I need to have 5/8" & I do have leftovers from the Kit ceiling, which is done

Ms. Brown: that whole ceiling has been replaced (have receipt)

Ms. Shaff: Insp Huseby wrote re: gypsum board - when we have more than 1 unit, all those walls between the units need to be fire-rated 5/8" gypsum board, usually that's a type X; in her Orders, she said that she found sheetrock on Apr 21, 2015 in the lower level to not be fire-rated for use in multi-family dwellings

Ms. Brown: cover up the fireplace & put up a sign - OK

Ms. Shaff: I'm going to recommend that you insulate up there to reduce the draft

Mr. Bhagyam: that's a good idea; I can do that

Ms. Moermond: today, we just had the conversation; the reason we handled it this way is because the Council already gave a deadline; the deadline was blown & so the Dept goes to enforce what was already a Council decision; so, we didn't have anything fresh for the Council to look at

Grant additional extension to January 1, 2019 for work to be done with the exception of the driveway repair and missing metal trim at eaves which are granted until June 1, 2019.

A new resolution will be in front of City Council on December 12 amending Council File No. RLH VO 18-51.

Received and Filed

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 10 [RLH FCO 18-197](#) Appeal of Lee Thao to a Fire Inspection Correction Notice at 994 GALTIER STREET.

Sponsors: Brendmoen

Appeal regarding the use of the basement sleeping room is granted per the building official; therefore, appeal is withdrawn.

Withdrawn

2:30 p.m. Hearings

Vacant Building Registrations

- 11 [RLH VBR 18-85](#) Appeal of Jay Mitchell to a Vacant Building Registration Notice, Revocation of Fire Certificate of Occupancy and Order to Vacate and a Summary Abatement Order at 1130 BUSH AVENUE.

Sponsors: Prince

Jay Mitchell, contractor, Quality Residences LLC, appeared.

Ms. Moermond: this was LO in order to get the fire inspector out there to verify items were done so that the Fire C of O could be re-instated in order to be released from the Vacant Building Program

Fire Supervisor Leanna Shaff: Inspector Thomas & Mr. Mitchell spoke yesterday; there was an inspection scheduled for this morning; Insp Thomas cleared some time & Mr. Mitchell did not show up; also, as of yesterday morning, there was no scheduled appointment to have the plumbing inspected

Ms. Moermond: so, there has been no follow-up inspection since Nov 6, 2018

Ms. Shaff: correct; well, he tried

Ms. Moermond: Mr. Mitchell, what's going on

Mr. Mitchell: what happened was that I talked to James Thomas yesterday; I had talked to him before yesterday also; I don't know the exact date; on the previous date, I told him that we needed to have this inspection; he told me that he mailed out (which I haven't yet received) a letter that the inspection was scheduled for the 30th; I told him yesterday that I had this hearing today; I asked if he could get out tomorrow noonish or something like that because I already had a full schedule myself; he said the only time he had was 9 am or 9:30 am; I had a previously scheduled thing with my daughter & I couldn't be there at 9 or 9:30 am; he was very much aware of this; in turn, he asked can you get notice to them to make sure that I can come in (this was yesterday); I said, "Yea; I can let them know but I won't be able to make it;" he was totally clear & aware of this; obviously, he still went which was fine
-as far as the plumbing permit goes, the plumbing contractor because of the holiday & such before then, was supposed to get it scheduled & it was scheduled to my understanding, for last Wed, the day before Thanksgiving

Ms. Moermond: the plumbing work or the plumbing inspection?

Mr. Mitchell: the plumbing inspection
-I expected it to be closed out but I found out this morning that it wasn't; the plumbing inspector didn't even go out; he never went out because the contractor either never scheduled or never got there to schedule it because I called the inspector himself & talked to Steve Furland (may be incorrect); he said, "I have an opening; have your contractor call back;" he didn't call but I wasn't aware of that; I talked to Steve again & he told me that he couldn't schedule with me because I was not the plumbing contractor; he could only schedule with him; since then, I've called the plumbing contractor again & asked him again to please get this scheduled so that I can get this closed out; the work is done & the permit was pulled

Ms. Moermond: Ms. Vang, can you look in the Fire C of O folder or perhaps, Ms. Shaff; I'm wondering about this appointment letter that was referenced (?)

Ms. Shaff: I was in the office yesterday; Mr. Mitchell called me & I told him that he needed to speak to Insp Thomas that I didn't have time to go out there; that was at 8:47 yesterday morning; after that, he spoke to Insp Thomas

Mr. Mitchell: I have a copy of that letter on my phone (showed it to Ms. Moermond) dated 11-21-18

Ms. Shaff: I see that

Ms. Moermond: there was an email that I understand A.J Neis sent to Insp Thomas as the time of the hearing on Nov 6, 2018 during the hearing indicating that an inspection should be scheduled in the following 2 weeks for this particular property; so, I'm wondering what the communication problem was
-did you call him by the way?

Mr. Mitchell: I did call before yesterday & he told me there was an inspection letter coming out for the 30th (I didn't have it at the time); I said, "It needs to be before this hearing date;" he clearly told me, "He was instructed from someone to make sure that

the inspection happens before today's hearing; but all I have is 9 or 9:30 am;" then, I made him aware that I just couldn't make it but I did make sure that he could gain access

Ms. Shaff: it's says on here, "Reinspection is to be done by Dec 3, 2018 per the LH Officer"

Ms. Moermond: that's not an accurate reflection; but yes, I hear that's what was typed up in the system

Ms. Shaff: and I wasn't included in the email chain

Mr. Mitchell: I reached out to A.J. who told me to call Ms. Shaff; I did call her; she instructed me to call Mr. Thomas; I called Mr. Thomas & consequently, he

-I talked to Mr. Thomas before last week & he told me the 30th & that I should have the letter but as you.....

-we were supposed to come back here the 20th; so I talked to him before the week of the 20th; I know that for sure; he said that there was a new inspection date coming up

-

Ms. Moermond: I'm disappointed in both Mr. Mitchell & Mr. Thomas

-Is Mr. Thomas still available on Nov 30?

-I'll Lay this Over for one more week to Tue, Dec 4, 2018 LH; some fire inspector will do the inspection; I don't care who

Ms. Shaff: he may have opened up Nov 30; I'm checking; looks like he's filled this Fri (Nov 30)

-I'm going to make the appointment right now; Inspector Thomas will do a re-inspection at 1 pm on Mon Dec 3, 2018

Ms. Moermond: the plumber needs to close out that permit; plumbing inspectors are really booked up

-there is a VB fee waiver; right now, I can't let it out of the VB Program without this being signed off

Layover to December 4. (Fire C of O inspection on Dec. 3 @ 1 p.m.; plumbing permit needs to be finalized by December 4.)

Laid Over to the Legislative Hearings due back on 12/4/2018

- 12** [RLH VBR 18-92](#) Appeal of Ben Bump to a Vacant Building Registration Notice at 941 BEECH STREET.

Sponsors: Prince

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 12/4/2018

- 13** [RLH VBR 18-93](#) Appeal of Charles Smith to a Vacant Building Registration Fee - Warning Letter at 673 LEXINGTON PARKWAY SOUTH.

Sponsors: Tolbert

Charles Smith, CQ Investments, LLC, owner, appeared.

Mr. Smith: CQ Investments, LLC is my son & I

Ms. Moermond: we have a Vacant Building Registration & a Code Compliance Inspection Report attached

Supervisor Matt Dornfeld, Vacant Buildings: this was Condemned & made a Category 2 VB on Nov 10, 2016; as of Oct 8, 2018, our Sale Review approved the sale to CQ Investments LLC; there's a current code compliance inspection report on file; we have active permits, workers are on site, & the property has not been a nuisance; we're here today to discuss a VB fee that was due Nov 10, 2018

Mr. Smith: when I applied to purchase the residence, I thought they mentioned that the VB fee wasn't due until next May - that it was good for a year from when they pulled the code compliance, which wasn't correct because it's due in Nov
-we are about 90% finished with all the code compliance items; I was ready to start calling inspectors in as soon as the permits were filed & I was told that there were some repairs that were done between the 2017 code compliance, the 2018 code compliance- between the banks that I would be responsible for pulling permits on, as well; I was not even aware that there was a 2017 code compliance report until after I had talked to the inspector about it; so, I'm trying to figure out the best way to go about it

-I put a new driveway in; a new roof on it - I'm already about \$30,000 in rehab costs
-the yard's cleaned up; exterior is pretty much completed; I have current photos

Ms. Moermond: how long before you think you'll have it squared away?

Mr. Smith: if they're able to pull permits, by the end of December; I'm trying to find out if I am responsible for the work that was done between the 2 banks (2017 & 2018)

Mr. Dornfeld: I'm a little confused by that; doesn't the most recent code compliance report supercede anything that was performed in the past?

Ms. Moermond: you would think that if there was work done without permit or that needed correction, that it would have been in the 2018 code compliance report

Mr. Smith: that's what I was hoping; I talked to Jim Seeger but the plumbing inspector, Troy (I think), who.....

Mr. Dornfeld: I'm confused by the advisement you're getting

Mr. Smith: there was no plumbing work that needed to be done; so, I called to get that inspection done & then Troy said that there were 20 plumbing items listed on the 2017 code compliance report that apparently, the bank had taken care of & everything on the 2018 report was taken care of; that's why I was trying to get the inspector out there to clear that portion of it; that's when I was told that I'd be responsible for what was done prior to my purchase, which is substantial

Ms. Moermond: which permits are in the system?

Mr. Dornfeld: electrical, building, so far
-Reid Soley put a tickler in the system; they attempted to pull an electrical permit but it's being held because of the VB fee issue

Ms. Moermond: let's start by putting a 90-day VB fee waiver in the system so, you've got a 90-day grace period to pull permits & do work; and if you finish in 90 days, there's no VB fee at all

-then, I think the bldg official needs to be activated on this plumbing situation; it's not on the code compliance report; the code comp report lists just 4 items (really 3); you should be going off the 2018 report, which you've been doing

Mr. Smith: the 2018 report was posted at the property so I was well aware of the repairs that had to be done

Ms. Moermond: I want to know more from DSI - if that is a mistake in their preparing this code compl list or what is going on that triggered that statement because it's not something I've heard before

-I think that it was a mortgage foreclosure; then, it went into the hands of a bank; then, the mortgage was a Fannie Mae, which is the federal government & they don't have to pull permits; they don't have to clean the yard or do anything because they're the feds (?)

-I will call the bldg official & have him look into this

-we will get the VB fee waiver in place; you can pull permits in the morning

Mr. Smith: I'm showing Paul Zellmer (?) on the 2017 printed report; I show Tom Schwitzer on the 2018 report

Ms. Moermond: you will hear from me or Mai Vang

Waive VB fee for 90 days and allow permits to be pulled.

Referred to the City Council due back on 12/12/2018