



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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651-266-8585

Friday, May 28, 2021

10:00 AM

Remote Emergency Hearing

Emergency Hearing

10:00 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

RLH VO 21-20 Appeal of Teresa Warnke and Bridgette Smith to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 1834 HOYT AVENUE EAST.

Sponsors: Yang

Deny the appeal. Property must be vacated before Tuesday, June 2, 2021. Property cannot be reoccupied until the following conditions are met 1) electrical work completed under permit and all necessary permit(s) finalized; 2) 50% excess storage must be removed to reduce fire load and provide access to escape and emergency egress; and 3) gas line and dryer vent work must be completed and all necessary permit(s) finalized. These conditions must be met before July 14, 2021 or property will be referred to the Vacant Building program as a Category 2 and subject to all program requirements before it can be reoccupied.

*Teresa Warnke, property representative, appeared via phone
Bridgette Smith, occupant, appeared via phone*

[Moermond gives background on appeals process]

Staff report by Supervisor Leanna Shaff: prior to April 6, 2020 there is nothing in the file, meaning just a couple instances. Starting April 6 there have been a lot of incidents at the property. Noise, squatters, garage siding falling off, burning carpet, overflowing garbage. A lot of police calls too. Fire Safety Inspections got involved more or less in August of 2020 with some open burning issues in the yard. We also realized this is a nonowner-occupied property and required a provisional Fire C of O. That process went on for a while. We found the actual owner is deceased; Ms. Warnke is the property representative. In January 2021 we received the application for the provisional Fire C of O. Inspector Ganzel sent out a letter to do the Fire C of O. He did bring police with for his protection. Found quite the list. People living in the basement. A lot of deferred maintenance. He wrote orders and set a date to go back. When he went back on May 20, 2021 he found conditions were worse. Someone different living in basement. The basement is quite cluttered with excessive combustible. Found

things like the dead face on the electrical panel missing. Found instead of wiring properly someone used extension cord parts. Lots of exposed wiring making quite a dangerous condition for the occupants. No egress for the basement. Just a recipe for disaster. Windows kicked out. A lot of garbage. From looking at the pictures I see the dryer venting, it is gas, and it doesn't have a vent but the gas line is crimped, causing even more dangerous conditions. Other concerns are hypodermic needles laying around. There's quite a list of deficiencies. It doesn't look like anyone is maintaining the house.

Moermond: do you have a sense of how many people live there? I guess your normal phrase is "heads in beds"?

Shaff: it is hard to tell. Lots of coming and going. Different people all the time. I don't know.

Moermond: describe the enforcement actions on the property.

Shaff: given the items we found, they are life safety issues for occupants, as well as emergency responders and neighbors. We took enforcement action to condemn the property and orders to vacate.

Moermond: part of the file that was brought to my attention was a police log from January 2020 to the present. A lot is code related, so inspectors going out with police. A lot of other kinds of police visits too, 99 calls since January 2020.

Shaff: that is what my records show. That's excessive.

Moermond: I don't know of a bar in the City that has that many calls.

Shaff: it is quite disconcerting.

Moermond: so we have the physical problems of the building and the behavioral problems. Those things together make it harder to work on the physical problems to make it safer to be there. It is complicated.

Shaff: extremely.

Moermond: Ms. Warnke, you are the representative of the estate of Linda Smith, your mother who passed. Correct?

Warnke: yes.

Moermond: what are your thoughts?

Warnke: I have been notified and talked to the police one time. There has never been a citation. There is a neighbor who didn't get along with my mother who calls the police all the time. I did have a friend who I let stay there with some mental problems. He is gone. Gas line isn't in the violations. If it is dangerous, I haven't been notified. It is owner occupied. It is not rented. My mother's wishes were my daughter have the house. The letter she wrote is missing, so I had to do the probate. My mother didn't have a will filed. The first time he came out he was told the place was vacant for 15 years. It hasn't, my family lived there for 50 years.

Moermond: when did your mother pass?

Warnke: September of 2019.

Smith: I sent you emails. The burning was always in a container. We just had the Fire Department here the other night and they said it was no problem and the fire was an approved height and container. They left. My burning is always in a container. My mom addressed the nonowner-occupied piece. The person in the basement, I kicked them out. No one is down there at all. It is literally me here. The hypodermic needles belonged to the occupant in the basement and she left May 20. The gas dryer is now being vented. The line isn't crimped anymore. The windows weren't kicked out in the bedroom, we were trying to put an air conditioner in. We picked that up May 21. I am self-employed and I specialize in restorative furniture. That's why there are paint cans downstairs. Now I know that is unsafe to have around gas appliances. I got a storage unit to do my work out of. That's where people will be coming and going from for my business. This is a residential property, not a business property. That's been addressed. I have moved my business to the storage unit until I can find an office space. The hasp and padlocks have been removed to the doors. I had them there because I lost the keys to the house. The police calls, my neighbors harass me. I have more than one who calls on me. The neighbor on each side of me. It is harassing in nature and a form of stalking. When I'm in the bedroom they talk to me outside my window. It is very uncomfortable. I'm not the type to call police. In the constitution it states that "spaces invoked upon us without our permission." People are supposed to be free of this and I don't know what kind of faith my neighbors have imposed upon me without my consent but it is incorrect. They don't talk to me about what I do or why people are coming and going. The police have said I am a prostitute which is a defamation of character. That's never been my line of work. I don't understand. The biggest problem now is hiring an electrician to do the wiring. That's the biggest safety concern I see.

Moermond: can you tell me who lives at the house?

Smith: it is just me. I have a boyfriend who comes and goes.

Moermond: no kids?

Smith: my daughter is here rarely. It is for a night or two.

Moermond: so you have shared custody?

Smith: there are no custody orders in place. We work it out ourselves.

Moermond: ok. I'm going to start with the question of owner-occupied. That seems to be the crux of your argument and I need to unpack that. The owner of the property right now is Linda Smith. She is represented by Teresa, and as such, Teresa could be the owner-occupant. She would be the only one who could be defined as the owner. Once the title transfers to Bridgit, then she would be considered an owner-occupant. Regardless of that chain of events, we're still stuck with a series of code violations that are a concern whether or not the property is owner-occupied. The only difference in the list would be whether or not you are required to have a Fire C of O. That certificate at the end of the day is the only difference. The codes are identical otherwise. I'm afraid you are stuck with the same set of things and it would only be a question of who is doing the follow-up. I also see here that you had police visiting as recently as May 25. Several times last week. That's a lot. There are reports written on things that aren't neighbor harassment. That could be part of this, I don't know. This lists weapons

possession by a felon, sexual offense, warrant arrests. Sexual assaults. These are objective things.

Warnke: she was a victim of a crime that was the sexual assault.

Moermond: those are real things that are happening, those aren't neighbors calling out of harassment. Those are bad things happening at the property. We have a lot of disturbances too where the police come and talk with you for a while. Those are justified. If they aren't then the police write that it is an unfounded complaint. I'm not here to discuss criminal stuff today, that's not my thing. I'm about the building and getting it safe to be lived in. I'm concerned about Ms. Smith having control of the property. It sounds like a lot of people have come and gone and you let them do that. They are creating and exacerbating unsafe conditions. That tells me you aren't on top of things in managing your affairs. I'd like to know more how the future is different. You should know that running this kind of business out of your home isn't ok. You need to have a permit to do that. Your home is a residential use, you need a home occupation permit and you are using hazardous chemicals. It is a matter of whether it is safe at all in a residential area. I'd like Ms. Shaff to comment on that.

Shaff: that is quite concerning. It is not the liquid; it is the fumes that catch. Without proper ventilation, or over the allowed amounts of those chemicals, it is live safety hazard for both the occupant and the neighborhood. It is an issue for responders too, they are thinking they're going into a regular house, when it is much more than that.

Moermond: so a few things to deal with here.

Smith: it started as a hobby and then people told me it could be a job. I look at everything as money. I'm an entrepreneur. It's a hobby, people have different hobbies. Since the Fire Department let me know it isn't safe I put it into storage.

Moermond: you said this is how you make a living moments ago.

Smith: it is, I moved it to a storage unit.

Moermond: that doesn't change the complexion of the problem. The question is whether or not the conditions constitute vacating the house. When it was inspected May 20 he thought it should be vacated and gave a week to do that. During Covid one week is what I used to see as 2 days. It is as tight of a timeline as you'll see during Covid. I don't know, Ms. Shaff, is that tighter timeline related to the police or the electrical and combustible considerations?

Shaff: conditions of the building. We don't have the authority to enforce the police issues. We do work in tandem on some case managed properties. My team doesn't have that authority. Seven officers went with my inspector for my inspector's safety.

Moermond: I'd like to hear anything more from Ms. Warnke or Ms. Smith about what you want to share on the situation before I take a few moments to consider the matter.

Smith: I'm not sure what weapons they're talking about. I've never owned one in my life.

Warnke: I think a contractor needs to pull the permits. I tried to do it online and couldn't.

Shaff: that's right. The contractor needs to pull the permits.

Warnke: the inspector told me and it says it right in the order itself.

Moermond: the orders literally say this work requires a permit. The electrical says WILL require a permit, it doesn't say who should do it.

Warnke: there is one clause that says to pull permits.

Moermond: yes, it says **to** pull them, not that **you** should pull them.

Warnke: I was under the impression it was needed and I tried. About 20 years ago my grandparents were remodeling the basement so there is wiring put in that isn't connected. I don't know if that has to be removed. There are outlets that don't go to anything, it was never completed. My mother's health declined over the years and she didn't have anyone helping her. It probably hasn't had any repairs for 10 years prior to this. It was my grandmother and mother's house and it is supposed to go to Bridget. We need to do the electrical. She's alone there, and there have been times where people come and take advantage of her. She let a teenage girl and a baby move in, the mother moved in and she was assaulted. There was a guy who came in and sexually assaulted her. That's a police call.

Moermond: that's terrible.

Warnke: the police should be notifying me.

Shaff: actually it isn't the Police Department's requirement to notify you. As a business owner it is up to you to be responsible for the property and what is going on there. The Police Department does have Landlord Alert which you can sign up for.

Warnke: this isn't a business. I receive no money.

Shaff: we don't get into your contract or lack thereof. But it isn't owner-occupied. As a representative of the estate you are responsible for the conditions.

Moermond: so you can sign up for that program or regularly call the police department. If there is a call, the police aren't required to notify you.

Warnke: ok.

Moermond: we're happy to share this call log with you. We'll send that on to you.

Warnke: ok, thank you.

Moermond: any other things before we take a 5-minute break?

Warnke: no.

[5 min recess]

Moermond: I know you've had a few minutes to think. Before I wrap things up, do you have any last comments?

Shaff: I was thinking about how, even as late as yesterday morning, at 6:16 am Ms.

Warnke sent an email to Inspector Ganzel and it reads "Good morning I'm sorry to have been out of touch, we lost 2 family members in the same week. I would like to reschedule today's inspection to Monday. It is my granddaughter's birthday. Bridget has corrected all the items and has a permit. The electrician put us on his schedule Friday afternoon". I responded at 9:41 am, copying Ms. Warnke that basically said that an appeal had not been made and we show no permits and due to the severity of the issues we will still conduct the inspection and take appropriate enforcement action. There are no permits, even for the dryer vent or the gas connection to the dryer. Inspector Ganzel has talked about how it has been difficult to talk to Ms. Warnke. I went to so far as to try and call her yesterday from the number we had, and the message I got was that number wasn't working.

Moermond: anything else Ms. Shaff?

Shaff: I don't believe we have, with all the content in the house, a comprehensive list of things that need repairs that don't meet minimum code requirements. Once we do our next inspection, we would like the opportunity to go through the house to make additional sightings as necessary.

Moermond: I'd like to hear from you two and then we will talk about plans. Do you have any comments?

Smith: my plans are to fix everything. I'm only one person and I've been able to vent the dryer. This is no permit listed in my list about dryer venting. We've already done it and fixed the gas line. I didn't see anything about the permit. We've already fixed that. Simple things like vent covers, the hasp and padlocks are off the doors. The hardware to the cabinets is back on. The hardware for the storm door is fixed. The shower wall is not cracked. I put a new shower wall in. The broken window has been fixed. There is still a broken window in the front which I have the hardware to replace. The basement window on the south side and the small one on the north side, I don't have a large window yet. I have one promised to me but it is in Wisconsin. I have to hire someone to install those. I have a pretty extensive list. The electrical is supposed to be here today. I have a licensed contractor I paid \$1,000 down to. He is supposed to come at noon, but he is going to show up and file for the permit online I am guessing. I'm not familiar with that process.

Warnke: my contact information, I don't know why it isn't correct. I've got voicemail and emails from Inspector Ganzel. I don't always answer my phone unless I know who it is. I get a lot of spam calls. I had no voicemails. That's correctable. I don't know why it is not correct.

Moermond: here's where I'm going with this based on what I've heard this morning. I am going to say that as of Tuesday the property needs to be vacated until two conditions are met 1) the electrical work is completed under permit and that permit needs to be finalized. That means a rough-in inspection and a final inspection. The other condition is 2) the clutter and items blocking egress need to be removed by 50%. I'm going to refer you to the House Calls program. If you meet the guidelines income-wise, they can provide you a free dumpster to clean out things you don't need in the house. That may be a good solution for you. We'll send you information on that so you can get that going. Spend your money get those electrical things addressed. The third thing is 3) the gas line correction should be taken care of under permit as well, along with the dryer vent. A finalized permit there. Those are the things triggering you to leave on Tuesday. I'm giving you a few days grace. Please don't abuse that grace and use that time to pull things together. I don't know how long you will have to be out to get these things taken care of. The finish line is permits finalized and the Fire Inspector say it has

been cleaned out enough to be safe. The other orders still exist and will need to be dealt with. We'll convert those to correction orders; they are still out there but it won't trigger the property being emptied of people. The House Calls program can also help if you don't have access to housing. They may be able to help with 5 nights in a hotel. They do have the ability to help facilitate emergency housing. They will be a useful resource. We can email that information to you right away. We will send you a follow up letter but that will probably come Tuesday via email. Let me give you the other piece of this you need to know. If a certain length of time goes by and the work isn't done, this property will go into the Vacant Building program. If that happens there is a lot more that will need to happen than where we are at now. That's an incentive to get this done. That's a heavy-duty program. I'm putting that out there that if this isn't finished. I'm giving you 45 days to meet these conditions and move back in. If you haven't met the conditions and are moved back in, then you'll go to the Vacant Building program. That has different conditions, more rigorous.

Shaff: what time Tuesday?

Moermond: I'm going to say it should be empty first thing in the morning. You can access the property 8 am to 8 pm only for repairs and cleaning. If you are hanging out watching tv and making pizza it is not ok. Cleaning, addressing repairs, or not there at all after Tuesday. If you are there between 8 pm and 8 am you'll be asked to leave by the police and will get you into the vacant building program a lot faster. So you are aware this is a serious matter. If you have questions reach back and let us know what they are. I'm concerned about the multiple sexual assault cases and that pattern. We'll put information out there in case that is helpful. I don't need to go into details, that information is there. I do wish you well and I hope things come together for you.

Referred to the City Council due back on 6/9/2021