



City of Saint Paul

City Hall and Court House
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Master

File Number: RLH CO 16-33

File ID: RLH CO 16-33 **Type:** Resolution LH Correction Order **Status:** Passed

Version: 2 **Contact Number:** 6-8560 **In Control:** City Council

File Created: 07/29/2016

File Name: 731 Van Buren Avenue **Final Action:** 09/21/2016

Title: Appeal of Timothy J. Spann to a Correction Notice - Complaint Inspection at 731 VAN BUREN AVENUE.

Notes:

Agenda Date: 09/21/2016

Agenda Number: 88

Sponsors: Thao

Enactment Date:

Attachments: 731 Van Buren Avenue.appeal.07-28-16, 731 Van Buren Ave.Spann Ltr.8-17-16, 731 Van Buren Ave.Spann Ltr.9-8-16

Financials Included?:

Contact Name: Mai Vang

Hearing Date:

Entered by: kathryn.burger@ci.stpaul.mn.us

Ord Effective Date:

History of Legislative File

| Ver- sion: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
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| 1 | Legislative Hearings | 08/16/2016 | Laid Over | Legislative Hearings | 09/06/2016 | | |
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Action Text: Laid Over to the Legislative Hearings due back on 9/6/2016

Notes: Timothy J Spann and Rodney Spann, appeared.

Fire Inspector A J Neis:

-Correction Notice generated by a complaint inspection issued by Fire Supervisor Shaff

-this property does not have a Certificate of Occupancy

-his understanding after speaking with Ms. Shaff today, is that this house was previously

owner-occupied; and the owner of record, Annie L Spann, is deceased; the house is currently in some

type of probate, where there is no responsible party who can take over the property (tied up in probate;

not willed); there are issues with the mortgage company in transferring over the names; at this time,

they are not willing to transfer it into the possession of the relatives; so, we are basically dealing with a

house without an owner and since there's no owner, we cannot verify that there's a responsible party

-the C of O cannot be applied for the owner cannot sign up to say who they want their responsible

party to be

-we have had no access to the building

-now, it's a matter of when the building should be vacated, since there is no owner of record or

responsible party

Mr. Timothy Spann:

-his mom, Annie, passed in Oct 2015
-he is an over-the-road truck driver but hasn't been working since last Mar because he was diagnosed with cancer, so he was being treated for cancer; last Fri, he obtained a letter from his Dr. saying he could go back to work
-he was intending to hire an attorney and get the house put into his name but he has 7 siblings (1 in CA; the others live here)
-he and his nephew, Rodney, live in the house; he was not getting an income; his nephew was paying most of the mortgage; he had to even get on welfare; he is pleased to be able to go back to work and he intends to start his own company with his fiance in fewer than 2 years
-he needs a little more time to get an attorney to put the house in his name

Ms. Moermond:

-you will need to go through probate, which doesn't necessarily translate into putting the house into your name

Mr. Timothy Spann:

-there were also 3 mortgages on the property; my mom was telling him how his uncle got the house for her: when the mortgage was completed, there'd be a balloon payment of \$20,000
-his mom always wanted that house to be for her kids; it meant a lot to her; he decided to fight for the house but as soon as he made that decision, he found out that he had cancer

Ms. Moermond:

-where are the other heirs at with about probate? A lot of you will be affected by probate action; Have you had a family meeting about this?

Mr. Timothy Spann:

-he's talked with just a few of his siblings; will talk with more of them

Mr. Rodney Spann:

-there won't be any problem with the siblings because we are the only ones who want to keep the property; we are paying every month

Ms. Moermond:

-you will need a few grand to get through probate
-and in order to look at the arrangement of not having a C of O... etc, is making her nervous; and I'm not willing to wait for money to come; you will need to work with your siblings, etc....
-use the guidance of your attorney
-what Fire Prevention wants to do is to say that the place should be vacated because there is neither an owner nor a responsible party; so, to allow continued occupancy, I need to know that probate is in progress & I'd want you to get a Certificate of Occupancy inspection
-if you are in the probate process, I can see nursing this through; I can't see waiting; hire a probate attorney - no bargain attorney or you'll never get out of probate
-during this coming probate process and getting back to work, you want to continue to live in this house; and I don't feel comfortable allowing this to go on indefinitely; I need to move this forward
-I will need to see a plan by Sep 6, 2016 LH; meet with an attorney; he can write it up quickly

Appellant to bring a plan to hearing related to the probate situation.

1 Legislative Hearings 09/06/2016 Referred City Council 09/21/2016

Action Text: Referred to the City Council due back on 9/21/2016

Notes: Timothy J Spann, Appellant, appeared.

Ms. Moermond:

-you were going to bring in a plan related to the probate situation; you a living in a house right now with your nephew, that belonged to your mother, who's deceased; you are not in an ownership position
-the question is not whether you should have a Certificate of Occupancy because the property is not owner-occupied; it's whether it should be occupied at all because it does not have any responsible party associated with it
-you were going to hire an attorney
-I see nothing in your hands; what's going on?

Mr. Spann:

-I talked to an attorney; he wanted \$1500 up front; total would be about \$3500
-I went to an orientation at a trucking company; we disagreed on the money; so, I decided to go with

another trucking company; right now, I'm in talks with 5 other trucking companies right now
-so, I need a little bit more time on this if I can get it; a month should be enough time

Ms. Moermond:

-I wanted this to be a lot further along than hiring the attorney at this point; I wanted him on hand, filing paper work with the court system; getting signatures from your brothers and sisters that they are OK with you pursuing ownership... there's a lot happening
-I'm not comfortable going out another month

Mr. Spann:

-in the trucking business sometimes you have to travel to other states....
-what time limit can I get?
-I can get an attorney and get this going

Ms. Moermond:

-you could have done that before today's hearing; I feel like you're pulling my chain
-you could have gotten the attorney hired but you didn't

Mr. Spann:

-I'm trying to make sure that I have work first and that takes a lot: physical exams, drug tests, road tests, etc....and then, the company either can't pay you enough to pay your bills or decides not to hire you, etc; I wish you could understand; it's a whole different world
-I have a new credit card I can use but I want to make sure I'm working before I use it so that I won't get bad credit; trying to be responsible

Fire Inspector A J Neis:

-this referral came into our office Jul 25; it's been 6 weeks
-the owner passed Oct 4, 2015; this process really should have started in 2015

Mr. Spann:

-I would have taken care of this sooner but I was diagnosed with cancer in Mar 2016, and I could not work until I was released by the Dr; you cannot operate a commercial vehicle until the Dr. OK's it; my hands were tied; this is a time thing

Ms. Moermond:

-you guys were paying the mortgage and had no problem living there until the city showed up....
-you didn't do what I asked and now, you're back peddling and I have a very low level of faith that
-I have to go out on a limb and say that, "I'm going to let this guy live in this house without a Fire Certificate of Occupancy because there's no responsible party; and he's working with me; he's got an attorney; he's going through probate; he's talked to his siblings and getting their signatures..... I'm monitoring it closely and I trust this."
-but I so don't trust how things went down coming to today's hearing
-while all this and probate goes on, this place needs to be vacated by 4:30 pm Sep 30, 2016
-this goes to City Council Public Hearing Sep 21, 2016

Mr. Spann:

-I will be in another state, very likely but I will out of the property

Ms. Moermond:

-after the vacate date, you can be in there from 8 am - 8 pm strictly to do work: repairs, packing, etc; make arrangements with Matt Dornfeld (contact info will be on the door)
-advised that he take care of that business expeditiously because if there's a perceived problem or an actual problem, you are not the owner of the property doing those things and so, take care

Grant to September 30, 2016 for tenants to vacate the property.

2 City Council

09/21/2016 Adopted As
Amended

Pass

Action Text: Adopted as amended (deadline of October 6 for tenants to vacate the property)

Notes: Legislative Hearing Officer Marcia Moermond gave a staff report. Recommend property vacated at the end of the month as there is no owner of record. She said a sister of the appellant was present who had the property owner's eill and other documents that would assist in the probate process. She said she had had a conversation with the sister related to resources and referrals. She recommended that the property be vacated by the end of the month.

Councilmember Thao asked for clarification of requirements and options.

In opposition:

Patricia Spann (191 E. Larpenteur) said hse was late learning about the situation. She said she was asking for an extension of time so she could do waht needed to be done to prevent the house from going to vacate. She said she didn't know how much was reasonable to ask. two or three months.

CThao said the most he could give as two weeks, to October 6.

2 Mayor's Office 09/26/2016 Signed
Action Text: Signed

Text of Legislative File RLH CO 16-33

Appeal of Timothy J. Spann to a Correction Notice - Complaint Inspection at 731 VAN BUREN AVENUE.

AMENDED 9/21/16

WHEREAS, in the matter of the Appeal of Timothy J. Spann to a Correction Notice - Complaint Inspection at 731 Van Buren Avenue, the Legislative Hearing Officer has reviewed the appeal and considered the testimony of City staff and the appellant;

WHEREAS, the Legislative Hearing Officer recommends that the City Council grant an extension to close of business on ~~September 30, 2016~~ October 6, 2016 for tenants to vacate the property; Now, Therefore, Be It

RESOLVED, that the Saint Paul City Council hereby accepts and adopts the Legislative Hearing Officer's recommendation in this matter.

Needs more time to transfer ownership; has medical issues