



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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651-266-8585

Tuesday, March 18, 2014

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments - LAID OVER

- 1 [RLH TA 14-141](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1406A, Assessment No. 148505 at 456-458 CHARLES AVENUE.

Sponsors: Thao

Approve the assessment. (See previous comment by LHO)

Referred to the City Council due back on 4/16/2014

- 2 [RLH TA 14-143](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1406A, Assessment No. 148505 at 804-806 FOURTH STREET EAST.

Sponsors: Lantry

Approve the assessment.

RE: 804-806 Fourth Street East (Duplex)

Irwinna Mitsch, owner, appeared.

Ms. Moermond:

- we are here today again to watch VIDEOS

Ms. Mitsch:

- the work for the steps was under permit; that cement that the city took away was supposed to be left there to be used as a filler to finish the steps

Ms. Moermond:

- read Inspector Ed Smith's staff report from the Mar 4, 2014 LH (attached)

- there was a week between when the original Order was written and when the city crew picked it up

- there was also a snow shoveling Order

Inspector Paula Seeley:

- she sent Bagster a photo of this bagster; they said that they would not be picking it

up

- *the city was receiving complaints*
- *there have been on-going problems with the property*
- *the property is a Vacant Building*
- *she thinks that HPC approved it with the wood steps but the wood steps were not property installed*

Ms. Mitsch:

- *first the HPC said they could use wood; then, they said, "No, have to use concrete"*

Ms. Mitsch:

- *she knows that Bagster would not remove it; it wasn't supposed to be removed; she put the cement into the bagster so that it would remain in a neat pile until it could be used for filler for the steps repair; she needed that for construction of the steps*
- *why would she get rid of the cement if she intended to use it?*

Ms. Seeley:

- *Oct 31, 2013, she left a message to clean up the concrete ASAP on the sidewalk*
- *Nov 2013 they received a Stop Work Order for not pulling a permit from Mr. Ubl*

Ms. Mitsch:

- *she went over, personally, and swept it all up*

VIDEO 12-2-13 - city crew picking up the concrete in bagster

VIDEO removal of snow and ice; salt and sanded

- *her 2 sons take turns going over there to shovel; each son thought the other was going*

Ms. Moermond:

- *the concrete was determined to be Ms. Mitsch's concern*
- *she will recommend this assessment be approved*
- *City Council Public Hearing Apr 16, 2014*
- *asked staff to retain the VIDEO*

Referred to the City Council due back on 4/16/2014

- 3** [RLH TA 14-59](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1405G, Assessment No. 148704 at 764 JAMES AVENUE. (Amended to approve the assessment)

Sponsors: Thune

No show; approve the assessment.

Referred to the City Council due back on 3/19/2014

- 4** [RLH TA 14-140](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1406A, Assessment No. 148505 at 331 PASCAL STREET NORTH.

Sponsors: Thao

Delete the assessment.

RE: 331 Pascal Street North (Single Family)

LO to watch VIDEO today.

Ms. Moermond:

- *VIDEO shows something completely different from the photographs*
- *will recommend this assessment be deleted*

Referred to the City Council due back on 4/16/2014

- 5 [RLH TA 12-164](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1207A1, Assessment No. 128520 at 559 MCKNIGHT ROAD SOUTH. (Public hearing continued from January 15)

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 4/2/2014

- 6 [RLH TA 14-124](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1402E, Assessment No. 148301 at 70 STEVENS STREET EAST.

Sponsors: Thune

Approve the assessment.

RE: 70 Stevens Street East (Duplex)

*Dennis Isaacson appeared representing Donald Szymanski, owner.
Jason England also appeared.*

Ms. Moermond:

- *this is an Excessive Consumption charge for too many inspections*

Mr. Isaacson:

- *Mr. Szymanski is 90 years old and he lives in this house*

Inspector Scott St. Martin:

- *multiple violations*
- *excessive consumption and noncompliance*
- *running an auto business from the property; sent a letter to zoning*
- *accumulated refuse outside; letter sent Sep 5; re-inspection Sep 9; sent a Work Order;*
- *work was done by owner*
- *Mr. Szymanski's social worker tried to touch base with Mr. St. Martin*
- *he has talked to his brother-in-law and Mr. Isaacson*
- *have not had a complaint since Oct 2013*
- *thinks that Mr. Isaacson now understands that he can't work on vehicles at the property*

Mr. Isaacson:

- *he understands but he is trying to make an extra dollar; it's a lot better than half the people around his neighborhood who are selling drugs*
- *he is trying to make an honest living but the yard does get messy*
- *there are people all around the neighborhood fixing cars*

Inspector Paula Seeley:

- a resident can work on his own cars only at a property
- there have been complaints about over-occupancy at the house
- there's illegal scrapping, car repair, etc.

Ms. Moermond:

- the car repair affects Mr. Szymanski
- it's not legal to do paid auto repair at a residentially zoned property

Mr. Isaacson:

- he took care of repairing/remodeling Mr. Szymanski's bathroom; he asked the social worker for help with getting the bathroom fixed for Mr. Szymanski but no one would do it, so he did it himself
- he and Mr. Szymanski live downstairs; upstairs is Gilbert and his girlfriend, he thinks
- the scrapping and car repair is his fault; that's why he came today

Ms. Moermond:

- will recommend approval of this assessment
- City Council Public Hearing Apr 2, 2014

Referred to the City Council due back on 4/2/2014

Special Tax Assessments - NEW

- 7 [RLH TA 14-149](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1408, Assessment No. 148208 at 2310 BENSON AVENUE, UNIT H.
Sponsors: Tolbert
No show; approve the assessment.
Referred to the City Council due back on 5/7/2014
- 8 [RLH TA 14-161](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1408, Assessment No. 148208 at 1317 CHARLES AVENUE.
Sponsors: Stark
Delete the assessment; payment received at DSI.
Referred to the City Council due back on 5/7/2014
- 9 [RLH TA 14-160](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1408, Assessment No. 148208 at 437 EDMUND AVENUE.
Sponsors: Thao
Delete the assessment; payment received at DSI.
Referred to the City Council due back on 5/7/2014
- 10 [RLH TA 14-123](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1408, Assessment No. 148208 at 1643 FIFTH

STREET EAST.

Sponsors: Lantry

Reduce the assessment from \$355 to \$200 (delete service charge).

RE: 1643 Fifth Street East (Duplex)

Angela Goss appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection fee for \$200 + \$155 service charge = \$355*
- house was approved on initial inspection Nov 13, 2013*
- billing dates: Nov 15 and Dec 16, 2013*
- sent to IRC Enterprises LLC, 275 4th St E, Ste 720, St. Paul*

Ms. Goss:

- has no explanation as to why she didn't receive the bills*
- she manages 150 properties and always pay on time*
- we have a good process and the bill was sent to the correct address*
- is begging for mercy*

Ms. Moermond:

- will recommend eliminating the service charge, which will reduce the assessment from \$355 to \$200*

Referred to the City Council due back on 5/7/2014

- 11 [RLH TA 14-122](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1408, Assessment No. 148508 at 1959 FORD PARKWAY.

Sponsors: Tolbert

Delete the assessment; payment made at DSI. (No hearing necessary)

Referred to the City Council due back on 5/7/2014

- 12 [RLH TA 14-150](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1406A, Assessment No. 148505 at 480 FOREST STREET.

Sponsors: Lantry

Approve the assessment.

RE: 480 Forest Street (Duplex)

Nathaniel Johnson appeared, representing Kaojia Vang, owner.

Inspector Paula Seeley:

- Summary Abatement Order sent Dec 11, 2013 for snow removal; compliance Dec 13; inspected Dec 13 and Work Order sent*
- work done Dec 18, 2013 for a cost of \$240 + \$160 service charge = \$400*
- it's a Vacant Building with 2 addresses: 480 Forest St and 942 Conway St*
- sent to Kaojia Vang, 1355 Oryan Trail, Stillwater, MN; and Occupant*
- no returned mail*

Mr. Johnson:

- Ms. Vang bought the property on Dec 20, 2013; brought in closing document
- Kaojia told him that when she closed on the property, there was no disclosure about an assessment related to snow removal
- Ms. Vang didn't receive the Orders

Ms. Moermond:

- the SA Notice was addressed to Ms. Vang on Dec 11, 2013 before her closing date of Dec 20, 2013
- perhaps she was buying it Contract for Deed or for some reason; her name and correct address were already on the city's records
- if the work was done before she closed on the property, the seller should have disclosed it because Ms. Vang assumed that debt when she bought the property; the assessments goes with the property

Ms. Seeley:

- looking at the Vacant Building Registration form, Ms. Vang filled it out Nov 1, 2013

Ms. Moermond:

- will recommend that this assessment be approved

Referred to the City Council due back on 4/16/2014

- 13** [RLH TA 14-151](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1406P, Assessment No. 148405 at 480 FOREST STREET.

Sponsors: Lantry

Delete the assessment; graffiti waiver submitted at the hearing.

RE: 480 Forest Street (Duplex)

Nathanial Johnson appeared representing Kaojia Vang, owner.

Mr. Johnson submitted a graffiti form.

Ms. Moermond:

- will recommend deletion of this assessment.

Referred to the City Council due back on 5/7/2014

- 14** [RLH TA 14-165](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1408, Assessment No. 148208 at 1095 FOURTH STREET EAST.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 5/7/2014

- 15** [RLH TA 14-166](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1408, Assessment No. 148208 at 65 GARFIELD STREET.

Sponsors: Thune

Reduce the assessment from \$445 to \$245 (delete 2 no entry fees and half of service charge).

RE: 65 Garfield Street (Single Family)

Don Novak, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection cost: \$290 + \$155 service charge = \$445*
- appointment letters for Aug 27, 2013; Sep 20, 2013; Oct 20, 2013 and Oct 29, 2013*
- initial inspection: Dec 2, 2013*
- billing dates: Dec 4, 2013; Jan 3, 2014*
- sent to owner at 922 Armstrong St, St. Paul (the change in address wasn't updated until Dec 2, 2013)*
- recommends deleting the 2 "no entry" fees because they can't assess those (\$170 + \$155 = \$325)*

Mr. Novak:

- never got the the Notices because of the change of address*
- asking to have the assessment fees (service charge) deleted*
- when inspector came out Dec 2, he verified his new address*
- he never received the actual bill; otherwise, he would have paid it right away*
- this is his only rental property*

Ms. Moermond:

- the property is in good condition and the forms have been corrected*
- she will split the administrative fee (\$155) with him*
- will recommend reducing the assessment from \$325 to \$245*

Referred to the City Council due back on 5/7/2014

- 16** [RLH TA 14-167](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1408, Assessment No. 148208 at 1736 MISSISSIPPI RIVER BOULEVARD SOUTH.

Sponsors: Tolbert

Reduce the assessment from \$725 to \$665 (delete one no entry fee).

Referred to the City Council due back on 5/7/2014

- 17** [RLH TA 14-159](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1408, Assessment No. 148208 at 2121 NORTH PARK DRIVE.

Sponsors: Lantry

Delete the assessment; payment made at DSI.

Referred to the City Council due back on 5/7/2014

- 18** [RLH TA 14-168](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1408, Assessment No. 148208 at 893 RANDOLPH AVENUE.

Sponsors: Thune

No show; approve the assessment.

Referred to the City Council due back on 5/7/2014

- 19 [RLH TA 14-169](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1408, Assessment No. 148208 at 895 RANDOLPH AVENUE.

Sponsors: Thune

No show; approve the assessment.

Referred to the City Council due back on 5/7/2014

- 20 [RLH TA 14-155](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1408, Assessment No. 148208 at 161 SELBY AVENUE.

Sponsors: Thao

Delete the assessment; payment rec'd at DSI. (No hearing necessary)

Referred to the City Council due back on 5/7/2014

- 21 [RLH TA 14-152](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1406A, Assessment No. 148505 at 1329 SELBY AVENUE.

Sponsors: Thao

No show; approve the assessment.

Referred to the City Council due back on 4/16/2014

- 22 [RLH TA 14-153](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1406P, Assessment No. 148405 at 1599 SELBY AVENUE.

Sponsors: Stark

Delete the assessment; per inspector. Incorrect address for location of graffiti. (No hearing necessary)

Referred to the City Council due back on 5/7/2014

- 23 [RLH TA 14-129](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1406, Assessment No. 148205 at 1280 SEVENTH STREET WEST.

Sponsors: Thune

Reduce the assessment from \$493 to \$373.

RE: 1280 Seventh Street West (Apartments)

Fire Inspector Leanna Shaff:

- had a problem last fall with Amanda adding in all the fees

- on this one, we need to delete two \$60 "no show" fees making the new cost at \$218 + \$155 service charge = \$373
- she has spoken with the owner and he is going to pay that when he gets billed

Referred to the City Council due back on 4/2/2014

24 [RLH TA 14-146](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1408, Assessment No. 148208 at 1654 STANFORD AVENUE.

Sponsors: Tolbert

Laid over to check on where 2nd check is at. (STAFF REPORT ONLY)

RE: 1654 Stanford Avenue (Single Family)

Loni Labrocca, Gerenza Properties, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy Inspection cost: \$170 + \$155 service charge = \$325
- date of Orders: Oct 25, 2013; compliance date Nov 22, 2013
- billing dates: Nov 26 and Dec 26, 2013
- sent to Loni Labrocca, Gerenza Properties, 1437 Marshall Ave, St. Paul

Ms. Labrocca:

- she has a copy of the check that was submitted; it's dated Jan 22, 2014 (scanned)
- the check covered 2 properties that were disclosed on the form
- properties: 1654 Stanford Ave and 1826 Cottage Ave
- she believes the check has cleared and will double check it

Ms. Shaff:

- 1826 Cottage went to assessment Jan 24, 2014

Ms. Moermond:

- once we have cleared check, she will track it down to see what happened on this end
- we will get rid of the administrative fees
- will LAY this OVER for 2 weeks; back at LH Apr 1, 2014

Laid Over to the Legislative Hearings due back on 4/1/2014

25 [RLH TA 14-173](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1406P, Assessment No. 148405 at 703 SURREY AVENUE.

Sponsors: Lantry

Delete the assessment; this is a vacant lot and graffiti removed was not located on this property.

Referred to the City Council due back on 5/7/2014

26 [RLH TA 14-157](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1408, Assessment No. 148208 at 380 VICTORIA STREET NORTH.

Sponsors: Thao

Delete the assessment; payment received at DSI. (No hearing necessary)

Referred to the City Council due back on 5/7/2014

- 27 [RLH TA 14-170](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1408, Assessment No. 148208 at 210 WHEELER STREET SOUTH.

Sponsors: Tolbert

Approve the assessment.

RE: 210 Wheeler Street South (Single Family)

Benjamin Harri, owner, appeared.

Fire Inspector Leanna Shaff:

- *Fire Certificate of Occupancy inspection fee of \$170 + \$155 service charge = \$325*
- *Orders dated Oct 21, 2013; compliance Nov 18, 2013*
- *sent to Gaius Nelson and Merri Fromm, 206 Wheeler St S, St. Paul*

Mr. Harri:

- *he bought this from the neighbors on Dec 16, 2013 and moved in Dec*
- *this assessment wasn't posted until Jan 2014; it wasn't available to their title company; otherwise, it would have been paid*
- *he had the realtor speak with Mr. Nelson but the money has not yet been paid; he said that he thought it had been paid already*

Ms. Moermond:

- *this information went to the previous owner; so, Mr. Nelson owes you some money*
- *suggested that Mr. Harri write a formal letter to Mr. Gaius Nelson and explain that he went to this hearing and the inspection happened during Mr. Nelson's ownership and it was billed to him during his ownership; it's his responsibility to pay for it*
- *tell Mr. Nelson that you need the check in your hands before the City Council Public Hearing date; (so that it's paid or at CCPH, you can explain that Mr. Nelson has not yet provided you with the money that you need to cover this expense; Ms. Moermond will provide a staff report to that affect)*
- *if more information is needed from the city, contact Ms. Shaff*
- *Ms. Vang, let Real Estate Office know that the previous owner may be coming in to pay this assessment; Attn: Lyn Moser*

Referred to the City Council due back on 5/7/2014

- 28 [RLH TA 14-156](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1408, Assessment No.148208 at 768 WHEELLOCK PARKWAY WEST.

Sponsors: Brendmoen

Delete the assessment; payment received at DSI. (No hearing necessary)

Referred to the City Council due back on 5/7/2014

- 29 [RLH TA 14-171](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1408, Assessment No. 148208 at 1562 YORK AVENUE.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 5/7/2014

Special Tax Assessment Rolls

- 30** [RLH AR 14-15](#) Ratifying the assessments for Boarding and/or Securing services during December 2013. (File No. J1406B, Assessment No. 148105)
- Sponsors:** Lantry
- Referred to the City Council due back on 5/7/2014**
- 31** [RLH AR 14-16](#) Ratifying the assessments for Graffiti Removal services from November 3, 2013 to January 2, 2014. (File No. J1406P, Assessment No. 148405)
- Sponsors:** Lantry
- Referred to the City Council due back on 5/7/2014**
- 32** [RLH AR 14-17](#) Ratifying the assessments for Collection of Certificate of Occupancy fees billed October 29 to December 9, 2013. (File No. CRT1408, Assessment No. 148208)
- Sponsors:** Lantry
- Referred to the City Council due back on 5/7/2014**
- 33** [RLH AR 14-18](#) Ratifying the assessments for Tree Removal services from December 2013 to January 2014. (File No. 1405T, Assessment No. 149004)
- Sponsors:** Lantry
- Referred to the City Council due back on 5/7/2014**

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 34** [RLH FCO 14-43](#) Appeal of Laurie Reis, on behalf of Knox Presbyterian Church, to a Fire Inspection Correction Notice at 1536 MINNEHAHA AVENUE WEST.
- Sponsors:** Stark
- Grant a variance on the fire alarm system because the school is located on ground level; grant until April 18, 2014 for Items 2, 3, 4, 9, 10, 11, 12; grant remaining balance until July 1, 2014. (Items 5 and 6 are done per appellant)*
- RE: 1536 Minnehaha Avenue West (Church/Synagogue-G-Public & Simi-Public)*

*The Reverend Rislui Prakasim, Kevin Bumgardner, and Laurie Reis appeared representing Knox Presbyterian Church
Pastor John Hutton appeared, representing the prospective buyer, The Christian Foundation*

Fire Inspector A. J. Neis:

- *Fire Certificate of Occupancy Correction Notice, dated Feb 24, 2014 for an inspection conducted Feb 20, 2014*
- *18 code violations were identified*
- *this inspection was triggered by the potential sale of the building*
- *there are general questions for clarification*
- *4 items are being appealed:*
 - *emergency lighting*
 - *providing a sprinkler system*
 - *more emergency lighting*
 - *ceiling attic access cover which has been corrected; Mr. Rutter was wondering why this was on the list and apparently, that access cover had been moved by someone to see what was going on in the attic; however, it was never fully replaced*
 - *emergency lighting had not been called out during previous inspections*
 - *sprinkler fire alarm system - required by state for child day care, pre-school, head start and similar programs located in educational occupancies (had been missed in 2011)*
 - *there are provisions and exceptions in the fire code that give exclusions for emergency lighting in worship spaces - if the occupant load is over 50 but less than 300, emergency lighting is not required*
 - *believes that the building may have been considered to be at ground level during previous inspections (the building is built into a berm so it's ground level at the back and garden level from the front)*
 - *he will have Angie Weise take a look at this*

Ms. Reis:

- *there is one day care center for children Kindergarten age and below; the name is Children's Center Montessori (licensed in 2013)*
- *are asking for a variance for the sprinkler system and emergency lighting*
- *the day care has huge windows at ground level (garden level); the church is also garden level); all their staircases have 14 steps or fewer and all have windows*
- *coming in from the back, you are at ground level*
- *have not been required before*
- *the owner of the day care bought it from her father who told her that it was grandfathered-in*
- *they have a 1-year lease (expires Jun 15, 2015) because of the sale but have been there since 1973*
- *the prospective buyer and the day care are hopeful that they can co-exist*
- *the lower part of the large windows in the day care is an awning style and they open up the width of the window x 2 feet high*
- *noted that the fellowship hall's floor is lower than the day care floor (5 steps down to the fellowship hall)*

Mr. Prakasim:

- *from the window to the floor is 57 inches and there's a bench underneath the window*
- *it's like a 4 level split*

Mr. Neis:

- *would like Inspector Perruca's supervisor look at this more closely*

Ms. Moermond:

- for our purposes, she will call it ground level and recommend that the City Council grant a variance for the fire sprinkler alarm
- this report is being used as a disclosure document for what's going on with the building; they will sell the building "as is"
- asked staff to generate a fresh deficiency list based on the results of this hearing
- the closing is this Fri Mar 21, 2014
- basic house cleaning items have been taken care of, including the extension chords
- the extinguisher needs to be moved
- take care of the nondisruptive items by Apr 18, 2014: items 2, 3, 4, 9, 10, 11, 12
- deadline for the remaining items by Jul 1, 2014
- items 5 & 6 are done, per Appellant

Referred to the City Council due back on 4/2/2014

35 [RLH FCO 14-37](#) Appeal of Robb Jacobs to a Fire Inspection Correction Notice at 1139 PAYNE AVENUE.

Sponsors: Bostrom

Grant a variance provided that the double key lock is being used for the main level door leading to the garage. Time to replace the double key lock is granted until April 2, 2014.

RE: 1139 Payne Avenue (General 1-Story Walkup Office-B-Commercial)

Robb Jacobs, tax owner, appeared.

Fire Inspector A.J. Neis:

- *Fire Certificate of Occupancy Correction Notice dated Feb 26, 2014*
- *item #5 is being appealed*
- *currently, there's a dead bolt lock from the non egress side of a main level door that leads to a garage*
- *the small garage is used for storage*
- *they are concerned about someone breaking into the garage and then be able to access the room for children in the facility*
- *the Fire Code is specific: the door has to be openable from the inside without the use of a key or special effort*
- *photos*
- *in a situation like this, they usually allow for another door to be provided that leads directly outside; in this case, that's not an option because the building is landlocked on one side and it goes into the facility on the other side*
- *from a fire standpoint, especially where there are children, a child could navigate through that door into the garage, and another child could lock that child in the garage area; and there would be no way to get out*
- *children's ages are from 4-6*
- *Mr. Jacobs' concern is that someone can easily break through the garage door and access the children*
- *possible option: to place a double keyed lock on that door and only facilitators have access to that key, so that no one could escape into that garage and no one could break into the facility from that garage; and then, allowing only storage in that space (treated like an attached shed)*

Mr. Jacobs:

- *the double keyed lock could work*

Ms. Moermond:

- will ask the City Council to grant a variance for a double keyed lock, using the same key for that lock as for the front door
- deadline for compliance: Apr 2, 2014

Referred to the City Council due back on 4/2/2014

- 36 [RLH FCO 14-42](#) Appeal of Adam Pierce to a Fire Inspection Correction Notice at 603 TOPPING STREET.

Sponsors: Thao

No one appeared. Deny the appeal. However, appellant called and Ms. Vang informed him that he missed the hearing. He stated he didn't know he was to come to a hearing. I offered to reschedule; however, he said he will remove all beddings from that room and not use the room as a bedroom. The tenants are moving out and he will be moving back in.

Referred to the City Council due back on 4/2/2014

- 37 [RLH FCO 14-44](#) Appeal of David Hancox, Metro Center for Independent Living, to a Correction Notice - Complaint Inspection at 530 ROBERT STREET NORTH.

Sponsors: Thune

DSI has abated the order, so there is no longer an issue. Appeal withdrawn.

Withdrawn

2:30 p.m. Hearings

Vacant Building Registrations

- 38 [RLH VBR 14-16](#) Appeal of Eng T. Ng to a Vacant Building Registration Notice at 1035 MAGNOLIA AVENUE EAST.

Sponsors: Bostrom

Deny the appeal for Appellant to be out of the Fire Certificate of Occupancy Program; Appellant will need to obtain a code compliance inspection.

RE: 1035 Magnolia Avenue East (Single Family)

Eng Ng appeared. Seven neighbors also appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection started by Inspector Ben Ellis and came in as a referral Sep 16, 2013 - the garage doors were open exposing trash piled up to the ceiling; also rats
- a referral letter was sent Sep 17, 2013
- Oct 30, 2013: the Fire Dept sent them a form regarding a fire in the basement; Inspector Brian Tonnancour happened to be right down the street conducting an inspection at the time; he went over and the photos show no real damage
- the Certificate of Occupancy inspection was due and Inspector Ellis scheduled it

- Nov 1, 2013: he transferred all the open referral Orders to the Fire C of O Program
- Nov 6, 2013: Inspector Ellis sent a Correction Letter with a re-inspection date of Jan 6, 2014
- Jan 2, 2014: owner requested an extension of time for repairs; Inspector Ellis granted that request and sent out another Correction letter with a new inspection date of Jan 21, 2014
- Jan 23, 2014: Inspector Ellis sent out another appointment letter with a re-scheduled appointment date and time for Feb 3, 2014 (not sure why that happened and Mr. Ellis no longer works for the city)
- Jan 23, 2014: also received notification from SPPD about some behavioral issues at the property; there was a warrant and arrest for drug paraphernalia, etc.; they sent a letter for Nuisance Abatement to the property owner and the tenants
- Feb 3, 2014: Fire Inspector Westenhofer went to meet with the owner of this property and 1032 Magnolia Ave and talk to him about the nuisance activity
- Feb 3, 2014: owner had called her that morning; she told him to talk with Inspector Westenhofer, who would have all the paper work with him at the meeting
- Mr. Westenhofer spoke with owner and tenants about a resolution; owner stated that he had a letter to give to the tenants telling them they needed to be gone by Feb 15, 2014; a copy of that letter was not sent to DSI or given to Inspector Westenhofer
- the Nuisance Abatement Orders require the owner to come into an agreement with the city within 30 days of the happening on how they plan to abate that nuisance; in this case, that didn't happen
- none of the Orders that Inspector Ellis had written had been really touched by the property owner
- has photos from Feb 26, 2014 taken by Inspector Westenhofer, who found the front door screwed shut
- they had continued to get complaints about the state of disrepair at the property or exterior garbage
- Inspector Westenhofer Revoked the Fire Certificate of Occupancy based on the current Orders of the noncompliance status
- Sep 2013 - got the first complaint about the garage, rats, etc. which was investigated and resulted in noncompliance
- owner bought this on Jul 30, 2010; since then, there have been many complaints: garbage, tall grass and weeds, mattresses, furniture, pianos, water shut-off, more furniture, broken garage door, high volume of traffic, drug traffic, fire, snow walk, etc.

Ms. Moermond:

- since Sep 30, 2013, how many additional inspections have been scheduled - have occurred?

Ms. Shaff:

- 11-1; 2-3; 2-26;

Mr. Dornfeld:

- Inspector Tom Friel notes Feb 27, 2014: 1-story wood frame single family house appeared to be vacant; was referred to use from the Fire C of O Program; at the time of inspection, Mr. Friel found a number of missing/defective primary windows, storm windows; missing/defective screens; a defective storm door as well as a number of interior items that are listed on the Fire C of O deficiency list; the east side window was open to trespass as well as 2 northside windows; there's a detached 1-car garage - the service door was open; the yard was filled with garbage, junk, debris, an old door, a box spring, etc.
- Inspector Friel posted VB placards, took photos and issued a Summary Abatement to clean up the yard
- as of Mar 6, 2014, he noted the building was vacant and the windows on the house remained open; all the debris from previous inspections remained, as well; sent Work

Orders to secure all of the openings and also to remove the garbage/refuse from the yard (all of which has been done)

- the last follow up inspection took place Mar 13, 2014; a week after Inspector Friel issued the Work Orders, he documented that the house and garage are now secure and that the yard is in compliance; there was some securing done by Respro
- all Work Orders are VIDEO Taped of the work done
- the boarding that was done was documented by Inspector Friel

Ms. Moermond:

- we have the Order to Vacate and structure and the Vacant Building Registration fee

Mr. Ng:

- the last Order issued by Inspector Westenhofer Feb 26, 2014 gave him until Mar 6 to get all the Corrections done
- when he was working with Inspector Ellis, he gave Mr. Ng more time to get things done; the windows and gutters, he allowed him until spring
- when the renter moved out, they just left all the stuff that they didn't want so, he had one guy go over and clean it up
- he tries to stop each day or every other day but some neighbor is watching the house; even if there's just one thing outside of the house, the next day he'll get mail from the city
- he tries to do his best
- the neighbor has tree that's been dead for 2 years - nobody complains
- Mr. Westenhofer said that as soon as possible, he should get the tenants out so, he gave them a date for them to leave
- in the morning, he called Ms. Shaff about getting the tenants out and she told him to work with Mr. Westenhofer so, he told tenants to leave and Mr. Westenhofer said that as soon as the tenants moved out, it would be OK; he called Ms. Shaff and told her the tenants were out and she said that she'd have Mr. Westenhofer go out and look at it; when she found out that there was no one in the house, she called me back and said, "Good! It's a Vacant Building;" he was shocked; then, he called Mr. Westenhofer about that; he thinks that it was made a VB because they were angry with him
- he was confused and used to working with Mr. Ellis
- why did they have to make it a VB? He had been told to get the tenants out; he'd been trying his best to do what they wanted him to do

Ms. Moermond:

- the neighbors had been doing a lot of complaining

Voices from the Neighborhood:

Shannon Larson:

- she is a client of Winnie the Pooh Day Care on the corner of Magnolia and Earl
- her boys go to Winnie the Pooh Day Care and she loves that day care
- her concerns have to do with all the police reports, the latest of which is drug possession with the intent to see cocaine
- her boys are near there playing outside and she doesn't want them to be innocent bystanders
- she has been talking to the neighbors because she feels deeply about this; she's been getting signatures from whomever may feel the same way
- Life Prep Elementary School is only 3 or 4 blocks away
- entered her list of signatures (scanned) along with the police reports for 1035 and 1032
- she sees a lot of traffic going back and forth; they maybe drug deal or not; kids who go to school and walk up and down that street should feel safe

Kenkyn Kjesbo:

- her child also attends Winnie the Pooh Day Care
- sounds like Mr. Ng has focused a lot on the last 2 weeks or as recent as the last drug bust
- she has been a very close observer of the comings and goings of that property because Mr. Ng became the owner of this property at the same time as her child became enrolled at Winnie the Pooh Day Care; there's an enormous amount of traffic, sometimes actually blocking traffic
- a couple of months ago, she was a witness to a domestic assault that took place at the property; she was taking her child out of day care that evening and another parent was also putting her child in the car when she heard an enormous fight break out in the threshold of the doorway of this property; it sounded like someone was beating against the threshold or part of the structure with a baseball bat; a man and a woman were yelling and screaming; when she drove passed the property, the woman was running out the door while he was chasing her, both screaming
- parents choose to send their children to this day care because it's an A-Plus day care
- it's not a bad street
- there's this A-Plus day care on one end of the street and an elementary school on the other end; this property in the middle is causing all kinds of trouble: assault; a lot of traffic; people hanging out in the middle of the street; etc. - that kind of behavior just doesn't have a place in that neighborhood
- requests that until the building is brought up to code, the appeal be denied

Michael Elke:

- he is Executive Director of Life Prep Elementary School, which has been in discussion; he also represents the community of which the school is one of the foundations; he also represents St. Casimir Catholic Church, which is next door to the elementary school
- his biggest concern is public safety; their students walk up and down those streets frequently
- noticing the myriad of police reports that come from this property and the one across the street is a big concern of his staff and an incredible concern of the parents of their students
- they don't want to lose their valuable resource, the children, because of the disrepair and influence of this property in the middle of their neighborhood
- he personally broke up a drug deal last summer in front of the door of the school; and after asking some questions, he found out that the perpetrator in this case, was someone who frequented this property - that really got his attention
- the last police report he saw had words like methamphetamines, ecstasy, heroin, etc. - evident at this location
- their kids and community deserve to be safe
- it is his opinion and the opinion of the church that this property be significantly upgraded to attract a better quality tenant; and hopefully, these activities will cease
- it has also been brought to his attention that there are 14 different sets of keys that belong to the house that are all over; that's a lot of accessibility to that one property
- it is a good neighborhood

Ms. Shaff:

- from what they understand, the property owner puts people back and forth across the street (1032 and 1035) in order to abate the nuisance
- language and expectation in letter they sent Jan 23, 2014: This Notice is to inform you that a nuisance is being maintained or permitted at 1035 Magnolia Avenue East. The specific nuisance activity being maintained or permitted is goes on to where it happened.... and a warrant was executed.. individuals were arrested for possession of a controlled substance within intent to distribute; and also for possession of stolen

property. .. talks about what it was.. numerous suspected crack cocaine... as well as suspected ecstasy, heroin, methamphetamines, powdered cocaine and marijuana; 2 stolen iPads were recovered on the scene, as well.... arrests made without incident... talks about nuisance activity is based on the following evidence: ... you are hereby notified to abate the above described nuisance activity under Minnesota Statute 617.81 subdivision 2 and 617.82 in the St. Paul Legislative Code: A Public Nuisance Maintained or Permitted in a building may have serious legal consequences, including recommending the suspension or revocation of the Fire Certificate of Occupancy to the City Council or an injunction against the continued use of the building. This may result in the complete loss of use of the property for 1 year, even if the building is your primary residence. Failure to abate the conduct constituting the nuisance or to otherwise resolve the matter with the Fire Marshal by entering into an agreed upon abatement plan within 30 days of service of this Notice will result in either a recommendation that the City Council suspend or revoke your Fire C of O or referral of the matter to the City Attorney's Office. This means that an injunction could be sought Please be aware that under Minnesota Statute 617.85, the current occupants or tenants and the property owner has the option to cancel the lease, etc., etc.....

Mr. Ng:

- has owned the property at 1032 Magnolia Ave East since 2008; he used to live there

Ms. Moermond:

- today, we are dealing with a Revocation related to deficiencies noted in your Orders
- we have a history of physical nuisances that have needed to be addressed; we have a letter that was issued in recent history asking stating that there needed to be a nuisance abatement plan in regard to the behavioral problems; and that needed to happen within 30 days
- now, we have Mr. Ng saying that he talked to Mr. Westenhofer about it and Mr. Westenhofer had said that it was OK as long as the property was empty

Mr. Westenhofer:

- he doesn't remember saying that
- they went to 1032 Magnolia first and that day, Feb 3, 2014; then went to 1035; Mr. Ng said that he was going to have them sign paperwork to be out by Feb 15, 2014 (he didn't get a copy of it); when he did the 1035 inspection that day, the tenants knew that they were going to be out Feb 15, 2014; when he spoke to the tenant about the nuisance abatement, he already knew; the main tenant was saying, "It wasn't my guest; it wasn't my fault;" Mr. Westenhofer explained that all of his guests are his responsibility; he has to control things
- St. Paul Police Officer, Dave Cantoroitz, came and talked to these tenants and the owner (Mr. Westenhofer wasn't there at the time)
- Feb 3, he issued Orders and sent out a C of O Correction Notice
- the morning of the 26th is the first he found out that the house was empty per phone call from Ms. Shaff
- he went to check it out; took photos; knocked on the door; he noticed the screws in the doors (Mr. Ng put them in so that no one could enter)

Ms. Moermond:

- asked to see the letter with the Mar 6, 2014 deadline (on computer); was a previous set of Orders
- there's a new set of Orders that say that it's Revoked and the property is in the Vacant Building Program
- Mr. Ng believes that he should have been given until Mar 6, 2014 to complete these repairs

- Mr. Ng wants the ability to make the repairs and put someone back into the property and not go into the VB

Mr. Ng:

- there was a lot of things going on and there was speculating: because he owns both 1032 and 1035, there was confusion; at 1035 lives the son and at 1032 lives his mother; he evicted the mother, Rosemary from 1032 and got a new tenant
- and, not one neighbor came to me and brought these issues to my attention (Ms. Moermond said that there was no obligation for the neighbors to do that; and there's also some fear of retaliation on the part of the neighbors)
- if he had known that some of this stuff was going on, he would have taken action immediately
- when Ms. Shaff wrote her letter about 1032, he responded right away; he even asked her if there was something else he could do - a plan; she answered that he should work with Mr. Westenhofer; so he evicted the tenants as he said
- he can assure the neighborhood that these people are not coming back and I'm not the one who created the problem
- when he lived there, the neighbors of 1035 approached his niece and nephew and asked them if they wanted to buy weed; his wife said, "We're going to move"

Ms. Moermond:

- she can't believe that Mr. Ng didn't realize the behavior was this bad at the property with all the clean-ups, police reports, etc.
- so the C of O was Revoked and it's set to the VB Program (lots of building conditions and it's empty); she must determine if that should have happened under city code

Mr. Ng:

- so, then, I shouldn't have evicted those tenants; then, it wouldn't be empty and not a VB; because they moved out, the city has the right to make this a VB?

Ms. Moermond:

- that's not relevant; she is just looking at the building conditions and whether people were in or out
- city code says that this can be defined as a registered VB; Chapter 43 of the Legislative Code list the definitions of what a VB is; one definition is "unoccupied and has multiple housing or building code violations; the building or a portion of the building in meeting this definition is a Category 2 building."
- if Mr. Ng had a really good history, she would be willing to work with him on this
- and Mr. Westenhofer is not giving the same information and Mr. Ng as being "OK" that the tenants were gone
- she will recommend that this property be in the VB Program (there will be an annual VB fee and Mr. Ng will need to bring this property up to minimum safety standards before it can be re-occupied; he will need to order a Code Compliance Inspection, \$474 and he will need to complete the list of repairs, etc. on that list)

Mr. Ng:

- he is not happy with that

Mr. Westenhofer:

- he doesn't remember saying it was OK but he does remember that both times he was at the property, it wasn't in compliance
- they have a lot of situations where nuisance abatement happens in the middle of a C of O but that doesn't stop them from making repairs to their property

Mr. Ng:

- the tenants guaranteed that they would move out; I told them that if they were not out by Feb 15, I would evict them; and he told Mr. Westenhofer about that and he asked, "Is there anything I need to do?" He said he would take my information and go back to Inspector Shaff and then he would write me a letter

Mr. Westenhofer:

- I wrote a Correction Notice but nothing about the nuisance abatement activity

Ms. Moermond:

- will recommend this appeal be denied and this property will be in the VB Program

Referred to the City Council due back on 4/2/2014

39 [RLH VBR 14-13](#) Appeal of BCR Properties/Bjorn Piltingsrud to a Vacant Building Registration Renewal Notice at 946 SHERBURNE AVENUE.

Sponsors: Thao

Grant 6 weeks for Appellant to get Fire Certificate of Occupancy re-instated.

RE: 946 Sherburne Avenue (Single Family)

Bjorn Piltingsrud, BCR Properties LLC, owner, appeared.

Matt Dornfeld, Vacant Buildings:

- Annual Registered Vacant Building fee
- referred to Code Enforcement Feb 4, 2013 - water shut off complaint
- Code Enf. Inspector Craig Mashuga followed up; issued a Correction Notice Feb 7, 2013
- the water was not restored; the building was Condemned Feb 21, 2013 by Inspector Mashuga
- transferred to the Vacant Building Program on Mar 5, 2013
- Inspector Mike Kalas opened a Category 1 VB file
- no major exterior violations were documented at that time
- Mar 21, 2013 - received a snow/ice complaint and Orders were issued
- Mar 27, 2013 - no compliance so a Work Order was issued
- Jul 2013 - they removed a homeless person from the front porch; SPPD was also involved and the front porch was secured by Respro
- Jul 2013 - another homeless person was removed from the back yard by SPPD
- since then, it's been vacant, secured and maintained
- there have been a lot of ownership changes
- anniversary date of VB is Feb 3

Mr. Piltingsrud:

- they acquired the property Dec 3, 2013
- the water had been restored; the gas was one
- they have painted, replaced appliances in the kitchen, floors are being done as we speak
- all the exterior maintenance has been done; a service has been hired to shovel the walks
- are ready to rent Apr 1, 2014
- the VB status wasn't disclosed by HUD
- asked that the VB fee be waived

Ms. Moermond:

- Mr. Piltingsrud will need to get a Fire Certificate of Occupancy before it can be rented

- otherwise, it's a turn key property

Mr. Dornfeld:

- he will put a hold on the VB fee until the C of O is re-instated

Ms. Moermond:

- will recommend granting 6 weeks to get the C of O re-instated

Referred to the City Council due back on 4/2/2014

3:00 p.m. Hearings

40 [RLH VO 14-5](#) Appeal of James Bartholow to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 328-330 NINTH STREET EAST.

Sponsors: Thune

Separation issue and permits closed out by April 2, 2014; laid over to April 1, 2014 LH at 3 pm for further discussion.

RE: 328-330 Ninth Street East (Apartments)

Appellant James Bartholow appeared.

Appellant William Bigler appeared.

7 others also appeared.

Ms. Moermond:

- appellants entered a proposed plan

- we are hoping to get all of the life-safety items addressed; then, move on to a longer term work plan for the other deficiencies

- she has spoke with Mr. Bartholow's wife about financing some of the repairs, which continues to be of concern

- her assessment is that the biggest life-safety concerns at this juncture are the door openers and the fire separation noted in the Orders

- permits had been pulled and closed

- she has talked with Jim Erchul, Dayton's Bluff Neighborhood Housing Services

Ms. Shaff:

- the separation issues was one of the paramount issues within the life-safety issues; door closures were also included

Mr. Bartholow:

- fire separation and door closure issues are not complete; they have identified another 2 weeks worth or work; they have contracted a company to do the separations (doors in the basement between the buildings); they did completed fire separations in water heater rooms; they will be inspected when all separations have been completed

- therefore, they are asking for another 2 weeks to complete the fire separations; it's hard for them to force the company (Maximum Leads Construction, Maplewood); they were to be done by today but they ran into some issues

- they had met with a gentleman from Rutledge Construction, previously but that wasn't a good fit

- Long Term Plan: 1st page of packet has some board meeting minutes

- issue #1: they have passed a resolution to being to find a starting point for our accounting; an audit was done by a 3rd party, which will be the beginning point of

getting a handle on their monthly dues and assessments

- issue #2: they felt it was important to raise dues because the money was not covering their monthly costs; they raised dues to .42/sq.ft.
- issue #3: voted unanimously to begin to collect assessment based on sq. footage; the assessment will be paid in either a 36/48-month payment plan; currently, have about \$150,000+ in unpaid special assessments
- issue #5: they will begin the process of hiring an attorney; they have met and spoken with Scott Bannis, who seems very competent and will be a very good resource to put some teeth into their payment plans for assessments and dues
- Second Page: monthly expenses are in the neighborhood of \$10,000; raising dues to .42/sq.ft. will make that \$12,000
- Third Page: about long-term financing; includes \$100,000 loan from Dayton's Bluff Neighborhood Housing Services
- Fourth Page: exactly the same but no financing from Dayton's Bluff Neighborhood Housing Services; Jim Erchul said that it's a long process but HUD has agreed to allow them to apply for a loan based on residents' income; they must be low-moderate incomes

Ms. Moermond:

- talking with Jim Erchul, she understands that there needs to be some sort of legal agreement that he could have attached to his records indicating that you, as an association, would be making these payments because you are borrowing the money based on future assessments; does' t know whether everyone in the association needs to sign

Mr. Bartholow:

- he has spoke with Mr. Erchul about that; also asked if 100% compliance was needed because 3 units are in foreclosure and a 4th is expected; if 100% compliance is needed, we may not be eligible for that opportunity; without looking into it, he thought we could go ahead and assess those mortgage companies or banks
- they do not anticipate that being a big issue with the rest of the folks
- today at 1 pm, they just found out from Mr. Erchul that it was a realistic possibility to get the loan
- have looked into the possibility of selling units; those members who have large assessments might be able to use the proceeds to prepay some of the necessary issues and maybe speed up the proposed timeline for getting these deficiencies taken care of
- he received an offer to purchase real estate from a gentleman, Eric Harper, who is here today, that would generate in the neighborhood of \$40,000-\$50,000 immediately; his financing looks pretty favorable
- accessing the money rests on the majority owners' shoulders, of which he is one of three
- he has looked into re-financing his primary residence in Rosemount; also looked into taking out a loan on an inheritance that he has coming
- it's difficult to come here today and guarantee that they will have all the money necessary; but they feel that they can do it as long as they can get the life-safety/separation issues taken care of and populate the building to begin having a rental income

Ms. Moermond:

- if the life safety issues can all be addressed, then, she is comfortable with the vacant units being filled and the possibility of transacting other units
- need to have the association on a Work Plan and a violations of the Work Plan, itself, would lead to Revocation
- wants to give Mr. Bartholow a chance to speak more in depth with Jim Erchul
- she and staff have not yet had a chance to review this plan

Mr. Bartholow:

- page #8 or smaller packet: there's a proposed timeline
- the most recent list of deficiencies lists 366; they have completed the majority of them but not all of the life-safety/separation issues
- they are trying very hard not to continue an adversarial relationship with city staff
- without any significant direction from DSI, they felt that the electrical work was paramount to be taken care of; although, it's not necessarily life-safety, there are common areas that may not have been properly developed by the developer so, they would like to get started on that immediately and completed by Sep 1, 2014
- they also feel that the roof, which is currently not leaking, needs to have the drains taken care of (they probably don't meet code); proposing that be completed by Oct 1, 2014
- lastly, the city found numerous deficiencies with the natural gas used for heating and cooking; they want that to be taken care of immediately, as well; it will probably require an evaluation of nearly all the building; some piping is not properly sized and the connections to the ranges need to be looked at; all to be completed by Dec 1, 2014
- interior plumbing: there will be a lot of changes and they want those to be repaired throughout the winter and completed by Jun 1, 2015

Ms. Moermond:

- while all these things make perfect sense to her as Mr. Bartholow has them laid out, she wants to talk about it with Mr. Ubl as to what red flags he might see that she doesn't
- right now, she wants to focus on how all of this will be paid for
- a loan needs to be secured
- she realizes that working with federal dollars does not move quickly
- Mr. Erchul and she are both concerned about documenting that folks who are there are low or moderate income, not everyone; but we need half at low or moderate income, whether owner-occupant or rental; Mr. Erchul doesn't think that there's any trouble with that but the income information does actually need to be produced, probably taxes; and needs to be shared with Dayton's Bluff NHS (income threshold of approximately \$40,000/person)
- vacant units in the building can't be counted one way or the other
- the occupants need to produce that income information, which will clean-up the loan at a great interest rate
- if using HUD money, you will have to hire contractors who pay prevailing wages in the field; the main thing is documentation
- she would like to see the association move forward with doing some of that documentation; and working with Mr. Bannis and Mr. Erchul on doing an outline of what things will be needed to put a loan into place

Mr. Bartholow:

- Ron Erickson was able to complete the boiler system, alarm system and mini horns, etc. in 2 weeks; his people were exceptionally competent and very professional; yesterday, he came over and walked through the building with 4 of them; they talked with him about the electrical issues, putting a metal liner in the chimney and all their plumbing issues

Ms. Moermond:

- wants them to have a building permit pulled on the whole package; attach the proposal/work plan to the building permit so that it's on file with Mr. Ubl
- this will need tweeking; improved

Mr. Bigler:

- need to get a hold of the financing; Erickson is at 18% interest; there are all kinds of payments; the common utilities
- the city is maintaining a real tight leash which constrains the ability to handle those really high interest loans
- he thinks that a little recovering time would be in order
- we probably should come clean about who we owe what
- we are all on board on getting units rented
- just asking the city to look at this beyond - there are huge potential risks
- there's a whole lot on the list and it has grown
- in his property, he was there for an inspection and in his opinion, the mentality of the inspector was that he was doing a good job if he could find a lot of things that need to be repaired
- doesn't think it's good to go super fast when getting all of these things done

Ms. Moermond:

- wants the association to put forward what it thinks is a reasonable time line; it needs to be doable from their perspective
- her interest is in finishing this case
- there was a comment before about an adversarial relationship with the city; she has done a lot of talking with the inspectors and all the people involved and she doesn't sense an adversarial relationship between them at all; what she understands is that there's a very frustrated group of residents and owners at this address and a very frustrated group of city staff working on the other side - and it's been a mess; all the frustration may feel adversarial but she doesn't think that's what's going on on either side

Mr. Bigler:

- in his opinion, the highest Order on the Work Plan is paying off the 40% interest loans; paying off the 18%-20% interest loans and he doesn't know what's on the credit card; what's broken here is getting those vulnerable interest payments taken care of
- increasing dues, etc., is fine but it's not fine if it's coming back again to a certain small group of people who are paying anyway

Ms. Moermond:

- the relationship with the owners, the fees, back fees, and who's pay and who's not paying - that's the Achilles' heel and you know that; she can't do anything about that

Mr. Bartholow:

- when they have the funds, they will hire an attorney and a bookkeeper; so, although that's an Achilles' heel, it's not something that's insurmountable
- is concerned when he looked into Amanda System and found that things he though were signed-off are not listed as being signed-off

Ms. Moermond:

- these are crucial pieces to getting the job done; so, she wants it on the calendar - when is this going to be happening
- if Jim Erchul has a complete application on May 1, 2014, how long is it going to take him and then, the HUD people to review it? It could be 30 days or 90 or 120 days; we don't know, but if you've got it rolling, she has a lot of faith that we will get where we want to go
- doesn't know why the computer system is lagging as Mr. Bartholow pointed out because that's no consistent with the staff reports she has gotten
- she has heard from officials that these things were taken care of

Mr. Bartholow:

- he has yet to get the feeling from the city/DSI that they are acknowledging that we are finally doing what we need to do and let's cut them a break
- they have 150 items done on the huge 366 item list but the list still shows "366 items"
- he feels that inspectors are going to nit-pick them
- even Ron Erickson kept repeating, "Well, it depends on what they're talking about" meaning, the inspectors/city; "give them a call;" and Mr. Bartholow responded with, "Ron, I can't because they won't speak to me; they won't speak to me." Another example: a drywall guy from Maximum Needs who said, "Jim, I spent the better half of 3 hours down there and I just want to find out if I can put a door in your basement." - despite my block pressure going up and my voice getting a little loud, we harbor no ill will; we'll get through it; all that we're asking for is some help because we finally have a group of people here who want to get this done and DSI ought to be able to recognize that for the last 10 months, the people there didn't want to get stuff done; they made it difficult; so, please don't take that out on us

Ms. Moermond:

- she thinks that it's really great that the association is doing this work and she is glad they they are coming together and moving forward on it
- she also knows that inspectors don't generally give out kudos; but this is for your own benefit; they do have a checklist that they are going through
- there's been an expectation by the city that as the inspectors have gone through the building with some of you, that you have been writing things down as the inspectors have pointed things out
- when your contractor goes to pull a permit, it's reasonable and happens often, that an inspector would go out and work with them on the scope of the requirement

Mr. Bartholow:

- when this is all done, he knows they are going to look back and thank Ms. Moermond, personally; and also thank DSI, personally because then we will know that we've done what we needed to do
- but when you're told that "I don't want to talk to you because you're not a contractor, we need to talk to a contractor; and the contractor says, 'I don't know what they're saying' and they've already been out multiple times...." we just want to get through this as quickly as we can

Mr. Bigler:

- asked if the HUD loan could be used to pay off dues and fees

Ms. Moermond:

- No; you can't go pay for things that have already been done using HUD dollars; you can take HUD money and use it from that point forward
- use the other incomes to pay off the high interest loans

Mr. Bigler:

- the question is then, how do we generate enough money to pay those off?

Ms. Moermond:

- you need to figure that out internally
- asked if the table that was put together could be emailed to her

Mr. Bartholow:

- they have Condemned signs still on units that had no heat but now have heat; asked if they could remove them (Ms. Moermond: if the permit is signed off but touch base with the inspector on that)
- how would we know what is not yet completed (or signed off)? (Ms. Moermond: we

will look into that tomorrow and let you know)

Ms. Shaff:

- the last she saw was that the permits weren't signed off; until they're signed off and they have been told that by the building official, it's considered "not signed off"

Mr. Bartholow:

- doesn't want to put words into anyone's mouth but he was given a verbal by Brian Hoffman on 2 of the things and a verbal by Jerry Hanson and Gary Reinsberg that the heating system was signed off on, as well; if those are not completed or there's additional work, we are completely unaware of it

Ms. Moermond:

- her paramount concerns are the life-safety issues and thinks that progress is definitely being made; she will check into what's going on with the permits (open and closed and additional work, which we will make you aware of)
- following that will be the discussion of the Condemned placards on the individual units
- other follow-up: talk to folks about their income information for Mr. Erchul and Mr. Bannis

Mr. Bartholow:

- he will be talking with Mr. Erchul tomorrow
- it would be financially difficult for the association to retain him at this time but will do it as soon as they possibly can
- they would like to have a plan for what they must do in order to populate the building; they are under the assumption that if they have all the life-safety issues taken care of, the building can be populated; that's her recommendation to the City Council right now; then, the Work Plan with a longer term on the deferred maintenance and the habitability issues - that plan prepared by you, reviewed and adjusted by city staff, will be how we move forward; failure to meet provisions of the plan would be a reason to Revoke the Certificate of Occupancy in the future)

Ms. Moermond:

- put together a list of what you're going to do in terms of taking steps, financially, to address these needs; in other words, how are you going to pay for it; how are you going to pay for the work that's already been done; then, move to the future work

Mr. Bartholow:

- to clarify: a calendar with dates for getting a bookkeeper, an attorney, more detailed income plan; and move forward on separation issues

Ms. Moermond:

- will need to engage an attorney to finish the work with Mr. Erchul for sure; start filling out an application and putting together what he needs
- life-safety; then, occupation; then, we need to make sure we have a good communication plan about where the permits are at, in case something is dangling that needs to be completed - we will talk to those inspectors tomorrow morning

Paula Bartholow:

- there are some life-safety issues within units that are not occupied (foreclosed units)

Ms. Shaff:

- what was required before it was brought before LH, was that life-safety issues that were in common areas and of common interest (if a unit is not occupied, it really

doesn't have a hazard unless it's something like freezing of sprinkler pipes, etc;)
 - unfortunately, their systems can't handle partials and can't do individual units because they are quite short-staffed
 - and, there is a lack of trust based on past performance at this address
 - she is really worried about occupying a building with life-safety issues

Ms. Moermond:

- she will check with the DSI desk to see where everything is at, permit wise; and find out if anything is still dangling
 - in terms of occupying foreclosed units: will need to find out if there's a life-safety issue within a foreclosed unit, is that unit Condemned? It needs to be cleanly identified by Fire staff without twerking the systems
 - however, issues stemming from a particular unit (vacant, foreclosed, or otherwise) within a condo association that affect common areas or other units need to be addressed
 - at City Council again Apr 2, 2014
 - get those separations taken care of by Apr 2, 2014 and get the permits closed out
 - will LAY this OVER to 3 pm Apr 1, 2014 to discuss the plans

Referred to the City Council due back on 4/2/2014

41 [RLH VO 14-6](#)

Appeal of William Bigler to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 328-330 NINTH STREET EAST.

Sponsors: Thune

Separation issue and permits closed out by April 2, 2014; laid over to April 1, 2014 LH at 3 pm for further discussion.

RE: 328-330 Ninth Street East (Apartments)

Appellant James Bartholow appeared.

Appellant William Bigler appeared.

7 others also appeared.

Ms. Moermond:

- appellants entered a proposed plan
 - we are hoping to get all of the life-safety items addressed; then, move on to a longer term work plan for the other deficiencies
 - she has spoke with Mr. Bartholow's wife about financing some of the repairs, which continues to be of concern
 - her assessment is that the biggest life-safety concerns at this juncture are the door openers and the fire separation noted in the Orders
 - permits had been pulled and closed
 - she has talked with Jim Erchul, Dayton's Bluff Neighborhood Housing Services

Ms. Shaff:

- the separation issues was one of the paramount issues within the life-safety issues; door closures were also included

Mr. Bartholow:

- fire separation and door closure issues are not complete; they have identified another 2 weeks worth of work; they have contracted a company to do the separations (doors in the basement between the buildings); they did completed fire separations in water heater rooms; they will be inspected when all separations have been completed
 - therefore, they are asking for another 2 weeks to complete the fire separations; it's

hard for them to force the company (Maximum Leads Construction, Maplewood); they were to be done by today but they ran into some issues

- they had met with a gentleman from Rutledge Construction, previously but that wasn't a good fit

- Long Term Plan: 1st page of packet has some board meeting minutes
- issue #1: they have passed a resolution to being to find a starting point for our accounting; an audit was done by a 3rd party, which will be the beginning point of getting a handle on their monthly dues and assessments
- issue #2: they felt it was important to raise dues because the money was not covering their monthly costs; they raised dues to .42/sq.ft.
- issue #3: voted unanimously to begin to collect assessment based on sq. footage; the assessment will be paid in either a 36/48-month payment plan; currently, have about \$150,000+ in unpaid special assessments
- issue #5: they will begin the process of hiring an attorney; they have met and spoken with Scott Bannis, who seems very competent and will be a very good resource to put some teeth into their payment plans for assessments and dues
- Second Page: monthly expenses are in the neighborhood of \$10,000; raising dues to .42/sq.ft. will make that \$12,000
- Third Page: about long-term financing; includes \$100,000 loan from Dayton's Bluff Neighborhood Housing Services
- Fourth Page: exactly the same but no financing from Dayton's Bluff Neighborhood Housing Services; Jim Erchul said that it's a long process but HUD has agreed to allow them to apply for a loan based on residents' income; they must be low-moderate incomes

Ms. Moermond:

- talking with Jim Erchul, she understands that there needs to be some sort of legal agreement that he could have attached to his records indicating that you, as an association, would be making these payments because you are borrowing the money based on future assessments; does' t know whether everyone in the association needs to sign

Mr. Bartholow:

- he has spoke with Mr. Erchul about that; also asked if 100% compliance was needed because 3 units are in foreclosure and a 4th is expected; if 100% compliance is needed, we may not be eligible for that opportunity; without looking into it, he thought we could go ahead and assess those mortgage companies or banks
- they do not anticipate that being a big issue with the rest of the folks
- today at 1 pm, they just found out from Mr. Erchul that it was a realistic possibility to get the loan
- have looked into the possibility of selling units; those members who have large assessments might be able to use the proceeds to prepay some of the necessary issues and maybe speed up the proposed timeline for getting these deficiencies taken care of
- he received an offer to purchase real estate from a gentleman, Eric Harper, who is here today, that would generate in the neighborhood of \$40,000-\$50,000 immediately; his financing looks pretty favorable
- accessing the money rests on the majority owners' shoulders, of which he is one of three
- he has looked into re-financing his primary residence in Rosemount; also looked into taking out a loan on an inheritance that he has coming
- it's difficult to come here today and guarantee that they will have all the money necessary; but they feel that they can do it as long as they can get the life-safety/separation issues taken care of and populate the building to begin having a rental income

Ms. Moermond:

- if the life safety issues can all be addressed, then, she is comfortable with the vacant units being filled and the possibility of transacting other units
- need to have the association on a Work Plan and a violations of the Work Plan, itself, would lead to Revocation
- wants to give Mr. Bartholow a chance to speak more in depth with Jim Erchul
- she and staff have not yet had a chance to review this plan

Mr. Bartholow:

- page #8 or smaller packet: there's a proposed timeline
- the most recent list of deficiencies lists 366; they have completed the majority of them but not all of the life-safety/separation issues
- they are trying very hard not to continue an adversarial relationship with city staff
- without any significant direction from DSI, they felt that the electrical work was paramount to be taken care of; although, it's not necessarily life-safety, there are common areas that may not have been properly developed by the developer so, they would like to get started on that immediately and completed by Sep 1, 2014
- they also feel that the roof, which is currently not leaking, needs to have the drains taken care of (they probably don't meet code); proposing that be completed by Oct 1, 2014
- lastly, the city found numerous deficiencies with the natural gas used for heating and cooking; they want that to be taken care of immediately, as well; it will probably require an evaluation of nearly all the building; some piping is not properly sized and the connections to the ranges need to be looked at; all to be completed by Dec 1, 2014
- interior plumbing: there will be a lot of changes and they want those to be repaired throughout the winter and completed by Jun 1, 2015

Ms. Moermond:

- while all these things make perfect sense to her as Mr. Bartholow has them laid out, she wants to talk about it with Mr. Ubl as to what red flags he might see that she doesn't
- right now, she wants to focus on how all of this will be paid for
- a loan needs to be secured
- she realizes that working with federal dollars does not move quickly
- Mr. Erchul and she are both concerned about documenting that folks who are there are low or moderate income, not everyone; but we need half at low or moderate income, whether owner-occupant or rental; Mr. Erchul doesn't think that there's any trouble with that but the income information does actually need to be produced, probably taxes; and needs to be shared with Dayton's Bluff NHS (income threshold of approximately \$40,000/person)
- vacant units in the building can't be counted one way or the other
- the occupants need to produce that income information, which will clean-up the loan at a great interest rate
- if using HUD money, you will have to hire contractors who pay prevailing wages in the field; the main thing is documentation
- she would like to see the association move forward with doing some of that documentation; and working with Mr. Bannis and Mr. Erchul on doing an outline of what things will be needed to put a loan into place

Mr. Bartholow:

- Ron Erickson was able to complete the boiler system, alarm system and mini horns, etc. in 2 weeks; his people were exceptionally competent and very professional; yesterday, he came over and walked through the building with 4 of them; they talked with him about the electrical issues, putting a metal liner in the chimney and all their

plumbing issues

Ms. Moermond:

- *wants them to have a building permit pulled on the whole package; attach the proposal/work plan to the building permit so that it's on file with Mr. Ubl*
- *this will need tweeking; improved*

Mr. Bigler:

- *need to get a hold of the financing; Erickson is at 18% interest; there are all kinds of payments; the common utilities*
- *the city is maintaining a real tight leash which constrains the ability to handle those really high interest loans*
- *he thinks that a little recovering time would be in order*
- *we probably should come clean about who we owe what*
- *we are all on board on getting units rented*
- *just asking the city to look at this beyond - there are huge potential risks*
- *there's a whole lot on the list and it has grown*
- *in his property, he was there for an inspection and in his opinion, the mentality of the inspector was that he was doing a good job if he could find a lot of things that need to be repaired*
- *doesn't think it's good to go super fast when getting all of these things done*

Ms. Moermond:

- *wants the association to put forward what it thinks is a reasonable time line; it needs to be doable from their perspective*
- *her interest is in finishing this case*
- *there was a comment before about an adversarial relationship with the city; she has done a lot of talking with the inspectors and all the people involved and she doesn't sense an adversarial relationship between them at all; what she understands is that there's a very frustrated group of residents and owners at this address and a very frustrated group of city staff working on the other side - and it's been a mess; all the frustration may feel adversarial but she doesn't think that's what's going on on either side*

Mr. Bigler:

- *in his opinion, the highest Order on the Work Plan is paying off the 40% interest loans; paying off the 18%-20% interest loans and he doesn't know what's on the credit card; what's broken here is getting those vulnerable interest payments taken care of*
- *increasing dues, etc., is fine but it's not fine if it's coming back again to a certain small group of people who are paying anyway*

Ms. Moermond:

- *the relationship with the owners, the fees, back fees, and who's pay and who's not paying - that's the Achilles' heel and you know that; she can't do anything about that*

Mr. Bartholow:

- *when they have the funds, they will hire an attorney and a bookkeeper; so, although that's an Achilles' heel, it's not something that's insurmountable*
- *is concerned when he looked into Amanda System and found that things he though were signed-off are not listed as being signed-off*

Ms. Moermond:

- *these are crucial pieces to getting the job done; so, she wants it on the calendar - when is this going to be happening*
- *if Jim Erchul has a complete application on May 1, 2014, how long is it going to take*

him and then, the HUD people to review it? It could be 30 days or 90 or 120 days; we don't know, but if you've got it rolling, she has a lot of faith that we will get where we want to go

- doesn't know why the computer system is lagging as Mr. Bartholow pointed out because that's no consistent with the staff reports she has gotten
- she has heard from officials that these things were taken care of

Mr. Bartholow:

- he has yet to get the feeling from the city/DSI that they are acknowledging that we are finally doing what we need to do and let's cut them a break
- they have 150 items done on the huge 366 item list but the list still shows "366 items"
- he feels that inspectors are going to nit-pick them
- even Ron Erickson kept repeating, "Well, it depends on what they're talking about" meaning, the inspectors/city; "give them a call;" and Mr. Bartholow responded with, "Ron, I can't because they won't speak to me; they won't speak to me." Another example: a drywall guy from Maximum Needs who said, "Jim, I spent the better half of 3 hours down there and I just want to find out if I can put a door in your basement." - despite my block pressure going up and my voice getting a little loud, we harbor no ill will; we'll get through it; all that we're asking for is some help because we finally have a group of people here who want to get this done and DSI ought to be able to recognize that for the last 10 months, the people there didn't want to get stuff done; they made it difficult; so, please don't take that out on us

Ms. Moermond:

- she thinks that it's really great that the association is doing this work and she is glad they they are coming together and moving forward on it
- she also knows that inspectors don't generally give out kudos; but this is for your own benefit; they do have a checklist that they are going through
- there's been an expectation by the city that as the inspectors have gone through the building with some of you, that you have been writing things down as the inspectors have pointed things out
- when your contractor goes to pull a permit, it's reasonable and happens often, that an inspector would go out and work with them on the scope of the requirement

Mr. Bartholow:

- when this is all done, he knows they are going to look back and thank Ms. Moermond, personally; and also thank DSI, personally because then we will know that we've done what we needed to do
- but when you're told that "I don't want to talk to you because you're not a contractor, we need to talk to a contractor; and the contractor says, 'I don't know what they're saying' and they've already been out multiple times....." we just want to get through this as quickly as we can

Mr. Bigler:

- asked if the HUD loan could be used to pay off dues and fees

Ms. Moermond:

- No; you can't go pay for things that have already been done using HUD dollars; you can take HUD money and use it from that point forward
- use the other incomes to pay off the high interest loans

Mr. Bigler:

- the question is then, how do we generate enough money to pay those off?

Ms. Moermond:

- you need to figure that out internally
- asked if the table that was put together could be emailed to her

Mr. Bartholow:

- they have Condemned signs still on units that had no heat but now have heat; asked if they could remove them (Ms. Moermond: if the permit is signed off but touch base with the inspector on that)
- how would we know what is not yet completed (or signed off)? (Ms. Moermond: we will look into that tomorrow and let you know)

Ms. Shaff:

- the last she saw was that the permits weren't signed off; until they're signed off and they have been told that by the building official, it's considered "not signed off"

Mr. Bartholow:

- doesn't want to put words into anyone's mouth but he was given a verbal by Brian Hoffman on 2 of the things and a verbal by Jerry Hanson and Gary Reinsberg that the heating system was signed off on, as well; if those are not completed or there's additional work, we are completely unaware of it

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