



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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

Tuesday, May 24, 2016

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH TA 16-250](#) Ratifying the Appealed Special Tax Assessment for Property at 1325 ARKWRIGHT STREET (File No. VB1607C, Assessment No. 168818).

Sponsors: Brendmoen

Recommendation is forthcoming.

Ms. Moermond:
-we'll hold off on the VB fee at this time

Laid Over to the Legislative Hearings due back on 6/14/2016

- 2 [RLH RR 16-15](#) Ordering the rehabilitation or razing and removal of the structures at 1325 ARKWRIGHT STREET within fifteen (15) days after the May 18, 2016, City Council Public Hearing.

Sponsors: Brendmoen

Florence H. Matadi, owner, appeared along with Pastor Dana Nelson.

Ms. Moermond:
-when last we spoke, we talked about the city's Resolution to Remove or Repair the house; it's been sitting empty and abandoned since Nov 2013 (the fire) and nothing has really happened since then
-she wants to make sure that the Matadis have all of the information they need to make a decision about how you want to handle your circumstances
-we talked about getting legal financial/real estate advise

Ms. Matadi: (difficult to understand)
-hasn't been able to get a settlement from insurance company
-she wants to fix the house; get a code compliance inspection
-is working on getting the \$5000 performance deposit
-she is cleaning out the property; she cuts the grass every weekend

Ms. Moermond:
-when she looks at Ms. Matadi's circumstances, she wants to make sure that she is using her money/time as effectively as possible towards your end goal, which she

assumes is permanent housing; is concerned about the financial obligations: back taxes (\$9000); \$2000 pending in Vacant Building fee assessments; cost of the rehabilitation; code compliance inspection (\$500)
-she needs to see evidence that Ms. Matadi has the financial capacity to fix the house and pay all the bills
-there are other ways to accomplish what needs to be done: 1) partner with a local non profit to do the rehab; 2) walk away from the property

Steve Magner, Vacant Buildings:

-the mortgage was paid off at the time of the fire
-looks like you purchased the house in Nov 1999; at some point, you were behind in paying the mortgage and the foreclosure process started; then, you filed bankruptcy but the file indicates that there was no fire or theft insurance at the home at the time of the fire

Ms. Matadi:

-there was insurance from Liberty Mutual; she is working with someone right now to help her with that part
-was told to make arrangement with Ramsey Co about the taxes; she talked with them about a plan to come current (entered document) scanned

Ms. Moermond:

-appreciates that the county would like you to make payments as you can but we need something much more formal, we need a Confession of Judgment, an arrangement that you enter into with Ramsey County to come current with your past due taxes; then, you would also need to keep current on the taxes
-by the end of this week, May 27, file a code compliance inspection application (need a lock box on the door and the combination needs to be on the application)
-need the \$5000 performance deposit by the end of next week (refunded with interest if job is completed on time)
-need to provide proof that you have the money for the rehab (around \$75,000)
-maintain the property
-provide a copy of the Confession of Judgment by the end of next week, as well (talk with Kris Kujala at Ramsey County Taxation on Plato Blvd)
-if those goals are met by Jun 3, 2016, we will meet on Jun 14 at LH to discuss the Work Plan and the available money
-there are a lot of contractors who know what is called for in the code compliance inspection report and they might be able to do a walk thru and provide estimates for what it would cost, which can be adjusted when the code compliance inspection report is done
-if those goals are not met, she will ask the City Council to move forward with the Order to Remove the property with no option for its rehabilitation
-you will get a confirmation letter from Mai Vang
-City Council Public Hearing Jun 15, 2016

Mr. Magner:

-on this type of rehab (fire), it will be a total gut; everything has to go; perhaps, we could get a Seeger only (building) inspection and get contractor bids on all the trades, as though you are building a new house
-has not heard that there's a funding source; normally, financial institutions won't fund for properties in this type of distress

Ms. Moermond:

-Liberty Mutual hasn't been forthcoming with a settlement for approximately 3 yrs, so it may involve a court battle; the city won't be patient waiting for that
-suggested contacted an attorney or Neighbor Works

-we'll hold off on the VB fee at this time
-asked Mr. Magner to put a note in the system that this will be a "Seeger 'building' only" inspection

Legislative Hearing on June 14. (NOTE: Appeal was scheduled for May 18 Public Hearing but it got missed)

Conditions to be met:

*-obtain code compliance inspection by May 27
-provide lock box to door
-provide combinations on code compliance application
-post the \$5,000 performance deposit by June 3
-maintain the property
-provide a copy of the confession of judgment for delinquent taxes due by June 3
-provide subcontractor bids*

If above conditions are met, will layover for work plan and financial documentation.

Laid Over to the Legislative Hearings due back on 6/14/2016

3 [RLH RR 16-8](#)

Ordering the rehabilitation or razing and removal of the structures at 595 JESSAMINE AVENUE EAST within fifteen (15) days after the March 16, 2016, City Council Public Hearing. (Amend to remove the building within 15 days with no option for repair)

Sponsors: Bostrom

Dao P. Yang, owner, appeared.

Ms. Nhia Vang:

*-last time, your brother, Michael, attended on your behalf
-at that time, we asked that the \$5000 Perf Dep be paid
-have you posted the \$5000 Perf. Dep? and paid the back taxes?
-have you completed the Confession of Judgment form with Ramsey County?*

Mr. Yang:

*-the mortgage is all paid up
-my brother, Michael, wanted to buy the house but he could not find a loan
-now, 2 other people are interested in buying the house; he decided to come here first*

Ms. Nhia Vang:

-so, you don't want to rehab the house; you want to sell it

Inspector Steve Magner, Vacant Buildings:

*-on Feb 25, 2016, there was a charge adjustment for the 2015 taxes but the system doesn't show that it's paid; the last tax payment he shows was May 4, 2015
-this is a Category 3 Registered Vacant Building and in this condition, the owner cannot sell the property to another individual
-options for the owner: 1) if the proposed buyer is going to remove the building, they could enter into a contract and either they could remove the building or the city could remove the building; then, they can commence their transaction; 2) the city could pass a resolution to remove the building, remove the building, then, they could transfer the title; 3) they could find a 3rd party who wants to rehabilitate it for them; get it rehabilitated and then, after it's done and the code compliance is signed off (6+ months), then, they could conduct the sale; or 4) find someone else to rehab it for you*

-currently, he can't sell the building as is

Mr. Yang:

-have paid off the property

-had a code compliance done and all those things were done

Ms. Nhia Vang:

-is disappointed in what's happened; twice, you did not appear; then, your brother came in your behalf

-we sent a letter to your brother explaining the expectations

Mr. Yang:

-he did not get any letters; he saw the Notice on the door; then, his brother talked with him some

Ms. Nhia Vang:

-there's a lot that you have to do if you want to rehab this house

Mr. Yang:

-he talked with a realtor; he won't live there any more

Mr. Magner:

-been going on for some months; no one has stepped up to take on the rehab

-at the hearing that your brother attended, he said that your family was going to pool their resources to rehab the house

Ms. Nhia Vang:

-has laid this over several times; it has gone to Council 3 times and it was referred back to LH

-was hoping to hear about some type of action on your family's part to rehab the property

-right now, her recommendation is to Remove the structure within 15 days; we don't have anything in place in order to move forward

-can attend the City Council Public Hearing on Jun 1, 2016 at 5:30; you'll need to have a plan at that time

Mr. Magner explained the process more thoroughly to Mr. Yang

-Mr. Yang did not really understand all of this; it's his first time

Ms. Moermond:

-if you have a 3rd party to do the fixing, someone who you'll be able to enter into a contract with; someone who will wait to take title until it's fixed; if that person could come with you to the City Council Public Hearing and show that they know what they're doing and they have the money to do the job - that's what we're talking about and which we haven't seen here

-she will be at the CCPH that night and can give him a description of how that will go

Ms. Nhia Vang:

-asked Mr. Yang to fill out good contact information on himself because everything that was previously mailed, had been mailed to his brother Michael

Ms. Mai Vang explained it all again in Hmong

-now he has a better understanding of what the recommendation is going forward and he will talk with a friend of his for possible rehab

-she laid out the requirements

Ms. Moermond:

-wondered if an interpreter could be provided for the City Council Public Hearing

Ms. Mai Vang:

-he said that he will bring the person that he's working with (a co-worker who is retired)

Ms. Nhia Vang:

Remove the building within 15 days with no option for repair.

Referred to the City Council due back on 6/1/2016

4 [RLH RR 16-11](#)

Ordering the rehabilitation or razing and removal of the structures at 1698 LAFOND AVENUE within fifteen (15) days after the April 6, 2016, City Council Public Hearing. (To be referred back to Legislative Hearing on May 10)

Sponsors: Stark

Richard Ayd, owner, appeared.

Mr. Ayd:

-entered his Confession of Judgment (scanned)

-\$5000 Performance Deposit was posted at the beginning of the process

Inspector Steve Magner, Vacant Buildings:

-update: read letter sent to Mr. Ayd dated May 13 (attached)

-Inspector Joe Yannarely met Mr. Ayd's brother at the property last Fri (which Richard Ayd was not aware of); his brother contacted DSI and said that he needed to get into the property to take a look in order to make arrangements for moving forward; DSI was under the assumption that both of you had spoken about that
-noted that we do have a Confession of Judgment

Mr. Ayd:

-since, he has requested that Pastor John Marbo, Zion Lutheran Church, directly across the street from his house, act as his project manager; the Pastor sent a letter to him, which he forwarded to Mai Vang

-last time that he was here, Lauren Leightner, House Calls, also appeared; she has agreed to get a dumpster placed in the driveway

-Pastor Marbo will be checking up on him 3 times a week: Tue, Thu and Sun

Hearing was Paused while Ms. Moermond read Pastor Marbo's letter:

Happy to act as a reliable witness to verify whether work is being accomplished on Richard's house. I am pastor of the church across the street from his house, Zion, and I can physically inspect progress, if this is what is required, I will serve in that roll. I cannot take on any responsibility for arranging, over seeing or making sure any work or contracts are completed

-Nhia Vang has been your hearing officer on this; both of us think that is not adequate for the roll of a project manager; a manager actually is someone who would be able to procure and oversee and make sure work is getting done,...not just...

Mr. Ayd:

-I already re-hired Snelling Companies to check the work, take out a permit and have the work inspected

-I also hired Tshida Bros Plumbing to do that

-the work is already done but they didn't take out the permits nor had their work

inspected; I'll have them come out again
-the house has a new roof, new windows, new front/back steps, etc.
-hired a caretaker from Zion Lutheran Church to mow the grass and shovel snow in the winter (Jim Widerski)

Ms. Nhia Vang:

-is happy that Mr. Ayd is making progress in trying to maintain the property

Mr. Ayd:

-since he was taken to the hospital for suicide, his family has completely disowned him; no one will talk to him; he sent an email to his brother Andrew, hoping that he would be willing help... and he went out of his way to make an appointment to go out with Joe Yannarely on his own to visit the property and didn't even tell him that he was planning on doing that and never told him whether he was going to work with him or not; at first, Andrew agreed to it.... and then, he went to look at it (?) He and my entire family treats me very badly

Ms. Nhia Vang:

-she is in a sticky situation here; she wants to help Mr. Ayd but she doesn't know whether or not Mr. Ayd has the capacity to full rehab this property
-you were the project mgr the last time but you didn't see to it that the contractors pulled the permits or had the final inspections done

Mr. Ayd:

-but, the work is already done!

Ms. Moermond:

-the interior conditions, themselves, have done a lot to undo previous progress and any previous project, whether or not it's code compliant cannot be verified until the house has been cleaned out; the fact that it hasn't been cleaned out indicates poor management
-she knows that he a hoarder and we talked about that in the past

Mr. Ayd:

-that's why I keep asking the city to take off the board from the back door so I can clean it out; I have to access it to clean it out
-he purposely moved to an apartment a block away to do that; and he is unemployed so he has the time to spend all of his time everyday cleaning it out; he needs to have access to it before that can happen
-case manager, Shiela Greiser, Mental Health Resources, will come in and out and check progress once a week
-he sees his psychiatrist once a month; he is taking his medications
-he also go to a Tue afternoon suicide/depression support group at the library
-he is very active in the community; he belongs to 2 different church groups: Bethlehem Lutheran, community lunch on Mon; Zion Luth community lunch on Thu
-he goes to the library every day to use WiFi and to read

Mr. Magner:

-DSI has a few situations where their concern is that since there's a long documented history of the Appellant not complying with city Orders or not responding to their requests, that the minute the building is opened up, the Appellant just goes back into the building and doesn't come back out
-since the very first hearing, we've asked that the Appellant provide a Work Plan; once that plan was approved by the hearing officer, we'd be more than happy to take the board off but as of today, we still don't have a Work Plan
-I could have a contractor go out there in 1 hour, take the board off and install a hasp

on the back door and he or the owner could provide a lock but right now, I don't have a Work Plan in writing that tells him which times and days that Mr. Ayd can come there but we don't have a manager; I just have a promise that he's going to do these things; well, I'm sorry, unfortunately, we've been dealing with this case since 2011, prior to that as a Condemnation - this has been on-going for years, we just can't go off the word of the Appellant; it's not acceptable to the dept; we have to have something in writing and some type of check & balance

John McKusick, general contractor, spoke from the audience:

-he is willing to step in to manage Mr. Ayd's project; he thinks that Mr. Ayd has gone through great lengths to get this all put together and he's just missing the management part; he hasn't been out to his property but is willing to meet up with Mr. Ayd, and if he has Mr. Ayd's cooperation in getting the house cleaned out in short order, he'd be willing to step in as manager; Mr. Ayd has gone through so much that he'd like to step in to help

Ms. Moermond:

-is very concerned that this place gets cleaned out before it gets much hotter
-we've heard from DSI that there's been a past history of Mr. Ayd going in the door and not coming back out
-Mr. Ayd was to bring a concrete Work Plan today with timelines (Ms. Nhia Vang had asked for that)

Ms. Nhia Vang:

-she hasn't seen any concrete plan yet

Mr. Ayd:

-the last email he sent to Mai Vang indicates the steps that he wants to take to move forward; he can't give a definite timeline until he's in the house
-he has not scheduled a time with Matt Dornfeld to go in for a hour to take a look and estimate how much time it would take to get it cleaned out

Ms. Nhia Vang:

-fears that if the city takes off the board on the door, Mr. Ayd will move back into the house without having it cleaned out again

Mr. Magner:

-based on the conditions of the house, DSI has issued a Summary Abatement as of today to clean out the interior by the 31st
-the city is willing to go out with the contractor to remove the board and have a hasp with a pad lock; but the expectation is that the clean out can occur only from 8 am - 8 pm each day; the rest of the time, the rear door is boarded or locked with pad lock
-if we move forward with that plan, if we or SPPD go out there and find that the property is open at unapproved hours, SPPD will go in and remove anyone from the property because it is Condemned and they have a right to do that
-if the dumpster is not being filled, DSI will go in to investigate

Mr. Ayd:

-he is willing to do this if he can have access
-he has continued to pay Xcel Energy; he left lights on inside when it was boarded up; so at night, you can see light on inside but there are no humans in there
-he won't be in the house past 8 pm

Ms. Moermond:

-the deadline is May 31, 2016; if it's not done, the city will hire a contractor to do the work

Mr. Magner:

-this is Mr. Ayd's option for appeal on that Summary Abatement

Ms. Moermond:

-if we are going to work on getting the repairs inspected, then we need to get the smell addressed now; let get the placed clean, then, we can talk about the Work Plan and getting the contractors through in a more reasonable fashion

Mr. Ayd:

-asked for an extension past May 31; he will try to get some help from the church
-he will be in there everyday

Mr. Magner:

-DSI has a code compliance application on hold until the house is cleaned out
-DSI is unwilling to grant an extension because in 4 of these documents, it's specifically stated that he's to develop a Work Plan to do the clean out and Mr. Ayd hasn't been able to do that; he doesn't know that Mr. Ayd has the ability to do the clean out; we are unwilling to grant an extension until we can see that at least, some progress has been made; if we go out on the 31st, and significant progress has been made, we'd be happy to communicate that back to the hearing officer and then, she could grant an extension by email or verbally
-DSI needs physical proof that the house is being cleaned out
-so far we have: 1) a Confession of Judgment; 2) a performance deposit posted; and 3) a code compliance inspection application; but no physical action to move forward
-we'll remove the board and put a hasp on there; Mr. Ayd needs to put a pad lock on it
-we will be doing routine spot inspections
-a good faith effort would be to switch off the lights at night (Mr. Ayd: I can do that)
-he will green light Jim Seeger's people

Ms. Nhia Vang:

-if by May 31st, significant progress has been made, she'd consider an extension; these extensions will not be long term

Mr. Ayd:

-he can do that and he'll contact Ms. Leightner for the dumpster

Ms. Nhia Vang:

-will be back here Jun 14 LH, 2016; by then, the house should be completely cleaned out

Continued to June 14: Owner was handed a Summary Abatement Order to clean out the interior of the building by May 31, 2016. If he fails to meet the deadline, the City will abate the nuisance conditions and assess the costs to the property. If owner shows good faith in progress, an extension may be given. Owner can only be at the property from 8 a.m. to 8 p.m. and the lights must be turned off when he leaves for the evening.

Laid Over to the Legislative Hearings due back on 6/14/2016

5 [RLH RR 16-9](#)

Ordering the rehabilitation or razing and removal of the structures at 839 THOMAS AVENUE within fifteen (15) days after the March 16, 2016, City Council Public Hearing. (Public hearing continued from May 4) (Amend to remove or repair within 45 days)

Sponsors: Thao

*John McKusick, McKusick Building Services LLC, Appellant.
Jared Goerlitz, PFB Law, appeared on behalf of the current owner of the property by way of the foreclosure, JN Homes LLC.*

*Mr. McKusick:
-the last page that we're missing has the electrical and plumbing, as well, included in their bid (he does not have it in front of him); he emailed it*

*Ms. Nhia Vang:
-we only have 2 pages, the cover sheet and another*

*Mr. McKusick:
-found the 3rd page among his paper work and entered it for scanning*

*Inspector Steve Magner, Vacant Buildings:
-where are we regarding the foreclosure?*

*Mr. Goerlitz:
-the redemption period; the sheriff's sale was confirmed by Order dated Feb 9, 2016; 6 month redemption period expires Aug 9, 2016
-if this is not resolved, my client gets the building back Aug 9, 2016*

*Mr. Magner:
-Mr. McKusick has a total cost of materials to buy of \$639; you have some materials in storage and you're going to do your own labor
-you total cost outlet is \$3748 + \$639 = \$4387; and you have \$2682 available to do the project (McKusick: also a \$500 credit line); has document and a receipt that Snelling Company was paid \$2500 down payment)*

*Mr. McKusick:
-not covered in Snelling's bid is shower valve and 2 other things; speculated price is well under \$500 (Snelling Co is not licensed to do shower valve, etc.)
-expects to be done with it all in 45 days (goes to Council Jun 1, 2016)*

*Mr. Magner:
-he recommends that we just move forward; accept the plan to be done in 45 days; we've delayed it too long already
-either it will be done or not in 45 days*

*Ms. Nhia Vang:
-will accept Mr. Magner's recommendation to allow 45 days for completion and for permits to be pulled
-the Order will be to Remove or Repair in 45 days*

*Mr. Magner:
-suggests that if Mr. McKusick is going to be in this business, he should invest in stamps and envelopes or buy a scanner; the photocopied documents are not clear*

*Mr. Goerlitz:
-suggesting that something be put into the resolution that gives them the opportunity to come before the City Council.....
-he doesn't want to be put into a situation where they are left scrambling with a week's time or less to save our rights*

Mr. Magner:

-obviously, you can monitor Mr. McKusick's progress and if on day 40, he's done nothing, you can ask the city to re-evaluate this or you would still have time to get in front of the Appeals Court (Mr. Goerlitz: that's what he thinks is a little unfair; they should have something from the City Council that allows them to take over (?); as part of the resolution, thinks we should go outside the regular language...."Remove or be repaired within 45 days 'unless' the owner doesn't comply... and we step in to get some opportunity....." that's what I'm requesting

Ms. Moermond:

*-she will draft to put into the resolution would be a clause that would grant you, Mr. McKusick, 45 days to execute the rehabilitation of the property or it's Removal but the Council will consider a Stay of Enforcement of this resolution should the lender/owner come forward with a plan to rehabilitate the property
-she wants to be able to attach to that Stay a Work Plan, evidence of financial capacity to execute it and the Performance Deposit
-we complete the time period so you will get that time as long if you're coming forward with something good
-is not in any great hurry to knock this down*

Ms. Nhia Vang:

Remove or repair the building within 45 days.

Referred to the City Council due back on 6/1/2016

6 [RLH RR 16-18](#)

Ordering the rehabilitation or razing and removal of the structures at 952 MARYLAND AVENUE EAST within fifteen (15) days after the June 15, 2016, City Council Public Hearing.

Sponsors: Bostrom

Joe Brennan, Brennan Properties LLC, owner, appeared.

Inspector Steve Magner, Vacant Buildings:

-The building is a one-story, wood frame, single-family dwelling with a detached one-stall garage on a lot of 4,792 square feet. According to our files, it has been a vacant building since August 21, 2014.

-The current property owner is Castle 2016 LLC per AMANDA and Ramsey County Property records.

-On March 30, 2016 an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on April 4, 2016 with a compliance date of April 19, 2016. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.

-Taxation has placed an estimated market value of \$8,900 on the land and \$41,100 on the building.

-Real estate taxes are current.

-The Vacant Building registration fees were paid by assessment on September 4, 2015.

-A Code Compliance Inspection was applied for on May 18, 2016, but has not yet been done.

-As of May 23, 2016, the \$5,000 performance deposit has not been posted.

-There have been eleven (11) SUMMARY ABATEMENT NOTICES since 2014.

-There have been eight (8) WORK ORDERS issued for:

- Garbage/rubbish*
- Boarding/securing*
- Grass/weeds*

-Code Enforcement Officers estimate the cost to repair this structure is \$50,000 to \$60,000. The estimated cost to demolish is \$12,000 to \$15,000.

Mr. Brennan:

-as of Apr 19, 2016, he purchased the property from Castle; when he got there, he saw the Notice on the door that it had been moved to a Category 3 VB; he called the inspector

Amy Spong, Heritage Preservation Commission (HPC):

-bungalow built in 1909; original contractor was F. Audley; original owner was Fee Hougy

-has some arts & crafts windoco decco gabled roof on a concrete block foundation

-mostly original windows (3 over 1); some shallow eaves

-stucco may have happened after original frame construction

-up to 1925, this neighborhood was not fully developed; does not have block faces with cohesive architecture or character of homes, necessarily; there are infill properties across the street

-area was last surveyed for historic potential in 1983, which is essentially, out of date

-don't believe that it's eligible for national register listing; has not been identified as a potential local historic district

-letter from the historical society stated that this property was not eligible for historically listing

-demolition would not have an adverse effect from an historic perspective

Mr. Magner:

-this property was Condemned by Fire Inspector James Thomas and was turned over to us in Aug 2014

-when the Condemnation occurred, there was a lack of basic facilities; it was found open to access

Mr. Brennan:

-all electrical and plumbing have been removed; it wasn't damaged; it looked like a contractor had done that

-I have been a licensed contractor for almost 20 years and I've renovated 70+ houses in the Twin Cities

-this is nothing new to him; his purpose in coming here is to change it from a Cat 3 back to a Cat 2 VB and not have....

Ms. Moermond:

-there's no Cat 2; the only way out of this is to get this a code compliance inspection report and get it fixed

Mr. Brennan:

-I have the code compliance inspection paid for May 18, 2016

-I need to get this done in 90 days

-he's here to present his \$60,000 line of credit, scope of work, proof of funds, etc.

-I am a building and this is an off-shoot

-he presented his paper work

Ms. Moermond:

-will need a Revised Scope of Work after the code compliance report comes back

-further, she needs to know that funds can and will be spent for this particular project

-an affidavit saying "I will be spending these monies to complete this project"

(provided a sample)

Mr. Magner:

-reviewed the paperwork
-when you get the code compliance report back, you'll need to tweak your numbers;
then, we need contractor bids with total estimates; attach a copy of the affidavit; email
all to LH Officer, who will email it to me; we email you back.....
-if this is turned around by the 15th, we may not need to Lay this Over

Mr. Brennan:
-I will get this to you ASAP

Ms. Moermond:
-we'll also need a \$5,000 Performance Deposit (refundable if done on time); bonds
are accepted
-Ms. Mai Vang will send you a letter including all of this
-must keep property maintained
-will make a call to Steve Ubl to get the code compliance scheduled ASAP
-City Council Public Hearing Jun 15, 2016

Mr. Magner:
-once we review all of it, we'll put a note in the system to release permits

Ms. Moermond:

Appellant needs to provide the following conditions by June 7:

-provide subcontractor bids
-provide affidavit dedicating the funds for the project
-post the \$5,000 performance deposit
-maintain the property
-provide a revised work plan in accordance with the code compliance inspection
report
-remove tree/roots from roof

If the conditions are reviewed and approved, another legislative hearing may not be
necessary and a grant of time for the repair will be recommended.

Referred to the City Council due back on 6/15/2016

7 [RLH OA 16-7](#)

Making recommendation to Ramsey County on the application of
Charles Repke, on behalf of Northeast Neighborhood Development
Corporation and its subsidiary Capitol Brokerage, for repurchase of tax
forfeited property at 0 Sims Avenue, PIN 27-29-22-41-0012.

Sponsors: Bostrom

Approve the repurchase.

Ms. Moermond:
-did a check and found that there were no police calls for this property and no Code
Enforcement activity

Inspector Steve Magner, Vacant Buildings:
-that's no unusual for a vacant lot; there tend to be more behavior issues when we
have structures on the lot; as long as someone is maintaining the property, we tend
not to have calls on the property

Ms. Moermond:
-given that there haven't been any Code Enforcement/police calls for service, she is

inclined to conclude there hasn't been

Mr. Magner:

-has read through the application and is not opposed to allow repurchase

Ms. Moermond:

-there have been no municipal problems at the property

-will recommend approval of the application for repurchase

Referred to the City Council due back on 6/8/2016

11:00 a.m. Hearings

Correction Orders

- 8 [RLH CO 16-15](#) Appeal of Philip Varchenko to a Correction Order at 1627 MARSHALL AVENUE. (Public hearing continued from May 18)

Sponsors: Stark

Ms. Moermond:

-last week there was a layover here

-we've learned that Mr. Varchenko was hospitalized

-Inspector Lisa Martin has no updated information on him

-requested that we get some communication going with Mr. Varchenko and his social worker with the inspector

-we have an exterior in really bad shape; he realistically, can't manage an extension; he can't do any or the work on his own

-the roof has created a wet space on the 2nd floor

-the interior of the house may also be very bad

Inspector Steve Magner, Vacant Buildings:

-talked with Ms. Martin about this earlier this am

-is there some ability for him to come back to the property at some point?

Ms. Moermond:

-he was there a few weeks ago when I called

-he goes back and forth to the hospital for treatments

-it's very awkward; doesn't want the city around at all

-the deadline of fixes has come and gong

-it's extremely likely that there are additional violations inside

-House Calls is criticaly in this

-will Lay this Over for 2 weeks; what she can do is limited

Laid Over to the Legislative Hearings due back on 6/7/2016

Orders To Vacate, Condemnations and Revocations

- 10 [RLH VO 16-19](#) Appeal of Nancy Barnes to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1159 PASCAL STREET NORTH.

Sponsors: Stark

Ms. Moermond:

-Nancy Barnes is working with Donna Korbo at Neighbor Works to develop a plan for fixing the property; hopefully, the loan for that can be expedited by Neighbor Works

Laid Over to the Legislative Hearings due back on 6/7/2016

1:30 p.m. Hearings

Fire Certificates of Occupancy

9 RLH CO 16-18 Appeal of Darren Jakel to a Fire Inspection Correction Order at 1306 ALTON STREET.

Sponsors: Tolbert

Need to talk to building official and fire engineer.

Darren Jakel, Vice President of Building Operations, Stuart Company, appeared.

Fire Inspector Leanna Shaff:

-Fire Certificate of Occupancy inspection conducted Apr 8, 2016 by Inspector Jlm Perucca

-#9 is being appealed - south fenced-in area exit gate; "The special egress control devices. Where the clinical needs of the patients requires specialized security measures for their safety, door locking arrangements are permitted in Group I-1 occupancies and Group I-2 occupancies, provided that: 1) keys or devices that function like keys are carried by staff at all times: 2) in at least on egress path, not more than one such arrangement is located: 3) the building or fire area is protected by an approved sprinkler system and approved fire alarm system having smoke detection installed throughout the exit corridor system and areas open to the exit corridor; 4) locking devices automatically unlock upon activation of any of the following: A) automatic sprinkler system; B) automatic smoke-detection system; C) remotely unlocked from an approved location within the secured area; 6) there is no public assembly space within the secured area; 7) 24-hour patient supervision is provided within the secured area; 8) re-locking of the locking device is by manual means from an approved location within the secured area; 9) locking devices are designed to fail in the open position. Please submit plans for review and/or variance for a compliant locking device on the south exterior gate. Call DSI Fire Engineering at 651-266-8953.

-photos and floor plan

-according to code, you can't exit into a fenced-in area; you can if you have an unlocking paddle system or something like that; here, it doesn't release upon building alarm; there are ways to accomplish that but the area must be large enough

Mr. Jakel:

-you do need a key to unlock it and it's not tied to the alarm system

-this is a memory care building; so in the event of a fire, our staff is instructed not to evacuate until the Fire Dept is on site

-whenever our residents are in this area, they are accompanied by a staff member who has the key on their person at all times; every staff person always their key on them

-the building is fully sprinkled and we meet all the criteria for a safe building

-the building is 3-stories; we have 46 residents; over 100 staff but they are not all at the property at one time

-residents are always accompanied by staff

Ms. Nhia Vang:

-doesn't have enough information; wants the Fire Safety Engineer, Angie, Wiese and the city's building official, Steve Ubl, to take a look at this

Ms. Shaff:

-Chap 10 is identical in both the State Fire Code and the Building Code

-thinks that this is under the building official's purview

Mr. Jakel:

-the building has been there for about 8 years now and this is the first time this has been brought up

-all the plans were approved when the building was built; and this wasn't an add-on

Ms. Nhia Vang:

-will Lay this Over for 2 weeks to consult with Angie Wiese and Steve Ubl

-we will contact you

Laid Over to the Legislative Hearings due back on 6/7/2016

- 11 [RLH FCO 16-62](#) Appeal of Milton Investment to a Fire Inspection Correction Notice at 2228 CARTER AVENUE.

Sponsors: Stark

Laid Over to the Legislative Hearings due back on 6/7/2016

- 12 [RLH FCO 16-65](#) Appeal of Terry Moore to a Fire Inspection Correction Notice at 21 WARREN STREET.

Sponsors: Prince

Terry Mason Moore, owner, appeared.

Fire Inspector Leanna Shaff:

-Fire Certificate of Occupancy inspection conducted Apr 21, 2016 by Fire Inspector Daniel Klein

-appealing to be released from the Fire Certificate of Occupancy Program

-Ms. Moore is listed as owner of record, along with Theodore Moore; her daughter, Jessica Harjo and her husband, Russel Harjo also live at the house; Ms. Moore also lives part time in Oklahoma during the winter; both Ms. Moore and her daughter maintain the house

-the city requires that to be considered owner-occupied, it needs to be the owner of record's primary residence (more than 6 months) Chap 40 Leg Code

Ms. Moore:

-this is a little confusing to her because she got a letter in 2011 for inspection and we raised the question and it was determined that this was not a C of O property; now, it's come up again in Apr 2016 and she's raising the same questions

-Inspector Klein came and found things that needed to be fixed

-they do have a reservation home in Oklahoma and we go back and forth all the time

-Mr. Klein said that she had an address in OK that didn't match the property; she corrected that; she shares this house with her daughter and her husband; it's not a rental house; has had the house since 1995

-everything on the interior is done; was not able to get the house painted yet; has it scheduled for Jun 6, 2016

-Bruce Nelson Plumbing & Heating needs to call the city for final inspection (dryer permit)

Ms. Shaff:

*-if this is your primary residence, why would it be homesteaded by someone else?
-explained that if her daughter is listed on the deed/title, this will all go away*

Ms. Moore:

-she can have that done

Ms. Nhia Vang:

-will transfer the file to Code Enforcement

Grant the appeal to be released from the Fire C of O Program.

Referred to the City Council due back on 6/15/2016

2:30 p.m. Hearings

Vacant Building Registrations

- 13 [RLH VBR 16-29](#) Appeal of Daniel J. Chlebeck to a Vacant Building Registration Notice and Summary Abatement Order at 873 KENNARD STREET.

Sponsors: Bostrom

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 6/7/2016

- 14 [RLH SAO 16-18](#) Appeal of Paul Belmonte to a Summary Abatement Order at 632 LEXINGTON PARKWAY NORTH.

Sponsors: Thao

Owner has come into compliance.

Withdrawn

- 15 [RLH VBR 16-30](#) Appeal of Paul Belmonte to a letter dated May 11, 2016 requiring a code compliance inspection at 632 LEXINGTON PARKWAY NORTH and 634 LEXINGTON PARKWAY NORTH.

Sponsors: Thao

Deny the appeal; waive the vacant building fee for 90 days. Owner needs to obtain a code compliance inspection in order to make repairs to the building. Paul Belmonte, owner, and his sister and tenant, Mary Fuller, appeared.

Mr. Belmonte:

-this property has always been under one address: 632

Inspector Rich Singerhouse, Vacant Buildings:

-the Vehicle Abatement Order has been closed; the vehicle has been moved

-the other item was letting you know that the dwelling cannot be occupied without a code compliance inspection

Mr. Belmonte:

-that won't be needed because I'm going to be living there now; both units are going to be homesteaded

Ms. Nhia Vang:

*-under ordinance, even if the property is homesteaded, the property cannot be occupied until it comes into compliance- because prior to that, it wasn't homesteaded
-all the deficiencies need to be repaired*

Fire Inspector A.J. Neis:

*-the appeal is based on a referral that was sent over to the Vacant Building Program by the Fire C of O inspection conducted by Fire Inspector Justin Elvestad
-this has been an on-going issue for an extended amount of time and numerous generous extensions to comply have been granted, not only by our office but by the Legislative Hearing Office as well as the City Council and the work is still not completed
-based on the issues at hand, Mr. Belmonte was given until Mar 31, 2016 to come into compliance with the fire separation, which was not done by that deadline; he called to request an additional extension, which was granted until Apr 30, 2016 with the condition that he move the car; the car had been moved and SA Order has been closed; however, the work still had not been completed by Apr 30, 2016 and because it wasn't and there are multiple code deficiencies including the fire separation, the exterior, etc; we had no choice but to send this over to VB as a Category 2 for failure to meet deadlines and Ordered the building to be Vacated, which is why we are here today*

Mr. Belmonte:

*-the Feb 1, 2016 letter states....."or remove the car;" it doesn't say "plus fire separation;" it says, "do the fire separation or remove the car"
-most of that other stuff is done*

Mr. Neis:

*-Mr. Belmonte is correct; but I made is very clear to Mr. Belmonte that the removal of the car from the garage was a temporary action in order to allow the extended time to become compliant; we've discussed this before
-the car was to be moved; then, the separation was to be done
-the Council directed that once the car was removed, you'd be granted additional time to get the separation done; on Mar 31, when we came, the car still hadn't been removed; you called a few days later to say that the car had been removed, which is why we then gave you until Apr 30 to get the fire separation completed*

Mr. Belmonte:

-I didn't understand that; he thought that if he moved the car, he wouldn't need the fire separation

Ms. Nhia Vang;

*-the fire separation was never off the table
-how far along are you on the fire separation?*

Mr. Belmonte:

*-he now has the sheet rock and is working on installing the fire separation; now, he understands that it needs insulation, too
-2 years ago, he got a C of O*

Mr. Neis:

-that's why we're here and why you need the code compliance inspection

-we don't believe that Mr. Belmonte is capable of getting it completed without help (not knowing that insulation is needed)
-and because of the VB status, there is a fee that is attached
-it was actually 4 years ago that you got a C of O; a building can deteriorate quickly
-what has really changed was that back in 2014; (C of O was approved in 2912); in 2014, new furnaces were installed and because of that, they had to removed the existing fire separation in order to run the piping and vent work; unfortunately, the total job was never completed
-his property was code compliant up until the new furnaces were installed

Ms. Nhia Vang:

-you will need a code compliance inspection so that you know what exactly needs to be done

Mr. Belmonte:

-I had eye surgery in Feb 2015 and I couldn't do anything for 6 months; I wrote a letter to Inspector Elvestad stating that and asked if he could start in 2016 and be granted 6 months to get everything done; he wouldn't even look at it

Mr. Neis:

-even if that were the case, we are almost at the 6 month mark in 2016 and this has been going on since Mar 2014, your first appointment letter; the inspection took place in Oct

Ms. Fuller:

-she has been there for 16 years; her brother has put between \$50,000-\$60,000 into that building in the last couple of years; everything is brand new and now she needs to move out (?) because of this little issue that you won't give him enough time to do
-I have no where to go

Mr. Belmonte:

-in 2013, I paid \$20,000 for a new roof; in 2014, I put in new furnace/air conditioning and windows; in 2015, I asked for a break and you said, "No"
-how come others gets treated differently? No one addressed the complaint I made on an address on University Ave; how come?

Ms. Nhia Vang:

-we gave you plenty of time
-to move forward, you need to get that code compliance inspection; will waive the VB fee for 90 days to give you this opportunity to make the repairs; if you get it all done in 90 days, we're good (Sep 6, 2016)

Mr. Belmonte:

-I do want to do things legally

Ms. Nhia Vang:

Deny the appeal; waive the vacant building fee for 90 days. Owner needs to obtain a code compliance inspection in order to make repairs to the building.

Referred to the City Council due back on 6/15/2016

16 [RLH VBR 16-31](#)

Appeal of Anthony Shirley, tenant represented by SMRLS, Colleen Walbran, to a Vacant Building Registraton Notice at 1222 WESTMINSTER STREET, Unit 301.

Sponsors: Brendmoen

Anthony Shirley, tenant, appeared along with Colleen Walbran, Southern Minnesota Regional Legal Services (SMRLS).

Fire Inspector Leanna Shaff:

-Fire Certificate of Occupancy Revocation conducted over many months' time by Fire Inspector Brian Schmidt

-the last prior Fire C of O inspection was approved in May 2015

-this winter, we started to get a lot of complaints: no heat; bugs; rodents; etc.

-the condition of the building warranted opening up a Fire C of O inspection early

-through a series of owner noncompliance (not making any repairs), we have a very lengthy list - 89 items for a building approved only 1 year ago

-one of the tenants is appealing

-there is an eviction court hearing Thu, May 26, 2016

-she spoke with Ms. Walbran, Appellant's attorney, they are not opposed to allowing 7 days to vacate for this tenant only in #301; allowing until next Thu, Jun 2; however, they would not inspect until Mon, Jun 6, 2016, which is agreeable with Ms. Walbran

Ms. Nhia Vang:

-will agree with that; will work with whatever date the court gives you

Ms. Shaff:

-would like to discuss - there are 89 deficiencies on this building; it needs to be a Cat 2 VB

Inspector Rich Singerhouse:

-the owner has already contracted with a contractor; the contractor called him and asked if she could come down to pull permits right now; he told her to wait until after this LH

-it will be a Cat 2 VB and it will go through a code compliance inspection

Ms. Nhia Vang:

Deny the appeal and grant an extension until June 6, 2016 for tenant in Unit 301 to vacate the property. NOTE: received a complaint that there is no water in the building.

Referred to the City Council due back on 6/15/2016

- 17** [RLH VBR 15-93](#) Appeal of Marcus Landrum to a Vacant Building Registration Renewal Notice at 1308 VICTORIA STREET NORTH.

Sponsors: Brendmoen

A site visit is scheduled on June 13 at 10:00 a.m.

Laid Over to the Legislative Hearings due back on 6/28/2016

3:00 p.m. Hearings

Other

- 18** **RLH OA 16-5** Appeal of Kay Owen, Owen Masonry on behalf of Michelle Wessely & Tim Mick to a Denial of a Fence Variance at 565 ARLINGTON AVENUE WEST.

Sponsors: Brendmoen

Kay Owen, Owen Masonry, contractor, appeared.

Fence/retaining wall Variance

Mr. Owen:

-applied by mail to the building official; understands that he visited the site but he didn't schedule an appointment with Mr. Owen and the building official did not give Mr. Owen any reason for why the variance was denied

-retaining wall: city code for the 10 feet up to a corner can be only 2 feet high so that it doesn't obstruct traffic view; I'm appealing because in this case, it actually doesn't obstruct traffic view (asking for 4 feet high all the way around, front and side, mainly for aesthetic reasons)

-has photos taken from his vehicle

-we are removing the existing 2 foot wall and replacing it with a 4 foot stone wall

-he hasn't received any communication from either the building official or the traffic engineer

Ms. Nhia Vang:

-would like Mr. Owen to talk to the traffic engineer, Public Works and if they determine that this is a traffic hazard, she will deny this variance

Mr. Owen:

-he would also be OK with a height in between

Ms. Mai Vang:

-she will find out who the traffic engineer is and include that in her letter to Mr. Owen.

Ms. Nhia Vang:

Owner to consult with Building Official Steve Ubl and traffic engineer in Public Works.

Laid Over to the Legislative Hearings due back on 6/7/2016