



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, May 13, 2014

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 14-7](#) Ordering the rehabilitation or razing and removal of the structures at 1022 MINNEHAHA AVENUE WEST within fifteen (15) days after the April 16, 2014, City Council Public Hearing. (Public hearing continued from April 16 and May 21) (Amended to razing and removal only)

Sponsors: Thao

No one appeared. Remove or repair within 15 days.

RE: 1022 Minnehaha Avenue West (Single Family)

Inspector Steve Magner, Vacant Buildings:

- this originally scheduled to be heard Mar 25, 2014 and then Apr 16, 2014*
- it was delayed until today, based on the owner's request*
- a letter from Mai Vang went out Mar 24, 2014 to the Johnsons (attached)*
- the Johnsons are not present today*

Ms. Moermond:

- we've had 2 layovers; this is the 3rd LH*
- we received testimony earlier from Caty Royce, Frogtown Neighborhood Association; Ms. Royce talked about how new windows had been installed; walks are being shoveled; she said that she would initiate contact with the owner*
- we have questions about property maintenance*

Mr. Magner:

- The building is a one-story, wood frame, single-family dwelling, with a detached two-stall garage, on a lot of 5,227 square feet. According to our files, it has been a vacant building since December 12, 2003.*
- The current property owner is Norma A. Johnson per AMANDA and Ramsey County Property records.*
- On August 28, 2013, 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 January 14, 2014 with a compliance date of February 8, 2014. 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 \$10,500 on the land and \$22,500 on the building.*

- Real estate taxes are current; paid through 2014.
- The Vacant Building registration fees were paid by check on December 18, 2013.
- A Code Compliance Inspection was done on June 12, 2006 and has since expired.
- As of May 12, 2014, the \$5,000 performance deposit has not been posted.
- There have been eighteen (18) SUMMARY ABATEMENT NOTICES since 2003.
- There have been two (2) WORK ORDERS issued for:
 - Garbage/rubbish
 - Boarding/securing
- Code Enforcement Officers estimate the cost to repair this structure is \$40,000. The estimated cost to demolish exceeds \$15,000.
- DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to be removed at this time

- one of the primary concerns: over the last decade, the Johnsons have failed to do not much of anything; at first they did initiate some rehabilitation and ordered a code compliance inspection but we are a long way from having this property being completed; and the time frame is just unacceptable (11 1/2 years)
- have had neighbors contact them; they'd like to somethingthing done
- he referred a neighbor's call to Ms. Moermond and recommended that he should get something in writing and send it to DSI (never got anything); he said that Mr. Johnson promises the neighbors that he's going to fix it up but he never has; have seen cats coming/going

Ms. Moermond:

- a lot of SA issued but only 2 Work Orders

Amy Spong, Heritage Preservation Commission (HPC):

- 1926 1 story bungalow
- last surveyed in 1983; it wasn't part of the 2011 boundary survey area in Thomas Dale Nhd
- it not eligible for local/national register listing
- the block faces are intact and there is good context (similar era)
- wrapped asphalt shingle (story book style of house)
- no interior photos; unable to assess any early features still intact on the inside
- not eligible for for the district that's been identified

Mr. Magner:

- interior is pretty well gutted but have not let them gain access
- there's a code compliance inspection report from 2006 with no finalized permits
- there's no heating system
- it's hard to say what's happened to the property over all those years
- work may have been done but if it was, it was without inspections; so, in their opinion, it all would need to be redone
- based on Mr. Johnson's inactivity, DSI's expectation is that none of the work is done
- would like interior photos; would like the Johnsons to be here; 2 extensions were given to them to be here
- they obviously have a pattern of not being able to complete what they are going to do
- DSI believes that this is a nuisance; an ongoing situation that they choose not to solve
- an appointment letter was sent to the Johnsons a few months ago to meet for an inspection on Aug 23, 2013; there was no response and they didn't show
- DSI also sent a gas valve letter on them to have that installed
- Jul 2013, Mr. Johnson claimed that he was working on the interior during conversations about giving them more extensions
- complaints/notes: tell owner to cut tall grass and weeds; strong smell coming from

inside the house; send letter to get inside; called the owner; talked to owner again and he said that he would let us walk through in 2 weeks; then, he said that he had been in a car crash, etc., etc; owner called again to change dates; called and left a message; complaint that he was feeding wild cats living in the garage

Ms. Moermond:

- after 2 years, properties become Category 3 and are, by definition, nuisance, vacant buildings

Mr. Magner:

- thinks that this tool was designed so that property owners do something with their properties; not just leave them in this situation

- we're pushing 12 years on the VB list and the owner doesn't even bother to show up at a hearing

- recommends that this be moved forward and let the City Council do what they need to do; if Mr. Johnson shows up, it can be referred back here again

Ms. Moermond:

- no one is here

- will recommend Remove or Repair within 15 days

- send them a letter

Referred to the City Council due back on 5/21/2014

2 [RLH RR 14-8](#)

Ordering the rehabilitation or razing and removal of the structures at 432 BEACON AVENUE within fifteen (15) days after the June 4, 2014, City Council Public Hearing.

Sponsors: Stark

No one appeared. Remove or repair within 15 days.

RE: 432 Beacon Street (Duplex)

Inspector Steve Magner, Vacant Buildings:

The building is a two-story, wood frame, duplex with a detached three-stall garage, on a lot of 6,534 square feet. According to our files, it has been a vacant building since March 8, 2013.

The current property owner is Stovokor Properties LLC per AMANDA and Ramsey County Property records.

On March 5, 2014, 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 March 10, 2014 with a compliance date of April 9, 2014. 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 \$57,800 on the land and \$130,100 on the building.

Real estate taxes are current through the first half of 2014.

The Vacant Building registration fees were paid by assessment on March 31, 2014.

As of May 12, 2014, a Code Compliance Inspection has not been done.

As of May 12, 2014, the \$5,000 performance deposit has not been posted.

There have been three (3) SUMMARY ABATEMENT NOTICES since 2013.

There have been four (4) WORK ORDERS issued for:

- Garbage/rubbish*
- Emergency boarding/securing*

Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish is \$15,000 to \$20,000.

DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days; if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Ms. Moermond:

- *this is a Stovokor Property like the other two beside it*
- *one is being rehabbed*
- *the other one had an attempt to be rehabbed but ultimately, the bank decided not to go ahead with the rehab*

Amy Spang, Heritage Preservation Commission (HPC):

- *original owner was W. M. Hoight; contractor/building was J. Dawson*
- *this house, is next to a double vacant lot; would make a very large hole on the block face*
- *this is where the residential stopped and transitioned into commercial*
- *University is one block away to the north*
- *has some unique architectural features that have survived over the years*
- *1890 Queen Anne style*
- *all 3 look like they had a similar developer*
- *all have similar roof pitches, height, detailing, etc.*
- *paladium window present at the top on the front*
- *a projecting bay window on the second floor*
- *looks like the front porch enclosure is more recent*
- *very unique multipaned divided light windows still present*
- *other trim and molding, wood siding still exposed, wood shingles, gabled end*
- *she didn't check whether or not these properties are part of the original Merriam Park Plat; she doesn't think they are*
- *there is a recommended historic district of the original Merriam Park development*
- *she strongly encourages rehab of this property*
- *across the street to the south is a very unique Ambrel style house with shingle type detailing*

Ms. Moermond:

- *knows that Skovokor has evaporated from the scene and we had no interaction from them, whatsoever, on the other 2 properties*
- *there was a rehab possibility on one of those cases because it passed through Fannie Mae on its way to the new guy; in the other case, the one that Christian Brandt was representing, the bank decided to do further evaluation of it but decided to let it go*
- *MERS and Nation Star Mortgage are still in the picture but MERS does not exist anymore as an entity that holds titles; that it shows up here says that a bank didn't reach in and correct the title information, which make it look like abandonment; it would be great if Nation Star Mortgage stepped up to the plate on this one; also, there's Field Asset Services - Notices should go to them, too; they signed for certified mail and so did Nation Star Mortgage; Skovokor signed for personal service*
- *let's get something out to all of them*
- *will recommend remove/repair within 15 days and see what happens between now and then*

Referred to the City Council due back on 6/4/2014

3 [RLH RR 14-9](#)

Ordering the razing and removal of the structures at 611 MAGNOLIA AVENUE EAST within fifteen (15) days after the June 4, 2014, City Council Public Hearing.

Sponsors: Bostrom

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

RE: 611 Magnolia Avenue East (Single Family)

Inspector Steve Magner, Vacant Buildings:

The building is a one-story, wood frame, single-family dwelling, with a detached two-stall garage, on a lot of 4,356 square feet. According to our files, it has been a vacant building since February 23, 2011.

The current property owner is Henrean Vinson per AMANDA and Ramsey County Property records.

On February 26, 2014, 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 March 4, 2014 with a compliance date of April 3, 2014. 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 \$8,700 on the land and \$21,300 on the building.

Real estate taxes are delinquent for 2011, 2012, and 2013 in the amount of \$8,809.48, including penalty and interest. Taxes for the first half of 2014 have not been paid. (Property is scheduled for tax forfeiture July 2015.)

The Vacant Building registration fees were paid by assessment on September 30, 2013.

As of May 12, 2014, a Code Compliance Inspection has not been done.

As of May 12, 2014, the \$5,000 performance deposit has not been posted.

There have been seventeen (17) SUMMARY ABATEMENT NOTICES since 2011.

There have been nineteen (19) WORK ORDERS issued for:

- Garbage/rubbish
- Boarding/securing
- Tall grass/weeds
- Snow/ice

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

DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days; if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Amy Spong, Heritage Preservation Commission (HPC):

- very early 1885 workers cottage
- Sanborn Insurance maps shows a front porch but she suspects that it was added early on
- this was within the boundary of 2011 historic site survey
- was not recommended as part of a potential historic district nor was it identified as an individual building
- just a little later than the pioneer structure, which are difficult to identify in the city because they were built before permits and record keeping; and they often have additions which make it even more difficult
- siding is not original; some windows have been changed
- demolition would not have an adverse affect
- noted that this house is just a little smaller than the neighbors; another indicator that it was an earlier cottage; it also set back deeper from it's neighbors

Ms. Moermond:

- will be in the county's hands Jul 2015
- DSI was inside the structure; let's try to get Paul Sharf inside
- Steve, send Mr. Sharf an email to see if they are interested; copy me and have him

contact you back; otherwise, there's nothing to recommend as far as rehab is concerned
- on the other hand, I will recommend removal within 15 days with no option to repair

Referred to the City Council due back on 6/4/2014

4 [RLH RR 14-10](#)

Ordering the razing and removal of the structures at 826 SIMS AVENUE within fifteen (15) days after the June 4, 2014, City Council Public Hearing.

Sponsors: Bostrom

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

RE: 826 Sims Avenue (Duplex)

Inspector Steve Magner, Vacant Buildings:

The building is a one-story, wood frame, duplex with a detached two-stall garage, on a lot of 6,098 square feet. According to our files, it has been a vacant building since July 11, 2012.

The current property owner is Tina Rahey per AMANDA and Ramsey County Property records.

On March 12, 2014, 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 March 27, 2014 with a compliance date of April 11, 2014. 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 \$7,500 on the land and \$32,500 on the building.

Real estate taxes are current through the first half of 2014.

The Vacant Building registration fees were paid by check on July 31, 2013.

A Code Compliance Inspection was done on March 21, 2014.

As of May 12, 2014, the \$5,000 performance deposit has not been posted.

There have been twelve (12) SUMMARY ABATEMENT NOTICES since 2012.

There have been six (6) WORK ORDERS issued for:

- Garbage/rubbish*
- Boarding/securing*
- Tall grass/weeds*
- Snow/ice*

Code Enforcement Officers estimate the cost to repair this structure is \$40,000. The estimated cost to demolish exceeds \$12,000.

DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days; if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Amy Spong, Heritage Preservation Commission (HPC):

- 1914 bungalow; is very similar with the property next door to it

- original owner was F. Mauer; have no contractor name from the building permit index card

- in Payne Phalen neighborhood

- a concern: alluded to in the Saint Paul Comprehensive Plan is the idea of losing that kind of residential buffer directly adjacent to these commercial nodes or commercial corridors and replace it with parking

- this was within the boundaries of the more recent 2011 historic site survey but the house itself was not recommended and not identified for further study

- demolition would not have an adverse effect even though there are still some vague

details: open porch; nicely styled bungalow; hardwood floors (interior photos show) still intact

Ms. Moermond:

- wonder if this is an historic Mauer house
- she has nothing
- the HRA is listed here and Michelle Vojacek
- let's lay it over for 2 weeks

Mr. Magner:

- they are aware of it; he's talked to Michelle about it and they said, "No, there was a loan to these people, so DSI noticed them."
- thinks they have a lot of other mortgage issues that they are trying to resolve at this point

Ms. Moermond:

- will recommend Removal within 15 days with no option for rehabilitation

Referred to the City Council due back on 6/4/2014

11:00 a.m. Hearings

Summary Abatement Orders

- 5 [RLH SAO 14-11](#) Appeal of Sebrina Peterson to a Summary Abatement Order at 670 FIFTH STREET EAST.

Sponsors: Lantry

No one appeared; deny the appeal.

RE: 670 Fifth Street East (Single Family)

Inspector Paula Seeley:

- Inspector Hoffman went out Apr 30, 2014; sent Summary Abatement Order for overflowing garbage in the back yard; he re-checked it and found an overflowing Waste Management container on the blvd and sent another Summary Abatement Order
- took pictures
- she went out herself and found garbage all over; she called Waste Management and found out that they were suspended
- on the appeal, she says, "My trash hasn't been picked up 2 Mondays in a row: Apr 28 and May 5, 2014"
- Anna, the owner, could not pay the bill
- May 8, 2014, Anna paid the bill but here we go again; trash day was yesterday and all this garbage is still there
- she would like Inspector Hoffman to issue a Work Order today and get rid of it

Ms. Moermond:

- they are not here to represent themselves and it's really clear in the explanation of the appeal that you have to be present or you may be subject to denial
- will recommend the City Council deny the appeal
- go ahead and enforce the abatement Order that's been issued

Referred to the City Council due back on 6/4/2014

6 [RLH SAO 14-10](#) Appeal of Jesse Nicholas to a Summary Abatement Order and Vehicle Abatement Order at 253 RICHMOND STREET.

Sponsors: Thune

Grant until the end of business on May 16, 2014 to come into compliance with the vehicle by putting on current tabs. Summary Abatement for the tires and tv under the deck has been abated; therefore, that order has been withdrawn.

RE: 253 Richmond Street (Duplex)

Jesse Nicholas and his young son appeared.

Inspector John Peter Ross:

- Vehicle Abatement Order and Summary Abatement Order*
- Apr 18, 2014, complaint came in: junk vehicles and other junk in the yard*
- Apr 24, he found TV and tires under the deck; he issued a Summary Abatement Order*
- there were 2 vehicles that appeared operable; however, the plates had expired; one was a black Chevy Suburban plates expired Aug 2013; the other was a white Chrysler Plymouth plates expired Oct 2013; sent a Vehicle Abatement Order saying the vehicles need to be properly licensed and registered; they were on an approved surface*
- May 5, 2014 - he went back: the refuse, tires and TV under the deck were gone; that issue was abated*
- vehicles were still there; took photos of the tabs*
- he heard that it was going to appeal in which city code and state statute were cited; 168.017 MN statutes that provided an application given to registrar and granted, describing the vehicle and that is hasn't been used on a public roadway; he was waiting to hear from the Appellant that he had such an application and approval thereof, in which case, it would be valid*
- Appellant also cites city statute: Abandoned Vehicles, which seemed to go against his favor because the definition is "expired plates more than 90 days is considered an abandoned vehicle"*
- provided the state statute and photos*

Mr. Nicholas:

- would like to inform this hearing that this complaint is harassment*
- about Apr 18, 2014, a police officer visited him and started asking a lot of questions about a complaint a neighbor had filed: someone had dumped motor oil on the next door neighbor's property; the officer demanded that he go next door and clean up the motor oil, this hazardous waste; Mr. Nicholas told him that he didn't know what he was talking about and that he had nothing to do with that; the officer became irritated and demanded that he go clean it up or there were going to be problems; he said that if I go clean up that oil, then, he won't have to write up a report and everybody will be happy; Mr. Nicholas repeated that he didn't know about any oil; he hadn't changed his oil all year; the officer became very upset and said, "Have it your way; if you don't go clean up that oil, I will send a health inspector here to condemn the house and have your cars towed; so, it's your choice." Mr. Nicholas responded with, "That's harassment; you can't order me to go clean up someone else's property." The police officer said, "That's called law enforcement;" and he left*
- he expected this to happen because the officer threatened to send an inspector because he didn't obey the officer and go clean up someone else's property*
- he didn't get the name of the officer and he doesn't know whether or not the officer filed a report; he has not been able to find that information but he did get a VIDEO of the man and the car he was driving*
- further, he'd like to say that there were some tires, PV, etc. and that's all been*

cleaned up; and there was nothing going on in the yard that wasn't going to be addressed with spring cleaning, etc. (we've had really bad weather)

- issue with vehicle: in the statutes that he's accused of violating, 45 Nuisances - at the bottom of the statute it says, "Nothing in this chapter relates to abandoned vehicles;" so, why is he being cited for tabs when state law says that he doesn't have to have tabs since he's not using the vehicle*
- Ordinance 153 lists Abandoned Vehicles: (long list of reasons why your vehicle can be determined "abandoned" - one being expired registration for 90 days; immediately after that it talks about this "exemption:" if the vehicle is being kept for repairs and is not in a disabled condition for more than 30 days*
- his vehicle is not disabled; he's just not driving it; it's parked in the driveway way in the back of the property; he believes that under the law, this vehicle is exempt from being abated in this manner-from seizure from my property; he believes that it's protected based on the law*
- another problem he's encountered in this debacle other than the police harassment and his unlawful ordering him around, the Drivers and Vehicle Services at the Department of Public Safety is also not in compliance with the state law because they refused to take an application for a vehicle to be registered "not used;" they refused to do it; they will not comply or allow a person to access this law, subdivision 7 of the statute, where you should be able to first, file an application, correctly describing the vehicle and certify that it's not being operated in order to be exempt from the registration, fees, tax and bounties*

Ms. Moermond:

- doesn't know about what's going on there; there are a few different sources to look at in terms of what is the applicable law*
- obviously, there's the statutes and the code; another level is the case law*
- looking at the excerpt of the statute, not in its whole context, she could see that that's the case but she doesn't know*

Mr. Nicholas:

- he was, in fact, coerced to pay for registration, buy the tabs and then, ironically enough, he was given another form to file for a refund if he didn't drive his car but they didn't guarantee that the refund would be given*

Ms. Moermond:

- that's the process of how they do it; they need to validate the applicant's statements*

Mr. Nicholas:

- by creating this circular bureaucracy, they've made it quite impossible for a person to legally be secure with this property and not come under this type of threat of seizure; they've given him no way to register his vehicle as being "not used" and to be protected from this action and maybe seizure*
- he was forced to pay the tax that he was lawfully exempt from*
- the vehicle is not junk; it's not disabled and it's exempt from this tax although he has purchased the tabs*
- the yard is not in a nuisance state any more*
- he is here to bring these conditions to light; to speak publically about the indecent conduct going on with the police department - the way they're doing business in the neighborhood; and the state drivers and vehicle services is not allowing the people to access the law properly (he thinks that those are serious issues - bigger than this meeting)*
- he hopes that he doesn't come under any forceful abatement or seizure of his vehicles and property after today*
- he is not legally required to put the tabs on his vehicle; he's waiting on his refund application; he will put the tabs on to keep it from being towed, if he needs to*

Mr. Ross:

- there are 2 vehicles under consideration and he said he purchased tabs for one of them

Mr. Nicholas:

*- he doesn't own the Chevy Suburban; he can't speak for that vehicle
- he lives in a duplex
- his car is the white Chrysler; it's getting pretty old and he is trying to baby it; he intends to get it back on the road; he doesn't intend to junk it or sell it at this point; they love the white van and talk about taking it camping again someday - just not today; he's not ready to drive it today; it's not out in the street*

Mr. Ross:

- he spoke with the owner of the building, who was very interested in something called a "manager's tag" where the property owner can have these vehicles towed; he sees that as an acceptable recourse to the situation; he is not in favor of having unlicensed vehicles on his property (the photo shows about 5-6 vehicles in the driveway)

Ms. Moermond:

*- the Chevy Suburban is not on a legal parking surface; Mr. Ross concurred
- the Order went to RD Ventures LLC, Ross Agnello, and Occupant*

Mr. Nicholas:

- he will put the tabs on the vehicle if it will prevent him from losing his vehicle

Ms. Moermond:

- to her, the statute reads that you would be required to have it "registered" but not to pay the "fee" (her interpretation)

Mr. Nicholas:

- he agrees with that but they won't give him a sticker of approval unless he first pays the "fee"

Ms. Moermond:

*- it seems reasonable that the state is saying that they want a justification on why the vehicle is not being used and then they will look at refunding the fee
- there's a couple of different ways that DSI could enforce this particular issue: 1) this Summary Abatement Order where if you don't fix this, the city will fix it and there will be a charge for it; you would be able to get your car back from the impound lot; you just need to demonstrate that you have insurance and it's licensed; 2) they could issue a Correction Order, in which you need to take care of this and if you don't, they could issue a criminal citation for not taking care of this
- if you put the tabs on the vehicle, you have addressed both of those concerns
- there is still a concern that the landlord could use the "manager's tow" unless the tabs are on*

Mr. Nicholas:

*- has spoken with the landlord and not once has he expressed distaste of the vehicle; the landlord doesn't spend any time at the property but he does want to avoid an assessment against his property taxes; he never asked Mr. Nicholas to remove the vehicle, however
- doesn't want any problems; he just wants to raise some serious concerns
- it seems very indecent at the way this all came about with the police officer coming over and ordering him to go over next door to clean up some motor oil and then,*

threatening to send the inspector if that wasn't done

Ms. Moermond:

- *she can't assess the conversation with the police officer but the right forum to begin that conversation is with the police department and have a civilians' review; suggested he fill out a form to get a civilian's review of that action*
- *this Order was legitimate based on not having tabs on the vehicle; the photo shows no tabs*
- *the tabs are in your hand*
- *will recommend denying this appeal and grant until the end of business on May 16, 2014 to get the tabs on the vehicle*
- *City Council Public Hearing Jun 4, 2014*
- *contact Don Luna, Police Civilian Review Board, regarding police conduct (SPPD website)*

Mr. Nicholas:

- *he will put the tabs on today at noon*

Referred to the City Council due back on 6/4/2014

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 7 [RLH VO 14-16](#) Appeal of Jocelyn Ramirez-Romero to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 966 MARYLAND AVENUE EAST.

Sponsors: Bostrom

RE: 966 Maryland Avenue East (Single Family)

Jocelyn Ramirez-Romero, daughter of owner, appeared.

Fire Inspector A. J. Neis:

- *Condemnation generated by a complaint Apr 30, 2014: strong odor of animal feces and urine; garbage and clothing piled to the ceiling in some rooms; property was not owner-occupied and it needed a Certificate of Occupancy*
- *Fire Inspector James Thomas went out and Condemned the building, identifying several code violations and issued an Order: 11 days to get the building cleaned-up or vacated*
- *he documented 16 code violations but wasn't able to access the entire building; lots of blocked exits; clothes piles in the basement - he is requiring 80% of the excessive accumulation of materials to be removed; he found dirty clothes and dog feces; dishes piled up throughout the house; smoke detectors not working, etc.*
- *also, may have dogs on the property that are not licensed*
- *photos entered into the file yesterday*

Ms. Romero:

- *her mom, Arcelia Romero, owns the house*
- *recently got the dogs - before her mom left*
- *the problem is that her mom was arrested Dec 20, 2013 got deported at the beginning of the year, Jan 3, 2014; the police came to look for her and they saw the*

mess, her mom left this mess

- *wants to appeal for more time; she, age 18 and her brother, Joseph, age 17 are living there now*
- *her step dad walked away from her and her brother after their mom was deported on Jan 3, 2014; he took his daughters, ages 7 and 5, and left; he just left them with the house; the girls are Ms. Romero's half sisters*
- *she has Power of Attorney for her brother*
- *she is getting help from the county and a social worker at school is helping her out*
- *Ms. Phillips, a previous teacher is helping her*
- *her brother is a full time student, goes to GAP - is receiving therapy to help deal with his emotions; she is in school for 3 hours - then, she goes to work*
- *both of them work*
- *the water has been shut off; there's a hole - water is leaking; their bill is \$2,000 (this all happened after she left); water has been shut off for lack of payment*
- *they are still trying to pay the mortgage but it's all too much*
- *she is talking to a person who fixes plumbing and he might be able to get it fixed*
- *right now, they don't have water; they go to friends house to shower, etc.*
- *they will need to clean out all the clothes and mom had a lot of unnecessary things; she will have to throw it all away*
- *she has a lot to do and she has a lot to do for school; she graduates in Jun and has to take care of her brother*
- *her brother is really taking this hard; he needs his mother; they never had their dad; he gets angry; is receiving therapy*
- *it's just too much; would like more time*
- *they won't be able to stay in the house; they are trying to move out, too*
- *they barely make \$400 every 2 weeks*
- *US Bank has the mortgage on the house; she and her brother were paying it for a while; a cousin stayed there for a while and was helping them but he moved out*
- *they have been in that house for over 10 years*

a RECESS was taken to connect with Water to check out the situation; to see whether payment is acceptable only from the owner; Ms. Moermond will call the attorney for Water, Ms. Lisa Veith; other resource: House Calls Program

Mr. Neis:

- *got Sade Kelly, House Calls Program, on speaker phone*

Ms. Kelly:

- *she can meet Ms. Romero at the home to assess the situation (tomorrow, Wed at 12 Noon); a free dumpster can be delivered the next day*

Ms. Moermond:

- *the big dumpster will help Ms. Romero get rid of a lot of stuff; and it's free*
- *she is also concerned about water service; the toilets have to flush*
- *she called Water; they can turn the water back on if someone does the repair work first*

Mr. Neis:

- *he spoke with Water and got disconnected but Ms. Romero says that there's a leak somewhere; the basement is flooded*
- *sound like a significant repair needs to be done; then, the water can be turned back on; it had been shut off for nonpayment not because of the leak (Ms. Moermond: we can work on that)*

Ms. Romero:

- *they are trying to get an apartment but they were denied credit*

RECESS taken to make some calls

Ms. Moermond:

- recommended that Ms. Romero speak with the people at Southern Minnesota Regional Legal Services (SMRLS), legal aid; she called SMRLS to find out what they could do to help; they think that they can help to get money to do the plumbing repair and to get the water service restored (that would be the very best thing); they have an attorney who specializes in utilities and getting this kind of thing taken care of
- she thinks that the best way to get the house cleaned out is if Ms. Romero and her brother are both there doing this work
- SMRLS works with people who have very low incomes; they have attorneys who can help get those utilities turned back on again and keep up with the mortgage until these things get squared away

Ms. Romero:

- she has been talking to a lawyer about selling the house; everyone is saying that you have to have the house in good condition to sell it, which she wants to do (pro bono lawyer; her teacher has his name)
- they will be getting an Xcel bill soon; over the winter, they didn't turn it off

Mr. Neis:

- when Ms. Romero talks to SMRLS, she should also tell them about the Xcel service bill, too; and the water
- we don't want the power turned off

RECESS taken to make another call

Ms. Moermond:

- she also called Xcel; they said that they can keep the gas and electricity on for Mr. Romero while this all gets squared away; so, no matter where they are at with the billing situation, they will make sure the gas/electric stays on
- made notes for Ms. Romero to take to SMRLS re:
 - the water is off; repairs are required before it can be restored; the bill is in arrears for about \$2,000
 - she spoke with Jon Marshall, Xcel, who will be getting back to Ms. Moermond - but he will keep the gas and electric on while a plan is developed (he will work with us; he's not in a hurry to shut it off because they realize the situation)
 - noting that a dumpster is coming from House Calls Program; you're meeting with them tomorrow at noon
 - the house a "gross" unsanitary or "major" unsanitary situation because of the dog feces
 - there's excessive accumulation of material (fire risk)
 - there's a fair number of repairs that need to be done
 - printed out the Orders to take to SMRLS
 - will continue this hearing at 10 am Thu, May 15, 2014; perhaps a SMRLS attorney can come with to the hearing
 - Ms. Romero can catch a ride home with a Fire inspector after the hearing at which point, he can install smoke detector/CO detector or one of the Fire inspectors can meet with her at her house tomorrow at noon when House Calls will be there to assess the situation
 - we will help with the mortgage foreclosure prevention program

Laid Over to the Legislative Hearings due back on 5/15/2014

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 8 [RLH FCO 13-234](#) Appeal of Bradley Amundson to a Correction Notice - Re-Inspection Complaint at 536 LEXINGTON PARKWAY SOUTH.
- Sponsors:** Tolbert
- Deny the appeal on the parking surfaces. (No one appeared.)*
- RE: 536 Lexington Parkway South (Single Family)*
- Fire Inspector Leanna Shaff:*
- we had an email from Wendy Lane on this one
 - 6 months ago, this was left with the owner following up: talking to Ms. Lane, getting a site plan, etc
 - Ms. Lane wrote back to Ms. Vang saying that she spoke with Mr. Amundson, property owner, a number of months ago and gave him the code, and let him know what he'd have to do to go for a variance; he has done none of those things
 - it appears that Mr. Amundson doesn't want to go in that direction in order for a variance
- Ms. Moermond:*
- at City Council Public Hearing Jun 4, 2013
 - will recommend denial
- Referred to the City Council due back on 6/4/2014**
- 9 [RLH FCO 14-67](#) Appeal of Todd Anderson on behalf of Garnet RES to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 840 BEECH STREET.
- Sponsors:** Lantry
- Deny the appeal and grant an extension until August 1, 2014 to come up with a solution to address the windows leading to the enclosed porch.*
- RE: 840 Beech Street (Multi-Family)*
- Todd Anderson appeared on behalf of Garnet Real Estate Services, C of O responsible party.*
- Fire Inspector Leanna Shaff:*
- photos
 - Fire Certificate of Occupancy Inspection conducted Apr 17, 2014 by Fire Inspector Brian Tonnancour
 - we have egress/escape windows that open onto an enclosed porch; 4 rooms are affected
 - code requires egress/escape opening to go directly outside
- Mr. Anderson:*
- he is the property manager looking for a solution
 - this was purchased by an investor 1 year ago - Mar 2013
 - the property had a C of O Certificate at the time of purchase
 - it has always been a multi-unit building and has been inspected many times
 - this is the 2nd appeal that he has filed since the investor purchased the property

and they are for issues that are integral to the property

- at some point, an entryway-storage area built on the back of the building; in his opinion, it's probably 10-12+ years old and it's been inspected a number of times since it's been built; this is the first time, it's been called out
- he is looking for a solution because the owner bought this with the understanding that he had four 2-bedroom apartments; now, he's being told that the apartments can't be used for 2 bedrooms anymore because the windows in the back are not egress; he understands the code and they try to follow it and have an outstanding building in every way; this severely affects the value and usability of the property

Ms. Shaff:

- one of the items that was called out is that "a building permit will need to be pulled for the wood frame addition on the south side of the property"
- someone built someone without permits; they also did some mechanical for which there were no permits; electrical, too
- the last C of O inspection was conducted in 2010, as far as she can tell
- from the photos, she sees that the sheet rock was mudded and taped but not completed; sees chipboard
- she would say that this addition was put on in the last few years
- a TISH Report is not required on a multi-unit building

Ms. Moermond:

- regardless of the earlier disclosure or lack thereof, we are stuck with this situation
- there are a couple of solutions: most often, she sees people removing the windows from the enclosed porch area, so that it exits directly into the outside but when she looks at these photos, that doesn't seem feasible; it's not like the typical porch

Mr. Anderson:

- the back wall of the building would be a load-bearing wall; to remove it or to remove 50% would be troublesome
- there is no staircase in the addition
- may have to, ultimately tear it down

Ms. Moermond:

- first, you will need to get a building permit; since it's after the fact, DSI will probably double fee you on it
- if you want to pull a building permit to look at opening up what is currently an exterior wall, you would need to go through plan review; she thinks that they may want to look at a blueprint to get a better sense of what's going on here

Ms. Shaff:

- there are also a lot of other issues with that; being it was not done under permit, from the photos, it looks like it won't meet the energy code and there's quite a bit of finish work
- it might be easier to cut windows into the side of the building

Ms. Moermond:

- options: you can remove the addition; take away half the wall; not use it as a sleeping space
- you just need to get rid of the code violation; it's up to you about how you want to approach this
- there are current tenants
- will recommend that this appeal be denied and grant an extension to Aug 1, 2014 to come into compliance
- she would like to see the building permit about the addition rectified quickly (a permit to remove it or make it an addition that is acceptable)

Referred to the City Council due back on 6/4/2014

10 RLH FCO 14-66 Appeal of TST Creative Catering to a Fire Inspection Correction Notice at 1494 DALE STREET NORTH.

Sponsors: Brendmoen

Layover to get a floor plan. (Floor plan was submitted on 5/14/14 and needs to be reviewed).

RE: 1494 Dale Street (Catering)

Tony Moran, TST Creative Catering & Ideal Hall, C of O Responsible Party, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted Mar 27, 2014 by Fire Inspector Mitch Imbertson*
- in his inspection, he found*
- state fire code 907.3, dealing with existing buildings, requires that assembly uses such as this (if the occupant load is more than 300) must have a fire alarm system; subsequently, a key box*
- Inspector Imbertson found that this building has an occupant load of 375*
- is has no fire alarm system nor a key box: fire code 506.1*

Mr. Moran:

- they have owned this business for about 20 years and have had inspections there about 5 or 6 times (a different inspector)*
- nothing was ever mentioned about this code*
- doesn't understand why the former inspector never told him about the code*

Ms. Moermond:

- the key box needs to be put in because the Fire Dept needs to be able to get in there quickly and easily*
- occupant load and alarm system: in other similar cases that have come up, the solution was to do other things with the layout/floor plan that decreased the fire risk*

Ms. Shaff:

- occupancy load is calculated different for different types of occupancy:*
- if tables and chairs, you'd need 15 sq.ft. per person*
- if just chairs, you'd need 7 sq.ft. per person*
- if standing room only, you'd need 5 sq. ft. per person*

Ms. Moermond:

- if your calculated occupancy load decreased, then you'd become a better candidate for doing a variance on this*
- I'd like to know how that occupant load was developed (375); if you can have fewer people in there, then we may be able to work this by re-calculating how it's configured)*

Mr. Moran:

- he could maybe go down to 350 but sometimes when you do a wedding, people tell you that 375 people are invited - well, not everyone shows up so, we're down to 325; 350 is more comfortable occupancy load than bringing it down to 300*

Ms. Moermond:

- we have a 20% variance off of what's required*

- she can't say it's OK to put 350 in that space right now unless he gets a variance to do that
- she needs to see a floor plan of the banquet hall from Mr. Moran and more specific information from Inspector Imbertson
- you need to get a key box and it's not very expensive
- send the floor plan to Ms. Moermond's office (she will send it to Fire Inspector Imbertson and Angie Weise)
- will LAY this OVER for 2 weeks, May 27, 2014 LH

Laid Over to the Legislative Hearings due back on 5/27/2014

11 [RLH FCO 14-68](#) Appeal of Patty McDonald to a Fire Inspection Correction Notice at 461 MCKNIGHT ROAD SOUTH.

Sponsors: Lantry

Layover to get more information from staff, Tom Beach and Wes Saunders-Pierce.

RE: 461 McKnight Road South (Single Family)

Patty McDonald, owner, appeared.

Fire Inspector Leanna Shaff:

- *Fire Certificate of Occupancy inspection conducted Apr 15, 2014 by Fire Inspector George Neimeyer*
- *notes: parking spaces need to be paved with asphalt, concrete or a durable, dustless surface; finish paving the driveway*
- *photos*

Ms. McDonald:

- *the driveway floods because of the sewer system*
- *when they paved it years back, they paved the road too high*
- *they put the sewer in back in the late 60s, then, they paved everything and water flows down from the street*
- *asking that the parking space remain class 5 so that they can continue to have a permeable surface to drain the water; otherwise, it would flood the garage and then, the house*
- *south of them, there's over a dozen gravel driveways*

Ms. Moermond:

- *the class 5 can't be a permanent solution*
- *normally, she looks at what the adjacent material is that is used for alley/street*
- *here, McKnight is blacktopped*
- *she's looking at a significant erosion problem; the water is routed away but she thinks there needs to be a different solution for this*

Ms. McDonald:

- *they have explored different solutions; they have already made a huge effort to find the real solution but that real solution needs to come from the city and the county; part of the problem, which you can see from the maps and pictures, is from a previous problem, which involved Washington County Watershed District, Ramsey County, the City of Maplewood and the City of Saint Paul; they did a lot of work but it just addressed the problem of the water going behind.... they took these 32 acres and they put it under the street and into people's backyards but they didn't address any of this part of the problem that she is having*
- *she would like to go back to the Watershed District to see if those people can be involved in a real solution addressing this problem*

- paving just that part of the driveway is going to flood the garage and house
- money isn't an issue, in this case
- they are trying to prevent the house and garage from flooding

Ms. Moermond:

- she will contact Tom Beach, Site Plan Review, PED, and Wes Saunders-Pierce, Water guy; they will take a look at the site and some of the plans that were involved; they can contact the watershed people

Ms. McDonald:

- she would like to talk to Mr. Beach and Mr. Saunders-Pierce
- she works very close by

Ms. Moermond:

- will LAY this OVER for 1 month
- can communicate by phone
- during this time, enforcement is stayed

Laid Over to the Legislative Hearings due back on 6/10/2014

12 RLH VO 14-17

Appeal of Tobias Madden to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 914 PALACE AVENUE.

Sponsors: Thune

RE: 914 Palace Avenue

Tobias Madden appeared, on behalf of Christopher Madden, owner.
Theresa Skarda, City Attorney Office, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy Condemnation by Ms. Shaff on Apr 24, 2014
- Apr 17, 2014, she received communication from the FORCE unit, SPPD, about the kidnapping, and cartel
- she had to wait until she received information regarding the inside of the house from the FBI Safe Streets Task Force before taking enforcement action
- they have training and experience with meth labs and production and they witnessed the interior of the house; she knows that processing and re-distribution was happening inside this house
- she took immediate action to Condemn the house and placard it Apr 24, 2014
- Mr. Madden and she had been in near constant contact, especially for the first few days
- within a matter of days, he had a tester come out (2 weeks ago, yesterday); they were told that they would have results within 2 weeks but they have not heard anything yet

Ms. Skarda:

- she represents DSI code; her counterpart, Daphne Lundstrom, represents police
- Ms. Shaff asked that, pursuant to an email received from Commander Koris, if there was material in this email that should be redacted due to safety concerns and the nature of the on-going investigation; this morning, she met with Daphne Lundstrom, Saint Paul Police Attorney, who reviewed the material and contacted Commander Koris and the email has been redacted but for the statements needed

Mr. Madden:

- provided background: he is a life long resident of Saint Paul; his son was raised in Saint Paul and is currently teaching English in Thailand; his son purchased the house last summer; Mr. Madden has Power of Attorney, since he's out of the country; he thought that he did everything right: he hired a property management company, did a background check on the tenants, he talked to the neighbors to say that if there are any problems, they should contact him; Mr. Madden lives close by and drove by many times; it didn't appear that there was anything unusual going on there; he spoke to the neighbor next door, who said that there was no retail activity there (no constant coming and going) that she saw; she didn't hear any of the screams of the torture; it is a nice neighborhood
- he respects all that the city does to try to protect the health and safety of the citizens of Saint Paul
- based on his conversations with a person from the FBI Safe Street Task Force, there was no manufacturing of meth at the property (no meth lab); no hazard to the community; the tester also said that there was no manufacturing going on at the property (unfortunately, the test results have not come back yet); the state does not certify these testers (other states do); the test purposely looked at the top of fans, etc. to see if someone smoked in there
- he does care about the safety of people who may live in there and the neighborhood
- he wants a Certificate of Occupancy so that it can be re-occupied
- he doesn't want the property to be labeled a "meth lab" (major concern)
- since there were no hazard chemicals there or production of meth, he would like to work with Inspector Shaff to get the house cleaned up so that it can be occupied
- based on the code, it looks like the city is addressing this case as a lab (lots of hazardous chemicals, etc.), which is not the case here; from what he is reading, a lot of the production has gone to Mexico and places up North are used for distribution; the concerns about the terrible chemicals is not relevant in this case
- he thinks that it would be better for the neighborhood if the house were inspected and re-occupied in a short period of time
- the doors have been fixed and the window is on order

Inspector Shaff:

- she was there while the tester was there and what Mr. Madden is saying is correct
- the tests will show what, if anything, is in the house; that will determine whether the house will need to be washed down or the walls torn down and replaced; the worst case scenario is that the house will need to be cleaned for some exposure and then, probably, retested
- her plan is to take appropriate action as soon as they get the test results; a full Fire C or O inspection will be done before the house can be re-occupied

Mr. Madden:

- he agrees with Ms. Shaff's statements
- is asking Ms. Moermond to consider withdrawing the Condemnation (terrible stigma) and the house will not be re-occupied until a Certificate of Occupancy has been issued; he will work with the city to make it safe

Ms. Shaff:

- has no issue with that after they get the test results back; in the interim, it must remain Condemned

Ms. Moermond:

- the police commander has put in writing that he believes manufacturing was happening at this property
- she's hearing second hand that manufacturing wasn't happening here
- the test results haven't come back yet
- without solid information to support Mr. Madden's contention, she is stuck with the

FBI assessment

Mr. Madden:

- the commander said that he had witnessed production, not that production was happening inside this house

Ms. Shaff:

*- believes that the test results are imminent and the city can make better decisions with better info
- asked that this be laid over for a week or 2*

Ms. Moermond:

*- the City Council Public Hearing is Jun 4, 2014
- will LAY this OVER for 2 weeks to May 27, 2014 LH
- without seeing any additional information, she would say that by Jun 13, 2014, these issues need to be addressed or this house will go into the Vacant Building Program
- the Condemnation could be lifted between now and then*

Laid Over to the Legislative Hearings due back on 5/27/2014

2:30 p.m. Hearings

Vacant Building Registrations

- 13 [RLH VBR 14-41](#) Appeal of Steve Poindexter on behalf of Castle Building & Remodeling to a Vacant Building Registration Renewal Notice at 2052 CARROLL AVENUE.

Sponsors: Stark

Waive the Vacant Building fee for 90 days.

RE: 2052 Carroll Avenue (Single Family)

Steve Poindexter, Castle Building and Remodeling Inc, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

*- was referred to the Vacant Building Program Apr 26, 2013 by Code Inspector Joe Essling
- Inspector Dennis Senty opened a Category 2 Vacant Building May 13, 2013
- house was vacant with multiple code violations interior and exterior
- Castle Building and Remodeling went through the Sale Review process and was approved Aug 28, 2013
- permits are pulled
- code compliance inspection report is on file
- rehab is on-going
- 2013-14 VB fee went to assessment
- here today to appeal the 2014-15 VB fee that was due May 13, 2014*

Mr. Poindexter:

*- we are finishing - done with the interior
- with the long, bitter winter and then spring not coming, we are on-going with the exterior
- there are 3 active building permits: 1) a partial to get the project going; 2) a*

complete remodel permit pulled; and 3) a garage permit (pulled late last week)
 - interior - putting on hand rails; carpeting coming later next week and that's it
 - exterior - have just basically begun; will be done at the end of the month
 - he is also a licensed real estate agent and this house is listed "for sale" with the ability for the new purchaser to still have some choices for colors of the exterior
 - there are no closed permits yet
 - there are no permits yet to be pulled
 - over \$200,000 spent so far in the renovation; 1884 house; the house was on the Condemned list; at some point, someone did some permanent damage to the foundation back in the 20s when they added a 4-season porch; they undercut the crawl space basement under the house and put a full basement under the new addition; Castle Remodeling went through the expense of lifting up the house, excavating the entire foundation and putting in a new foundation; they also put in a new sewer line and water main all the way to the street and then set the house back down; in essence, it's a brand new house in an 1884 envelope
 - he doesn't think that it's necessary for them to pay another VB fee when they have already spent over \$200,000 to save this house; it could, just as well have gone on sitting there for quite an extended period of time before someone else bought it or the city decided to tear it down
 - the name of the company is Save the Castle; they do try to save houses; they are not a company that buys houses and tears them down

Ms. Moermond:

- her interest is in how long you are going to be in the VB Program this year because the annual VB fee is from 2014 - 2015; if it's just a few months, she is happy to waive the fee; if longer, her preference is to prorate the fee through assessment; you would get a letter that the fee is going to be assessed and you would send in the gold postcard that says, "Yes, I want to appeal it" - at that juncture, we could take care of it
 - will recommend the City Council waive the VB fee for 90 days
 - if all the permits are signed off in 90 days, there will be no VB fee
 - is happy that you are doing this remodeling

Referred to the City Council due back on 6/4/2014

14 [RLH VBR 14-39](#) Appeal of Irwinna Mitsch to a Vacant Building Registration Fee at 804 FOURTH STREET EAST.

Sponsors: Lantry

Deny the appeal and waive the Vacant Building fee for 90 days. (Fee already went to assessment but will have Connie Sandberg reverse the assessment and hold off the fee.)

RE: 804 Fourth Street East (Duplex)

Irwinna Mitsch, owner, appeared along with her son, Leonard Mitsch and her daughter, Khristina Mitsch.

Inspector Matt Dornfeld, Vacant Buildings:

- were here back in Mar 2014 re: a clean up and a tax assessment
 - today, we're here on the Vacant Building status
 - there's a lengthy Code Enforcement file that was opened by Jack Reardon Jun 14, 2012
 - since then, Orders have been issued for tall grass and weeds, junk and refuse, snow and ice on sidewalk, lack of basic facilities
 - Mar 6, 2014: Inspector Seeley documented that the building was secure with multiple violations; appears to be vacant

- *St. Paul Regional Water Service notes that there's been only 1 unit of water used from Oct 2013 - Jan 1, 2014*
- *Inspector Seeley decided to close her file and refer it to the VB Program*
- *Mar 13, 2014: VB Inspector Tom Friel opened a Category 2 VB per Ms. Seeley's referral*
- *Mr. Friel's notes: 2 story wood frame duplex appears vacant and is secure; could not confirm vacancy; he could not see inside windows; peeling paint; large 2nd floor porch addition appears to be pulling away from the structure; holes in siding; deteriorating eaves; missing storms and screens; some cracks in concrete walls, etc; newer front stairs from last year; both gas and electricity were on at the time of inspection; sidewalk has snow and ice; he issued a warning letter on the snow and ice*
- *Mar 18, 2014: Mr. Friel followed up; noted that the building appeared vacant at that time and was secure; sidewalk still not shoveled; issued a Work Order to remove snow and ice from sidewalk; also noted -discarded Christmas tree and some refuse at the front of the house*

Ms. Moermond:

- *she pulled the file; attached is a police report from Feb 14, 2014*

Mr. Leonard Mitsch:

- *his mom stays at his house quite a bit; she's home on weekends and later at nights; she showers at his house, too*
- *his mom plans to sell the house later this year*
- *a neighbor across the street goes after people quite a bit; he's been the one calling; actually, he wants to buy the house; he wants a duplex; he has offered to buy it before at a very low price; he said, "That's all I'm going to pay; these things could stop" in a threatening sort of way; he's been in prison and he makes Mr. Mitsch nervous; "Get out of the house and be done with it." Mr. Mitsch told him that they were working on selling it but he keeps calling anyway.*
- *all the neighbors have Leonard and Khristina's numbers and they know mom*
- *last year, mom wasn't there for about 9 months because she had 2 broken ankles; she was at his house*
- *before that, she lost her husband and that was a horrible mess for the family; she was staying at his house during that time, too*
- *mom has lived there for 40 years; she raised all her family there*
- *it's not a good neighborhood*
- *they were planning to fix up the house but being in the historical district has actually stopped them from doing the work because the historic rules don't allow just any kind of products to rehab; they need to be approved by the Heritage Preservation Commission and it's usually more expensive*
- *they don't know what this VB status means for their mom and this house*

Ms. Khristina Mitsch:

- *she already has a plan going as far as the exterior*
- *the winter and spring have really not cooperated*
- *cement is scheduled now*
- *this is the only historic house on the block; none of the houses around this one are considered historic*
- *mainly, this is a financial issue; maintenance free siding would be the best thing to do but unfortunately, the historic people won't allow that; and it's also difficult to find contractors*
- *the neighbor across the street forced the occupants out of another house on the block; they bought the house and they refurbished it; she doesn't think anyone lives there*
- *mom has gone through some tough times losing her husband and then, breaking*

both ankles

- this neighbor didn't bother mom before when her husband was still there; now, he just keep harassing her

Mr. Leonard Mitsch:

- another long time neighbor asked him if mom have moved out because this other neighbor, Chopper, says she has moved out; he's been telling everyone in the neighborhood that mom's moved out; Leonard told him that the neighbors don't see her very much because she spends a lot of time at his house; she shouldn't lose her house because she spends time at his house

- they do plan to sell the house

Ms. Moermond:

- so, what's with the water usage?

Mr. Leonard Mitsch:

- she uses the water at his house most of the time

- she sleeps on 4th Street

- she pays the electric bill and the garbage bill; all utilities are on

Ms. Khristina Mitsch:

- from Oct 2013 - Jan 1, 2014 - mom was at my brother's house a lot more

- her son also lives in this house; he goes back and forth to Bemidji - he has a child up there

Mr. Dornfeld:

- the police ordered the house to be secured; not seeing what happened or why

- the boarding Work Order notes the time: 9:30 pm, Feb 26, 2014

Ms. Khristina Mitsch:

- one night when the wind was really bad, the door blew open and she got a call from her girlfriend, who was down the street; she went up to the house and the guy across the street, Chopper, was out there drinking; she was trying to explain to the officer that her mother lives there; the lock must not have been locked; all of a sudden the officer said, "I can't talk to you anymore" and you could hear Chopper screaming in the background...

Mr. Leonard Mitsch:

- at that time, his mom was with his kids and he was at work; he got a call to come to the house; (Chopper has his phone number and he could have called him if he wanted to but instead, he called the cops); Chopper told the officers that he didn't know who mom was - she was a stranger he never met but he knows who she is

- he works in Stillwater and when he got to the house, there was a big board in front of the door

- he talked to Tom Friel who asked if he could just do a walk thru and verify who lives there; Mr. Mitsch said, "Fine"; a week later he called back and said that he had talked to someone who said that a walk thru wasn't an option; we had to go thru appeals

Ms. Moermond:

- Wed Feb 26, 2014: at 1808 hours (6:10 pm), Officer Raether, Squad 336, was sent to this address; after a report by neighbors that the front door of the home was wide open and they said the house was unoccupied. "When I arrived, the front door was open and did not appear to have been forced. I checked the interior of the house and determined it was unoccupied. I attempted to secure the front door of the house and was unable to. I spoke with the complainant, who told me the house has been empty for over a year. There have been people in and out who did not belong there. He

said he has seen kids entering through a window on the east side of the house and using it as a party house.

I spoke with another complainant, who also said that it has been abandoned for over a year. Also, numerous people were staying in the house when they shouldn't be; the house was being used as a party house and believes people have been selling narcotics out of it, based on the traffic up to it; also, mentioned the window on the east side that was unsecured and people would enter through it.

After several attempts to secure the door with negative results, I spoke with Sgt. Kolls and had a board-up crew respond to the address to secure the door; the house appears to be a garbage house with only narrow paths to walk through it; some rooms required climbing over piles of garbage to enter them; I located the window that was unlocked and secured it so that no one could climb in."

- that description seems to be corroborated by the partner's description who said, "The door was open; did not appear to be forced; checked the inside; it wasn't occupied; attempted to secure the front door, also; believes there's some trafficking going on; .."

- I have the cops being out there; I don't have any information about calls to the Mitsches

Ms. Irwinna Mitsch:

- I talked to the officer, too.

Ms. Moermond:

- that's fine

- what I'm seeing here, timing wise, is that the squad showed up at 6:08 pm; they write their report at 7:24 pm and the boarding contractor doesn't show up until 9:30 pm (there were 3 1/2 hours between when the squad showed up and when the boarding crew showed up -- a big lag of time)

Ms. Khristina Mitsch:

- that is not correct because as soon as she got the first phone call from Pam, her friend, she tried talking to the officer and explain who she was; she then contacted her brother at his work; he said, "I'm on my way." and he was there in a matter of 25 minutes

Mr. Leonard Mitsch:

- I got there about 9:30 pm

Ms. Khristina Mitsch:

- so this didn't happen at 6:08 pm

Ms. Moermond:

- sounds like there's a pretty good mess inside the house

Mr. Leonard Mitsch:

- there's no garbage; there are boxes and stuff stacked; you can come and see; it's nice stuff; there's blinds on the windows and they aren't blocked
- it's nice stuff, no garbage

Ms. Khristina Mitsch:

- she just had the downstairs renovated a few years ago and she's still paying on it; they ripped out the walls, put in new windows, etc. we are not trying to hide anything; you can come and look inside
- mom has plans to get the house done and is dealing with someone on that
- they just want to be able to get the house done and go
- she lives there but not 24 hours a day; her brother lives only 7-8 blocks away and all

the neighbors know where I live
- she just hasn't had enough money to do all that needs to be done
- there are people who leave town for 6 months out of the year and then, there's no one at their house; a lot of people do that
- and, it's a possibility that her son didn't have his keys and went thru the window to get in

Ms. Irwinna Mitch:

- her grandson lives there too and there's was extra usage of water before Oct 2013

Mr. Dornfeld:

- there have been 6 Summary Abatement Orders issued since May 2013; 1 Work Order issued during that time

Ms. Moermond:

- to her, this looks like a Vacant Building according to the definition of a Vacant Building (the house has been unoccupied and unsecured with multiple housing and building code violations)
- however, she hears where the Appellant is coming from and she wants to work with her
- in order to sell this house, she will need one of the following documents: 1) a Truth in Sale of Housing Inspection Report (TISH); or 2) a Code Compliance Inspection Report
- since this meets the definition of a Registered VB, you need to get the Code Compliance Inspection Report (don't need the TISH)
- go and fill out an application for a Code Compliance Inspection at DSI and pay the fee for it; then, get the work done; then, the property can be marketed

Mr. Leonard Mitsch:

- asked to have the stickers removed from the house (people see that and they can come and rip out the pipes, etc.)

Mr. Dornfeld:

- there are pros and cons with those stickers: Pros - police, fire fighters, neighbors can keep an eye on it; Cons - you're right, they may draw some undesirable people; he never tells anyone that it's OK to take them down

Ms. Moermond:

- will waive the VB fee for 3 months, which will give you a chance to get the house inspected and the work done
- hopefully, you can get it sold
- if it's not done in 90 days, the bill will come out again and if it isn't paid, it will be proposed for tax assessment; the letter will come in the mail and if you want to appeal it, send in the post card that came with the letter and you will be scheduled for a hearing, at which we may be able to cut it in half

Referred to the City Council due back on 6/4/2014

15 [RLH VBR 14-40](#)

Appeal of Keelan Bailey to a Vacant Building Registration Renewal Notice at 1307 THOMAS AVENUE.

Sponsors: Stark

Waive the Vacant Building fee to September 1, 2014 and if not in compliance, the fee will be assessed.

RE: 1307 Thomas Avenue (Single Family)

Keelan Bailey

Inspector Matt Dornfeld, Vacant Buildings:

- house was Condemned May 9, 2013 by Fire Inspector A. J. Neis
- Mr. Dornfeld opened a Category 2 Vacant Building May 10, 2013
- Mr. Bailey went through the Sale Review process and was approved Feb 14, 2014
- currently, a Code Compliance Inspection Report is on file
- permits are open
- rehab is on-going
- house has not been a nuisance
- 2013 -14 VB fees were assessed Jun 28, 2013
- today, looking for an extension of the 2014 - 15 VB fee

Mr. Bailey:

- he bought it Feb 17, 2014; got in there in late Feb-early Mar
- initially, it was a non-conforming duplex with an ugly layout; very chopped up
- worked with Reid Soley and got it approved - turned it into a single family
- working on the finishing items
- hopes to be done in Jul 2014 but would like to get an extension into Aug 2014

Ms. Moermond:

- will recommend that City Council waive the VB fee to Sep 1, 2014
- if the work is done by then, there will be no VB fee; if not, we'll prorate it

Referred to the City Council due back on 6/4/2014