



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, January 28, 2020

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 19-29](#) Ordering the rehabilitation or razing and removal of the structures at 864 MARION STREET within fifteen (15) days after the December 18, 2019 City Council public hearing.

Sponsors: Thao

Layover to LH Feb 11, 2020. CPH Feb 19. PO must have Code Compliance Inspection completed, take substantial steps with Court to get title cleared, and continue to maintain the property.

Robert Schilling, owner, appeared

Moermond: I have a couple of concerns about your property but we'll get an update from Mr. Magner.

Staff report by Supervisor Steve Magner: Letter sent December 18, at council meeting refer it back to Legislative Hearing at this date, at that time the following conditions must be met: provide documentation of sufficient financing to do the rehabilitation, provide a work plan and contractor bids which include schedules for completing the work, provide proof of ownership or proof of active concrete measures taken to clear title, and property must continue to be maintained.

Moermond: so I had staff check what was going on yesterday. You did order the code compliance, but there's no lock box on the property so inspectors didn't have access, so I kind of feel like you duped me on this. This isn't your first rodeo, why did you do that?

Schilling: I started with the electrical. I tried three contractors and then found out I couldn't order the electrical it had to be an electrician. Xcel said they couldn't do it, the City inspector had to do it. There were five attempts to get the electric back on. No one wants to do anything without electrical. I did get approached by a City employee, Nathan called me at 8 am this morning. That was the first time.

Moermond: when you filled out the code compliance inspection form you are asked explicitly about the lock box code. You filed an incomplete application. The reason he

called is because I followed up to see what was going on with it with Mr. Bruhn. Did Mr. Bruhn tell you that you need to have the electric on to do an inspection?

Schilling: we just set it up for the first of the week.

Magner: it is not uncommon for the property to be inspected with no electricity, or water, and will make notes to that effect. Once we have the code compliance, as he's ready to get to that point, one of the first things can be to hire an electrician to reenergize the system based on what the code requires. There may be something that needs to be fixed. We don't have to have electric, they can use windows and flashlights. But they need a lockbox on the front door.

Moermond: you also had to a junk out on this property. Is that done?

Schilling: no, its not. I still believe the title is in that building somewhere. For 30 years it wasn't used as a duplex, the second floor was vacant.

Moermond: you don't even own this property then, Mr. Schilling. We've talked about this. Have you gone to court to file paperwork?

Schilling: I don't have the paperwork, he texted it to me here. It was purchased and it shows my name. July 11, 1975 the printout from the title company says its when I purchased. Mr. Mark Lentsch didn't have it printed out. I thought I was going to find it here, I spent \$300 drilling out a safety deposit box at the bank, it thought they would be in there. I suspect my brother removed some of the documents, he's deceased, it was a shared box. I want to get this done, I have an employee I promised housing for who worked for me for 40 years with a stroke and dementia, this is the ideal property for him. But I need to get it done. If I would have been given the greenlight to fix it, it would probably be done right now.

Moermond: I'm trying to get you the greenlight, but you barely did the basic things. You could have hired a contractor to clean out the house. I don't even have clear information that you are the owner, I just have your word that you think you have some title information someplace. You were told if you couldn't find it you were supposed to have brought in clear steps.

Magner: you have to have proof you own it and take care of the issue as well. You legally couldn't sell the property even if you own it, you don't have clear title. You're going to have to hire a lawyer and have the title cleared. Whatever paperwork you had never got filed with the County. The owners are Melba and William Daley. Technically the City can't recognize you as the owner, you are a stated owner but that's all we have. What starts with is you getting documents from Lentsch Realty and get an attorney and you haven't done that.

Schilling: I heard you were in session February 11 again, if I bring paperwork from the attorney or have her here with me, the reason it isn't completed is because I had high hopes of finding it. The fact it hasn't shown up, I will get the documentation.

Moermond: that's like step one of 3 or 4 to demonstrate ownership. Mr. Magner just talked about how you need to file court paperwork. I'm really not happy you didn't do what you had a generous extension to do. I saw you November 26, it has been two months, and the requests were very clear and you haven't done the most basic things. I have nothing to hang my hat on to ask Council to give you more time. Sounds like Mr. Bruhn will meet you, that's great, there should be no reason for delay and the

house better be cleaned out for him. I'm going to need to see more than Mr. Lentsch's paperwork, I need to see what you're filing with the court. Have you had a contractor look at the place yet?

Schilling: I had a Minneapolis contractor look, and he indicated that what he thought would be requested could be done for under \$10,000.

Moermond: since staff say more than \$75,000 I am skeptical of that. We will lay this over to February 11 and Council will be the following week, February 19. We need the code compliance inspection report, you have taken steps with court to get title cleared, maintain the property. If you can get those two things done, I'll wait two weeks for a work plan and evidence of financing. I'm concerned he thinks he can do it for under \$10,000, but lets see what the code compliance says.

Laid Over to the Legislative Hearings due back on 2/11/2020

- 2** [RLH RR 19-34](#) Ordering the rehabilitation or razing and removal of the structures at 985 WOODBRIDGE STREET within fifteen (15) days after the January 8, 2020 City Council public hearing. (To be referred to Legislative Hearing January 28)

Sponsors: Brendmoen

No one appeared. Layover to LH Feb 11, 2020 per owner's request.

Laid Over to the Legislative Hearings due back on 2/11/2020

- 3** [RLH RR 20-10](#) Ordering the rehabilitation or razing and removal of the structures at 1282 HAGUE AVENUE within fifteen (15) days after the February 26, 2020, City Council Public Hearing.

Sponsors: Thao

Layover to LH February 11, 2020 for property owner or interested party to meet conditions and post a \$5,000 performance deposit, work plan or scope of work, proof of financing and maintain the property.

Mimi Hasselbalch, attorney on behalf of Forethought Title Company, appeared.

Moermond: so you're here to find out what's going on with the property and why?

Hasselbalch: yes, they are a lien holder and they sent me to appear to confirm if the property is vacant and requesting an extension to get ahold of the mortgager. I assume she'd be here today if she were. I also appear to have paperwork that Wells Fargo is planning on foreclosing soon.

Staff report, Manager Steve Magner: The building is a one and one-half story, wood frame, single-family dwelling, with an accessory metal shed, on a lot of 4,356 square feet. According to our files, it has been a vacant building since October 23, 2018. The current property owner is Nneka S. Morgan per AMANDA and Ramsey County Property records. On November 6, 2019, 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 November 21, 2019 with a compliance date of December 21, 2019. 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 \$76,800 on the land and \$33,000 on the building. Real estate taxes are current. The Vacant Building registration fees were paid by assessment on December 2, 2019. A Code Compliance Inspection was done on August 5, 2019. As of January 27, 2020, the \$5,000 performance deposit has not been posted. There have been ten Summary Abatement Orders issued since 2018. There have been three work orders issued for garbage/rubbish and boarding/securing. Code Enforcement Officers estimate the cost to repair this structure exceeds \$30,000. The estimated cost to demolish exceeds \$15,000.

Moermond: can you tell me about the ownership and encumbrance report?

Magner: I haven't had a chance to review.

Moermond: the \$30,000 figure, I'm wondering, we have a Code Compliance done 6 months ago, so that's fairly recent. The \$30,000 figure seems low, do we know how far along they actually are?

Magner: no, we don't know if anything or to what extent work was done. The estimate was low because valuation of the property is so low. If they did everything on the Code Compliance Inspection, it would be significantly higher than that.

Moermond: it looks like from the paperwork that Forethought Life insurance company did get the order to abate nuisance building to them mid-December and notice of hearings end of December. The property owner doesn't look to be taking care of the property all the time. Ten orders is a lot, every other month someone is telling them to have to take care of business, and the City has done it on three occasions. I'm not sure what to do with this without Ms. Morgan being present, or Wells Fargo present.

Hasselbalch: can we confirm Wells Fargo is the lienholder?

Moermond: MERS is showing up, I'm guessing Wells Fargo is buried in MERS, DLJ Mortgage Capital out of New York is also listed on here, they could have sold to Wells Fargo. So one thing we can do is leave you with a set of all the paperwork related to the property today. There's going to be additional information added to the record as we go, everything we have gets added online for the record.

Magner: there's the corporate assignment of mortgage September 8, 2017 and it says the assigner is DLJ Mortgage Capital Inc, and the assignee is Forethought Life Insurance Company in Indianapolis. That is from September 2017. There's a corporate assignment of mortgage from May of 2016 that the assigner was Wells Fargo to DLJ, that mortgage was executed by the owner, Ms. Morgan. That predates, Wells assigned it to DLJ and they assigned it to Forethought.

Hasselbalch: so we're the mortgagee. That's helpful.

Moermond: there's an affidavit of nonservice of notice of the hearing at 1431 Sherburne, which is listed with Ramsey County as her property and homestead, but current occupant states that the person doesn't live there and is unknown.

Hasselbalch: what date was that attempt?

Moermond: January 3, deposed December 31. I will lay this over for two weeks to give

you a chance to find Ms. Morgan, work with the banks, and file with the courts for a shorter redemption period. Some concrete steps are necessary to show you want to do something. That takes us to February 11. This will go in front of Council February 26.

Laid Over to the Legislative Hearings due back on 2/11/2020

- 4 [RLH RR 20-11](#) Ordering the rehabilitation or razing and removal of the structures at 174 PAGE STREET WEST within fifteen (15) days after the February 26, 2020, City Council Public Hearing.

Sponsors: Noecker

Layover to LH Feb 11, 2020. CPH February 26. Property must be cleaned out by February 11 along with a report from the company doing the cleanout.

Robert Bier, owner, appeared

Clint Bradley, 170 Page Street neighbor, appeared

Moermond: we talked with respect to the Vacant Building fee on your property back in July, and Mr. Dornfeld had indicated you had committed you were going to be work on, and I don't believe that's happened.

Staff report from Supervisor Steve Magner: The building is a one-story, wood frame, single-family dwelling with a detached one-stall garage, on a lot of 6,534 square feet. According to our files, it has been a vacant building since May 31, 2019. The current property owner is Robert F. Bier per AMANDA and Ramsey County Property records. On November 8, 2019, 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 November 21, 2019 with a compliance date of December 21, 2019. 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 \$20,500 on the land and \$118,300 on the building. Real estate taxes for 2017, 2018 and 2019 are delinquent in the amount of \$7,197.97, which includes penalty and interest. Property is scheduled for tax forfeiture in 2021. The Vacant Building registration fees were paid by assessment on August 1, 2019. As of January 27, 2020, a Code Compliance Inspection has not been done. As of January 27, 2020, the \$5,000 performance deposit has not been posted. There have been three Summary Abatement Orders since 2019. No Work Orders have been issued. Code Enforcement Officers estimate the cost to repair this structure is \$75,000. The estimated cost to demolish exceeds \$15,000.

Moermond: the taxation department is estimated the value as \$118,300 is that a pre-fire value?

Magner: It would be in the owner's benefit to have that readjusted, because yes, I believe that's the pre-fire value.

Moermond: We don't have a code compliance at all. In the case of a fire it goes into the program as a Category 1, with the expectation the owner will apply for permits to get it repaired. It left being a Category 1 some time ago and the Code Compliance requirement did kick in because it was taking so long for the work to be done?

Magner: if the dwelling is vacated due to a fire we hold the fees and Category 2 status for 90 days, if after that we don't have an active inspection of the building, Fire Inspection where the requirements for specific items that need to be addressed to put

the building back into the pre-fire condition. Similar to a Code Compliance Inspection but only addresses items from before the fire. In this situation, because more than the 90 days has lapsed, the fire was open May 31, 2019, we're closing in on a year so we require a full Code Compliance Inspection and also recommended it be deemed a nuisance and we're in the process we are today.

Moermond: so the photographs show, and the fire report describes, that this home could be characterized as a hoarded house, the most recent photos are exterior from November. What's going on with the interior?

Bier: I have good intentions of trying to clean it out, no matter what I say it will sound like an excuse, I get the dumpster and I didn't move like I should have during the summer, and then its taken both a physical and mental toll on me. Its my fault. I won't put it on anyone else. Its been burgled a couple times, which also made it an anxiety for me to go into the building at times. I realize at this point that—I would love to get some family things out of the home—but I still need to clean out more to do that. Without heat and light, it's a difficult thing to do when its cold. I realize for my own physical and mental I can't hold onto the building. At this point its probably even too late to sell, I don't know, but I do know that other than getting some pieces out I have to not be with that building, for my health and wellbeing. I thought I could, I truly did, but I am realizing I can't. It holds many memories, but I have to come first. Its only a building. In order to get those family pieces out I still have to clean.

Moermond: the first question is when the fire dept was there at the time of the fire, they asked if you had someplace to stay, you said yes. How have you been managing residence wise otherwise? You are housed and have the money?

Bier: yes.

Moermond: that's good. Have you removed things from the house at all? Have you gone through things?

Bier: some. I've started cleaning through the kitchen and heading out into the other room, but there was a couple burglaries on top of walking in and being overwhelmed. I was able to go in after the fire and wondered what they did, it wasn't great before but now you've---

Moermond: moved things around so there were no sparks deep in the pile. Magner, can you describe some of the issues with fighting fire in a hoarded house?

Magner: two major concerns when first responders respond, number one is a safety concern, the general ability to access and move about is limited due to the storage content. Moving around becomes completely different from the standpoint where they are most likely limited vision, limited light and hazardous smoke in the air, so that's one. Number 2, the load is the issue. Homes by themselves can be dangerous with fires, but with excessive loads they are hard to put out, they can't just put out a fire in a trash can, it could easily spread to piles and gets behind bags or clothing and they can spend hours trying to make sure that a small fire is knocked down because they don't know where it smolders. Rekindling is very common, and they have to be careful about it.

Moermond: and when it gets wet it gets heavy.

Magner: in the extreme situation, we've had cases where the product in the home

absorb the moisture and retain it and you go from a stack of paper that is double its weight. Having that happen in the whole house, we've had situations where floors cave in because of the water doubled the load that was there, and the frame fails. The other big problem you have is with mold, once the fire is out there's a short window of about 72 hours to a week where you need to come and immediately remove the load and materials like sheetrock and carpeting that holds moisture, otherwise it stays there.

Moermond: the fire was August 2018, so its had all that time to mold through.

Bier: that's the area I did all the cleaning in early on in the process. What was wet came out. Luckily it wasn't a major fire, it was contained in a small area, the kitchen area. So, between what they threw out and what I took out that area was left to dry early on.

Moermond: so you have been mowing the lawn and shoveling the walk and it looks like you haven't been paying property taxes and that started before the fire. Right now, its up to \$7,100 you owe.

Bier: I have some anxiety there, I have an issue I'm dealing with where time gets away from me. I'll say I need to work on something tomorrow and suddenly 3 days later I'll say "oh I didn't work on that". I'm working with the County on making monthly payments.

Moermond: have you entered into a confession of judgement with the County yet?

Bier: not yet, they said that could be further down the line as long as I started making payments.

Moermond: I'm guessing that you've found housing elsewhere and are safe and sound, you are retired?

Bier: I work part time. I probably should have devoted that time to the house.

Moermond: I'm trying to decide if you qualify for free legal assistance, it sounds like you wouldn't.

Bier: I don't think so, no.

Moermond: I'm wondering if you have someone who can give you professional legal advice, you're describing anxiety, from people in the business to describe your options. There may be people willing to take your house on a contract for deed, but they can't take your title until its fixed. There would be a legal agreement drawn up between you and that person. In any event, you need to think about that option, about the parcel itself, I'm assuming removing the house would cost more than \$15,000, so from where I sit if you do nothing and walk away, it's a zero sum game, because the taxes and cost of demolition will slightly exceed the value of the parcel. If someone wants to pick it up and fix it, you might be able to walk away with some equity. I don't know if you have a mortgage, but I would say find someone to give you some advice on this.

Bier: at this point, the property could be sold?

Moermond: under limited circumstances and all the contracts must be approved by the City. I can't do that work for you, you need to talk to someone with skill in that area. You could also sell it to a community development corporation, a nonprofit for housing

rehabilitation. On the west side it's the Neighborhood Development Alliance. We wouldn't have to review any contracts with them, but they also probably won't pay you as much. At this juncture almost anything would be north of zero.

Magner: if he was to enter into an agreement with a nonprofit, the rest of the rehab and their ability to do it and funding is still part of the process. They can't just say we'll take the house for \$500, and then think about it for ten years. They have to come to us with some plan, and here's the funding and warranty deed and by this date the house will be done.

Moermond: they have to show us the same things you would have, it is just the title can transfer easier. It is something you should look into, but I also think you could look into doing this on your own and hiring a project manager for you, and a real estate broker might know of people who could take that on and you're not making every day decisions, you have someone with professional accountability. Notice I'm saying broker, not agent. Reach out and talk through options, because right now I have a house with a bunch of stuff in it and we don't even have the very first inspection. That's really bad, I think you know that. You need to get it shoveled out and salvage the items you want to save.

Bier: my mental state has changed dramatically in the last six months, I can look at say those are family pieces I want to keep. Getting into the building and doing it is the issue. I have struggled and got to the point where I can throw it. It is just physically doing it.

Moermond: so lets say you have ten things you want out of there, what is your ability to contract with a reputable agency that does cleanouts for a living, and say "cleanout the rest of the house I got out the things I need" and the rest can go. That way an inspection can occur and there's a chance for the house to be saved. Without it being cleaned out it can't be inspected, and we have nowhere to go. I don't see how we benefit from waiting on this, by being specific I hope it clarifies things for you.

Magner: maybe the best thing to do is hire a contractor and you can basically tell them, I'm going to supervise and identify items I want you to remove and take to storage, and they can do that. If you think you can do that, its usually the best thing to do.

Bier: I do have a storage facility.

Moermond: that brochure we're giving you form House Calls, there's a page in there I highlighted about hoarding resources. The supervisor of the HouseCalls program has a number of companies on contract with the County and public health for people who quality income wise, I don't think you qualify but she would have a list of contractors who are reputable. That might be a starting place for you. I'd like to see this cleaned out in two weeks. I want you to a point where you can order an inspection. If its not cleaned out, they need a contract and a specific day they will be coming to do it.

Clint Bradley, Neighbor: I moved in in September of 2018, right after the fire, thinking something was going to get done. Nothing has gotten done. He's ordered dumpsters, but nothing has ever went into them besides stuff other people have thrown. There's been times where the dumpster people aren't going to take a mattress, so they leave a mattress on the side of the road. Someone else picks it up. There's been multiple burglaries, I have a two year old who sleeps 15 feet away from the property who gets woken up when someone is kicking in the door. Obviously you can see in the windows

there is stuff up to the ceiling, there are foxes and raccoons and squirrels. Animals are getting in the eaves. I wanted to see what was going on with the property so I could have piece of mind too. I've been calling the police on this, by the time they come out they are already gone. The police have told me to wait until they're in before calling.

Magner: officers are limited on catching them in the act, but if you take a photo of the car or the people, any evidence, I'm sure they will do their best. We all see the news, they have limited resources.

Bradley: I just want something to happen. They see boards on the windows and doors and are kicking it in.

Magner: at the end we'll either remove the attractive nuisance or maybe we'll have a dwelling rehabilitated. Either way we'll get away from what is going on right now.

Moermond: so, step one it needs to be cleaned out. We'll talk February 11 and id like a report from the company doing the cleanout. By Council date February 26 I'd like to have you showing up on this issue, trying to help yourself, and first step is cleaning out and getting it inspected. Doing that tells me your serious. We'll also talk about a \$5,000 performance deposit on February 11 if you want time to do the rehabilitation.

Laid Over to the Legislative Hearings due back on 2/11/2020

11:00 a.m. Hearings

Summary Abatement Orders

- 5 [RLH SAO 20-1](#) Appeal of Clark Baty to a Summary Abatement Order at 1311 EDGERTON STREET.

Sponsors: Brendmoen

Appeal withdrawn by owner; nuisance was abated.

Withdrawn

Correction Orders

- 6 [RLH CO 20-1](#) Appeal of Andrea Suchy-Shinn and/or Will Shinn to a Correction Notice at 24 CONGRESS STREET WEST.

Sponsors: Noecker

Layover to LH February 11, 2020 at 11 AM for property owner to provide a work plan and timeline for storing garbage cans in front of property, not on boulevard.

Moermond: this all started because you had garbage cans stored in the right of way.

Shinn: correct.

Moermond: looks like this is a rental property?

Shinn: yes.

Moermond: Why did code enforcement write the orders on it, I wonder why it was them and not Fire C of O? Did you have an engineer look at this? You said doing what you agreed to do would undermine the foundation?

Shinn: my business partner, she got the estimates. What we started with was we had the property surveyed to get permits, and we were hoping to driveway to the side of the property would be for both units, next door and ours, and then she got in some bids to do the stuff and it was crazy quantities of money. I can't give you the bids because she has them. She is under the impression if she took that \$10,000 to \$20,000, she could put a garage on number 28, next door.

Moermond: are you joining the two parcels?

Shinn: she's figuring out all that stuff. If that's what it takes.

Moermond: you can't put a garage on a vacant parcel, but you own both 24 and 28 and you can join them and put one one.

Shinn: my wife has talked to the code enforcement people.

Moermond: they don't actually do that. So she's done something but you don't know what. And she's talked to an engineer but you don't know what was said or what the bid was. Right?

Shinn: well I'm talking into a microphone and I'm horrible with numbers. I know it was more than \$10,000 to move a trash can across a sidewalk, and we're already \$2,000 into it.

Moermond: you have black plastic on the space between the porch railing and the retaining wall, so you already have a big project going on in front.

Shinn: for that I have the cloth, we were going to put alfalfa down because it's a pollinator and helps the bees and doesn't need to be mowed. That hill is just too steep, I've lost mowers down it.

Moermond: so that wasn't retaining wall work?

Shinn: no, it was not desirable grasses so we killed it all off and bought the stuff to put down and grow pollinator friendly plants.

Moermond: it would really help me a lot if you had a concrete proposal about how you are going to deal with this situation, in terms of joining the parcels and putting a garage and driveway in. Right now I really just have a garbage containers in the right of way and nothing firm and a blown deadline. When can you get me that information?

Shinn: \$35,000 was the estimate for the garage, because they have to cut into the hill. Its not normally my area of expertise. She was hoping for a year to get the whole thing situated and done with.

Moermond how did it come to pass that this wasn't handled? I had a hearing on this on May 28, 2019, so the thinking was you guys would deal with this during the last construction season, it seems like things could have been learned and dealt with.

Shinn: that's an incredible amount of money to move a trash can from the right of way to the other side of the sidewalk.

Moermond: well this is probably the most expensive way to move it, and the cheapest would be to put in some kind of mechanism to get the can up and down the steps. You don't want to do that, you want to store it on the right of way instead of taking it onto the parcel. Its that simple. How expensive it is to move it across the sidewalk is zero dollars. Carrying it up and down the steps, is it a \$30,000 problem? Only if you make it one. Its really a zero dollar problem and moving it up and down the steps to get it out of the way. I'm sympathetic to doing that, but saying you don't want to do it because its going to cost me \$30,000.

Shinn: I didn't want to give the impression we didn't want to do it, we always wanted to do something with the other property. It was a matter of the survey came in and that option didn't work, we don't cause problems with the City.

Moermond: I know that. I'm not going to give you a generic deadline, we've already done that. I do need to see specifically what you want to do to address this or just move the garbage can out of the right of way every week, and whenever you want to address regrading or creating a cubby to deal with the can, its fine with me, you just need to give me something.

Shinn: I get what you're saying and we're just going to have to move the cans.

Moermond: and I'm willing to give you a grace period if you're actively working on an alternative, but if that alternative is going to be too expensive and needs to wait, that's fine, its up to you, but I can't say it's a situation that can continue indefinitely. I need an end game.

Shinn: she's been working with contractors, and I don't touch that stuff. I do the maintenance, there's a reason we split that. She was supposed to be here today, but things didn't work out.

Moermond: can you get something to me in a week? Is that too soon? I'll give to February 11.

Laid Over to the Legislative Hearings due back on 2/11/2020

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 7 RLH VO 20-6** Appeal of James Stanke to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 192 ROBIE STREET WEST.

Sponsors: Noecker

Grant to July 1, 2020 to complete driveway repairs. C of O will be reinstated with corrections.

James Stanke and Jennifer Coley, owners, appeared

Moermond: this is a case with a stub driveway, and you didn't want to have to pave and replace the area, there was grass between end of driveway and garage. You didn't meet

the deadline we came up with, and you talked about a wet fall being the problem, but I'm not sure how that connects to the demolition of the garage.

Coley: we did the garage.

Moermond: and there's been no inspection.

Coley: the garage was down in the fall, it is just the driveway we didn't get done.

Neis: they will tell them to wait to the spring to do the site inspection, because they look for erosion control.

Moermond: ok when are you thinking you'll have this ready to go?

Coley: we'd like to June 30, to make sure the snow is gone and weather cooperates.

Moermond: on the strength of having the garage done I'll recommend granting to July 1, 2020.

Stanke: what if we have a wet spring?

Moermond: that's why we're going to July 1, you'll be fine.

Neis: are we allowed to reinstate the Certificate of Occupancy with corrections?

Moermond: yes.

Referred to the City Council due back on 2/12/2020

8 [SR 20-2](#)

Request additional extension to an Appeal of Anthony Cruz and Maria Baez o/b/o Alina Cruz to a Fire Inspection Correction Notice at 1818 FIFTH STREET EAST.

Sponsors: Prince

Grant extension to March 1, 2020 for completion of repairs, or property must be vacated. CPH February 12, 2020.

Marcelo Skapino, interpreter, appeared

Alina Cruz, owner, appeared

Gabrielle Mendez NeDA

Anthony Suero, son of owner, appeared

Maria Baez, sister of owner, appeared

Moermond: we left things last week where you were going to work on what was necessary to get financing for repairs with NeDA, also because their financing on depending on you being an owner occupant you were going to take steps to reclaim your house. I made a referral for you to talk to an attorney at SMRLS and I understand you went and did an intake with them to talk about qualifying, I heard this morning from Munier the attorney on your case, and I understand that you don't qualify financially for their services because you own the house and it is too large of an asset to get free legal services, is that what they told you?

Cruz (through interpreter): I don't remember, I have issues where I can't remember.

Moermond: Muneer also shared with me you said you weren't interested in filing an eviction of the folks living there currently, that wasn't the direction you wanted to go, you wanted to let them live there?

Cruz: yes.

Suero: we are going to get rid of them

Moermond: but the attorney said she said she didn't want to evict them.

Cruz: I didn't say that.

Moermond: ok, that's what the understanding was. If you want to go forward on your own that's fine. I think it might be—

Cruz: I want them to move out as quickly as possible.

Moermond: legally and enforcement wise lets lay out where the City is at with this property. The City was not seeing that the big repairs were being done, they were being left for a long period of time, Duane Carlson didn't repair the property, and because that wasn't done the City revoked the Certificate of Occupancy for the property and ordered it vacated.

Cruz: even if I as the owner want to live there?

Moermond: no, but you can't have renters without one.

Cruz: because he didn't have any place to go, he asked to stay in the house. Duane Carlson changed my address everything.

Moermond: where I'm going with this is that if you don't have a certificate, the City is going to order that people get moved out of there. I don't know that that's a bad thing. One of the problems we talked about last time was that it gave you deadlines for things to be taken care of, but didn't give a vacate date if things weren't repaired. I want to put a date on the record today.

Cruz: I understand that there's too much time, he said not to worry to me every time the City came. Every time he used to remove the walls in the basement and broke everything.

Moermond: Mr. Neis, lets say I put a recommendation in front of Council that gives to March 1 for the repairs to be completed or the certificate is revoked and the building vacated. What happens March 1 if the work isn't done?

Neis: if the order was to have everything in compliance by March 1 and it was not done, and the C of O had not been revoked, we would then take enforcement action and revoke the C of O, and require the building be vacated within 30 days typically. Which then is subject to appeal.

Moermond: right now we already have a revocation and they haven't granted an appeal on the revocation, they just gave extensions.

Neis: then where the C of O has already been revoked, if the work is not done by the deadline, our enforcement action would be to send it to vacant buildings to enforce the

vacate.

Moermond: so vacant buildings would take responsibility for making sure the building was emptied?

Neis: yes that is correct.

Moermond: if the owner wanted to move in after that, would there be any impediment from the Fire C of O side? Would it be forwarded to Code Enforcement?

Neis: so the step would then be for us to essentially transfer it to Vacant Buildings and depending on what category it was, the owner could have the option of moving back in, but any orders would be sent to code enforcement. For example, if it was Category 1, they could move right back in and let Vacant Buildings know and be reoccupied. If it's a Category 2 or 3, then they would have to let code enforcement in and make sure repairs were made before reinspection and re-occupancy.

Baez: will there be a cost for doing that Category 1 if she moves in? He said before it would be \$2,500 if the house was vacant.

Moermond: step by step, I am inclined to say right now the work has to be done by March 1 or the property vacated. That means on March 1, unless its done which it doesn't sound like it will be, it will go to Vacant Building. The very act of being in the Vacant Building program is an appealable order from the City, and that is some place we could discuss whether there would be a fee, whether it can be waived, level of repairs necessary, and we could consider that on its own in March after the property was emptied, about what it takes to get her to move back in. That is one path she can take. I think that's the path we're headed towards. She would need to file an appeal of the Vacant Building registration but it's a common discussion to be having. Will this way of approaching it work for NeDA Ms. Mendez?

Mendez: as long as she lives in the property, yes.

Moermond: the other way we could go that I'm struggling with is to say you could try and get the people evicted this month, whatever it is and move yourself back in, and it will never end up in the Vacant Building program if you move back in.

Baez: It is getting ugly. I called the Son, Elijah Carlson, and asked him if he could move out without us proceeding with court. He said I don't care, I'm not moving out. You guys lied about everything he said. He doesn't want to move.

Moermond: if our records had been clear to begin with it would have been vacated already, which makes me inclined to have a clear deadline to get it done and we can move onto the next step. Can we put this on for February 5, and ask them to give an extension to complete everything and if it isn't done that will be the vacate date for the property. If the Council agrees with that, Mr. Neis and his staff will make sure the door is placarded. What does that say?

Cruz: can you send a letter straight to him?

Moermond: right now the paperwork you filled out says Mr. Suero her Power of Attorney and responsible party. It will be with Ms. Cruz and Mr. Suero so any communication needs to be done by them. The legal thing we do is put the placard on the door.

Neis: after the public hearing and if the recommendation is upheld, then the next business day the inspector will hang a revocation placard on the building with a vacate date of March 1, 2020 to comply with all the repairs or vacate. On March 1, then our vacant building division will post placards indicating it's a registered vacant building and everyone must be out of the property and cannot live there.

Moermond: nothing in this action stops you from trying to remove the tenants before then. Mr. Suero do you understand? Do you have questions?

Suero: why do we have to deal with this when we did a favor for this person. I just want to go out and put them out by myself. Its not nice that we have to pay rent for that long, we don't make that kind of money.

Moermond: it is a lot. I will tell you the reason I chose the date I did is because this is an administrative way to empty the property. There's not something making it unsafe for humans to live there, like no water or gas, I'm not seeing that. I have a harder time with a closer deadline.

Suero: if it wasn't for that supervisor who came that day, he was going to move that day. Now we have to pay for this when he could have just not talked to him. Now we have to wait another two months. There's no way to put the vacate day tomorrow?

Moermond: the facts don't support that kind of a move. You can go to District Court and start an eviction action. This is up to you guys on how you want to pursue it. Nothing the City is doing stops you from taking other action. I don't have a lot of options here.

Suero: its about money.

Moermond: what is being done right now would take away her having to pay for an eviction, though if she wanted to she could tell the court she's too poor to pay and people do that all the time.

Baez: this is getting way too much. She hasn't even received any letters, because he's sending it back.

Moermond: Ms. Cruz will get the letters from our office and we can make sure they go both to Ms. Cruz and Mr. Suero, she didn't have the letters because she had signed paperwork saying Mr. Carlson was her representative for the property. That was a situation she created, she may have not understood, but that's the way that works. This would have been years ago.

Suero: what about other bills? How does she know what to pay? Everything that goes to the house he sends it back or throws it away.

Moermond: we have your address and hers from this point on. Mr. Neis, there should be time to have the orders translated too. They will go to the address on file for you, but you can trust your son is getting it as well. Reach out to my office with any question. I think this is the cleanest solution and doesn't take away your ability to act more quickly.

Baez: if he gets out before March 1, then you won't have to take the placard down?

Moermond: the placard came come down, she will need to reach out to Fire and let

them know.

Medez: I want to give a copy of my paperwork, we can't move on until she is in the property.

Received and Filed

1:30 p.m. Hearings

Fire Certificates of Occupancy

9 RLH FCO Appeal of David Nelson to a Fire Inspection Correction Notice at 1000 20-11 COOK AVENUE EAST.

Sponsors: Yang

Grant to August 1, 2020 to complete roof repair.

David Nelson, owner, appeared

Staff report by Supervisor Leanna Shaff: Fire Certificate of Occupancy inspected by Efrayn Franquiz, there are four items on the correction notice, the roof, item 2, is what's being appealed. You've seen the pictures, it's pretty deteriorated, missing pieces and they are curled, definitely needs to be replaced. As with any correctio notice, we're giving 30 days, and it looks like they want more time.

Moermond: you asked for more time, I know roofing is done in the winter but it is easier to wait until the weather is clear. What are you thinking?

Nelson: it's a type A property, so I'm very responsible, and the other write ups have been corrected and squared away, this one I'm asking for an extension, I will fix it. I'm asking before end of 2020. The roof isn't leaking, and its dangerous to do it in the winter, it's a steep roof, I'd like a reasonable amount of time to fix it when the weather gets nice.

Moermond: you've used "reasonable" and "end of year". A 12 month extension isn't practical, that puts us in winter again anyways. Normally with something whether sensitive items I put June 1 or July 1 so you can talk to contractors now. I'm going to say July 1, 2020. That gives you 3 to 4 months of clear roof time.

Nelson: can you give me to September 1? Those pics are just on the south face, but I don't want to run out of time. September 1 would give me another month.

Moermond: that's two more months.

Nelson: can we settle between that?

Moermond: it is not a negotiation it is an enforcement. I don't know how your circumstances are different than other people.

Nelson: this will cost a lot of money, in order to keep rents reasonable. I had a two-year timeline on replacing the roof, so now its decreased my time and revenue for my cost projections. I just want more time out of the roof, it's a major expense.

Moermond: I'm loathe to go beyond July 1. As far as financing this falls within building maintenance, but that's not really my concern here. I'll go to August 1, I won't go any further than that. The Council could look at it differently. If you need financial assistance there's plenty of time to go to the rental rehab program with the City to see if that's something you can utilize.

Nelson: that's reasonable to me. In the future, I called the building inspector and they never returned my call. I was trying to get an extension over the phone, even my own fire inspector which I've done in the past. Why is there something different about coordinating this now versus before? Is there a policy of where sometimes they can grant an extension on the spot, so I don't have to spend hours coming down here? Can we make this more efficient?

Shaff: as I said to you earlier, roofing can be done in the winter. This roof is very deteriorated, I can't help but wonder and hope your renters have insurance for their things, its that deteriorated if it leaks. If you're looking for an extension, that would be for you to bring forth to the inspector. We want to see you've gotten the other things done. We don't want to be wrestling with you six months from now. Paint and things like that, it won't stick in January, but you need to get the other stuff done.

Nelson: you're missing the point.

Moermond: I don't think she is. Asking for a one year extension is way beyond the authority of the Fire Inspector to grant, and on top of that this can be done in Minnesota in the winter. You didn't want to file an appeal.

Nelson: I asked the Fire Marshall what would be reasonable for you.

Shaff: he isn't going to answer that.

Nelson: I'm a responsible landlord, my point is how much do you grant some inspectors leeway or others not. Why did it happen in the past?

Moermond: you're talking about the abstract, since we've dealt with the matter at hand we're going to recess this.

Referred to the City Council due back on 2/12/2020

2:30 p.m. Hearings

Vacant Building Registrations

- 10 RLH VBR 20-6** Appeal of Alan Conard to a Vacant Building Registration Notice at 1738 SHERWOOD AVENUE.
- Sponsors:** Yang
- Grant to May 1, 2020 for property to have Certificate of Occupancy or be in property owner's name (not LLC) as owner occupant at 1738 Sherwood. Grant the appeal to be released from the Vacant Building program.*
- Alan Conard, owner, appeared*
- Staff report by Supervisor Leanna Shaff: Fire Certificate of Occupancy inspection*

started in July by Keshav, some of his notes talk about on July 30, 2019 he received a call from Mr. Conard saying his son was living at the property and it wasn't a rental. He did not understand that the property will be inspected as its not owner-occupied. Inspector Keshav says he showed up at the property and was denied access and asked to reschedule saying he wasn't ready and not aware of the inspection. August 14, 2019 he got a message from Mr. Conard saying he is the property owner and says he informed him about a written email and process to contact Ramsey County. On August 15, 2019 he left a message for Mr. Conard. August 20, went to property and it was a no show, and called the property owner who said he is closing the house for sale tomorrow and it will be owner-occupied. Inspector Thomas followed through on this file, and he states that Mr. Conard called and says he no longer lives at 465 address but the water bill for this address goes there and there are renters at 1738 and he will be moving in next year. He told Mr. Conard if its rented right now it will have to be inspected. Al began swearing and telling me he homestead the property and doesn't know whether he will live there or sell it, I explained that homesteading the property doesn't necessarily mean it is owner occupied. He didn't change mail or driver's license. All in all, this is not an owner occupied property. With Ramsey County its listed as being owned by an entity, AJC Clear LLC at 465 Park Avenue in Mahtomedi, that's also where the Responsible Party is. Owner occupied is defined as the principal residence of the owner of record of the building in which the owner resides. Owner for the purposes of this definition means a natural person. That doesn't include a corporation or partnership or other entity. Chapter 40 doesn't even mention homesteading as having anything to do with owner occupied, and it does belong in the Fire C of o program and should be inspected.

Moermond: looks like the most recent order was issued Nov 20, 2019, and in that order it says "a reinspection will be on December 6, 2019 at 2 pm or the property vacated." On November 20 was a placard hung?

Shaff: one would assume so.

Moermond: what happened December 6?

Shaff: Inspector Thomas has time and mileage for going to the property.

Moermond: note there was no appeal for the Fire Certificate of Occupancy or the appointment notices at 1738 Sherwood. At that point it got turned over to you Mr. Dorfled?

Dorfled: yes I have very little to add. That is exactly why it was referred. Inspectors Singerhouse and Friel opened a Category 1 Vacant Building, spoke with property owner. Rich and Tom said the house appears to be in good condition and advised property owner to file an appeal.

Moermond: was it occupied at the time?

Dorfled: January 14, 2020 per Singerhouse, it is currently occupied. We inspected and met son who said he is living there along with Father. Opening a Category 1 vacant building.

Moermond: so have you given up your residence in Mahtomedi?

Conard: I did, I homesteaded it with the County. We sold our house. Everything goes to 465, my daughter is at that address, I don't want my tenants to have my personal

address.

Moermond: did the County accept the application since it was owned by an LLC? That has an in-stamp, not a response from them.

Conard: No one said there was a problem. I sold my property at 103 Wildwood Beech Road.

Moermond: are you going to change the ownership from being an LLC to you?

Conard: I can. I am the sole owner of that LLC.

Moermond: you just said your daughter represents it.

Conard: I own the property and I live there, it is not a rental.

Shaff: chapter 40 is clear in its definition.

Conard: my son has lived there for about a year and a half. I moved in with him. I have issues with my wife.

Moermond: none of my business.

Conard: I dealt with Rich for years, I explained everything to James, instead of giving me a courtesy I felt harassed and I went down and gave a copy of the homesteading, I didn't hear anything. The house was originally under Al Conard, so it was switched when we rented it.

Moermond: when they initiated the inspection process, it looks like you weren't living there.

Conard: yes, when they first did. And then I explained to him that my son lived there and I was moving in because my property in Mahtomedi had been sold.

Moermond: the 465 park address?

Conard: no, that's just my daughter's address, the Wildwood Beech address.

Mai Vang: Ramsey County has 465 Park Avenue.

Conard: as the mailing address. That's my daughter's address.

Mai Vang: its listed as non-homestead, single unit.

Moermond: So, the County doesn't list 1738 Sherwood as a homestead. Please hear me, filing a piece of paper doesn't make it so. I'm struggling with the County deciding a corporation is a person that lives there. The only cases where something like this is allowed is if I someone has lived in a property for 30 years and they put it in trust. That isn't what we're looking at here. We have an independent business entity with multiple business interests owning it. I get you're moving in here. I also get where the inspector could think you're trying to game the system, because it does kind of smell like that.

Conard: but he knows me, and knows we have 20 some other properties and I've never argued a thing about one property other than my personal home I was moving into. If this is an LLC and all I have to do is file a quit-claim deed from the LLC to Al Conard, I am the sole owner of the LLC.

Moermond: and I think that's kind of where we're headed with this.

Conard: and that's totally fine.

Moermond: that might resolve these things. You're saying you aren't sure what you're doing with the property. I'm trying to figure out what a timeline would be for you to fish or cut bait on this.

Conard: by midsummer I'll know for sure what I'm doing. If I decide to turn it back into a rental—

Moermond: your son living there is a non-owner-occupied property. If the corporation owns it, its still not owner-occupied, so we're still in the same place.

Conard: by July or August I'll know whether I'm staying or moving or selling. My son doesn't own a home I can quitclaim it to him, it seems ridiculous that I moved in and he wouldn't listen. I was told to go homestead it, I had no idea the LLC would be a problem. I don't understand the urgency for one home when I have all these properties that are rentals.

Moermond: because this popped as a rental, and sounds like there was some friction in the field with your son and later with you. You wouldn't be the first landlord to make this kind of representation that wasn't up to snuff. It walks and talks like that. I'm hearing you say that isn't what this is.

Conard: we take care of our properties. This isn't what I'm trying to do here.

Moermond: do you have your driver's license out of the Sherwood property?

Conard: I haven't yet.

Moermond: voting?

Conard: I haven't voted since this summer.

Moermond: the utility bills?

Conard: my son lived there so we worked it out for him to keep paying them.

Shaff: the water bill goes to 465.

Conard: yes, and we just keep it as that since she takes care of the rentals.

Moermond: by May 1 of 2020 you can either get your C of O, or have the property in your name as an owner occupant at that address. If you do not, it will be non-owner-occupied property without a certificate of occupancy and an order to vacate can be issued on the strength of that. Right now, its corporation in Mahtomedi that owns the property. If you want to send it, that's fine, but we can also check the computer system. Grant your appeal to get out of the Vacant Building program. You have a timeline to get your Fire C of O or to make it legally and properly owner occupied.

Referred to the City Council due back on 2/12/2020