



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

*Marcia Moermond, Legislative Hearing Officer*  
*Mai Vang, Hearing Coordinator*  
*Jean Birkholz, Hearing Secretary*  
*legislativehearings@ci.stpaul.mn.us*  
*651-266-8585*

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Tuesday, November 13, 2018

9:00 AM

Room 330 City Hall & Court House

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#### 9:00 a.m. Hearings

##### Remove/Repair Orders

- 1 [RLH RR 18-44](#) Ordering the rehabilitation or razing and removal of the structures at 931-933 SHERBURNE AVENUE within fifteen (15) days after the October 24, 2018, City Council public hearing.

**Sponsors:** Thao

*No one appeared.*

*Steve Magner, Code Enforcement Manager: update*  
*-read letter sent Oct 31, 2018 to Robert Gotch (attached)*

*Ms. Moermond: is there a code compliance application on file?*

*Mr. Magner: a code compliance inspection report completed on Oct 25, 2018*  
*-performance deposit posted Oct 22, 2018*

*Ms. Moermond: but no Mr. Gotch*  
*-Ms. Vang - send him a letter informing him that he needs to produce a work plan,*  
*financing for rehab, proof taxes are paid; & maintain the property*  
*-on LH Nov 27, 2018; CCPH Dec 12, 2018*

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*Property owner to provide the following*

- 1) a revised work plan to demonstrate repairs for the remaining balance;*
- 2) provide financial documentation to pay for the rest of the repairs;*
- 3) provide evidence that the real estate taxes are paid; and*
- 4) maintain the property.*

*If the conditions are not met, will recommend removal of the building within 15 days*  
*with no option for repair.*

**Laid Over to the Legislative Hearings due back on 11/27/2018**

- 2 [RLH RR 18-48](#) Ordering the rehabilitation or razing and removal of the structures at 636

HALL AVENUE within fifteen (15) days after the December 12, 2018, City Council Public Hearing.

Sponsors: Noecker

*Wilson Q Cuzco, one of the owners, appeared.*

*Steve Magner, Code Enforcement Manager:*

*-The building is a one-story, wood frame, single-family dwelling with a detached one-stall garage on a lot of 6,098 square feet. According to our files, it has been a vacant building since October 9, 2017.*

*-The current property owner is Edwin Cuzco, Johana Galindo, and Wilson Cuzco per AMANDA and Ramsey County Property records.*

*-On August 29, 2018, 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 September 5, 2018 with a compliance date of October 5, 2018. 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 \$19,200 on the land and \$80,100 on the building.*

*-Real estate taxes are current.*

*-The Vacant Building registration fees were paid by check on October 5, 2018.*

*-A Code Compliance Inspection was done on June 6, 2018.*

*-The \$5,000 performance deposit was posted on September 18, 2018.*

*-There have been five (5) SUMMARY ABATEMENT NOTICES since 2017.*

*-There have been three (3) WORK ORDERS issued for:*

*- Grass/weeds*

*- Snow/ice*

*-Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$20,000.*

*-Oct 2017, it was referred to VB by code enforcement inspector for exterior violations, no water, etc; property owner, Phillip Shill, deceased*

*Mr. Cuzco: we purchased property Jul 20, 2017 before it became a VB & we plan to fix it up*

*-we hired an architect; came to city with the plan, however, the city said that the borders were not correct; we could not rehab the home because of the setbacks; then, we contracted a surveyor; it took a month for the survey to come in; Mr. Reid said that we could change the plans & make it work; so, we paid the deposit & paid the fees*

*Ms. Moermond: you've already gotten the code compliance inspection report & posted the \$5000 performance deposit*

*-next I need to see a Work Plan with timelines; your general contractor, etc*

*Mr. Cuzco: I gave everything (all paperwork) to Reid Soley; my general contractor is Savage Construction LLC; I have a sworn construction statement & bids from subcontractors; my general is supposed to be here*

*Ms. Moermond: when will you be finished with the rehab? I'd like to see it done in 5-6 months*

*Mr. Cuzco: it was supposed to be done in 4 months but..... unfortunately, we'll start in Apr 2019 because of the weather & it's not just a simple rehab*

*Ms. Moermond: you've got to start now; construction workers can work on just about everything except the exterior painting; the City Council will give you 180 days to finish the project; if you're over half way done at 180 days, they can give you more time*

*Mr. Cuzco: it will be about \$160,000 rehab; we're going to take off the roof & build a 2nd floor; that requires extensive work*

*Mr. Magner: your contractor wants 4 months; I'm not overly concerned here because this is scheduled to go before Council on Dec 12, 2018 - or even if it got laid over to Jan, & they granted you 180 days, that puts you pretty close to Jul; simply ask your contractor to start the permitting process in Jan & if their permits are ready to go & they're ready to start by mid-late Feb or even early Mar; there's still enough time (4 months) to get the project done & if you're at 90%, you can come back here & ask for 30 more days or so; the Council has a history of granting that time*

*Ms. Moermond: Mar 18 is actually 180 days on the performance deposit*

*Mr. Magner: so, they would have to have an extension on the perf deposit because they posted it early*

*Mr. Cuzco: no problem; we'll do that; general contractor got into an accident coming here*

*Ms. Moermond: let's get some specifics; Mr. Magner appears to be advocating for you to have a little bit more time; I am pushing for you to get this thing rolling*

*Mr. Magner: I think that it's really key to have the sworn construction statement & bids from the subs, which will explain a lot; the other big thing is that your contractor needs to put a timeline together*

*Mr. Cuzco: got that already & we're going to do the demo in Feb; not a problem -he entered financial document*

*Ms. Moermond: this account balance is from Jun 20, 2018 with a balance of a little over \$170,000 (scanned); we need more current information; also, I need an affidavit, indicating that you'll spend that money on this project until it's complete (specifically set aside for this purpose); send it to my office  
-in 2 weeks, Nov 27, 2018, we'll look over those records at our LH hearing; maybe you won't need to come*

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*Owner to provide the following conditions:*

- 1) A detailed work plan or sworn construction statement, including timelines and bids, for completing the work required in the code compliance inspection report will need to be provided, including subcontractor bids;*
- 2. Documentation of financing sufficient to execute the above work plan will need to be demonstrated (line of credit, construction loan, personal bank account). Owner(s) have estimated \$160,000 for the repairs and will need to provide document of financing in that amount; and*
- 3. If the funds being used are not tied to the project (such as a construction loan), we require an affidavit that states the necessary funds will be set aside from other*

*business or personal accounts; and*

*4. the property must be maintained.*

**Laid Over to the Legislative Hearings due back on 11/27/2018**

- 3 RLH OA 18-7** Making recommendation to Ramsey County on the application of Sara Gorton, on behalf of Morton M. Ackerman, for repurchase of tax forfeited property at 1220-1222 SAINT CLAIR AVENUE.

**Sponsors:** Noecker

*No one appeared.*

*Steve Magner, Code Enforcement Manager:*

*-this is a Repurchase Application from Ramsey County*

*-the application was made by Sara Gorton, Power of Attorney, o/b/o Morton M. Ackerman (attached)*

*-read cover letter from Kristine A. Kujala, Tax Forfeited Lands, Ramsey County (attached)*

*-Ms. Gorton explained that the applicant lost track of the mail; thought he had paid; he had deterioration in his health conditions causing him to lose track of his mail & payment responsibilities*

*-STAMP activity report shows that in Mar 2018 - we had a snow walk; also had a complaint about a vehicle on the side of the property; in Sep 2016, the 1222 side had an electricity shut-off*

*-not much activity*

*Ms. Moermond: I asked for a 5 year log from SPPD; there have been no calls to this property in 5 years*

*Mr. Magner: based on that & on our standard procedures for recommendation, DSI will recommend that there's no reason for denying the Repurchase Application; situation of an elderly gentleman, who failed to follow thru & they are just trying to repurchase the property for the estate*

*Ms. Moermond: I completely agree*

*-I will recommend to allow Repurchase*

\_\_\_\_\_  
*Allow for repurchase.*

**Referred to the City Council due back on 12/5/2018**

### **Making Finding Appeals**

- 4 RLH RR 18-49** Making finding on the appealed nuisance abatement ordered for 544 MINNEHAHA AVENUE WEST in Council File RLH RR 17-12.

**Sponsors:** Thao

*Pastor Loyace Foreman, Jr. appeared right after Mr. Magner's report so Mr. Magner repeated it.*

*Steve Magner, Code Enforcement Manager:*

-Mr. Seeger went out there; he came into my office this morning with Mr. Yannarely; Mr. Yannarely, unfortunately, was unable to attend the inspection on Fri; he was tied up with another event; Mr. Seeger took some photos as attached to the email & Mr. Seeger expressed his dismay that the project wasn't completed  
-this morning, Mr. Seeger said that he doesn't understand why the project is not completed & believes that with the time given, it should have been but that being said, he was generous enough to indicate to us that, in his opinion, the project is 90% complete, which seems generous based on the photos that we have  
-plumbing, warm air, mechanical & electrical permits have been issued; none are finalized  
-cabinets, appliances, kitchen sink & counter are there but not yet installed  
-the exterior yard is not finished & the exterior of the house still needs a few things  
-photos show that the stairway is open; stairs need to be finished; walls have to be taped, mudded & painted;

(A pause was taken in order for Mr. Magner to get Mr. Seeger on the phone but he wasn't able to.)

-we just tried to get a hold of Mr. Seeger in the field to check to see if his assessment included the open trade permits or if he was just looking at the building information at the time & we don't have a confirmation on my question

Ms. Moermond: Mr. Foreman, when will you be done?

Mr. Foreman: in 40 days

Mr. Moermond: if it's not completed by Dec 25, 2018, we'll take \$2500 a week from your performance deposit; I would like a revised work plan & fresh financials to make sure that you do have the money to finish the project; we've been doing this for almost 18 months now

-do you have any closed permits?

Mr. Foreman: I agree with everything that you said; the finishes are not done yet; no permits are finalized

-he showed a few pictures on his phone

-I had surgery at the end of Apr & couldn't do anything for 4 months besides trying to recover; primarily, Mr. Jackson stepped in to manage/finish the project

-now, we are finishing about 1 room a day; we still have landscaping, fence to do

Ms. Moermond: bring in revised financial documentation to pay for remaining repairs & fresh plans to get the rest of the work done in 40 days no later than Nov 27, 2018

-I'll put this in front of City Council on Dec 5, 2018

-my recommendation at that time will be: If no code compliance certificate by January 1, 2019, the matter will be continued for one week & Ms. Moermond will authorize the forfeiture of \$2,500 of the \$10,000 performance deposit. If an additional week is needed, recommend forfeiture of additional \$2,500.

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Appellant to provide the following conditions by November 27 in order to get recommendation for layover to January 2, 2019:

- 1) provide revised work plan, including timelines, to address the remaining repairs;
- 2) provide revised financial documentation to address the remaining repairs.

*If no code compliance certificate by January 1, 2019, the matter will be continued for one week and Ms. Moermond will authorize the forfeiture of \$2,500 of the \$10,000 performance deposit. If an additional week is needed, recommend forfeiture of additional \$2,500.*

**Referred to the City Council due back on 12/5/2018**

- 5 [RLH RR 18-16](#) Making finding on the appealed nuisance abatement ordered for 1536 VAN BUREN AVENUE in Council File RLH RR 18-2. (Legislative Hearing on November 13)

**Sponsors:** Jalali Nelson

*No one appeared.*

*Ms. Moermond: we did a Making Finding in Oct; the original grant of time was Apr 4, 2018*

*-Mr. Magner, what progress has been done on this?*

*Steve Magner, Code Enforcement Manager: there's been no progress; no permits pulled*

*-read the most recent letter sent by Mai Vang to Patricia Hanratty, HomeLiberty; Inna Tobak, Neighborhood Assistance for Homeowners; and Douglas Henneman, O Box 8214, St. Paul MN 55108 (attached)*

*-as of today, we have no permits - no way for us to sign off the permits or issue a code compliance certificate; since the project never commenced, DSI is asking for a Resolution to Remove the building*

*Ms. Moermond: I will recommend that the Council make a finding that the nuisance/dangerous conditions of this building have not been abated and authorize the Department of Safety and Inspections (DSI) to abate the nuisance condition and forfeit the performance deposit*

*Nuisance condition not abated and authorizes DSI to proceed with the nuisance abatement and forfeit the performance deposit.*

**Referred to the City Council due back on 11/14/2018**

## 11:00 a.m. Hearings

### Correction Orders

- 6 [RLH CO 18-43](#) Appeal of Barbara Brekke to a Correction Notice at 1018 JENKS AVENUE EAST.

**Sponsors:** Bostrom

*Barbara J. Brekke, owner, appeared.*

*Inspector James Hoffman: Correction Notice*

*-a complaint came in about a deteriorating roof of a garage on Oct 23 or 24; I was out there one of those days & there were several holes in the garage; shingles were deteriorating; it needed some work so, I sent out the Correction Notice giving about 30*

days to repair; I took a follow-up picture this morning; it's snow covered but you can still see where the holes are; I gave a deadline of Nov 30, hoping that an appeal would be filed

Ms. Moermond: can you tell me anything about the structural condition of the garage?

Mr. Hoffman: I can tell that at least the sheathing underneath the shingles is pretty deteriorated; the garage itself will not fall over or anything like that; it should be fine over the winter

Ms. Moermond: any sense of the roof collapsing?

Mr. Hoffman: it's hard to say; I'm not an engineer; it would take quite a bit to collapse, in my opinion; at this point for me, it's more about animal harborage as opposed to worrying about it falling down

Ms. Moermond: you stated in your appeal that due to the time of year & your finances that you would not be able to make the repairs until Mar 2019; tell me a little about that

Ms. Brekke: I haven't been able to find anybody, even if I had the funds, to do it right now anyway; I received as an inheritance some farm land in South Dakota in 2015 when my father passed away; a local farmer, who lives across the road, is renting that land; he makes his cash rent payment to me in Mar; so, that's when I would have the funds & I have already planned to allocate some of those funds for the repair of the garage; I don't dispute that there's a problem; it's just the timing; & I battle monthly to find discounts for my prescriptions because in total, they add up to over \$1000/month & I receive \$819/month from Social Security; the money that I do get for the land is only \$13,000; over \$5000 of that is taken out for property taxes for the land; then, federal & state taxes on the money I receive, which dwindles down the amount quite a bit; it's been a real battle for me; some of these medications I actually need to stay alive

-I do have 2 people set up who are willing to repair the garage; if one falls thru, I have a backup; the plan was to get it done in the spring of 2019

-I have some cats living in the garage, thankfully; not anything else

Ms. Moermond: do you own your house outright then?

Ms. Brekke: I still have about \$8000 to pay on it

Ms. Moermond: I'm comfortable with giving an extension on this

-I do want the city's structural engineer to take a look at it; is there a service door?

Ms. Brekke: yes; the service door is locked but it can be unlocked

Ms. Moermond: Brian Karpen, Structural Engineer will give you a call; I'm concerned that we don't have a collapse

-there might be some financial assistance available for you on this work (Brush with Kindness) or some other programs that I'd like you to explore; Mai Vang will send you a letter & include several referrals to contact for available money

-I will Lay this Over for 2 weeks to Nov 27, 2018

**Laid Over to the Legislative Hearings due back on 11/27/2018**

**11:30 a.m. Hearings****Orders To Vacate, Condemnations and Revocations**

- 7 **RLH VO 18-54** Appeal of Jose Flores to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 802 MOUND STREET.

**Sponsors:** Prince

*Jose Flores, owner; Tammy Blouin, tenant; and Jeime Robinson, friend, appeared.*

*Ms. Moermond: looks like I have a case where a Certificate of Occupancy Inspection happened & they did not issue the certificate because the conditions were that bad; in these cases, this is a Vacate Order saying somebody has to leave the house (one of the more serious kinds of cases that we have here)*

*Fire Supervisor Leanna Shaff: this started in Sep; office received a referral that this was not an owner-occupied property; I met with Mr. Flores & Ms. Blouin at the home; both said that they lived there; later on, I learned from SPPD that Mr. Flores did not live at this property; I told him that he needed to get a Fire Certificate of Occupancy; he came into the office & the front counter staff called me; we could not accept his application without the fee; later, I called him & asked why the application & fee had not been received; he told me that he forgot; I asked him to meet me at the property the next day; I was going to take enforcement action because he had no Fire C of O -on Oct 24, I went to the property with an officer to do the inspection; Mr. Flores did not show; Ms. Blouin refused us access because Mr. Flores said not to let us in until he came*

*-Ms. Blouin showed me her unsigned lease dated Sep 1, 2018*

*-the next time I was there was a week later accompanied by 2 officers; Mr. Flores was not there; no one answered the door; there were 2 large dogs; we continued to knock at the door; Ms. Blouin answered the door & identified herself, saying that she just woke up; we did the inspection; Mr. Flores was in the rest room; Ms. Blouin apologized that the house was a mess & was too much for her*

*-we found 43 deficiencies; told her that she had the right to appeal; we went outside & inspected the rest of the home*

*-photos*

*Mr. Flores: I own the property; Ms. Blouin rents it; Mr. Robinson is a friend of both (Mr. Flores is very difficult for me to understand)*

*-I'm appealing because she (Ms. Shaff) told me that I couldn't rent the house to anyone; that I needed to get a Fire Certificate of Occupancy; she told me, "I'm going to close your house;" she said she was going to condemn my house because she knows the neighbor; I talked to her boss, Travis; my nephew had lived at the house & had a lot of police calls*

*Ms. Moermond: when we talked last time, you said that your ex-wife was there with her nephews; & that the nephews had police problems & that the neighbors were really upset because of that; & there was kind of a history of bad conditions on the outside of the house*

*Mr. Flores: I cleaned those things & then more junk; I got a dumpster; then, I was sick (I'm still sick) & couldn't do the job*



*Ms. Blouin: he's had 5 mini heart attacks & fluid on his lungs; so, I haven't been bothering him too much with the little things*

*-Ms. Shaff came the first time; she had called Jose the night before & said they would be there to do an inspection; she came & at that point, there was no inspection done; she sat at the front window & said that the house had been a nuisance house; the neighbors had called on him; there was no check to see if there were covers on the plug-ins or .... nothing!*

*Mr. Flores: basically, she walked 3 houses away in the alley & .....*

*Ms. Moermond: when we talked before, you said that you were going to be moving back into the house & at that time, there was a very large Xcel bill & I needed to figure out for the City Council where things were at with that because there was this appeal that you had made around the Vacant Building Registration & if it was your ex-wife who was living there, then she would have had her own account, probably; or maybe it was in your name*

*Mr. Flores: it was in my name*

*Ms. Moermond: so, if you were going to be back in there, my understanding is that the bill would have been worked out with Xcel & so, they have to make a decision about who's living there & the city is interested in whether the house is owner-occupied & does it have power, gas & water; each of those communicates different things to inspection staff; if it doesn't have power, gas or water, then, the city says that you don't have basic facilities that you need in order to live in a house; the city has an interest in your utilities to make sure that whoever is living there has those basic facilities; it does sound like there were some mixed messages going on*

*-in terms of whether or not you, Mr. Flores, personally live there, that has a role in what Xcel will do but it also is the trigger for whether or not you need to have a Fire Certificate of Occupancy; is it a rental property?*

*if it is a rental property; it needs a C of O; an owner-occupied property doesn't need a C of O*

*Ms. Blouin: I'm not going to rent there anymore; I gave him my notice; there's been a lot of problems there since I moved in Sep; I think that I will probably move back to Anoka, my family lives up there*

*Mr. Robinson: there was one guy staying there, too, & he wouldn't leave; he was causing a lot of problems; he was arrested for molesting a little kid; we couldn't get him out but now, he's gone & the place is mellow; no traffic; none of that; he was a lot of problems for the neighbors, too*

*Ms. Moermond: what's going on in the basement? was that guy sleeping in the basement?*

*Mr. Flores: no*

*Ms. Blouin: we have a futon down there; a couple of nights, I did sleep there but no one is living there; I have it all cleaned now*

*-Mr. Flores is trying to do what he needs to do but he's sick; unfortunately, he hadn't lived there for 9 years; he just moved back to his home; he's had the garbage taken out of there a few times; I keep cleaning & cleaning & I put the garbage on the deck until someone can come & get it for me; I know it doesn't look the best; Mr. Robinson*

*will help get some of those garbage bags out when I move*

*Mr. Robinson: I will do some of the work in the house, too*

*Ms. Moermond: looks like you need to hire an electrician for sure; if you own the house & live there, you can pull your own electrical permit to do the work; if you own the house but you don't live there, you need to hire a licensed electrician to pull the permit & do the work*

*-there's a lot of deferred maintenance - basic repairs haven't been done for many years*

*-you've given the city a lot of mixed messages on whether or not you live there*

*-also, there were the police problems with your ex-wife's nephews & then, this other guy, which tells me that you haven't had control of your property*

*Mr. Robinson: he said that he had a problem; that's why I came to help & no one is just going to come like that now; I'm going to help him*

*Ms. Moermond: the only way I can look at the future is by looking at past behavior & past behavior says that you're going to have another problem there because you haven't been managing your property*

*Mr. Robinson: he wasn't living there; his ex-wife was*

*Ms. Blouin: I'll probably leave at the end of this month; & the reason I said that Mr. Flores lived there is that I had a very bad incident happen to me last year; I didn't want a lot of people to know that I was there by myself; I don't know St. Paul & I felt safer saying that he lived with me ...until he got sick; he does get his mail there; he comes there & is trying to do the repairs; he's doing his best; there are some violations in the house but it's not inhabitable [sic]; I live there & I've been comfortable; it was his ex-wife who let the nephews stay there*

*Ms. Moermond: you were responsible for the property because you're the owner; you don't get a pass because you weren't living there*

*Mr. Flores: my ex-wife is co-owner of the property*

*Ms. Moermond: I'm going to put this in front of City Council on Nov 28, 2018 & I'm going to say that the house needs to be Vacated by Nov 18, 2018 so Insp Shaff can check it out on Mon*

*Mr. Flores: I need more than 1 week to ....*

*Ms. Moermond: no; no; that's when this house is going to be emptied; so, you can either have the repairs done & have them inspected or nobody's going to be living there; that's where we're at with this because you don't have a Certificate of Occupancy & you've got such a tall order of things you need to do*

*Ms. Shaff: I'm off next week; Insp Niemeyer can inspect - no, he's out too next week; let's go with Insp Pettiford*

*Ms. Moermond: the next conversation we'll have is about under what circumstances can you move back in again; we will tackle that when we talk about getting out of the VB Program, which can happen in different ways*

*-I want to see this house fixed & either see it with a responsible tenant or you living there; you also have to figure out the Xcel things*

*-last time we talked you said you were homeless but I understand you have somewhere to live*

*Mr. Flores: I go back & forth; I know how to fix these things but I need time; I already have a payment plan with Xcel; there's no way I can leave all that stuff there because as soon as you put the sign on the house, people will break in & steal things; I need to stay in my house; I don't want anything stolen or ruined; the house is not dangerous*

*Ms. Moermond: I'm calling this in a strict way because of the bad history here & the bldg is not being treated well; & whether or not the sign is visible, you may want to get a Security System*

*-the City Council may look at this differently from what I do; they will have the hearing just on the Order to Vacate on Nov 28; if they say that it has to be vacated, the next thing we'll talk about is the VB Program again & go from there*

*-right now, I'm not going to change my position based on the potential of your possessions being vulnerable*

*Ms. Blouin: he's on 16 meds; & it's cold; he has nowhere to go; I made arrangements with Xcel; when I move out, I will help him call Xcel & get it situated for him; it will take me some time*

*Mr. Robinson: the history is with his ex-wife; & he was in the hospital*

*Mr. Flores: I didn't even know the problem existed*

*Ms. Moermond: he's the owner of the house; these things need to be dealt with before anyone can move back in either by getting a Certificate of Occupancy or going thru the Code Compliance process; one of those 2 things is going to have to happen & we'll sort that out next; you rented it without having a Fire C of O to begin with (illegal); there's been misunderstandings; & the bad history; it was Condemned because someone was sleeping in the basement; owner doesn't live there*

*-I'm going to recommend to the Council that they Order this house vacated by Nov 18, 2018 so that it can be inspected & be found empty on Nov 19; Council meeting is Nov 28 when they may look at this differently & give you more time to get these things done*

*Ms. Blouin: I wasn't going to move until Nov 1, 2018 [sic] because I don't really have anywhere to go; I moved from St. Cloud; I really don't want to go back to Anoka where my family is; I don't even know if they'll let me come back; he's been my friend; I've stayed with him before; I didn't pay rent; when he got sick, I stayed with him; he lives with his girlfriend sometimes; he is there a lot & I take care of him - cook food; I make sure he takes his meds*

*Ms. Moermond: I made my decision; you'll get a letter/email*

*Grant to November 18, 2018 to vacate the property.*

**Referred to the City Council due back on 11/28/2018**

**8 RLH VO 18-55** Appeal of Mark Kaehler to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1241 SIXTH STREET EAST.

**Sponsors:** Prince

*Mark Kaehler, Property Restoration Management Inc, owner, appeared.*

*Fire Supervisor Leanna Shaff: Revocation of Fire Certificate of Occupancy/Order to Vacate by Inspector James Thomas on 10-25-18; 6 remaining items on the Orders: garage, reflective numbers, kitchen floor, smoke detector affidavit, window glass, remove all sheets from doorways; maintaining a smoke detector outside each sleeping room; first appointment letter went out in May; a couple times that Insp Thomas needed to cancel; the first time, we didn't have an updated address; we've had difficulty getting into the home; basically, Revoked for long term noncompliance*

*Mr. Kaehler: I'd like at least a couple of months to deal with the kitchen floor; I explained that to Insp Thomas; everything else has been taken care of*

*Ms. Moermond: I'll recommend that Council give you until Jan 1, 2019 to deal with the kitchen floor*

*-in the meantime, I'd like an inspector to go out & check the rest of the items, in particular, the smoke detectors*

*-City Council Public Hearing on Nov 28, 2018*

*Grant to January 1, 2019 to comply with the kitchen floor.*

**Referred to the City Council due back on 11/28/2018**

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

- 9 [RLH FCO 18-188](#) Appeal of Dale Wobbe to a Correction Notice - Re-Inspection Complaint at 869 ALBEMARLE STREET.

**Sponsors:** Thao

*Dale Wobbe, owner, appeared.*

*Fire Supervisor A.J. Neis: Fire Certificate of Occupancy Correction Notice issued Oct 10, 2018 by Fire Inspector Efrayn Franquiz; 14 items on deficiency list; a complaint came in Jul 2018 indicating that there was black mold in the basement & front porch; putty on the back door-they could see thru the back door; kitchen windows leak when it rains; something wrong with the electrical; floors were slanted, bugs, shingles & siding were rotting;*

*-my concern: this C of O was approved in Jan 2018 by Fire Insp Mike Cassidy, who has since retired from our office; he cited that this property did not have many code violations; photos in file*

*-the appeal cites that most of the work has been completed & meets code*

*Ms. Moermond: when I look at the Orders & pictures, I see some deferred maintenance; and I'm surprised that this sailed thru inspection in Jan (?); these things should have been called out before but it doesn't look like it's a huge deal*

*Mr. Wobbe: this property has been inspected many times by different inspectors; I joked with Insp Franquiz - hoping that he was as fair as the other inspectors have been but he was not fair at all;*

*-stairs - I secured them with screws & they're really tight; he walked up & down the stairs about 5 times & said that they were really tight; all he asked me to do, I did; I*

expected him to say, "Mr. Wobbe, WoW, you did a great job! but no; it was the complete opposite; I even had nbrs come by telling me I did a nice job on the house; I filled in the cracks; I took off a section of the fence & reconnecting everything; I thought everything looked great

Mr. Neis: pulling up photos (Oct 10) on the screen; I do agree with the driveway; while it's not pretty with the asphalt patch, it meets minimum code; the siding; a lot of rotted wood (great areas for bugs; there was a report of a bug infestation); doors; walls - peeling paint; windows have lead based paint; window not trimmed out

Mr. Wobbe: the siding was replaced; the doors are brand new now; that's insulation, not rot; it's been caulked

Mr. Neis: great if some of this has been done  
-caulk is not always the appropriate fix; it should be done in a professional state of maintenance  
-the driveway, I agree, it's acceptable

Ms. Moermond: back stairs - barn red paint & tightened steps

Mr. Wobbe: brought up current photos (after Oct insp) of the fixes: back stairs, fence, back door, asphalt

Mr. Neis: referring to the photos of stairs-one step where wood is splintered out; some connections that were made with screws may not be as secure as was intended

Mr. Wobbe: there's a 2 x 10 reinforcement behind the stairs that's also supporting it

Ms. Moermond: we'll get a second set of eyes to check on that 2 x 10; also need a new step where it looks splintered  
-the fence has been repaired; sidewalk repaired; pkg surface is good; bathtub & vanity  
DONE

Mr. Wobbe: the insp came inside on Oct 9 to re-inspect & I was with him  
-GFCI outlet - new face; door & frame are new; kitchen window-DONE

Ms. Moermond: where does the front room in Unit 1 exit to?

Mr. Wobbe: it goes into the next room; it has everything in it for a bedroom

Ms. Moermond: there was a time when the living rooms & dining rooms were converted into bedrooms (illegal bedrooms)

Mr. Neis: I'd like to take a look at this & get some photos; window sills looks like lead paint

Mr. Wobbe: I don't have any lead-based paint

Mr. Neis: I will schedule an appointment to re-inspect these things  
-re smoke detectors, to maintain to the highest standard & because this was a Reg VB at some point & permits were pulled, both inside & outside bedrooms will be required

Ms. Moermond: Mr. Neis will go out to re-inspect at 9 am on Dec; he'll check on the 2

*x 10 board on the stairs, the step that looks splintered & the front bedroom (is it a legal bedroom?); move bed or smaller bed, in small bedroom, etc; he will give a staff report at the Dec 11, 2018 LH*

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*Supervisor AJ Neis to inspect property on December 5 @ 9 a.m.*

**Laid Over to the Legislative Hearings due back on 12/11/2018**

**10 RLH FCO  
18-190**

Appeal of Dean Dalzell/Amy Hanson to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 450 SYNDICATE STREET NORTH.

**Sponsors:** Thao

*Dean Dalzell & Amy Hanson, Community Action Partnership of Ramsey & Washington Counties appeared.*

*Fire Supervisor A.J. Neis: you have seen the email from Mr. Ubl; he concurs that this is a hazardous issue; however, it was approved about 20 years ago; and basically, he advised that when they upgrade for any reason, they will need to have it addressed at that time*

*Ms. Moermond: asked Mai Vang to pull up email from Mr. Ubl  
-at first blush, this looks terrible because nothing is supposed to be in an egress channel except for getting out; it looks like Webber Electric put it in back in the day  
-I sent this to Mr. Ubl & the Sr. Electrical Inspector to review  
-Mr. Ubl responded:*

*Marcia,  
Thank you for the attached document addressing the appeal for the removal of electrical equipment in the stair tower of 450 Syndicate St. N. Our research has found that this equipment is indeed at least 20 years of age . . . if not more. While it is difficult to require the existing equipment to be relocated outside of the stair tower at this time I do believe the owners need to be aware that in the future, any replacement of equipment will charge the electrical contractor to relocate the equipment outside of the stair tower. Please note – the elevation of the equipment is not the only hazardous issue to address. Any equipment in a stair tower can overheat and create an incident whereby the stair tower would become compromised. That is the reason for no equipment to be allowed in a stair tower. . . . not simply for clearance purposes.  
Thank you for working with me on this issue,  
Stephen Ubl  
City of St. Paul Building Official*

*-so, your appeal is granted ... but it isn't great  
-moving forward, you'll need to address this - deal with it in your capital improvement plans  
-when you go to do that work, go to the DSI office to have them review your plan at the permit counter; they may want to pull in the Sr. Electrical Inspector to have him look at your plan; it's an unusual problem that's kind of old & will require some custom review*

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*Grant the appeal.*

**Referred to the City Council due back on 12/12/2018**

**2:30 p.m. Hearings****Vacant Building Registrations**

- 11 [RLH VBR 18-86](#) Appeal of James & Cynthia Westphall to a Vacant Building Registration Renewal Notice at 362 TOPPING STREET.

**Sponsors:** Thao

*Supervisor Matt Dornfeld, Vacant Buildings: re: 362 Topping*

*-there were some emails being exchanged from the Councilmember and the property owner*

*-this was a Category 1 VB fire that had multiple extensions given last year; then, it went to assessment; they've had a ton of snags with insurance, then, with Zoning, all sorts of problems; and have called continuously*

*Ms. Moermond: yes, they have*

*Mr. Dornfeld: this is DSI Deputy Director Travis Bistodeau's last email: "You now have a 90-day waiver on your Vacant Building fee; in that 90 days, we will be looking for demonstration that you intend to bring your property up to code & intend to eventually, re-occupy. We will re-evaluate at the end of this current 90-day waiver period. I spoke with your contractor this morning & he has a clear direction as to what needs to be provided before we can issue the building permit. It sounds like he will be able to meet those requirements still this week & we can issue the permit before the weekend. Thank you, Travis Bistodeau."*

*-anniversary date: Nov 13, 2017*

*Ms. Moermond: DSI issued a 90-day fee waiver which will take them thru Feb 13, 2019*

*Mr. Dornfeld: I'm going to follow the leadership on this; whatever I'm told to do is what I'm going to do*

\_\_\_\_\_

*Appeal withdrawn. DSI has issued a 90-day waiver.*

**Withdrawn**

- 12 [RLH VBR 18-87](#) Appeal of Marcos Bekuto to a Vacant Building Registration Notice and Fire Certificate of Occupancy Revocation and Order to Vacate at 421 UNIVERSITY AVENUE WEST.

**Sponsors:** Thao

*Marcos Bekuto, Muyo Bati Properties, LLC, owner, appeared.*

*Fire Supervisor A.J. Neis: this is an appeal of a Revoked Vacant Building status for 421 University Ave; this one fell under our radar; we had some challenges with AMANDA previously about VB; when we select them, they're automatically supposed to go to the VB Program but in this case, I don't believe that happened*

*-this building was Revoked last year for noncompliance; I was at the bldg last year with Ms. Huseby; it's a mixed use bldg; downstairs is a commercial space; upstairs are residential dwelling units*

*-the Certificate of Occupancy was Revoked due to code violations in the upper units, predominantly, the fact that the bedrooms don't have escape windows; it was advised that the owner needed to open up the walls at least 50% to make them into efficiency or studio type apartments; there were other code violations, as well*

*-Insp Huseby reviewed the file in Oct 2018 & realized that a VB file hadn't been opened up; so, she sent it over to the VB Programs in Oct 2018*

*-when I was at the building last year with Ms. Huseby, the majority of the upper units were vacant (3 or 4 units); at the time, only 1 unit was occupied & that unit needed to be vacated*

*-I believe that the downstairs is still vacant because there were some challenges with the commercial space; I believe that Mr. Bekuto had gotten a tenant who was trying to open up a business; he had some work being done on the property & the contractor shorted him - promising work that never was committed; so, we were trying to help them thru the process; unfortunately, it just never got there*

*Supervisor Matt Dornfeld, Vacant Buildings: we opened a Category 1 Vacant Building on Oct 16, 2018 per Inspector Neis' testimony & report*

*Ms. Moermond: I'm thinking that we should have an updated inspection; the computer system didn't trigger the building being vacated last year & I think that you deserve a fresh inspection before we jump to any conclusions about keeping the Certificate Revoked*

*-perhaps Inspector Huseby can schedule a time within the next couple of weeks to do an inspection*

*Mr. Neis: Mr. Bekuto has to get those rooms opened up; he doesn't have egress for his tenants; that is something that we should be addressing in the appeal - if that needs to be done or not*

*Mr. Bekuto: that issue came up at the end of the inspection & I didn't know because this was my second time inspection; the first time, I didn't have a problem; then, this time, toward the end, I was told that I had to have a window & I was arguing about that; then, finally, the lady suggested to me... if you open this, it shouldn't be a problem; I opened it right away that week - both of them; I just cut out part of the wall - no door in there*

*Mr. Neis: excellent*

*Ms. Moermond: I will ask that a new fire inspection is done in the next 2 weeks*

*-I'm going to grant your appeal on the VB Registration; you're out of the VB Program for now; we need current information & a fresh inspection report*

*-let's change the title on this appeal to include the Fire C of O Revocation so it clearly covers both matters*

*-we will talk about this next on Dec 4, 2018*

*-if Ms. Huseby can clear the list & just say everything is taken care of, we don't need to talk*

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*Grant the appeal on the vacant building registration. For the Fire C of O, Inspector Huseby will inspect the property to determine which items are completed and what remaining items are left.*

**Laid Over to the Legislative Hearings due back on 12/4/2018**



13 RLH VBR  
18-88

Appeal of Hector Mach to a Vacant Building Registration Fee Warning Letter at 839 VAN BUREN AVENUE.

Sponsors: Thao

*Hector Mach, owner, appeared.*

*Supervisor Matt Dornfeld, Vacant Buildings: 839 Van Buren was made a Category 2 Vacant Building on Jul 11, 2018 per a Condemnation by code enforcement division -this file was in front of you on Jul 25, 2018 where you granted a 90-day VB fee waiver; that 90-day VB fee waiver is now up  
-there is a Code Compliance Inspection Report on file; permits on file; no nuisance complaints  
-here to discuss the VB fee*

*Mr. Mach: yes; & I have one more question about the washer & dryer - on the code compliance report, it says I have to do something because it's right in front of the electrical panel; the ceiling is about 7 feet high; I'm looking to put in the double stack ones but it doesn't fit very good; I have no different area to put it but there is about 26" between the washer & dryer - you can walk into it; I don't know if that helps*

*Ms. Moermond: we really need a 36" clearance around an electrical panel; you're falling 10" short; that won't get an approval from the bldg/electrical inspector (he showed MM a photo of it-there's no room)  
-that isn't something I can help you with; that's up to the building folks; I don't have the authority to grant a waiver of the bldg code; all I can talk to you about today is the VB registration fee  
-it sounds as though you have a lot of work going on; when do you think you'll be done?*

*Mr. Mach: about 3 more months*

*Ms. Moermond: you already got a 90-day waiver on the fee; so, I'm going to let this go to assessment; then, you can appeal it; at that time, come talk to me here about that; you'll get it at about the same time as you're finishing your work; I would like to prorate your fee; so, if you're done in mid-Jan, 2019, I'd be willing to cut it in half, for sure*

*Mr. Mach: if I finish in 1 month, can I appeal all the fee?*

*Ms. Moermond: I'll look at that when you come in & we'll see*

*Mr. Mach: last week, my electrical contractor said that because I owe the money, he couldn't pull a permit*

*Mr. Dornfeld: I'll put a note in the system so that your contractor can pull the permit; if your contractor has trouble at the front desk, have him tell the receptionist to check the system & they'll see the note in there to allow permits to be pulled*

*Ms. Moermond:*

*Deny the appeal, but will allow permit(s) to be pulled.*

**Referred to the City Council due back on 12/12/2018**

**14**    **RLH VBR**                    Appeal of Shirzad Raimi to a Vacant Building Registration Renewal  
**18-89**                                    Notice at 58 WHEELOCK PARKWAY EAST.

**Sponsors:**            Brendmoen

*Shirzad Raimi, Raimis Construction LLC, owner, appeared.*

*Supervisor Matt Dornfeld, Vacant Buildings: 58 Wheelock Parkway East was made a Category 2 Vacant Building on Nov 14, 2017; Sale Review approved Raimis Construction on Mar 21, 2018 to purchase this bldg; permits on file; code compliance inspection report on file; property has been maintained; no nuisance complaints -here to discuss the VB fee due tomorrow*

*Ms. Moermond: you want 3 more months?  
-how about a 90-day VB fee waiver; if you get it done, you have no fee*

*Mr. Raimi: yes; thank you very much; that will help  
-explanation: originally, we wanted to do just a light rehab & put it back on the market; but the 2nd floor is only about 6'6"; it would pass code but for us to re-sell it would be a problem; so, we decided to lift the house up & put on new siding & new windows - now, we'll have over 7 feet*

*Ms. Moermond: I have no concern about giving you another 90 days; you have permits pulled & you're doing the work*

*Waive the vacant building fee for 90 days.*

**Referred to the City Council due back on 12/12/2018**

### **3:00 p.m. Hearings**

#### **Other**

**15**    [RLH OA 18-8](#)                    Appeal of Daniel Nesler to a Proposed Water Meter & Service  
    Modifications Denial at 1378 ASHLAND AVENUE.

**Sponsors:**            Thao

*Appeal withdrawn. Water Utility inspector has allowed appellant to relocate the water meter.*

**Withdrawn**