



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
Mary Erickson, Hearing Secretary
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651-266-8560

Tuesday, January 29, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 13-6](#) Ordering the rehabilitation or razing and removal of the structures at 661 CANTON STREET within fifteen (15) days after the February 6, 2013, City Council Public Hearing.

Sponsors: Thune

Remove the building within 30 days with no option for repair.

RE: 661 Canton St (single family)

No one appeared.

Ms. Moermond:

- it was made clear at the Jan 15, 2013 LH that they needed to post the \$5,000 Performance Deposit, get the code compliance inspection ordered, maintain the property, put together a work plan and arrange for finances
- at that time, they were realizing that it was almost going to be insurmountable
- it was also discussed that they needed to get their own materials out of the house; presumably, they are moving forward with that

Steve Magner, Vacant Buildings:

- a letter went to Jody Gibson, 661 Canton on Jan 16, 2013:
and

VIA EMAIL: jodygibson59@yahoo.com

Re: Order to Remove or Repair for Property at 661 Canton Street

Dear Ms. Gibson:

This is to confirm that on January 15, 2013 at the Legislative Hearing, Marcia Moermond, Legislative Hearing Officer recommended continuing the above-referenced matter to Tuesday, January 29, 2013 at 9:00 a.m. in Room 330 City Hall. Ms. Moermond suggested that you arrange a meeting with Supervisor Joe Yannarely at 651-266-1920 to open up the house in order for you to get into the property to work on the house, do clean up or get out all your possessions, including appliances. You may be in the house from 8 a.m. to 8 p.m. only. Mr. Steve Magner suggested that you purchase and install a hasp and a pad lock on the front door so that you can gain access to the inside when you want to.

If you want to make repairs to the property, here are the conditions to be met:

1. *post a \$5,000 performance deposit with the Department of Safety and Inspections;*
2. *conduct a code compliance inspection;*
3. *provide financial documentation such as a construction loan, a line of credit or a bank account that you have financial means to complete the project;*
4. *a work plan which includes timelines for completing the work and must be done in accordance with the Code Compliance Inspection Report; including subcontractor bids; and*
5. *maintain the property.*

Once these conditions are met, she will recommend that you get more time to do the repairs on the house. If the conditions are not met, the City's demolition process will begin. You may want to seek legal/financial advice if you need to.

If you have questions, please contact me at 651-266-8563.

- Jan 17, 2013: Joe Yannarely spoke with Jody Gibson's sister, Pamela Hawn 218/415-0384 and informed her that a new lock and lockbox was on the front door; note on the lockbox says: for access call 1-800-468-1743 or 512-589-8249 - this is Field Asset Services; told the sister to have Jody call that number for access. (in the original letter, the city said to call Joe and he will take the clips off the building but Joe thought that Field Asset Services had re-secured the building)

- he thinks the mortgage company hasn't been receiving payments so, they see the vacant building placards and are concerned; and have taken the initial steps to secure their asset

Ms. Moermond:

- Mai Vang: Ms. Hawn called her after the LH looking for Joe's number

- nothing has been taken care of

- she will recommend the City Council order the building removed within 30 days with no option for rehabilitation

Referred to the City Council due back on 2/6/2013

2 [RLH RR 13-4](#)

Ordering the razing and removal of the structures at 715 COOK AVENUE EAST within fifteen (15) days after the February 6, 2013 City Council Public Hearing.

Sponsors: Bostrom

The following conditions must be met by February 6, 2013:

- 1) *outstanding real estate taxes must be paid with Ramsey County;*
- 2) *the \$5,000 performance deposit must be posted;*
- 3) *obtain a new code compliance inspection;*
- 4) *maintain the property*

Provide contract documentation between Local Holdings and Twin Citites Real Estate Partners LLC for City Attorney's review and if considered that Local Holdings is an owner under the Bostrom Ordinance and the aforementioned conditions are met, may grant additional time to present the following: 1) a work plan or sworn construction statement, with timelines, for the completion of the rehab of the building (can document labor and value of labor if being done by the owner); 2) subcontractor bids, if any; 3) demonstration of at least \$50,000 being available for the project. This may be one of the following: 1) construction loan, 2) a line of credit or 3) a bank statement which demonstrates the Bank has the financial means to complete the project; and 4) provide a current vacant building registration form which can be found online at <http://www.stpaul.gov/index.aspx?NID=1090>

RE: 715 Cook Ave E (duplex)

John Trebesch, Local Holdings, owner, appeared.

Mr. Trebesch:

- he acquired the properties Jan 1, 2013
- he has now foreclosed on it; (started that process on Twin Cities Real Estate Partners LLC, now defunct; previous owner)
- plans to take title to the real property
- had no interest in the property prior to Jan 1, 2013

Steve Magner, Vacant Buildings:

- was heard originally at LH Jan 15, 2013; CCPH Feb 6, 2013, at which time the following staff report was put onto the record:
- 2-story wood frame duplex with detached 2-stall garage on a lot of 4,792 sq.ft.
- (Note: Ramsey County has this building listed as a 3-family dwelling.)
- has been a vacant building since Nov 7, 2009
- current property owner is listed as Twin Cities Real Estate Partners LLC per Ramsey County
- Oct 26, 2012 inspection conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted Nov 6, 2012; compliance date Dec 6, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$10,000 on the land; \$60,000 on the building
- real estate taxes for 2010, 2011 and 2012 are delinquent in the amount of \$16,924.17 plus penalty and interest (scheduled for tax forfeiture Jul 31, 2014)
- Vacant Building registration fees were paid by assessment Dec 3, 2012
- Code Compliance Inspection was done Jan 11, 2010 and has since expired
- as of Jan 14, 2013, the \$5,000 performance deposit has not been posted
- 17 Summary Abatement Notices since 2009
- 17 Work Orders issued for: garbage/rubbish; boarding/securing; grass/weeds; snow/ice
- estimated cost to repair exceeds \$50,000; estimated cost to demolish exceeds \$10,000
- no one appeared at the last LH and the recommendation from the hearing officer was to move forward with a 15-day Order to Remove
- subsequently, a letter was sent out Jan 17, 2012 to Twin Cities Real Estate Partners LLC, Douglas Polinsky, Wazata, MN stating the Order to Remove within 15 days (CCPH Feb 6, 2013 at 5:30 p.m.)

Mai Vang:

- believes that after the letter was sent, Mr. Trebesch contacted our office noting that he missed the LH on Jan 15, 2013; he wanted to re-schedule (phone tag and messages)

Ms. Moermond:

- local code requires that the owner of record be the one who fixes the property or removes it before the property can be transferred
- Mr. Trebesch wasn't the owner of record at the time this property was declared a nuisance/dangerous structure on Nov 6, 2012
- so, Twin Cities Real Estate of their bank would be the one to do the fixes (Mr. Trebesch: I'm the bank)

- after Jan 1, 2013
- for her purposes, she is very hesitant to recognize that Mr. Trebesch is Twin Cities Real Estate's bank
- she will confer with the City Attorney's Office

Mr. Magner:

- hesitant to give an opinion because he doesn't yet understand all the details
- in this case, the city's best option is to solicit the City Attorney's opinion as to how does this actually fit into the enforcement of Chapter 33 - Change of ownership and the intent to sell a vacant building when it's declared to be a nuisance
- asked questions of Mr. Trebesch
- until the foreclosure is complete, Twin Cities Real Estate Partners LLC has redemption rights (Mr. Trebesch: on an unoccupied structure it changes a bit)

Mr. Trebesch:

- Local Holdings acquired a group of properties from Twin Cities Real Estate Partners LLC, all after Jan 1, 2013
- John Polinsky was the authorized signer of the company
- his ultimate plan is to clean up these properties and sell them
- address added to mailing contacts:

Local Holdings
16778 211th Ave NW
Blg Lake, MN 55309
952/905-1200
localholdings@gmail.com

Ms. Moermond:

- interested parties of Twin Cities Real Estate Partners LLC: Robert Andrews; Jonathan and Elizabeth Bruntgen (she thinks that they actually are Twin Cities Real Estate); they sold to Build Partnerships LLC; Jane Alter, property manager on behalf of Robert Andrews, at Twin Cities Real Estate
- needs to see contract for acquiring the paper on this ASAP; City Attorney will need to look at it
- back taxes need to be paid before the City Council consider granting time for the rehab: at least \$17,000 plus penalty and interest
- a new Code Compliance inspection will need to be ordered
- the city needs a current Vacant Building Registration Form filled out by Appellant
- a \$5,000 Performance Deposit needs to be posted
- the property needs to be maintained (has bad maintenance history)
- need a work plan with timelines, bids, etc., sworn construction statement
- needs to see that Appellant has the financial capability to complete the rehab project (construction loan, line of credit, etc.); specifically, for this property

Mr. Magner:

- before we move forward on this, he suggests that we explore this further
- this particular timeline would probably be much quicker than the standard 180-day foreclosure process
- haven't heard that a shortened redemption period was in Appellant's plan
- provided copies of Order to Abate and the public hearing Notices for Mr. Trebesch
- has signatures from Doug Polinsky and Lantern Advisors LLC
- doesn't have returned mail from Twin Cities Real Estate Partners LLC

Mr. Trebesch:

- they will be accessing the properties this week
- ideally, they will rehab it and bring a family into it
- this is the first time he's seen the deficiency list; so, he needs time to review it

- the foreclosure process was started last week
- have not yet come to an agreement
- would like to start this work in the spring

Ms. Moermond:

- will be at City Council Public Hearing Feb 6, 2013
- in order for her to ask the Council for a Layover the following items need to be done:
 - taxes paid
 - \$5,000 Performance Deposit posted
 - application for a shortened redemption time period

Mr. Trebesch:

- 1 week is not enough time to put all this together
- he can secure the property
- he can't go pay someone else's taxes until they are in that position

Ms. Moermond:

- there was an existing Order to Abate dated Nov 6, 2012 when Mr. Trebesch acquired this property
- that Order required a \$5,000 Performance Deposit be posted and a Code Compliance inspection ordered
- she wants to be sympathetic to Mr. Trebesch's position but at the same time, the neighborhood has been waiting to get this taken care of and so has the city
- the financial risk is what she is looking for to show that Mr. Trebesch will take care of business
- if he is not willing to do that, she suggested that he take his case to the CCPH Feb 6, 2013 at 5:30 pm
- if he does provide what is necessary, she will ask for a Layover in order to get some of the other things underway

Mr. Trebesch:

- will talk with his attorney to see what he can do to expedite things

Mr. Magner:

- his opinion: this is a decision of economics - if you're looking at approximately \$17,000 in taxes and then put a hefty amount forward, will you be breaking even on the rehabilitation of the structure (?)
- to him, this property seems more like a liability than an asset
- at this level, it is assumed that involved parties know what they are getting into

Ms. Moermond:

- wants the City Attorney's Office to take a look at the contract; and assuming that they are fine with it, then, this will be treated like a bank and the standard requirement at this juncture would be that:
 - 1) the taxes get paid; 2) the \$5,000 Performance Deposit gets posted; 3) the Code Compliance Inspection gets orders; and 4) the property is maintained
- all the rest can be developed over the course of time
- if those 4 things are done, she will recommend that there be a 1-month Layover to get the rest of it together; then, a 180-days to do the rehab
- suggested that Mr. Trebesch has his legal counsel available when he attends the CCPH
- also, suggested that he contact her before the CCPH to see what he has or doesn't have because she may change her recommendation at that item
- she would really like to give Mr. Trebesch the opportunity to develop the rest of this package

Referred to the City Council due back on 2/6/2013

- 3 **RLH RR 13-9** Ordering the rehabilitation or razing and removal of the structures at 1054 CENTRAL AVENUE WEST within fifteen (15) days after the February 20, 2013, City Council Public Hearing.

Sponsors: Carter III

To be laid over at CC to Feb 26 LH and March 30 CC due to scheduling error.

Laid over to February 19, 2013 Legislative Hearing for City staff to provide proper notification to owner and for the owner to see if he can find someone to finance the rehab. (City Council is Feb. 20)

Applicant needs to provide a copy of the Contract for Deed and make sure that the contract is registered with Ramsey County; also must verify that the Contract is still in force.

Applicant needs to order the code compliance inspection in order to get grant of time for the other conditions to be met.

RE: 1054 Central Ave W (single family)

Doug Moore, contract for deed owner, appeared.

Mr. Moore:

- there has been no sheriff's sale*
- in late 1998, he bought the property on Contract for Deed (the note has been sold twice, now Bank of America now holds it)*
- Bank of America bought Countrywide*

Steve Magner, Vacant Buildings:

- 1 1/2 story wood frame single-family dwelling with a 2-stall detached garage on a lot of 4,356 sq. ft.*
- has been a vacant building since Dec 16, 1997*
- current property owner is listed as Bankers Trust Co of CA, NA/Countrywide Home Loans per Ramsey County records (Mr. Moore is listed as the previous owner)*
- Nov 15, 2012, inspection of building was conducted; list of deficiencies which constitute a nuisance condition was developed; photos take*
- Order to Abate Nuisance Building posted Nov 19, 2012; compliance date of Dec 19, 2012*
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code*
- estimated market value: \$12,300 on the land; \$65,600 on the building*
- real estate taxes are current*
- the Vacant Building registrations fees were paid by check Dec 14, 2012*
- a code compliance inspection was done Sep 30, 1997 and has since expired*
- as of Jan 28, 2013, the \$5,000 Performance Deposit has not been posted*
- 3 Summary Abatement Notices since 1997*
- 1 Work Order for garbage/rubbish*
- estimated cost to repair this structure exceeds \$50,000*
- estimated cost to demolish is between \$10,000 and \$15,000*
- concerning is that this has been a registered VB since 1997; their assumption is that was plenty of time to bring this building into compliance*

Mr. Moore:

- the reason he hasn't brought the building into compliance is mostly because of a lack of funds*

- he plans to paint the exterior and repair the associated minor carpentry items this year
- remaining would be some wiring and plastering inside
- the house is too good to demolish
- he is not going to be able to handle a complete renovation but he may be able to find someone who could finance it

Ms. Moermond:

- it looks like the bank owns the property and not Mr. Moore; his name is not anywhere on the record

Mr. Moore:

- there's only \$24,000-\$25,000 outstanding

Mr. Magner:

- if this was a Contract for Deed, it was never recorded with the county; it doesn't appear on the records (Mr. Moore: he can show Ramsey County the original contract); that needs to be taken care of

Ms. Moermond:

- the city is going to treat the bank like it's the owner; we have no option because the Ramsey County Recorder of Deeds list the bank
- the current bank is the Bankers Trust BAC Home Loan and BAC Field Services (Bank of America)

Mr. Moore:

- when you have a Contract for Deed, the party making the loan owns the title until it's paid (Ms. Moermond: if Mr. Moore had a registered title, it would show up in the title search - the contract he has should have been posted with the county but it wasn't; and legally, it's the responsibility of the seller; however, Mr. Moore needs to protect his own interests and make sure that it happens)
- has the Notice of this meeting with him today
- also has a record of the Code Compliance inspection made in 1997
- the mechanical systems inside are essentially the same as they were then
- he makes his living as a carpenter and is strapped for money; all he can afford this coming year is to give the exterior a complete new paint job and minor repairs

Mr. Magner:

- internal policy is that the code compliance inspection report is good for only 1 year and this one is 15 yrs old; a lot of things can happen in that time
- since there's this question of ownership, he'd like to make sure that everyone's clear as to what needs to be done
- if we have an unrecorded contract and Mr. Moore is listed as a previous owner, he thinks that the city needs to verify that it's mailed him a copy of the Order to Abate and a copy of the public hearings (don't know if he's been issued those documents)
- should we re-issue an Order to Abate and provide a timeline and/or re-Notification ?

Mr. Moore:

- the Order to Abate is in an envelope from the Bank of America; he hasn't opened it yet

Ms. Moermond:

- would be more than happy to Lay this over to make sure that proper notification has happened
- right now, she can treat Mr. Moore only as an interested party, not as someone who legally needs to be notified because that contract for deed isn't registered with

Ramsey County

- she wants to see a copy of the actual contract to make sure we're all on the same page
- thinks the bank also needs to be represented in this matter; they would need to send an attorney
- just painting the house will not do; we need a code compliance inspection and a performance deposit posted to start with
- continuing this hearing and allowing more conversations on this would be helpful
- we will make sure that we provide Mr. Moore will all the Notices, etc.

Mr. Moore:

- there's no way he can do all that at this time; his option is to find someone who is able to finance that

Ms. Moermond:

- Mr. Moore has some options; can have time to sort this through; maybe he will be able to pull this out
- he can't sell it at this point but he could get money for the rehab; let's focus on that
- plan on 6 months to do the fixes
- we'll do a 4-week Layover 1) to make sure the Contract for Deed is recorded with Ramsey County (Mr. Moore should be listed as the tax owner); 2) to provide a copy of that contract to LH officer; 3) to find someone to finance the rehab; and 4) order a code compliance inspection to get started
- after that, Appellant will need to provide the \$5,000 performance deposit; provide verification of money designated to the project; provide a work plan with timelines; and maintain the property

Mr. Moore:

- address: Doug Moore, Box 147, 1360 University Ave W., St. Paul, MN

Referred to the City Council due back on 2/20/2013

11:30 a.m. Hearings

Summary Abatement Orders

- 4** [RLH SAO
13-4](#) Appeal of Marsha Stoll to a Summary Abatement Order and Order to Provide Garbage Service at 1172 REANEY AVENUE.

Sponsors: Lantry

Owner in compliance per Inspector Gavin.

Withdrawn

Orders To Vacate, Condemnations and Revocations (None)

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 5** [RLH FCO
13-4](#) Appeal of Leonard Russo, on behalf of Heartland Food Holdings, LLC, to a Fire Correction Order at 289 FIFTH STREET EAST.

Sponsors: Thune

Grant the appeal.

RE: 289 Fifth St E (Market House and Condominiums)

Ms. Moermond:

- update: will recommend that City Council grant the appeal on the large double door

Referred to the City Council due back on 2/20/2013

6 [RLH FCO](#)
[13-32](#)

Appeal of Ying Vang to a Fire Certificate of Occupancy Correction Notice at 842 JENKS AVENUE.

Sponsors: Bostrom

Deny the appeal and grant until March 1, 2013 to address the grounding jumper around the water meter.

RE: 842 Jenks Ave (duplex)

*Ying Vang and Chee Xiong, owners, appeared.
Mai Vang interpreted.*

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted Jan 7, 2013 by Inspector Brian Tennancor

- 6 items on the list

- item #3 is being appealed: provide a grounding jumper around the water meter in basement

- a grounding jumper is required to bond the electrical system and provide a constant connection in case the meter was removed or if there's a lightning strike

Mr. Vang:

- he talked with St. Paul Regional Water Services and a customer service person told him that when the replacement company replaced the water meter, they put a grounding jumper around the meter; Water Services doesn't install grounding jumpers

- says the company who replaced the meter took off the jumper and replaced it with a really short one

Ms. Shaff:

- it's possible that the people who are replacing the water meter don't always attach a grounding jumper; if there's not a grounding jumper already there, they don't install one

- Mr. Vang may be referring to a wire that's also on the meter

- an electrician needs to install a grounding jumper

- called Regional Water Services and spoke with Jerry Lundeen, who said that replacing a grounding jumper is something you need to call an electrician for

- should not have to be disturbing the grounding jumper when replacing the meter

- it can become a dangerous situation without the grounding jumper if the pipes become energized

Mr. Vang:

- he should not be responsible for hiring an electrician

Ms. Moermond:

- the Order has been given and you are responsible because it does need to be taken care of; Mr. Vang will be held accountable for getting it fixed
- will recommend denying this appeal and grant until Mar 1, 2013 to come into compliance with the grounding jumper around the water meter
- City Council Public Hearing Feb 20, 2013

Referred to the City Council due back on 2/20/2013

7 [RLH FCO
13-36](#)

Appeal of Jeremy Hollingsworth to a Fire Certificate of Occupancy Correction Notice at 415 FINN STREET.

Sponsors: Stark

Grant until April 1, 2013 for compliance in Units 2 and 3 and the exterior building relating to removing the pots for plants.

RE: 415 Finn St N (apartments)

Jeremy Hollingsworth appeared.

Fire Inspector Leanna Shaff:

- this was first heard in Nov 2012 and there was quite a list
- hearing officer's decision was that #9 and #13 needed to be done by Mar 1, 2013; the rest of the list needed to be completed by Dec 1, 2012 (her notes say Dec 1, 2013)
- Inspector Bohan has been quite involved
- read inspector's notes as of this a.m: I talked to maintenance person 1-28-13 at 3:30 p.m.; he gave me an update on the property. He told me that the only things left to do on the inside of the building are in apts #2 and #3; they are waiting for the person to move out of Unit #3, which will occur Mar 1, 2013. He has some other projects on the other property and will be doing some minor repairs in Unit #2 soon. He stated that he would keep me up-to-date on the progress (her understanding is that Mr. Hollingsworth is doing a rehab of the whole building and people are moving out).
- Appellant is asking for an extension on the ground cover due to the weather

Ms. Moermond:

- the old appeal letter says - on Nov 6, 2012 - she recommended that the Council deny the appeal and grant until Dec 1, 2012 for the deficiency list to come into compliance with the exception of items #9 and #13, which will go to Mar 1, 2013

Mr. Hollingsworth:

- all is done except for Units #2 and #3 (kind of hoarders; they wouldn't let him in to do anything; there's so much stuff, you can't even walk, so, we gave them Notice that they need to be out by the end of Feb 2013)
- they also took care of the common areas, too; and they put a new roof on the building to take care of the leaks

Ms. Shaff:

- 3 items left on list: 1) painting ceilings and walls; 2) take care of exterior storage; and 3) residential heating report

Mr. Hollingsworth:

- the heating report has been completed by a licensed contractor, just not sent in yet
- should have everything done by the end of Mar 2013 as long as the people are out by Mar 1, 2013

Ms. Moermond:

- will grant until Apr 1, 2013 for compliance

Referred to the City Council due back on 2/20/2013

8 [RLH FCO
13-38](#)

Appeal of Hermino Pena Jr. to a Correction Order at 119 WYOMING STREET EAST.

Sponsors: Thune

There will be a re-inspection on February 19, 2013 at which time the inspector will do a full Certificate of Occupancy inspection to include the interior of the building. The entire certificate of occupancy orders will be reviewed on March 5, 2013 Legislative Hearing. The basement bathroom orders will receive an extension. The other items on the January 18, 2013 order should be addressed as soon as they can be.

RE: 119 Wyoming St E (duplex)

Hermino Pena Jr., owner, appeared.

Fire Inspector Leanna Shaff:

*- complaint inspection conducted by Inspector Sean Westenhofer on Jan 17, 2013
- 20 deficiencies
- water damage in lower unit dining room ceiling; missing CO detectors; water damage in the basement; dryer vent; etc.
- appealed today is the basement bathroom that is not supposed to be used; basement was locked and it wasn't part of the lease agreement
- has questions in regard to the locked basement (how does someone gain access to the electrical; laundry, etc.)
- unfortunately, Inspector Westenhofer is out ill today*

Mr. Pena, Jr.

*- bought this property Jan 1, 2012
- the lady upstairs has been there since Apr 2010
- tenant in lower unit was supposed to have been moved out right after he bought it because she wouldn't pay rent, etc; however, she had some problems with the house that she was going to rent so she stayed an extra month
- then, the daughter of the lady upstairs moved in
- ever since he bought the house, the basement bathroom was locked; he didn't get that key until after he closed on it; it has a bad wall
- the basement has the laundry, electrical, etc; the basement wasn't part of the lease but it wasn't locked; it was open so that tenants could use the laundry and have access to their electrical system
- someone pried open the basement bathroom door
- the lady in the lower unit sublet the basement, even though she didn't live there anymore (when that lady had moved there, he removed all the old carpet and put in vinyl flooring; he put in a new bathroom; he bought a new refrigerator; however, she didn't pay all of her rent)
- she didn't pay all her damage deposit; then, she called in the complaint
- she is still living there and so is her father
- if he wants to use it later on, he will fix the bathroom; if not, he'll put on a deadbolt
- he put an addendum onto the lease where it shows that they can't have any cars there that are not working and they can't do any mechanical work there; they are liable
- he can take care of all the things on the list; it will just take some time*

Ms. Shaff:

- you need to hire a licensed contractor under permit to install the dryer vent
- there are other things on the list that require a licensed contractor under permit
- the Certificate of Occupancy inspection is scheduled for Feb 19, which will provide a more complete list

Ms. Moermond:

- the Feb 19 inspection will follow-up on the list before us today but it will also check everything on their punch list for a complete C of O inspection, which, in all likelihood means there will be additional Orders
- asked Ms. Shaff to leave the appeal open until she has all the Orders in front her
- the basement bathroom needs to get fixed (will need a licensed plumber under permit)
- either remove the bathroom in the basement or have it fixed; water pipe included
- she will plan on doing an extension on the bathroom (may grant 90 days)
- either fix the dryer vent or remove the dryer and cap it off
- will Lay this over for 5 weeks; then, will give additional extension

Laid Over to the Legislative Hearings due back on 3/5/2013

2:30 p.m. Hearings

Vacant Building Registrations

- 9 [RLH VBR
13-6](#) Appeal of Song Vang to a Vacant Building Registration Requirement at 1133 RICE STREET.

Sponsors: Brendmoen

Appeal withdrawn by Fire C of O inspection department.

RE: 1133 Rice St (general retail and Svc - B - Commercial)

Song Vang, owner, appeared along with his brother.

Fire Inspector Leanna Shaff:

*- read emailed Staff Report from Inspector Wayne Spiering:
"Attached is the Correction Notice being sent as a result of last week's inspection of the property. Many of the deficiencies, I feel, are tenant-induced. Property owner, Song Vang, advised that the current tenant will be moved out by the end of Jan; the new tenant wants to move in by Mar 1, 2013. I have removed the property from Revoked Vacant status and placed in Revoked Unoccupied status until the deficiencies are corrected. Property must not be occupied until inspected and approved by our office."*

Ms. Moermond:

- by doing that, he is pulling back his referral to the Vacant Building Program
- these corrections should be made by Mar 1, 2013
- will get this emailed forwarded to Mr. Dornfeld

Mr. Dornfeld:

- he will close the VB file

Ms. Moermond:

- Orders have been Withdrawn by the Department of Safety and Inspections (DSI)

Withdrawn

- 10 [RLH VBR](#)
[13-8](#) Appeal of Vatou Her to a Vacant Building Registration Requirement at 865 JENKS AVENUE.
- Sponsors:** Bostrom
- In compliance.*
- RE: 865 Jenks Ave (duplex)*
- Ms. Moermond:*
- there's a note on her agenda: the file has been closed out and the Order Withdrawn, according to Inspector Rick Singerhouse
- Withdrawn**
- 11 [RLH VBR](#)
[13-7](#) Appeal of Jintu Wang to a Vacant Building Registration Notice at 506 THOMAS AVENUE.
- Sponsors:** Carter III
- Deny the appeal to be out of the Vacant Building Program. Owner will need to obtain a code compliance inspection. In the meantime, tenants must be vacated by February 1, 2013.*
- RE: 506 Thomas Ave (duplex)*
- Jintu Wang, appeared, representing his wife, Julia Zhao, current owner.*
- Fire Inspector Leanna Shaff:*
- Fire Certificate of Occupancy inspection conducted by Inspector Lisa Martin
- have not been able to gain entry for about 10 months, now; there's been multiple "no shows"
- the phone number is disconnected
- Inspector Martin met owner on the road last Apr 2011; owner gave Inspector Martin his new phone number
- she explained to him that if he doesn't meet her for inspections, enforcement action will need to be taken
- owner said he understand; also said that he was selling all of his houses
- in Jul, he "no showed" again - upper unit appears vacant
- owner met inspector in Sep 2012; it's now listed "for sale"
- Oct 15, 2012, met property owner - allowed access to entire building; Unit 1 appears to be abandoned, missing smoke and CO detectors; dead mice; mice feces all over; basement is filled with spider webs; it appears no one has been in the basement for a long time; needs Orsat test, windows, screens, front step repair, exterminator; heat in Unit 1 is very cold - Xcel says it has very low energy usage
- Mr. Wang:*
- his wife purchased this property Nov 2, 2012
- Mr. Dornfeld:*
- they opened a Category 2 Vacant Building because of the Revocation and multiple violations
- going through the TISH report done, Oct 19, 2012, he's finding numerous hazardous and below minimum violations, which coincides with the Revocation
- hazardous violations: basement/cellar steep staircase - low head room and low railing; deteriorated slab (cracking) in basement; electrical - missing dead fronts-over

fused services; mixed EBS and PBC piping and laundry tubs; undersized water supply piping; leaking laundry tub waste piping; no back flow preventer water supply; ungrounded outlet; broken sash cords; sink drains slowly; damaged wall in east bedroom; no CO detectors; missing cover plates; missing ceiling fixture; exposed wiring; etc....through 100 items

Mr. Wang:

- *is appealing that it's in the Registered VB Program*
- *early Oct 2012, he contacted the realtor, who said she had a good property for sale; someone was occupying it; she said everything was OK; they began to negotiate; Mr. Wang asked for the disclosure statement; he went to visit there and found that it was empty*
- *Oct 19, 2012 - previous owner gave him the TISH Report, which said that "this property is not a registered VB;" so, he thought everything was OK*
- *so, he bought it as is; he didn't want to buy a vacant building; they told him it was ready to rent*
- *so, they closed Nov 2, 2012*
- *they repaired all the things; inside is nice; outside just needs painting*
- *after that, they got some tenants in there*
- *Jan 16, 2013, he got a letter from the city saying that this is a Vacant Building - he was surprised and he left a message for Mike Kalas*
- *he knows this is very serious; they have someone living there and the building is Condemned*
- *next day, Mr. Kalas called back and Mr. Wang told him the situation - that they never received any Notice of Correction, etc., and apparently, those earlier correction notices were sent to the previous owner who lives in CA; the next day, he came to appeal (the owner, obviously, hid that information from them)*
- *so, now, almost everything on the list is fixed; Mr. Kalas said he'd talk to his manager to see if it could return to a Cat 1 VB*
- *he knows that you cannot buy a Cat 2 Vacant Building; now, he finds himself in that position*
- *he thought the inspector got access Oct 16, 2012 to do the TISH Report #12-202386 (Ms. Moermond explained that the TISH Report is not done by a city inspector)*

Ms. Shaff:

- *no permits were pulled to do the work*

Mr. Wang:

- *most of the items on the list didn't need permits*
- *for the furnace, they called a licensed company (from Xcel Energy)*
- *he knows they need permits for some things like electricity and furnace*
- *Section 8 is a federal program, completely separate from the city; they check for everything*
- *Section 8 has not yet certified this house; they still have a small item to finish*

Ms. Moermond:

- *Mr. Anton Nguyen would have had the preceding Orders at the point of sale to the new owners and he did not disclose (Ms. Shaff: there's Orders of Revocation dated Oct 1, 2012)*
- *so, a month before Mr. Wang and his wife purchased this property, the C of O was Revoked and at that time, it would have been illegal to allow occupancy (Ms. Shaff: it says, "Re-inspection will be made on Oct 13, 2012 at 1:15 p.m. or the property vacated.")*
- *Mr. Nguyen did not disclose that information*
- *Mr. Wang and his wife bought a house with a lot of problems*

Mr. Wang:

- he told his tenants to move out but they don't have a place to live and they don't pay their rent
- he went to DSI and told them his story

Ms. Moermond:

- the city does not have a Vacant Building Registration Form; however, Mr. Dornfeld has the address of a Julia Zhao
- there was no C of O at the time of purchase although, it was represented as having one
- the building was empty at the time with existing Orders to vacate
- it appears that it took 2 months from the issuance of the Revocaion and referral to the Vacant Building Program (would probably been easier to do more quickly; 2 months seems excessive; communicate back to supervisor)
- Mr. Wang and his wife have a complaint with the previous owner, Mr. Nguyen; no complaint with the city
- the building does meet the definition of a Registered Vacant Building: it was empty with multiple code violations and it didn't have a C of O certificate
- should the VB fee be charged?
- does it need a Code Compliance inspection? (the repairs were made without a permit; will need a professional inspector)
- the building does need a Duplex Code Compliance Inspection (\$550 approx)
- this property was misrepresented by the seller and the realtor
- the tenants need to be vacated; a fresh Vacate Order needs to be issued and the building placarded or a Criminal Citation would be issued

Mr. Dornfeld:

- we have to take the tenants into consideration and give them a reasonable timeline

Ms. Moermond:

- she believes that it is Mr. Wang's problem/obligation to find alternative housing for his tenants
- asked Mr. Dornfeld to do a follow-up inspection on Feb 1, 2013; the occupants should be out and the building secured
- will recommend that the property be vacated by Feb 1, 2013; if there is occupancy on Feb 1, 2013, a Criminal Citation will be issued to Mr. Wang and his wife and possibly, the tenants; it's the job of the City Council to draw the deadline and the expectations

Referred to the City Council due back on 2/20/2013

12

[RLH VBR
13-9](#)

Appeal of Gholamreza Ashrafzadehkian to a Vacant Building Registration Requirement at 711 OAKDALE AVENUE.

Sponsors: Thune

No show on Jan 29 LH; deny the appeal.

Owner called and indicated he never notice of the hearing. Rescheduled to Feb 5

Laid Over to the Legislative Hearings due back on 2/5/2013

13

[RLH VBR
13-10](#)

Appeal of Gholamreza Ashrafzadehkian to a Vacant Building Registration Requirement at 1176 REANEY AVENUE.

Sponsors: Bostrom

No show on Jan 29 LH; deny the appeal.

Owner called and indicated he never notice of the hearing. Rescheduled to Feb 5

Laid Over to the Legislative Hearings due back on 2/5/2013

**14 RLH VBR
13-5**

Appeal of Stephen A. Markoe to a Vacant Building Registration Requirement at 652 THOMAS AVENUE.

Sponsors: Carter III

grant the appeal to be out of the Fire Certificate of Occupancy Program if the owner moves into the property, grant until July 1, 2013 to have the building occupied before a vacant building file is re-opened; and grant until June 1, 2013 to address the balance of the items in the November 16, 2012 Fire Orders, with the exception of item number 10.

RE: 652 Thomas Ave (single family)

Stephen A. Markoe, owner, appeared along with his son, Steven Minor.

Matt Dornfeld, Vacant Buildings:

*- he opened a Category 2 Vacant Building Jan 2, 2013 per a Revocation of the Fire Certificate of Occupancy by Fire Inspector Efferson
- at the time of his inspection, the dwelling appeared to be vacant; and it was secured*

Fire Inspector Leanna Shaff:

*- first inspection was supposed to take place 7-23-12 but it took quite a bit to gain access
- in the meantime, there was a case through Southern Minnesota Regional Legal Services (SMRLS) for the tenant to vacate
- photos attached to the file
- the exterior shows deferred maintenance
- Inspector Efferson gained access on Sep 21, 2012
- noted: owner requested additional time to receive bids for the exterior repairs on the property (extended it 30 days)
- Oct 17, 2012 - inspector notes that Mr. Markoe is ill and his daughter-in-law has requested additional time to work on the list of deficiencies
- a deal was made until the next inspection
- Nov 16, 2012 - Mr. Markoe was contacted and reminded of his appointment; Mr. Markoe stated that he was out-of-town and very little had been done on the property; his daughter-in-law has declined being involved in the Correction process any longer; Mr. Markoe is trying to evict the tenant and that his health problem is making it difficult for him to complete anything on the list
- Dec 13, 2012 - got a request from SMRLS to extend the time of vacation until the end of the month, which Inspector Neis granted
- Jan 2, 2013 - re-inspection date, they referred it to Vacant Buildings; work wasn't complete; tenants are out*

Mr. Markoe:

*- he would like to re-occupy the house himself; the tenant moved out Jan 1, 2013
- Fire Inspector was there Jan 2, 2013
- currently, he is living with his son in Foley, MN (east of St. Cloud) and he doesn't have a driver's license any more
- he did meet with Inspector Efferson
- the major cause of all the deficiencies is that his tenant had 3 very large dogs; the tenant erected a structure that prevented anyone from going from the front or the*

house to the back of the house; the only way to get to the back of the house was through the house

- he sent several contractors over to begin work on cleaning up but they called him back saying they could not get to the back of the house (the tenant would not answer the door to allow them through the house)
- the inspector wanted a certificate for the furnace (CO2 emission); they had replaced the furnace 8 months earlier
- he went to the door but the tenant shut the door in his face; he received a call from SMRLS; he explained that he needed to do a clean-up of the yard
- the yard was all torn up; the screens needed to be replaced; the siding was ripped off
- Section 8 came in and reported the screens were all damaged so he replaced all the screens but the dogs ripped them all up again
- the inspector had suggested some things so he put a kennel in the back yard for the dogs; he re-sodded the back yard
- SMRLS attorney said that Mr. Markoe could not evict the tenant until Jan 1, 2013
- before this tenant had moved in, they re-painted the interior, re-carpeted the home, etc.
- he would like to get the OK from the city to go into the house and start getting things done
- he has a copy of when the furnace was replaced (invoice)
- he also called them to do the furnace test; they called back and said they couldn't get into the house
- tenant allowed Inspector Efferson and Mr. Markoe into the house to do the inspection
- inspector said there was insufficient insulation around front door

Ms. Moermond:

- the Nov 16, 2012 Orders talk only about the exterior; she's assuming that the interior was fine

Ms. Shaff:

- she could not find a permit for the furnace replacement (Hinding); they didn't pull the permit (they should have but they didn't)

Ms. Moermond:

- suggested they call Hinding to get the furnace test
- there are predominately exterior violations here
- is inclined to grant the appeal with conditions
- if Mr. Markoe is going to move into the house, she can switch the inspector from a Fire Inspector to a Code Enforcement Inspector - get you out of the Fire C or O Program

Mr. Markoe:

- purchased the house as a VB and brought it up to code nearly 20 years ago
- had the C of O hung on the wall

Mr. Minor:

- will need to wait to clean-up the yard; by spring, the outside should have been addressed
- the main support beam underneath the door needs repair; weather stripping needs to be added

Ms. Moermond:

- will recommend granting the appeal to allow this property out of the VB Program if the building is occupied on Jul 1, 2013

- get the door repaired before anyone moves in
- the exterior sanitation issue needs to be addressed
- Hinding needs to provide a copy of the furnace test and the permit needs to be squared away

Referred to the City Council due back on 2/20/2013

Staff Reports

- 15 [RLH FCO
13-37](#) Appeal of John Moris to a Fire Certificate of Occupancy Correction Notice at 955 BARCLAY STREET.

Sponsors: Bostrom

Grant the appeal on the driveway.

RE: 955 Barclay St (single family)

No one appeared.

Fire Inspector Leanna Shaff:

- this is a 3-year old appeal

Ms. Moermond:

- this is a driveway issue; it's a new appeal; the minutes attached are old minutes

- the appeal is granted because we treat driveways differently now than we previously did

Referred to the City Council due back on 2/20/2013