

MINUTES OF THE LEGISLATIVE HEARING  
ORDERS TO REMOVE/REPAIR, CONDEMNATIONS,  
ABATEMENT ASSESSMENTS AND ABATEMENT ORDERS  
Tuesday, October 26, 2010  
Room 330 City Hall, 15 Kellogg Blvd. West  
Marcia Moermond, Legislative Hearing Officer

The hearing was called or order at 10:05 a.m.

STAFF PRESENT: Steve Magner, Department of Safety and Inspections (DSI), -- Vacant Buildings; Paula Seeley, Inspector, DSI; Amy Spong, Planning and Economic Development (PED), Historic Preservation Commission (HPC)

**1196 Seventh St** (CPH 11/17/10)

(10:42 am)

Mr. Roy Burger appeared.

Ms. Moermond explained that this has already been before the City Council on October 20, 2010, and since the expectations hadn't been met at that time, her recommendation was for them to order the building removed. Mr. Burger thought that she was going to postpone that. Ms. Moermond said that she needed to see: 1) bids from the sub-contractor; 2) financial documentation; 3) affidavit for the money; 4) remove the vehicles; and 5) paid the Vacant Building fees. If these had been submitted, she would have recommended a layover and they could discuss work plans. These items were not submitted, so she couldn't recommend the layover. The letter you received says that if the aforementioned conditions are met, Ms. Moermond will recommend a layover but if they are not, she will not recommend a layover.

The applicant responded that he has all of those documents here today. He was under the impression that he was to bring all of that information today. Perhaps, he had misunderstood.

Ms. Moermond reviewed the letter along with the minutes and concluded that the information was not clear enough. The City will hold off on the demolition. What is clear is that the conditions needed to be met by October 20, 2010; what is not clear is the implication of what happened if they weren't met. Ms. Moermond noted that Mr. Burger will get a second chance. The appellant submitted: 1) a list of the things he has already done; 2) a bid on the plumbing; 3) name of the electrician who will be doing the work today at 3:00 p.m.; and 4) according to his mother's records, she paid the Vacant Building fee twice (October 2009 and March 2010). Ms. Moermond noted that this building has been a registered Vacant Building since 2002. Mr. Magner stated that his files show that the Vacant Building fees went to assessment for the past three (3) years. The anniversary date is August, so, the 2010 fee went to assessment in September 2010; the 2009 fee went to assessment in September 2009; and the 2008 fee went to assessment in August 2008. A year's fee must be paid before October 17; after that DSI can no longer accept payment, it must be assessed. Mr. Magner suggested Mr. Burger go to Ramsey County Taxation Department to check the records.

Ms. Moermond reviewed the letter again and said that the letter is very clear. The very first sentence says that he must meet the conditions by October 17, 2010. Mr. Burger responded that he did not receive that letter until the day after October 17, 2010.

Mr. Magner suggested that, perhaps, someone should listen to the tape of the last Legislative Hearing. Ms. Moermond reviewed the minutes and determined that she was not satisfied that the letter he received was coinciding with what the minutes say. She will ask the City Council to reconsider the demolition while Mr. Burger moves forward with the repairs. Ms. Moermond noted that she is not thrilled with the bids he has

received. Mr. Burger responded that when the electrician was there yesterday, he said that he couldn't give him a bid yet. He explained that some of the people he asked for bids are not able to pull permits but they hadn't told him that until they came to the house. This electrician can pull a permit and his work will be done today. Mr. Magner asked about some of the other things on the list and Mr. Burger responded that most of the other work was already done.

Mr. Magner recommended that since Mr. Burger thinks he's very close to meeting the conditions, he should move quickly to get the permits pulled and get everything done ASAP. If he gets the work signed-off on before it's scheduled to go back to the City Council, it's a non issue. Mr. Burger replied that it is his understanding the work would be done by Monday, November 1, 2010.

Ms. Moermond apologized for the confusion.

Mr. Magner said that Mr. Burger could either pull the permits and finish the work this week and have it finalized (inspection) or he needs to get the bids and provide documentation on how it will be paid. If a Certificate of Occupancy could be issued to him because the other permits are signed-off by next week, then it's non issue. A Certificate of Occupancy must be issued to get out from under this situation, which means that all the work needs to be done under permit and sign-off before the Certificate of Occupancy can be issued. He added that when the work is done, Mr. Burger must make sure that the contractor calls the inspector to come out and inspect the work and final the permit. When all permits are finalized, Mr. Dave Bergman will issue the Certificate of Occupancy. Mr. Magner suggested that Mr. Burger call Dave Bergman, who will manage the team inspection.

Ms. Moermond will schedule this on the November 24, 2010 City Council meeting. If all the work is complete, there will be a statement saying that all the repairs have been made and the demolition has been stopped.

Mr. Magner explained that right now, Mr. Burger has fifteen (15) days to complete the work.

jab/10:56 a.m.