

Marcia Moermond - Re: List for 685 Orange Ave East

From: "Jarred D. Johnson" <jarred@jarredjohnson.com>
To: "Marcia Moermond" <marcia.moermond@ci.stpaul.mn.us>
Date: 5/14/2012 5:25 PM
Subject: Re: List for 685 Orange Ave East
CC: Stephen Ubl <Stephen.Ubl@ci.stpaul.mn.us>, Steve Magner <Steve.Magner@ci...

Ms Moermond:

What State Laws can you cite that allows the City of Saint Paul (In the Minnesota State Building Code - in context) to operate a "Vacant Registered Building - Code Compliance Abatement" program? - We all know your city ordinances, quite well, but you've never once addressed how it works in conjunction with State Law, if at all complimentary in any way.

1. Which State Law supports the "Certificate of Occupancy" theory that the city uses?
2. Which State Law support the "Code Compliance Abatement" orders, i.e. the State Law that requires a homeowner bring a home to current codes?

As you know, the city Adopted the State Building Code, so essentially this should be quite simple for your office to cite law in full context which allows the city to operate this program and be involved in granting permission to homebuyers to buy homes, mandate that they fix the homes to current codes, and submit private financial paperwork without a warrant.

If you need to have the city attorney support you in collecting these answers, I think that would be appropriate. Lets get these details out into the open prior to the City Council Hearing.

Thanks

On May 14, 2012, at 4:46 PM, Marcia Moermond wrote:

Mr. Johnson,

It is my understanding that you met with Mr. Ubl at your property on Sunday April 29. At that time he went over, in detail, the requirements to get a code compliance certificate. He followed up the next day with the attached email and code compliance inspection report, which includes his specific comments on some items. (This is attached.) Given this communication, I believed your specific questions on requirements were addressed. As to work with other inspectors, my understanding is there have been efforts to contact you.

The unequivocal policy of the City of Saint Paul is that a registered vacant building must be brought into minimum code compliance before it can be re-occupied. Your advisor, Mr. Hedquist, indicated that he did not find a violation which would, in his professional opinion, justify vacating the structure. Mr. Ubl did not arrive at this type of conclusion, as his focus was on the code compliance alone. Regardless, the issue is not whether there are current conditions constituting material endangerment (or some other cause) to justify a condemnation and order to vacate. Rather, the issue is that a registered vacant building is being occupied without a certificate of code compliance.

As to my recommendation to the Council, it will remain unchanged. This is based on several factors. First, when you bought and moved into the house, you were illegally occupying it, as you continue to do. Second, you did not go through a sale review, which is incumbent for purchasers of category 2 registered vacant buildings. The sale review would have provided you, as the purchaser, the opportunity to meet with City staff to review work plans, bids and financial capacity to complete repairs. Third, in your case it is unclear what repairs were needed at the time of purchase, as you moved in and began work without the benefit of either a code compliance inspection, or a building permit. To wit, no permit was pulled for installation of a furnace and 2 rooms were gutted as a part of a roof repair project.

You previously appealed the requirement that this property continue to be a registered vacant building. The Council denied your appeal but granted that you could have until April 1 to get your code compliance certificate or the property would need to be vacated. Clearly, we are way past the April 1 deadline. In light of all of these factors, the provision of an additional 2 months from the earlier deadline seems generous and appropriate.

As you know, the Council's public hearing on this matter is May 16 at 5:30 p.m. I anticipate I will see you at that time.

Marcia Moermond

>>> "Jarred D. Johnson" <jarred@jarredjohnson.com> 5/14/2012 12:40 AM >>>
Ms Moermond,

You mentioned you would be sending over a list addressing my appeal "In about two weeks". I have yet to see this from you. Please address each of the items in the inspection as you've said you'd do and please send a copy of it to me, so I can finish renovations of the house per your "approval/deny" approach. So many items on the list are ambiguous and I cannot address them which is why I need your ruling on them.

Also, I did see that you recommended to the CC that I vacate by June 1st. This is absurd considering the overwhelming amount of evidence supplied to you by not only my Minnesota Building Inspector Don Hedquist, but also by the city official Stephen Ubl. We have nowhere to go and will not leave under any order regardless because of the basic facts at play here.

We are working diligently and will have the home fully restored by late August.

I am asking that you consider this as we have not yet heard any ruling from you:

1. That you consider allowing habitation of the house and reducing the VB2 status of the building to something you and Mr Ubl can agree on based on Mr Ubl's recent visit and detailed inspection of the house. I'm certain that today the house would not be considered a Category 2 house at all.
2. I will agree to have all work completely finished and this program finalized by DSI by no later than June 30th 2012.

Side note: I have contacted ALL of the other city employees Steve Ubl recommended to come back to the house to provide a greater detailed report of deficiencies required to be fixed per the city's code. I have not yet heard from anyone. I would ask that this matter be set out further until ALL of the employees have worked through the report just like Steve Ubl did. It would simply be unfair to recommend to vacate this structure before those nice folks actually got a chance to either detail or remove the deficiencies listed in the ambiguous code compliance report. Since Mr Ubl recommended this occur and it has not yet, I think it would be prudent to set the matter out for a few more weeks at least to allow the compliance inspections to be finished.

So now you have two building officials that have given you testimony that the house is being restored and is not necessary to be vacated (as if the house posed a life safety issue, which it **does not** at all according to anyone; Mr Ubl has not recorded such belief after seeing the house).

Again, we are working **together** to make this **one less house that was a problem in Saint Paul**. Together we can accomplish the same goal.

Jarred D. Johnson

jarred@jarredjohnson.com

685 Orange Ave East

Saint Paul, MN 55106

651-774-1299

From: "Stephen Ubl" <Stephen.Ubl@ci.stpaul.mn.us>

Date: April 30, 2012 5:00:22 PM CDT

To: "Marcia Moermond" <Marcia.Moermond@ci.stpaul.mn.us>

Cc: "Dan Moynihan" <Dan.Moynihan@ci.stpaul.mn.us>, "Jerry Hanson"

<Jerry.Hanson@ci.stpaul.mn.us>, "Jim Seeger"

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<Rick.Jacobs@ci.stpaul.mn.us>, "Steve Magner"

<Steve.Magner@ci.stpaul.mn.us>, "Jarred Johnson"

<jarred@jarredjohnson.com>

Subject: 685 Orange Ave E

Ms. Moermond,

I met with the owner of 685 Orange Ave. E to review the property with the Code Compliance Report. Attached to this email you will find a revised copy of the Code Compliance report with my comments on each deficiency under the building category. I have asked the owner to contact the Senior Inspector for plumbing, mechanical and electrical so each Senior can review the list of deficiencies with him.

The owner intends to do significant renovation on the two back rooms and the upstairs bedroom. The renovation of these three areas will clearly resolve many of the items on the list. He will be doing some exploratory observations at the rear foundation to determine its integrity.

The owner has already submitted a proposal from a licensed electrical contractor. It is my understanding that he still needs to submit a proposal from a licensed plumbing contractor, a licensed heating contractor and a licensed building contractor (He told me he submitted a scope of work to D.S.I. but we are unable to locate it). The application fee still needs to be paid as well.

He is anxious to get started. I would recommend that we expedite the process once he has submitted all the required paperwork. I'm comfortable working with him throughout the project to ensure that construction moves forward. I think it is important to have a commitment with schedules and deadlines for completion. The scope of work that he provides for approved permits should support a project schedule that he develops for D.S.I. to monitor throughout the construction process.

If you have any questions regarding this property please feel free to contact me.

Sincerely,

Stephen Ubl
Senior Building Inspector
Senior Trades Coordinator
Dept. of Safety & inspections
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