

## Marcia Moermond - Re: List for 685 Orange Ave East

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**From:** "Jarred D. Johnson" <jarred@jarredjohnson.com>  
**To:** "Marcia Moermond" <marcia.moermond@ci.stpaul.mn.us>  
**Date:** 5/15/2012 4:36 AM  
**Subject:** Re: List for 685 Orange Ave East  
**CC:** Stephen Ubl <Stephen.Ubl@ci.stpaul.mn.us>, <john@shoemakerlaw.com>, <Nbr...

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Ms Moermond:

Here is my retort to your email received yesterday afternoon.

IF the cities only concern with regards to this property and its law is the enforcement of its ordinance that seeks to prevent people from owning "Registered Vacant Buildings" without the cities permission and approval and occupying them, let me point out several reasonable accommodations the city could be extending to a enterprising family like ours that finds themselves in this situation.

1. This "Vacant Registered Building" law fails in scope to realize that there are probably homes in the city that can be safely occupied, even during rehabilitation phases, providing an opportunity to serve as safe, affordable housing options for families like ours. Enforcement of a "No occupancy" till all code compliance has been met is simply unreasonable as most families cannot afford to: A. Buy a "Registered Vacant Building" and rent an entirely separate apartment or home at the same time while dumping tens of thousands into the RVB. Please suggest what alternatives the city "thought" we could do that seems reasonable to it. If the city wants to subsidize our costs of renting a separate living space while the RVB is "brought up to code", then we could see a reasonable accommodation that would work well for us. Otherwise, its wholly unreasonable and this is why we have chosen to ignore this provision. It is simply unrealistic to expect a family to buy and refurbish a RVB without also living in it while doing so. No one except my boss that makes \$900,000 a year can afford to own two or more homes in the city.

2. The "Vacant Registered Building" law fails again to realize that most people are not going to take out huge debt and loans to rehabilitate an RVB in the city of Saint Paul, and by doing so, the city by ordinance seeks to put families back into houses with huge mortgages on them that ultimately will start the foreclosure process all over again that brought the city to this point to begin with. The city of Saint Paul should realize that debt in any form is a bad, terrible thing. It serves only to create a poorer class of citizen within the city. By allowing cash buyers to take these properties off the market with or without government oversight and rehabilitate the RVB on the financial schedule of the buyer, ***not the city, the buyer will be in a much stronger financial position to be a lifetime citizen of Saint Paul as the home in question will be mortgage free for life.*** This once-in-a-lifetime opportunity to buy a house in any city for pennies on the dollar will serve as a stability mechanism that will compliment generations of future East Siders and the Neighborhood as a whole. The city of Saint Paul found themselves with thousands of vacant buildings because DEBT is wrong and is a terrible thing. Mortgages are family killers. Working with families like ours that refuse to take out \$50,000 loans and lines of credit to repair the RVB but instead use their \$80,000 cash annual salary to invest into the house throughout a time period of a few years is a much smarter approach. Allowing the same family legal occupancy in the RVB ***if the homeowner can prove the house does not potentially have life-safety issues will serve as a further stability mechanism, as the neighborhood as a whole would rather have an occupied property vs an empty/abandoned one on the block.*** Mandating that the owner use debt will only serve to potentially put the house back into the best interests of a bank when it forecloses at a later date if/when the home owner fails to again pay the home off.

THEREFORE: We have established a mechanism for you Ms Moermond to present to the city council, a recommendation of an exception that is reasonable based on these facts;

1. The RVB located at 685 Orange Ave E in Saint Paul is safe to live in while being an RVB and duly being renovated; AND
2. The RVB at the aforementioned location serves as an affordable housing solution and recommending any order to vacate would immediately put a halt to all work indefinitely as it would be unreasonable to expect us to be able to afford to renovate this property while paying rent or another mortgage on another property.

If the city would like to see the home restored, the city must grant an exception to allow legal occupancy until all code compliance regulations have been achieved. It otherwise is financially impossible for any normal family attempting to avoid debt to consider the alternatives.

Thank You,

Jarred and Jennifer Johnson  
(and Rainey) at 685 Orange Ave E.  
Saint Paul MN

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 to 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 you code compliance certificate or the property would need to be vacated. Clearly, we are way past the April 1 deadline. In light of the 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](mailto: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 no where 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 Ubls 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 cities 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](mailto:jarred@jarredjohnson.com)

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**From:** "Stephen Ubl" <[Stephen.Ubl@ci.stpaul.mn.us](mailto:Stephen.Ubl@ci.stpaul.mn.us)>  
**Date:** April 30, 2012 5:00:22 PM CDT  
**To:** "Marcia Moermond" <[Marcia.Moermond@ci.stpaul.mn.us](mailto:Marcia.Moermond@ci.stpaul.mn.us)>  
**Cc:** "Dan Moynihan" <[Dan.Moynihan@ci.stpaul.mn.us](mailto:Dan.Moynihan@ci.stpaul.mn.us)>, "Jerry Hanson" <[Jerry.Hanson@ci.stpaul.mn.us](mailto:Jerry.Hanson@ci.stpaul.mn.us)>, "Jim Seeger" <[Jim.Seeger@ci.stpaul.mn.us](mailto:Jim.Seeger@ci.stpaul.mn.us)>, "Rick Jacobs" <[Rick.Jacobs@ci.stpaul.mn.us](mailto:Rick.Jacobs@ci.stpaul.mn.us)>, "Steve Magner" <[Steve.Magner@ci.stpaul.mn.us](mailto:Steve.Magner@ci.stpaul.mn.us)>, "Jarred Johnson" <[jarred@jarredjohnson.com](mailto: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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