



City of Saint Paul

City Hall and Court House
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Master

File Number: RLH VO 15-26

File ID: RLH VO 15-26

Type: Resolution LH Vacate
Order

Status: Passed

Version: 2

**Contact
Number:**

In Control: City Council

File Created: 05/06/2015

File Name: 1052 Ross Avenue

Final Action: 07/01/2015

Title: Appeal of Eugene Kotz to a Revocation of Fire Certificate of Occupancy and
Order to Vacate at 1052 ROSS AVENUE.

Notes:

Agenda Date: 07/01/2015

Indexes: Vacate Order; Ward - 6

Agenda Number: 51

Sponsors: Bostrom

Enactment Date:

Attachments: 1052 Ross Ave.appeal.5-6-15, 1052 Ross
Ave.photos.4-29-15 (1), 1052 Ross
Ave.photos.4-29-15 (2), 1052 Ross
Ave.photos.4-29-15 (3), 1052 Ross
Ave.photos.4-29-15 (4), 1052 Ross
Ave.photos.4-29-15 (5), 1052 Ross
Ave.photos.4-29-15 (6), 1052 Ross
Ave.photos.4-29-15 (7), 1052 Ross
Ave.photos.4-29-15 (8), 1052 Ross
Ave.photos.4-29-15 (9), 1052 Ross Ave.Kotz
Ltr.5-20-15, 1052 Ross Ave.Fire Order.6-12-15, 1052
Ross Ave.picture with comments.6-12-15, 1052 Ross
Ave.Chain Emails.7-1-15

Financials Included?:

Contact Name:

Hearing Date:

Entered by: katie.foss@ci.stpaul.mn.us

Ord Effective Date:

Approval History

Version	Date	Approver	Action
1	05/07/2015	Moermond, Marcia	Approve
2	06/22/2015	Moermond, Marcia	Approve
2	06/22/2015	Dan Bostrom	Approve

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Legislative Hearings	05/19/2015	Referred	City Council	07/01/2015		
	Action Text:	Referred to the City Council due back on 7/1/2015					
	Notes:	<p><i>Eugene Kotz, owner, appeared.</i></p> <p><i>Fire Inspector Leanna Shaff:</i></p> <ul style="list-style-type: none"> -started with a referral Feb 20, 2015: defective ceilings-falling apart and coming down -Inspector Franquiz went out Feb 23 and discovered many ceiling tiles missing, some are sagging, some are cracked; support rods for ceiling tiles are cracked; subfloor appears to have some cracks, as well; a piece of ceiling missing in stairway leading to basement -Unit 2-missing CO and smoke detector was chirping -Unit 3-missing smoke detector (tenant took back; advised to put it back) -he returned on the 24th and found enough significantly wrong and started C of O inspections -he didn't get much cooperation from Mr. Kotz; Mr. Kotz re-scheduled quite a few times or emailed that he wasn't available; the work was not being complied with - even with safety issues; the Fire C of O was Revoked for long term noncompliance Apr 30 -owner was advised to fix ceiling in Unit 1 -photos <p><i>Mr. Franquiz:</i></p> <ul style="list-style-type: none"> -he sent emails to Mr. Kotz to set up appointment; he got 1 email saying he needed to re-schedule because he was going out of town; he got a 2nd email saying that he needed to re-schedule again -first appointment was for Mar 11, which was cancelled -he set an appointment from Apr 10; owner didn't show -Mar 16, after he had the ceiling repaired; the referral was closed and he set up the whole Fire C of O -he spoke with Ms. Shaff about what he could do about this situation and that's when we Revoked for noncompliance -he still had had no access to Unit 4 <p><i>Mr. Kotz:</i></p> <ul style="list-style-type: none"> -back ground: he first took care of the ceiling complaint; Mr. Franquiz asked him to remedy some things immediately and he did those; he also identified some smoke and CO detectors where either the batteries were removed or the tenant had removed them; the tenants were there listening to him telling them to not take out the batteries, etc; the next day, he asked me to remove the falling dropped ceiling, which he took all down that evening; he came back the next day and said, "Good Job; how long did it take you?" He closed the complaint issue; he noticed that the smoke detectors were again removed; Mr. Kotz asked him why he didn't cite these tenants because obviously, they don't respect your advise and they won't do it; Mr. Franquiz said they don't cite tenants, which is very odd to him -they scheduled another inspection for Mar 16; he works for Xcel Energy and he travels throughout the 5 state area; he proved to Mr. Franquiz his inability to show up -Apr 10 was the date for the inspection of his 315 Blair property, which had already been scheduled, so, he told Mr. Franquiz that he could not be at the Ross address on Apr 10 because the 315 Blair property is a priority because he had a 6-week window to finish with Ms. Moermond and he can't be at 2 places at once; he asked Mr. Franquiz if he could re-schedule the Ross inspection but Mr. Franquiz said, "No; that's the date; you better show up;" he told him that he had to be at the 315 inspection, which passed, no problem; Mr. Franquiz said that the re-schedule had to be by Apr 30 or he'd Revoke the C of O; Mr. Kotz said that he'd have one of his tenants let him into the building; he was able to get into 3 units on Apr 28 (Mr. Kotz is in Denver); apparently, the tenant in Unit 4 was there but he drove away; he had asked to re-schedule for legitimate reasons -May 1, he gets the letter with deficiencies listed and he instantly fixed what he could (2 items are left) -he'd love to re-schedule; he never had a problem re-scheduling with inspectors in the past; has had this building for 14 years; has never had any issues -there were no safety issues in the building; I fix anything that's wrong <p><i>Ms. Moermond:</i></p> <ul style="list-style-type: none"> -tell me about tenants in this building <p><i>Mr. Kotz:</i></p> <ul style="list-style-type: none"> -has a referral into Diane Swanson, Attorney General, on this mentoring young adults group; he thought he was doing a favor but this group has been a disaster for him; these people feed this lady, 					

Dora Jones, a bunch of crap and she places them (they lie about their backgrounds, etc.); her background check is totally bogus; they are problem people and he wants Diane Swanson to investigate this group; it's a mess; they have caused him havoc on his 2 buildings; he was able to resolve 315 Blair; the guy in Unit 4 is from this group
-another lady is going downhill; she leaves the place a mess; is waiting to get on Section 8; he gave her a 30-day notice, as well
-another tenant has been there 5 years; the other, over 1 1/2 years
-questioned needing 3 outlets in the kitchen, one of which needs to be a 20 amp unit - that's not been an issue in the past; these are micro kitchens (the owner before him had meters put in up to code with new wiring)
-some things (maybe 45) on the list are ridiculously picky, like burn marks on the linoleum, really? What does that have to do with safety?
-he did fix nearly everything on the list; Mr. Franquiz will not find anything undone

Ms. Shaff:
-withdrawing #30

Mr. Kotz:
-#36- window frame trim not completely installed; it's about the trim around a decorative window (serves no purpose; is cosmetic); it's ugly and he wants to change it (Mr. Franquiz: there's an opening over the trim that shows insulation; tenant said it was very cold)
-#19 is confusing to him: can't have 3 locks on their door (he doesn't see a requirement for a certain number of locks); also, can't have a night latch on doors (applies to 10 + units, according to code); they removed the night latches while Mr. Franquiz was there; he is going to change out that door when the people move

Ms. Shaff:
-ease of access is the reason; in a fire/emergency situation, exiting needs to be as easy as possible - to get people out quickly (Mr. Kotz: he will fix it once they move out of Unit 1)

Pause: while Ms. Moermond reads the deficiency list

Ms. Moermond:
-assumes that #22 and #42 are being withdrawn
-suggested that since Mr. Kotz works for Xcel and travels a lot, he find a person to handle these things in his absence
-we will get you set up for another inspection; will give you a fresh deadline so you can be re-instated
-have these completed by Jun 16, 2015; if not done, you have a week to figure out what to do because Jul 1, 2015 this will be at City Council

Ms. Shaff:
-will be accompanying Inspector Franquiz on the inspection

Grant until June 16, 2015 for everything on list to come into compliance. If not in compliance, all units must be vacated by August 1, 2015.

2 City Council 07/01/2015 Adopted Pass

Action Text: Adopted

Notes: MM - extreme amount of delapidation, of particular concern were windows and doors, showed picture of door without sound closure, safety issue, owner indicates that he will repair when tenant leaves because he is afraid tenant will damage again, a lot of damage in the apartment, generally don't take in account who is living there, gave a compliance date of June 16 and 8/1 vacate, rec is unchanged

CBo - owner said he would be willing to repair after tenant is out because...? MM - yes

In opposition:
Eugene Kotz - owned for 14 years, have had ? CO inspections, including as recently as 2013, started working with organization to place tenants and have had a lot of problems and have had to evict them all most recently today, they are now all out and are no longer working with the organization which is being investigated by Attorney Swanson, whave most things done, some items have been ther for years and never called out, traveling for two of the next six weeks, everything done except the one apartment whjere tenant left today, ask for six weeks

CBO - close 6-0

MM - rec'd progress report, read notes from inspector regarding current condtions including electrical repairs done w/o permit

CBo - is the building habitable for the one tenant remaining? MM - We have revocation due to long term non-compliance and..., issue before the Council is revocation

Cbo - move rec

Yea: 6 Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney, and City Council President Stark

Nay: 0

Absent: 1 Councilmember Thao

2 Mayor's Office 07/08/2015 Signed

Action Text: Signed

Text of Legislative File RLH VO 15-26

Appeal of Eugene Kotz to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1052 ROSS AVENUE.

WHEREAS, in the matter of Appeal of Eugene Kotz to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1052 ROSS AVENUE, the Legislative Hearing Officer has reviewed the appeal and considered the testimony of City staff and the appellant; and

WHEREAS, the Legislative Hearing Officer recommends that the City Council grant until June 16, 2015 for everything on the list to come into compliance. If not in compliance, all units must be vacated by August 1, 2015; Now, Therefore, Be It

RESOLVED, that the Saint Paul City Council hereby accepts and adopts the Legislative Hearing Officer's recommendation in this matter.

Duplicate scheduling appointments & out of state traveling