



# City of Saint Paul

City Hall and Court House  
15 West Kellogg  
Boulevard  
Phone: 651-266-8560

## Master

**File Number: RLH VO 17-8**

**File ID:** RLH VO 17-8

**Type:** Resolution LH Vacate Order

**Status:** Passed

**Version:** 2

**Contact** 6-8560  
**Number:**

**In Control:** City Council

**File Created:** 04/03/2017

**File Name:** 1818 Nevada Avenue E.

**Final Action:** 06/21/2017

**Title:** Appeal of Gary D. Schultz to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1818 NEVADA AVENUE EAST.

### Notes:

**Agenda Date:** 06/21/2017

**Agenda Number:** 84

**Sponsors:** Bostrom

**Enactment Date:**

**Attachments:** 1818 Nevada Ave E.appeal.04-03-17, 1818 Nevada Ave E.Photos.3-24-17, 1818 Nevada Ave E.Photos.12-7-16, 1818 Nevada Ave E.Schultz Ltr.4-20-17.doc, 1818 Nevada Ave E.Schultz Ltr.5-31-17.doc

**Financials Included?:**

**Contact Name:** Mai Vang

**Hearing Date:**

**Entered by:** kathryn.burger@ci.stpaul.mn.us

**Ord Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Legislative Hearings	04/18/2017	Laid Over	Legislative Hearings	05/23/2017		
<b>Action Text:</b> Laid Over to the Legislative Hearings due back on 5/23/2017 @ 3:30 P.M.							
<b>Notes:</b> Gary D. Schultz, owner, and his wife, Cynthia Schultz, appeared.							
Fire Supervisor Leanna Shaff:							
-photos							
-this is the first Fire C of O insp for this house							
-appointment letter sent Nov 3, 2016; initial inspection Dec 6, 2016 followed by inspections on Jan 4, Feb 3 and Mar 24, 3017							
-basically, no work has been done so, the C of O was Revoked for long term noncompliance							
Ms. Schultz:							
-it's not a rental property; it's a 2nd home; the house is in my husband's name; it originally belonged to his parents; he grew up in the house; his dad passed away in 1977; his mom passed away in 2000; so, we have had the house since then							
-it's not been rented out; 3 of our combined children have been homeless at different times & lived there; our youngest daughter lives there now with her 2 children (2 & 4 yrs old); she doesn't pay rent,							

utilities, taxes or assessments;

-we've tried to get a home equity loan thru Wells Fargo & we were denied because we have too much debt to income ratio; I used to be a teacher in St. Paul; in 2012, I had a breakdown & had to retire in 2014; we went without an income for about 1 1/2 years, which ate up any money that we had to repair this house; we've tried many times to get some sort of loan to pay for repairs; we have smoke/CO detectors; the tub area needs to be fixed; it's not useable; Home Depot looked at the bathroom & tried to get us financing but we were turned down

-my husband is retired; he's 71; I work at Target & earn \$11.52/hr; we can't hardly pay our bills because we had to use credit cards for 1 1/2 years to survive; the last thing on our list is buying groceries

-our daughter uses our/other's bath tub & shower

-we did clean the carpet

-we didn't know anything about having a 2nd railing going downstairs; until this process, we had no clue about some of these things

-I was not going to have my 2 grandchildren living in a car or on the street or in a shelter

-we've scraped the paint from the kitchen ceiling & we'd be happy to rip down the wall paper, too

Mr. Schultz:

-we tried to get a loan from Home Depot; they were working on a deal where we'd just pay for the loan money & they would attach the interest at the end; and that was just a scam; the loan was \$8000 & the balloon was between \$5000 & \$6000

Ms. Moermond:

-do you have Social Security income, as well?

Ms. Schultz:

-he worked for the Railroad, so he has RR retirement income

Ms. Moermond:

-I'm hearing that you really want to fix this place up; you're having trouble with the means to do that

Mr. Schultz:

-there are few people who want to work in St. Paul; we've talked to people who we thought we could afford & as soon as you tell them that it's in St. Paul, they don't want to deal with all of the permits; that's another real big problem, especially when every penny..... we only eat once a day

Ms. Moermond:

-have you got connections with food shelves & things like that?

Ms. Schultz:

-yes, except they changed my hours at work and they are very insistent; I go Mon - Fri, 8-4, which eliminates all the food shelves

-my husband can't go; he's grounded because he had pneumonia & fluid around his heart; my daughter can't go to the food shelf because her possible day off rotates; it's not consistent enough so that she could go even once a month and that's all that our food shelf allows

-we don't qualify for welfare; we don't qualify for food stamps; we don't qualify for heat assistance; he doesn't qualify for NAPS because his income is just over & my income, if I'm lucky, is \$1000/month; Target doesn't hire many 40/hr people; my average is 37.5 hrs/week but I've been ill & not always able to make it

-we are looking for resources

Ms. Moermond:

-I have a couple of thoughts here.....

-what do you want to do long term?

Mr. Schultz:

-we want to sell it; if it wouldn't be for the grandkids, it would have sold it long ago

-I used to babysit the grandkids but I can't any more

Ms. Schultz:

-our daughter doesn't get any other help; her income is just a little too high; she works at Fleet Farm in Lakeville but it's not even enough for her to pay for the car, car payments, car insurance, a phone, etc; she can't even afford day care

Ms. Moermond:

-I can think of 2 resources right now that might be able to help: 1) the city has a loan program for emergency repairs, PED, Michelle Vojacek, 266-6599; and 2) The House Calls Program, Ramsey County, Lauren Lightner, 266-1285

-we have some work that needs to be done but none of these are hazardous safety issues; we have time on our hands

-I will give you a month to check out these resources; we will hold off on the vacate; I'm more worried about your getting less to eat than getting the ceiling painted; we'll focus on the really important stuff

-I will call Lauren about a food shelf

-the house has both you & your mom's name on it, so, you probably want to probate it - get that started

-we will talk again at 3:30 pm on Tue, May 23, 2017

1 Legislative Hearings 05/23/2017 Referred City Council 06/21/2017

**Action Text:** Referred to the City Council due back on 6/21/2017

**Notes:** Gary D. Schultz, owner, and his wife, Cynthia Schultz, appeared.

Ms. Moermond:

-getting caught up with 1818 Nevada Avenue East & some of the corrections that need to happen there - basic maintenance items; however, the problem with getting these corrections made has been financial

-none of the items are hazardous

Ms. Schultz:

-the carpet's been cleaned; CO alarms have been installed where needed; the smoke detectors were there

Mr. Schultz:

-there's a cupboard built around the electrical box & a couple contractors told us that was not illegal; that's been held against us; would it be acceptable to take the door off? (basement near dryer area)

Ms. Moermond:

-I don't have anything in the Orders that speaks to that

-the only electrical Orders are: repair light fixture in upstairs hallway; all light fixtures need protective globes

-you had mentioned that you wanted to sell the house but it needs to be probated; have you had a chance to talk with Southern Minnesota Regional Legal Services (SMRLS), 651/222-5863, because they might be able to hook you up with a pro bono elder attorney; if you can get it probated, you can sell it and your daughter will need to find some place to live but if we put a deadline way out for you to complete this set of Orders, and between now & then you hook up with an attorney & start the probate process, then, you can sell it & not even have to worry about taking care of the Orders; it will be off your plate

-you need to get your deceased mother's name off the property so that you can sell it

-I'd like to extend this set of Orders out to Jan 1, 2018, which should be enough time to get this through probate; if it isn't, we can visit it again later; you need to get on that because probate takes a little bit of time

-I don't know if you can file the paperwork on your own or not

-there's a Probate Office in the basement of this bldg; the directory is on main floor

Ms. Schultz:

-what do we do with our daughter & grandchildren?

-my daughter received a letter from Dakota County, which says, "Dear Caroline: You are currently active on a waiting list for the Scattered Sight Public Housing Program. Due to a long wait time, the

CDA will be closing all of the rental housing waiting list effective 4 pm Thu Jun 1, 2017. The CDA anticipates the waiting list remain closed for at least a year. As a current applicant, you will not removed from the waiting list because of the closure."

-so, now we have at least a year minimum

-she does not qualify for the waiting list in Ramsey County; it's a 3-year list; Dakota County moved her down because she's working full time

-she could pay rent or they could have food or car payment or her insurance; she pays medical insurance out of her wages

Ms. Moermond:

-you have to focus on your stuff & your going to sell the property, which will give you some money; you can choose to use some of that money to assist your daughter, to buy a new house in which you all can live, sell both houses, etc.; I don't know the answer

-this situation isn't going to work in the long term for the reasons that we've discussed

-this is a doable process

-focus on getting this house sold

Mr. Schultz:

-we are

Ms. Moermond:

-good realtors can provide you with some good advice about what you need to do; you can consult, not hire, with the North East Neighborhoods Development Corp (NENDC), White Bear Ave & Ivy; they are a nonprofit but they own a realty company called Capital Brokerage; there are 2 people there:

Chuck Repke & Beau Ku Vang; 651/771-6955

-you can tell Chuck that I recommended that you talk to him

Grant an extension to January 1, 2018.

2	City Council	06/21/2017	Adopted	Pass
	Action Text:	Adopted		
2	Mayor's Office	06/26/2017	Signed	
	Action Text:	Signed		

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**Text of Legislative File RLH VO 17-8**

Appeal of Gary D. Schultz to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1818 NEVADA AVENUE EAST.

WHEREAS, in the matter of the Appeal of Gary D. Schultz to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1818 NEVADA AVENUE EAST, 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 an extension on the repairs to January 1, 2018; Now, Therefore, Be It

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



# APPLICATION FOR APPEAL

## Saint Paul City Council – Legislative Hearings

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

RECEIVED  
APR 03 2017  
CITY CLERK

### We need the following to process your appeal:

- ☒ \$25 filing fee (non-refundable) (payable to the City of Saint Paul)  
(if cash: receipt number \_\_\_\_\_)
- ☒ Copy of the City-issued orders/letter being appealed
- ☐ Attachments you may wish to include
- ☒ This appeal form completed
- ☒ Walk-In OR ☐ Mail-In
- for abatement orders only: ☐ Email OR ☐ Fax

### HEARING DATE & TIME

(provided by Legislative Hearing Office)

Tuesday, April 18

Time 11:30 a.m.

Location of Hearing:

Room 330 City Hall/Courthouse

### Address Being Appealed:

Number & Street: 1818 Nevada Ave. E. City: St. Paul State: MN Zip: 55119

Appellant/Applicant: Gary D. Schultz Email gd.schultz@hotmail.com

Phone Numbers: Business Retired Residence 651-772-1570 Cell 651-247-2547

Signature: Gary D. Schultz Date: \_\_\_\_\_

Name of Owner (if other than Appellant): Anna A. Schultz (Deceased-2000)

Mailing Address if Not Appellant's: \_\_\_\_\_

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell \_\_\_\_\_

### What Is Being Appealed and Why?

Attachments Are Acceptable

☒ Vacate Order/Condemnation/

☒ Revocation of Fire C of O

☐ Summary/Vehicle Abatement

☒ Fire C of O Deficiency List/Correction

☐ Code Enforcement Correction Notice

☐ Vacant Building Registration

☐ Other (Fence Variance, Code Compliance, etc.)

We are trying to qualify for financial help and need more time and doctors to help our daughter + 2 grand-children (4yrs. + 2yrs) live in the home. She is and has been waiting for Low Income Housing and child care support, but has had no luck and is on a waiting list. She pays US NO rent, utilities, water, assessments, or taxes.

Revised 8/11/2014



CITY OF SAINT PAUL  
*Christopher B. Coleman, Mayor*

375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-8951  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

March 24, 2017

GARY D SCHULTZ  
ANNA A SCHULTZ  
1665 ARLINGTON AVE E  
ST PAUL MN 55106-1506

### **Revocation of Fire Certificate of Occupancy and Order to Vacate**

RE: 1818 NEVADA AVE E  
Ref. # 123284

Dear Property Representative:

Your building was inspected on March 24, 2017, for the renewal of the Certificate of Occupancy. Since you have failed to comply with the applicable requirements, it has become necessary to revoke the Certificate of Occupancy in accordance with Section 40.06 of the Saint Paul Legislative Code.

**A reinspection will be made on April 24, 2017 at 2:30pm or the property vacated.**

The Saint Paul Legislative Code further provides that no building shall be occupied without a Certificate of Occupancy. Failure to immediately complete the following deficiency list or the building vacated may result in a criminal citation.

#### **DEFICIENCY LIST**

1. Class - SPLC 40.04 (5) - The owner of a building used for residential occupancy who is applying for their FIRST Fire Certificate of Occupancy, must complete the Department of Safety and Inspection Landlord 101 course, or other landlord training program approved by the Department of Safety and Inspections. The training must have occurred within the last two years and the owner must submit a certificate of attendance or provide verification of enrollment in the next scheduled class to the Fire Inspection Division-DSI. This requirement shall not apply to an owner who has held a Fire Certificate of Occupancy on another residential property in Saint Paul prior to April 30, 2009. For more information on Landlord 101, or to receive registration materials, please visit our webpage at: [www.stpaul.gov/cofo](http://www.stpaul.gov/cofo) -DSI created a course titled Landlord 101 for information on this see our website at <https://www.stpaul.gov/departments/safety-inspections/fire-inspections/landlord-101>. Owners have a full calendar year to complete either class.

2. Exterior - Side Storm Door - SPLC 34.09 (4), 34.32 (3) - Repair and maintain the door latch.-Repair latch.
3. Exterior - SPLC 34.08(5), 34.32(3) - All accessory structures including, but not limited to, detached garages, sheds and fences shall be maintained structurally sound and in good repair. Provide and maintain exterior unprotected surfaces painted or protected from the elements.-Scrape and paint shed.
4. Interior - 2nd Floor - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-8989.-Repair light fixture in upstairs hallway.
5. Interior - Basement Stairs - SPLC 34.10 (3) 34.34(2) - Provide an approved guardrail. Intermediate balustrade must not be more than 6 inches apart. Intermediate rails must be provided if the height of the platform is more than 30 inches.
6. Interior - Bathroom - SPLC 34.10 (7), 34.17 (5) - Repair and maintain the walls in an approved manner.-Repair tile wall.
7. Interior - Kitchen - SPLC 34.10 (7), 34.17 (5) - Repair and maintain the ceiling in an approved manner.-Repair ceilings and walls.
8. Interior - MSFC 605.1- All light fixtures shall be maintained with protective globes if originally equipped.

Saint Paul Legislative Code authorizes this inspection and collection of inspection fees. For forms, fee schedule, inspection handouts, or information on some of the violations contained in this report, please visit our web page at: <http://www.stpaul.gov/cofo>

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8585) and must be filed within 10 days of the date of this order.

If you have any questions, email me at: [daniel.klein@ci.stpaul.mn.us](mailto:daniel.klein@ci.stpaul.mn.us) or call me at 651-266-8988 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Daniel Klein  
Fire Inspector

Ref. # 123284



**Date:** March 24, 2017  
**File #:** 15 - 152228  
**Folder Name:** 1818 NEVADA AVE E  
**PIN:** 232922230158



**Date:** March 24, 2017  
**File #:** 15 - 152228  
**Folder Name:** 1818 NEVADA AVE E  
**PIN:** 232922230158





**Date:** March 24, 2017  
**File #:** 15 - 152228  
**Folder Name:** 1818 NEVADA AVE E  
**PIN:** 232922230158



**Date:** March 24, 2017  
**File #:** 15 - 152228  
**Folder Name:** 1818 NEVADA AVE E  
**PIN:** 232922230158



Date: March 24, 2017  
File #: 15 - 152228  
Folder Name: 1818 NEVADA AVE E  
PIN: 232922230158



By Order of the  
City of Saint Paul  
Department of Safety & Inspections  
Fire Safety Inspection Division  
651- 266- 8989



## REVOCATION NOTICE

The Fire Certificate of Occupancy required for the  
Occupancy or Use of This Building, has been Revoked.  
It is unlawful to Use or Occupy this building

After: APRIL 24, 2017.

Persons Using or Allowing the Use or Occupancy of  
This Building, are Subject to Criminal Penalties.

Building Address: 1818 NEVADA AVE E

Code: S11c, Art.: 40, Sect. 06.

Inspector: D. RIEZEN, Date: 3-24-17.

Under Penalty of Law, this notice shall not be removed without authorization from the  
Department of Safety & Inspections

Any Person affected by this Order, may file an appeal at the Office of the City Clerk,  
Room 310, City Hall, 15 Kellogg Blvd. West, or call (651) 266-8688 within 10 days  
of the original notice. The cost to file an appeal is \$25, and must include a copy  
of the letter of Revocation. This letter of Revocation is available at: Saint Paul Department  
of Safety & Inspections, Fire Inspection Division, 375 Jackson Street Suite #220 Saint Paul, MN 55101



**Date:** March 24, 2017  
**File #:** 15 - 152228  
**Folder Name:** 1818 NEVADA AVE E  
**PIN:** 232922230158



**Date:** December 07, 2016  
**File #:** 15 - 152228  
**Folder Name:** 1818 NEVADA AVE E  
**PIN:** 232922230158



**Date:** December 07, 2016  
**File #:** 15 - 152228  
**Folder Name:** 1818 NEVADA AVE E  
**PIN:** 232922230158







**CITY OF SAINT PAUL**  
OFFICE OF THE CITY COUNCIL  
310 CITY HALL  
15 WEST KELLOGG BOULEVARD  
SAINT PAUL, MN 55102-1615  
Marcia Moermond, Legislative Hearing Officer  
EMAIL: [legislativehearings@ci.stpaul.mn.us](mailto:legislativehearings@ci.stpaul.mn.us)  
PHONE: (651) 266-8585 FAX: (651) 266-8574

April 20, 2017

Gary Schultz & Cynthia Schultz  
1665 Arlington Ave East  
St Paul MN 55106

VIA EMAIL: [gdschultz@hotmail.com](mailto:gdschultz@hotmail.com)

Re: Appeal for Property at 1818 Nevada Avenue East

Dear Mr. & Ms. Schultz:

This is to confirm that at the April 18<sup>th</sup> Legislative Hearing, Marcia Moermond, the Legislative Hearing Officer recommended continuing the above-referenced matter to **Tuesday, May 23, 2017 at 3:30 p.m. in Room 330 City Hall.**

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

Sincerely,  
/s/

Mai Vang  
City Council Offices

c: Fire Supervisors  
Daniel Klein



**CITY OF SAINT PAUL**  
OFFICE OF THE CITY COUNCIL  
310 CITY HALL  
15 WEST KELLOGG BOULEVARD  
SAINT PAUL, MN 55102-1615  
Marcia Moermond, Legislative Hearing Officer  
EMAIL: [legislativehearings@ci.stpaul.mn.us](mailto:legislativehearings@ci.stpaul.mn.us)  
PHONE: (651) 266-8585 FAX: (651) 266-8574

May 31, 2017

Gary Schultz & Cynthia Schultz  
1665 Arlington Ave East  
St Paul MN 55106

VIA EMAIL: [gdschultz@hotmail.com](mailto:gdschultz@hotmail.com)

Re: Appeal for Property at 1818 Nevada Avenue East

Dear Mr. & Ms. Schultz:

This is to confirm that at the May 23<sup>rd</sup> Legislative Hearing, Marcia Moermond, the Legislative Hearing Officer recommended that the City Council grant until January 1, 2018 for compliance of the March 24, 2017 Revocation and Order to Vacate deficiency list or go through probate court and get the house on the market.

If you wish to contest to this recommendation, you may attend the City Council Public Hearing on Wednesday, June 21, 2017 at 5:30 p.m. in Room 300 Council Chambers.

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

Sincerely,  
/s/

Mai Vang  
City Council Offices

c: Fire Supervisors  
Daniel Klein