



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
Mary Erickson, Hearing Secretary
legislativehearings@ci.stpaul.mn.us
651-266-8560

Tuesday, February 12, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR](#)
 [13-10](#) Ordering the rehabilitation or razing and removal of the structures at 758 MARYLAND AVENUE EAST within fifteen (15) days after the March 6, 2013, City Council Public Hearing.

Sponsors: Bostrom

The following conditions must be met in order to receive a grant of time by the close of business on February 26: 1) the \$5,000 performance deposit must be posted; 2) a work plan or sworn construction statement, with timelines, for the completion of the rehabilitation of the building; 3) financial documentation indicating the ability to complete the repairs; 4) provide an affidavit dedicating the funds from an account for the project; and 5) provide bids from subcontractors if not a general contractor.

RE: 758 Maryland Ave E (duplex)

Mary Kaye, Raven Financial LLC (Kevin and Katie Riley), appeared.

Steve Magner, Vacant Buildings:

- 2-story wood frame and stucco duplex on a lot of 4,792 sq.ft.
- has been a vacant building since Dec 8, 2007
- current property owner is Raven Financial LLC per Ramsey County records
- Dec 5, 2012 inspection conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted Dec 7, 2012; compliance date Jan 6, 2013
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$8,800 on the land; \$31,200 on the building
- real estate taxes are current
- the VB registration fees were paid by check Jan 8, 2013
- Code Compliance Inspection done Feb 11, 2013 (Note: previous Code Compliance Inspections have been performed at this property on Oct 28, 2011, Aug 25, 2010 and Aug 22, 2008, all of which expired prior to the property being brought into compliance.)
- as of Feb 11, 2013, the \$5,000 Performance Deposit has not been posted
- 9 Summary Abatement Notices since 2007

- 3 Work Orders issued for garbage/rubbish; grass/weeds
- estimated cost to repair exceeds \$45,000
- estimated cost to demolish exceeds \$10,000

Amy Spong, Heritage Preservation Commission (HPC):

- built as a single family dwelling in 1888 - late Victorian era home; has some Italianate massing and window proportions present
- originally constructed as wood frame
- had a full front open 1-story porch
- turned into flats prior to 1925
- may have been stuccoed very early on as a fire proofing measure
- Payne Phalen Neighborhood
- was included in the 2011 survey project; was not identified as a potential historic district or individual property
- context of block face is quite intact
- lot is fairly flat
- substantial property
- porch has been enclosed and some of the windows have been changed
- demolition would not have an adverse affect

Ms. Kaye:

- she was supposed to have the Code Compliance Inspection Report today
- Raven Financial would like to rehab the property; they want to use it for transitional housing for battered women
- no work had been done when Midwest Investment owned it; they dropped everything after getting started

Mr. Magner:

- some work was done on this building; an electrical permit was finalized in 2010 but the other permits that were taken out have not been finalized

Ms. Moermond:

- asked for fresh permits to be pulled on all of this
- the \$5,000 Performance Deposit needs to be posted
- the general contractor has gone through and is close to putting a Work Plan together; she needs to see trades' bids
- the Code Compliance Inspection Report write-up will be done soon
- will look at figures lower than \$45,000 but she needs to see substantiation that the project was actually costing less than \$45,000; (doesn't want to see a band aid jog)
- all documentation: Work Plan- bids and timelines; financial documentation, financial capacity, dedicating monies for this project; \$5,000 Performance Deposit will be due by close of business Tue, Feb 26, 2013; City Council Public Hearing Mar 6, 2013
- confirmation letter will be sent to owners and Ms. Kaye

Referred to the City Council due back on 3/6/2013

2

[RLH RR 13-11](#)

Ordering the rehabilitation or razing and removal of the structures at 1889-1891 MONTANA AVENUE EAST within fifteen (15) days after the March 6, 2013, City Council Public Hearing.

Sponsors: Bostrom

Status report on where things are at. Provide a lockbox code to DSI and post the \$5,000 performance deposit by close of business on February 22. If conditions are met, will do a two week layover on March 6 City Council to address the rest of the conditions.

RE: 1889-1891 Montana Ave E (duplex)

Greta Burgett, Attorney for Nations Star, bank that holds Sheriff's Certificate, appeared.

Sale took place Aug 23, 2012; Redemption period expires Feb 25, 2013;

Steve Magner, Vacant Buildings:

- 2-story wood frame side-by-side duplex with 2 tuck-under garages on a lot of 7,405 sq.ft.*
- has been a vacant building since Sep 1, 2011*
- current property owner is Adam Strobel and Teresa K. Strobel per Ramsey County records*
- Nov 28, 2012 inspection conducted; list of deficiencies which constitute a nuisance condition developed; photos taken*
- Order to Abate Nuisance Building posted Dec 10, 2012; compliance date Jan 9, 2013*
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code*
- estimated market value: \$26,800 on the land; \$86,300 on the building*
- real estate taxes are current*
- Vacant Building registration fees were paid by assessment Sep 28, 2012*
- as of Feb 11, 2013, a Code Compliance inspection has not been done*
- as of Feb 11, 2013, the \$5,000 Performance Deposit has not been posted*
- 1 Summary Abatement Notice since 2011; no Work Orders*
- estimated cost to repair is \$50,000 - \$60,000*
- estimated cost to demolish exceeds \$10,000*
- the Department of Safety and Inspections (DSI) recommends removal of the building*

Amy Spong, Heritage Preservation Commission (HPC):

- 1-story rambler side-by-side duplex with tuck under garages was built in 1951*
- not on 1928 Hopkins Map; no Sanborn Insurance Maps for the Greater East Side*
- this area has not been surveyed very intently*
- given the age and property type (no uniqueness from an historic perspective)*
- no currently identified historic district potential or individual listing*
- demolition would have no adverse affect*

Ms. Burgett:

- Nations Star is strongly interested in rehabbing this property and selling it*
- the redemption period has not yet expired*
- they have been hesitant to date because, she believes, they don't want to put a lot of money into a property that's not theirs but they really want to save this property*
- they have paid the taxes*
- they have sent in an application for the Code Compliance inspection report*
- they have also sent in the \$5,000 Performance Deposit (doesn't know the exact date)*
- a lot of the deficiencies seem to be cosmetic*

Ms. Moermond:

- the Code Compliance Inspection Report will be very helpful*

Mr. Magner:

- one concern: the condition of the site, primarily, the integrity of the concrete block retaining wall, which abuts the public right-of-way on the west property line; their option is to either do a substantial abatement of the structure itself or do substantial*

abatement just on the wall (he believes the house and wall warrant both actions); there needs to be some timeliness to the repair of the wall because they usually fail in the spring; it's already bowed out of plumb (Ms. Burgett: she will stress the need to get the wall fixed)

Ms. Moermond:

- asked for better photos of the wall because the ones in the file don't indicate the bowing; all she sees is cracking*
- this is a Category 3 VB, so the current owner is stuck with doing the rehab*
- thinks that it's a good financial decision, anyway, to fix the wall; it will be sold for a lot more*
- asked about the value of the mortgage on this house*

Ms. Burgett:

- only knows that it was purchased for \$208,000*
- the bank is asking for more time*

Mr. Magner:

- a code compliance has been applied for Sep 13, 2011 (inspection didn't get done because there was no access to the property); Ms. Burgett: it does have a lock box now*
- the lock box code has not been added to the info in the system; that's why an inspection hasn't been done*
- there's no new application since then*
- not also seeing the Performance Deposit posted (checks may not yet be added to the system)*

Ms. Moermond:

- responsible party must contact Jim Seeger directly regarding the Code Compliance Inspection Report; provided his email*
- suggested that they can get a general contractor in the building right now to walk through and list what needs to be done (by and large, they understand what the requirements are and they can go ahead and amend their construction statements based on the results of the code compliance inspection report)*
- will recommend at City Council Public Hearing that this be laid over for 2 weeks if the code compliance inspection can be done and the Performance Deposit posted by Fri Feb 22, 2013*
- if they are having trouble contacting Jim Seeger, try Reid Soley*
- laid over to Feb 26, 2013 LH at 9 a.m.*

Laid Over to the Legislative Hearings due back on 2/26/2013

3 [RLH RR
13-12](#)

Ordering the rehabilitation or razing and removal of the structures at 1220 VIRGINIA STREET within fifteen (15) days after the March 6, 2013, City Council Public Hearing.

Sponsors: Brendmoen

Remove the building within 15 days with no option for repair.

RE: 1220 Virginia St (single family)

Clinton Wirtz and Mary Foss appeared.

Mr. Wirtz:

- this had been his house; he lost it during his divorce and is not suing the bank trying*

to get the house back; the bank ended up selling the house to someone else, who is no longer there; he came down to check this out

Steve Magner, Vacant Buildings:

- 1-story wood frame single-family dwelling with a 3-stall detached garage on a lot of 8,734 sq.ft.*
- has been a vacant building since Jul 5, 2011*
- current property owner is EH Pooled 211 LP per Ramsey County records*
- Dec 6, 2012, inspection was conducted; list of deficiencies which constitute a nuisance condition developed; photos taken*
- Order to Abate Nuisance Building posted Dec 10, 2012; compliance date Jan 9, 2013*
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code*
- estimated market value: \$33,600 on the land; \$21,800 on the building*
- real estate taxes for 2012 are delinquent in the amount of \$4,005.42 plus penalty and interest*
- Vacant Building registration fees were paid by assessment Jul 31, 2012*
- Code Compliance inspection done Jun 26, 2012*
- as of Feb 11, 2013, \$5,000 Performance Deposit has not been posted*
- 7 Summary Abatement Notices since 2011 (May, Jul, Nov 2012)*
- 2 Work Orders for: boarding/securing; grass/weeds*
- estimated cost to repair exceeds \$50,000*
- estimated cost to demolish is between \$8,000 \$10,000*
- Department of Safety and Inspections (DSI) recommends removal of the building within 15 days*

Amy Spong, Heritage Preservation Commission (HPC):

- not a lot of information*
- no original building permit available*
- constructed post 1930s*
- doesn't appear in the 1928 Hopkins Atlas; and in this Greater East Side Area of Saint Paul, there are no Sanborn Insurance Maps*
- is similar to neighboring properties - smaller 1-story rambler*
- appears to have been updated quite a bit and changed; not much left of it's 1930s condition*
- this area has not been fully surveyed and there's no potential for an historic district or for an individual designation*
- demolition would not have an adverse affect from an historic perspective*

Mr. Magner:

- from Ownership Encumbrance Report: Deutsche Bank foreclosed on it and must have sold the asset to EH Pooled, an out-of-state buyer of these assets (they buy individual properties from a mortgage company after the property has been foreclosed and the redemption period is up); EH Pooled then tries to rent or sell them on a Contract*
- there was a series of mortgages: Wells Fargo, Town and Country*
- there was an assignment of mortgage in Mar 2009 to Deutsche Bank*
- Power of Attorney in Sep 2009*
- Notice of foreclosure in Dec 2009*
- Power of Attorney for foreclosure in Dec 2009*
- Sheriff's sale in May 2010 for the sum of \$116,943.58 (set up for 6 month redemption)*
- a month later, in Jun 2010, they sold that mortgage on a Warranty Deed to EH Pooled*
- EH Pooled became the owner of the mortgage and retained the possession of the*

property at the end of 2010; so, they would have had all of 2011 and 2012 to step forward and do the rehabilitation

- the Vacant Building file was opened May 2011

Mr. Wirtz:

- he and his ex-wife had owned the house; he lost the property and Deutsche Bank foreclosed

- he is suing the first bank, Wells Fargo: when they were going through divorce, he tried talking with the bank to re-finance it but the bank said they wouldn't work with him because his name was second on the mortgage and deed; his ex-wife's name was first; next, he got a foreclosure; he went to a hearing where the judge told him to seek an attorney, who is now going after the first bank; in the process some other gentleman bought the house (he said for \$2,000) and he started to remodel it - now, he is no longer there; they drove by and saw the letter on the house - that's why they are here today

- believes he has paperwork filed with the courts

Ms. Moermond:

- the city will treat Mr. Wirtz as an interested party - gets copied on the materials

- as far as she is concerned, Mr. Wirtz is not in an ownership position (not a decision maker)

- will describe to Mr. Wirtz what she will be looking for from EH Pooled: if they want to save this house, they will need to do the following:

- taxes are delinquent and will need to be paid

- \$5,000 Performance Deposit is required (refundable if work is completed within the time given by Council)

- needs a Work Plan with timelines (construction statement with attached bids)

- the \$50,000 available in the form of a construction loan, business account balance, personal account balance, etc. and an affidavit designating the money to this particular project

- the fact that no one is here representing EH Pooled tells her that they are letting it go

- if she doesn't hear from EH Pooled, she will recommend the City Council order the building removed within 15 days with no option for rehabilitation (they would have 15 days to take action to remove it or the city would take over the project to remove it)

- will recommend the Council order the building removed within 15 days with no option for rehabilitation

- will copy Mr. Wirtz on the letter sent to EH Pooled

Referred to the City Council due back on 3/6/2013

4 [RLH RR
13-13](#)

Ordering the rehabilitation or razing and removal of the structures at 600 WELLS STREET within fifteen (15) days after the March 6, 2013, City Council Public Hearing.

Sponsors: Bostrom

Remove the building within 15 days with no option for repair.

RE: 600 Wells St (single family)

No one appeared.

Steve Magner, Vacant Buildings:

- 1 1/2 story wood frame single-family dwelling with a 1-stall detached garage on a lot of 4,792 sq.ft.

- been a vacant building since Nov 1, 2011
- current property owner is listed as Gery Guenther and Diane E. Guenther per Ramsey County records
- Nov 29, 2012 inspection was conducted; list of deficiencies which constitute a nuisance condition was developed; photos taken
- Order to Abate Nuisance Building posted Dec 6, 2012; compliance date Jan 5, 2013
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$7,000 on the land; \$28,000 on the building
- real estate taxes are current
- the Vacant Building registration fees were paid by assessment Dec 3, 2012
- as of Feb 11, 2013, a Code Compliance inspection has not been done
- as of Feb 11, 2013, the \$5,000 Performance Deposit has not been posted
- 6 Summary Abatement Notices since 2011
- 3 Work Orders for garbage/rubbish; boarding/securing
- estimated cost to repair exceeds \$50,000
- estimated cost to demolish exceeds \$10,000
- the Department of Safety and Inspections (DSI) recommends removal within 15 days

Amy Spong, Heritage Preservation Commission (HPC):

- built in 1882; workers cottage style
- it was very close to a round house, which is now gone (probably a lot of rail worker housing developed in this neighborhood)
- built without a front porch and without a side porch
- originally built as a single family dwelling and turned into flats prior to 1925
- the accessory structure is the one present in the 1925 Sanborn Map; it's use was not stated but probably, for animals
- original siding is covered; very few window changes
- does not have good interior photos - looks like some of the trim is still present
- was part of the 2011 Payne-Phalen survey; it's just west of the Payne-Phalen Commercial historic district
- on its own would not be eligible for historic designation
- demolition would not have an adverse affect

Ms. Moermond:

- will recommend removal of the buildings within 15 days with no option for rehabilitation

Referred to the City Council due back on 3/6/2013

11:00 a.m. Hearings

Summary Abatement Orders

- 5 [RLH SAO](#) Appeal of Toua Yang to a Summary Abatement Order at 35 WHITE BEAR
[13-5](#) AVENUE SOUTH.
- Sponsors:** Lantry
- Ms. Moermond is amending her recommendation for the chicken coop and must be down or move to the backyard by March 15, 2013; grant until February 25, 2013 to move the scrap wood, pallets and doors into the garage and laid over the tent issue to May 21, 2013.

Grant until May 15, 2013 to move the chicken coop to the back yard or tear it down; grant until February 25, 2013 to move the scrap wood, pallets and doors into the garage; forthcoming on the tent issue.

RE: 35 White Bear Ave S (single family)

Toua Yang, owner, appeared.

Inspector Paula Seeley:

- Jan 17, 2013 received a complaint about a temporary tent structure covering a boat; debris (doors, pallets, wood) on the side of the garage; and a chicken coop in the front yard*
- told Mr. Yang that the chicken coop needs to be in the back yard with specific setbacks; he needs to go to Animal Control to get an application for the pigeons; he needs to file a site plan with Zoning (dimensions); and he also needs to get signatures from neighbors within 150 ft; she believes that there may be only 1 or 2 neighbors that close*
- she has spoken with Bill Stephenson, Animal Control, and noted that Mr. Yang has not yet contacted him about the coop issue*
- she told Mr. Yang to file an appeal*
- photos in file*

Mr. Yang:

- the tent is a gray canopy-shelter 20 ft long, 10 ft wide, 14 ft high*
- he uses it to house his boat because his driveway is curved and is at an incline so he can't back up his boat; he needs to unhitch it and, because it's at an incline, he needs at least 3 people to help him push it into the garage - that's why he got the shelter*
- he has it weighted down with cinder blocks and logs and so, it weighs over 300 lbs and doesn't see where it could go*
- the surface underneath is pavement*
- he did not know that any of this was a problem with the city*
- it is a permanent structure and as long as it's in good condition, he intends to use it as long as he can*
- he plans to give away the 4 pigeons and destroy the coop (he had intended to train his dog but he will get rid of the coop if he has to); it would be hard work to move the coop and he doesn't want to pay \$75 every year for a permit; just asking to wait until spring to remove it because he's a traditional reservist, as well, and he's being shipped out to a few other states within the next few weeks*
- was going to wait until the next neighborhood clean-up to get rid of the doors, wood, etc.*

Ms. Moermond:

- it's more than a tarp and less than a shed; normally, something this big would require a building permit and the city doesn't really have a way of handling tents without using a building permit*
- she doesn't think that this is inherently, a bad thing; it just needs to be permitted; Zoning will want to see that it's a stable construction; she thinks there will be a paperwork solution to this*
- wants to get a building inspector's assessment*

Ms. Seeley:

- noted that unless it's a permanently built structure, the department won't send anyone out and they won't issue a permit; it will be Ms. Moermond's determination as to whether it remains or removed*
- this is just a controversial issue because after a while, they start to fall apart*

- if we get a complaint on pods, tents and temporary storage, we give them 30 days to remove them
- in this case, it's a nice boat on a nice concrete slab and there's no other storage inside

Ms. Moermond:

- will give the building official call just to see what the department's concerns have been in this regard
- it's not making sense to her on it's space (if this is in good condition and is being used for proper exterior storage; the fact that it's a permanent structure vs. a temporary structure give her a little pause)
- if Mr. Yang wants to keep the chicken coop, it must go into the back yard
- will grant until May 15, 2013 to either move or remove the chicken coop
- until the spring clean-up, Mr. Yang must store the debris inside the garage; will grant until Feb 25, 2013 for this to be done
- a letter of confirmation will be sent

Referred to the City Council due back on 3/6/2013

Orders To Vacate, Condemnations and Revocations

- 6 [RLH VO 13-6](#) Appeal of Jacob Prettyman to a Fire Certificate of Occupancy Revocation and Order to Vacate at 645 GRAND AVENUE.

Sponsors: Thune

Grant the appeal on Item 8. (see previous hearing for the other recommendation)

RE: 645 Grand Ave (duplex)

No one appeared.

Fire Inspector A. J. Neis:

- staff report
- did further research on the code and as long as it remains a duplex without an operating business, it's OK

Ms. Moermond:

- will recommend granting the appeal on item #8

Referred to the City Council due back on 3/6/2013

- 7 [RLH VO 13-7](#) Appeal of Dennis Workman to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 904 and 906 BURR STREET.

Sponsors: Brendmoen

Provide an aggressive work plan with timelines to address all the items on the list; between now and Feb 25, the furnace testing needs to be done; the revocation order stands.

RE: 904 - 906 Burr St (4 apartments-2 Upper; 2 Lower)

Dennis Workman, owner, appeared.

Heather Meyers, Southern Minnesota Regional Legal Services (SMRLS), and Carla Folson, 904 Upper tenant, appeared.

Fire Inspector A. J. Neis:

- *Revocation of a Fire Certificate of Occupancy and Orders to Vacate in addition to a Condemnation Order at 904 Burr St*
- *inspection took place Feb 1, 2013 in response to a fire that happened on the prior evening*
- *he had been at the property until about midnight the night before*
- *the fire was on the 904 side on the electrical panel in the basement (basements are separated with a concrete wall)*
- *904 Burr received extensive damage on the lower unit (electrical panel shorted out); power had to be shut off on that side of the building*
- *Mr. Neis went out to determine occupancy; it was the coldest night of the year*
- *Mr. Workman met Mr. Neis at the property that evening; was concerned about the pipes freezing*
- *the building itself was lacking in general maintenance and repair (a lot of deferred maintenance on the building within the last few years)*
- *was difficult for the fire crew to operate because the sidewalks hadn't been shoveled in quite some time (there were sheets of ice on the staircase)*
- *couches were stored at the back of the building (code enforcement just received a complaint yesterday again, in regard to these couches)*
- *the interiors of the 4 units are also lacking in general maintenance*
- *904 Lower unit had substantial lack of repairs*
- *many of the existing doors that had been grandfathered-in are beyond repair at this point*
- *fortunately, the fire was isolated; had it not been, this could have been catastrophic*
- *he issued the Orders based on the fact that the building was lacking maintenance and repair*
- *he immediately Condemned the Lower Unit of 904 Burr and advised a full inspection of the entire building, which was conducted Feb 1, 2013*
- *he identified 44 code violations in the Lower Unit of 904 Feb 1, 2013 (there was still heat in that building and the water was still running)*
- *the electricity was completely shut-off in the Lower Unit (electrical repairs have been made under permit- filed and approved); however the Lower Unit will still be Condemned for the other issues (sanitation and fire damage)*
- *the last Fire C of O inspection was conducted Jul 12, 2010 by now retired Inspector Pat Fish (A-rating); that inspection may have been triggered due to some police issues where warrants were served*
- *photos in file*
- *the Revocation for the overall building is for the general lack of maintenance and repair; multiple code violations*
- *gave Mr. Workman 10 days to bring the building into compliance*
- *he issued Orders on the couches at re-inspection*

Ms. Meyers:

- *Ms. Folsom has lived at 906 Upper since Nov 2012 with her significant other and 2 young grandchildren of 6 and 3*
- *there does not appear to be any health hazards or safety concerns regarding 906 Upper; she sees only 3 deficiencies (35, 36, 37) that address her unit*
- *Ms. Folsom has moved the boxes; the drain has been corrected*
- *the electricity is working fine - she'd like to continue to live there*
- *she lives there with Delaine, her significant other, Aiden - 6 and Jay - 3 (she has legal custody of both grandsons)*

Mr. Workman:

- *it was his assumption that Mr. Neis Condemned the whole building and he didn't agree with the Condemnation of the other 3 units that weren't affected*
- *has made a lot of repairs; the lights are back on*

- he removed material from the back hallway; repaired holes in the walls; things that don't require a lot of money
- he disagrees with some of the repairs that were cited
- he just needs some time because of his financial situation
- he needs to paint 904; get the heating system tested

Mr. Neis:

- some units didn't even have plumbing that was connected; they dragged their water in buckets
- the abandoned boiler in the basement that they disconnected - lines have to be properly cut and capped by contractor
- the building has sprinklers in the basement and must maintain at least 40 degrees F. temperature
- bathroom floors were rotted

Mr. Workman:

- those repairs have all been made except for the bathroom floor
- he wrapped the pipes in the basement
- if the Condemnation is lifted and he can get his rents for this month and then also for next month, he can chisel away at repairs, etc.
- he lost some of his properties due to the bank failure
- 3 of the 4 units are occupied

Ms. Moermond:

- she is not thrilled with Mr. Workman's answer
- some are serious items and most are not related to the fire
- needs to see an aggressive Work Plan

Mr. Workman:

- disagrees with items: #2 door at 904 - there's a crack in the door; it's not warped
- #8 the guardrail - it's not damaged; it was just loose;
- floorboards are not rotted - underneath something came apart and the floorboards are pushed down
- in 906 #1 countertop is not warped; it's shimmed up so that the water doesn't run onto the floor
- listed the items that have been repaired:
 - 2, 3, 7, 8, 9, 10, 13, 18, 20, 21, 23, 24, 25, 26, 27, 28, 29, 31, 34, 35, 36, 37, 38, 39, 41, 43
- he has removed the couches and the futon
- hasn't get a form for the smoke detector; he checked them while he was there
- asked for another inspector to come out

Ms. Moermond:

- asked Mr. Neis to prioritize the remaining deficiencies; which should be done within 2 weeks

Mr. Neis:

- thinks that a comprehensive re-check needs to be done to see what still needs to be done; the electrical has been done; the issues of plumbing and areas of disagreement should also be done (he has photos to illustrate - #14 unsanitary issue, specifically, in 904 Lower: lots of mold around tub areas, dirt around the floor area; the bathroom flooring (not opposed to giving more time on this)
- door in 904 lower - have photo - there's a large crack down seam (Inspector Thomas shined flashlight behind door and you could see that from the front - it's not fire-rated; it's beyond repair and needs to be replaced
- countertops in 904 lower - drain is not connected - cabinets are substantially rotted

from a long time not being connected properly

Ms. Moermond:

- SMRLS has the ability to pursue a Tenant Remedy Action to make sure that the repairs happen*
- she understands that Mr. Workman wants to use the rent money for future repairs and yet, we can't allow people to live in bad conditions, pending the payment of rent to improve those conditions - there's a minimum standard that's expected to be met before rents are paid*
- she is comfortable that the deficiency list is a good statement of disrepair*
- the vacate date (Feb 11, 2013) has come and gone*
- between now and next Tue, she wants an aggressive Work Plan from Mr. Workman showing everything being taken care of and by when*
- the furnace testing needs to be done between now and then*
- she wants an inspector to confirm the progress that has been made and what still needs to be done*
- she wants to keep holding this Revocation over Mr. Workman's head; these things need to get done*
- the vacate date will not be earlier than Mar 1, 2013*
- Inspector Neis will meet Mr. Workman today at 2:30 p.m. to inspect*
- we'll talk about this in a week*

Laid Over to the Legislative Hearings due back on 2/19/2013

8 [RLH VO 13-8](#)

Appeal of Heather Meyers, SMRLS (Southern Minnesota Regional Legal Services), on behalf of Carla Folson to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 904 BURR STREET, UPPER.

Sponsors: Brendmoen

RE: 904 - 906 Burr St (4 apartments-2 Upper; 2 Lower)

Dennis Workman, owner, appeared.

Heather Meyers, Southern Minnesota Regional Legal Services (SMRLS), and Carla Folson, 904 Upper tenant, appeared.

Fire Inspector A. J. Neis:

- Revocation of a Fire Certificate of Occupancy and Orders to Vacate in addition to a Condemnation Order at 904 Burr St*
- inspection took place Feb 1, 2013 in response to a fire that happened on the prior evening*
- he had been at the property until about midnight the night before*
- the fire was on the 904 side on the electrical panel in the basement (basements are separated with a concrete wall)*
- 904 Burr received extensive damage on the lower unit (electrical panel shorted out); power had to be shut off on that side of the building*
- Mr. Neis went out to determine occupancy; it was the coldest night of the year*
- Mr. Workman met Mr. Neis at the property that evening; was concerned about the pipes freezing*
- the building itself was lacking in general maintenance and repair (a lot of deferred maintenance on the building within the last few years)*
- was difficult for the fire crew to operate because the sidewalks hadn't been shoveled in quite some time (there were sheets of ice on the staircase)*
- couches were stored at the back of the building (code enforcement just received a complaint yesterday again, in regard to these couches)*

- the interiors of the 4 units are also lacking in general maintenance
- 904 Lower unit had substantial lack of repairs
- many of the existing doors that had been grandfathered-in are beyond repair at this point
- fortunately, the fire was isolated; had it not been, this could have been catastrophic
- he issued the Orders based on the fact that the building was lacking maintenance and repair
- he immediately Condemned the Lower Unit of 904 Burr and advised a full inspection of the entire building, which was conducted Feb 1, 2013
- he identified 44 code violations in the Lower Unit of 904 Feb 1, 2013 (there was still heat in that building and the water was still running)
- the electricity was completely shut-off in the Lower Unit (electrical repairs have been made under permit- filed and approved); however the Lower Unit will still be Condemned for the other issues (sanitation and fire damage)
- the last Fire C of O inspection was conducted Jul 12, 2010 by now retired Inspector Pat Fish (A-rating); that inspection may have been triggered due to some police issues where warrants were served
- photos in file
- the Revocation for the overall building is for the general lack of maintenance and repair; multiple code violations
- gave Mr. Workman 10 days to bring the building into compliance
- he issued Orders on the couches at re-inspection

Ms. Meyers:

- Ms. Folson has lived at 906 Upper since Nov 2012 with her significant other and 2 young grandchildren of 6 and 3
- there does not appear to be any health hazards or safety concerns regarding 906 Upper; she sees only 3 deficiencies (35, 36, 37) that address her unit
- Ms. Folson has moved the boxes; the drain has been corrected
- the electricity is working fine - she'd like to continue to live there
- she lives there with Delaine, her significant other, Aiden - 6 and Jay - 3 (she has legal custody of both grandsons)

Mr. Workman:

- it was his assumption that Mr. Neis Condemned the whole building and he didn't agree with the Condemnation of the other 3 units that weren't affected
- has made a lot of repairs; the lights are back on
- he removed material from the back hallway; repaired holes in the walls; things that don't require a lot of money
- he disagrees with some of the repairs that were cited
- he just needs some time because of his financial situation
- he needs to paint 904; get the heating system tested

Mr. Neis:

- some units didn't even have plumbing that was connected; they dragged their water in buckets
- the abandoned boiler in the basement that they disconnected - lines have to be properly cut and capped by contractor
- the building has sprinklers in the basement and must maintain at least 40 degrees F. temperature
- bathroom floors were rotted

Mr. Workman:

- those repairs have all been made except for the bathroom floor
- he wrapped the pipes in the basement
- if the Condemnation is lifted and he can get his rents for this month and then also

for next month, he can chisel away at repairs, etc.
- he lost some of his properties due to the bank failure
- 3 of the 4 units are occupied

Ms. Moermond:

- she is not thrilled with Mr. Workman's answer
- some are serious items and most are not related to the fire
- needs to see an aggressive Work Plan

Mr. Workman:

- disagrees with items: #2 door at 904 - there's a crack in the door; it's not warped
- #8 the guardrail - it's not damaged; it was just loose;
- floorboards are not rotted - underneath something came apart and the floorboards are pushed down
- in 906 #1 countertop is not warped; it's shimmed up so that the water doesn't run onto the floor
- listed the items that have been repaired:
- 2, 3, 7, 8, 9, 10, 13, 18, 20, 21, 23, 24, 25, 26, 27, 28, 29, 31, 34, 35, 36, 37, 38, 39, 41, 43
- he has removed the couches and the futon
- hasn't get a form for the smoke detector; he checked them while he was there
- asked for another inspector to come out

Ms. Moermond:

-asked Mr. Neis to prioritize the remaining deficiencies; which should be done within 2 weeks

Mr. Neis:

- thinks that a comprehensive re-check needs to be done to see what still needs to be done; the electrical has been done; the issues of plumbing and areas of disagreement should also be done (he has photos to illustrate - #14 unsanitary issue, specifically, in 904 Lower: lots of mold around tub areas, dirt around the floor area; the bathroom flooring (not opposed to giving more time on this)
- door in 904 lower - have photo - there's a large crack down seam (Inspector Thomas shined flashlight behind door and you could see that from the front - it's not fire-rated; it's beyond repair and needs to be replaced
- countertops in 904 lower - drain is not connected - cabinets are substantially rotted from a long time not being connected properly

Ms. Moermond:

- SMRLS has the ability to pursue a Tenant Remedy Action to make sure that the repairs happen
- she understands that Mr. Workman wants to use the rent money for future repairs and yet, we can't allow people to live in bad conditions, pending the payment of rent to improve those conditions - there's a minimum standard that's expected to be met before rents are paid
- she is comfortable that the deficiency list is a good statement of disrepair
- the vacate date (Feb 11, 2013) has come and gone
- between now and next Tue, she wants an aggressive Work Plan from Mr. Workman showing everything being taken care of and by when
- the furnace testing needs to be done between now and then
- she wants an inspector to confirm the progress that has been made and what still needs to be done
- she wants to keep holding this Revocation over Mr. Workman's head; these things need to get done
- the vacate date will not be earlier than Mar 1, 2013

- *Inspector Neis will meet Mr. Workman today at 2:30 p.m. to inspect*
- *we'll talk about this in a week*

Laid Over to the Legislative Hearings due back on 2/19/2013