



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, February 25, 2014

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 14-2](#) Ordering the rehabilitation or razing and removal of the structures at 349 CURTICE STREET EAST within one hundred eighty (180) days after the February 19, 2014, City Council Public Hearing. (Public hearing continued from March 5)

Sponsors: Thune

To be laid over to March 11 LH and March 19 CPH.

RE: 349 Curtice Street East (Single Family)

Jeffrey Vandebosch, owner; Mike Braun, project manager, Antonsen Construction; and Stephanie Nelsen, Shapiro & Zielke, representing Bank of America, appeared.

Ms. Moermond:

- this is the 3rd LH on this issue*
- she would like to see it fixed*
- Antonsen Construction wants to fix it up for the owner, with whom they have a contract*
- Jeffrey Vandebosch still owns the property*

Mr. Vandebosch:

- looking forward to a re-financing (HARP) so they won't need to go through foreclosure*
- realizes the property wasn't very well taken care of since the fire and they were not allowed to go onto the property*
- they intend to properly maintain the property so that they can keep their place of residence*
- they had no problem in the past*
- he has a family and grandchildren; they need a place to go*

Steve Magner, Vacant Buildings:

- read letter dated Feb 12, 2014 (attached) with the following conditions, which should be met by today, Feb 25, 2014:

- 1. Ms. Nelson should provide information or letter of commitment from the Bank on whether they would hire a management company to maintain the property;*

2. the Bank's commitment to provide the necessary funds for the project;
3. an Agreement between Antonsen Construction and the Bank;
4. a contract agreement between Antonsen Construction and Mr. Jeffrey Vandenbosch;
5. a scope of timelines and work plan for the repairs in accordance with the code compliance inspection report; and
6. provide Jeffrey Vandenbosch's contact information and that he attends the hearing.

City Council Public Hearing will be continued to Wed Mar 5, 2014 at 5:30 pm in Room 300 City Hall

Ms. Nelsen:

- she was hired by the Code Violations Dept; they reached out to Special Claims, who reached out to Property Claims; Property Claims is the dept that's working with the contractor; their big issue is that they don't enter into contracts with contractors because the contractors are hired by the homeowner; the only part that the bank does is to release the insurance claims funds to the contractor; the homeowner can hire whichever contractor they want
- re #2: the Property Claims Dept has released the funds to the contractor directly

Mr. Magner:

- the estimate of work to be done is \$101,000
- the insurance company will provide \$100,000; Mr. Vandenbosch will provide \$1,000 plus the money for the appliances and floor coverings (items not covered by the insurance policy)

Mr. Vandenbosch:

- will need to seek financial help to come up with the money
- currently, he is on disability; his wife is working
- he will do whatever necessary to come up with that money in order to get his house back

Mr. Braun:

- he entered a timeline for the project; it will be a 12-week project or so, depending on when they are able to actually start; Mr. Vandenbosch has a fair amount of time to come up with the money
- their company often uses re-purposed appliances in their projects and they will need that by the time of their final inspection

Mr. Vandenbosch:

- will definitely be able to come with the necessary funds in 12 weeks

Mr. Magner:

- that's a fairly normal procedure
- generally, the loss is adjusted; the insurance company will issue a check, most likely to the insured (actual owner and who ever has a secured interest); then, it's the responsibility of the insured to sign that check and submit it to the mortgage company; they have to decide whether or not they want to bleed the contract or submit the funds back; generally, they establish an escrow account and once a contractor is hired, plans are submitted and work commences (permit's taken out), they will remit the funds in the name of the contractor so that they have a control agent; their concern, especially, when there's a large loss, is that those funds get directed back to the party who will rehabilitate the structure so that the funds don't just disappear and the structure is just left; and they have no way to cover their losses

- at the end of the project, it's usually the responsibility of the property owner to pay that last percentage, which in this case, is the \$1,000 deductible
- the way that it's been explained here seems reasonable - that Mr. Vandenbosch would have 12 weeks + to come up with a \$1,000 (and the cost of the appliances and floor covering)
- thinking that this plan is really looking at a 14-week process, which includes inspection time, etc.

Ms. Moermond:

- suggested Mr. Vandenbosch contact Michelle Vojacek, PED, 651/266-6599; she runs the Home Foreclosure Prevention Program; she is the best at pulling people together and getting some of these things squared away; maybe, there's assistance available; she could point you in the right direction
- the maintenance of the property was bad before the fire and worse after the fire
- asked whether the bank would be willing to hire a property maintenance company to take care of business; Mr. Braun said that while they are on site, they will take care of the maintenance (shoveling, mowing lawn, dumping, trash, etc.)

Mr. Vandenbosch:

- he feels as though he has been given a second opportunity with his property
- the problem with the property before this fire situation (not to create a dispute), but he had a really bad next door neighbor, who picked on anything and everything; neighbor had a natural lawn (not green grass) where all sorts of weeds were growing all over the place but Mr. Vandenbosch never complained about it or anything else regarding this neighbor; but the neighbor just never got along with Mr. Vandenbosch, which created a very bad situation

Ms. Moermond:

- there were 9 Summary Abatement Orders since 2013 (when the city finds something that's wrong and they write an Order)
- there were 10 Work Orders issued (telling Parks to go out and clean it up-take care of business)

Mr. Vandenbosch:

- they were not allowed to come back onto the property after the fire by the City of Saint Paul; every time they went back there, the Saint Paul Police Dept would come and tell them that we were not allowed on the property - they called it trespassing; so, he never argued with the SPPD
- before the fire, he was very responsible and took care of most of what he needed to take care of
- after the fire, he wasn't allowed over there
- the trash situation: it was always neat and kept in 1 area and he always took it to the dump once or twice a week; but, it caused a problem for his neighbor; he will make sure that it gets taken care of in the future
- he is not kidding: SPPD kicked him off the property
- challenged Ms. Moermond to ask SPPD for the records

Ms. Moermond:

- at the last hearing, Mr. Magner noted that since 2005, there had been 18 complaints for garbage, junk, furniture, grass, etc, an almost all of those led to Orders being issued

Mr. Vandenbosch:

- that neighbor is now gone; he's moved out from next door; a new neighbor has moved in and he gets along with him very well
- wants Ms. Moermond to understand that he will be doing the best that he can do to

take care of his property

- *believes that no one in the neighborhood will complain about his property in the future*
- *he needs his property back; his wife is sick and tired of being homeless*
- *they are staying at his aunt's house right now*
- *he is an adopted child; his grandparents adopted him when he was 6 months old; he was hospitalized for 2 weeks after the fire and was on life-support*
- *he tried to save his house the best he could; he saved the foundation and the structure but it almost killed him*
- *he was involved in a work accident before the fire and to get this house, he has gone through a lot; the house was a present to his wife for taking care of him after that accident for almost 2 1/2 years*
- *appreciates that the city has taken time and interest in his situation so that they can get their property back and get moving forward*
- *the air conditioner started the fire*
- *this house means a lot more to him and his family than merely a "dwelling"*

Ms. Moermond:

- *the fire report confirms what Mr. Vandenbosch is saying about his being hospitalized after the fire at Regions*
- *asked them to put together a plan of what the next 4 months will look like*

Mr. Braun:

- *they will start as soon as they are able to pull a permit; then, they can order the special things on their list; after that they can actually physically start work*
- *they will have their check delivered by UPS Thu of this week*
- *if they can pull a building permit this week, they can start Mon of next week*

Ms. Moermond:

- *her concern: she is hearing the Appellant say things but history doesn't back him up*
- *she has the construction people coming in to fix up the property; she has a property without appliances in it, so, it can't get it's final sign-off and it's had a history of not being kept-up, actually, being a nuisance in the neighborhood; so how does she know that when those 3-4 months have expired, that we're not in the same place that we are now, only with a better looking house*
- *is looking for a hook that she can put into the plan to make sure that Mr. Vandenbosch performs*

Mr. Magner:

- *doesn't know what the circumstances were regarding the SPPD kicking him off the property but it sounds as though there were some issues going on between Mr. Vandenbosch and his neighbor; and things obviously, were going on before the fire that involved Code Enforcement but his doesn't have the details of that history at hand; SPPD may have simply advised him not to come over, which doesn't mean that he couldn't have had someone else come over*
- *perhaps, Mr. Vandenbosch could provide the Council with a plan to: 1) identify how he will come up with the \$1,000 and the appliances and floor coverings; and 2) a clear idea of how the property is going to be maintained*
- *and, we could also put a check-up in the middle of the time granted for DSI to come back with an update on the maintenance situation*

Ms. Moermond:

- *I've got a bad property with a bad history and I have Mr. Vandenbosch telling me that things are going to be OK; she wants to make sure that it is that way*
- *she can give him a limited amount of time to get things fixed up and if things aren't*

progressing and the property is not being maintained, he will be in front of the City Council to plead for his next 60 days

- let's get that timeline in*
- she will talk to SPPD to make sure that it's OK for Mr. Vandenbosch to do property maintenance there*
- access to the property by the owner is from 8 am to 8 pm for maintenance and clean-up; if there are any problems - trying to move back in or anything like that, she will hear about it and make trouble for him on this rehab*
- wants a plan by next Tue on how he will pay the \$1,000 and how he will pay for the appliances and floor coverings*
- when this is done, she wants it to be "Done!"*
- the goal is to get a Code Compliance Certificate issued*
- she wants an estimate of what the appliances/floor coverings will cost*

Mr. Braun:

- in his experience, once a building is Condemned, no one can go there; not even a contractor can go there until permits are issued; so, until that status changes, no one can go there*

Mr. Magner:

- if you are there between 8 and 8 for the process of cleaning the sidewalk, cutting grass, securing the property, cleaning the yard, removing things from inside, etc; perhaps, there needs to be prior "clean-out" done, delivery of a dumpster - you could actually do that without a permit and you can start that today: dumpster delivered; open the door and start doing basic clean-out prior to the construction; the bldg issue is that you have to leave the yard clean and the building secured*
- if a neighbor or someone else questions what's going on here, give them your card/tell them what you are doing-working with the city; and if they have an issue, have them contact DSI to speak to the contact inspector, Joe Yannarely, 651-266-1920*

Mr. Braun:

- he will work with the building dept - he likes to do things only once*

Ms. Moermond:

- within this next week, come up with a way to pay for this; the info should come back to her office*
- you can talk about all of this with Michelle Vojacek; she will help if she possibly can*
- by next Tue, she wants to see the money*

Mr. Braun:

- to clarify - he will put together a timeline with Mr. Vandenbosch's finances as the highlight, similar to what he proposed in the construction timeline so that when....*

Ms. Moermond:

- one of the hooks that she can put into this is to say that she wants every penny to be accounted for in getting this rehab done before they leave the gate, which will include showing her the money for Mr. Vandenbosch's part of it; she knows that it will be hard to come up with but she doesn't want to ask the Council to give him time to get this taken care of until all of the money is on the table (he's not going to be able to come up with it along the way)*

Mr. Vandenbosch:

- "so, I have to come up with it by next Tue?" (Ms. Moermond: yes; the \$1,000 deductible and you have to be able to show that you can purchase appliances and floor coverings; she wouldn't mind if he bought the appliances right now to be able to*

put into the house; she doesn't want to come to the end of the time allotted and then not have it finished off and ready to go)

Mr. Braun:

- you want all the out-of-pocket money (\$1,000 and funds for appliances and floor coverings) by next week? (Ms. Moermond: "Well, you're not going to get the time to do the rehab until I do see that; if I don't see it, I want to see a loan application with someone reputable)

Ms. Moermond:

*- this will be on the City Council Public Hearing agenda Mar 5, 2014
- what would be perfect, would be able to tell the Council, "They have their act together completely; let's go ahead and give them a grant of 4 months to get the job done"
- asked Mr. Vandenbosch how much time he'd need to show the money (Mr. Vandenbosch: "I'd say, at least 2 weeks")*

Mr. Vandenbosch:

*- he had understood that he'd have a longer time to get it together
- he and his family are homeless right now; there is no place to go and he has no source of anything*

Ms. Moermond:

*- your situation won't improve unless those things are done; that's just the way it is - you won't have a place to move into
- let's give you a couple weeks to figure this out
- next week at City Council, she will say, let's give this guy to Mar 11, 2014 LH
- if all the conditions are met and she's seen the money or the appliances have been bought or financing is arranged with Antonsen, etc.
- so, Mar 11 is the deadline
- she would like Mr. Vandenbosch to take care of the maintenance now; maybe work together with Mr. Braun
- she will contact SPPD and let them know what is allowed
- the final time at City Council will be Mar 19, 2014 when she will ask them to vote on this*

Referred to the City Council due back on 3/5/2014

2 [RLH RR 13-62](#)

Ordering the rehabilitation or razing and removal of the structures at 929 SEVENTH STREET WEST within one hundred eighty (180) days after the January 2, 2014, City Council Public Hearing. (Public hearing continued from January 2 and February 5; to be amended March 5, 2014)

Sponsors: Thune

Forthcoming. Owner to provide documents of financing by Friday, Feb 28, 2014. If approved, will grant 180 days for rehabilitation.

RE: 929 Seventh Street West (Commercial/Apartment-B-Commercial)

Andre Stouvenel and Thomas Hanten, potential buyers, appeared.

Mr. Hanten:

- they paid \$5,000 in taxes within the last couple of weeks and will bring it current at closing

- the "Unsafe" building was removed, as well

Mr. Stouvenel:

- they did a walk through inspection with the trades
- all items on the list are categorized in the construction statement
- there's 2 financial pieces; both have been submitted
- the building doesn't have a Certificate of Occupancy
- the cash is going to come from his current credit line of \$150,000; and the bank will take the title to a portion and the seller will carry a portion
- he will bring in documentation

Ms. Moermond:

- this is at City Council Public Hearing Mar 5, 2014
- if documentation is in by the end of this week, she will share it with Steve Magner, Vacant Buildings

Amy Spong, Heritage Preservation Commission (HPC):

- when they get to the facade portion of the renovation, she would be happy to review the plans and offer feedback

Mr. Stouvenel:

- there were discussions about somewhat bringing back the Garden Theatre era look to the front of the building
- the long term goal is to bring it back to an historical look (there are federal tax credits available)

Mr. Magner:

- the remedial repairs are simply to create a "box;" there's nothing else going on so, \$30,000 level seems adequate
- you can get your Certificate of Occupancy for just that "box"
- for a facade or an interior build out, the cost will change
- in this case, you are remediating the hazards and bringing the building out of the nuisance condition; he believes that can be done for \$30,000

Ms. Moermond:

- documentation of financing will be in at the end of the week
- the plan shows it being finished in Sep
- if everything clicks, she will recommend the Council grant 180 for rehab from the time of the CC vote

Referred to the City Council due back on 3/5/2014

3 RLH RR 14-4

Ordering the rehabilitation or razing and removal of the structures at 1000-1004 BUSH AVENUE within fifteen (15) days after the March 19, 2014, City Council Public Hearing. (To be referred back to Legislative Hearing on March 25, 2015 and City Council Public Hearing on April 16, 2014)

Sponsors: Lantry

Laid over to March 25, 2014 Legislative Hearing to discuss plans. Owner was not present at hearing because notice went to old address. New notice went to owner at current address. Laid over for plans, possibly bond posted and Bank to obtain a code compliance inspection application by March 11, 2014. Public hearing will be continued to April 16, 2014.

RE: 1000-1004 Bush Avenue (Duplex)

Stephanie Nelsen, Shapiro & Zielke, appeared representing the bank.

Steve Magner:

- this morning, Vicki Sheffer indicated that yesterday, she found a new address for Stephen and Jennifer Steele in Oakdale; Mr. Magner advised her to mail out by Certified Mail today a copy of the Order to Abate and a copy of the Public Hearing; he also advised her to email that information to Ms. Mai Vang, so that she could add it to the record
- mail had been returned from the Steele's previous Farmington address as being "Unable to Deliver"
- he assumes that we will go forward with this hearing and a results will be sent out in a letter to the Oakdale address for the Steeles, too; they will have plenty of time to appear or to notify Ms. Moermond prior to the City Council Public Hearing

Ms. Moermond:

- today, we will get Mr. Magner's information and Ms. Nelsen's information on the record
- she will ask for a Layover at City Council Public Hearing Mar 19, 2014 and for them to consider the matter on Apr 16, 2014
- LH can continue the conversation to Mar 25, 2014

Mr. Magner:

- The building is a one-and-one-half story, wood frame, duplex on a lot of 9,583 square feet. According to our files, it has been a vacant building since October 5, 2012.
 - The current property owner is Steven M. Steele and Jennifer J. Steele per AMANDA and Ramsey County Property records.
 - On November 19, 2013, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on December 13, 2013 with a compliance date of January 12, 2014. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.
 - Taxation has placed an estimated market value of \$21,300 on the land and \$50,300 on the building.
 - Real estate taxes are current.
 - The Vacant Building registration fees were paid by check on July 22, 2013 by Select Portfolio Servicing
 - As of February 24, 2014, a Code Compliance Inspection has not been done.
 - As of February 24, 2014, the \$5,000 performance deposit has not been posted.
 - There have been eight (8) SUMMARY ABATEMENT NOTICES since 2012.
 - There have been twelve (12) WORK ORDERS issued for:
 - Garbage/rubbish
 - Boarding/securing
 - Tall grass/weeds
 - Snow/ice
 - Code Enforcement Officers estimate the cost to repair this structure exceeds \$60,000. The estimated cost to demolish exceeds \$15,000.
- DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days; if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Amy Spong, Heritage Preservation Commission (HPC):

- 1887 Queen Anne with a lot of alterations
- it's a large structure on a very large lot
- has a retaining wall; originally it was all contour block; it's been filled in with concrete over the years
- across the street, 3 or 4 houses have been torn down; now, it's a big parking lot
- last time neighborhood was surveyed was 1983; it was not identified as a potential historic district and this property was not called out individually
- this is the original footprint of the property
- lots of window changes
- vinyl siding covers asphalt covering clapboard: the original siding
- originally built as a single-family house; turned into flats prior to 1925
- the back side had an L-shaped wrap around porch
- a surface lot in the back for parking
- historically, there was a full stone structure in the back, which is now gone
- demolition will not have an adverse affect, even though it is on a corner on a prominent hill
- fire damage also altered it

Ms. Moermond:

- Mr. Magner handed over the Fire Report, Apr 10, 2013: estimated loss: \$55,000
- "Fire crews arrived to find flames visible from the first floor east side of the vacant duplex; they also discovered an unsecured window," which sounds as though someone may have broken in and started the fire in the kitchen

Ms. Nelsen:

- the property is not currently in foreclosure; probably will be going into foreclosure
- they basically want more time
- she encouraged ordering the code compliance inspection

Mr. Magner:

- property maintenance done by the city since the fire: entered a snow/ice Feb 21, 2014; snow/ice Dec 17, 2013; garbage clean-up Dec 10, 2013; tall grass/weeds Aug 14, 2013 and Jul 2 and in Jun 2013
- doesn't look as though the servicer has assigned a property maintenance company at this time

Ms. Moermond:

- no code compliance
- no performance deposit \$5,000
- we have to wait a month for the owners to come into the picture
- would like to see the code compliance inspection applied for by Mar 11, 2014
- get the \$5,000 Performance Deposit posted
- back at LH Mar 25, 2014
- wants all the plans, etc. together by Apr 8, 2014

Ms. Nelsen:

- she will probably be here Mar 25, 2014, too

Referred to the City Council due back on 3/19/2014

11:00 a.m. Hearings

Summary Abatement Orders (NONE)

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 4 [RLH VO 14-8](#) Appeal of Eugene V. Sitzmann, Grand Heritage Properties LLC, to a Revocation of Fire Certification of Occupancy and Order to Vacate at 1659 GRAND AVENUE.

Sponsors: Tolbert

Grant until April 1, 2014 for interior items and the stairway to come into compliance; grant until July 1, 2014 for the exterior work to come into compliance.

RE: 1659 Grand Avenue (Restaurant/Bar-B-Commercial)

Eugene V. Sitzmann, Grand Heritage Properties LLC, owner, appeared.

Fire Inspector A. J. Neis:

- *Revocation of Fire Certificate of Occupancy and Order to Vacate dated Feb 3, 2014*
- *re-inspection or Vacate date by Mar 3, 2014*
- *the Revocation started based on the initial Fire C of O inspections*
- *in Apr 2013 when process started, they received a complaint of a mice infestation; it was investigated by Mike Urmann*
- *Mr. Urmann identified that there were issues and validated the complaint; he found signs of mice and called the owner to let him know that he needed to hire a licensed exterminator to take care of the issue*
- *subsequently, Orders were issued in Mar 2013 and Apr 2013*
- *another complaint was received in Apr 2013 of the electricity being shut-off in the vacant commercial space*
- *Mr. Urmann transferred the Orders to the Fire Certificate of Occupancy Program*
- *Mr. Urmann scheduled the C of O inspection in Jun 2013; he sent an appointment letter was sent to Mr. Sitzmann, saying that he wanted to do a full C of O inspection Jul 16, 2013, at which time, he identified 33 code violations*
- *re-inspection was scheduled for Aug 28, 2013 and at that point, an extension was granted to Oct 24, 2013*

Mr. Urmann:

- *explained that an extension was allowed because Mr. Sitzmann had entertained the sale of the building and wanted time to see where that would lead*
- *none of the work from the prior inspection had been done during that time*

Mr. Neis:

- *Oct 24, 2013 - Mr. Urmann did the inspection; none of the work had been completed; he consulted with Mr. Neis and based on long-term noncompliance, Mr. Neis advised Mr. Urmann to Revoke the Fire C of O and Order the building Vacated; re-inspection Dec 2, 2013*
- *Mr. Urmann did not post the building on Oct 24, 2013*
- *Mr. Urmann did the re-inspection Dec 2, 2013 and identified that just over half of the list was completed; Mr. Urmann asked Mr. Neis if an additional extension could be granted; Mr. Neis advised that the Vacate date could be extended because the building did have tenants and over half of the list had been completed*
- *Mr. Urmann appointed Feb 3, 2014 as the next re-inspection date*
- *Feb 3, 2014 - Mr. Urmann inspected and all the work had not been completed; an additional 8 code violations were identified; Mr. Neis advised him to placard the building to give the tenants Notice of the first 2 Revocations (owner had not given tenants Notice to Vacate)*

Mr. Urmann:

- to clarify: part of the additional Orders were for snow and ice build-up in the private parking lot as well as alongside of the building; also, some exterior issues that were weather related
- also, at the Feb 3, 2014 inspection, there was no representative of the building owner present; and he wasn't able to access the building
- there are 7 residential units (all occupied) and 3 commercial spaces (vacant); 1 restaurant on each end and a bookstore/mercantile in the middle

Mr. Sitzmann:

- the Fire inspector's report is reliable
- they were negotiating with a big firm in Mpls but it was decided by the trustees not to go ahead with a new bldg; this took a lot of time
- we will be complying with everything
- they have been having problems with the commercial units not paying their rent
- encouraged the city to work with property owners - be patient - they all pay taxes
- asks that the city not put him in the brig because he hasn't gotten things done
- the record shows that he is a reliable person in the City of St. Paul
- he is looking for an extension to finish the work; they are outsourcing it and need to paint

Mr. Neis:

- no permits have been pulled for the building repairs; however, Mr. Sitzmann indicated that work has commenced
- one of the biggest concerns was to repair/replace the unsafe stairways, porch, decks and railings; off the 2nd floor, there's a required exit for the residential units; Mr. Urmann indicated that they were missing guardrails and appeared to be unsound
- he requested a structural engineer review and remove and rebuild as needed
- he has received several phone calls from tenants and advocates for some of the tenants wanting to know the status of the building, including that Mr. Sitzmann has given them Notice to Vacate by Mar 3, 2014
- many of those tenants are students

Mr. Urmann:

- he spoke with Mr. Sitzmann before the hearing; Mr. Sitzmann indicated that the stairs have been repaired by a licensed contractor and the fire separation required for the commercial was also done
- there is a building permit for the separation but not for the stairs, deck (could have been considered a repair because it was a repair of an existing structure)
- it looks as though they are moving forward with contractors

Mr. Sitzmann:

- indicated that he was impressed with the carpentry work of contractor Tahm, Mendota Heights
- he got power back into the restaurant of Cat Man Do; they pulled everything out of there and put it into the dumpster
- the building is over 100 years old

Mr. Urmann:

- the exterminator is coming out this afternoon and documentation is coming Mar 3, 2014 (Mr. Sitzmann showed Mr. Urmann a check that he has written out to the exterminator for today so, he has confidence that the exterminator is coming out today)

Ms. Moermond:

- is concerned that things haven't been taken care of since Apr 2014 and another

extension is being requested; she is concerned that they are not going to get to the other side of this

- people are living there and these are maintenance problems that should be taken care of

Mr. Sitzmann:

- but, they were deciding whether or not to put up a large building there; that's a big deal; it takes time to consider

- it's an old building and we are spending money; we are responsible

- he is trying to justify the unusual circumstances

Mr. Urmann:

- the only outstanding order left is the smoke detector affidavit

- the smoke detectors and CO detectors were all in when he was there except for unit #2 (the tenants removed it but it was there prior to the inspection)

- the window frames/sills are deteriorated - need attention, repair

Mr. Sitzmann:

- they are moving ahead with the repairs as fast as possible

- the exterior needs more time

- the tenants are all very well taken care of

Mr. Urmann:

- to clarify: nothing occurred until he heard from a contractor in Dec 2013 because there was the issue of possibly tearing down the building in the sale; since then, he has spoken with the contractor regarding the interior repairs as well as the fire separation on the stairs; he believes that those issues are moving forward; since Dec, he has seen forward motion; had some stalemate issues with the stairs and the fire separation on the stairs

- the majority of the issues are on the exterior

Mr. Sitzmann:

- will repair the window frames/sills

- believes that the interior work may already be completed

- there's a prospect of a new French restaurant there

Ms. Moermond:

- will recommend granting an extension on the interior work and the escape stairs to Apr 1, 2014 and to Jul 1, 2014 for all the test of the exterior items

Referred to the City Council due back on 3/19/2014

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 5 [RLH FCO 14-32](#) Appeal of Bill Bernier to a Fire Certificate of Occupancy Approval With Corrections at 292 FORBES AVENUE.

Sponsors: Thune

Laid over for snow to thaw and get an idea of the parking surfaces.

RE: 292 Forbes Avenue (Duplex)

Bill Bernier, owner, appeared.

Mr. Bernier:

- *Inspector asked him to pave the south area of his lot*
- *the reason that he doesn't want to pave it is because he already has 2 sump pumps in the basement of this low lying area (bottom of Grand and Ramsey Hills); the 2 sump pumps can barely handle the water already and if he paves that area, he will have more water coming into his property than he already has*
- *it would be very expensive, too*
- *he needs to find a way to keep the water away from the house; paving will just make things worse*
- *he works very hard and puts a lot of money into his properties*
- *he like to avoid having to pave the area because it'll cause more water run-off into the house; it's a low area*

Ms. Moermond:

- *the surface there looks like an already compacted class 5 surface*
- *it looks like a dirt surface with vegetation*
- *they viewed photos*
- *she'd like to divide the area for parking from the area for lawn*
- *she is flexible about the kind of surfacing*

Mr. Bernier:

- *the surface is actually yellow class 5*
- *there's about 2 feet of vegetation at the trash area*
- *he will take photos; it probably would be good to just visit the place - look at in at the end of Apr*
- *the alley is asphalt but it's in pretty rough shape with lots of pot holes*

Ms. Moermond:

- *asked Mr. Bernier to do a diagram separating bldg, grass area, parking area, etc*
- *she does want the alley surface and the parking surface to be the same*

Mr. Bernier:

- *he can divide the area*
- *he would rather not have an imperious parking area because the result will be for him to add more sump pumps to the basement*
- *there's about 44 feet of class 5 rock; 2-4 feet of grass; more grass, as he showed on the diagram*
- *he talked about how little downward grade there was away from the house (1/4 inch/foot mostly); some is 2-3 inches/foot; some less than that*

Ms. Moermond:

- *maybe re-grading the whole surface would help with the water situation*

Mr. Bernier:

- *there are basically 4 parking spaces, 15-18 feet deep*
- *he rehabbed the main floor of the house*
- *he will try pumping the basement water out further to see how it works*
- *he can put some new class 5 down and/or talk to his suppliers about what he can use*
- *his concern is throwing money at an upgrade that won't be of any benefit*
- *he will bring the heating report to DSI by the end of this week*

Ms. Moermond:

- *we might be able to see this in Apr*
- *will Lay this over to Apr 8, 2014 LH at 1:30 pm*

Laid Over to the Legislative Hearings due back on 4/8/2014

6 [RLH FCO 14-33](#) Appeal of Charles Kosse to a Fire Inspection Correction Notice at 310 SHERMAN STREET.

Sponsors: Thune

Deny the appeal and grant until April 18, 2014 for owner to further discuss options with locksmith relating to the bolt locks in the main exit; deny the appeal on the lock box.

RE: 310 Sherman Street (G-Office-Administrative)

Charles Kosse, The Art Farm Inc, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy Inspection Jan 31, 2014 conducted by Inspector Sebastian Migdal*
- 2 items being appealed today: 1) lock box location; and 2) having surface bolt locks on the main exit*
- code requires that the key/lock box be on the address side of the building near the main entrance; it's more accessible for emergency personnel*
- code requires people to be able to get out of the building; code says that no "special" hardware should be used*
- even if someone breaks into the building, they need to be able to get out*

Mr. Kosse:

- the building is old - built in 1853 in the Irvine Park District*
- he has to satisfy the historic preservation people*
- these old doors open inward (it was a residential house before it was zoned for commercial)*
- his concern is security; with only 1 deadbolt on the front door, it can be opened very easily with a pry bar; that's why he installed 2 sliding bolts that they engage only when they close up at night; so, when the building is occupied, the doors are never locked; they are always open*
- he suggested that if this doesn't work, he'd like to leave as is and put the lock box on the parking lot entrance/employee entrance*
- the building has a fire alarm system and a burglar alarm system*
- also suggested that if he can't have the bolt locks, would it be possible to have a second deadbolt that's keyed the same, so that he'd have the security and people could still get in and out ? (Ms. Shaff shook her head, "No")*

Ms. Moermond:

- trying to figure out how to keep security for that front entrance, which doesn't involve slide bolts on the main entrance*

Ms. Shaff:

- checking the Fire Code*
- minimum height for a 2nd lock is 34"; maximum height for a 2nd lock is 48"*
- Section 1008 Fire Code: "...shall only require a single operation to release the door from egress side. where egress doors are used in pairs, approved automatic flush bolts shall be permitted to be used provided that the door leaf having the automatic flush bolt has no door knob or surface mounted hardware manually operated flush bolts or surface bolts are not permitted the unlatching of any door or leaf shall not require more than one operation "*

Ms. Kosse:

- if he could have a 2nd deadbolt, he could live with that; he'd feel a lot better at night
- since the door opens in, his locksmith didn't have any ideas

Ms. Moermond:

- will send Mr. Kosse back to his locksmith to talk about some reasonable alternatives other than a couple of slide bolts
- will recommend denying this appeal; there needs to be a different solution
- City Council may look at this differently (Mar 19, 2014)
- if there were a deadbolt with a longer throw might work
- will extend the re-inspection Apr 18 --

Referred to the City Council due back on 3/19/2014

7 [RLH FCO 14-30](#) Appeal of Steve Ahner to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 555 WABASHA STREET NORTH.

Sponsors: Thune

Grant the appeal on the fourth floor board room to continue using the existing access control system as long as the configuration remains for tables and chairs.

RE: 555 Wabasha Street North (C-Office/Parking Ramp)

Steve Ahner, St. Paul Public Housing Agency, appeared.

Fire Inspector Leanna Shaff:

- Re-inspection to a Fire Certificate of Occupancy with deficiencies
- Inspected Jan 6, 2014 by Sebastian Migdal
- items #5 and #6 are under appeal: Remove the card access lock from the board room (security concern) and install a code compliant panic hardware device

Mr. Ahner:

- that's the only way they have secure access to the rest of the building; the lobby is secured off from getting into their staff
- the board room is open to the lobby and the second door goes into their staff area where all the files are kept, etc.

Ms. Shaff:

- the board room is 1000 sq ft and is an assembly use which requires 2 exits
- in new construction today, it would require panic hardware going out that way
- occupant load is 66 when using tables and chairs; and 142, if using only chairs

Mr. Ahner:

- the card access lock of that 2nd door will drop when an alarm go off - anything from the alarm panel (any other access card locks or loss of power in the building)

Ms. Moermond:

- will recommend this appeal be granted as long as the occupancy configuration is only for tables and chairs (occupancy load 66)

Ms. Shaff:

- also post occupancy load for tables and chairs only
- post Exit sign on the board room side

Referred to the City Council due back on 3/19/2014

Orders To Vacate, Condemnations and Revocations

- 10 [RLH VO 14-5](#) Appeal of James Bartholow to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 328-330 NINTH STREET EAST. (Public hearing continued from March 5)

Sponsors: Thune

Need Olson Fire Protection and Erickson Plumbing to get permits finalized in order to get more time for a work plan addressing the items on the Fire list from January 28, 2014 and financial plan dedicating the funds for the project.

STAFF PRESENT: Stephen Ubl, Department of Safety and Inspections (DSI); Sean Westenhofer and Leanna Shaff, Fire Prevention (DSI); Theresa Skarda, City Attorney's Office; and Mai Vang, City Council Offices

James Bartholow, Vice President for Shurmeier Lofts, Julie Nelson, Paula Bartholow, Ken Kolberg, Ryan Gruber, William Bigler, Rick Shea, Dave McCarville and others appeared.

Ms. Moermond:

-asked the Council last Wednesday do a 2 weeks layover for a work plan and evidence of financing for repair because permits were pulled and saw movement that work was starting to come along.

-wants to review those plans.

-Asked fire inspection staff to be here as well as Steve Ubl who will be managing the permits that were or will be pulled to get the work done.

-asked if Fire Prevention staff is managing the fire sprinkler system permits

Ms. Shaff:

-yes, our fire engineering staff does

Ms. Moermond

-just had a chance to look at this work plan presented now.

Mr. Bartholow

- not good at this kind of things, meaning the work plan.

Ms. Moermond:

-asked if the people in the room have seen the work plan presented.

Mr. Bartholow:

-they have copies but I didn't finish the work plan until 4 pm today.

Ms. Moermond:

-The history part of the statement is already in the record

-,the work in progress are permits hopefully pulled

- can talk to Steve Ubl on the status

-noticed that the work in progress doesn't include some of the things that are listed to be done by Feb 28. I would want to revisit that

-in terms of income to do the repairs my understanding from our last hearing was that you have money and will be putting into this for the repairs.

-seeing here an income statement about what your anticipating money will come in, not sure if this is the way to go

-looking for a more guarantee that funds will be expended and want to see money up

front rather than a flow. Not clear what happened to the dues that had been paid in such as payment arrangement or was there a balance someplace? Was everyone up to date on their payments?

-I am really glad that you are dedicated to moving forward

-I am going to ask for comments from staff.

Ms. Shaff:

– I have some concerns about this work plan as far as the heating systems upgrade. Units 101 and 201 one of the separate furnace was condemned because it didn't work.

Mr. Westenhofer:

– still no report on 303

Ms. Shaff:

-going back to Unit 101 that being a condemned unit and is still being occupied with David Lachapelle, Green Body.

Ms. Moermond:

-asked if David Lachapelle, Green Body is here

Mr. Bartholow:

-he is not

Ms. Shaff:

-not sure if we should be writing a criminal citation to him personally. Need to confirm with City Attorney on this. And the list that the units that are getting added to existing boilers, there are two missing.

-questioned what is going with Units 104 and 203

-We also have some issues with having some of the occupancy separation issue to be done by the 28th which were not mentioned here at all.

-in light of the email Inspector Westenhofer got today, unsure what is going on.

-has additional info to put on the record.

-I am only seeing realistically here is just a couple 1/3 of a page addressing some of the stuff we were requiring to be done in Jan. and not all on our after January 22 inspection. It's inadequate for dealing with our requirements.

Inspector Westenhofer:

– I notice the very last part of it is not feasible with our deadlines.

Mr. Ubl:

– not deep into this work plan, appears a number of things are not being reflected in this work plan

- 3 pages for deficiencies from the jan 28 version for deficiencies

-there are a number of items had not been responded to in this working progress.

-There are some life safety issues, not inclusive for the game plan as a whole.

[Mai gave copies of sample work plan to Mr. Bartholow]

Ms. Moermond:

-asked to explain the sprinkler systems and how they would make a determination on how it would be taken care of by Erickson Plumbing and Heating and by Olson Fire Protection. Would they be working with Fire engineering on this?

Ms. Shaff:

-they will be working with our Fire Sprinkler Inspector, Brian Hoffman

-Hoffman has been out there a number of occasions dealing with permits which had not been finalized yet

-Hoffman documented on the 19th to Inspector Westenhofer in an email that he was told some were done but was unable to see it yesterday

-330 east building - 305 sprinkler coverage is needed in storage area under raised bedroom,

-three-quarter inch piping in stairwell next to 107 needs to be changed to 1 inch.

-In 328 west building, basement wooden stairwell as you go up the stairs, the fire sprinkler heads are over 50 years old and need to be replaced.

1st floor west hallway storage room by furnace - replace head is over 50 years old, 104 bathroom head needs to be replaced, tape head in storage unit 2nd floor remove tape; 2nd floor storage room fire sprinkler needs to be at least 4 inches off of wall and that both bldgs in the hallway and common areas, the fire sprinkler finish plates are to be forgiven due to the fire caulking around the penetrations.

Ms. Moermond:

-this purpose for the work plan here is what we look for

-work plan indicated that the sprinkler system is taken care of but not until Mr. Westenhofer signs off on it.

-there were number of corrections that were noted and needed to be handled

Mr. Bartholow:

-the Olson Fire Protection is not finished. They were out again on Sunday.

Ms. Moermond:

-questioned that the work plan indicated it was completed and it's not true.

Mr. Bartholow:

- they will be done. 4 heads will be replaced by tomorrow evening.

Ms. Moermond:

-questioned what we have for permits

Mr. Ubl:

- there are a few permits outstanding for specific units:

106 - bldg permit was finalized

102 - elect permit with \$500 valuation - finalized

Plumb permit - for Unit 202E finalized - plumbing waste line

Ventilation permit - active/issued \$4,000 to remove some rooftop units and duct work above apt 4 that was serving several areas

Bldg permit pending for rated assembly for 3rd floor water heater room (floor or ceiling or wall separation)

Ms. Moermond:

-questioned whether this for the gap between the walls and ceilings

Mr. Ubl:

- this is for the 3rd floor water heater.

Mr. Bartholow:

- Dave Ruttler who is our contractor looked at it

Mr. Ruttler:

- new to this. That 3rd floor room with the water heater does have a gap at the top of the walls and on couple of the walls. I need to find out how far we need to go about this.

Ms. Moermond:
-the answer is all the way to the ceiling

Mr. Ruttler:
- I understand that but there are other areas in the bldg including other rooms, too. Wondering if there is more when the inspector was out there.

Mr. Ubl:
– you would go by the list we created.

Mr. Ruttler:
- I have the list here with No. 48 circled. I am a general contractor and was told to come out and look at. I have people that can do these things.

Mr. Ubl:
– questioned the date on that list

Mr. Ruttler:
– it's the old list but pretty much the same thing.

Mr. Bartholow:
-the newer list is No. 30.

Mr. Ubl:
– there is also a mech permit issued last week for \$22,000 for radiate system/boiler on first and second floors.

Mr. Westenhofer:
– 330 building, Unit 107 permit for hand sink put in – finalized.

Ms. Nelson:
– have one inspection for tomorrow for under sink plumbing in 201W.

Mr. Bigler:
– questioned whether City staff has him down as being done for all? Mortgage free and totally compliance.

Ms. Moermond:
-asked staff for what permits would they expect to be pulled for the bolded items and what has not been pulled?

Ms. Shaff:
– that's good questions. Some permits pulled under 328 and some under 330 9th Street East. I don't think we have permits for all the items we asked for that needed permits for. Need to look at this more.

Mr. Bigler:
– I have everything inspected and finalized. Permits are closed.

Ms. Moermond:
-then the only one effecting your unit is the common spaces that will need to be addressed.

Mr. Bigler:
– questioned if I am 100% in compliance, what will happen to me? If lost and

repossessed in some way, condemned or taken way, that will be sad. Do I do anything? Do I cheap out or stay or not stay? Need guidance on this? We can set the bar wherever, I know Jim is working even at 9:00 at night. There is a set of reasonable that you have to follow. We as people come together. We are doing what we can do – where is the sense of reasonable? The amount of time just to fix because of the code, it's a mind boggling. Some of the details are not specific.

Ms. Moermond:

-that is not something I can tell you and that is some personal financial decisions you are going to come to the conclusion on. This is a group of people who are similarly situated. I don't want to kick anyone out. That is why we are here.

-want to see an improve work plan indicating what has been taken care of
-questioned whether the bolded items will be done by Feb 28

Mr. Bartholow:

– fully believe the front page will be met by feb 28, Erickson Heating is scheduled to be done, same way with the mini-horns and the strobes. Regarding the fire sprinkler system, I talked to Brian Hoffman and was told to call him directly. Sometimes, Kurt Olson from Olson Fire Protection forgets to call so I can call Mr. Hoffman directly. Olson said they will come back tomorrow night.

Ms. Moermond:

-would like to set up a timeline for the critical issues to be done and signed off
-then would like a work plan for the balance of the issues cover in the orders.
-I understand they need to be paid for overtime
-I would like to get hooked up with this and set it up and have you continually going through this and being monitored

Ms. Bartholow:

- we worked with Mr. Ubl on this before and we worked together very well when we got our last occupancy license under mistake. Steve Ubl could put in a good word that we are not trying to run any funny business.

Mr. Ubl:

– from the bldg official's position I do not see any shanigans. I am seeing a group of people trying their best to capture the big picture and it is consuming. They just need to bring on professionals and can take charges of the operation with some guidances and directions from the owner. But as an entity taking over the entire project it might be more success. I recognize that it's too overwhelming for someone representing this property. Would need someone on board who understands this scope of work and would have some closures. It seems that dates are presented and targeted for but the work is just not meeting those dates.

Ms. Shaff:

– it's a huge undertaking but much to fire inspection's frustration is that these major life safety issues had not been addressed for well over a year and there is always an excuse and I am not comfortable to drag this out. They need to come together and get this done and maybe having contractor is a great idea but we can't continue to call on this.

Mr. Ubl:

– comments made earlier about having a unit complete, signed and approved, we have a lot of tragedy this winter with fires. We can't control units that has openings that are not protected or closures that aren't in place so we don't know what is happening in those units. The incident in that unit may spread to the common space restricting people from exiting to that area in a safe environment. The bldg is one

whole and they all have to work together.

Mr. Seltz:

– couple things, I worked with Mr. Ubl, with Sean Westenhofer, and has not worked with Ms. Shaff that much. I respect these inspectors greatly and had been very patient. I will continue to help in whatever to move forward with the bldg. There are mistakes made on both sides, not just the assoc side and not just the city side. Just got this before the meeting and you just got it and looking at it and I have been pounding the table like you have.

- financial plan needs to put together and what needs to address. I don't know what to say anymore and not getting listen to. If we need to put a new person in place to deal with the City, we have some new people who are willing to step up. There is to Jim's credit a lot of work going on and where it's at, I don't know. He is right when he said he is not a good communicator. Maybe we need to fix that. I don't know where we are at. We need him to communicate to all of us. The financial plan needs to get done so we can move forward. I understand that we will be done with a lot of these issues but I am completely tired of waiting to see if I have to move or not. I am uncertain that some of you don't understand the situation I am or the situation that others are in.

Ms. Moermond:

-no one understand better than the staff here. We are looking at life safety issues and a long term pattern of non-compliance with the orders.

-would like a work plan that shows me in the short term of those life safety issues and how those are going to be paid for

-would like to see a longer term plan as well and the plan would be similar.

- How much it will cost and when will it be tackled.

- I am really concern given the number of blown deadlines.

-what kind of enforcement to ensure that the work will be done. In the long run you need to be code compliant

-I need to see the plan to get you there.

Mr. Seltz:

– I wasn't speaking to you. I was speaking to everyone behind me who is part of the association. The assoc needs to develop a plan. Financial plan needs to move forward. Until done you are not going to take us seriously.

Mr. Gruber:

– I am a tenant in the bldg. Appreciate what you are doing. Moved in on jan 31, 2014 to Unit 201E and was unaware of what's going on. There are a number of moving parts in this process and I am speaking from a tenant's perspective . The moving part that exists and the deference that you are trying to provide to the association complicate things from a standpoint of simply being able to make clear and inform decision about continue tenancy in this bldg or future tenancy elsewhere.

-making plans to move or not move and we would prefer to avoid incurring costs or going through time loss from work.

-In the bigger picture, I don't have material stake in this matter.

-I pay the rent to Mr. Bartholow.

-I would appreciate as a tenant or others the possibility of having this process on hold -it's a complicated process when you don't feel like there is an orderly and transparent timeline being presented by you

-for example a revocation on the door for the 3rd of March and appeal stayed on the 5th. Matter if denied, what is a reasonable deadline?

Ms. Moermond:

-first thing to put to bed is the bolded and red items on the Jan 28 orders. Lets get that done.

*-if done, will take away the immediate concern of needing to vacate the building
-willing to grant the revocation if meet a rigid timeline
-then the balance of the orders from the list. If not, the c of o will be revoked again.
We need clear bright lines for what they can do to enforce.*

Mr. Gruber:

-if the city were to rule against the appeal next week, what is the next process? Have I looked at other places? Of course.

Ms. Moermond:

*-will ask council to put a vacate date of April 1 if that is where it's headed.
-Not comfortable telling you that the mechanical items need to be done by such and such date. If you are creating those deadlines, you will be accounted for meeting those deadlines.
-And there is a lot of frustration on the City staff part due to failure on meeting deadlines.*

Mr. Bartholow – it amount to great deal of wasted time for everyone in the City. I hope to not miss any deadlines. Sometimes, I mistake orders but my impression was that if I have everything done on the front page by feb 28, that...

Ms. Shaff:

– everything italicized in red need to be addressed. We made it red so it's easily read.

Ms. Moermond:

-items 1-4 and then the numbers.

Mr. Shea:

– been in car dealership for 26 years. This is a massive facility with whole lot of separations. I walked through today and Jim is doing a lot of work. Went thru the front page and most stuffs being worked on. 1-71 here, was told front page needed to be done; go to 2nd page 15- thru 25 and they are not listed on the front page. It was being specific which didn't state 1-22; assuming that this front page has to be done. Then you are saying all the red needs to be done then I am mistakenly and need to go back and look at.

Ms. Shaff:

– so in order to keep going that life safety issues be addressed it would be in red, health issue in blue and the rest in black. We also italicized, bolded and gave the numbers.

Mr. Shea:

– I misread this. Was reading and yes life safety in the red are being addressed and there are some circle not completed and 31 is being occupied. Front page there are still some things to be done. Not looking in red.

Mr. Bartholow:

- I was under the understanding that front page needed to be done.

Ms. Shaff:

– under the impression that this group met last week and went over these things.

Mr. Bartholow:

– do we have an inspection on the 28th?

Ms. Moermond:

-one is not scheduled this time.

Ms. Shaff:

- these are stayed until City Council before making another step.

Mr. Shea:

– I walked over there and there were like 10 guys working. Working on sprinkler heads, etc. I don't own a unit at this point and will be purchasing one. We lived there for several years, we like it there and want to stay there. It does come down to financial. We might have to hire contractors.

Ms. Shaff:

– the meeting with the unit owners in December, we asked for a contact person is to avoid having 20 different people trying to answer to.

-If Jim is the contact person, he needs to understand that he needs to talk to this group. We are spending a lot of resources.

Mr. Bartholow:

– in general sense we really want to comply and I feel that the current board has had very little time and there seems to be an adversary kind of relationship. As we talked as an assoc we thought that Mr. Shea might be a better person. I spent all my time on the boilers, mini-horns and bedrooms. I have been busy enough and probably not enough communication to the others. I am sure that Mr. Westenhofer has rec'd many phones and one person should be calling and that is something we will be working on.

Ms. Moermond:

—if I am calling up to get a hold of someone, I want to talk to the person who has the authority to spend money and to move along with things. I don't need to enter into a chain of command. That is the reason for the board president to take care of so I need someone to make that decision. We got the public hearing back on March 5, would love to get something very clear, what the expectations are or when those emergency items will be taken care of?

-want a long term work plan – we need that coming along.

-want to see the emergency things taken of by deadline established

-and a work plan to be held accountable for the rest of the job.

Ms. Shaff:

– only thing is the assumption of the safety clock reset. Just because we get a new person in charge doesn't mean we go back to zero. Time keeps ticking.

Mr. Bigler:

– the policy that you created on depends where the money goes. I am willing to prepaid the money. Your decision can make it happen or not. I have a conversation with Jim and asking how am I not going to lose 3 years of salary. How do I avoid this? Not trying to make this. The more you gave me a viable guarantee, I can prepaid. The decision you make drives me to what I can do. Consulting with an atty won't help me.

Ms. Moermond:

-if I have to nail down and not allow to be vague and create conditions, then the answer is no the bldg has to be cleared. How do we keep it open, need plans, vague and no.

-when do you expect the permits closed in page 1 of the orders?

-Sprinkler – when will this be done and sign off?

Mr. Bartholow:

– that again will be done tomorrow night. Has not schedule James Hoffman for a final inspection but my understanding is that up to point everything has met code. There were some things mentioned that Mr. Hoffman did not see because he was out on Friday. The fire sprinkler protection will all be done by the 28th and pretty sure it will be inspected shortly there after. It has been paid for in full.

Dave McCarville – general contractor.

Ms. Moermond:

*-getting the work plan component.
-asked if Mr. McCarville is willing to work together or find another contractor to help pull something together for a longer term plan.
-short term a plan to have permits signed off on the sprinklers, fire alarm systems, will be comfortable for another layover and a longer plan for the rest of the orders.
-need to see the money for the emergency things.*

Mr. Bartholow:

– we have found that Ron Erickson, Plumbing and Heating is very capable of doing our common area and the mini-horn, strobes, heating and boiler. They are going to be a good resource. Rutledge Construction to do dry wall. Mr. McCarville has been trying to determine a lot himself.

Ms. Moermond:

*-would like to have things done quickly – tight lease to close out on the permits
-get Olson permit and fire alarm system from Erickson closed out.*

Mr. Ubl:

– item 3 is critical, HVAC

Mr. Bartholow:

– not only the fire alarm but the heating system will be done by Friday hence the 7 trucks today. We can do more, too.

Ms. Moermond:

*-work done by end of this week. Might be other permits pulled and closed.
-Will sort out what needs to be done and I will stand there next week to ask for more time. More time to get the emergency work and develop plan, would like to see money by Wednesday, bill incurred already how are those going to get paid.*

Ms. Shaff:

– we will have \$2200 fees on our end, too.

Ms. Moermond:

-the fees will be billed and there are option to pay. If not paid, will be a proposed tax assessment and will be appealable and in terms of payments, will figure out the fees along the way.

Mr. Bartholow:

*-fire alarm, sprinkler and heating system permits closed.
-We will have a drywall permit – might need a direction in that and might have questions.*

Ms. Shaff: unclear about the heating? Not including all the units. 2 units are not heated for sure.

Mr. Bartholow:

-Ron Erickson came out and 104W heat loss study to see if it can tie to the existing system boiler. Heat loss determined that 203W will have a heat coil as opposed to the boiler, unit 104W had existing boiler heat and don't require additional heat

Mr. Westenhofer – we don't have heating report for rest. Just for 303.

Ms. Moermond-if permits closed, will grant time for the others.

Mr. Bartholow:

– both unit has radiator installed.

Ms. Moermond:

-will grant 2 more weeks if those permits closed out. will commit to have inspector there to work with them on that

-Need to see money, plans and will work with you on that.

-Unit 101 got the yoga thing? As officer of the board, that needs to stop. A placard will be there. No business there at all.

Mr. Bartholow:

– he has told us that he has spoken with the City and he is allow to do personal fitness.

Ms. Shaff:

– if he was owner occupied, which he is not. If he is owner-occupant, he can apply for a home-based business. The home occupancy is so that the neighbor shouldn't know it's there. He needs to stop the business. That placard stays and that can't come down.

Mr. Bartholow:

– can we remove a condemnation placard from 201 to the other?

Ms. Moermond:

-no, someone will placard.

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Ms. Moermond:

-you as a group will have to decide. City do it by parcel or bldg.

Mr. Shae:

– questioned if those permits are done then Ms. Moermond will ask for more time

Ms. Moermond:

-will ask for more time to address the emergency work and to develop plan, permit closed is a good faith effort
-Would like to see the case closed end of March. Work plan on how to address the other items and financing, can grant the appeal and lift the revocation.

Referred to the City Council due back on 3/5/2014

11 [RLH VO 14-6](#)

Appeal of William Bigler to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 328-330 NINTH STREET EAST.
(Public hearing continued from March 5)

Sponsors: Thune

Need Olson Fire Protection and Erickson Plumbing to get permits finalized in order to get more time for a work plan addressing the items on the Fire list from January 28, 2014 and financial plan dedicating the funds for the project.

STAFF PRESENT: Stephen Ubl, Department of Safety and Inspections (DSI); Sean Westenhofer and Leanna Shaff, Fire Prevention (DSI); Theresa Skarda, City Attorney's Office; and Mai Vang, City Council Offices

James Bartholow, Vice President for Shurmeier Lofts, Julie Nelson, Paula Bartholow, Ken Kolberg, Ryan Gruber, William Bigler, Rick Shea, Dave McCarville and others appeared.

Ms. Moermond:

*-asked the Council last Wednesday do a 2 weeks layover for a work plan and evidence of financing for repair because permits were pulled and saw movement that work was starting to come along.
-wants to review those plans.
-Asked fire inspection staff to be here as well as Steve Ubl who will be managing the permits that were or will be pulled to get the work done.
-asked if Fire Prevention staff is managing the fire sprinkler system permits*

Ms. Shaff:

-yes, our fire engineering staff does

Ms. Moermond

-just had a chance to look at this work plan presented now.

Mr. Bartholow

- not good at this kind of things, meaning the work plan.

Ms. Moermond:

-asked if the people in the room have seen the work plan presented.

Mr. Bartholow:

-they have copies but I didn't finish the work plan until 4 pm today.

Ms. Moermond:

*-The history part of the statement is already in the record
-,the work in progress are permits hopefully pulled
- can talk to Steve Ubl on the status
-noticed that the work in progress doesn't include some of the things that are listed to be done by Feb 28. I would want to revisit that
-in terms of income to do the repairs my understanding from our last hearing was that you have money and will be putting into this for the repairs.*

-seeing here an income statement about what your anticipating money will come in, not sure if this is the way to go
-looking for a more guarantee that funds will be expended and want to see money up front rather than a flow. Not clear what happened to the dues that had been paid in such as payment arrangement or was there a balance someplace? Was everyone up to date on their payments?
-I am really glad that you are dedicated to moving forward
-I am going to ask for comments from staff.

Ms. Shaff:

- I have some concerns about this work plan as far as the heating systems upgrade. Units 101 and 201 one of the separate furnace was condemned because it didn't work.

Mr. Westenhofer:

- still no report on 303

Ms. Shaff:

-going back to Unit 101 that being a condemned unit and is still being occupied with David Lachapelle, Green Body.

Ms. Moermond:

-asked if David Lachapelle, Green Body is here

Mr. Bartholow:

-he is not

Ms. Shaff:

-not sure if we should be writing a criminal citation to him personally. Need to confirm with City Attorney on this. And the list that the units that are getting added to existing boilers, there are two missing.
-questioned what is going with Units 104 and 203
-We also have some issues with having some of the occupancy separation issue to be done by the 28th which were not mentioned here at all.
-in light of the email Inspector Westenhofer got today, unsure what is going on.
-has additional info to put on the record.
-I am only seeing realistically here is just a couple 1/3 of a page addressing some of the stuff we were requiring to be done in Jan. and not all on our after January 22 inspection. It's inadequate for dealing with our requirements.

Inspector Westenhofer:

- I notice the very last part of it is not feasible with our deadlines.

Mr. Ubl:

- not deep into this work plan, appears a number of things are not being reflected in this work plan
- 3 pages for deficiencies from the jan 28 version for deficiencies
-there are a number of items had not been responded to in this working progress.
-There are some life safety issues, not inclusive for the game plan as a whole.

[Mai gave copies of sample work plan to Mr. Bartholow]

Ms. Moermond:

-asked to explain the sprinkler systems and how they would make a determination on how it would be taken care of by Erickson Plumbing and Heating and by Olson Fire Protection. Would they be working with Fire engineering on this?

Ms. Shaff:

-they will be working with our Fire Sprinkler Inspector, Brian Hoffman
-Hoffman has been out there a number of occasions dealing with permits which had not been finalized yet
-Hoffman documented on the 19th to Inspector Westenhofer in an email that he was told some were done but was unable to see it yesterday
-330 east building - 305 sprinkler coverage is needed in storage area under raised bedroom,
-three-quarter inch piping in stairwell next to 107 needs to be changed to 1 inch.
-In 328 west building, basement wooden stairwell as you go up the stairs, the fire sprinkler heads are over 50 years old and need to be replaced.
1st floor west hallway storage room by furnace - replace head is over 50 years old, 104 bathroom head needs to be replaced, tape head in storage unit 2nd floor remove tape; 2nd floor storage room fire sprinkler needs to be at least 4 inches off of wall and that both bldgs in the hallway and common areas, the fire sprinkler finish plates are to be forgiven due to the fire caulking around the penetrations.

Ms. Moermond:

-this purpose for the work plan here is what we look for
-work plan indicated that the sprinkler system is taken care of but not until Mr. Westenhofer signs off on it.
-there were number of corrections that were noted and needed to be handled

Mr. Bartholow:

-the Olson Fire Protection is not finished. They were out again on Sunday.

Ms. Moermond:

-questioned that the work plan indicated it was completed and it's not true.

Mr. Bartholow:

- they will be done. 4 heads will be replaced by tomorrow evening.

Ms. Moermond:

-questioned what we have for permits

Mr. Ubl:

- there are a few permits outstanding for specific units:
106 – bldg permit was finalized
102 – elect permit with \$500 valuation - finalized
Plumb permit – for Unit 202E finalized – plumbing waste line
Ventilation permit - active/issued \$4,000 to remove some rooftop units and duct work above apt 4 that was serving several areas
Bldg permit pending for rated assembly for 3rd floor water heater room (floor or ceiling or wall separation)

Ms. Moermond:

-questioned whether this for the gap between the walls and ceilings

Mr. Ubl:

- this is for the 3rd floor water heater.

Mr. Bartholow:

- Dave Ruttler who is our contractor looked at it

Mr. Ruttler:

– new to this. That 3rd floor room with the water heater does have a gap at the top of the walls and on couple of the walls. I need to find out how far we need to go about this.

Ms. Moermond:

-the answer is all the way to the ceiling

Mr. Ruttler:

- I understand that but there are other areas in the bldg including other rooms, too. Wondering if there is more when the inspector was out there.

Mr. Ubl:

– you would go by the list we created.

Mr. Ruttler:

- I have the list here with No. 48 circled. I am a general contractor and was told to come out and look at. I have people that can do these things.

Mr. Ubl:

– questioned the date on that list

Mr. Ruttler:

– it's the old list but pretty much the same thing.

Mr. Bartholow:

-the newer list is No. 30.

Mr. Ubl:

– there is also a mech permit issued last week for \$22,000 for radiate system/boiler on first and second floors.

Mr. Westenhofer:

– 330 building, Unit 107 permit for hand sink put in – finalized.

Ms. Nelson:

– have one inspection for tomorrow for under sink plumbing in 201W.

Mr. Bigler:

– questioned whether City staff has him down as being done for all? Mortgage free and totally compliance.

Ms. Moermond:

-asked staff for what permits would they expect to be pulled for the bolded items and what has not been pulled?

Ms. Shaff:

– that's good questions. Some permits pulled under 328 and some under 330 9th Street East. I don't think we have permits for all the items we asked for that needed permits for. Need to look at this more.

Mr. Bigler:

– I have everything inspected and finalized. Permits are closed.

Ms. Moermond:

-then the only one effecting your unit is the common spaces that will need to be addressed.

Mr. Bigler:

– questioned if I am 100% in compliance, what will happen to me? If lost and repossessed in some way, condemned or taken way, that will be sad. Do I do anything? Do I cheap out or stay or not stay? Need guidance on this? We can set the bar wherever, I know Jim is working even at 9:00 at night. There is a set of reasonable that you have to follow. We as people come together. We are doing what we can do – where is the sense of reasonable? The amount of time just to fix because of the code, it's a mind boggling. Some of the details are not specific.

Ms. Moermond:

-that is not something I can tell you and that is some personal financial decisions you are going to come to the conclusion on. This is a group of people who are similarly situated. I don't want to kick anyone out. That is why we are here.
-want to see an improve work plan indicating what has been taken care of
-questioned whether the bolded items will be done by Feb 28

Mr. Bartholow:

– fully believe the front page will be met by feb 28, Erickson Heating is scheduled to be done, same way with the mini-horns and the strobes. Regarding the fire sprinkler system, I talked to Brian Hoffman and was told to call him directly. Sometimes, Kurt Olson from Olson Fire Protection forgets to call so I can call Mr. Hoffman directly. Olson said they will come back tomorrow night.

Ms. Moermond:

-would like to set up a timeline for the critical issues to be done and signed off
-then would like a work plan for the balance of the issues cover in the orders.
-I understand they need to be paid for overtime
-I would like to get hooked up with this and set it up and have you continually going through this and being monitored

Ms. Bartholow:

- we worked with Mr. Ubl on this before and we worked together very well when we got our last occupancy license under mistake. Steve Ubl could put in a good word that we are not trying to run any funny business.

Mr. Ubl:

– from the bldg official's position I do not see any shanigans. I am seeing a group of people trying their best to capture the big picture and it is consuming. They just need to bring on professionals and can take charges of the operation with some guidances and directions from the owner. But as an entity taking over the entire project it might be more success. I recognize that it's too overwhelming for someone representing this property. Would need someone on board who understands this scope of work and would have some closures. It seems that dates are presented and targeted for but the work is just not meeting those dates.

Ms. Shaff:

– it's a huge undertaking but much to fire inspection's frustration is that these major life safety issues had not been addressed for well over a year and there is always an excuse and I am not comfortable to drag this out. They need to come together and get this done and maybe having contractor is a great idea but we can't continue to call on this.

Mr. Ubl:

– comments made earlier about having a unit complete, signed and approved, we have a lot of tragedy this winter with fires. We can't control units that has openings

that are not protected or closures that aren't in place so we don't know what is happening in those units. The incident in that unit may spread to the common space restricting people from exiting to that area in a safe environment. The bldg is one whole and they all have to work together.

Mr. Seltz:

– couple things, I worked with Mr. Ubl, with Sean Westenhofer, and has not worked with Ms. Shaff that much. I respect these inspectors greatly and had been very patient. I will continue to help in whatever to move forward with the bldg. There are mistakes made on both sides, not just the assoc side and not just the city side. Just got this before the meeting and you just got it and looking at it and I have been pounding the table like you have.

- financial plan needs to put together and what needs to address. I don't know what to say anymore and not getting listen to. If we need to put a new person in place to deal with the City, we have some new people who are willing to step up. There is to Jim's credit a lot of work going on and where it's at, I don't know. He is right when he said he is not a good communicator. Maybe we need to fix that. I don't know where we are at. We need him to communicate to all of us. The financial plan needs to get done so we can move forward. I understand that we will be done with a lot of these issues but I am completely tired of waiting to see if I have to move or not. I am uncertain that some of you don't understand the situation I am or the situation that others are in.

Ms. Moermond:

-no one understand better than the staff here. We are looking at life safety issues and a long term pattern of non-compliance with the orders.

-would like a work plan that shows me in the short term of those life safety issues and how those are going to be paid for

-would like to see a longer term plan as well and the plan would be similar.

- How much it will cost and when will it be tackled.

- I am really concern given the number of blown deadlines.

-what kind of enforcement to ensure that the work will be done. In the long run you need to be code compliant

-I need to see the plan to get you there.

Mr. Seltz:

– I wasn't speaking to you. I was speaking to everyone behind me who is part of the association. The assoc needs to develop a plan. Financial plan needs to move forward. Until done you are not going to take us seriously.

Mr. Gruber:

– I am a tenant in the bldg. Appreciate what you are doing. Moved in on jan 31, 2014 to Unit 201E and was unaware of what's going on. There are a number of moving parts in this process and I am speaking from a tenant's perspective. The moving part that exists and the deference that you are trying to provide to the association complicate things from a standpoint of simply being able to make clear and inform decision about continue tenancy in this bldg or future tenancy elsewhere.

-making plans to move or not move and we would prefer to avoid incurring costs or going through time loss from work.

-In the bigger picture, I don't have material stake in this matter.

-I pay the rent to Mr. Bartholow.

-I would appreciate as a tenant or others the possibility of having this process on hold

-it's a complicated process when you don't feel like there is an orderly and transparent timeline being presented by you

-for example a revocation on the door for the 3rd of March and appeal stayed on the 5th. Matter if denied, what is a reasonable deadline?

Ms. Moermond:

-first thing to put to bed is the bolded and red items on the Jan 28 orders. Lets get that done.

-if done, will take away the immediate concern of needing to vacate the building

-willing to grant the revocation if meet a rigid timeline

-then the balance of the orders from the list. If not, the c of o will be revoked again.

We need clear bright lines for what they can do to enforce.

Mr. Gruber:

-if the city were to rule against the appeal next week, what is the next process? Have I looked at other places? Of course.

Ms. Moermond:

-will ask council to put a vacate date of April 1 if that is where it's headed.

-Not comfortable telling you that the mechanical items need to be done by such and such date. If you are creating those deadlines, you will be accounted for meeting those deadlines.

-And there is a lot of frustration on the City staff part due to failure on meeting deadlines.

Mr. Bartholow – it amount to great deal of wasted time for everyone in the City. I hope to not miss any deadlines. Sometimes, I mistake orders but my impression was that if I have everything done on the front page by feb 28, that...

Ms. Shaff:

– everything italicized in red need to be addressed. We made it red so it's easily read.

Ms. Moermond:

-items 1-4 and then the numbers.

Mr. Shea:

– been in car dealership for 26 years. This is a massive facility with whole lot of separations. I walked through today and Jim is doing a lot of work. Went thru the front page and most stuffs being worked on. 1-71 here, was told front page needed to be done; go to 2nd page 15- thru 25 and they are not listed on the front page. It was being specific which didn't state 1-22; assuming that this front page has to be done. Then you are saying all the red needs to be done then I am mistakenly and need to go back and look at.

Ms. Shaff:

– so in order to keep going that life safety issues be addressed it would be in red, health issue in blue and the rest in black. We also italicized, bolded and gave the numbers.

Mr. Shea:

– I misread this. Was reading and yes life safety in the red are being addressed and there are some circle not completed and 31 is being occupied. Front page there are still some things to be done. Not looking in red.

Mr. Bartholow:

- I was under the understanding that front page needed to be done.

Ms. Shaff:

– under the impression that this group met last week and went over these things.

Mr. Bartholow:

– do we have an inspection on the 28th?

Ms. Moermond:

-one is not scheduled this time.

Ms. Shaff:

- these are stayed until City Council before making another step.

Mr. Shea:

– I walked over there and there were like 10 guys working. Working on sprinkler heads, etc. I don't own a unit at this point and will be purchasing one. We lived there for several years, we like it there and want to stay there. It does come down to financial. We might have to hire contractors.

Ms. Shaff:

– the meeting with the unit owners in December, we asked for a contact person is to avoid having 20 different people trying to answer to.

-If Jim is the contact person, he needs to understand that he needs to talk to this group. We are spending a lot of resources.

Mr. Bartholow:

– in general sense we really want to comply and I feel that the current board has had very little time and there seems to be an adversary kind of relationship. As we talked as an assoc we thought that Mr. Shea might be a better person. I spent all my time on the boilers, mini-horns and bedrooms. I have been busy enough and probably not enough communication to the others. I am sure that Mr. Westenhofer has rec'd many phones and one person should be calling and that is something we will be working on.

Ms. Moermond:

—if I am calling up to get a hold of someone, I want to talk to the person who has the authority to spend money and to move along with things. I don't need to enter into a chain of command. That is the reason for the board president to take care of so I need someone to make that decision. We got the public hearing back on March 5, would love to get something very clear, what the expectations are or when those emergency items will be taken care of?

-want a long term work plan – we need that coming along.

-want to see the emergency things taken of by deadline established

-and a work plan to be held accountable for the rest of the job.

Ms. Shaff:

– only thing is the assumption of the safety clock reset. Just because we get a new person in charge doesn't mean we go back to zero. Time keeps ticking.

Mr. Bigler:

– the policy that you created on depends where the money goes. I am willing to prepaid the money. Your decision can make it happen or not. I have a conversation with Jim and asking how am I not going to lose 3 years of salary. How do I avoid this? Not trying to make this. The more you gave me a viable guarantee, I can prepaid. The decision you make drives me to what I can do. Consulting with an atty won't help me.

Ms. Moermond:

-if I have to nail down and not allow to be vague and create conditions, then the answer is no the bldg has to be cleared. How do we keep it open, need plans, vague

and no.

-when do you expect the permits closed in page 1 of the orders?

-Sprinkler – when will this be done and sign off?

Mr. Bartholow:

– that again will be done tomorrow night. Has not schedule James Hoffman for a final inspection but my understanding is that up to point everything has met code. There were some things mentioned that Mr. Hoffman did not see because he was out on Friday. The fire sprinkler protection will all be done by the 28th and pretty sure it will be inspected shortly there after. It has been paid for in full.

Dave McCarville – general contractor.

Ms. Moermond:

-getting the work plan component.

-asked if Mr. McCarville is willing to work together or find another contractor to help pull something together for a longer term plan.

-short term a plan to have permits signed off on the sprinklers, fire alarm systems, will be comfortable for another layover and a longer plan for the rest of the orders.

-need to see the money for the emergency things.

Mr. Bartholow:

– we have found that Ron Erickson, Plumbing and Heating is very capable of doing our common area and the mini-horn, strobes, heating and boiler. They are going to be a good resource. Rutledge Construction to do dry wall. Mr. McCarville has been trying to determine a lot himself.

Ms. Moermond:

-would like to have things done quickly – tight lease to close out on the permits

-get Olson permit and fire alarm system from Erickson closed out.

Mr. Ubl:

– item 3 is critical, HVAC

Mr. Bartholow:

– not only the fire alarm but the heating system will be done by Friday hence the 7 trucks today. We can do more, too.

Ms. Moermond:

-work done by end of this week. Might be other permits pulled and closed.

-Will sort out what needs to be done and I will stand there next week to ask for more time. More time to get the emergency work and develop plan, would like to see money by Wednesday, bill incurred already how are those going to get paid.

Ms. Shaff:

– we will have \$2200 fees on our end, too.

Ms. Moermond:

-the fees will be billed and there are option to pay. If not paid, will be a proposed tax assessment and will be appealable and in terms of payments, will figure out the fees along the way.

Mr. Bartholow:

-fire alarm, sprinkler and heating system permits closed.

-We will have a drywall permit – might need a direction in that and might have questions.

Ms. Shaff: unclear about the heating? Not including all the units. 2 units are not heated for sure.

Mr. Bartholow:

-Ron Erickson came out and 104W heat loss study to see if it can tie to the existing system boiler. Heat loss determined that 203W will have a heat coil as opposed to the boiler, unit 104W had existing boiler heat and don't require additional heat

Mr. Westenhofer – we don't have heating report for rest. Just for 303.

Ms. Moermond-if permits closed, will grant time for the others.

Mr. Bartholow:

– both unit has radiator installed.

Ms. Moermond:

-will grant 2 more weeks if those permits closed out. will commit to have inspector there to work with them on that

-Need to see money, plans and will work with you on that.

-Unit 101 got the yoga thing? As officer of the board, that needs to stop. A placard will be there. No business there at all.

Mr. Bartholow:

– he has told us that he has spoken with the City and he is allow to do personal fitness.

Ms. Shaff:

– if he was owner occupied, which he is not. If he is owner-occupant, he can apply for a home-based business. The home occupancy is so that the neighbor shouldn't know it's there. He needs to stop the business. That placard stays and that can't come down.

Mr. Bartholow:

– can we remove a condemnation placard from 201 to the other?

Ms. Moermond:

-no, someone will placard.

Mr. Westenhofer:

– back in December and January, there were some signs taken off doors from one to another. This time they need to stay.

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