



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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651-266-8585

Tuesday, April 8, 2014

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH OA 14-6](#) Recommending that Ramsey County approve the application of Josh Charette, Senior Asset Manager, on behalf of CitiFinancial Services, Inc., for repurchase of tax forfeited property at 432 SUPERIOR STREET.

Sponsors: Thune

Allow for repurchase.

RE: 432 Superior Street (Half Double Dwelling)

Steve Magner, Vacant Buildings:

- *Repurchase Application*
- *information was submitted by Ramsey County*
- *read the last paragraph of the application: Property was in foreclosure. Previous owner did not pay prior years. Valuations were needed before being able to make a business decision in regards to the taxes. By the time the valuations were received, the property had already been forfeited.*
- *Applicant: CityFinancial Services Inc, Mortgage Holder/Foreclosing Party, 1000 Technology Dr, O'Fallen, MO 63368*
- *signed by: Josh Charette, Sr. Asset Manager*

Ms. Moermond:

- *in the past 5 years, there has been only 1 police call*

Mr. Magner:

- *owner at the time was Jacqueline A. Brown, who failed to pay her taxes; City Financial, servicer took over*
- *Aug 5, 2013: Condemnation Notice issued by Code Enforcement because of lack of electricity and gas plus other violations*
- *Category 2 Vacant Building file opened Aug 2013 after the Condemnation*
- *Jul, 2013: complaint for tall grass and weeds*
- *Feb, 2013: complaint about snow walk*
- *police call in May 2012; disposition was advised*
- *no other history*
- *property went vacant sometime in 2013*
- *some issues will be addressed: painting eaves and soffit; exterior lighting; basic*

maintenance; these will happen under code compliance requirements
- status is pending because of no code compliance inspection
- recommends allowing for repurchase

Ms. Moermond:

- we have a new owner, the bank
- will need a code compliance inspection
- hasn't been a municipal problem
- taking all that into consideration
- recommends allowing for repurchase

Referred to the City Council due back on 5/7/2014

1:30 p.m. Hearings

Window Variances: Hearing Required

- 2 [RLH FOW 14-8](#) Appeal of Allison Klis to a Correction Notice - Complaint Inspection at 610 SUMMIT AVENUE.

Sponsors: Thune

Grant until June 20, 2014 for compliance.

RE: 610 Summit Avenue (Apartments)

Allison Klis, Simplified LLC, appeared.

Fire Inspector Leanna Shaff:

- Mar 19, 2014 Correction Notice
- Inspection conducted by Jeremy Hall
- Unit #301: noted that the dining/living room windows' cranks and locks don't work; windows are in pretty tough shape
- Apr 2, 2014 - compliance date
- appealed in the meantime; need more time

Ms. Moermond:

- concerns her that the window cranks weren't working - no way to get out of the window

Ms. Klis:

- there is some warping and they do need to be repaired
- asking for more time to do more; they did all that they could
- HPC District; owner would like to take window out and have the parts replaced that are damaged
- some windows are awning; others are casement
- sleeping rooms have casement windows
- can't order stock windows
- whatever needs to be repaired will be repaired
- the contractor doesn't want to start until May 15, 2014 because he has to take out the windows in order to have them repaired

Ms. Moermond:

- will grant an extension to Jun 20, 2014 to repair the dining/living room windows provided that the cranks are repaired so that the bedroom windows are operable;

and the bedroom windows are not awning style

Referred to the City Council due back on 5/7/2014

Fire Certificates of Occupancy

3 [RLH FCO 14-57](#) Appeal of Brent Molitor to a Correction Notice - Complaint Inspection at 345 COOK AVENUE EAST.

Sponsors: Brendmoen

STAFF REPORT: Inspector will re-inspect to get proper measurement of the room size egress window; owner will provide floor plan.

RE: 345 Cook Street East (Single Family)

Brent Molitor, owner, appeared.

Fire Inspector Leanna Shaff:

- *complaint inspection Correction from Mar 25, 2014; Inspector Tonnancour*
- *front bedroom, 2nd floor total square footage is 63 sq.ft. (required code minimum for 1 person is 70 sq.ft.)*

Mr. Molitor:

- *investment property and was purchased as a 3-bedroom*
- *they do Section 8 and someone with a 3-bedroom voucher wants to come in*
- *we called this in ourselves*
- *want to get a variance*
- *it's a small room with a mid-sized closet and good egress*
- *built in 1908*
- *photos*

Ms. Moermond:

- *whoever told you it was a 3-bedroom didn't know what they were talking about*
- *the tax records will go with whatever the realtor tells them; the city will go in and measure it*
- *state code is 70 sq.ft. for a bedroom for 1 person*
- *photos are blurry*
- *is not thrilled with this*

Ms. Shaff:

- *a twin-sized bed will take almost have that space*
- *does the bed infringe upon the doorway?*
- *can you open the closet?*
- *does the bed infringe upon the window?*

Ms. Moermond:

- *requested a floor plan from owner*
- *needs to know the swing of the door and the twin bed placement in the room*

Ms. Shaff:

- *Order says: window size and livable area do not meet egress code*
- *will get proper measurements of egress window*

Ms. Moermond:

- *can email the floor plan or come back in on Apr 15, 2014*

- need better measurements on the egress window

Laid Over to the Legislative Hearings due back on 4/15/2014

4 [RLH FCO 14-50](#) Appeal of Victoria Fegley to a Fire Inspection Correction Notice at 1040 CUMBERLAND STREET.

Sponsors: Brendmoen

Grant until June 1, 2014 to come into compliance or the property must be vacated.

RE: 1040 Cumberland Street (Single Family)

Victoria Fegley, Certificate of Occupancy Responsible Party, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy Inspection conducted Mar 17, 2014 by Inspector Scott Perrier

- there are 21 violations

- there appears to be a plan to sell the house; there's a Purchase Agreement attached (all these violations will go to the next owner)

- Inspector Perrier said that Ms. Fegley's brother lives here until the end of Apr 2014; he will either vacate or be evicted

- photos

Ms. Fegley:

- cannot trust her brother to make payments; and he has no money to make the repairs

- her brother moved in Mar 2013 to take care of his father when their mother passed away

- they tried to put together an agreement: he was going to live there, pay the taxes and make repairs, do the maintenance and upgrade but instead, he took her to an escrow hearing wanting \$7,000 worth of upgrade money

- she called for a Fire C of O

- has another offer coming through from a buyer who intends to live there

- doesn't know whether the first offer people will flip it or rent it

Ms. Moermond:

- there are 2 courses this can take: 1) if you have a private owner coming in who will occupy the property, they can buy the property from Ms. Fegley and do the fixes; 2) if the person buying wants to turn it into an investment property and a rental, they would need to have a Fire Certificate of Occupancy to be able to do that; and the repairs would need to be made before someone could occupy it

- although this isn't a Revocation, there are enough repairs that need to be done and they are serious enough in nature for this property to be headed for a Revocation

Ms. Shaff:

- if the new owner is moving in, Fire will transfer their Orders to Code Enforcement for follow up; and the new owners could do the repairs as they go along

Ms. Moermond:

- she doesn't care who makes the repairs but they do need to be made

- the brother is out the end of Apr 2014 or Ms. Fegley goes through an unlawful detainer process

Ms. Fegley:

- she has gone through the house and cleared the clutter from around the water

heater and furnace

- the electric outlets have not been fixed; all other immediate things have been taken care of

- her brother already has an eviction on his record

- his credit is very bad

- she told him that if he were out by the end of April, she would pay his new security deposit so that he can begin anew

- she is also giving him a chance to come up with a down payment for a contract for deed to purchase the house

- the estate owns the house right now and after probate, she is the beneficiary

Ms. Moermond:

- this could be a while

- will grant until Jun 1, 2014 for the repairs to be completed or the house vacated

- if we have a private owner moving in, the Orders will be transferred to Code Enforcement

- if we have an investment property owner for rental, they will need to have the Fire C of O inspection done in order to rent it

- Ms. Fegley will need to disclose these Orders

- the new owners will have 30 days to fill out the change form for the Fire C of O

Referred to the City Council due back on 5/7/2014

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 inspector to take photos of the parking lot.

RE: 292 Forbes Avenue (Duplex)

Bill Bernier, owner, appeared.

Mr. Bernier:

- he went to the yard yesterday and straightened things out; also put down some 4 x 4s

- his parking lot is about 50 x 24 ft of class 5

- he also took photos of the neighbors' driveway down the alley that have gravel; he can email them to Ms. Moermond

- he works hard to improve his properties

Ms. Shaff:

- will send an inspector out to take photos of this parking lot

Mr. Bernier:

- the alley is potholed tar

- the neighborhood is not that bad of an area but there are issues with some of those who travel down there

- he already has 2 sump pumps on his property; if he makes his parking lot impervious, he may need more; that's not using time and money in a sensible manner

Ms. Moermond:

- code talks about allowable surfaces and she must also consider how permeable the surface is - trying to prevent a run-off problem

- need better photos of the site

- will LAY this OVER to May 6, 2014 LH

Laid Over to the Legislative Hearings due back on 5/6/2014

6 [RLH FCO 14-55](#) Appeal of Jeff Matiatos to a Correction Notice - Complaint Inspection at 1554 JESSAMINE LANE.

Sponsors: Bostrom

Deny the appeal; however, on April 9, 2014 Fire Supervisor Leanna Shaff inspected the property relating to the gas cans and acetylene tanks in the basement and owner has removed all items and is now in compliance.

Laid over for Supervisor Shaff to take photos.

RE: 1554 Jessamine Lane (Apartments-Public Housing)

Jeff Matiatos, tenant, appeared.

Fire Inspector Leanna Shaff:

- the Fire Certificate of Occupancy and complaint inspections were conducted by Inspector James Thomas on Mar 24, 2014 on a routine, regularly scheduled Fire C of O inspection, Mr. Thomas ran across this unit that had gas cans, a generator, acetylene tanks, etc. in the apartment and Ordered them removed
- we can't disclose the complainant due to the Data Privacy Act; however, if we see it during an inspection, we will write it up
- she will immediately amend Mr. Thomas' Orders regarding the acetylene tanks to the proper code section; will amend under state fire code 110.1.1 for Unsafe Conditions
- there are about 4 3-foot tall acetylene tanks in the apartment and she is sure that Public Housing isn't very happy about that

Ms. Moermond:

- this Order pertains only to this 1 unit
- how did we get from the inspection of a whole building to a write up on this unit?

Ms. Shaff:

- this is a tenant concern; also, there is an immediacy to take care of such an egregious and important issue without it getting lost in a larger set of Orders

Ms. Moermond:

- you indicate on your appeal that on Mar 28, 2014 you called DSI and requested disclosure of any and all information about the complaint's substance, name of person and entity that made the complaints. DSI refused to disclose hearsay. The allegations in the Correction Notice are partially, if not, completely false and based on inaccurate inspection data; and for lack of third party disclosure, information denied to appellant; and appellant's submission of the actual chemicals in the residence with a flash point greater than 110 F; Fire inspectors incorrect summary of the inspection is therefore grounds for dismissal in part or entirely.
- and you attached a list of items, noting that they are found in the basement

Mr. Matiatos:

- looking at the first cited deficiency on the Correction Notice, MN State Fire Code 315.2.5, which does not correspond to...that's an incorrect citation according to his research. He checked with the state fire marshal, who confirmed Mr. Matiatos' research
- list: his inventory of the products that were in the basement; his research indicates

that every one of those chemicals exceed the flash point of 110 degrees F. that is described in St. Paul Legislative Code 34.15; amending the Order would make it relevant

- he has not been privy to this amended code that Ms. Shaff is talking about; so, he doesn't know how to defend it
- everything in the apartment has been removed, including what's on this list, as a precaution
- the inspector came back a 2nd time; he noted that the acetylene tanks were removed; the generator was removed, etc
- he is mindful of fire safety
- it seemed that the inspector took a look around and said, "All this has got to go." Mr. Matiatos responded, "These are commonly used items in a home:" liquid wrench, a quart of oil in the basement"
- all the deficiencies of this inspection were in the basement; nothing cited in the rest of the unit
- layout: 3 levels: basement, first floor, second floor

Ms. Shaff:

- has already spoken with Mr. Thomas about the incorrect code citations and that they're going to use the Minnesota State Fire Code citations, which she needs to check on but we'll use Dangerous Conditions for the first deficiency:

Section 110.1.1 Unsafe Conditions --

Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard or otherwise dangerous to human life or the public welfare or which involve illegal or improper occupancy or inadequate maintenance shall be deemed an unsafe condition

Mr. Matiatos:

- the way the deficiencies are written up, the inspector seems to have written in some unverifiable, not statutory language; when he researched some of these codes, the language that the inspector wrote is not exactly how it should read

Ms. Moermond:

- Supervisor Shaff agrees with that - the computer system is pulling up the wrong code so they want to put the right code on the condition that we're dealing with
- tomorrow, a revised letter will be sent out with the correct citations but we are still at the same juncture - how to handle moving forward

Mr. Matiatos:

- Inspector Thomas noted that he had a cast iron charcoal grill, totally empty, a simple piece of steel; how does a piece of cast iron present a danger (no charcoal)

Ms. Moermond:

- don't see a grill listed; sees gas cans

Mr. Matiatos:

- that's never been a problem but if he saw those down there, Mr. Matiatos has no problem moving them
- he would like to get on with this
- the generator is gone; acetylene tanks are gone....
- he'd like to keep in the basement the items that are on the list that he entered
- we don't have garages, yet we still need oil, solvents, liquid wrench, etc - simple things that we can get at the hardware store
- he has a metal (galvanized steel) safety container; it's 2 ft x 3 ft in which he keeps

solvents; he keeps them confined

Ms. Shaff:

- she doesn't have an issue with reasonable amounts (a can of this or a can of that)*
- Public Housing has ultimate responsibility for the premises*

Ms. Moermond:

- let's get some photographs of the metal safety container*
- we'll call Public Housing*
- this may/may not be in violation with Public Housing's lease; it's a separate issue but they would be able to step in and remove those items as part of the Order to Public Housing, in general*
- Laid Over for 1 week to 11:30 pm Apr 15, 2014*

Referred to the City Council due back on 5/7/2014

7 [RLH FCO 14-58](#) Appeal of James Raley to a Fire Inspection Correction Notice at 126 SYCAMORE STREET EAST.

Sponsors: Brendmoen

On April 22, 2014, Ms. Moermond reviewed the photos taken by Inspector Tonnancour and recommended that Council grant the appeal on the electrical panel provided that Mr. Raley comes into compliance with one of the following conditions:

- 1. move the fridge to a different location; or*
- 2. change the fridge size to narrow or shallower; or*
- 3. relocate the panel and must open to at least 90 degrees.*

She will also waive a 3 ft clearance if the panel opens at least 90 degrees

LHO to review photos taken by inspector to make recommendation. (Photos attached to file)

Grant until May 2, 2014 to review photos of the electrical panel. (Photos were not attached at hearing.)

RE: 126 Sycamore Street East (Single Family)

James Raley, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Inspection Correction Notice written by Inspection Brian Tonnancour on Mar 19, 2014*
- he notes that the refrigerator blocks the electrical panel in the kitchen (state electrical code requires a 3-foot clearance in front of the panel)*

Mr. Raley:

- the refrigerator doesn't block all of the panel, just part of the frame*
- you can open up the door and it blocks only the edge of the panel*
- the house is very old and very small*
- he talked to an electrician and there's no other place on that end of the house where a mast can be put up and another box can be put on that side of the house because it doesn't meet code and be 3 feet from a window or a door; that's the only place where an electrical box can be unless he expands the house; if he moves it to the other side of the house, he'll need to cut down one of the largest trees in St. Paul*
- the refrigerator is the smallest one you can buy; there's no water in the refrigerator*

- it's not on wheels but you can pull it out easily

Ms. Shaff:

- could I get the electrical panel door open 180 degrees?

Mr. Raley:

- yes (draws it out); you can open up the door but it's not 3 feet away from the refrigerator

Ms. Shaff:

- then, I have no issue

Ms. Moermond:

- would like a photo

Mr. Raley:

- the inspector took photos; he said he would submit them

Ms. Shaff:

- doesn't see any photos in the record

Ms. Moermond:

- I need to have the photographs for verification; take them with the door open and the door closed; photo of the wall (needs to know the context)

- email them and she will attach them to the record

- if it's as Mr. Raley's describes, she will recommend this variance be granted

- get the photos in my May 2, 2014

Referred to the City Council due back on 5/21/2014

2:30 p.m. Hearings

Vacant Building Registrations

- 8 [RLH VO 14-13](#) Appeal of Mahad Farah, on behalf of 1014 Armstrong, LLC, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1014 ARMSTRONG AVENUE.

Sponsors: Thune

Need to have the place empty by April 18, 2014. It will remain a Category 2 Vacant Building and needs a code compliance with a Seeger only inspection.

RE: 1014 Armstrong Avenue (Single Family)

Mahad Farah, 1014 Armstrong LLC, owner, appeared.

Mr. Farah's legal counsel also appeared.

Ms. Moermond:

- it went to the Vacant Building Program

- noted that the Fire Certificate of Occupancy was Revoked

Fire Inspector Leanna Shaff:

- Apr 2, 2014: received multiple complaints about the house - excessive trash that doesn't seem to go away; also, received a call from Vacant Building Inspector Dennis

Senty; she and Mr. Senty decided to go over together to take a look because the house had been made a Category 1 VB in Jan 2014; when they got there, they found the house occupied

- tenants allowed the inspectors access
- she took multiple pictures
- the hard wired smoke detector was down and there was not a light fixture globe to be found
- excessive amounts of garbage off the back porch and around the house
- she Revoked the Fire C of O because the AMANDA System doesn't do what it should; a Revocation should occur when a building becomes a Vacant category (the VB status Revokes the Fire C of O)
- VB status since Jan; however, the building was occupied when they went out on Apr 2; she Revoked the Fire C of O

Ms. Moermond:

- wondering if the house had a Fire C of O on Feb 17, 2014, when this registration letter went out? (Ms. Shaff: "No.")
- when is the last time it had a C of O? (Ms. Shaff: It had a C of O which should have been automatically Revoked in Jan 2014 when it was made a Cat 1 VB)

Matt Dornfeld, Vacant Buildings:

- Code Enforcement received a complaint Dec 18, 2013 that read: This property has been a problem for 3 years now; it has trash all over; grass that's not cut; gun fire and drug dealers move in and out; now, it's full of trash and abandoned again; I live next door and I'm sick of it; what is the city going to do to shut down this "slum lord" owner of rental property; trash all over; drug dealer, gun fire; no property maintenance like mowing lawn or shoveling sidewalks; on-going problem not being addressed by owner of property or by the city; this property owner needs to lose this property, permanently; what are you going to do?
- that generated Code Enforcement Inspector John Roth to go out; he documented that the house appeared abandoned; trash and unsecured garage; refuse under front and rear steps; took photos; issued Summary Abatement on Dec 20, 2013
- Inspector Roth followed up Jan 13, 2014 and noted that the refuse was gone, abated by Parks; appeared vacant and secure; he transferred it to the VB Program
- the building file was not Condemned but transferred to the VB Program for not being taken care of
- Jan 15, 2014: Inspector Senty went out and opened up a Category 1 VB file; documented - house was unoccupied; secured by normal means; missing screens/windows; chipped, peeling paint; photos; posted VB placard; garage door was open; metal chairs and debris throughout the yard; he followed that up with a Summary Abatement Order
- since then, it remained a Cat 1 VB
- thinks there was some confusion through email between Fire Inspector Cassidy and VB Inspector Senty as to the C of O and Category
- Inspector Shaff became involved
- thinks it should be a Category 2 VB; however, Mr. Magner wanted them to leave it a Cat 1 VB until we go through this hearing

Ms. Shaff:

- last Fire C of O was approved Feb 29, 2012; there were no notes on it about standing violations at that time
- by going into the VB Program, it loses it's C of O
- added to the frustration is the fact that they don't have current phone numbers for the responsible people; she had to call St. Paul Regional Water Services in order to get that contact information
- the VB fee, the Summary Abatement Orders (snow letters, trash, etc.) - all fees

have gone to assessments

- when she talked to the property owner, he said that he never got the mail; she verified the mailing address
- when she was at the property, the tenants told her that they just didn't pay attention to the VB signs (placards)
- she asked the maintenance man, when he showed up, if he had not seen those signs on the door - he said that he figured they were not a big deal and that it wouldn't take much to do things here
- the lease was signed in Feb 2014 according to the tenants
- red and blue placards were posted
- has photos (Ms. Moermond went to Ms. Shaff's computer to view the photos; they will be attached to the record)

Ms. Moermond:

- photos: lots of garbage - it's everywhere

Legal Counsel:

- they share some of the city's frustration
- had to evict 2 sets of tenants because they were bad rent payers and they weren't taking care of the property
- in Nov 2013, they started the eviction process for the most recent tenants
- in Dec 2013, the tenants were still there; got them out in Jan 2014; they left without a walk-thru; they disappeared into the night; they didn't even know that they had left
- then, the inspection happened
- it was a lot of work to get these tenants out and they left a lot of garbage; their maintenance people went over and picked up the garbage but as the snow melts, they see more and more garbage
- there was a Work Order for the couch that was going to be picked up
- tenants broke every light fixture
- Mr. Farah has had workers over there since the Apr 2, 2014 inspection: got smoke detectors; replaced the light fixtures; etc.
- if they could get a re-inspection, it would find that all the items have been remedied
- they have a much better tenant this time
- the appliances, couch, in yard - that was all in the process of being disposed of

Mr. Farah:

- Nov 2013: started the eviction process; it takes time to process that
- had to get workers in
- in the meantime, tenants skipped
- sheriff came in Jan 2014; put tag on it; vacant
- they also had a bad property management company that they are no longer using, which brought in those tenants
- have a new management company that does a thorough job of checking tenants, maintenance, etc.
- the current tenants needed a place right away
- they still had work to be done in there
- the last thing that was outside was a washer that didn't work anymore and needed to be disposed of
- the other trash, as it appears after the snow melts, will be taken away
- all the corrections are done; he is trying to comply with the city

Mr. Dornfeld:

- history- 3 Work Orders performed: 1) Dec 24, 2013: remove snow/ice; 2) Jan 27, 2014: remove all refuse from rear deck, inside garage; remove all household items and general debris; 3) Apr 2, 2014: remove all discarded furniture, appliances, household items and general debris from all yard areas, rear deck, steps of the

house, around the garage and along the alley; this was issued Mar 26, 2014; deadline was before Apr 2, 2014

Mr. Dornfeld:

- red and blue placards that were posted on Jan 15, 2014

Legal Counsel:

- rented it in Feb 2014

- he'd like to explain the confusion

- Mr. Farah had the sheriff conduct the eviction/removal of tenants; when the sheriff came to evict them, they had skipped; he knew that Notices had been posted; he wasn't familiar with the process and didn't call to ask questions

- we should have had better communication

- at this time, he believes there was a presumption by Mr. Farah that the postings had been done by the sheriff when he puts someone out with the Writ of Restitution; the sheriff called it "posting"

Ms. Moermond:

- looked like no one showed up to take care of business anyway (clean-up, shovel, etc.); 3 Work Orders

- the Blue placard says: A vacant building in accordance with St. Paul Legislative Code, Chapter 43: This building shall not be sold or occupied without first receiving written permission from the City of St. Paul, Department of Safety and Inspections.

- the Red placard says: Notice: Theft of destruction of this property is a crime punishable by imprisonment for up to 5 years or a fine of \$10,000 or both in accordance with the Minnesota State Statute 609.52. All unauthorized persons are hereby notified to Keep Out.

- they are crystal clear

Legal Counsel:

- they are clear for you and me but for the English as a second language folks, they are not so clear

- Mr. Farah has a new management company; previous one was "just terrible"

- not a cheap lesson

- we don't want to be a Cat 2 VB; we lost a lot of money on this

- would like to get a re-inspection on the Apr 2 Corrections list

- even with the Work Order on the property, he had guys over there and a lot of the garbage was removed

- a lot of things have been done

- they don't want to throw this tenant out

Ms. Shaff:

- Mr. Farah has owned this property since 2009 and we still keep having these issues

- 2011 - DEA and FBI were there (multiple domestic disputes; drug dealing; shots were fired)

Legal Counsel:

- admittedly, a terrible tenant put in by the previous management company

- Mr. Farah has 12 properties

Ms. Shaff:

- a behavioral warning issue

- in the end, it's the same owner

- even now, the maintenance man at the property blatantly ignored the placards that had been posted

- asked for a list of Mr. Farah's properties to make sure that all of his information is in

the city records/files

Mr. Dornfeld:

- Dec 2013 Work Order for snow/ice removal: \$160 for the snow + \$120 service charge = \$280
- Jan 29, 2014 Abatement: \$390 abatement fee + \$84 for general refuse + \$30 for appliance + \$150 for TVs + \$10 for tire + \$120 service charge = \$784
- Apr 2, 2014 Abatement: \$260 abatement fee + \$56 general refuse + \$30 appliance + \$10 mattress + \$120 service charge = \$476

Ms. Moermond:

- is very disappointed in the property owner
- combination of physical and behavior nuisances makes this property a cancer in the neighborhood; it encourages people to emotionally and financially disinvest in the neighborhood; indicates that no one is caring about where they're living
- Mr. Farah has a responsibility under state law
- asked about the paving; looks really bad from the photos

Mr. Farah:

- when they looked at the parking space, it just needed little touch ups; not the whole area re-done
- asked for a deadline and he will work on it

Ms. Moermond:

- it's really odd to have the Fire C of O Orders coming out after the VB file was opened
- normally, she'd see the VB Order being enforced and not a Fire C of O Orders between then and now
- looking at the nature of the severity of the code violations, it's not the worst she has ever seen; however, she is really ticked!
- wonders whether a Code Compliance inspection would benefit the property based on the violations she sees
- you can get out of the VB Program by getting the Fire C of O re-instated
- the VB fee will need to be paid
- doesn't know why a Criminal Citation wasn't issued; it should be, if it hasn't been already
- the property shall not be occupied until there's a Fire C of O in place
- empty the building and start from scratch
- it will be a Category 2 Registered Vacant Building and no waiver on the fee (it's already been assessed)
- no one can live there

Ms. Shaff:

- on her inspection, she did not crawl around under the deck, so, she would like a building inspector to take a look

Ms. Moermond:

- we'll make it a "Seeger only" inspection (building)
- Mr. Farah has the list from Inspector Shaff, a certified building official and certified fire inspector
- the city has inspectors who specialize in trades
- based on the conditions here, it needs more of an inspection than Fire gave it; city will send in 1 trade inspector, the building inspector Jim Seeger (the Seeger only inspection)
- house needs to be vacated by Apr 18, 2014 (state law says that the property owner must take care of these people's lodgings)

- this will be a Cat 2 VB with the "Seeger only" inspection (discounted rate)
- a letter will be sent verifying the results of this hearing

Referred to the City Council due back on 5/7/2014

9 [RLH VBR 14-28](#) Appeal of Bonnie Barlage to a Vacant Building Registration Notice at 703-705 BEDFORD STREET.

Sponsors: Brendmoen

Inspector will conduct a full Fire Certificate of Occupancy inspection on Thursday, April 10 at 9:30 a.m. to determine the vacant building category status. Laid over to April 15 at 11:30 a.m.

RE: 703 Bedford Street (Three-Four Family)

Bonnie Barlage, EIG Property Management, appeared along with Alex Eaton, president of the company.

Inspector Matt Dornfeld, Vacant Buildings:

- Mar 25, 2014: Inspector Tom Friel opened a Category 2 Vacant Building per referral from Fire Inspector Brian Tonnancour
- Inspector Friel notes: 2 story wood frame 4 unit building that is vacant and secured; was Condemned by Mr. Tonnancour, Fire Certificate of Occupancy Program: house has missing mortar; cracks in the foundation; broken windows; defective or missing storms and screens; defective siding; small area of rot on north side east, as well as a number of interior violations (cited in the Condemnation Report)
- bags of refuse, rubbish, discarded household items in back yard with overflowing trash receptacles
- per fire inspector's recommendation, opening a Cat 2 VB and issuing a Summary Abatement for the refuse, etc.
- Apr 1, 2014: Mr. Friel noted that the building is vacant and secure; exterior of the property is clean, apparently by property owner; no action taken

Fire Inspector Leanna Shaff:

- Mar 3, 2014: received a complaint for no heat and over crowding
- Inspector Tonnancour responded to that complaint on Mar 3, 2014 and issued Orders for compliance on Mar 14, 2014; he did not gain compliance and he opened up a new Fire C of O and did the inspection; Condemned the property for lack of basic facilities- no heat
- lots of Orders
- all living areas may be used for sleeping of 1 occupant
- all units have some exit obstructions; smoke detectors are needed outside each sleeping area; CO alarms needed
- building 703 unit #1 - reduce the number of occupants in the sleeping room
- building 703 unit #2 - reduce and maintain the number of occupants in sleeping rooms
- building 705 unit #1 - reduce and maintain the number of occupants in sleeping rooms
- building 705 unit #1 and #2 - Condemnation for lack of basic facilities throughout (heat)
- Mr. Tonnancour notes: on Mar 12, 2014 received an email from property manager that all tenants will be vacating the property and find more suitable housing; they will not be moving back to Bedford and families will have their belongings removed on or before Mon, Mar 17, 2014
- on-going deferred maintenance and there's not much attention being paid as to who was living in their property and how the tenants were using their property

Ms. Barlage:

- entered a chart that she put together of what they have done since the owners acquired the property, Jul 12, 2013

Mr. Eaton:

- Fire C of O inspection Sep 10, 2013; there were a lot or repairs needed
- there were a lot of drug dealers living there so they had to evict everyone
- repairs were approved on Dec 3, 2013
- Nov 2013: they partnered with International Institute of MN (IIM) to lease all 4 units to new immigrants from Somalia (none of his staff speaks Somali)
- they do routine housekeeping inspections and on the Feb 3, 2014 walk thru, there were some minor tenant problems; they did not witness over occupation at that time
- Feb 28, 2014: got an emergency call on the after hours line (a voice mail message which they couldn't understand); the next morning they figured out that the message was about having no heat in 1 of the units (4 units with 4 separate heating systems)
- Mar 2, 2014: maintenance people thawed the pipes and heat was operating before noon
- Mar 3, 2014: city inspected all 4 units and gave over-occupancy Orders:
703-1: over-occupied by 1; 703-2: over-occupied by 4; 705-1: over-occupied by 2;
705-2: over-occupied by 2
No heat in 703-2 and check smoke/CO
All above Orders were completed Mar 2, 2014; there were some additional non-urgent Orders

Ms. Shaff:

- encouraged Ms. Moermond to view photos from last Sep, etc. - gross, unsanitary conditions; just by looking at the pictures, she would think that it was over-occupied at the time

- thought that the over-occupancy Orders were a little over the top since most Somali families are multi-generational but they tried to work with them to keep families together but at the same time, reduce the number of occupants; they like to keep their little community together; but instead, from what he gathered from Mr. Tonnancour, they had to get rid of them altogether; so, they had no other choice; they still tried to help them find another place; the city forced them out immediately, over night and it was hard for the families
- Mar 5, 2014: received deficiency list and started to make additional repairs
- Mar 12, 2014: mutual agreement to terminate leases
- Mar 14, 2014: re-inspection cancelled by inspector
- they did need a new residential heating report

Ms. Shaff:

- unfortunately, the heating reports that were turned in were done by someone who does not have the appropriate competency for doing work in the city of St. Paul; one unit, for sure, was leaking flue gas; 3 out of the 4 units don't have an acceptable range
- there is no permit for the electrical work

Mr. Eaton:

- Burnamatic is a reputable HVAC company - that's why they hired them
- he was told that 3 out of the 4 furnaces passed
- give him a week to get the residential heating reports done by a licensed contractor who can work in St. Paul
- they had a licensed electrician install electric heaters in the unit of the failed furnace
- asking that Mr. Tonnancour come back and sign-off on the Orders

- thinks that ordering 4 families to leave with being over-occupied by as little as 1 person is a bit harsh and that's why the building is vacant now
- he'd like one more week to satisfy the boiler test
- they have done everything the city has asked for
- asking to not be on the VB list and allow them to complete the Orders

Ms. Moermond:

- Orders Mar 17, 2014: the items covered are basically heat and overcrowding; is that because this inspection is based only on those 2 complaints?
- so, the inspector did not do a full Fire Certificate of Occupancy inspection; that's why he wrote Orders specifically on those 2 complaints?

Ms. Shaff:

- yes; this inspection was done because of those 2 complaints - each being serious enough to Revoke the Fire C of O

Ms. Moermond:

- this building was Ordered Vacated based on both the over occupancy, the "no heat" issue and that the heating facilities weren't tested by a licensed contractor who is certified in the City of Saint Paul

Ms. Shaff:

- the pictures show that there are other obvious code violations
- the numbers on the heating report submitted would fail Fire's criteria

Mr. Eaton:

- is shocked that Burnamatic is not licensed to work in St. Paul
- he asked his professionals to pull permits

Ms. Moermond:

- without having more specific information, she would recommend this be a Cat 2 VB; so,
- we need a full Certificate of Occupancy Inspection here; would like it done by Apr 15, 2014
- we need a complete list of deficiencies
- will give her a better indication of how to treat this VB

Ms. Shaff:

- will be at this building to inspect at 9:30 am on Thu, Apr 10, 2014
- will LAY this OVER to Apr 15, 2014 LH at 11:30 am

Laid Over to the Legislative Hearings due back on 4/15/2014

10 [RLH VBR 14-26](#) Appeal of Robert Silbaugh, on behalf of Renovo Properties, LLC, to a Vacant Building Registration Notice at 956 DAYTON AVENUE.

Sponsors: Thao

Deny the appeal. Vacant Building fee will go to assessment and the owner may appeal it when it comes up for the assessment hearing.

RE: 956 Dayton Avenue (Single Family)

*Robert Silbaugh, on behalf of Renovo Properties, LLC, appeared.
David Frey also appeared.*

Ms. Moermond:

- Mr. Silbaugh holds the Sheriff's Certificate of Sale Foreclosure Record Mortgage Document

Matt Dornfeld, Vacant Buildings:

- Mar 10, 2014: complaint stated: construction material, broken back door, fenced area cans, garbage and refuse and a damaged chain link fence
- Code Inspector Cynthia Skally went out Mar 12, 2014
- Ms. Skally documented the complaint and issued Orders to remove the material from the yard; to shovel the sidewalk
- she noted that the dwelling was vacant
- re-checked property Mar 17, 2014 and documented that all violations remain; issued Work Orders to clean up the rear yard and to remove snow/ice from sidewalk
- she also noted that Water said there was no water usage since May 2013
- transferred property to the Vacant Building Program
- Mr. Dornfeld inspected and opened a Category 2 VB file per referral from Inspector Cynthia Skally
- upon his inspection, the building was safe and secured; property appears to be in foreclosure; peeling paint on porch doors; broken screens/windows; dilapidated rear storm door; missing rear door knob; dangling rear electrical wire, possibly a telephone wire; he called Xcel; severely damaged chain link fence in rear yard
- Apr 3, 2014: issued a Summary Abatement Order for that fence and some new garbage/refuse
- all those violations are still pending today

Mr. Silbaugh:

- they did not receive Notice; the only information they've received was on one of their inspections of the property on the 27th, 3 years after the Vacant Building signs were posted; he drove by the property and saw that they were posted and called to see what was going on; until just now, they were unaware of all these violations; and as holders of the Sheriff's Certificate, they don't have the right to take preventative measures if something is going to be assessed to the property that we know of, then they can fix it (that's their understanding of the state law)
- they didn't address these issues because they didn't know about them
- their intent is to repair the property and return it the community as someone's home when they take possession
- the end of the redemption period is Jun 21, 2014
- if nothing happens, they will have possession on Jul 15, 2014
- asking to have the VB fee waived until they have possession to address these issues
- they are not disputing any of the violations but their hands are tied; they have limited power

Ms. Moermond:

- asked if they got the VB Registration Form from Mr. Wooten

Mr. Silbaugh:

- no

Ms. Moermond:

- the forms are online
- if you have your name on a VB registration form, you are contacted about these things as they happen
- is not interested in waiving the VB fee in this case
- it will be 4-6 months before anything happens on this; that tells her that Mr. Silbaugh will be in the VB Program 6 or 7 months before he finishes, at best; this VB fee applies from the end of Mar 2014 to the end of Mar 2015 and work will be going on

for a least half of that year

- normally, she would look at discounting the fee based on how long you were in the VB Program

- you won't be pulling permits for a while, so, you can let this bill go to assessment, which means that there will be a proposal from the Department of Safety and Inspections (DSI); it will be put on the taxes as a Special Assessment, which is appealable (you will get a Gold Post Card along with the letter that talks about making this an assessment; send that Gold Card back to be scheduled for a hearing and then, we can talk about decreasing that fee, based on progress)

- it's not hurting you to be in the VB Program right now because you are not trying to pull permits (being in the VB Program and not having paid the VB fee, you could not pull permits); by the time it goes to assessment, magically, you are able to pull permits again

- because this is clearly an abandoned property, you can seek a shortened redemption period (they tried that and it was a "No Go")

- will recommend denying the appeal

- asked that Mr. Silbaugh fill out the VB registration form

Mr. Dornfeld:

- will email one to Mr. Silbaugh

Referred to the City Council due back on 5/7/2014

- 11 [RLH VBR 14-27](#) Appeal of Home Today, LLC to a Vacant Building Registration Renewal Notice at 1268 MARGARET STREET.

Sponsors: Lantry

Owner is code compliance. Permits are finalized.

Withdrawn

- 12 [RLH VBR 14-25](#) Appeal of Mary H. Schultz to a Vacant Building Registration Notice at 908 MONTANA AVENUE WEST.

Sponsors: Brendmoen

Change to preliminary vacant building. Owner to maintain the yard and make sure the house is secured.

RE: 908 Montana Avenue West (Single Family)

Mary H. Schultz, Real Estate Agent, appeared on behalf of the owner, Weizhi Ruan.

Matt Dornfeld, Vacant Buildings:

- May 20, 2013: was referred by complaint: green SUV with flat tires, expired plates (2007) in driveway; property appears to be abandoned

- Code Inspector Craig Meshuga went out and documented the vehicle and issued Orders

- at that time, the file was transferred to Inspector Cynthia Skally; it was not re-checked until Jul 11, 2013

- Inspector Skally documented that there were 2 vehicles at the property with expired tabs; tall grass and weeds; tree debris in rear; property appeared vacant; she called Water-stated that there was little usage of water; she called Xcel-electrical still on but a very large amount of money owed

- Inspector Skally followed up with Summary Abatement Orders for the tree debris, tall grass and weeds and the vehicles; re-checked Jul 19, 2013 and issued Work

Orders for both the vehicles and materials in the yard

- *both WO were performed by the city*
- *Aug 22, 2013: still appeared vacant; property area was maintained; no Orders were issued*
- *Sep 6, 2013: new complaint - tires, electronics, TVs, misc on porch, inside house; vehicles have been towed; Xcel - same; Water - same; she issued Orders for that*
- *transferred to VB on Sep 18, 2013 - she did not Condemn the house*
- *Mr. Dornfeld inspected and found the house in great shape; very nice exterior*
- *Mr. Dornfeld opened the file as a Preliminary VB and kept it that way until Mar 18, 2014 when he visited the property and found the front door open; he was able to secure the door; at that time, he changed the status to a Category 1 VB, which generated the VB Registration, which in turn, generated a very legitimate response*

Ms. Schultz:

- *owner is Weizhi Ruan*
- *she is a friend of the owner and his wife; they and their daughter live in China; they are not immigrating here*
- *they bought this house last year and it was totally re-done on the inside; it's beautiful*
- *they came here last Jan 2013 to visit for a month and went back to China*
- *they came here again in Oct 2013; that's when Ms. Schultz met them*
- *Xcel Energy had sent them a bill saying that their bill wasn't paid; so, they called Xcel on a Fri; Xcel said that they realized the bill had been paid in China through VISA but they didn't have it documented; by the end of that day, they had it all squared away and Xcel said that they'd have the heat back on by Mon at 6:30; so, it just was out for a couple of days*
- *doesn't know anything about the cars*
- *has document that their daughter has been accepted at Como Sr. High and they will be moving back here into their house next year (their furniture is here and their clothes is in the closets); they live both in China and St. Paul*
- *as soon as the daughter's school is out this spring, they will be moving here and she will go to Como Sr. High next year*
- *when she passes the tests from the Language Academy, she will probably be going to a different school*
- *when Water turned the water back on, she was in the back yard and noticed some broken glass, which she will clean up before they return*
- *she goes to check for mail nearly every day and on Mar 16, 2013 and she knows that she forgot to lock the front door*
- *is asking that this house not be considered a VB and that there be no fee*

Ms. Moermond:

- *would like to see the yard maintained and the building secured (picked-up garbage/trash; mow the lawn; shovel the snow, etc.)*

Mr. Dornfeld:

- *he will change this back to a Preliminary VB and monitor until the owners return to live there*

Ms. Moermond:

- *will recommend that this building be changed to a Preliminary VB*

Referred to the City Council due back on 5/7/2014

13 [RLH VBR 14-30](#)

Appeal of Russell Lucio to a Vacant Building Registration Notice at 994 PALACE AVENUE.

Sponsors: Thune

Remain Vacant Building Category 2; waive the VB fee for 30 days; sale review approval needed for sale; obtain a code compliance inspection - Laid over to May 6 LH.

RE: 994 Palace Avenue (Single Family)

Russell Lucio, prospective buyer, appeared.

Matt Dornfeld, Vacant Buildings:

- Mar 25, 2014: referred to the city via complaint: possible vacant building; broken water pipe; Code Inspector St. Martin went out and documented a considerable amount of moisture on the interior of the window - busted water pipe; water coming up from floor, too*
- also documented in TISH Report: standing water in the basement*
- in his notes, Mr. Dornfeld documented: Category 2 Vacant Building; vacant secured; listed for sale; appears to be a foreclosure; a significant amount of condensation on interior windows; see TISH Report for extent of interior water damage and other code violations; peeling paint on trim; ice packed on sidewalk; tree branch and yard waste; issued Summary Abatement; took photos*
- he spoke with Mr. Lucio on the phone; Mr. Lucio had seen the placards; Mr. Dornfeld advised him to come to LH*

Mr. Lucio:

- signed a Purchase Agreement Mar 14, 2014*
- sump pump in the basement that takes care of the water*
- when the stickers went on the window, he went online and it had an abatement for snow/ice, so he called the realtor, got a bag of salt and chopped the ice out as well as shoveled after the last snowfall*
- he called Xcel when he noticed a big branch hanging on the power wire (hazard); that's why the branch is there*
- he has started to take care of the property on his own*
- closing scheduled for Apr 21, 2014*
- he didn't know that it was a Registered Vacant Building*
- he is acting as general contractor*
- is getting estimates: electrical, plumbing, heating*

Ms. Moermond:

- thinks that a person can act as a general contractor on 1 property per year without have a general contractor's license*

Mr. Lucio:

- plans to get his remodeling license*
- he rushed into this because the house had a \$10,000 price drop*
- 2 weeks later, he saw the stickers*
- most of the condensation on the windows is from the windows having cracks in them*
- the house has been closed up all winter*
- water pipe broke in Nov 2013*
- doesn't find that there's a mold problem*
- his plan is to rip off all the paneling from all of the walls and ceiling tiles*
- he knows the ceiling tiles are holding moisture*

Ms. Moermond:

- unfortunately, Fannie Mae doesn't pay fees or notify people or disclose anything*
- as the city and at this level, you as the buyer deserve to have a Truth in Sale of Housing (TISH) Report*

Mr. Lucio:

- he had a TISH and the items on there that are hazardous are either electrical or plumbing, except for the garage doors
- wants to be completely done before Sep 2014
- has a construction loan for \$25,000; will be selling the house
- he has to come up with a lot of money and would prefer not having a lot of extra fees

Ms. Moermond:

- the first thing: you need a Code Compliance Inspection (list of things you need to do)
- is not thrilled about continuing the VB fee into the future; the house will be flipped; there will be different owners
- however, if you get the list taken care of quickly, it's great
- will recommend Laying this over for 1 month
- in the meantime, Mr. Lucio can order the Code Compliance inspection and pull permits without having to pay the VB fee first; and we will see where things are at in a month

Mr. Dornfeld:

- are we going to skip the Sale Review?
- process: all Cat 2 VBs need their sale to be approved by the City of Saint Paul's DSI office; contact Reid Soley
- Mr. Lucio will need to show financing capability
- follow Mr. Soley's steps
- advised that Mr. Lucio get a hold of the bank people and have them pay for this Code Compliance Inspection because they can't sell it without having a Code Compliance inspection; or negotiate the buying price downward because of this inspection

Ms. Moermond:

- that would actually handle things more smoothly --
- I think that's a better solution
- you will need to go through a Sale Review, regardless; see Reid Soley
- will recommend waiving the VB fee for 30 days only

Laid Over to the Legislative Hearings due back on 5/6/2014

- 14 [RLH VBR 14-23](#) Appeal of Lynne Houle-Cherveney to a Vacant Building Registration Notice at 578 POINT DOUGLAS ROAD SOUTH. (APPEAL WITHDRAWN)

Sponsors: Lantry

Building is going to be demolished; therefore, the VB fee is moot because there will not be a building. Appeal withdrawn and application fee was returned to appellant.

Withdrawn

Other

- 15 [RLH OA 14-4](#) Appeal of Crowe Construction Management KMJC, LLC DBA Dellwood Gardens to a Letter dated March 17, 2014 from Building Inspector Todd Sutter at 753 SEVENTH STREET EAST.

Sponsors: Lantry

Owners are working with Bldg Inspector, Todd Sutter and therefore is withdrawing their appeal.

Withdrawn