



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
legislativehearings@ci.stpaul.mn.us
651-266-8585

Tuesday, April 14, 2015

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [SR 15-18](#) Reviewing request of owner to have Council reconsider its Order to Remove or Repair the Structures at 349 CURTICE STREET.

Sponsors: Thune

John Dockry, Shapiro & Zielke, attorney for client Bank of America
Bob Antonsen, contractor, appeared.

Steve Magner:

-an August 2014 plumbing inspected, probably rough in done
-water permit issued recently for the disconnect
-bldg was inspected
-he didn't see an electrical or mechanical from that period
-he only saw the March 23 bldg permit and Aug 22, 2014 plumbing
-if electrical was done, it was done without permit, same with mechanical

Ms. Moermond:

-she is looking for information from Antonsen last time

Mr. Magner:

-background: his recollection was that Mr. Vandebosch owned the property, had a mortgage with Bank of America
-suffered a fire loss, filed a claim with his insurance co
-insurance co developed a plan and had issued a check, which would have gone to Mr. Vandebosch and Bank of America
-when there is a mortgage, they don't release the funds until the work is completed
-Mr. Vandebosch had some relationship with the contractor
-had more than one hearings for this property
-had the representative from the contractor here and Mr. Vandebosch showed up at the final hearing
-wants the guys to fix his building
-had done due diligence to verify everything was in place to be accomplished

Ms. Moermond:

-Mr. Vandebosch showed up at the first hearing then Mr. Antonsen showed up
-a letter dated Jan 12, 2014 stating conditions to be established:
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 Vandebosch;
 5. a scope of timelines and work plan for the repairs in accordance with the code compliance inspection report; and
 6. provide Jeffrey Vandebosch's contact information and that he attends the hearing.
- he disappeared after the first hearing
 - property now foreclosed

Mr. Dockry:

- correct, the property was foreclosed, sheriff sale on Oct of last year
- following shorten redemption of 5 weeks, his client has full title ownership of the property
- can't explain the delay of 13 months
- following the fire, multiple checks were sent to Mr. Vandebosch to endorse and sent back to BAC
- believed Mr. Vandebosch was attempting to cash the checks and not endorsing them nor sending them back
- following foreclosure sheriff sale, his client worked with the insurance co to have the checks reissued
- the checks are now in the hands of Bank of America
- the delay was due to Mr. Vandebosch being the owner at that time
- Mr. Antonsen has completed most of the work, entire interior of the property, with the exception of fixtures, cabinetry, painting

Mr. Antonsen:

- electrical permit was pulled a month after the original fire
- it was pulled and posted
- need to check with his electrical contractor
- everything should have been pulled because he did have rough in of the electrical

Mr. Magner:

- there is a permit from July 31, 2013 which predates the code compliance
- will need a new permit for anything identified in the code compliance
- this was only for Cat 1 repairs and don't know if the circuit count would be the same
- most likely it will require another permit

Mr. Antonsen:

- sure, the interior of the property is 80% completed
- need about a month and one half to do the rest
- due to the delays on Mr. Vandebosch's part, they have more money into it, hoping to get the checks from him but Bank of America will only release a certain percentages and had worked above and beyond that assuming they were getting the checks
- Antonsen is in a deficiency with the property
- he has all in possession all the electrical fixtures, doors, windows and everything
- hvac has not be pulled because he is only doing a cleaning of it
- since the last time they worked there, somebody went in there, the furnace and AC was moved and now missing so they will need to work on that
- he will have to check on the electrical permit issue

Mr. Magner:

- there is an electrical permit but contractor may not realized that the category changed
- there is now a code compliance so it would need a permit

Ms. Moermond:

-she is being hard on the permit being that Antonsen had a contract with Mr. Vandebosch and the Bank

-we're sitting here a year later and the work is not done

-there was no contact from Antonsen so she is having low level of faith

-the agreements all fell through

Mr. Dockry:

-when he started looking at the file, he don't know what was put under fire for my his client

-in March was when his client contacted him

Mr. Magner:

-probably when his client heard of the demolition going forward

-the City sent out the letter revoking the bond and there is an outstanding resolution

-it was more like towards 365 days that the City took action

Mr. Dockry:

-when he found out about all this, he contacted the City to figure something out and that was how he came to be here

-rec'd the letter indicating the conditions to be met

-on the 25th, his client paid for the cci fee, faxed over

-March 25, rec'd receipt and processed on April 1

-told to contact Jim Seeger and scheduled inspections

-gave Mr. Seeger the lockbox code

-understand the cci is the key document to work on the repairs

-contacted his client to make sure the taxes are current and maintain the exterior property

-visited property and no garbage and yard maintained

-need a little time for his client to finish the project

-he believed the cost is less because most of the cost was already put into it and just need the rest of the cost for the final project

Mr. Antonsen:

-he has been working there and dealing with Mr. Vandebosch and now that he is gone, the repairs can go more smoothly

-the neighbors are happy with them doing the work

-he apologized for the delay due to illness

Mr. Magner:

-regarding the new code compliance: bldg, mechanical and electrical are done; waiting for the plumbing

-hopefully, next week, the code compliance report can be done

-will require a bond, construction statement from Antonsen

Ms. Moermond:

-need a sworn construction statement with timelines, evidence of capacity to finish it, permits pulled, need current vb reg fee and form

[would like photos scanned] [attached herein]

-the City has incurred cost in terms of a water cut and will need to pay the demo contractor for whatever was done and will be a special assessment to the property

-given that institutions are involved and effort on the City's part, she is asking for a \$10,000 performance deposit to be posted

-need the completion of these conditions by May 12 and if conditions are met, will do a resolution to go on May 20 PH to grant 90 days for the completion of the project.

-performance bond is refundable upon completion of project within timeline given
-letter will be sent

Need a \$10,000 performance bond/deposit posted; work plan with timelines (sworn construction statement from Bob Antonsen); financial capacity; continue to maintain the property

Laid Over to the Legislative Hearings due back on 5/12/2015

2 [SR 15-13](#)

Reviewing request of owner to have Council reconsider its Order to Remove or Repair the Structures at 872 SELBY AVENUE.

Sponsors: Thao

Layover to get conditions met.

Owner(s) and/or intersted parties: James Logan, Sr and James Logan, Jr. appeared
STAFF: Steve Magner (DSI), Jean Birkholz, Mai Vang (Council Research)

Mr. Magner reading the March 11, 2015 letter (attached herein)

Ms. Moermond:
-asked how they are doing on the list

Mr. Logan, Jr:
-in terms of the list, they have the code compliance done; have 10 things left on the building list and should be done by end of May
-the elect, mech and heating, they don't have it yet
-they have a heating guy to go in as soon as he can get a permit and also to connect the furnace as well as the electrical work and plumbing also
-waiting to get heating in and water

Ms. Moermond:
-she asked where they are at with the money

Mr. Logan, Jr.
-he and his wife have agreed to finance the rest of the project
-they estimated work to be between \$7,000 and \$10,000, including the heating bid for \$2200.00
-lowest bid is \$2500 for the parking surface
-plumbing is already paid for

Ms. Moermond:
-she asked about the building work

Mr. Logan, Jr.:
-he stated in terms of bldg work, he got \$1500.00 left for doors, screens
-he stated he is doing the work

Ms. Moermond:
-she stated she wants a contract to that effect because his father is the owner.

Mr. Logan, Jr:
-He stated he understands and wants to take charge of the work

Ms. Moermond:
-she wants to see the bids he is going with, the work plan or when the work will be

done such as time ranges; ie: mechanical done mid-April to mid-May.

Mr. Logan, Jr:

-he doesn't have dates from the contractors yet

Mr. Magner:

-he stated that Mr. Logan, Jr. needs to go back to the contractors and asked them how long of a time period is for each work

-for example, if starts June 15, they would be done by June 30th

-from there, put together a work plan with the dates

-asked when this goes to Council

Ms. Moermond:

-she said only if they get a packet together. It's not in front of Council yet.

-she stated that \$7,000 to \$10,000 sounds low to her but know how far along they are with the project

-need to see that lock in with the bids

-a lot of people don't take the bids they have but will be happy to take the bids he provided knowing that he may be getting other bids

-stated that since he is going to do some of this himself, he needs to write down supplies already on hand and the value of his labor he is going to put into it

-asked when will they be at with the painting

-asked if Mr. Logan Jr is going to be the project manager

Mr. Logan, Jr:

-there is not a lot of painting, he just got the west side of the building. He stated the other 3 sides are done.

Ms. Moermond:

-need to see the financing and bids; she wants to see this locked in by May 12 with a resolution going to City Council on May 20th

[Mr. Logan, Jr. provided financing, attached herein]

-there is no signatures on the affidavit letter (attached herein)

-about the performance deposit,

Mr. Logan, Sr:

-they are really trying to get this done

Mr. Magner:

-in regards to the bond issue, he would like to leave it open today and have discussion with Ms. Moermond and legal counsel

-the original end date was 12/5/89, forfeiture 3/27/92, another bond from 11/23/99, that was forfeited on 10/23/00 (\$2,000 bond)

Ms. Moermond:

-bond/deposit are not waived

-there were two occasions where bond has been decreased through litigation

-she can take the \$10,000 off the table right now and will be looking at \$5,000

-need all conditions by May 12

-stated that it may be in their best interest not to pull permit(s) yet until the Council takes it's vote

-LH on May 12, 2015

Laid Over to the Legislative Hearings due back on 5/12/2015

Project No. VB1505, Assessment No. 158804 at 872 SELBY AVENUE. (Public hearing continued from April 1) (To be referred to Legislative Hearing on May 12; Council Public Hearing to be continued to May 20)

Sponsors: Thao

To be laid over to May 12 LH and May 20 PH.

File laid over to go with the Remove or Repair matter.

Ms. Moermond:

-there is also this VB fee hanging out there, run on the anniv date, sept 21, the fee would be pay pro respectively

-would like to create an incentive but the fee is half way through the year.

-Would like to ask the Council to cut in half if the work is done

Referred to the City Council due back on 5/6/2015

11:00 a.m. Hearings

Summary Abatement Orders

- 4 [RLH SAO 14-37](#) Appeal of Catherine Walsh to a Vehicle Abatement Order at 1080 NORTON STREET. (Public hearing continued from November 5, 2014)

Sponsors: Brendmoen

Catherine Walsh, owner, appeared.

Ms. Moermond:

- when we last spoke, we did a long layover to see how the winter went; we were looking for you to maybe come to an arrangement with your neighbor across the alley
- asked Mr. Ross to pull up an aerial photo of the land

Ms. Walsh:

- entered a signed agreement with neighbor across the alley (scanned)
- she pointed out her property on the overhead aerial map

Ms. Moermond:

- as long as you live there and your neighbor lives there, that agreement is good; if they leave, you need to get an agreement with the next occupants or stop parking there; if you leave, the next person would not have that agreement

Ms. Walsh:

- in this situation, everyone along that side also parks in the alley, do they have to get an agreement?

Ms. Moermond:

- will recommend that the Council grant the appeal based on this agreement
Grant the appeal based on the fact that there is an agreement between the neighbor and owner.

Referred to the City Council due back on 5/6/2015

Correction Orders

- 5 [RLH CO 15-5](#) Appeal of Sharon Bruestle to a Correction Notice at 529 STRYKER AVENUE.

Sponsors: Thune

Owner missed hearing; deny the appeal. On April 15, 2015, owner called and stated she missed the hearing. She also stated she submitted a site plan to David Kuebler at Public Works and the plan was denied. Ms. Vang emailed Mr. Kuebler for the plan to be put into the record. Ms. Vang advised that if she wants to appeal further, she may attend the public hearing.

Referred to the City Council due back on 5/6/2015

11:30 a.m. Hearings**Orders To Vacate, Condemnations and Revocations (Code Enforcement Order)**

- 6 [RLH VO 15-17](#) Appeal of Allen Anthony Slaughter, Sr.; on behalf of owner William E. Davies; to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1370 CHARLES AVENUE.

Sponsors: Stark

William Davies, owner, appeared.

Allen Anthony Slaughter Sr, Appellant and Mr. Davies' advocate, appeared.

Lydia Volz, member of Jehovah Lutheran Church appeared.

Steven Cooley, friend of Mr. Davies for a long time from a group discussion they attend at least once a month, appeared.

Inspector John Peter Ross:

- this property has a history of Condemnation/Unfit for Human Habitation/Order to Vacate

- this is the second one

- the first one: Dec 21, 2006 for excessive accumulation of combustibles; inadequate access to exits; excessive accumulation of refuse; rodents infestation; etc; was inspected several times in 2007: Jan 11, Jan 16, Jan 15, Jan 31, Feb 7 and Feb 27 it was abated and closed

- 9 years later - complaint came in via House Calls for an inspection that the same condition may once again exist

- an inspection appointment letter was set for Dec 22, 2014; they met the owner at the property along with Kay Witgenstein, House Calls

- observed significant interior clutter (photos)

- property owner declined access to basement and upstairs at the time but because of what they did see, they sent a Correction Notice; he was told to remove products from on top of stove; maintain the property in a clean and sanitary condition; would be inspected on or after Jan 13, 2015

- property was not inspected again until Mar 6; no progress had been made; in fact, more things came to light: there was no refuse service and condition of the basement was hazardous (had access to basement and living quarters); photos

- a Letter of Condemnation was sent Mar 12, 2015 to Vacate by Mar 26; the extended compliance date was at the request of House Calls to give the homeowner time to secure help; he had heard that a church group might be willing to help out; to date,

the church group has put in more than 200 hours of work cleaning out the house

- *Orders issued were amended after he had gained access to the upstairs/basement*
- *principal violations: no smoke detector or CO detector; interior refuse extreme, represents a nuisance; fire hazard-refuse on the stairs leading to sleeping quarters; products on the stove constitute a fire hazard; rodent infestation-evidence of mouse droppings; food not adequately stored; inadequate interior maintenance; unsanitary conditions; storage of combustible materials adjacent to furnace and gas water heater; lack of trash service*
- *minor violations: unapproved compost in a wooden bin; tires, rubble, etc. in rear yard*
- *mouse traps were scattered about but not set; rat poison set out*
- *at the request of Mr. Slaughter Sr, a meeting was set up among House Calls, Crisis Intervention and many of the church group on Mar 27, 2015*
- *due to lack of smoke detectors and the combustibles near furnace, it was decided by Mr. Ross that Mr. Davies needed to vacate the premises immediately*
- *a situation was secured for him to stay; he was granted access to the house to orchestrate and assist with clearing out the house - determining what items were valuable and important to him*
- *in the meantime, he made several stops to the residence, took photos*
- *all the items on the list have been complied with and his recommendation to the hearing officer would be to lift the Vacate Order with the stipulation that either there be a weekly visit by a housekeeper, or someone else (VA, church has some resources, etc.)*
- *it is DSI's opinion that after 2 Condemnations for excessive clutter, it might revert back to this condition in the future so, for the safety for fire personnel, DSI staff and the homeowner, DSI is requesting a mandatory follow-up inspection or weekly visits of some sort*
- *entered more photos*

Mr. Slaughter Sr:

- *gave accolation to the entire Jehovah Church community that Mr. Davies belongs to; they worked feverishly to comply with the Orders; all these things have been eradicated*
- *the follow-up is important and there are things that are already in place for this: 1) Ms. Volz was a licensed registered nurse and is the nurse for her congregation at this point; she has the professional standing still to care and provide oversight to Mr. Davies' condition continuously; the congregation and he will also; there is not going to be a re-occurrence of this condition; Mr. Davies knows that he is stuck with me for the rest of his remaining life*
- *it's important that we all have people interceding and helping each other*
- *entered an outline of a basic structure of intent to provide continued support and not let any of this occur again*

Ms. Moermond:

- *scanned the outline and took a brief RECESS to review the outline*

Ms. Volz:

- *this whole group was aware of Mr. Davies' problems and needs; on Mr. Slaughter's suggestion, they drew up an agreement of what they would be willing to do and what they would like Mr. Davies to do but they never actually presented and signed it because he wasn't allowed to remain in the house anymore; she kept it and now that she sees a future in front of them, she showed it to Mr. Davies and he had agreed to it; on the back side, are the suggestions on what the housekeeper should be doing but he was not happy with the weekly visit; she thinks that the outcome in more important than stipulating a time, so she blocked that out; he agreed to the rest of it*
- *she entered that agreement*

Mr. Slaughter Sr:

- *in his opinion, Mr. Ross has made a very constructive recommendation; everyone has transparency*
- *suggest that Mr. Davies go ahead and sign the agreement and have it notarized; it should provide a good ground of evidence that he will always be willing from this point on*

Ms. Moermond:

- *this is hoarding and Mr. Davies is likely to have problems on-going into the future; that's the nature of it; he needs a support group - help to stay on the right path to not get into a hoarding situation again; she has found that it's best if the city is the one that intervenes in these situations so that other relationships can be maintained in a positive way; was very surprised that the Social Worker at the VA didn't check things out right away; this was a horrible hoarding situation and wasn't safe to be in*
- *just 3 weeks ago, she looked at an emergency demolition; a woman on the North End in her 40's, who had a fire in her house of hoarding and one of the things that happens when you have that much material in the house, there's that much more to burn - it keeps burning a lot longer and she was not able to get out of the house*
- *when this much material is in the house and there's a fire, it gets wet and there's much more weight on the floor, which can cause the floor to collapse*
- *she is emphasizing that there's public safety concerns here; the hoarding in the North End case made it nearly impossible for a fire fighter to get in to help*
- *this situation needs monitoring*
- *the work that you have done is very good*

Mr. Slaughter:

- *he will be able to police the situation and lean on Mr. Davies to make sure this does not occur again; he graduated from the Police Academy in 1985 and he knows what needs to be done here*

Ms. Volz:

- *is there any way we can have someone keep a look out?*

Ms. Moermond:

- *the only one she can think of is Kay Witgenstein, House Calls; to ask her to do an annual or bi-annual evaluation of this situation so that it doesn't get out of control; that program tends to work on a complaint basis; they go, take care of the housing crisis and get out*
- *she asked Mr. Ross if he could put that as a reminder in the file*

Mr. Ross:

- *there's an incredible combustion hazard in the basement with the clutter, furnace and water heater; he fears that it will revert back; the furnace was buried; provided before and after photos*
- *a complaint may not be generated without an inspection of some sort; there was 8 years between Condemnations and in his mind, things were probably close to this for most of that time; if the outside of the house is kept up, there is no reason for anyone to suspect that this is occurring on the inside*
- *appreciates immensely the work of Jehovah Lutheran Church, who did what they did; it was over 200 man hours and it's unreasonable to rely on them to this extent ever again*

Ms. Volz:

- *we can't leave out Steve, his friend, who put in over 100 hours on his own*

Mr. Cooley:

- he organized 2 dumpsters for removal of materials
- all totaled, they probably removed 30 cu.yds of materials
- there's still some scrap metal in the rear yard and some hazardous waste that they need to deal with

Mr. Slaughter, Sr:

- he made sure that there's weekly trash service

Mr. Davies:

- noted that he is missing some important items: the deed to his house; his CA license as an architect; his grandfather's graduation from law school; his father's high school diploma; my parents' marriage license, etc.

Mr. Cooley:

- they endeavored to maintain personal documents but it was difficult because of the sheer volume of items; however, those items may still be there; he did not have personal control over the whole process

Mr. Davies:

- said that he is willing to sign half of the agreement; it's already been done and the rest is on-going

Ms. Moermond:

- moving forward, you need someone coming in to make sure that you're managing, like getting garbage out of the house and into the containers, weekly; she thinks that weekly monitoring is going to be important from her perspective
- she will be looking for the "weekly" to be contained in the agreement that Mr. Davies has just now, agreed to sign
- she does not want to "mandate" this; she is going to recommend that the appeal be granted "with the understanding that" there will be on-going oversight and help because she can see this situation re-creating itself and have Mr. Davies in danger
- is thrilled with the work having been done so far; that in and of itself gets the Condemnation lifted
- she saw in the papers that Mr. Davies called a housekeeper but not that he's actually made an arrangement with one (Ms. Volz: that's correct)
- Mr. Davies needs a "weekly" housekeeper come in to help him maintain and with this arrangement, he can live there as long as he wants to
- noted that she is so impressed that you folks have gotten this together the way it is

Ms. Volz and Mr. Cooley:

- he's our neighbor and our friend

Ms. Moermond:

- you did the right thing and I'm very impressed
- I wish you well; I wish you health, happiness; enjoy your home; keep going with your academics; this is great!
- Grant the appeal with the understanding that there is ongoing help from the church, friends and his advocate. Owner needs a weekly housekeeper as a condition to maintain the property in a safe and sanitary manner.

Referred to the City Council due back on 5/6/2015