



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, September 13, 2016

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 16-33](#) Ordering the razing and removal of the structures at 1530 CHARLES AVENUE within fifteen (15) days after the September 7, 2016, City Council Public Hearing. (Public hearing continued from September 7)

Sponsors: Stark

Jared Goerlitz, pfb Law, appeared.

Inspector Steve Wagner, Vacant Buildings:

-read the letter dated Aug 10, 2016 to Jim F Thomas, PFB Law, Altisource Portfolio Services and US Bank NA (attached)

Ms. Moermond:

-there was a series of emails going on, as well; Mike Fleischman, pfb Law, made sure that the \$5000 performance deposit was posted; also, he said that he had applied for a code compliance inspection and provided the code for the lock box; however, a lock box was not present at the house; so, I tried to expedite the situation and asked for the inspection; the trades inspectors came back saying that there was no lock box on the house; now, there is a lock box but still no code compliance inspection
-asked if they had a contractor go in to take a look and provide estimates; and have they maintained the property?

Mr. Goerlitz:

-doesn't have answers to those specific questions but the lock box issue has been rectified and Property Preservation is on it; he is not aware of any issues; if there are issues, he will remind them to go out ASAP and correct things
-his understanding was that the sole issue was to get the lock box in place with combination so that the code compliance inspection could be done; then, once the report came back, they would decide whether or not they were going to rehab or demo
-I'm still on first base
-will go back to see if getting a contractor to go thru had been communicated to him in order to put together a sworn construction statement to provide an estimate to help facilitate decision-making; to his knowledge, this had not been communicated to him; I will make sure they order a contractor

Ms. Moermond:

-this goes to City Council Public Hearing Oct 5, 2016; I want to close the book on this at that time
-if they decide to rehab, they will need the code compliance inspection report; a work plan with timelines or a detailed sworn construction statement; a commitment of financing; property maintenance
-you already have the \$5000 performance deposit in place
-need those documents in place by Sep 23, 2016
-we will review it on Sep 27, 2016 LH so that there can be feedback
-if they want to demolish the building, the demo contractor must pull a demo permit and talk with Mr. Magner's Office about that so that there's an agreed upon schedule; it will need to come down within a certain period of time or the city will need to hire a demo contractor

Mr. Magner:

-get a hold of me or Joe Yannarely

Amy Spong, Heritage Preservation Commission (HPC):

-pointed out that this neighborhood is scheduled for an historic site survey in 2017; so, from an historic perspective, this neighborhood has not been recently evaluated for historic significance
-doesn't expect that this building would be individually eligible for historic designation

Ms. Moermond:

Continued to September 27, 2016 LH for staff report: If the Bank wants to rehab the property, the following conditions must be met by September 23rd:

- 1) a detail work plan or sworn construction statement with timelines for the completion of the rehab;
- 2) a letter of commitment from the Bank dedicating the amount of funds for the project;
- 3) provide bids from a general contractor and subcontractors;
- 4) property must be maintained; and
- 5) provide lock box combination to property if the intent is to rehab.

If the Bank's intent is to demolish the property, DSI would need to see a signed contract with a licensed demolition contractor.

Laid Over to the Legislative Hearings due back on 9/27/2016

2 [RLH RR 16-11](#)

Ordering the rehabilitation or razing and removal of the structures at 1698 LAFOND AVENUE within fifteen (15) days after the April 6, 2016, City Council Public Hearing. (To be referred back to Legislative Hearing on May 10)

Sponsors: Stark

Richard Ayd, property owner, appeared.

Lauren Lightner, Ramsey County, appeared.

Greg Finzell, Rondo Community Land Trust, appeared.

Becky Errigo, Neighborworks Home Partners, appeared.

Ms. Moermond:

-we've been allowing some time for the house to be evaluated for potential rehab
-I know that you want to extricate yourself from ownership
-one option for transfer of property is to a community development corporation
-other option is where someone else does the rehab while you remain in title; the title

will transfer when that person completed the rehab

Mr. Ayd:

*-we all met last Thu and I explained my situation and that I've changed direction from wanting to stay in the house to moving to another place
-I've already started to move into my new unit in the Cambric Bldg; there are very few pieces of furniture left in the bungalow
-I'm renting a truck tomorrow to move the items from my apartment on Thomas to the Cambric
-I have committed to turning the house over to them; the question that remains is am I donating it or can I, possibly, get something out of it, which is what I would like; it's supposed to be my retirement, so...
-they had a cost list and on it were things that I thought I had already paid for: 1) \$5000 Performance Deposit; and 2) the Code Compliance Inspection; and the taxes are all paid, as well
-I don't want the house torn down*

Ms. Moermond:

-what are you finding as you analyze the rehab potential for this house?

Ms. Errigo:

*-there's the Confession of Judgement; special levy assessment; we just pulled full title and we're having our closer look what was on the property & without doing a full title pull, she saw that there were still things outstanding; also, a large water bill; we're looking at \$35,000 - \$38,000 to get the title clean
-when we met on Thu, we discussed a couple options that we would be able to go with - either a donation or a \$1 sale; then, we would cover all these expenses and Mr. Ayd would no longer be responsible*

Ms. Moermond:

-you're looking at the \$35,000 to buy the property; then, you'd add the rehab cost and those costs should equal a sale price that's sustainable in the community (?)

Ms. Errigo:

*-there's a substantial gap; PED is willing to work with us in putting CDBG funds into it but it has to go through their Credit Committee and the HRA for final approval
-we've also reached out to Twin Cities Community Land Bank to use some funds that we didn't expend on some other project*

Ms. Moermond:

-what kind of rehab cost and gap are we talking about?

Ms. Errigo:

-there's a gap of \$125,000 and that's why the price is \$0

Ms. Moermond:

*-have you met with the Councilmember or someone from HRA about getting gap financing for this?
-her concern is that we will still have a nuisance property if we can't put together the \$125,000+
-I'm looking for an end game*

Inspector Steve Magner, Vacant Buildings:

-re: \$5000 Performance Deposit: Mr. Ayd posted that deposit and in a situation like this, if he were to move on and either sell or donate the property, he would need to make application to us (email, note or letter) requesting that his \$5000 Performance

Deposit be refunded; and we would return his money; then, when Neighborworks is ready to move forward, that they use some of their funds for rehab to submit the \$5000 Performance Deposit prior to the hearing, which they would get returned to them at the completion of the project

-we want the 'skin in the game' from the party who has possession of the property vs. Mr. Ayd; it's clearer for the city to return Mr. Ayd's money and then post a new deposit prior to the hearing

-Mr. Ayd just needs to email to me or to your; just so that it gets to me and we will refund his money

Ms. Errigo:

-sounds like HRA would have it on their agenda on Oct 6, 2016; then, we will move ahead

Ms. Moermond:

-asked them to meet with Council Councilmember Russ Stark to bring him up to date; he is the HRA chair and he has been aware of what's going on with this property

Mr. Ayd:

-I received a water bill from the city saying that they have turned the water off once it had reached \$1000 when there was a broken pipe; somehow, the furnace went off over the winter when I was not there when the house was boarded up; then, the bill has turned into \$5000, which I don't understand; how could that happen?

-I refinanced the house at least 10 years ago and I thought that was built into the refinancing (?)

Ms. Moermond:

-about the water bill: I talked to Water and the hearing officer who handles "water" situation to find out what she would like at in this type of circumstances; the problems were on the owner's side of the meter, not on the city's side of the meter

-to increase your comfort level, contact Water and ask them for some specific invoices; if you want to dispute those, there's a way to do that; here, we can't change the amount of money that they say is owed

Mr. Ayd:

-one of the problems that I'm having is that I was not at the property; it was boarded; I did not have access to it; so, I wasn't aware that any of this had happened; if I had been there, the heat would still have been on and the pipes would not have broken; so, I don't think that I am responsible for letting water run for as long as it did when I couldn't be there

-I'm concerned about the house this time of year - going into the winter without the furnace being on; I don't want the house to be harmed any more

Ms. Moermond:

-either, you need to file a claim against the city for the value and the city will respond that your property was Condemned because of gross unsanitary, unsafe conditions and you were barred from entering for your own safety because that had been a problem

-go back to Water to get specific information

-there's a specific way to appeal the amount of the bill

-I understand your frustration but I don't have a solution for you

-will Lay this Over to Nov 8, 2016

-you will be in good hands with Ms. Errigo and her staff

Mr. Magner:

-contact Joe Yannarely to set up a time to remove furniture

Ms. Moermond:

-Lay Over to Nov 8, 2016 LH

Laid Over to the Legislative Hearings due back on 11/8/2016

3 [RLH RR 16-40](#)

Ordering the rehabilitation or razing and removal of the structures at 874 PASCAL STREET NORTH within fifteen (15) days after the September 21, 2016, City Council Public Hearing. (Amended to 180 Days)

Sponsors: Stark

Anita E Mack, owner, appeared along with Nate Berg, President, Twin Cities Restoration

Inspector Steve Magner, Vacant Buildings:

-read letter to Ms. Mack dated Aug 30, 2016, which listed conditions to be met by Sep 9, 2016:

-1) post \$5000 performance deposit

-2) pay first half of real estate taxes for 2016

Ms. Mack:

-the performance deposit was submitted on Sep 9, 2016

-taxes were paid Aug 30, 2016

-the code compliance inspection was requested on Sep 6, 2016

Mr. Berg:

-he is also a real estate broker

-entered a price list, construction agreement and liquid assets plus line of credit

Ms. Moermond:

-this is a contract with Twin Cities Restoration to do the entire rehab & clean-up (\$80,000); it doesn't specify time line, work plan or subcontractors; we need to have that

-you will be getting specific information in the code compliance inspection report

Mr. Berg:

-we will be taking it down to the studs; so, all exterior and interior will be rehabbed

Mr. Magner:

-OK on the overall view of the contract but we do need more specifics and detail after you received the code compliance insp report (subcontractors bids; general bldg items; roofing, siding, etc.), identifying the larger general items

-as long as you are comfortable fronting this work, Ms. Mack will have to sell it and if she fails to sell it, you will be on the line for it

Ms. Moermond:

-re the financing, I will need an affidavit saying the monies will be spent to complete this project - a commitment

-needs a detailed work plan

-can email those documents

-I will call to see about getting the code compliance inspection moved up

-City Council Public Hearing Sep 21, 2016, at which she will ask them to Lay this Over to the Oct 5, 2016 City Council Public Hearing

To continue public hearing to October 5. Owner needs to provide 1) a letter of commitment dedicating the amount of funds from the account submitted; 2) a detailed work plan or sworn construction statement with timelines for the completion of the rehab of the building; and 3) provide general and subcontractor bids.

Referred to City Council due back on 9/21/2016.

4 [RLH RR 16-22](#)

Ordering the razing and removal of the structures at 910 SIXTH STREET EAST within fifteen (15) days after the August 3, 2016, City Council Public Hearing. (Public hearing continued from August 3) (Amended to remove to repair the building within 30 days after September 21, 2016)

Sponsors: Prince

John Dockry, Associate Attorney, Shapiro & Zielke, LLP, appeared o/b/o Wells Fargo Bank.

Inspector Steve Magner, Vacant Buildings:

- read letter to Mr. Dockry dated Jul 14, 2016 (attached)*
- a code compliance inspection fee has been paid for on Jul 27, 2016*
- we have a \$5000 performance deposit posted Aug 3, 2016*
- the code compliance inspection request was made on Aug 4, 2016*
- the lock box combination was forthcoming; don't know if we ever received it*
- inspectors won't go out until they have the lock box combination*

Mr. Dockry:

- there have been some serious internal miscommunications on this property; I just found out yesterday that it's been assigned to a different team and apparently, they used a different vendor for bids, etc.*
- my understanding was that my client's intention is to demolish this property*
- I provided them with the contact information for demo contractors that Mr. Yannarely had supplied me*
- I have not yet received a lock box combination; there usually is a lock box but I have not received confirmation that there is a lock box on the property*
- I also know that my client also sent in a \$5000 performance deposit; so, there's 2 now that have been submitted to the city*

Mr. Magner:

- it's very possible that they did send one in but we may have sent that back; I will verify that with his staff; I don't see a second one listed*

Mr. Dockry:

- I thought this would be a very simple, clean-cut file but...*
- I've asked for the bids multiple times for the demo; yesterday I received bids that were in the system for the rehabilitation of the property, only based on the original violation Notice; and it grossly underestimates the cost*
- I'm just trying to push them to get demo bids*

Ms. Moermond:

- this is a sparse set of photographs*
- the description indicated a Queen Anne style; there's been a lot of alterations*
- has hardwood floors; the garage & chimney seem to be problematic; there's water damage in places*

Amy Spong, Heritage Preservation Commission (HPC):

-the neighboring property still has their full front porch; this one had a full front open porch but it's been removed
-there are a few historic features left but the siding has been covered up
-this is just east of the Dayton's Bluff Historic District

Mr. Dockry:

-at this point, he thinks that he needs to bring other individuals into it to get things moving along
-my understanding is that their intention is to demolish it
-doesn't think there's any monetary value in rehabilitation

Ms. Moermond:

-City Council Public Hearing will take place Sep 21, 2016
-this conversation started in Jul 2016

Mr. Magner:

-you/your client can make application to have their \$5000 performance deposit returned; send the request to me/Ms. Moermond
-I will ask Reid Soley about a 2nd perf. deposit

Ms. Moermond:

-will allow 30 days for your client to square away a demo contractor; if they don't, the city will

Remove or repair the building within 30 days.

Referred to the City Council due back on 9/21/2016

5 [SR 16-84](#)

Reviewing request of Jared M. Goerlitz, on behalf of JN Homes, LLC, for Council to reconsider its Order to Remove or Repair the Structures at 839 THOMAS AVENUE.

Sponsors: Thao

Jared Goerlitz appeared on behalf of JN Homes, LLC.

Ms. Moermond:

-we have a provision in the resolution at your request - so, there's a very clear clause granting 45 days for the rehab or removal saying that the Council will consider a request for a Stay of Enforcement of this Order to JN Homes, LLC, the lien holder in the event that John Cusick, the owner, does not complete the rehabilitation within the time allotted; and the Council notes that the successful request for a Stay shall be received within 30 days of the failure to comply with this Order in the 45 days provided; you need to provide a complete Work Plan concluding the project no later Dec 31; demonstrate adequate financing to complete the project; and.....
this is the discussion we have before preparing a resolution to go before the Council, in which, I would either recommend the Council grant or deny a request for a Stay
-we are just looking for those basic things: work plan; money; etc.....
-so, what do you have today?

Mr. Goerlitz:

-we should have everything we need
-we paid the \$5000 performance deposit
-we requested the code compliance inspection, dated Sep 8, 2016; it was received by me on Fri; I sent it to my folks yesterday and they have now updated a proposal, which he just handed to Mr. Moermond (24-hour turn around on that); they are anxious to get this moving

-we have a checking reserve account with \$51,000+, which covers the cost in the proposal
-the only lingering issue, if there is one, would be the Vacant Building fee, which his folks are asking not to pay; they prefer to deal with those costs as part of their eventual sale

Ms. Moermond:

-we will need an affidavit for the financial commitment of this money for this rehab purpose

Ms. Mai Vang:

-the VB fee is now a pending assessment; it was assessed Aug 1, 2016; the LH on it will be Oct 4, 2016

Ms. Moermond:

-deadline for the project is Dec 31, 2016; can pull permits after Oct 5, 2016

Inspector Steve Magner, Vacant Buildings:

-you can do site clean-up and any other non-permitted activities on the site before Oct 5

Ms. Moermond:

A new resolution will go before City Council on October 5 to grant until December 31, 2016 for the rehabilitation or removal of the structures.

Received and Filed

Staff Reports

6 [SR 16-66](#)

Reviewing request for Council to grant Ryan and Tina North an additional extension for its Order to Remove or Repair the Structures at 929 SEVENTH STREET WEST.

Sponsors: Noecker

No one appeared.

Inspector Steve Magner, Vacant Buildings:

-I was informed this morning by staff that there has been an application for a license hearing; hasn't been scheduled yet but will be very quickly

Ms. Moermond:

-in the letter to them dated Jul 20, 2016, I didn't say Legislative Hearing; she read the last paragraph of the letter: "Ideally, the extension of time on the Stay of Enforcement can be put in front of the City Council at its September 21, 2016 public hearings. Therefore, I am asking that the above materials be provided by September 9, 2016. I will share them with Steve Magner and other appropriate City officials and let you know if anything is in need of revision. I can schedule a Legislative Hearing, if necessary, but we may be able to manage via email."

-I think that we probably do need to have a LH discussion but let me tell you my thought:

-first, he doesn't want to lose his performance deposit that was put into place at the time of the grant of time for the rehab and her recommendation to the Council is that he not lose that \$5000 performance deposit; rather, that he has to add another \$5000 performance deposit to bring it to \$10,000, which is allowed under Chapter 33 of the

Legislative Code

-he wanted another grant of time (extension) but this has to go thru a separate resolution and in order to get that extension, he needs a new Work Plan; the first one is no long applicable (timelines and dollars are blown); there wasn't even a complete application for a bldg permit; all building plans need to be replaced; all financial plans need to be replaced

-it was very surprising that his bank would not pay for the rehabilitation of the bldg until a liquor license was issued; that was not made clear in the LH; think that's unacceptable

-we need to know that he has money available to spend for this project regardless of the liquor license

-according to his latest letter, he wants his new grant of time to begin after he receives his liquor license; in her way of looking at this, the grant of time begins when the Council grants it (there's no lag time)

-he also asked for 9 months from the grant of the liquor license to the end of the rehab and that answer is "No;" Chap 33 specifically talks about grants of 180 days being the maximum and no longer

-asking for a business plan for the use of the space

-we have been so hopeful and helpful in trying to get this done and there needs to be some accountability on the part of the owner for completing the work

-will Lay this Over for 2 weeks to Sep 27 LH

Mr. Magner:

-my concern: originally, this went back 2-3 years; in the fall of 2013, we started this and we are still not in sight of a completion date 3 years later; and we were never informed of a liquor license or that the money was tied to a liquor license, which is a very important part and should have been made clear to us at that point

Ms. Moermond:

-if he can't find the 2nd \$5000 performance deposit, how is he going to pay for this project?

-nothing has been done; no building permits; no completed plans for the roof; nothing has been stabilized; no progress; nothing at all; he didn't even complete submitting all of the engineering that he needed to

Mr. Magner:

-there was a permit application for repairing damage for the roof and new windows dated 2-12-16; expired 8-10-16

-the plumbing permit was withdrawn

Ms. Moermond:

-Laid Over for 2 weeks to Sep 27, 2016

Laid Over to the Legislative Hearings due back on 9/27/2016

11:00 a.m. Hearings**Summary Abatement Orders**

- 7 [RLH SAO 16-34](#) Appeal of J. Thomas Mott to a Notice to Cut Tall Grass and/or Weeds at 957 BIRCH VIEW COURT.

Sponsors: Prince

Owner in compliance. Appeal withdrawn.

Withdrawn

- 8 [RLH SAO 16-35](#) Appeal of Tony Vang to a Vehicle Abatement Order at 81 MAGNOLIA AVENUE WEST.

Sponsors: Brendmoen

Inspector gave more time for the removal of the vehicles. Appeal withdrawn.

Withdrawn

Correction Orders

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 9 [RLH VO 16-39](#) Appeal of Bee Vue to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 606 BUSH AVENUE.

Sponsors: Bostrom

Bee Vue, owner, appeared.

Fire Inspector A J Neis:

-Fire Certificate of Occupancy Revocation/Order to Vacate

-Revocation for failure to get permits finalized on a furnace installation that was pulled in Feb-Mar 2016

-I spoke with Appellant, Mr. Vue, prior to the hearing and apparently, all the work is done but there's some discussion on how the permit needs to get approved in regarding to the work; there's some conflict with the dirt floor in the basement & furnace install

-currently, there are 4 open permits; 3 of which cover the mechanical; and a bldg permit that covers the framing in of the duct work -soffits to go around

-Appellant just needs to call to get the final on the bldg permit; it's ready

-waiting to get mechanical permits on the furnace finalized

-a code compliance inspection was approved in 2009

Mr. Vue:

-contractor installed a new furnace in Mar 2016 but it hasn't been finalized because the city mechanical inspector

wants something done because it's a crawl space; he wants to see what the bldg inspector wants to do and the bldg inspector is not saying what he wants to do; so, I talked with my contractor and in order for them to final it, the mech insp needs to have the bldg insp say he is fine with the dirt floor/crawl space

-from my past experience, it should be fine

-all is finished; I will call the bldg insp tomorrow to do a final on the soffit/duct work and I'll ask him to tell me what he wants me to do about the crawl space; then, the mech insp will be satisfied and I can get him to final it

-depending on how things to, I will need a little more time to get the permit finalized

Mr. Neis:

-the permits are the only outstanding Order to get re-instated

Ms. Moermond:

-this is basically, a bldg code issue; not the rest of the code, which she deals with; she deals with the Revocation component and the deadline component; the rest is under the purview of the bldg official; he could change the deadline

-what seems to make the most sense

-don't see any photos in the file; let's get some pictures and communicate with the bldg official, senior mechanical inspector; I can do that once I get pictures; ask them how they'd like to proceed

Mr. Neis:

-I will email Supervisor Shaff and Inspector Thomas right now

Mr. Vue:

-I will call the bldg inspector tomorrow to let me know what he really wants me to do in the basement and I think 30 days extension should be sufficient

-if cement is required to be put down, then I will do that

Ms. Moermond:

-my evidence of compliance will be them signing off

-will grant 30 day extension

Grant 30 days for compliance on the permits issue.

Referred to the City Council due back on 10/5/2016

10 [SR 16-86](#)

Review Council File No. RLH VO 16-38 adopted by Council on September 7, 2016 to an Appeal of Winston Nguyen, representing Dianna Dong Thi Bui, to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 850 UNIVERSITY AVENUE WEST.

Sponsors: Thao

Winston Nguyen and Dianna Dong Thu Bui, owners; Washington Nguyen, son; Heather Meyers, SMRLS; and Lauren Lightner, House Calls; appeared.

Ms. Moermond:

-additional things were identified when Inspector Lisa Martin went back out

-this is an extreme accumulation case; there is also a special needs son living at home with autism spectrum, who wants to run away at times; so, we've been talking about the locks; bars on windows and how to manage the safety of their son

Washington Nguyen:

-and there were other things like attempted break-ins; someone's knocking on the door at 2 am; the neighborhood has changed but some of the locks, bars on windows were for security purposes, too

Winston Nguyen:

-we compiled a list with Ms. Martin; we took everything off the windows and doors

Washington:

-I have photos and the bars have been removed

-had Fire Dept come thru to double check smoke/CO alarms and they had no issues

Winston:

-we had the furnace checked; he wrote a letter to show it had been tested

Washington:

-there were 33 items initially on the list; now, we've off all but 7 items
-an electrician is in progress - checking existing electricity in the house
-the city inspector said that according to the MN code, the owner-occupant can do the work; we had them check over the work; and had people look at the gas line hook-up; they said it was all good; they couldn't make it any more safe

Winston:

-Lauren gave us 3 big dumpsters; we filled them up; we cleaned out the garage-looks brand new with lots of room now; thank you very much for your help

Washington:

-last time we were here, you said that 50% of the items should be removed; when Lisa arrived, she said that well over 50% had been removed (photos of house and garage)

Ms. Moermond:

-now, we have to work on getting the rest of the work done and more clean out
-it had been discussed that Lisa wanted a professional electrician to be brought in; she is concerned that the electrical work is done correctly under permit and inspected promptly because in the past, there has been electrical work done in the home that wasn't done correctly and it hasn't been done under permit

Washington:

-we feel that way too; we have applied for programs that will assist with the cost; one called Neighbor Works; they will come to assess the electrical work

Ms. Moermond:

-Neighbor Works will want professionals to come in to do the work

Winston:

-we gave 100% of the items to charity

Ms. Meyers:

-many doors have been removed

Washington:

-the walls were professionally repaired (photos)

Ms. Moermond:

-you will need more dumpsters (Lauren can provide more)
-you need to finish up the loan process and get the work done
-how much time do you think you'll need?

Washington:

-we removed most of the items
-when we've tried to connect with contractors, they are not immediately available; (2 weeks + just to get an electrician out); we tell them that we want to comply with city codes

Ms. Meyers:

-we could agree on a timeline for the things that is in their control, like finishing dumping stuff
-Neighbor Works is another issue

Ms. Moermond:

-I will give you until Jan 1, 2017 and I will call Becky Errigo

-secondly, I want to protect Abraham; have you gotten resources on where to get a sale place for him to sleep...? Is there anything that we can do to help you connect?

Ms. Meyers:

-Abraham does have a social worker

Washington:

-Abraham is doing quite well; we removed a lot of clutter from his room & he's really happy about that

-he has a communication issue; it's hard for him to explain things to us

Winston:

-Abraham is really hard to understand; he really felt sad when we moved all of his stuff and gave it away; I explained that we had to comply with the city's Orders

-I worry that he can leave the house at night; he never looks at the street before he crosses

-he kind of accepts it

Washington:

-we had the heating system certified; (entered & scanned)

Ms. Meyers:

-I will be in touch with Ms. Errigo, too

Ms. Moermond:

-I will call Ms. Errigo

-you will be done by Jan 1, 2017

File No. RLH VO 16-38 in error did not get referred back to Legislative Hearing on September 13. This file is created and will draft new resolution to amend VO 16-38 to grant an extension for owners to come into compliance by January 1, 2017.

Received and Filed

1:30 p.m. Hearings

Fire Certificates of Occupancy

11 [RLH FCO](#) [16-121](#)

Appeal of Joseph Fine and Robert Fine to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 690 CLEVELAND AVENUE SOUTH.

Sponsors: Tolbert

Robert Fine, Edyth Bush Theatre LLC, owner, and Joseph Fine appeared.

Ms. Moermond:

-it has been very difficult getting someone from the building inspections out to see your ramp but 2 people did go out; the first gentleman who went out ended up leaving on an emergency leave that afternoon has been gone for days; the second gentleman did go out and I was just getting the results

Mr. Robert Fine:

-everything beside the ramp has been completed

Ms. Moermond:

-the fire inspector talked about the ramp being spongy
-we looked at the Video that you took
-the bldg inspector who went out there also characterized it as having a lot of deflection and being spongy; in his opinion, the surface can't support the load because of the deflection (give) in places
-if you want to keep the ramp and repair it, you will need to remove the plywood on top of the original ramp surface; then, doing an assessment of what it underneath it so that a plan can be made about how to address that (should be done under permit)
-because it is a bldg code matter, I need to defer
-for you, there's the possibility to choose to repair the ramp so that there is no deflection; or to choose to remove the ramp

Mr. Robert Fine:

-the code talks about "support;" that's why I was hoping we could be there so that he could explain why it doesn't "support" because it's not going to fall down or get any worse; it's not going to change much and it's not going to change anything even if a wheel chair goes on there

Ms. Moermond:

-you need to have that conversation when you pull a bldg permit to do the fixes

Mr. Robert Fine:

-I'm wondering why it needs it because the code talks in terms of support and I don't understand; I've been out there and I don't see the "support" issue; it's only going to give because there's some kind of air space between the ramp and the sheet rock over it; it doesn't change the "support" issue

Ms. Moermond:

-have that conversation with the permitting desk/a building inspector; I don't know who went out to check it
-for these purposes, I needed a determination about whether or not the Order was accurate and you have your opinion; the Fire Inspector had an opinion; regardless, it's the bldg official's determination that matters on this; it's his call, per state law

Mr. Robert Fine:

-I guess I'd like to talk to him and ask about support

Mr. Moermond:

-I'd encourage you to do that; the bldg official is Steve Ubl, 266-9102; you can reach him first thing in the morning, as with all inspectors before they go out on their day of inspection; also, by email: steve.ubl@ci.stpaul.mn.us
-there's the possibility of limited repair to those areas in question; also the possibility of removal but what he can tell you is whether or not one of those would be required having had a ramp in the past

Deny the appeal and grant an extension to December 1, 2016 for the ramp to come into compliance.

Referred to the City Council due back on 10/5/2016

12 [RLH FCO](#)
[16-152](#)

Appeal of David Faffler to a Correction Notice-Reinspection Complaint at 1709 SELBY AVENUE.

Sponsors: Thao

David Faffler, JC Rental Properties LLC, owner, appeared.

Ms. Moermond:

Fire Inspector Leanna Shaff:

-this is a complaint inspection conducted Jul 7, 2016 by Inspector Rob Cory
-the original complaint said that it was overcrowded and not a registered student house
-this particular house does not have a Fire Certificate of Occupancy because one was not applied for
-the deficiency list contains 4 items
-the Appellant's letter talks about having 5 people live there
-item #4 - he uses this bldg for more than 4 unrelated adults, which would require approval and a Certificate of Occupancy; the inspector is requiring to immediately discontinue the unapproved use and convert to a legal use; even if it were a student house, you still could not have 5 unrelated adults; even if it were owner-occupied, it still could not have 5 unrelated adults
-to house more than 4 unrelated adults, you would need to get a rooming & boarding license
-the code requires that all bldgs with the exception of single family and duplex owner-occupied have a Fire Certificate of Occupancy; and owner-occupied is defined as owner of record and the address is their primary residence; and I'm not sure that a company can be the owner of record & be it's primary place of residence

Mr. Faffler:

-I started the company with my son, who was in his first year at St. Thomas in the entrepreneurship program; when I went down and talked to Jerome, he said that it couldn't be student housing but he said if I started a company and my son was an owner of that company, it would be considered owner-occupied
-so, my son and I started a company and he lives there, so it's owner-occupied

Ms. Moermond:

-it has yet to be determined whether or not that complies with city code

Mr. Faffler:

-when I did talked to Jerome about this, specifically, before I even purchased it; he said that I could have students in there as long as it was owner-occupied; my son is half owner
-until I got an inspection report, I didn't know that you can't have 5 unrelated adults living there; then, I went back to talk to Jerome, he didn't say anything about that; so, now, I have 5 kids in there with signed leases and I'm stuck
-where do I go from here?
-how do I keep 5 students in there after I was told it was OK and after I took the financial risk?
-that's why I'm appealing the 5 people

Ms. Moermond:

-have you looked into a rooming & boarding license?
-go to the state website to inquire about how you get that
-there's 2 questions here that I need to answer: 1) whether or not it's an owner-occupied property; and 2) whether or not 5 unrelated adults can be there
-5 unrelated adults living there is a violation of the Zoning Code
-with respect to whether or not it's owner-occupied, I want to look at the ordinance in the context of some of the case law of who an owner occupant could be considered to be
-does this company own other properties?

Mr. Faffler:

-yes; 2 other properties and I went through the same thing; I went down and talked to Jerome and I got the Certificate of Occupancy for those (student housing); I'm not trying to get by with anything

-I think that I was led astray by Jerome in my meeting with him on this one

Ms. Moermond:

-you are saying that this Jerome fellow gave you inaccurate information, which he doesn't recall; you can file a claim with the city if you think that you've been financially wronged but an error doesn't get to stand; it needs to be corrected; 4 unrelated adults is the maximum number that's allowable, whether or not it's owner-occupied; one of these students must move or you get a Rooming & Boarding license

-the question of the ownership will bring us to whether or not you need a Fire C of O on an on-going basis for your property, which doesn't have anything to do with the 4 unrelated adults component of this

-it also doesn't mean that the property can't be inspected were an occupant to complain about something like the shower not working and asks the city to come take a look

Mr. Faffler:

-one more question: I have 2 sons; if I had 2 of my sons living there and 3 other people...how would that work?

Ms. Moermond:

-then, you have 3 unrelated adults; the Zoning Code allows for 4 unrelated

-it is my understanding that you'd be OK with your 2 sons living there plus 3 unrelated adults but to be positive, I would call Wendy Lane, Zoning Administrator, DSI, for the definitive answer on that, 651-266-9081

-call Wendy right away; she can probably shepherd this the Zoning question, which may end up at the Board of Zoning Appeals; I will let her know that I'm dealing with the ownership question; will send information and my recommendation to you by email

Mr. Faffler:

-if this is denied and I have to ask a person to leave, could I be given some time; he is from out-of-state; so, I want to make sure that he has some time to make arrangements

Ms. Moermond:

-let's say Nov 1, 2016

Ms. Shaff:

-we will Withdraw item #3

Ms. Moermond:

Deny appeal and grant an extension to November 1, 2016 for compliance with the exception of Item #3 which has been withdrawn by the dept.

Referred to the City Council due back on 10/5/2016

2:30 p.m. Hearings

Vacant Building Registrations

13 [RLH VBR 16-60](#) Appeal of Leo Viktora to a Vacant Building Registration Notice at 2129 JAMES AVENUE.

Sponsors: Tolbert

Leo A & Janet M Viktora, owners, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

-DSI received a complaint on Aug 4, 2016 that stated: rotting storage in shed spilling debris and garbage out of rotten holes in the structure; rats and raccoons coming out of said shed; garbage piled up outside of shed; over grown vegetation into the alley; windows & screens falling off of house; exterior of property has black mold growing on it; house has been vacant for roughly 7 years; possible gross unsanitary conditions on interior

-Inspector Lisa Martin responded to that complaint on Aug 8, 2016 and validated the garage & shed in that condition; she did not see any raccoons or rats; she also documented the exterior code violations; she was unable to gain entry to the interior of the house; documented that there was no answer at the door and the house did appear to be vacant; she transferred that file to the Vacant Building Program

-on Aug 15, 2016, Inspector Mike Kalis attempted to gain entry to the house; there was no answer at the door; he proceeded to open a Category 2 Vacant Building per Inspector Martin's referral and findings

Mr. Viktora:

-thank you for this opportunity to address the VB registration notice for 2129 James Ave

-I'm 64 years old and have resided at 2129 James for 40 years; I'm current with all my payments for the property: taxes, maintenance, insurance, utilities, trash removal and assessments

-I'm the owner-occupant of 2129 James and my 66 year old wife is the owner-occupant of the house next door to it; we purchased that house a number of years ago for our growing daughters (21 & 29); the 2 bedrooms and 1 bathroom was problematic and now, due to my wife's medical needs, she is living next door

-given some of the circumstances in my life: my older brother had an accident and died as a result of that accident in South Dakota 3 years ago and I need to be out of town frequently and for extended periods to address our family operations there in SD; so, I'm not present at 2129 James for some extended periods but during those times, my wife is checking on the property

-2 years ago my wife had a serious kidney & medical condition that required an entire summer to be able to address that and her recovery has lasted until just this past year

-what was unknown to the inspectors and the people making the report was that I had worked this year to do concrete repair, fence replacement and stucco repair; I'm surprised about the comment of mold growing because it's really a stucco house that was painted and some of that was peeling off so the white underlayment is showing; I'm addressing that with a stucco person although it might be early next year before I can get things done on one side where the stucco is compromised

-I'm really working to repair this property to be sold within 6-8 months and I'm working with DSI; in fact, I called Lisa Martin soon after receiving her letter; I explained my situation/conditions to her; she was quite empathetic and said, "I'm sorry it's been referred as a VB;"

-I'm working to address those items mentioned: garage & shed are taken care of; I also had abatement Orders on several vehicles; had sold one within days of receiving the letter; the other I have license plates for but had not had them properly affixed to the vehicle; it was parked on an asphalt apron right on my property next to the garage; so, I'm working/talking with Lisa and we have an understanding of what I

need to do to move ahead to take care of the exterior of the house
-I'm sorry that conditions have occurred that requires this meeting today; my family commitments over the past 3-5 years took my attention away from this property; and given my wife's recent retirement in part to her on-going medical needs and my forced retirement a number of years ago from a company (Deluxe Corp) I had worked for over 26 years, the \$2085 VB fee and the vacant action will be problematic for us to work on getting the property on the market and selling it; so, I'm requesting that this VB fee be rescinded so that we can work with DSI to correct the conditions and so that we can sell this property within the next 6-8 months
-thinks that he has more problems with squirrels than with raccoons in the neighborhood

Ms. Moermond:

-with your work in SD, are you going to be home to work on these things?

Mr. Viktora:

-I'm working with contractors now
-my time is going to be split about 50-50 between the family farm/ranch operation in SD; it requires quite a bit of my time from early May - middle of Oct (our rental period on the property out there); then, I'm here more of the time during the winter and early spring; it's then, that I will be preparing the property for sale
-there are no other family members left to help me

Ms. Moermond:

-asked for a Work Plan on how long it will take to complete the Corrections; I'm looking for a demonstration that you understand the scope and extent of the work that needs to be done
-I want you to be aggressive with some of these things; show me some progress; these are nuisance conditions; if you can do that, I am willing to get you out of the VB Program

Mr. Viktora:

-I will submit that to you
-just to let you know, Lisa & I had agreed that we would touch base by Sep 23, 2016
-the old picket fence has been removed; I have a contract to replace it; I've been told by the fencing people that it may be late Oct-early Nov that the new fence will be up
-the shed that was problematic was a stand along shed on an asphalt apron next to the garage; that shed & contents have been removed
-I have a meeting with someone tomorrow to address my stucco concerns

Ms. Moermond:

-stucco is not actually on the list; it's something that you want to do and go ahead with it
-will put a deadline out: it seems reasonable that these things can be done by Nov 1

Mr. Viktora:

-#5 is done; the shed is done;
-Nov 1st; OK

Ms. Moermond:

-I will forgo a Work Plan and give you a Nov 1 deadline
-if you are living there, you are out of the VB Program

Owner is released from the Vacant Building Program and an extension is given to November 1, 2016 to complete the Correction Notice written by Inspector Lisa Martin.

Referred to the City Council due back on 10/5/2016

- 14 [RLH VBR 16-62](#) Appeal of Noela Suhfor to a Vacant Building Registration Requirement and Fire Inspection Correction Notice at 1007 OXFORD STREET NORTH.

Sponsors: Brendmoen

Noela Suhfor, owner, appeared.

Ms. Moermond:

*-we have a Fire Certificate of Occupancy Inspection
-and the Vacant Building registration*

Fire Inspector Leanna Shaff:

-on Jun 30, 2016, our office received a complaint about a possible gross & unsanitary and possible Vacant Building; Inspector Huseby went out and her notes say that the front porch was full of personal items, household items; door window shows more of the same; the lawn was unmowed; no one answer the door; she contacted St. Paul Regional Water Services for usage and found that 3 units were used from Jan to Apr 2016 and that little of usage would indicate that no one lives there; she writes: "It appears vacant; storage of combustibles; all secured; schedule for Fire C of O inspection to gain access"

-her notes go on to say that in the Fire C of O inspection on 11-5-16, she was not able to get in; she contacted the property manager, who stated that the property is used as an office

*-on 7-8-16, the property owner, Alexander O Bassey-Black, contacted her indicating that the person who had the property on a Contract for Deed, defaulted and now, there was a new owner but the new owner doesn't want to file with Ramsey County; she told him that if the house were non-owner occupied, it would need an inspection
-she sent letters to each address*

-there were some requests from the owner to reschedule

-on 8-22-16, the property owner allowed access for inspection

-there are a lot of Orders; looks like there's been some work done without permits or expired permits; house roof is in bad shape; garage roof needs to be maintained; windows & furnace installed without permits; plumbing done without permits

-basically, Orders go with the house; there's been a lot of change of title & ownership

-Ms. Suhfor was finally changed with Ramsey County Jul 30, 2016 but her address reads: PO Box 1681, Maple Grove, MN 55311-6681

Ms. Suhfor: (she is speaking so softly, I cannot understand her)

-my address is PO Box 1428, Maple Grove MN

Ms. Moermond:

-on your C of O form, it's listed as PO Box 1681

-and on your appeal, you list it as PO Box 1681

Ms. Shaff:

-on the C of O form, the responsible party is Ms. Suhfor, PO BOX 1681, Maple Grove; and that Alexander O Bassey Black is at PO BOX 76098 in St. Paul

Ms. Suhfor:

-I bought this on a Contract for Deed and am living here at 1009 Oxford St, St. Paul

-the reason why the address is Maple Grove is that I was pregnant and living with the baby's dad in Maple Grove; had the baby 2 1/2 months ago

-the plan is to move down here in a few months

-I registered with the county (county shows her mailing address as PO Box 1681,

Maple Grove)

Ms. Shaff:

-that, along with deferred maintenance, work being done with no permits and no water usage - all gave indication that it was not owner-occupied

Inspector Matt Dornfeld, Vacant Buildings:

-the referral from Fire and neighborhood complaints: 6-30-16-"ongoing problems-house has been vacant for a couple of years; a truck keeps coming by every so often and unloads boxes and garbage bags full of stuff; the porch is loaded up to the ceiling and house; property has been reported numerous times for snow removal and most recently, grass cutting; I can almost guess it's infested with rodents; unkempt & abandoned; I do not want or need a mouse & rat haven near me; something needs to be done; I'm sure there will be numerous code violations, whether health or city ordinance"

-2nd complaint came in 8-18-16-"there's a house full of junk; you see people bringing stuff to the house but never taking anything out; inside, the house is filled with trash; there's an RV outside and people sometimes live in there; the roof is falling off and siding; this house is in poor condition; would like it cleaned up; clean/fixed up; I do not want to live by this house; thanks"

-after those complaints, code inspector went out but has no real documentation of the house being vacant but none the less said that there was no answer at the door; she conversed with Fire Inspection and both agreed to sent it to Vacant Buildings

-at that time, Inspector Kalis, VB, went out Aug 25, 2016 and opened a VB file; in his notes, he documented that the house appeared occupied; although he did not make contact with any responsible party; I spoke with Insp. Kalis this morning (he could have been thrown off by the clutter/furnishing inside the house) and he felt that it had the appearance of being occupied

-due to the exterior violations and the possible vacancy; also not being maintained, we made it a Category 2 VB

Ms. Suhfor:

-we are fixing something all the time, it's not vacant; the inside is great; we don't sleep there every night

-I just bought the house and anything that is not up to code, I will fix; the roof looks bad but it's not leaking anywhere so, I wasn't going to fix right away

Ms. Moermond:

-I'm troubled that you say you are eating lunch there but not sleeping there every night and not living there; it's sounding like a VB to me

Ms. Suhfor:

-but that was just because I just had a baby

Ms. Moermond:

-you haven't lived there for months; you've been with your baby's dad in Maple Grove

-are you actually moving there?

Ms. Suhfor:

-I am going to be moving; just waiting for in Nov

-I went there with the inspector to take pictures; the roof is not leaking; it looks great on one side; the other side is curling

-I have not had a plumber there

Ms. Moermond:

-I need pictures; I won't do anything right now

-Orders say that new plumbing was installed without a permit
-I'm not so much concerned about the VB at this time; I'm concerned about getting these things addressed
-will Lay this Over for 2 weeks
-with a new baby, things need to be properly vented; when things aren't properly vented, sewer gases back-up into the house; need a plumbing permit
-you won't need a Fire Certificate of Occupancy form; not renting it out
-let's get some pictures taken
-talk to some people you trust
-de-clutter the porch; mow the lawn; etc.
-enforcement is stayed during the appeal

Ms. Shaff:

-Fire Inspector Neis will be staffing the LH on Sep 27

Need Inspector Huseby to go back and take photos for September 27 hearing.

Laid Over to the Legislative Hearings due back on 9/27/2016

15 [RLH VBR 16-61](#)

Appeal of Linda Johnson to a Vacant Building Registration Notice and Summary Abatement Order at 1069 RYDE STREET.

Sponsors: Brendmoen

Linda Johnson, owner, appeared along with David Welliver, Elder, at Mission Orthodox Presbyterian Church, St. Paul; and Sam Manning, Attorney, Southern Minnesota Regional Legal Services (SMRLS), representing Ms. Johnson.

Inspector Matt Dornfeld, Vacant Buildings:

-Jul 29, 2016 Code Enforcement received a complaint about possible gross & unsanitary conditions at 1069 Ryde Street

-Aug 2, 2016 Inspector John Ross visited the property and documented that there was no answer at the home; he sent an appointment letter to inspect the interior of the property on Aug 10, 2016; on that date, a neighbor called & stated that he as asked by the property owner, Ms. Linda Johnson, to call and let us know that she is on vacation until the end of the month, so would not be able to meet for the inspection; Inspector Ross changed that inspection date to Aug 30, 2016; on that date, DSI received an email from our call center regarding vulnerable adults, who were mentally challenged with no functioning bathroom and unsanitary conditions; the email reads as follows:

"I talked to someone who was inside the house yesterday; there is no functioning bathroom, no toilet; and couldn't see the kitchen sink because of clutter; I called the Water Dept and the water is on; the bill is on auto pay; the caller feels that these are vulnerable adults and mentally challenged and said that the entire house is in bad shape; caller does not want to be involved but said that the owners are not capable of maintaining the property" (Aug 30, 2016)

-Inspector Martin went to the property to follow-up on that email and Inspector Ross' appointment letters; her notes read as follows:

"Upon arrival, I noticed the front door to the home open with a lock box in the toilet in the yard" (photos); she noted, "Unknown if occupants abandoned the home or needed medical attention; called SPPD to assist" case number: 16-175201; the home was entered by SPPD and Inspector Martin; home appeared abandoned; it was in gross unsanitary condition; there was not a working bathroom and obviously, the front door was unsecured; she called Code Enf manager Steve Magner, who advised to send it immediately to the Vacant Building Program

-Aug 31, 2016 per Mr. Magner's advice, Inspector Mike Kalis opened a Category 2 VB and issued a Summary Abatement to clean up the yard area and to secure the

front door

-as of Sep 6, 2016 Inspector Kalis documented that the yard had been cleaned-up and the house was secured

Mr. Welliver:

-Stephon, Linda's husband, had visited us right before Labor Day to ask to talk to someone about this

Ms. Johnson:

-my husband & I live in the house

Ms. Moermond:

-has photos from Aug 31, 2016; the conditions are serious

-recent photos show improvement but there is still a long row to hoe

Mr. Manning:

-we are here today to request that the house be removed from the VB Building list; currently, Ms. Johnson is homeless because she hasn't found an affordable place to stay; she is spending her nights at the library at the U of M where she is a student

Ms. Johnson:

-my husband has a night job

Mr. Manning:

-in short, our position is that the most hazardous conditions that existed at the time of the inspection that were the cause of the Condemnation Order being issued, have been dealt with by members of Ms. Johnson's church; they volunteered their time to take care of the toilet issue and installed CO & smoke detectors; and took care of everything indicated in the principal violation

-I spoke with the inspector this morning; he indicated that there are further issues that were brought up by a Truth In Sale of Housing Inspection (TISH) that was done on Aug 30, 2016; I reviewed it shortly this am; a couple of these violations, while they might be below minimum code, they don't indicate a "hazard" that would justify them being kicked out of the house

-we are asking that they be allowed back into their home and continue to comply with any other code violations that may exist

-I think that a good solution might be to rescind the Condemnation Order and have an inspector come out and issue them a comprehensive list of what else needs to be done and a timeline within to have it done

Ms. Moermond:

-is there a plumbing permit that has been pulled?

Mr. Dornfeld:

-no, there is not

Ms. Moermond:

-I want to have some assurance that the work that was done is code compliant; I need to ask you to pull a plumbing permit to get that work confirmed in the bathroom; also, there's tile off the wall and that means that there's already been water infiltration

Ms. Shaff:

-that tub & wall needs to be properly done & sealed; needs a building permit and a plumbing permit

-the toilet requires a permit; all this work requires a permit (the toilet is hooked up)

-the plumbing code requires that the toilet is caulked to the floor

Ms. Moermond:

-has the wood around the toilet rot out?

-wants to get you back into your house once the bathroom works

Mr. Welliver:

-we spoke with Stephon on Sun, Sep 4 about the bathroom; he didn't have any paperwork and English is his second language so, we were trying to understand what was going on; what I did understand was that he had been receiving some Notices about some problems with the house and he was worried that he would have to leave his house by Sep 6, 2016; then, we had him bring the paperwork to us; and my wife, Amanda Welliver, works at Neighbor Works, Home Partners on Date Street; they are very involved with housing matters; we went thru the paper work & went to assess the house but there was no one at the city on Mon, Labor Day, who we could call; we had to make a decision on how to triage this situation and restore it to a point where it does meet the conditions as a starting point of the Order; we gathered a crew of 5 people for Mon; had a person with plumbing experience; a person with cleaning experience and folks who wanted to work with Linda and Stephon out of love to try to help with this situation

-we put in a new subfloor (plywood) in the bathroom, which made a lot more stable with no holes; used some concrete flooring to help even it out; then, we put down the vinyl and installed the toilet and wax seal to get the toilet working again, which was our goal and we met that goal; we did not see this as a permanent solution but a solution that would allow them to stay in their home; now, we can work with them to help them get the services that they need, both from a health standpoint and a home rehabilitation standpoint

-on Tue, Amanda reached out to SMRLS and spoke with Sam to help out with this process

-we are here to support in any way possible to get them back into their home and to insure that these improvements are made; also, connecting them to resources

Ms. Moermond:

-we do need to have a plumbing inspector to sign off on a hand sink, the bathtub and the toilet; they need to be sealed in; I would like to see those permits pulled; as soon as we get a plumbing inspector to sign off that these are working; she is comfortable with the Orders being converted to Correction Orders for the house

-in terms of being in the VB Program, we are working that right now so that you are not in the VB Program

-I will grant a 90-day waiver on the VB fee; and you'll be able to pull permits (bldg & plumbing)

-Inspector Martin will work with you on other things that are needed to make it safer and better

Ms. Shaff:

-guessing that the grout around the tiles is deteriorating and there's possibly water damage behind all of the tile; the wall needs to be checked

Ms. Moermond:

-is that something that can be converted to a Correction Order?

-one of the construction people can make an assessment about that wall; is it rotted out?

-the house can continue to be occupied while the wall is being fixed, as long as the gross unsanitary condition is abated, the plumbing fixtures working and the appropriate CO & smoke detectors

Ms. Shaff:

-they probably won't get a plumbing final until the wall is totally fixed first so that all the plumbing fixtures can be sealed appropriately and they can't be sealed until the wall is done right (or problems down the road will very likely occur)

Mr. Welliver:

-help them back into their home without delay will help immensely the process of getting the bathroom totally fixed

Mr. Dornfeld:

-we also have to take into consideration the liability of it - putting them back into the home - with anything that could go wrong with something that's not up to code - and if there's an injury, we have our hands full

Ms. Moermond:

-let's get that plumbing permit rolling

Ms. Shaff:

-that will require a licensed plumbing & heating contractor to do that

Ms. Moermond:

-I need those 3 bathroom fixtures functioning & signed off on

-I want to talk to the city's senior plumbing inspector and let him know

-I need to have a time certain when things get wrapped up

-you need assistance like from Neighbor Works to help you find money, contractors, etc

-the goal now is to make it habitable

Waive the vacant building fee for 90 days and allow permits to be pulled. A plumbing permit is required for the hand sink, toilet and tub issues. Once the permit is signed off, vacant building status will be closed and owners may occupy the home and work with Inspector Lisa Martin to make repairs to other violations.

Referred to the City Council due back on 10/5/2016

16 [RLH VBR 16-57](#)

Appeal of Thomas Krebsbach to a Vacant Building Registration Renewal Notice at 1389 UNIVERSITY AVENUE WEST.

Sponsors: Stark

Thomas Krebsbach, Krebsbach Properties, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

-this is the old Midway Chevy property; has been a registered Vacant Building since Sep 20, 2011

-permits are currently open; rehab on-going

-soon, there will be a tenant there

-here to discuss 2016-17 VB fee that's due Sep 20 of this month

Mr. Krebsbach:

-appealing the \$2000 empty building fee; it's been hard enough paying it for the last 6 years but we have a tenant moving in; I have a lease; it's a 15-year lease; they move in Dec 10, 2016

-we've spent \$3M on the bldg and it will be a marvelous improvement to University Ave

-this fee is due the end of Sep and they'll be moving in 3 months later; I think that it's unfair to charge me for 3 months

-the roof is just about complete; the rest starts this week

Ms. Moermond:

-will grant a 90-day VB fee waiver for 90 days; if it's still a VB at 90 days, it will turn into an assessment and you'll get a letter in the mail proposing the assessment; with that letter there will be a post card that you should send in to set up a hearing; I will be happy to prorate at that time to get it lower

-I'll give you the 3 months that you think you need

Mr. Krebsbach:

-when does that 3 months start?

Mr. Dornfeld:

-Sep 20, 2016

Mr. Krebsbach:

-how about Oct 1? because we've run into all kinds of delays from the city; they already delayed us a month; otherwise, we would have easily been in there by Nov 1, 2016 but the city engineer held it up

Mr. Dornfeld:

-let's communicate around Dec 20 and we'll see where you're at - and go from there

Ms. Moermond:

Waive the VB fee for 90 days.

Referred to the City Council due back on 10/5/2016

17 [RLH VBR 16-59](#)

Appeal of Wayne Berger to a Vacant Building Registration Notice at 407 WHEELLOCK PARKWAY WEST.

Sponsors: Brendmoen

Wayne Berger appeared representing the estate of Evelyn A Berger.

Fire Inspector Leanna Shaff:

-this inspection was conducted by Fire Inspector A J Neis

-read some of his notes: on Aug 5, 2016 he was called by SPPD FORCE unit to assist Roseville PD on a search warrant; they state that the home was a gross unsanitary; he requested permission from the tenant to make entry and was given that permission; he say, "The smell inside the home from urine & feces, especially in one of the bedrooms was so foul that I almost threw-up; there was meth by the torch in the basement; it appeared they may have been doing some type of operation;"

-Inspector Neis wrote combination Orders: Unfit for Human Habitation/Order to Vacate; included in those Orders are a gross unsanitary; lack of smoke alarms; illegal use of gas fueled appliance; evidence of cooking meth amphetamines - pretty serious Orders

-added that it's just not so simple, at this point, as to get off the Vacant Building list and just sell it; there are all sorts of requirements that go into having a house tested for any part of a meth-amphetamine operation and abating the issue

Inspector Matt Dornfeld, Vacant Buildings:

-on Aug 9, 2016, Inspector Mike Kalis opened a Category 2 VB per Inspector Shaff's testimony

Mr. Berger:

-this house is part of my mother, Evelyn's estate; my brother, Roy Berger, had been

living in this house for over 20 years

-we did have a Purchase Agreement for the house and were supposed to close on the house Aug 3, 2016 - Contract for Deed.. the buyer was Andrew & Kevin Olson

Ms. Shaff:

-interjected that Kevin Olson was the tenant who gave Inspector Neis permission to enter the house

Mr. Berger:

-I was out of the country; what I was told was that they have a dog that was having puppies in the bedroom and there was urine smell from the dogs; I've been there since and I don't see it or smell it; the place has been somewhat cleaned

-hoping to have the report; they came in last Wed; I just got an email from them; should get lab results tomorrow for meth tests; no one is going into the house right now

-I'm going in to fix/unlock the windows-going in very little

-there were things that I wanted to do before it got cold so that I could put it up for sale again

-all depends on the results of the BayWest test (?) whether we can have the Condemnation lifted; I've talked to both Adrian and Mike Kalis on the phone; I know what to do when I get the report back

-the property has never been rental property; my mother lived there until we decided to sell it

-the property is still in my mother's name; it's part of the estate; my brother & I are representatives of the estate; she had a will

Ms. Moermond:

-so, this property will pass to both me and my brother

-there's still some work to be done to get the title into your name

Mr. Berger:

-I don't think that there's an intent to put it into our names

Ms. Moermond:

-you mother can't sell the property on her own; prior to selling the house, it must be in your names; I'm sure that you have attorneys to work thru this process with you

Mr. Berger:

-my attorney had all the paperwork ready for the closing on Aug 3, 2016 but that didn't happened

-I went out of the country Aug 6 and was gone for 2 weeks; we had our mail held (all my mother's mail comes to my house); it was quite a shock when I found out about this the latter part of Aug

-I was hoping to re-do the closing when I got back but circumstances.....

-both Adrian and Mike suggested that I appeal

Ms. Moermond:

-this house should be in the VB Program; it has multiple major code violations

-that means that in order for you to sell the house, you will need to get a code compliance inspection report

-and, from her understanding, a finding of meth manufacturing in the home is a matter of disclosure and it will effect the price of the property but it's not something that I can have anything to do with at this level and it wouldn't be handled in the code compliance inspection report

Mr. Berger:

-believes that the meth has been exaggerated; they didn't find any beakers, files or any raw materials; supposedly, they found a bag of meth and torch locked in a vice that he supposedly was using to heat up a ball on a hitch to loosen it; I don't think that there's any real connection to meth manufacture

Ms. Moermond:

*-I'm see poop in every single room (photos); and tissues that are yellow in every single room; the photos are also online
-it makes sense that SPPD called the inspectors who deal with rental property because the name of the owner, your mother, is not the same as the name of the occupants; and that's what they look at
-at this point, if the Council were to say that it doesn't need to be in the VB Program, which I highly suspect will not happen, these Orders should be transferred to owner-occupied code enforcement staff; the city will follow up on these Orders either way
-go ahead and order the code compliance inspection (they are usually 3 weeks out); that inspection report will be one of the 2 things that you'll need in order to sell the property; the other is the lab report*

Mr. Dornfeld:

*-you can sell the house "as is" without doing the rehab; you just need to disclose the inspection report
-any prospective buyer must go thru our City Sale Review process*

Ms. Moermond:

*-if the test comes back negative & meth is no longer a concern, no disclosure should be necessary
-for us, because it's a registered Cat 2 VB, you need to disclose what's in the inspection report
-I am hesitant on doing the standard 90-day VB fee waiver
-you will be allowed to pull permits
-the VB fee will become an assessment onto the property; but, it is also appealable and can be prorated
-let's put a note into the file about the meth report*

Deny the appeal but allow permits to be pulled; Owner needs to order a code compliance inspection and pending the outcome of the meth test results, trade inspectors will not inspect the property.

Referred to the City Council due back on 10/5/2016