



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
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651-266-8585

Tuesday, January 10, 2017

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 15-13](#) Ordering the razing and removal of the structures at 870 FULLER AVENUE within fifteen (15) days after the June 3, 2015, City Council Public Hearing. (Amend to raze or remove within 90 days)

Sponsors: Thao

No one appeared.

Ms. Moermond:

-the most recent email I received from Greg Finzell said that he had talked with E Diane Smith's attorney, Laura Krenz, Lindquist & Venum, whom they had worked with earlier; and she did not think that it would be her role to work on any affidavit indicating that they E Diane Smith's family would be walking on the property

Team Manager Steve Magner:

-2014 was the 1st year of delinquency and it was owner-occupied
-it used to be 6 years for owner-occupied property before it went to the county

Ms. Moermond:

-it is in our notes somewhere
-asked if the city was doing anything to maintain the property at this time

Mr. Magner:

-we took care of tall grass & weeds in Oct 2016; cleaned the yard in Sep 2016; cut the grass in Jul 2016; did some graffiti; again we cut the grass; shoveled the sidewalk in Feb 2016; garbage clean-up in 2015 & TGW
-since it's gone to hearings in May 2015, we've done 11 Work Orders
-I see no recourse except to do a Repair/Remove Resolution

Ms. Moermond:

-I don't either
-if it goes to the county in 2018, there's still a 1 year redemption time period that they're going to need to deal with, which takes us to 2019
-there's been absolutely no action on this since 2014
-we've had nonprofits; we've heard from Greg Finzell, Rondo Land Trust, that E Diane Smith & her daughter moved to Texas where the brother lives; so, we don't have any of the owners here in town anymore to work with

-will recommend to the Council that they order the building(s) removed within 90 days with no option for rehabilitation

Remove the building within 90 days with no option for repair.

Referred to the City Council due back on 2/1/2017

2 RLH RR 17-1

Ordering the razing and removal of the structures at 1112 ROSE AVENUE EAST within fifteen (15) days after the February 1, 2017, City Council Public Hearing.

Sponsors: Bostrom

No one appeared.

Team Manager Steve Magner:

-The building is a one-and-one-half story, wood frame, single-family dwelling, with a detached one-stall garage, on a lot of 4,792 square feet. According to our files, it has been a vacant building since October 17, 2013.

-The current property owner is Mary C. Reis per AMANDA and Ramsey County Property records.

-On November 2, 2016 an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on November 10, 2016 with a compliance date of December 9, 2016. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.

-Taxation has placed an estimated market value of \$9,900 on the land and \$50,100 on the building.

-Real estate taxes are current.

-The Vacant Building registration fees were paid by assessment November 2, 2016.

-As of January 9, 2017, a Code Compliance Inspection has not been done.

-As of January 9, 2017, the \$5,000 performance deposit has not been posted.

-There have been seventeen (17) SUMMARY ABATEMENT NOTICES since 2013.

-There have been twenty-two (22) WORK ORDERS issued for:

- Garbage/rubbish*
- Boarding/securing*
- Grass/weeds*
- Snow/ice*

-Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish is \$12,000 to \$15,000.

-DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days; if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Ms. Moermond:

-I have a question on the Notice; the current property owner is Mary Ries; the address we have for her on St. Peter in Apt 208 but when personal service was attempted, she was not found

-also listed on the Order to Abate a Nuisance Bldg is National City Mortgage - what's the story there?

Mr. Magner:

-there's a mortgage executed by Mary C Ries, a single person, in favor of PNC Mortgage Corporation dated

Dec 30, 1993, filed Jan 10, 1994 for the original amount of \$59,379; I'm assuming

that there might be something left on that mortgage, although small

Ms. Moermond:

-has someone been squatting here? there are lots of boarding & securing Orders (scattered garbage in yard)

Ms. Magner:

-I'm not seeing that in the notes; was secured in 2012; had more recent activity in 2015 - found open in Jun 2015 - doors kicked in (bldg is vacant; front door open; garage door is missing panel); people were entering; SPPD was called in Oct 2016

Ms. Moermond:

-no one is here

-the city has been maintaining the property since it became a Reg VB in 2013

-will recommend removing within 15 days; no option for rehab

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

Referred to the City Council due back on 2/1/2017

3 RLH RR 17-2

Ordering the rehabilitation or razing and removal of the structures at 865 YORK AVENUE within fifteen (15) days after the February 1, 2017, City Council Public Hearing. (To be referred back to Legislative Hearing on February 7)

Sponsors: Bostrom

Greta Bjerkness, Wilford, Getzke & Cook, appeared on behalf of Ocwen Loan Servicing LLC.

Team Manager Steve Magner:

-The building is a two-story, wood frame, multi-unit dwelling, with a detached two-stall garage, on a lot of 4,792 square feet. According to our files, it has been a vacant building since December 5, 2012 due to a fire.

-The current property owner is Edward D. Bertges (deceased) per AMANDA and Ramsey County Property records. A Sheriff's Sale occurred on December 5, 2016 with Ocwen Loan Servicing, LLC now holding the sheriff's certificate of sale to the property subject to a six-month redemption period.

-On October 19, 2016 an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on November 3, 2016 with a compliance date of December 3, 2016. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.

-Taxation has placed an estimated market value of \$7,000 on the land and \$43,000 on the building.

-Real estate taxes are current.

-The Vacant Building registration fees were paid by assessment December 30, 2016.

-As of January 9, 2017, a Code Compliance Inspection has not been done.

-As of January 9, 2017, the \$5,000 performance deposit has not been posted.

-There have been twenty-six (26) SUMMARY ABATEMENT NOTICES since 2012.

-There have been twenty (20) WORK ORDERS issued for:

-Garbage/rubbish

-Boarding/securing

-Grass/weeds

-Snow/ice

-Code Enforcement Officers estimate the cost to repair this structure exceeds

\$50,000. The estimated cost to demolish exceeds \$15,000.

-DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days; if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Ms. Moermond:

-wants to get a copy of the Fire Report & photos from 2012

Mr. Magner:

-we requested that from the Fire Dept yesterday; they have not yet answered that inquiry

-I can call the fire marshal

Ms. Bjerkness:

-Ocwen Loan Servicing was high bidder at the sale last month; they have just recently retained me to obtain a code compliance inspection report; I have the application & a check with me today

-they are interested in the results of the code compliance inspection before making any determination, especially because the property is still in redemption

-Mr. Bertges is deceased but he does have an active probate; I've been trying to get in touch with the probate attorney but all my inquiries have gone unanswered

Mr. Magner:

-which could send a message in itself; if there tends not to be anything there for probate or the probate is not continuing, the representing firm is not going to spend any more money because

Ms. Bjerkness:

-and the property certainly does not have any equity that probate would be interested in

-our bid amount: \$66,292, significantly less than the debt owed

Mr. Magner:

-the original amount was \$94,250 in Nov 2009

Mr. Magner:

-this is a triplex; legal nonconforming 3-unit bldg in RT-1

Ms. Moermond:

-so, if it were to be rehabbed (more than 1 year has elapsed since it was used as a triplex), it would have to go down to a duplex

Ms. Magner:

-many times, those 3rd units were scabbed in; they weren't built originally

-when you apply for the code compliance insp, talk with Reid Soley at DSI to figure out what is the easiest way to do the rehab; Reid can talk to a zoning specialist about this issue, specifically; some research may be involved; code compl insp for a duplex is \$500+

-if possible, contact Reid Soley today

Ms. Moermond:

-you need to plan to de-converting it to at least, a duplex

-from report, it sounds like the 2nd floor was not damaged too much at all in the fire

-to Mai Vang, ask Fire to send photos, as well

-estimating damage is \$70,000; and it's hard to say what the weather has done in

damage; probably all the walls need to be replaced

Mr. Magner:

-it looks like maybe some of the copper has been stripped out

Ms. Moermond:

-I will ask Steve Ubl if he can expedite the code compliance inspection report on this; in the meantime, your client can get contractors to estimate what the work will cost

-get the code compliance inspection report ordered

-post \$5000 performance deposit

-if you do those things within the next 2 weeks, at City Council on Feb 1, 2017, I will ask them to Lay the matter Over for 2 weeks

-I'd like to see you again with plans sketched out at the Feb 7, 2017 LH

-I recognize that you won't be able to do any of the work until the beginning of Jun (when redemption period ends); so, at this point, a show of good faith would be to demonstrate that you have your plans together and will be ready to move forward when that time comes; I am understanding that they could not take action and so, in the Resolution, it will deal with the fact that there needs to be an extension on that performance deposit, if you guys choose to go forward with the rehab; if you choose not to go forward with the rehab, then, a written request to DSI will get you the \$5000 refunded

-when we get those fire photos, we will email them to you; you can also check our records

To be referred back to Legislative Hearing on February 7. Owner to post a \$5,000 performance deposit and obtain a code compliance inspection by January 24 based on single-family or duplex approval by Zoning. At that time, she will be looking for a sworn construction statement or work plan, with timelines.

Referred to the City Council due back on 2/1/2017

Other

- 4 **RLH OA 17-2** Making recommendation to Ramsey County on the application of Nate LaBatt, on behalf of Blue Golds Ventures, for repurchase of tax forfeited property at 445 MOUNT IDA STREET.

Sponsors: Brendmoen

Steve Magner, Code Enforcement and Vacant Buildings Program Manager:

-read the Repurchase application submitted to Ramsey County (attached)

-it says the circumstance that led to the forfeiture of the property was that the property was purchased thru an estate and the documents were delivered to the old owner; we missed the deadline and we didn't know it was due. We are willing and able to pay (submitted by Nate LaBatt, Blue Golds Ventures, Mpls)

-Letter from Ramsey Co says:

The property was sold to Blue Golds Ventures by the special administrator of the estate for Bonnie Nadeau on Feb 23, 2016; however, the deed was not recorded until after the property forfeited. It forfeited to the State of MN on Aug 2, 2016 and the deed was submitted to the Recorder's Office on Oct 24, 2016. The property is a VB and was undergoing renovations prior to the forfeiture. The amount of delinquent taxes owed on the property at the time of the forfeiture was \$11,075.08.

-it's kind of unusual that a closing company wouldn't have known that there were back taxes or that an attorney wasn't involved

Ms. Moermond:

-asked if there was an Order on the retaining wall; it's noted in Aug 2016 that the wall is 25 degrees out of plumb

Mr. Magner:

-they applied for a code compliance inspection in Apr 2016
-#32 on the code compliance inspection report: "Replace front retaining wall"
-interesting that they didn't try to record this
-during their ownership, there isn't any police activity
-obviously, he tried to repair it
-I'm not seeing anything in the record that would prevent them from moving forward with the repurchase

Ms. Moermond:

-our Resolution will indicate that we support their application for repurchase

Approve the repurchase.

Referred to the City Council due back on 2/1/2017

5 [RLH OA 17-1](#)

Making recommendation to Ramsey County on the application of William Jansen and Wendy Wenzel for repurchase of tax forfeited property at 677 THOMAS AVENUE, also known as 610 SAINT ALBANS STREET NORTH.

Sponsors: Thao

Team Manager Steve Magner:

-677 Thomas Ave / 610 St Albans St N
-applicant names: William Jansen and Wendy Wenzel
-read Repurchase letter (attached)
-we live at 677 Thomas; we own a house & a duplex on the same lot
-we started having money troubles after the city kicked our nephew out of 617 St Albans; at that time, we lost that income; and our other tenants would not pay the rent on time or give us all of the rent money at the same time; we also had our home homesteaded & someone took that off without our permission; our taxes were \$1200 a year; we always made enough money for the taxes & the other things we needed; in 2006-2007, they took us off & our taxes just got higher & higher; we then had interest & penalty; it made everything go up; our house should never have been taken off; if we got our house back, we would never let that happen again; we feel like we are being treated unfair; we are not criminals; I have never had a police record as an adult or a kid; we are very quiet people; we don't have much company; we don't have police coming to our house; we just keep it to ourselves; my mom comes over every Sun to have dinner but she is the only person we see a lot; so please don't make us move; we have nowhere to go; we will be out on the street; my dogs would have to be put down & they're the only children that I have; Thank you for St. Paul Intervention Project; we also have a family friend who is going to co-sign for back taxes; she is an advocate for human services & is providing us with resources
-letter from the County:
-so, we have 2 houses on 1 lot (677 Thomas, an occupied duplex & 610 St. Albans, a vacant single family house); forfeited Aug 2, 2016
-Ms. Wenzel & Mr. Williams originally lived at 610 St. Albans; prior to 2008, they moved into 677 Thomas Ave; the Homestead Dept noticed that the couples' mailing address did not match their previously listed property address on their homestead application; the Homestead Dept asked for clarification; no response was received, therefore, the homestead classification was removed from the property; the amount of delinquent taxes owed on the property at the time of forfeiture was \$21, 557.09.

Ms. Moermond:

-let's Lay this one over for 2 weeks; there is a significant history; they have lived in both addresses on this parcel; one of which was an extremely problem house (the one with the nephew living there; some criminal behaviors); their own place had significant code violations

Laid Over to the Legislative Hearings due back on 1/24/2017

11:00 a.m. Hearings

Summary Abatement Orders

- 6 [RLH SAO 17-1](#) Appeal of Patrick M. Hill to a Vehicle Abatement Order at 873 HAWTHORNE AVENUE EAST.

Sponsors: Bostrom

Inspector confirmed the vehicle was gone when rechecked. Appeal withdrawn.

Withdrawn

Correction Orders

- 7 [RLH CO 17-3](#) Appeal of Charmayne Jones to a Correction Notice at 386 MAPLE STREET.

Sponsors: Prince

Inspector has given owner extension to May 31, 2017. However, Legislative Hearing has amended the extension to July 1, 2017 for compliance.

Withdrawn

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 8 [RLH VO 17-1](#) Appeal of Omobolaji Shadrack to a Fire Certificate of Occupancy Revocation and Order to Vacate at 2251-53 GLENRIDGE AVENUE.

Sponsors: Prince

Omobolaji Shadrack, owner, appeared.

Nhia Vang, Legislative Hearing Officer.

Fire Supervisor A J Neis:

-Revocation of the Fire Certificate of Occupancy by Fire Inspector Joe Brown for noncompliance

-inspector has not been able to gain access at times (owner hasn't shown up or the tenants haven't allowed the inspector to come in for the inspection)

-vacate date is Jan 25, 2016 if the work is not completed

-we just want to owner to comply within a reasonable amount of time without any

excuses

-this is a side-by-side duplex

Mr. Shadrack:

-is appealing for more time

-has taken class Landlords 101; has an understanding of what is expected of landlords; however, in the process of working with people, you discover that other people want to assert their rights where those rights don't exist

-I have been trying to get tenants to comply; before this inspection, I went to the property & I did everything that I knew the city wanted me to do; however, the children of the tenant who lives in 2253 are fond of unscrewing the outlet face plates and the window cranks; I've spoken to the mom but sometimes she's not available; most of the time she's not there; the grandma is there & she's an amputee - limited to what she can do

-both the grandma and the mom's names are on the lease

Ms. Nhia Vang:

-what has been the difficulty in forcing the lease agreement?

Mr. Shadrack:

-she tells me that I can't tell her how to clean the house or how to live; she has the right to live the way she wants

-they have a pro bono lawyer & when I saw that I had to hire an attorney, too; we are now working together to figure out how she will comply or be evicted

-my attorney said that I should file an appeal & come here; the city is out to protect our interests

-I told her that either she leaves or she complies with what the city wants

-as a landlord, I don't think that I should have to pick up after the tenants; the basement is full of clothes on the floor; I told her that I cannot come & clean her house

-the tenant in 2251 has complied; she brought in her own laundry machines; I told them that they need to get a qualified person to install them

Mr. A J Neis:

-it's not required for the owner to provide a washer/dryer unless it's in the lease; but if he is going to provide them, then, he is required to have them installed properly

-if the tenant owns the machines, then, it's the tenant's responsibility to have them installed correctly

Mr. Shadrack:

-if you look at the list, it's all tenants stuff

-I'm going to call a qualified professional to install the dryer vent in 2251 properly as soon as I leave

Ms. Nhia Vang:

-how will you enforce ... if the tenants fail to comply again?

-there's a lot that you can do within your authority to enforce a lease

Mr. Shadrack:

-if a tenant doesn't comply, if things aren't done, I will evict

-2251 (dryer exhaust & window cranks) - I will finish in 2 weeks

Ms. Nhia Vang:

-I will grant an extension of 2 weeks for 2251

-let' move to 2253; there's a lot going on here (dryer exhaust; window cranks; kitchen; carpeting; electrical copper plates; etc.); have you been able to gain access to that

property?

-about 3 months have gone by - what's going on?

Mr. Shadrack:

-the mom is avoiding me; every time I go there, I always meet the grandma, who's an amputee & I've told her twice that this is what the city expects to be done; I want both women to be there

-I want to make it an eviction because every time I fix the cranks, etc, they are always off again

Ms. Nhia Vang:

-how many times has she violated the lease agreement?

Mr. Shadrack:

-I went to evict the first time when she installed a swimming pool in the yard; I told her that she can't have that; she called the city; the city inspector told her that she could have it; then, I added that to my reason for her eviction and non payment of rent; then, SMRLS paid her rent and all the rest started

Ms. Nhia Vang:

-if you don't bring the property into compliance by Jan... ,

Mr. Shadrack:

-she is now trying to make life difficult for the other family living there because they have tried to comply

-the tenant in 2251 told me that she hasn't done the exhaust because she doesn't have the money, so, I'm going to hire someone to do it; tenant in 2251 has not even cleaned the house, the stove, the walls, etc; there's so much that I won't do it for her

Mr. Neis:

-it sounds like, based on what you're saying, is that the tenant is causing the damage, which is why he can never comply

-you can keep repairing, fixing, etc, or find a new tenant

Mr. Shadrack:

-I want to find a new tenant

-give me until the end of Feb & tenant in 2253 will either be evicted or be in compliant

-by mid Feb, we should know all this

-her lease expires either in Aug or Sep; she just moved in recently

Mr. Neis:

-I think that the end of Feb is too long; perhaps, by mid-Feb

-SMRLS will compel them to clean the house

-I'm willing to call SMRLS, too

Ms. Nhia Vang:

-will grant an extension to Feb 15, 2017 to come into compliance with Unit 2253; Jan 24, 2017 for Unit 2251

Grant extension to January 24 for Items 1 and 2 (Unit 2251); grant to February 15, 2017 for compliance to Unit 2253.

Referred to the City Council due back on 2/1/2017

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 9** **RLH FCO 16-212** Appeal of Kimberley Mintel, Angel Properties, to a Fire Inspection Correction Notice at 1123 EDGERTON STREET.
Sponsors: Brendmoen
Staff report to review work plan.
Laid Over to the Legislative Hearings due back on 1/17/2017
- 10** **RLH FCO 17-5** Appeal of Ferdinand and Gisela Peters to a Correction Notice-Complaint Inspection at 1728 HAGUE AVENUE.
Sponsors: Stark
Laid Over to the Legislative Hearings due back on 1/17/2017
- 11** **RLH FCO 17-9** Appeal of Fawn Vo to a Correction Notice-Reinspection Complaint at 913 MARION STREET.
Sponsors: Thao
Laid Over to the Legislative Hearings due back on 1/17/2017
- 12** **RLH FCO 17-6** Appeal of Lon LeVitre for ResCare MN to a Correction Notice - DHS Licensing Inspection at 1585 RICE STREET.
Sponsors: Brendmoen
Laid Over to the Legislative Hearings due back on 1/17/2017

2:30 p.m. Hearings**Vacant Building Registrations**

- 13** [RLH VBR 17-2](#) Appeal of Nancy Day to a Condemnation/Order to Vacate and Vacant Building Registration Requirement at 457 TOWER STREET.
Sponsors: Prince
Laid Over to the Legislative Hearings due back on 1/17/2017
- 14** [RLH VBR 17-4](#) Appeal of Thong Her, Sierra Properties, to a Vacant Building Registration Notice plus Revocation of Fire Certificate of Occupancy and Order to Vacate at 1177 ALBEMARLE STREET.
Sponsors: Brendmoen
Laid Over to the Legislative Hearings due back on 1/24/2017
- 15** **RLH VBR 17-3** Appeal of Anita Alexander to a Vacant Building Registration Notice

and Summary Abatement Order at 541 CENTRAL AVENUE WEST.

Sponsors: Thao

Laid Over to the Legislative Hearings due back on 1/17/2017

- 16 RLH VBR 17-5** Appeal of Kevin Lee to a Vacant Building Registration Renewal Notice at 640 CENTRAL AVENUE WEST.

Sponsors: Thao

Laid Over to the Legislative Hearings due back on 1/17/2017