



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

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

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Tuesday, March 28, 2017

9:00 AM

Room 330 City Hall & Court House

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#### 9:00 a.m. Hearings

##### Remove/Repair Orders

- 1 [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. (Amended to remove within 15 days)

**Sponsors:** Bostrom

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

*Code Enforcement Manager, Steve Magner:*

*-a letter was sent out Feb 16, 2017 to Greta Bjerkness (attached); Mar 17, 2017 was the deadline for submitting: 1) a work plan with time lines for the completion of the rehabilitation of the building; and 2) a notarized bank statement showing the financial wherewithal to complete the rehabilitation of the property.*

*-the owner had already posted the \$5000 performance deposit and applied for the code compliance inspection*

*-this will be on the City Council Public Hearing agenda on Wed, Mar 1, 2017*

*Ms. Moermond:*

*-what do we have for a Work Plan and financials; and what's your client going to do?*

*Ms. Bjerkness:*

*-my client has a bank statement to be signed; it has to be approved by the investor to bring back, which is proving to take a while; they have the document; and I can tell you that they have the funds*

*-the Work Plan seemed like it was on track but then the vendor raised concerns about asbestos; so, they have to have it all cleared of asbestos from a different vendor before their Work Plan vendor will go in; that created a backlog; they didn't want to go in there*

*-the redemption period expires today*

*Mr. Magner:*

*-normally, unless there's really a strange issue, asbestos is usually not a problem to at least go in to create a Work Plan*

Ms. Moermond:

-I have the Fire Report from 2012 & looking at the photos, I'm thinking that maybe the fire exposed asbestos  
-estimated \$80,000 worth of damage in 2012; probably a different number now  
-we can send this back to City Council for a Public Hearing on Apr 19, 2017  
-Ms. Bjerkness, you can talk to me about a Work Plan & the financials on Apr 11, 2017

Ms. Bjerkness:

-I will send in those documents electronically because I know that I will be out of the office on Apr 11

Mr. Magner:

-the VB fee has gone to assessments already

Ms. Moermond:

-if the plans as acceptable & in the range of money we're looking at, OK: if not, I will recommend removal of the bldg

Mr. Magner:

-if your client chooses to remove the structure, we need a signed contract from a demo contractor with the start date; and if you know prior to the City Council date, you can ask for a certain number of days more

Ms. Moermond:

Owner, Ocwen Loan Servicing LLC, needs to provide the following conditions by April 11: 1) a work plan with timelines for the completion of the rehab of the building; and 2) a notarized bank statement showing the financial wherewithal to complete the rehab of the property. If owner decides to proceed with demolition of the building, DSI will need to see a signed contract with a licensed demolition contractor.

**Referred to the City Council due back on 4/19/2017**

## 11:00 a.m. Hearings

### Orders To Vacate, Condemnations and Revocations

- 2     [RLH VO 17-2](#)     Appeal of Bruce Magnuson to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1271 SEMINARY AVENUE.

**Sponsors:**     Stark

*Bruce Magnuson, owner; Darcy Erickson, Attorney, LeVander, Gillen & Miller, P.A.; Lauren Lightner, The House Calls Program, Ramsey County and Lawrence Law, friend, appeared.*

*Steve Magner, Code Enforcement Manager:*

*-update: at the last LH, we extended the Vacate date for another 30 days to allow time to seek avenues for rehab - look for funds; I've had a conversation with PED; they said that they've sent their rehab advisor to the property to go thru it; the paperwork was put together & their estimated rehab cost exceeds the \$25,000 that they have in their standard emergency fund; they are going to seek other avenues for additional funds*

*Ms. Erickson:*

*-estimate came in at about \$35,600*

*Mr. Magner:*

*-shortly after the LH, there was an incident where squads were called to the property because there were other people in the property; West FORCE contacted me & I read them the letter that only Mr. Magnuson was supposed to be at the property; it was never our intent to have anyone other than Mr. Magnuson at the property; unless there's permits or work going on that's listed in the Work Plan, no one else should be there; squads took appropriate action (haven't seen the police report on it)*

*Ms. Moermond:*

*-I see that permits were pulled before the last hearing, Feb 28 (Feb 23 & Feb 27)*

*Mr. Magner:*

*-those permits were pulled by KB Service Co Inc for the mechanical & warm air for the new furnace that was being put through RAP; those permits are not finalized; I brought that to the attention of the bldg official, who said that it's not specific just to this case; it's specific to their practice & their contractor; KB, as with any other contractor, is required to notify DSI after they complete the work to have a final inspection on this work; apparently, they aren't getting that message; so, the bldg official, himself, was going to contact them & work that out; normally, it's the contractor who needs to make that phone call, not the homeowner  
-the problem I'm having is that we need to make sure that this work is done according to the rules & guidelines that are set forth by the state; the state says that you have to do this; it's not an option*

*Ms. Erickson:*

*-I got confused between community action & the city; I asked them to schedule the inspection & they said, "The homeowner usually does it because we don't know his schedule;" I sent an email to Mr. Magner but didn't hear anything back & by the time this circled around, the owner of the company was on vacation for a week; I finally got a call back Fri; he said that someone was trying to schedule it; so, there is an inspection scheduled for tomorrow at 1 pm on the 2 permits that were pulled; I've advised Mr. Magnuson to be home during that time period  
-the bid that was received after the rehab advisor went thru the property exceeds their \$25,000 limit; so, I followed with Neighbor Works & we've had difficulty re-connecting but I do have the loan application for Mr. Magnuson to fill out; the problem that I'm hoping we don't run into is that apparently, there's a common pool of money, CDBG funds; it may be that he can use the \$25,000 from HRA if there's another source of funding or there might be just a larger grant available; we are trying to either layer or get a big enough loan  
-Bruce with LBC Remodeling & Management has a long term relationship with Neighbor Works & he's willing to honor the bid if it's thru a different source  
-there's also an opportunity thru the St. Paul Foundation for the water heater repair & a \$500 grant  
-I spoke with Bruce after the police call & I stressed that no one could be on the property - no guests at all*

*Ms. Moermond:*

*-that's the position I'm taking on it because of the problems that existed even before the first hearing that we had; I think that there needs to be a clean break, a condition of continued occupancy during this time period because we are talking about not enforcing an Order to Vacate*

*Mr. Law:*

*-I go over there to help him out  
-somebody came to the house by cab; it was out of our control  
-no one's been at the place since then  
-I was told that \_\_\_\_ would be coming to check on him; to make sure that he has his personal needs/use*

*Ms. Moermond:*

*-Mr. Magnuson has a social worker, an attorney & other people assisting him; to the extent that you're meeting his needs or helping out, it should be through them, who are his official representatives; I will rely on them; no one should be in there except Mr. Magnuson*

*-Mr. Magnuson, do you have Meals on Wheels? Is that something you could use?*

*Mr. Magnuson:*

*-No; I can go to the store*

*-I can still deliver Meals on Wheels from our church*

*-I can still take care of myself*

*Ms. Moermond:*

*-I think that it's OK if your attorney, social worker go there; they are officially there to help you at your house but I'm not comfortable with other people who don't have an official role - because of the other problems before*

*Mr. Magner:*

*-I think part of the issue was & why our dept went to the extremes that we had to was that when we were there, we were told by Mr. Law that he was, basically, Mr. Magnuson's primary care provider & that the other individuals who were brought there by Mr. Law were also doing this; one person might be doing laundry; one person might be making some food; & another person might be setting up the meds; & although that's great that they want to do those types of charitable items, the problem was that they also decided to do other things while they were there, which created the calls for services; so, if additional care services need to be done, those need to be identified & hopefully, Lauren can help*

*-we need to get the house back to a habitable condition before he can start entertaining again*

*RECESS was taken for consultation at 11:25 am*

*The hearing reconvened at 11:36 am*

*Ms. Lightner:*

*-Elderly Waiver Services - it's funding that Mr. Magnuson would be provided for services, based on how he's doing at home (making his meals or caring for himself, needs of transportation) & his willingness to receive those services; if he qualifies thur Ramsey Co to get that waiver, his food would be, basically, free to him; if he didn't qualify, there are other services, like Meals on Wheels, if he is willing*

*Ms. Moermond:*

*-did contractor Bruce give an idea about how long it would take to do the rehab?*

*Ms. Erickson:*

*-no; we don't have a time frame; I can follow up with that*

*-I have an itemized list of what he plans to do (scanned)*

*Mr. Magner:*

*-we need to make sure that the contractor is looking at all the items that we brought*

*in the Condemnation; the Hearing Officer, ultimately, has to answer to whether that list is inclusive enough & takes care of the all of the items on Condemnation or do we still need to go further & get a Code Compliance Inspection; if we have a chance to review it, I can make an educated response to the hearing officer so that she can make a recommendation*

*-FYI-#2 - when is says "done," the permit needs to be approved & finalized*

*-I think we need to have a conversation with PED*

*-I'd like to see an option to identify items that are under principal violations that could ultimately be moved to other violations if the primary principal violations were taken care of because normally, the emergency money can be accessed more quickly; then, create a strategy to find the additional \$11,600 for the less primary violations, like the exterior or the additional work on the windows; once the primary principal violations are taken care of, we can lift the Condemnation & put the rest of the violations into a Correction Notice*

*Ms. Moermond:*

*-it will probably take 3-4 weeks for PED to process their loan applications*

*Ms. Erickson:*

*-thinks that there may be community organizations that will do some things on a volunteer basis, like painting  
(Brush with Kindness, Metro Paint-a-thon in Aug)*

*Ms. Moermond:*

*-reading the Orders, I'm finding that wall repair is a significant part of the work that needs to be done; painting is the last step*

*Mr. Magner:*

*-plumbing, the furnace, water heater, electrical system, dryer vent, need to remove the basement shower-plumbing venting issue; my impression is that sewer gas is coming in; the basement has holes; part of the problem is that when they open things up, they find other things - the repair list gets bigger*

*Ms. Moermond:*

*-listed more principal items:*

*-water damage - ceiling/wall from a previous roof problem (roof has been replaced)*

*-detective stairs,*

*-#17 - rear deck; upper north balcony has no railing*

*-#2 - #7 - defective stairs, decking, balcony railing*

*Mr. Magner:*

*-if enough can be done with \$25,000, we will take the remaining items & put the rest on a Correction Notice, we can lift the Condemnation & placard & allow occupancy*

*Ms. Moermond:*

*-if you have Neighbor Works going in to do the work with their contractor, it's going to be the most efficient just to have all the violations done*

*-I can put in a call to Neighbor Works to expedite the application*

*-we'll talk again in one month; should have money in place by then*

*-we will continue with "no extra guests" at the property*

*Layover for status of loan application(s) and approval(s), getting the sign-off on mechanical and warm-air permits. Mr. Magnuson can continue to occupy the property during the stay of enforcement but cannot allow guests or other occupants, except approved contractors, social service agencies, inspectors and attorney.*

**Laid Over to the Legislative Hearings due back on 4/25/2017**

**1:30 p.m. Hearings**

**Fire Certificates of Occupancy**

- 3     [RLH FCO 17-31](#)     Appeal of Don Cameron to a Fire Inspection Correction Notice at 669 YORK AVENUE EAST.

**Sponsors:**     Bostrom

**Laid Over** to the Legislative Hearings due back on 4/18/2017