



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
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651-266-8585

Tuesday, July 11, 2017

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 **RLH RR 17-11** Ordering the rehabilitation or razing and removal of the structures at 855 LEXINGTON PARKWAY SOUTH within fifteen (15) days after the June 21, 2017, City Council Public Hearing.

Sponsors: Tolbert

No one appeared.

Steve Magner, Code Enforcement Manager:

-read letter sent May 25, 2017 to Edward Pardee, Attorney at Law, o/b/o Emeritus Investments LLC re: Order to Remove/Repair 855 Lexington Pkwy LH held May 23, 2017 & listed conditions (attached)

Ms. Moermond:

-he said that the mold remediation certificate would be coming Mon; & he would forward it to me & DSI; Mr. Magner, have you received it?
-we also asked for the \$5000 performance deposit by Jun 14

Mr. Magner:

-I don't believe that I have that mold remediation certificate; did Mai get an email from him or receipt?
-I don't see the Performance Deposit (LHO: there's a note that says he'd send it by Jun 19)
-we have the note in Mar about the mold
-the VB registration was paid Jun 3 (assessments)
-code compliance applied for & paid Jun 9-not done
-the city hasn't done any work there since last year

Mai Vang:

-no; was it Mr. Johnson? or Emeritus Investments
-checking emails from Edward Pardee / Emeritus Investments LLC (Mr. Johnson)

Ms. Moermond:

-code compliance inspection was applied for Jun 9; they are waiting for the mold remediation before they send inspectors in
-the taxes paid
-the property has been maintained

Ms. Vang:

-the letter doesn't say ____ (can't understand Mai)

Ms. Moermond:

-the minutes say to LO to Jul 11

-these items needed to be done in order to get a Layover & they weren't done

Mr. Magner:

-#2 wasn't done either; so, we sent the VB fees to assessment

-we don't have the mold remediation; we don't have the performance deposit

Ms. Vang:

-I've been dealing with Gary Johnson, the owner, who lives in Arizona and I did told him that we needed those things; he said, "I'll get it to you"

Mr. Magner:

-I think that we need to bring it back to the next LH; send him a formal letter and say that if those things aren't taken care of, we will go to Remove within 15 days; send to Mr. Pardee & Mr. Johnson

Ms. Moermond:

Layover to July 25: Owner needs the following conditions to be met:

1) post the \$5,000 performance deposit;

2) provide mold remediation report

Laid Over to the Legislative Hearings due back on 7/25/2017

2 [RLH RR 17-13](#)

Ordering the rehabilitation or razing and removal of the structures at 666 MINNEHAHA AVENUE WEST within fifteen (15) days after the August 2, 2017 City Council Public Hearing. (Amend to remove or repair within 180 days)

Sponsors: Thao

No one appeared.

Mai Vang:

-the Appellant called this morning & said that she can't make it today

-we were looking for a Work Plan and bids

-we have a Work Plan

Ms. Moermond:

-the \$5000 Performance Deposit is paid

-the VB fee is paid

-taxes paid for 2016 & first half of 2017

-code compliance inspection was applied for Jun 19, 2017; inspection not yet completed

Steve Magner, Code Enforcement Manager:

-electric inspectors were out Jun 27

Ms. Vang:

-the commercial vehicle was removed

Ms. Moermond:

-financing: she opened a separate account & we have an affidavit to go with that
-we have the Work Plan but no timeline because the code compliance inspection is not done yet

Mr. Magner:

-do we LO until the end of the month?

Ms. Moermond:

-it goes to City Council Jul 19; I'll recommend they Lay it Over to Aug 2, 2017 LH
-at the Jul 25 LH, I want to review the timeline
-I will ask Steve Ubl to expedite this code compliance inspection

To be referred back to Legislative Hearing on July 25 and to continue Public Hearing to August 2.

Owner to provide work plan with timeline in accordance with the code compliance inspection report. LHO will ask building official to expedite inspection.

Referred to the City Council due back on 7/19/2017

3 [RLH RR 17-27](#)

Ordering the razing and removal of the structures at 899 HYACINTH AVENUE EAST within fifteen (15) days after the August 2, 2017, City Council Public Hearing.

Sponsors: Bostrom

Virginia Becker, realtor, NRG Realty, appeared representing Jeff Lindback, a property owner looking to purchase another property.

Steve Magner, Code Enforcement Manager:

-The building is a one-story, wood frame, single-family 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 September 19, 2012.
-The current property owner is listed as Jonathan S. Miller per AMANDA and Ramsey County Property records.
-On April 12, 2017 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 April 25, 2017 with a compliance date of May 25, 2017. 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 \$12,100 on the land and \$57,900 on the building.
-Real estate taxes are current.
-The Vacant Building registration fees were paid by assessment on November 2, 2016.
-As of July 10, 2017, a Code Compliance Inspection has not been done.
-As of July 10, 2017, the \$5,000 performance deposit has not been posted.
-There have been twenty-three (23) SUMMARY ABATEMENT NOTICES since 2012.
-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.
-we were alerted of a water shut-off from code enforcement
-last Summary Abatement: May 23, 2017

Ms. Moermond:

-I saw there was returned mail from Jonathan S. Miller, former owner

Ms. Becker:

*-my client is Jeffrey Lindback; he wants to buy it
-property came to our attention because it was listed as a Category 3 VB & it looked to be in good shape; I started to investigate it; Guaranteed Residential, is the mortgage listed but they don't exist; they were bought out by Country Wide, who was bought out by Bank of America; so, I went to Bank of America to try to find the owner but I got nothing; then, I found out about MERS from someone at the city; I called MERS & they said the servicer is, I think, Nationwide; I called them & told them that the bldg was going to be torn down; I told them all the rules of a Cat 3; I proposed that perhaps, if we could come to an agreement whereby we would have access to the bldg, we could bring it up to code & then they would sell it to us after that, if everything goes well; they were going to get back to me; it's been 2 weeks; I was also told about this meeting so, I decided to come to see what's going on*

Ms. Moermond:

-interesting; most people's eyes don't light up when they hear Cat 3

Ms. Becker:

-I like the bldg; I like to preserve old bldgs

Ms. Moermond:

*-here's what I look for in order for me to make a recommendation to the City Council to give time for rehab:
-clear ownership; \$5000 performance deposit; code compliance inspection report; the property to be maintained; all fees & taxes be current; a work plan put together with timelines based on the code compliance insp report; & the financial wherewithal to complete the rehab
-at this time, you're lacking almost all of that*

Ms. Becker:

-I could do all of that except finding the owner, which I am still working on

Ms. Moermond:

*-you will not be able to do the code compliance inspection if you don't own the bldg
-I'm not willing to wait for you to find the owner because the city has waited for 5 years for someone to come forward while the city had to maintain the yard*

Ms. Becker:

-but their taxes are being paid & along with that, all the expense of mowing, snow removal, etc.

Ms. Moermond:

-if you bring me an owner, the agreement will need to be approved; it isn't legal to market & sell a property without a Truth in Sale of Housing Inspection Report or a code compliance inspection report

Jeff Lindback

-I am Ms. Becker's client; I want to purchase this bldg as an investment property

Ms. Moermond:

-I don't think this sounds promising without an owner being present; & no one is taking care of the property

Ms. Becker;

*-this is a valuable piece of property; taxes have been paid
-I think it's been lost because Guaranteed Residential went out of business the year
that they gave him the mortgage & then it was transferred & transferred, etc.*

Ms. Moermond:

*-and no one at those transfers thought to let Property Records & Revenue know what
was going on with the deed
-you didn't bring me anything today*

Ms. Becker:

-I came here for information, actually

Ms. Moermond:

*-the city's obligation is to do a title search; an Ownership & Encumbrance Report was
run; the people who show up on that search are contacted with the addresses;
personal service is attempted as well for the owner of record*

Ms. Becker:

*-so, they went to the empty bldg to try to find him (?)
-I could help you but if you want to tear it down, I won't waste your time*

Ms. Moermond:

-I don't want to tear it down; I want the nuisance abated

Mr. Magner:

*-we have a prospective developer who would like to work with the current owner; if
this party could find that entity & actually get a real person behind it, you'd have to
work with the mortgage company or a legal representative of theirs to be able to do
this*

*-I don't remember a case where we had a situation where a mortgage company
ultimately worked with a private entity to do this; normally, we see the mortgage
company ending up giving the property to a non profit that's in partnership with the
Housing Redevelopment Authority (HRA)*

Ms. Moermond:

-a private person accepting the property is not allowable under Chap 33

Ms. Becker:

*-I've read the laws & I understand that only the owner can rehab the property &
banks don't usually do that*

Ms. Moermond:

-when they're under the gun, banks do rehab

Ms. Becker:

-if there were a deadline of when the bldg would be torn down.....

Ms. Moermond:

*-the deadline right now is Wed Aug 2, 2017; there's a City Council Public Hearing at
which it will consider this Order to Remove the bldg*

Mr. Magner:

*-the Resolution would be written to Remove the bldg within 15 days of Aug 2, 2017 or
when the Mayor signs it
-if you went to the mortgage company & told them that if they don't do something by
the middle of Aug, they'll have a vacant lot, they might be more motivated to move*

forward

Ms. Moermond:

-they are going to have a vacant lot unless we see something in place before Aug 2 because at that time, I will make my statement; I don't see any reason to wait if we don't have owner participation; on Aug 2, the owner would be given 15 days to remove the bldg on their own

Mr. Magner:

-her question was, "When will the bldg be torn down?"
-the demolition would occur directly after Aug 17 or there abouts

Ms. Becker:

-but, it doesn't sound like you can stop it any more after the 2nd

Ms. Moermond:

-that's where I was going; once the Council votes, the book's closed
-if you can bring me the owner, the legal agreement for our review & approval, evidence of financing sufficient to do the rehab, the owner apply for the code compliance inspection report, a Vacant Building Registration Form filled out, the property maintained by Jul 25, I will consider the matter
-I'm very skeptical

Ms. Becker:

-the weird part is that there's no foreclosure on record

Ms. Moermond:

-that happens a lot when banks make a determination that it isn't worth their while to spend the money on court proceedings for the foreclosure; they languish; eventually, they'll stop paying taxes
-MERS holds titles on behalf of other financial institutions
-if nothing happens by Jul 25, I will Order Remove within 15 days

Continue to July 25 LH. Potential buyer needs to bring in owner legal agreement and evidence of financing. Owner needs to apply for code compliance inspection, maintain the property, a vacant building registration form must be filled so contact information is current.

Laid Over to the Legislative Hearings due back on 7/25/2017

4 [RLH RR 17-28](#)

Ordering the rehabilitation or razing and removal of the structures at 2096 REANEY AVENUE within fifteen (15) days after the August 2, 2017, City Council Public Hearing. (To be referred back to Legislative Hearing on September 19)

Sponsors: Prince

Erick Flyckt, Usset, Weingarden & Liebo PLLP, o/b/o US Bank, appeared.

Steve Magner, Code Enforcement Manager:

-The building is a one-story, wood frame single-family dwelling with a detached two-stall garage on a lot of 7,405 square feet. According to our files, it has been a vacant building since June 17, 2016.
-The current property owner is US Bank Home Mortgage per AMANDA and Ramsey County Property records.
-On April 27, 2017 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 May 9, 2017 with a compliance date of June 8, 2017. 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 \$19,500 on the land and \$160,900 on the building.

-Real estate taxes are current.

-The Vacant Building registration fees were paid by check on June 15, 2017.

-As of July 10, 2017, a Code Compliance Inspection has not been done. (was applied for July 10, 2017)

-As of July 10, 2017, the \$5,000 performance deposit has not been posted. (paid by check Jun 15, 2017)

-There have been five (5) SUMMARY ABATEMENT NOTICES since 2016.

-There have been nine (9) WORK ORDERS issued for:

- Garbage/rubbish
- Boarding/securing
- Grass/weeds

-Code Enforcement Officers estimate the cost to repair this structure exceeds \$40,000. The estimated cost to demolish is \$12,000 to \$15,000.

-Code Compliance Inspection application came in yesterday (expectation - about 3 weeks out for inspection)

-there was a water shut-off & exterior violations

Mr. Flyckt:

-the bank has owned this since 2016; they didn't complete an eviction on the property until Apr 2017 - just to remove personal property so that they could begin doing their work with it

-one issue that I wasn't aware of (& I personally walked the code compliance application to DSI yesterday) - based on info I received from Joe Yannarely, I was under the impression that the \$5000 performance deposit was already placed; so, I didn't pursue US Bank for that reason or I would have had that money fronted in order to have that in place for today's hearing

Mr. Magner:

-the system says that on Jun 15, 2017, the \$5000 performance deposit was paid by check from 5 Arch Code Compliance LLC (one of the bank's vendors) out of Colorado

Ms. Moermond:

-so, the \$5000 perf deposit is in place

-the code compliance insp has been ordered

-US Bank will hire someone to do the fix (?); how are you going to pursue this?

Mr. Flyckt:

-I have the affidavit from US Bank; he entered it into the record; US Bank has committed to either bringing the property into compliance, based on the code compliance inspection or demolishing the property; they did have some preliminary estimates done for the work; I have asked for that information but didn't received it as of 5 pm yesterday; from the email I received, estimates for repair based on what they saw, exceeded \$40,000 & they estimated 30 days to complete the work

-I am asking for additional time for a continuance to allow us to get the code compliance insp report & get bids, estimates based on that in order to bring it back into compliance or to allow US Bank to make a decision to have the property demolished

-there is a lock box & we provided the code

Ms. Moermond:

-I will ask Building Official Steve Ubl for the inspection to be expedited, which would save a couple of weeks on this

Mr. Flyckt:

*-they are committed to segregating funds into an escrow account for the cost of the repair; that would depend upon what their decision is for the property
-they are also committed to keeping you & Mr. Magner apprised on what they are doing*

Ms. Moermond:

*-I will commit to asking the bldg official to expedite the code comp insp report
-you've posted the perf dep & applied for the code comp insp; you have the affidavit
-the property shall be maintained
-it looks like the house is full of stuff, which I'm sure you'll want to be removing
-let's have the house trashed out by the end of next week so that the inspectors have a green light on Jul 24; let's have Mr. Yannarely check the house by Jul 21 to see if it's been cleaned out before the code compliance insp is done
-based on those things, I'll ask the City Council to refer the matter to Legislative Hearing on Sep 19, 2017, which covers your 45 day time period to make decisions; on that day, we can figure out how we go forward*

The house needs to be cleaned out by July 21 in order for inspectors to conduct interior inspection on or about July 24. If the house is cleaned out and inspection is conducted, LHO recommends continuing the matter to September 19, 2017 Legislative Hearing for further discussion.

7/20/17: Per Supervisor Joe Yanarrelly, the property has been cleaned out and ready for code compliance inspection.

Referred to the City Council due back on 8/2/2017

5 [SR 17-83](#)

Reconsidering enforcement of Council File No. RLH RR 17-2, an Order to Raze or Remove the structures at 865 YORK AVENUE.

Sponsors: Bostrom

Brett Cleveland, realtor; and co-purchaser; and Kurt Manley, co-purchaser, appeared.

This is a Resolution Reconsidering Enforcement of the Order to Remove 865 York Avenue.

Steve Magner, Code Enforcement Manager:

-read the last letter into the record continuing the LH to Tue Jul 11, 2017 & listed conditions

Ms. Moermond:

-we talked a couple weeks ago; tell me what you've got

Mr. Cleveland:

-we've got a Sworn Construction Statement-Work Plan; we have a commitment for funding, Mr. Henry Grant is going to fund this project; he said that he'll provide a letter when he gets something that it's coming out of a Category 3; he said, "I hate to be skeptical but I don't think it's going to happen; I've never seen it happen;" & I assured him that it would happen; it's a little bit different situation

Ms. Moermond:

-you aren't going to get a grant of time without the money on the table; that's not going to happen; so, you need to work out where you get the money contingent upon getting the grant of time from the City Council & show a loan document of some type that demonstrates that as a contingency

Mr. Cleveland:

-I think he'll do that; what he didn't want to do is commit the funding & then it not come out of a Category 3

Ms. Moermond:

-it won't come out of a Cat 3 until it receives a Certificate of Compliance; it is subject to demolition until you get a Certificate of Code Compliance; that is the sign that you're no longer a nuisance bldg; that's the only way out

Mr. Cleveland:

-I think he would accept that as long as he knew that subject to getting the code compliance inspection, subject to completing the work, then it will come out of a Cat 3 VB

-his fear is that he'd commit to funding it & then it would be slated for demolition & he would own a lot

Steve Magner, Code Enforcement Manager:

-that's a contractual issue between you & this client; the city doesn't have any involvement; the city is saying, "Look! You need to provide us your money/loan to rehabilitate this;" however you articulate that is up to you & Mr. Grant; if he feels uncomfortable with investing in that; then, you obviously need to find someone else or you need to persuade him some other way but clearly, it's not this body or the function of the City Council to say, "We're going to operate under the terms of Mr. Grant;" it's kind of the opposite way; Mr. Grant is not unknown to this having had a case in front of this body within the last 2 years where he had a similar situation; he invested in a property where the property owner/investor failed to complete their necessary tasks & ultimately, he ended up, through his lawyer having to cancel that note & then, step in & rehabilitate the structure to remove the nuisance, which really is getting it out of the Cat 3 status

-there's only 2 ways to do that: 1) rehabilitate the structure to code compliance; or 2) remove the structure

-the buyer/developer has to find financing that can be proven to the city so that the city can grant time; otherwise, it's my assumption, that the Council will vote to remove the bldg

Ms. Moermond:

-reminded him that the Council already did vote to remove the bldg

Mr. Magner:

-so, the Council will vote to Reconsider that Resolution to remove it

Mr. Cleveland:

-he wanted some assurance that if he makes a commitment to fund, that we have the opportunity to rehab; that it's not just going to be slated for demolition & so he ends up with a vacant lot

Mr. Magner:

-how do you fund a rehabilitation if there's nothing to rehabilitate?

-reward isn't without risk; he's a business man

Mr. Cleveland:

-there's something that makes him very fearful; he's being very evasive on it because we gave him every assurance

Ms. Moermond:

-explained: what we're trying to get to on our part is to be able to put a Resolution in front of the City Council that says, "Yes, there are extenuating circumstances in the case of 865 York because Fannie Mae became a part of the ownership chain; and Fannie Mae is not governed by the codes of the City of St. Paul; and it can, & often does sell properties to people, who don't expect to be saddled with the regulations that they are going to be saddled with;"

-you want to buy the property from Fannie Mae; we have a Purchase Agreement - money down, pending the close on Mon, the 17th; so, Mr. Grant would be financing the balance of the purchase & the rehab

-I would put the Resolution in front of the City Council that recommended the Council gave the 180 days to do the rehab only if you could demonstrate that you have the financing to do the rehab; and obviously, the purchase

Mr. Cleveland:

-total cost: \$106,700 including the purchase price

Ms. Moermond:

-let's take a look at the Work Plan: I'm missing the timeline; I'd like it broken down on when you'd have things done & need sub bids

Mr. Cleveland:

-we don't have the letter of funding; I think I can get something from him if I just.....

-we have a 90 day timeline

-we bid everything out by the sq ft & are usually within 2% our sworn construction statement

Ms. Moermond:

-there's no \$5000 performance deposit posted

-so what kind of time do you think it would take to get me information on the financials?

Mr. Cleveland:

-I should be able to have that today; I'll just pledge collateral... he's made a commitment to do it but it was subject to us getting out of the Cat 3, which won't be able to be provided to him

Ms. Moermond:

-the Resolution would give you 6 months to do the rehab & the adoption of the Resolution is contingent upon meeting the conditions that we've discussed; after the 180 days, you can knock it down or you can fix it up; we hope that you fix it & get your Certificate of Code Compliance

Mr. Cleveland:

-actually, it's in pretty nice shape; I'm surprised that somebody let it get to this point; the owner passing is probably the main reason it just sat there

Mr. Magner:

-I'm OK with these guys putting down their numbers for the bldg sections; I do think that the other 3 sections should have contractors' bids (electrical, HVAC, plumbing); can you talk to your subs, have them walk thru & provide bids?

-the code compliance will give you the minimum of what the city's going to require

Mr. Cleveland:

-sure

-I can take care of the funding & the performing deposit - I can do that today
-so you need a timeline; bids from sub contractors

Mr. Manger:

-if you can meet these conditions, I think the City Council will be willing to grant that time

Ms. Moermond:

-I'm going to set up the City Council Public Hearing; if we put the Resolution that gives you that time on for Aug 2, 2017 and you have all your paperwork in, then, the 2nd Tue in Feb 2018, we'll have a hearing when I will ask is the project done or is it not done & a formal determination will be made

The \$5,000 performance deposit must be posted, a revised work plan to include timelines and subcontractor bids, and financial capacity to complete the project and an affidavit indicating the ability to pay for the repairs.

A new resolution will go to City Council to either deny or grant a stay of the implementation of the demolition.

Received and Filed

10:00 a.m. Hearings

- 6 [RLH RR 17-25](#) Making finding on the appealed substantial abatement ordered for 1062 FRONT AVENUE in Council Files RLH RR 16-51 and RLH RR 17-6.

Sponsors: Thao

Forthcoming.

Richard K. Einan, owner, appeared.

Andrew Johnson, neighbor; and Michael Kuchta, Director, District 10 Como Community Council, appeared.

Steve Magner, Code Enforcement Manager:

-180 days had been granted to rehabilitate 1062 Front; that timeframe has come & gone

-Mr. Seeger & Mr. Yannarely went out to identify where things were at

-read Mr. Seeger's email: electric is done; plumbing is done; mechanical is installed & needs a final; warm air is installed & needs a final; a few bldg items are left; however, a bldg permit has not been issued for the project, which is required, & now, it's double fee for failing to have gotten it at the beginning of the project; estimated amount of completion is above 85%

-obviously, we are much further ahead than we were last time

Mr. Einan:

-Mr. Seeger said that he would make the "done" estimate 95% when the heat & gas line finals were approved & they were out there yesterday; the remaining 5%.....

-I talked to the contractor about the bldg permit & he didn't think that he needed a bldg permit; so, I needed some clarification from Mr. Seeger

Ms. Moermond:

-the code compliance inspection report has a laundry list of bldg items & it explicitly states that a general bldg permit needs to be pulled

Mr. Magner:

-the contractor doesn't understand this document; Mr. Seeger requires a bldg permit for Vacant Building repairs, items 1-28: "A bldg permit is required to correct the above deficiencies; all work is to be done in a workman like manner under SPLC 33.03." (the ordinance that says you have to follow the state bldg code); it's a Vacant Building Repair Permit & you need to pay double for it; the totality of the project requires a permit & we can't send Mr. Seeger out there for free

Mr. Einen:

*-general contractor is Peter Lee, Four Seasons
-Mr. Seeger added 8 new items that weren't on the previous list, which were all done yesterday
-once the dumpster is removed, all the work will be done that day*

Mr. Magner:

-if you get that VB Repair permit & get the dumpster removed in order to make the final repairs, there's no reason this shouldn't be solved next week at this time

Mr. Johnson:

*-came to the hearing to hear about where things were at with this project
-disappointed with how the yard still looks; had to call the city a number of times to get them to come out to check the yard; front is still dirt & weeds; back yard has a cocklebur 6 ft tall leaning into my yard
-since the middle of Jun, the yard looks better - since the city came out
-I think that we're close but we've already had 180 days*

Mr. Michael Kuchta:

*-here to get an update of the status of this house
-we are really concerned; this property has been a nuisance for 12 years
-we appreciate that we are getting closer to the finish line & putting it back on the market so that someone can live there
-we have a meeting before the City Council meeting & we would likely take a position at that meeting if the issue is not resolved before then; given the history of this project, I anticipate that we would probably oppose any further extensions
-obviously, we want this to be a functional property & we want someone to live there to make it their home*

Mr. Magner:

-the city did a grass abatement on May 19, 2017; previous Work Order was in Oct 2016

Ms. Moermond:

*-I don't have a lot of tools in my toolbox at this point
-I can talk with the attorneys about whether we can take the performance deposit; I'm not sure that we can*

Mr. Magner:

-not if the Appellant completes the project

Ms. Moermond:

-if it's done before it goes to Council next Wed, then no; we'll find out what the

attorneys say about us doing a partial

Mr. Magner:

*-or we could forfeit the performance deposit after the 180 days
-it really behooves Mr. Einen & his contractor to get it done within the next 7-8 days;
there's \$5000 on the line
-if you don't get a sign-off, the city could forfeit your performance deposit
-get a Vacant Building Repair Permit (bring a copy of the code compliance report or
ask for one at the DSI desk); get the work done; if the contractor has a problem with
that at the desk, ask to speak with Reid Soley, who is aware of the situation*

Mr. Einen:

-it should all be done by tomorrow

Ms. Moermond:

Forthcoming.

Referred to the City Council due back on 7/19/2017

11:00 a.m. Hearings

Summary Abatement Orders

- 7 [RLH SAO 17-35](#) Making finding on the appealed nuisance abatement ordered for 559 ASBURY STREET in Council File RLH SAO 17-23.

Sponsors: Thao

Owner has abated the nuisance conditions.

Referred to the City Council due back on 7/19/2017

- 8 [RLH SAO 17-47](#) Making finding on the appealed nuisance abatement ordered for 541 CASE AVENUE in Council File RLH SAO 17-30.

Sponsors: Brendmoen

No one appeared.

Supervisor Paula Seeley:

*-541 Case; I sent you photos last time that it was 90% cleaned up; and you asked
that I keep it open until Nov 7 to remove the remainder of construction materials in
the yard*

-the lumber & fire wood at the property is properly stored

Ms. Moermond:

*-so, an extension was granted to Jul 10 to remove & property store lumber & fire
wood*

-an extension was granted to Nov 7 to remove the remaining construction materials

-so, all the lumber & fire wood was properly stored

-the nuisance conditions have been abated

*-on Nov 6, so check to see if the flagstone pavers & milk crates are gone; she was to
use them this year or properly store them inside for the winter*

The nuisance conditions have been abated.

Referred to the City Council due back on 7/19/2017

- 9 [RLH SAO 17-37](#) Making finding on the appealed nuisance abatement ordered for 639 JOHNSON PARKWAY in Council File RLH SAO 17-21.

Sponsors: Prince

No one appeared.

Supervisor Paula Seeley:

-the file for 639 Johnson Parkway has been closed

-Inspector Hoffman went out there & the tent has been removed

Ms. Moermond:

-the nuisance is abated; excellent

The illegal tent structure has been removed; therefore, the nuisance condition has been abated.

Referred to the City Council due back on 7/19/2017

- 10 [RLH SAO 17-61](#) Appeal of Nancy Watkins to a Summary Abatement Order at 1171 MINNEHAHA AVENUE WEST.

Sponsors: Stark

Layover per owner's request.

Laid Over to the Legislative Hearings due back on 7/18/2017

Correction Orders

- 11 **RLH CO 17-15** Appeal of Ann Torseth to a Correction Notice at 1468 HOLTON STREET.

Sponsors: Stark

Ann Torseth, owner, appeared.

Supervisor Lisa Martin:

-Jun 8, 2017 - I sent a letter to Ms. Torseth, 1468 Holton St; it was a Correction Notice re: the garage; the eaves, roof, trim - entire garage is in very poor condition

-had phone conversations with Ms. Torseth & I sent her some information; House Calls brochure, etc, for possible loans; she understands that the garage is in need of some repair or removal, depending upon her finances

-Ms. Torseth intends to take care of the issue but needs more time than Aug 31; so, I encouraged her to fill out an application for the appeal

Ms. Torseth:

-background: I'm on Social Security Disability Income; I live from paycheck to paycheck; I have no credit cards because over 1 1/2 yrs ago, I had to file for bankruptcy; I'm as poor as a church mouse

-I have been making phone calls & am on a waiting list with Neighbor Works Home Partners - for one of their programs; it's a low interest loan but I was told that it will be

at least a 6 month wait; I can't even get an application until the money is available; my gross income puts me just a little bit over their rehab loan program, which would have been perfect because after 15 years in the house, there would have been no reimbursement on that loan; I am \$640 over the qualifying limit
-they have another program: 1% interest for 50% of the work cost & there's at least a 6 month wait to be able to apply
-I also contacted Paint-a-Thon but they have already picked their spots; they do so in Feb, Mar & Apr & they do the painting during the first week of Aug
-there's holes in the roof - there are squirrels
-obviously, if I had the money, this garage would not be in the disarray that it is
-I store storm windows & a pathetic lawn mower that needs fixing & odds & ends
-I did consider demo but the framework is still good, according to my boy friend, who
.....

Ms. Moermond:

-the garage has been open to water & I would look for someone like a bldg inspector's evaluation because with water infiltration, the foundation can be undermined; I would need expert eyes to examine it; a professional analysis; the entire roof structure needs to be removed & rebuilt

Ms. Martin:

-from the outside, I don't feel that it's structurally sound; my concern is that the winter's snow will probably bring it down; unless we have a plan in place to repair it or remove it, I would hate to see someone get hurt

Ms. Torseth:

-the garage has been this way for many, many years

Ms. Moermond:

-there are red flags for me, based on the condition of the roof, which has undermined the condition of the eaves, the soffit & upper parts of the walls; I don't know how water infiltration has affected the supporting studs or how the studs are secured to a foundation

Ms. Torseth:

-how do I go about hiring a bldg inspector?

Ms. Moermond:

-the answers I have for you are all expensive; I'm trying to think about answers that are more affordable
-long term - do you want to have a garage? & Is this garage salvageable the way it is?

Ms. Torseth:

-yes; I want a garage

Ms. Moermond:

-the inspector, who does property maintenance inspections all the time believes that it is not salvageable
-this is not a cheap project to get done
-you need to consider the cost of repairing the garage vs. the cost of demo & building a new garage
-a contractor would need to give you an answer on that

Ms. Torseth:

-I'd be willing to pay for a bldg inspector to come and assess the garage

Ms. Moermond:

-I am going to ask the city's bldg official, Steve Ubl, to assign a bldg inspector to take a look at the garage & give me a second opinion about the stability of the structure; if it isn't stable, I'd rather see it demolished before winter than collapse under the weight of snow

-if there is no hazardous waste, the cost of demolition will be between \$1500 & \$2000; if the city were to do the demo, they would take the cost & turn it into an assessment onto the property; if you appealed it, the city could divide payments on that assessment up to 5 years (4.15% interest rate)

Layover for further discussion on the garage issue. (NOTE: date changed from July 25.)

Laid Over to the Legislative Hearings due back on 7/18/2017

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 12 [RLH VO 17-21](#) Appeal of Jackie Steele to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1321 DAYTON AVENUE.

Sponsors: Thao

Jackie Steele and Darnell Steele, Jackie's son, appeared.

Supervisor Lisa Martin:

-Jun 27, Orders were issued: Condemnation for Xcel shut off in #2

-Jun 20, it's showing gas/electric was off; still off Jun 27

-letters sent to: Carolyn J. Carter, 1605 Eustis St, Unit 310, St. Paul; Corene Neal, 1319 Dayton Ave, Lower Unit, St. Paul; and Occupant at 1321 Dayton Avenue, Upper Unit

Mr. Steele:

-I live here

-I got hurt; & had a total knee replacement; I have been working at Gerdau Ameristeel for 12 years; I've been laid up; the money that I had to take care of the situation I needed to use for the taxes; I was laid off, getting only 60% of my pay; I'm trying to get back on my feet; I have a 10-yr old son for whom I pay child support; I'm juggling a whole lot of balls at the same time

-I need more time to get things in order

-when I originally moved into the place, the light bill was already in excess but I was taking care of it

-Carolyn Carter, the owner, is my grandmother

Ms. Steele:

-my mom, Carolyn Carter, & my step father & his mother bought the place; the city had moved their house on Iglehart, so they bought this house at 1321 Dayton; the mother in law lived downstairs & my mom & step father lived upstairs

Ms. Moermond:

-Darnell moved in & there was an existing electric bill

Mr. Steele:

-yes, because my grandmother is in the 3rd or 4th stage of Alzheimers; there was a court issue....

Ms. Steel:

-I would bring my mom home on the weekend because she was in the nursing home & I was paying all the bills with my money

Mr. Steele:

-because Corene believed that this house was partially hers, she started a court case; even though, we're somewhat of a family, they fought for 2 years (ownership was in dispute); a judge ordered that because 2 parties could not come to an agreement, a 3rd party had to come in, which was Lutheran Brotherhood; they took care of my grandmother's finances; they were the guardian of finances; my mother is the guardian of her health issue

-in 2015, when I moved in, the Xcel bill was \$1500 or \$1900; I was working on it; I had an arrangement but because I had a couple of garnishments, I broke the agreement with Xcel & now, Xcel doesn't trust me; so, the balance now is \$3500-\$3600; I had good intentions

-I need time; If I can come up with \$2000, there are programs to help me; Energy Assistance sent me to the county

-I have my son on Tue, Thu & every other weekend

-2 weeks should be all I need

Ms. Moermond:

-how do you manage food & a lack of refrigeration?

Mr. Steele:

-right now, we go to family & friends & eat out a lot

Ms. Moermond:

-I'm concerned about the hardwired smoke detectors

Mr. Steele:

-everything I have is all battery

Ms. Moermond:

-state law requires you to have one hardwired smoke detector in each housing unit

Grant to July 25 to have the gas and electric restored or the property must be vacated on August 1, 2017.

Referred to the City Council due back on 7/19/2017

13 RLH VO 17-22

Appeal of Maria Denison to a Condemnation and Order to Vacate at 1990 HOYT AVENUE EAST.

Sponsors: Bostrom

Maria Denison, owner; her son, Webster Denison; and Anna Frank, interpreter, appeared.

Supervisor Paula Seeley:

-Condemnation: our office received a complaint of a gross unsanitary house; Inspector Stephan Suon went out & found the house very full of clutter; egress windows blocked; several extension cords; a lot of electrical tubing run all over the ceiling of the house & down the stairway, everywhere; smoke detectors, CO alarms; hallways were not a full 36 inches clear for walking; illegal bedrooms in basement &

attic area; exterior in rough shape

-photos

-I spoke with Lauren Lightner, the House Calls Program; she said that Erica Minus would contact Ms. Denison

-I was told that they didn't want a dumpster; if they want a dumpster, Lauren is willing to provide one

-Mr. Suon said that Maria has a church group that could help her clean out the house

Ms. Moermond:

-principal reasons for the Condemnation have to do with the electrical hazards, the excessive amount of materials inside the house & the illegal bedrooms

Ms. Denison:

-I have my own pictures

-the inspector told me there were too many tables, boxes, etc

-I have little Christmas lights in the living room because I have a light condition; I get migraines; I need my really dark; so, my Dr. said that I need to find a way to have just a little light

-I'm fixing everything that he said; more smoking alarms; & I told him that I don't use that bed; it's stored; but I have proof for everything (pictures) I cleaned already

-I told him it would not be a good idea to go downstairs because I have so much stuff: kids clothes in garbage bags, etc; I will get rid of that

-I have cancer & the Dr said I have very hard months in front of me so, I'm cleaning myself; I have no family here, only my husband & my kids

-I cleaned the house already; I put the garbage in my garage; I do want the dumpster for all the garbage & things in my garage; I told her that I don't need people to help me clean; I just need the container

Ms. Moermond:

-once you file an appeal, the inspector will stay away until we have this hearing; no enforcement happens until we have this discussion

-can you email your photos to me?

Ms. Denison:

-my kids can do that

-the inspector can come any time he wants; I called him because I wanted him to see my home before I came here today to prove to him that it was cleaned

-inspector wanted to go into the attic; he asked, "Somebody living here?" I said, "No, sir;"

-she was worried that she would be removed from her house; the inspector had told her that could happen

Ms. Moermond:

-the inspector needs to have access to all parts of the house to assess the situation; it's his job

-reviewed Ms. Denison's pictures

Ms. Denison:

-I guess I have the right not to let someone come into my house; also, I have the right to have the chance to fix things & I have already; so, I can keep my house

Ms. Moermond:

-you have a fair number of rights; and right now, there was a complaint of these dangerous conditions & you did choose to let the inspector come in; had you said, "No,"

Ms. Denison:

-no, I didn't ask me if he can do it; he said, "I want to go inside;" I said, "OK" because I don't hide anything

Ms. Moermond:

-if you had said, "No," then, the inspector would need to work with the complainant & look at your situation & figure out whether or not they should do a Search Warrant on your house based on the information that they had; they would go to a judge and ask a him to issue a warrant to go inside & look at it based on what they had heard; that is what their choice is

Ms. Denison:

-to clarify, when he came, the inspector didn't ask; he just say, "I am going in;" he didn't ask, "Can I go?" he said, "I am going in"

Ms. Seeley:

-Mr. Suon is my inspector & he has been told many times, "You have to get consent;" he is told to say, "We had a report that we have some life safety issues going on in the house; that the house may have excessive storage in it; we got a complaint; can I come in & take a look"

Ms. Denison:

-actually, I'm here because I have a complaint with one neighbor next door; she screams to me, "Shut Up! ____ too many complaints with your kids;" and she says bad words to my kids; I called SPPD because it had to stop; the policeman told the lady not to do that any more to the kids - no more verbal abusive language

Ms. Frank:

-what she is trying to explain is the reason that she's here is because this neighbor had a complaint about Ms. Denison's living situation

Ms. Denison:

*-the neighbor said that she would call the city & I ____ the police; the next day I have a call from the inspector to come to my house
-neighbor complains all the time*

Ms. Frank:

-the neighbor keeps threatening her; she wants to get her out of the house

Ms. Moermond:

*-so this on-going complaining situation is underlying all of this
-the neighbor doesn't have a say in you losing your housing*

Ms. Denison:

*-I try the best I can
-the inspector said he wanted to come because somebody said that I have a Mexican living in my house"
-too many complaints for nothing (very emotional)*

Webster Denison, Maria's son testified:

-wants to talk about the original issues: on the paper the complaints are: fire alarms, egress because windows are blocked & clutter; so since that day, we have removed any obstacles from the windows; we took out the air conditioner; there's clean access; we have installed smoke detectors & CO alarms; we have removed the bags from the basement hallway - made it easy passage to the electrical circuit; so, the inspector can access all of that easily now

-the only problem we've had since then is the junk in the back yard, which is hard to remove because we don't have a big enough trash can to remove it all, that's why she wants the large container

Ms. Moermond:

-reviewed photos with Ms. Seeley & Webster, who explained some things
-things seem to be a lot better
-the next step is to get that dumpster, clean out the garage & backyard
-relax, Ms. Denison; you're getting things under control; it's not a crisis; don't worry about losing your housing
-Inspector Westenhofer will go out at 9:30 am Fri of this week to inspect & cross items off the list; he may have some small additions
-call Erica Minus about getting the dumpster

Ms. Seeley:

-I will call Erica for you
-some discussion ensued regarding getting the dumpster near the garage; decided it would work

Ms. Moermond:

-we're expecting that Mr. Westenhofer will be able to lift the Condemnation & that we'll be looking at just Correction Orders

Inspector Sean Westenhofer will inspect the property on Friday, July 14 and give a staff report on July 25 to determine if the principal violations are addressed and to give deadlines for the remaining items.

Laid Over to the Legislative Hearings due back on 7/25/2017

14 [RLH VO 17-20](#)

Appeal of Elsie Mayard to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 755 MINNEHAHA AVENUE WEST, UNIT #1.

Sponsors: Thao

Elsie M. Mayard, owner, appeared.

Inspector Sean Westenhofer:

-we received a shut-off notice for the electric in Unit 1 on Jun 20, 2017; on Jun 21, I went out to the property & noticed that the lock box or the electrical panel was locked; it was also cut at the pole
-sent Correction Notice on Jun 21; I went to do a re-check on Jun 27 & posted the placard & Condemnation; the electric had not been restored at that time
-Xcel stated that the owner owed \$13,000 but they couldn't go into any more detail of what is going on

Ms. Moermond:

-within the Orders, it notes Unit 1; you said the electric was cut at the pole; is it possible to cut the electric at the pole for just the one unit?

Mr. Westenhofer:

-yes, it is, actually; Unit 2 has working electricity

Ms. Mayard:

-what he said there is incorrect because the notice I received on Jun 24 said, "Call my number directly;" on Fri, I called Mr. Sean telling him that I got the notice; so, I told him what was going on with Xcel; at that time, he told me that I had 10 days to appeal

& I told him that I was going to appeal it; so, Tue, I came downtown to pay my bill ; so, what you doing in my house? to posted this all over my house; just to show me the ego, right?

-I got a copy when I came downtown; then, I couldn't believe this is happening; so, I went to the Mayor's office to file a complaint; my rights are violated; so, what's wrong with the city?

-on Jun 29, he sent me this one; you want to flush me out of my house so bad for no particular reason; I discussed with you what's going on; this has been going on for quite a while

-my house is a homestead; this is my own house that I own; I live there; it's my personal house; private property

-this has been going on for a while with Xcel; it's nothing new; there's something to do with the meter; they can't find out how much I owe them; we've been going back & forth; back & forth; the fact is they owe me money

Ms. Moermond:

-do you live, exactly, in Unit 1 or Unit 2?

Ms. Mayard:

-I live in the house; this is my house; this is where I live

Ms. Moermond:

-it's a duplex; it has 2 units, one of which has no gas or electric

Ms. Mayard:

-that's not true

Ms. Moermond:

-I understand that this is a long-standing dispute; it's in federal court; whatever; it's been going on forever; what I need to focus on is the fact that one of these units has utilities & the other unit does not

-I need a definitive answer that you are living in the unit with utilities

Ms. Mayard:

-I do have gas; just no electric

Ms. Moermond:

-you have to have electric for it to be a habitable unit; you know this; we've been down this road many times

-you have some quibble about you having received these Orders; he has the right to issue a Condemnation before you appeal; he can issue a Condemnation at any time if the circumstances merit it; as a matter of courtesy by the City of St. Paul that a letter say, "Please correct this & we will come back in a week;" or he could just say, "This is Condemned because you don't have this service;"

-so, where are you living?

Ms. Mayard:

-I live in 755 West Minnehaha; it's 2 levels; there's electric in where I live; the downstairs electric is off; upstairs is on

Ms. Moermond:

-it's been an upper/lower duplex when we talked about it in the past; is it still a duplex?

Ms. Mayard:

-yes; it's an up & down house

Ms. Moermond:

-I'm looking at a picture of a meter but it doesn't tell me what the meter is for; it's adjacent to another meter, which isn't in the photograph; so, why are you showing me the one meter & not the other?

Ms. Mayard:

-I guess, I didn't have the time to take the picture altogether
-to show you that there's power at the house

Ms. Moermond:

-they said that there's no power for Unit 1; Unit 1 has been cut

Ms. Mayard:

-well, that's what they say; I didn't even know; I didn't even know; only thing I do know is one meter we have a dispute on; the gas is on
-but this is my home; where I live; I own it
-I have the right to dispute my bill if I know it's wrong

Ms. Moermond:

-you do have to have electric service in the City of St. Paul; it's considered a basic utility; from what I can tell from Xcel, you have electrical service in Unit 2; you do not have electrical service to Unit 1

Ms. Mayard:

-yes

Ms. Moermond:

-and, you are not being clear in your answers about which is Unit 2 and which is Unit 1 & where you reside

Ms. Mayard:

-what do you mean, Where do I reside?

Ms. Moermond:

-is the upstairs turned off or is the downstairs turned off?

Ms. Mayard:

-it's downstairs

Ms. Moermond:

-the downstairs - Unit 1 is shut off

Ms. Mayard:

-upstairs is turned on

Ms. Moermond:

-and, your refrigerator is upstairs?

Ms. Mayard:

-yes

Ms. Moermond:

-OK; do you sleep upstairs?

Ms. Mayard

-I sleep upstairs; I clean the whole house

Ms. Moermond:

-the reason I ask is because there's a hardwired smoke detector that needs electricity running to it

-I'm concerned about a hardwired smoke detector; it needs to be attached to where you sleep

Ms. Mayard:

-they are interconnected; not separate

Ms. Moermond:

-so, it sounds like you have the correct alarms according to state law

-what the Condemnation says is that you can't live in Unit 1

-I will recommend denial of the appeal for Unit

-until there's electricity restored to Unit 1, no one can live downstairs in Unit 1

Deny the appeal for Unit 1 and it must not be occupied until the electricity is restored.

(Note: appellant provided an attorney business card for the record.)

Referred to the City Council due back on 8/2/2017

1:30 p.m. Hearings

Fire Certificates of Occupancy

15

[RLH FCO
17-106](#)

Appeal of Bill Wengler to a Correction Notice - Complaint Inspection at 833 GRAND AVENUE.

Sponsors: Noecker

Bill Wengler, owner, and his son appeared.

Fire Supervisor Leanna Shaff:

-Correction Notice from a follow-up on a Fire Certificate of Occupancy inspection done by Inspector Mike Cassidy on Jun 9, 2017

-the only 2 items on the Order are being appealed: 1) repair & maintain ceiling & walls in an approved manner on the 3rd floor in the rear hallway; and 2) maintain exterior window frames

-pictures

Mr. Wengler:

-the work in the hallway has been done

-as far as the peeling/chipped paint has nothing to do with the livability of the occupants in the bldg

-we've met all the fire code & we're in the process of working on repairing the exterior but we have to do the interior for the occupants

-we don't have unlimited funds

Ms. Moermond:

-no one does

Mr. Wengler:

-the government does; when they need money, they just add on a tax

Ms. Moermond:

-maintaining the window frames is part of the maintenance code; I see it's not a habitability issue right now, it is a maintenance issue right now when it's called out under the maintenance code; if it's not taken care of, eventually, it will become a habitability issue

-do you have a maintenance plan?

Mr. Wengler:

-what we do: when someone moves out, we have to get the apartment ready for the next tenant; it has to be cleaned, painted, etc, which costs a lot of money to do that; we don't have permanent tenants; right now, the maintenance person is readying 2 units for new tenants

-when we have the time & money, we do maintenance work on the exterior

-the bid for the window frames is \$2000; we don't have unlimited funds; we do things as we can

Ms. Moermond:

-the trim is in really rough shape & I'm not hearing you give me a deadline on when you can have it done; whenever you have money & time is not OK; I want a time certain; let's say, Nov 1, 2017; that would be reasonable; is that doable?

Mr. Wengler:

-where do I get the \$2000?

-the bldg is being foreclosed on by the bank; I can't even make the mortgage payments

Ms. Shaff:

-the legislative code requires Notice to all the tenants that the bldg is in foreclosure; have the tenants been notified?

Mr. Wengler:

-No; I have not

Ms. Moermond:

-has it happened yet? Have you been served?

Mr. Wengler:

-yes - legal certified; return receipt requested

-this bldg is included in the foreclosure; I have 3 bldgs under one mortgage

-my good attorney just retired; I can't fight it; they want \$869,000 & I got them to hold off on the process while we're trying to do some other things but it's only a matter of time; it was scheduled for Jul 7 but it was postponed to Jul 24; I'm supposed to be selling a couple of bldgs in Mpls but I just heard today, that the deal fell through on 1 of the bldgs

Ms. Moermond:

-are they doing the foreclosure by publication or are you going to court? Do you have a court date scheduled?

-it doesn't belong to the bank yet

Mr. Wengler:

-I don't have a date because they have not commenced; the foreclosure notice says that unless I pay this amount by such & such a date, they will start the legal proceedings to occupy

-now, I really don't know what to do since the bldg sale didn't go through

Ms. Moermond:

-these are occupied residential properties & I don't see anything moving faster than 6 months if it's going through foreclosure

Mr. Wengler:

-if they start foreclosure action, then I have to get an attorney because my attorney retired; that's going to cost thousands of dollars, which I don't have; the best thing I can do is sell everything that I own & just walk away; that's the only option I have

Ms. Moermond:

-it's such a huge thing that you're involved in & this is, relatively speaking, a very small correction; it's window trim; it needs to be fixed; some trim boards need to be replaced

Mr. Wengler:

-this is so overwhelming, I can't even comprehend what's going on
-scraping & painting a window frame is not something that I really need to get done; I've many other things to do; & my maintenance person is retiring in Sep; then, I won't have anyone to do any maintenance work; he's a carpenter, an electrician, he does everything - a good handyman
-there are 9 units in this bldg
-I can't even rent out the first floor of 831 Grand; I had it rented out but the city kicked out the tenants & I haven't been able to rent it since & that was last year; that's why it's in foreclosure because I can't pay the mortgage because I have fewer renters

Ms. Shaff:

-the Fire C of O on this was approved on Apr 7 with weather related deficiencies; in the beginning of Apr, it's too cold to paint
-some of the trim is rotted, which lets moisture into the supporting structure for the brick; eventually, the brick facade will slide off the bldg or cause more damage

Ms. Moermond:

-the work needs to be done; when is an issue & money is an issue
-you have a looming foreclosure situation
-deadline is Nov 1, 2017; maybe the Councilmember will be comfortable with pushing it out to next year
-will recommend denial of the appeal & grant an extension to Nov 1, 2017

Mr. Wengler:

-next year will help a lot

Ms. Moermond:

Grant to November 1, 2017 to address the window frames.

Referred to the City Council due back on 8/2/2017

16 [RLH FCO](#)
[17-114](#)

Appeal of Carol Weiland to a Provisional CO Fee 2017 invoice from the Department of Safety & Inspections at 1655 RACE STREET.

Sponsors: Tolbert

Carol Weiland, owner, appeared.

Ms. Moermond:

-looks like your address didn't match with the address of this house

Ms. Weiland:

-I don't think that I should be in the Fire C of O Program; our daughter is the Occupant & she will be the eventual owner; the property has been deeded over to her upon our death; we had been residents in Florida from 2000 - 2015; about 2014, it was determined by Mayo Clinic, Jacksonville, FL that my husband had Alzheimers; so, it became clear to be proactive - that we had to sell our Florida place; there was a reason that we had to buy a house in Eden Prairie; we were homesteaded in FL but because of a family situation, we had to have a residence up here, primarily because we had a dog & we'd have to drive back & forth; it was hard to find a rental; to make a long story short: John's niece was murdered; so, there was a trial that was going to go on for a year; so, for family support, that's why we had to have a place in MN; we were basically snow birds

-after we decided to make the transition, we got the FL property sold & were coming up here; we have 2 daughters; the other one lives in Colorado; we are at the age where we are starting to have medical problems, so we decided that we were going to live close to Dawn because she's still working; we found this particular property & closed the day after John turned 76; at any rate, we put a mortgage on the property; he had never used his VA; so that was the vehicle by which we bought this house; as soon as we closed on it, I realized that I needed a hip replaced; I had that done a couple months later; so, with his dementia & my hip, we can't do much anymore after being very active;

-Dawn cannot assume the mortgage because she is not a veteran but she can inherit the property when we pass away; so, we consulted an attorney last fall; he said the thing to do is to deed it to her upon our death; that's when it became recorded because we have to do that while we're still alive as opposed to not; so, that's it; it's owner occupied by the owner to be

-and, we cannot move into anything other than a 1-level place; no stairs

Ms. Moermond:

-can you get me the copy of that document, the deed to you daughter upon death?

-I can review it & make a decision & get back to you

Ms. Weiland:

-sure

Ms. Moermond:

Recommendation is forthcoming. Owner needs to provide a copy of the deed.

Referred to the City Council due back on 8/2/2017

17 [RLH FCO](#)
[17-112](#)

Appeal of Gabriel A. Al-Ghalith to a Fire Inspection Correction Notice at 1422 SHERBURNE AVENUE.

Sponsors: Stark

Gabriel A. Al Ghalith & Asid Al Ghalith, his father & owner, appeared.

Ms. Moermond:

-I'll be looking for a dependent relationship of you upon your father in other ways than financial: 1) one household under 2 roofs; or 2) some type of ownership in the property that would show that you are an owner-occupant

Fire Supervisor Leanna Shaff:

-inspection was completed Jun 20, 2017 by Insp Mike Cassidy

-9 items on the list

-exterior photos - lack of maintenance

-interior items are relatively simple fixes: no power strips for washer/dryer; remove duct tape from dryer vent; the bed in the basement was broken down at the time of inspection; damaged guardrail on front deck; rotted wood; chipped/peeling paint

Asid:

-I am retired on a fixed income; I own this house & my own; Gabriel lives here; he is going to school

-I don't see a need for an egress window in the basement where we don't have a bedroom; we use basement only for storage; the bed was stored down there; also some of my son's stuff; book, boxes, etc.

Gabriel:

-one of the pictures show a bed that has been disassembled; I took that bed apart during the inspection; the inspector mentioned something about the lack of a big window (egress); I have some pictures showing the door to the outside that is just up a few steps from the basement

-if no one is sleeping in the basement & there's no bedroom....

Ms. Moermond:

-you need to have 2 ways out of a sleeping area

-you don't need a window if it's not a sleeping room/area

Gabriel:

-no mortgage; we bought it in 2009 for \$25,500

-I am pretty much responsible for maintenance of the home since my father is disabled plus I live there; I take over pretty much all the responsibilities of the house, including paying for all the bills, taxes & insurance

-I write the checks & I have the Power of Attorney

Ms. Moermond:

-get me a copy of your Power of Attorney to see what it says

-we still have some repairs that need to be made; they've been seen by the inspector so, they need to be taken care of

Gabriel:

-we should be able to get things done before winter, if I could have that time

-there are some items that are a little tricky

-first of all, I don't really have the money to do these things

Ms. Moermond:

-let's see which repairs need to be done & which ones we can set aside

-#3 egress window is already set aside

-appliances, though, shouldn't be in power strips; they are supposed to go directly into the walls

Gabriel:

-when we got the house, it came with this wonderful coin dryer & washing machine; they kind of work & they had this power strip in the ceiling; there aren't any outlets nearby; so, that's how I did it; I asked the inspector if I could use an extension cord and he said, "Oh, no; extension cords are also a no-go; they need to go directly into an actual outlet in the wall;" but the appliances cords aren't long enough to reach the outlet

-I don't tinker around with that electrical stuff

Ms. Moermond:

-you will probably have to spend a couple hundred bucks to hire a licensed electrician

to put in an outlet under permit

-as an owner-occupant, you could pull an electrical permit on your own; basically, you'd be installing a socket & extending a line

Ms. Shaff:

-the work must be done up to code, inspected & finalized; otherwise, it will require a licensed electrician

-the other option is to completely remove the washer/dryer

-the dryer vent needs to be smooth bore - it also requires a permit; as an owner-occupant, you can do the work & have it inspected

Gabriel:

-I did ask the inspector about that particular aspect and he said, that because it's a piecemeal sort of thing, that I wouldn't need a permit just to replace that one part of the vent (look at the photo); it's not the whole vent, just a part of it

Ms. Moermond:

-you'll need to read the code re: the vents but you could do this yourself

Gabriel:

-I recently received a doctoral dissertation fellowship, which is partially state funded & I really have to finish my dissertation or else.....

Ms. Moermond:

-you work on your dissertation; you're feeling like you're pressed for time; & definitely, money

Gabriel:

-housing stuff isn't really what I do

-and, it's interesting, when we bought the house, the set up in the basement was the same and the other inspector didn't seem to mind

Ms. Moermond:

-there was an error in the previous inspection & this should not have been passed

Gabriel:

-the front door: unclear; if it means the major door, that door isn't decayed; we flipped one of the boards so the door would close better; it's not decayed; it just needs painting

Ms. Moermond:

-I can't excuse these violations for you; we need to figure out how to fix this; I'm trying to work this so you can get some financial assistance to help you do some of these repairs

-I think that you'd qualify for \$25,000 from Planning & Economic Development (PED) dept for repairs; I'm going to have you contact Michele Vojacek 651/266-6599; you'd fill out an application for the money; another option is Neighbor Works, they are a community development corporation, a nonprofit, doing this kind of work, 651/292-8710; call them up & have them look at this set of Orders; see what kind of financial assistance may be available for you guys

-I think that we can get you out of the C of O Program

-I will Lay this Over for 3 weeks while you look into getting some money

Appellant needs to provide power of attorney documentation in order to be released from the Fire C of O Program. However, the items on the list still need to be addressed.

Laid Over to the Legislative Hearings due back on 8/1/2017

2:30 p.m. Hearings

Vacant Building Registrations

- 18 [RLH VBR 17-50](#) Appeal of Cornelius E. Brown and Gail Koslowski to a Vacant Building Registration Notice, Notice of Condemnation-Unfit for Human Habitation-Order to Vacate, and Summary Abatement Order at 1692 EDMUND AVENUE and 1694 EDMUND AVENUE.

Sponsors: Stark

Cornelius E. Brown & Gail Koslowski, owners, appeared.

Fire Supervisor Leanna Shaff:

-Condemnation/Order to Vacate

-bldg is unfit for habitation for lack of running water & deficiencies that need to be corrected immediately: supply water due to meter malfunction

-there was no contact by the property owner

Supervisor Matt Dornfeld, Vacant Building Program:

-we followed up on that report & opened a Category 2 Vacant Building on Jun 26, 2017

-I issued Orders for tall grass & weeds - has since been cut

-currently, there's one small bag of, what appeared to be recycling materials or refuse on the front porch; & there's a west wooden property fence that could use some attention

-I posted placards; photos in system

Mr. Brown:

-they had taken out the water pump but there was nothing wrong with it; it never leaked or caused a problem; the one that was replaced shouldn't have been replaced in the first place

Ms. Koslowski:

-they contacted us & said that the water bill was low; so, they wanted to know why; we told them that there was no one living in there right now but that we do use the water for watering the garden & lawn maintenance

-we always pay our bill on time; all of a sudden they took out the pump; then, we had a potential renter; now, this has stalled us

Ms. Moermond:

-have you called Water & asked them to put one back in?

Mr. Brown:

-I explained to the lady that there was nothing wrong with the pump & that we had a potential tenant but we were stalled on that because of the pump being taken out; and she said that they probably shouldn't have shut the water off in the first place; there was nothing wrong with the pump

Ms. Koslowski:

-we sill don't understand why they took the pump out

Mr. Brown:

-they have now replaced it; they claim that they couldn't get it to contact for the reading but there was nothing wrong with the pump

Ms. Koslowski:

-but for some reason they still couldn't turn the water back on

Mr. Brown:

-the water should never have been shut off

Ms. Moermond:

-so, the pump is back but the water is still off?

Mr. Brown:

-no; the water is on; he came out & talked to me; he changed the pump, which should never have been changed

Ms. Moermond:

-so, the water is running

Mr. Brown:

*-yes, ma'am; I watered the garden the night before last; it works perfectly
-the neighbors & I also cut the grass; we're in the process of working on the weeds;
just need a little more time to go all the way around; we'll have it done by the end of the week*

Ms. Moermond:

*-Mai, call Water to verify; have a seat while we wait
-just take your time with the weeds*

Grant the appeal to be released from the Vacant Building Program; grant the appeal on the Summary Abatement Order since the nuisance condition has been abated; and grant the appeal on the Condemnation and Order to Vacate as the water has been restored.

Referred to the City Council due back on 8/2/2017

19 [RLH VBR 17-49](#)

Appeal of Catherine Carpenter to a Vacant Building Registration Notice at 1289 HARTFORD AVENUE.

Sponsors: Tolbert

No one appeared.

Supervisor Matt Dornfeld, Vacant Buildings:

-Ms. Carpenter lives in NY; she wrote a substantial letter (attached)

Ms. Moermond:

-no one's been living at 1289 Hartford Ave for a year

Mr. Dornfeld:

-I'd like to talk with her to see what is exactly going on; I will call her in the morning; it appears that she lives out of state now & it could possibly be a foreclosure or something that she will want to sell

-she hired a lawn maintenance person who failed on her & the grass got to be 12 inches high; we cut the grass; I opened a Category 1 Vacant Building; there some minor peeling paint & fascia work that needs to be done

-read from her letter, "I've been trying to ready the house for sale & despite delays

due to a difficult flooring installer, I'm almost to the point where I can engage an agent.. "

Ms. Moermond:

-OK; we'll do a 120-day VB fee waiver for her to get it sold

Waive the vacant building fee for 120 days.

Referred to the City Council due back on 8/2/2017

20 [RLH VBR 17-51](#)

Appeal of Mark Axtell to a Vacant Building Registration Notice at 751 OAKDALE AVENUE.

Sponsors: Noecker

Kim Grisson appeared o/b/o her brother, Mark Axtell.

Supervisor Matt Dornfeld, Vacant Buildings:

-DSI code enforcement received a water shut-off from St.Paul Regional Water Service on Jun 5, 2017

-code inspector Mark Kaisersatt responded to that complaint & confirmed that there was a water shut-off; he documented that the property did appeal vacant & that there was garbage, refuse bags that appeared to have been dumped in the backyard; he did not Condemn the property or write up the garbage; he just simply transferred it to Vacant Buildings

-I followed up on that on Jun 14 & opened a Category 1 VB; I felt that the exterior was in fair condition (some minor peeling paint; a little bit of gutter damage); I confirmed the garbage in the back & issued a Summary Abatement Order for that

-I did not hear anything back from anyone & continued to receive complaints from the neighborhood; I issued a Work Order a week later to remove that garbage from the backyard

-I received a call from Mr. Mark Axtell, stating that his brother, Larry Axtell, had owned the property & was now deceased; Mark had been out of town & late to getting the correspondence; he was also working on some probate issues; he said that he would be taking care of the property; I advised him to file the appeal

Ms. Moermond:

-what's the plan with the property?

Ms. Grisson:

-the water has been turned back on; we went over and emptied out the house into a dumpster

-my brother Mark just got Power of Attorney; my brother Larry hadn't left any paperwork for anyone to be Power of Attorney

-Mark is working with the mortgage company to see where that's at; we want to tie up all the loose ends

-I go over there about once a week

-at this time, the house is being taken care of & has been cleaned out; my brother fixed a broken window; someone tried to break in & the neighbors dumped a couch & chair on the front lawn; so, I asked them to please have that moved by today

-I think the place looks pretty good

Ms. Moermond:

-before you can sell it, there's a ways to go on the paperwork

-your brother died without a will; the property needs to be probated; a sale needs to be agreed upon with the mortgage holder; it sounds as though your brother has initiated a lot of this

-I'd like staff keep an eye on it
-this is just an empty house because your brother died, so it's a Category 1 VB (turnkey)

Mr. Dornfeld:

-this is perfect as a Preliminary VB

Ms. Moermond:

-we will grant your appeal & get you out of the VB Program
-one of the VB people will drive by periodically to check on the house & make sure that things continue to be OK

Grant the appeal and owner is released from the Vacant Building Program.
(Preliminary file)

Referred to the City Council due back on 8/2/2017

21 [RLH VBR 17-52](#)

Appeal of Kenneth O. Doyle to a Vacant Building Registration Requirement at 705 SUMMIT AVENUE.

Sponsors: Thao

Kenneth O. Doyle, owner, appeared.

Ms. Moermond:

-we have a very recent Vacate Order and so, it's just been referred to the Vacant Building Program

Supervisor Leanna Shaff:

-Feb 22, 2017, we received a lengthy complaint about this property in disrepair; I responded to that & referred it to code enforcement
-Mar 6, 2017, we received a complaint that door knobs & some other items had been removed; Inspector Rob Corrie (no longer with the division) inspected & found smoke detectors & other items missing; given the state that he found the building, we required an early Fire Certificate of Occupancy inspection, which started in Mar; I took over after Insp Corrie left the city on Mar 22
-the deficiency list contained numerous life-safety items, including non functioning smoke detectors, a total of 32 items
-I returned again the next day to make sure that smoke detectors were replaced; that day's inspection took almost 2 hours for the smoke detectors
-in the interim, it's been difficult to get into the house for a multitude of reasons
-I was there on Apr 26 & very little had been done
-I was there on May 8 & again, very little had been done
-we've had a couple of meetings with SPPD on behavioral issues that happened at the house
-in the house, we have fire separation issues that have not been addressed; it's a 3-story bldg with a basement that has 6 apartments in it (it's numbered goofy); each unit & each corridor needs to be properly separated from the other spaces; in basement unit #7, the ceiling; there's issues by the electrical closet in the basement (photos) wires hanging down
-I can't confirm this right now because I did not make access to unit #7 but the escape windows have not functioned properly since my initial inspection
-it's an ever-changing situation
-some of the basement corridor had been cleaned out the last time I was there; however, this time, it was filled with stuff again
-we delayed the inspection a few times due to Mr. Doyle's caretaker, who happens to live on the premises - said that his X-girlfriend / girlfriend was dying in Arizona; & that

at one point in time, he told me that both he & Mr. Doyle were in Arizona; come to find out in talking with Mr. Doyle, he was not in Arizona
-there's been very little work done in the fire life-safety issues
-we enforced the Revocation

Mr. Doyle:

-I take very strong exception to her characterization of the bldg & my work at it; there's been a great deal of work done in response to the Orders; the reason that we aren't going as fast as she would like is because I'm in a financial crisis; I own a house north of Green Bay, WI, that I am trying to sell; I have a full market ____ offer for it & am trying to proceed to closing but there's a neighbor who wants to offer me about 1/10 of what it's worth; he is trying to drive us out of the property buy breaking every window in the bldg repeatedly by shooting guns thru the windows & glass doors; by trying to set fire to the property - the police caught him in the act & he tried to put a bullet into the officer's chest but he forgot to take off the safety - so, there's just chaos there; in order to finish the sale, I have to keep repairing all the damage & that is taking, virtually, every cent I've got & as much man power as I have
-I have no objection to do this work that Ms. Shaff wants done; it's just a matter of how fast I can get it done; I'm expecting an influx of money from the closing of this property, if it happens or if there's been more vandalism; plus I sold another house a month ago but still have not received the proceeds; the lender keeps saying, "We mailed it & we tracked it but we just can't find it;" they are trying to clean that up today; in any event, bottom line is that I'm happy to do the work; much of what is on the most recent Order is already done; I just need some time to finish it up

Ms. Moermond:

-so, what's different now from the previous 4 months leading up to now is basically the sale of a property that occurred a month ago that will bring in proceeds; but there's 2 draws, potentially, on those proceeds: 1) future damage on your WI property; and 2) the repairs necessary for this property on Summit Ave

Mr. Doyle:

-there are 2 properties in WI; we're talking about over \$100,000 net proceeds for each of those houses; so, I don't anticipate any problem paying for the repairs on Summit; and the things that Ms. Shaff is most worried about are already done; we did them over the weekend; I had to borrow money from friends to get the materials & the permits

Ms. Moermond:

-asked Ms. Shaff if any permits had been pulled for this property

Ms. Shaff:

-none since 2014

-when I was there on Jul 7 for the last inspection, I was told about some other problems so, I don't believe the list is all inclusive

Mr. Doyle:

-we pulled permits: Keiser Electric; I paid for it & the work is finished

Ms. Moermond:

-asked to see evidence of that permit

Mr. Doyle:

-I gave the contractor money to pay for the permits; Keiser said the permit was pulled; he applied by computer

-I'm puzzled; contractor told me one thing & you're telling me another

Ms. Moermond:

*-you need to hold the contractor accountable
-I need to worry about how to handle this particular list in front of me
-are all the units occupied?*

Mr. Doyle:

*-no; we evicted the tenants from Unit #2 & they tore the daylights out of it; they are gone, finally
-fortunately, all the work is done in there; we're hoping for an inspection tomorrow or the next day; people want to move in*

Ms. Moermond:

*-the Order is to Vacate the property; not to occupy it until we get this squared away
-Ms. Shaff, you mentioned behavioral problems but you don't have behavioral problems listed as a reason for the Revocation of the C of O*

Ms. Shaff:

-the events that happened, happened in the driveway not inside the bldg during this repair time period; I don't have a police action that I can write a 617.80 letter on but we definitely have behavioral issues at the property; we've been told that the caretaker was friends with the problematic tenant; he's also a convicted felon

Mr. Doyle:

*-working with SPPD & my own attorney, we got the people in Unit #2 evicted; it's been a couple of months; I'm puzzled why this is an issue now
-the guy who lives in the bldg, a law student from Mitchell Hamline, was a case of mistaken identity (I'm told by SPPD); he was seen at an SA Station & some gangster thought, "He's the guy who owes me money;" he came into my front yard & shot him; it turns out that he was not the guy; he was an innocent bystander; all that is past & it wasn't caused by my bldg or my tenant*

Ms. Shaff:

-when I asked Mr. Doyle about Unit #2's lease, he said that they didn't have a lease because he wouldn't accept a lease from him although they live there

Mr. Doyle:

*-my caretaker knew a couple of the guys from Unit #2 but they were not the villains; they started to go down hill after they moved in but the villains were the people who came over as guests of theirs; I do not believe that my caretaker has any involvement with any kind of illegality or anything of that sort; I think that he's really getting a raw deal on this thing; he's a single father & he's good at taking care of his kids & he's good at taking care of my stuff
-I thought the whole issue was the set of Orders in front of me (?) & I'd be happy to talk about which are done & which are in the process of being done*

Ms. Moermond:

-the reason you are here is because you've been put into the Registered Vacant Building Program upon the Revocation of your Fire C of O for long term noncompliance; the inspector put an immediate Vacate date on it & it was appealed; now, I'm trying to sort this out

Mr. Doyle:

-Vacating the bldg would be a major financial crisis for me & as well as unjust for the other tenants

Ms. Moermond:

-I'm troubled when I see, after several months, Orders that pertain at all to smoke detectors/CO alarms or anything along those lines; those items should have been addressed right away

Mr. Doyle:

-they were addressed right away

Ms. Moermond:

-we don't have a Smoke Detector Affidavit returned to the office

Mr. Doyle:

-I returned that affidavit months ago

Ms. Moermond:

-it's still showing up in your Orders

Mr. Doyle:

-I'd be happy to fill out another one but I know I've already filled one out & sent it in
-re: the check for the sold house, they said if it's not here today, they'll cancel it & wire the money

Supervisor Matt Dornfeld, Vacant Buildings:

-I'm not hooked up with the computer today; it's in the shop but Inspector Shaff is hooked up

Ms. Moermond:

-this will be on the City Council's agenda next Wed, Jul 19 at 5:30 pm; I will recommend that they grant your appeal on the Revocation of the Fire C of O & the Registration of the VB status if you have completed the repairs by Jul 31, 2017; if not, the bldg should be Vacated on Aug 1, 2017

-you will need to schedule an inspection for Jul 31 & everything needs to be done at that point or the Certificate will remain Revoked & the bldg will be Vacated

Mr. Doyle:

-I need clarification on a couple items: 1) needing a permit for landscaping on the west side of the bldg; I have no idea what kind of permit would be required to put some decorative gravel on top of a rubber skirt

Ms. Shaff:

-it says that this may require a permit

Mr. Doyle:

-when we talked the other day, you said that it does require a permit; you were emphatic about it

Ms. Shaff:

-that was on the electrical & the gas work

Mr. Doyle:

-we're meeting a plumber tomorrow morning to do the dryer work

Ms. Moermond:

-so the answer to the question is, "It may require a permit;" (has to do with the cubic yardage of the amount of material that you're working with & if you are installing something like a retaining wall of a certain height); those would be general bldg

permits

Mr. Doyle:

-#4 - repair & maintain the required fire resistant construction with approved materials; we couldn't figure out what work you meant

Ms. Moermond:

-that's for completing the fire separation between the basement & the first floor; that needs a permit based upon the amount of money involved (?) general bldg permit on that; so, the person who did the work on this will need to pull a permit

Mr. Doyle:

-that's done

Ms. Moermond:

Grant the appeal on the revocation and order to vacate and the vacant building status if the repairs are completed by July 31, 2017 or the property must be vacated on August 1, 2017.

Referred to the City Council due back on 7/19/2017