



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, February 13, 2018

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 17-46](#) Ordering the rehabilitation or razing and removal of the structures at 1060 AVON STREET NORTH within fifteen (15) days after the January 3, 2018, City Council public hearing. (Public hearing continued from January 3) (Amend to remove within 15 days with no option for repair)

Sponsors: Brendmoen

Steve Magner, Code Enforcement Manager: a letter was sent out Feb 2 indicating that the building needed to be cleaned out; the \$5000 Perf Dep needed to be posted; the delinquent taxes need to be paid; we needed a detailed work plan; we needed documentation of finances to execute the above plan and funds tied to the rehabilitation; & if the owner is interested in bringing in a third party, that third party needs to be present; it is my understanding that this third party has never come to the table

Ms. Moermond: I had a chance to talk on the phone with the third party, Mr. Bill Cullen; and the owner of the property, Donald Klemmer, had not been in contact with Mr. Cullen; Mr. Cullen indicated that he hadn't had any direct contact information for Mr. Klemmer but that he had been trying to locate him through relatives of Mr. Klemmer without success; prior to this building being determined a nuisance structure, Mr. Cullen had a Purchase Agreement with Mr. Klemmer, which had expired; Mr. Cullen is not interested in moving forward at this time because of a lack of contact & cooperation in putting rehab plans together

Mr. Magner: for the record, we do not have a Perf Dep posted; we don't have a code compliance application request; I have not received any work plans or financial plans or have had any communication with the Appellant

Ms. Moermond: my recommendation is that the property should be removed within 15 days with no option for its rehabilitation; none of the conditions have been met for continuing the case

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Remove within 15 days with no option for repair. Property owner did not appear.

Referred to the City Council due back on 2/28/2018

- 2 [RLH RR 18-4](#) Ordering the rehabilitation or razing and removal of the structures at 642 CHARLES AVENUE within fifteen (15) days after the February 14, 2018, City Council public hearing. (Amend to remove within 15 days with no option for rehabilitation)

Sponsors: Thao

No one appeared.

Ms. Moermond: a letter went sent spelling out the requirements: posting a \$5000 perf dep; financial documentation; affidavit for funds; staying current with Confession of Judgment; maintaining the property; I don't see that any plans were forthcoming -was there a perf dep posted?

Mai Vang: we received the \$5000 Perf Dep Feb 9, 2018

Ms. Moermond: we have the perf dep; we have a code compliance insp report -what we need is a work plan & documentation of financial capacity to execute those plans; they are not here; he says that he's going to present them to the City Council -based on the fact that I have not been able to review them.... Mr. Magner, have you seen anything that I haven't seen?

Mr. Magner: No

Ms. Moermond: I'm going to recommend removal of the building within 15 days with no option for its rehabilitation; if the Council wants to send it back into Legislative Hearing, I would be very happy to look at it again

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

Referred to the City Council due back on 2/14/2018

- 3 [RLH RR 18-2](#) Ordering the rehabilitation or razing and removal of the structures at 1536 VAN BUREN AVENUE within fifteen (15) days after the February 14, 2018, City Council public hearing. (Amend to remove within 15 days with no option for rehabilitation)

Sponsors: Stark

Greta Bjerkness, Attorney representing the mortgage company appeared.

Steve Magner, Code Enforcement Manager: read Feb 2 letter to Douglas Henneman (attached) noting conditions that were to be met: code compliance inspection must be completed; the \$5000 perf dep needs to be posted; provide a detailed work plan/sworn construction statement with timelines; evidence of financial capacity to execute the project; affidavit; maintain property -Mr. Seeger noted that on Jan 30, the place still hadn't been cleaned out, so, he was not able to do the inspection

Ms. Bjerkness: the property owner is unable to attend today's hearing

Mr. Magner: there's no new work plan & no perf dep

Ms. Mai Vang: I got an email from him today at 8:37 am: "As I mentioned last time, I will not be able to attend today's hearing. I have been unable to raise permanent financing for the renovation and therefore I cannot post the perf bond either. The potential buyer backed out shortly after the last hearing, so that is no longer an option. I appreciate the city's patience with me during this difficult time."

Ms. Moermond: what's the bank's position?

Ms. Bjerkness: I have no position from my client

Ms. Moermond: this goes to City Council tomorrow, Feb 14, 2018 at 3:30 pm at which time, I will recommend that the Council Order the building removed; if the bank is going to pursue any legal action, let me know; right now, I have nothing to go on & no available money

Remove within 15 days with no option for repair.

Referred to the City Council due back on 2/14/2018

4 RLH RR 18-11

Ordering the rehabilitation or razing and removal of the structures at 521-523 DESNOYER AVENUE within fifteen (15) days after the March 14, 2018, City Council Public Hearing.

Sponsors: Stark

Jay Olson, trustee & Jeff Chermak, proposed buyer appeared along with approximately 6 neighbors.

Ms. Moermond: I have a little background on this because some months ago, prior to this coming forward as an Order to Abate a Nuisance Building, I was asked to look at this set of properties by the Ward 4 Office; they were trying to sort out what was going on because they were getting a lot of calls from the neighbors about the situation; so, I helped the Executive Assistant to figure out what was owned by the Olson Trust; what the conditions were; what were parcels; what were parcels with buildings on them; the property tax situation, etc; I helped to document some of that & brief the Councilmember on that; all that was turned over to the Council Office & DSI, who, then, could take steps; I think that you own about 20 properties, half of which have buildings on them & I think they're all duplexes; about half of those duplexes are in the Vacant Building Program; the others have Certificates of Occupancy; but I haven't looked at it since Sep 2017; that is a significant footprint in the neighborhood; and this is one of those properties & it's been in the VB Program for a very long time

Steve Magner, Code Enforcement Manager:

-The building is a two-story, wood frame, duplex with a detached, two-stall garage on a lot of 8,712 square feet. According to our files, it has been a vacant building since February 5, 2007.

-The current property owner is Arnold A. Olson Trustee/Shirley A. Olson Trustee (deceased) per AMANDA and Ramsey County Property records.

-On November 30, 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 December 6, 2017 with a compliance date of January 5, 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 \$145,900 on the land and \$153,500 on the building.
- Real estate taxes for 2014 through 2017 are delinquent in the amount of \$19,373.83 which includes penalty and interest. Property is scheduled for tax forfeiture in 2020.
- The Vacant Building registration fees are due and owing as of February 5, 2017.
- As of February 12, 2018, a Code Compliance Inspection has not been done.
- As of February 12, 2018, the \$5,000 performance deposit has not been posted.
- There have been thirteen (13) SUMMARY ABATEMENT NOTICES since 2007.
- There have been three (3) WORK ORDERS issued for:
 - Grass/weeds
- Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$20,000.

Ms. Moermond: Mr. Olson, you the sole representative of the Olson Trust; both of your parents are deceased; you've been in the VB Program for 11 years; the property has a substantial amount of delinquent taxes; there's a pretty high land value & a pretty moderate building value; you haven't ordered a code compliance inspection yet – that needs to be done; the city has had to send you Orders & by & large, you comply with those Orders on the exterior

Mr. Olson: my dad got sick & I kept taking care of everything; he passed away & my mom moved in with me; she was diagnosed with ovarian cancer that came back after 17 years; they gave her 6-12 months to live; I took care of her at home for 37 months; I was still able to maintain & do things before that but towards the end, it became very difficult to keep up with some of this stuff; so, I had someone else cutting the grass & I know he forget a few times; my dad built those houses down there; their family farm was on 280 & University for years until they put in 280; they took the property by eminent domain; then, they purchased the land & were building one duplex each year; this 521 they built for my grandmother; it's all Douglas Fir & hardwood floors; it has baseboard hot water heat & plaster; cove ceilings & a fireplace on each side; we were using that duplex for the storage of tools, paints, etc, while we were rehabbing the other ones; that's why it's been vacant; with my mom & dad, the dementia, & Alzheimer's, it was very tough, especially with throwing things away; my mom would keep envelopes but throw away what was inside; it was very hard

-I've issues with tenants, too; now, I finally got some tenants out; people have rights

-I have come into a working agreement with Jeff; he was going to purchase 521 so that I'd get that home converted; he's rehabbed before & he lives in the neighborhood; this house also has sentimental value to me; he wants to keep the place the same as it was, too; that's important to me because it was my grandmother's house & it's very hard for me to sell it; we figured a way for him to buy it; then, we found out that we can't do that but we can work around that so we can get it code compliant

Ms. Moermond: the Performance Deposit is \$5000; the code compliance inspection is \$600+ for a duplex; could you afford to put that kind of money out there right now?

Mr. Olson: give us a couple days & we can take care of that

Ms. Moermond: you will need to clean out the house so that the 4 trades can go thru for the code compliance inspection; they will create a report of what needs to be done to bring it up to minimum compliance; it's been empty for 10 years; I understand that you own all these properties outright; so although there's a lot of property taxes due & owing, there's a lot of equity that you can tap into

Mr. Chermak, you had asked, "Is there a way to transfer ownership?"

Mr. Chermak: I had spoken with an attorney; initially, I was under the assumption that this was in the Category 2 status, a process that I'm familiar with; I do have a track record in the City of St. Paul & I don't think you're familiar with me because typically, things go pretty smoothly; when we go into more details, we found out it was a Cat 3 VB & I consulted with an attorney & we were trying to figure out how we could write up a contract so that I could use my money for the rehabilitation & still have the protection of some sort of recording so that I'm not hung out to dry with the risk; his assumption was that the city wasn't going to allow any recording on the deed in this Cat 3 process

Ms. Moermond: you got it; right now, we're at ground zero; you have a loose outline of what you would like to do

Mr. Chermak: I don't think that's completely accurate; we've moved in the direction of having conversations acknowledging that we can work together; the money is there; the experience is there; the will is there; we just need to come up with a plan to move forward; so, how can we move forward... we can order the inspection – I want to start helping Jay move this process forward; our biggest road block is the Cat 3 status; is there a way to form a partnership to move forward?

Ms. Moermond: yes; however, there's a lot of equity out there; if Jay sold another property, he could do this rehab on his own; he's the guy I need to be talking to; my goal is to get this thing fixed or flat; we can figure out how that's going to happen but first we need to get the \$5000 perf dep posted & the code compliance inspection applied for – that will give us the scope of work that's going to be required

Mr. Olson: I had wanted to sell some properties that were further north; however, my parent's lawyers were supposed to put half of the trust with my mom's name first & half of it with my dad's name first; they, instead, put everything into my dad's name first (unbeknownst to me); so, when my dad passed first, it complicated everything with inheritance tax; consequently, I have a very low trust for lawyers, right now -in addition, my son's girlfriend was killed in an auto accident just this fall, so, I've been having issues with my son moving back in with me, too – lots of emotional problems; now, working with Jeff has helped me see a light at the end of the tunnel for getting stuff taken care of

Now, let's hear from those people who came to speak to the situation:

Drew Ross: I am the Grid 1 representative for Union Park District Council; in 2002, we moved into the neighborhood; we were tenants of Arnie & Shirley Olson at a different property on Frontenac Place, so, I've known the Olsons for quite a while; I just want to say that I've been engaged with Jay on this & looking for resources & ways that this can be saved; I think that the property is a valuable property; I think that it's a unique property; we have a neighborhood that has a lot of high end housing in it but we need the diversity; we have very few rental properties in the neighborhood & I can definitely speak to the fact that the Olsons have provided affordable housing in this area; it lends diversity to the neighborhood & has been an asset; I'm glad to see that things are moving forward & I'm working with Jay to get all the rentals back online; it would be good for the neighborhood; it will be good for the family

Connie Supple: the biggest sob story I have is that for 30 years the neighbors have put up with this rental property in this neighborhood; my husband & I went to court 15 years ago against 604, 606, 610 & 612 Desnoyer Ave; we got nowhere; shame on the City of St. Paul for what they have allowed in this neighborhood with these properties; there's 8 lots; there's 11 properties; 3 are Condemned; taxes are in arrears; that's a lot

of money out of your coffers; what about the rest of us who keep up our properties – to have to put up with what has gone on here for 30 years; shame on you all, including the inspector

Ms. Moermond: do you have specific experience with this property?

Ms. Supple: we have experience with all of these properties; they've been a problem since 1980; police calls; more than 4 people occupying it – some of the people had a running motel – people spend the night; parking on the street & not moving their cars; noise; issues, issues, issues; & no one ever monitors the properties; it's up to the neighbors to complain; call the city & the city inspectors have covered for him every single time; when we went to court, the judge in Mpls said that we should take the City of St. Paul to court & him

Ms. Moermond: what was the cause of action? Was it a nuisance?

Ms. Supple: we were told to take it to Civil Court; are we willing to spend \$20,000 when that's your job to take care of, not ours; re: upkeep – nothing is ever done - since 1980 -this property that he wants to keep is a joke; he'll never be able to fix it up; a cat shouldn't be living in it; the one next door him is Condemned; the one behind him is Condemned; 604-606 should be Condemned; 610-612 should be Condemned but yet, people are in there; I flew up from Florida to open up my mouth; it's worth it

Bill Young: I am a retired attorney, who lives next door to one of Mr. Olson's properties; his property is 522-24 Otis & I'm at 526 Otis Ave; I'm almost positive that the same problems that I've had with 522-24 Otis are the issues that you are talking about with this Desnoyer property; I have interacted personally with Mr. Olson & I have heard his stories about family & history; I told him that I understand & am sympathetic but "I don't want your problems to become my problems," which they have; so, the sob story that you heard this morning is what he has constantly run by people who are willing to sit & listen; I concur 100% with Ms. Supple in that these issues with Olson have to be shared with the City of St. Paul & with the renters who rent from him; blame goes out because this is not just a recent problem; this has been going on for decades; just on the property next door to us, he has accumulated, I believe, \$500 in fines since the beginning of the year because of not shoveling snow; my wife had to go out & pick up garbage from the tenants, who were there almost 2 months after the property was Condemned & they were supposed to be out of there; City Councilman Stark, to whom I wrote a letter to, said to me, "Bill, we need your patience;" and I said, "Mr. Stark, patience is something that you should not be asking the property owners of Desnoyer Park at this juncture;" we are all for diversity; I walk in diversity; you can just look at me - & I know all about diversity but when he looks for a certain type of person to rent to & when he band aids his properties & when his tenants are afraid to come forward with a complaint because they don't want their rent to go up & when he just gets one handyman to go out & cut the grass/shovel the snow/fix the hole in the roof that squirrels & any other critter live in when they're not out feeding; then, when his helper misses one area because he's at another area; when he has put a car or back hoe up in the woods on our property & when we complain, he just moves it to one of his other properties; & he's the Assistant Fire Chief over in St. Anthony Village – making 6 figures in that job; he's getting income from somewhere; it's hard for me to buy his sympathy story he puts forward to you this morning; I don't want to come across as the angry black man in here; I don't mean that at all; I try to be fair – reasonable is what they taught us to be in law school; people wouldn't put up with him over in Highland Park; he couldn't do this foolishness on Summit Ave; Desnoyer Park is a nice area; we property owners – we can live with rentals; all we want is for him to follow the law; no

more; no less; & we want you to enforce the law; you are in a position to do that; we want you to do your jobs; no more; no less; don't ask us property owners for patience when we pay our property taxes on time & he's in arrears for years for a ton of properties; I've had issues with him – my wife & I contacted as many neighbors, who've had issues with Olson Properties to get together as a group to see what all is going on; we started to meet back in May; at first there were only 10 of us; the group has grown; we did some research on all of his properties; we did research on all of the fines, back taxes, etc.

Ms. Moermond: with respect to back taxes; these properties are owned outright without a lien or mortgage on them from what I can tell; so, if they are in arrears as this one, some \$20,000, & scheduled to forfeit in 2020, that would mean that Mr. Olson would be losing a property that's worth several hundred thousand dollars for nonpayment of \$20,000 & Ramsey County will take that property & auction it off & they will get a lot of money, certainly in excess of the taxes due & owing; because this is a nice neighborhood, the public sector would come out way ahead if he doesn't pay his taxes; his financial situation is very solvable looking at it from a macro level -I'm hearing that this is giving you, Mr. Young, concern about his ability to manage the rehabilitation of this property, in particular

Mr. Young: I don't think that he's done anything that he's said he was going to do; he was to put forth a plan before the end of the year to the city as to how he was going to move forward (sell, rehab or what); he does what he wants to do or not do on his schedule; I didn't come prepared to talk this morning because I thought that the city has become aware of our complaints & all of this & I just thought it was a no brainer – "They're going to tear this property down"

Ms. Moermond: as you know, we have due process; due process from my perspective means that he's given a chance to correct this situation, legitimately; the code is very specific on how that needs to happen & the length of time that needs to happen; so, it's not an endless piece of rope that we're talking about

Mr. Young: I was on my way to the newspapers (but I've pulled back a little) because we don't live in Desnoyer Park to put up with this kind of foolishness; I've driven by Mr. Olson's house on Stinson Blvd; the grass is cut; snow is shoveled on walkways; I've talked with his boss, who's said, "I don't have jurisdiction about what Jay does but give me an hour to talk to Jay;" within 1 ½ hrs, Jay & 2 other people we cutting grass, cleaning windows, etc, that should have been done..... What I'm hearing is a band aid approach to this property but what I hope is that he realizes there's a much bigger issue that he needs to resolve; he's either not willing or not capable of resolving it -all we want is for everybody to follow the rules because his action/inaction is impacting us, the property owners

Anton Jach'm: I live in 506 Otis, which is immediately behind this property; I like Desnoyer Park; it's a beautiful neighborhood; nice people; there's one thing I don't like about the neighborhood & that is the properties owned by the Olsons; they are a blight; they are not maintained; you noted that there was a fairly light list of code enforcement actions that he has responded to & you inferred that it meant that the neighborhood was fairly satisfied with his work; that's absolutely not the case; what I would say that represents is that the neighborhood's been far, far, far too patient with him;

Ms. Moermond: from my research I know that in neighborhoods such as yours (strong social connections; stability) can withstand the pressure of a bad property better than

neighborhoods with weaker social fabrics & ties so we are not as likely to get a call; we are more likely to see you taking care of business, being patient –it's self-sustaining in other ways; I hear where you're coming from & I will not assume that

Mr. Jach'm: and to address Mr. Olson's point that some people don't like rentals, I would say that the exact opposite is true; because we're sympathetic to the situation of the people in these rentals, we try not to make people's lives hard but the fact is that we are having to deal with these derelict properties & his lack of attention – maintenance & so on; I moved into 506 Otis 15 years ago in 2003 & that property was a blight when I moved in & has been continuously a blight in that time; I have made complaints to the city & I can assure you, if we continue down the path we're talking about today & we give more & more time & more & more slack on this rope that has an end at some point, there will be more complaints; I realize that we have not been as consistent as we should have been; there will be more calls to the city; there will be more enforcement action because it appears to be the only path & we don't want to give the impression that these properties are being maintained simply because we're silent; the house we're talking about is immediately behind me; if you came & saw my house, you'd notice that I have a very large garage – a rather strange shaped garage with a workshop attached; it's L-shaped, which was specifically designed by me so that I didn't have to look at this slummy property behind me; it blocks the view; so, I went way out of my way just to cover this mess up; the exterior of this property does not give a satisfactory appearance; there's been no maintenance that wasn't ordered by the city – zero in 15 years; the outside of the exterior is covered in streaks of dirt; the front porch is collapsing; in the back, the garage is collapsing- it's roof is caved-in; it's infested with rodents; there's also a collapsed garden shed also infested; the yard is sunken & it retains water in the spring; so, you have a lake of mud for months on end; the exterior appearance is not acceptable; it's very interesting that they've decided to hatch a plan within the last few days when this property hasn't been occupied, apparently, since 2007; so as far as giving them slack or giving them time to respond, this has been going on for at least 10 years; it's an absurd notion that they need time to respond; I noted that the date on the initial Notice was Jan 5, 2018 & we're well into Feb before we're having this hearing; this isn't a new problem; this isn't an isolated problem; since these latest enforcement actions have happened, there's been no visible response – no visible work, in fact, the sidewalk next to Bill's house, 4 doors down from me, hasn't been shoveled all winter; I walk over that icy mess every day; you don't need a list of Olson Properties; they are easily identified

Steve Mose, 511 _____; we've been there for 29 years; unfortunately for me, I'm flanked on either side with Olson Properties; you've heard it all; there's not much to add; there's been no maintenance; people move out & properties are vacant for decades; my dining room window looks across to his property where I look at dead plants & have been for 8 years; he hasn't even cleaned out the apartment; it's a very nice neighborhood – a lovely place to live & his properties don't fit in; I feel like I'm living in a ghost town; it's very depressing & it's not right for the neighborhood; I wish some action would be taken; we've been extremely patient; & I agree that everything he has done has always been a band aid, nothing of real substance

Ms. Moermond: I need to focus on this property; it's the one in front of me right now but the nuisance impact of the stable of properties is profound

Steve Magner, Code Enforcement Manager: this is a Cat 3 registered VB; their proposed sale can't move forward; in this situation, the appellant has quite a bit of equity in other properties, clearly according to the testimony given today, is not bothering to maintain; he should simply liquidate one or all of those properties to put

funds into this property; he then could hire someone; he wouldn't have to do that himself to rehab the structure; at that point, he could either manage it or choose to sell it; or he can choose to do nothing & our office (DSI) would act on whatever resolution City Council passes; I think that this is clearly unique from most of the scenarios that we see in front of us on a weekly basis in the fact that there's a tremendous amount of equity that could be tapped, whether through a sale or through mortgaging those properties if the value is there; no argument from the city's standpoint that Mr. Olson does not seem to be maintaining his portfolio; I understand that he's had some traumatic events in the last period of time but clearly articulated by the record & by individuals here today, that this isn't an 18-month issue; this is an on-going 10-year issue; at some time 10 years ago, the day to day maintenance/management decided to fall by the wayside

Ms. Moermond: so, Mr. Olson – those are some pretty strong feelings & you've probably been aware of this

Mr. Olson: it's hard to hear, especially, since we've helped some of the people out with different things; yes, equipment has been kept over there when I've been repairing something; you can go through the neighborhood, some of whom spoke here, look at their sidewalks & driveways, too; it's a constant battle with the soil over there; it's unlike any other place where there's peat underneath their yards; at 521, the porch is fine; it's not the porch; the porch is on solid footings all the way down to good soil because there's 6 feet of black dirt throughout the whole neighborhood; it's the front steps that sank; and instead of digging them out, we've just raised them up & that's what everybody does over there; others have put down wood dock for a sidewalk because of the soil that's over there; years ago before people moved in on Otis & Desnoyer, people didn't want the alley between Otis & Desnoyer; it was up to my family to agree to the alley & they turned all the garages around so that everyone had bigger yards on Otis & Desnoyer; they put driveways thru in between the houses; I admit I've been lax; I have a guy who is supposed to do things but he often forgets.....

Ms. Moermond: I hear this lifetime of history with this neighborhood & I see this set of problems that seems to be peeking right now

I need you to: post the \$5000 Performance Deposit & apply for the Code Compliance Inspection Report; if you get those 2 things in the next 3 days, I can ask the building official to expedite the code compliance inspection; staff estimates that it would take at least \$50,000 to rehabilitate

-the City Council's Public Hearing on this is Wed Mar 14, 2018

-I will Lay this Over for 2 weeks to Feb 27, 2018 LH; that should be enough time for Mr. Chermak to put together a Work Plan with contractor bids; your financial capacity; the property taxes paid; maintain the property; by Mar 14, I want to see each of the elements put together for review; maybe a contract if you want to sell it at the end because you can't sell it now; you could hire a general contractor on your own to take over to figure out a path, which is the fastest, most reliable way to take care of business; you have equity from other properties to pay that professional; you should be getting financial & legal advice about how to approach this situation

Mr. Magner: reminded Mr. Olson that the building needs to be cleaned out to be inspected by the trades inspectors & it needs a lock box so that inspectors can come in at times that suit them.

Continued to February 27 for the following conditions to be met:

1. apply for a new Code Compliance Inspection; noting lock box combination needs to be provided so inspectors can access the property for inspections;
2. A \$5,000 performance deposit will need to be posted with DSI at 375 Jackson St, Ste 220, St Paul MN 55102 – please note that the deposit will be returned with interest when the code compliance certificate is issued within the grant of time from the City Council – which is proposed to be 180 days;
3. The outstanding delinquent property taxes will need to be paid;
4. A detailed work plan or sworn construction statement, including timelines and bids, for completing the work required in the code compliance inspection report will need to be provided, including subcontractor bids;
5. Documentation of financing sufficient to execute the above work plan will need to be demonstrated (line of credit, construction loan, personal bank account). The City estimates the cost to repair to be \$50,000; however, this number is likely to change based on the estimates you bring forward;
6. If the funds being used are not tied to the project (such as a construction loan), we require an affidavit that states the necessary funds will be set aside from other business or personal accounts;
7. if owner wants to sell the property, the agreement between both must be approved by the City. This will be a contractual agreement which must stipulate that the purchaser will be undertaking the rehabilitation of the property while the property is still owned by Mr. Jay Olson, in order to be in compliance with City Codes pertaining to the transfer of nuisance/dangerous properties; and
8. the property must be maintained.

Laid Over to the Legislative Hearings due back on 2/27/2018

- 5 RLH RR 18-12** Ordering the rehabilitation or razing and removal of the structures at 96 MANITOBA AVENUE within fifteen (15) days after the March 14, 2018, City Council Public Hearing.

Sponsors: Thao

Arafat El Bakri, owner, appeared.

Steve Magner, Code Enforcement Manager:

-The building is a two-story, wood frame, duplex 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 January 21, 2014.

-The current property owner is Arafat El Bakri per AMANDA and Ramsey County Property records.

-On November 15, 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 November 27, 2017 with a compliance date of December 27, 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 \$10,800 on the land and \$70,800 on the building.

-Real estate taxes are current.

-The Vacant Building registration fees were paid by assessment on February 1, 2018.

-A Code Compliance Inspection was done on July 2, 2015 and has since expired.

-As of February 12, 2018, the \$5,000 performance deposit has not been posted.

-There have been twenty-two (22) SUMMARY ABATEMENT NOTICES since 2014.

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

- Garbage/rubbish*

- Boarding/securing
- Grass/weeds
- Snow/ice

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

Mr. El Bakri: I have a good track record with properties that had been Condemned - finished on time; I acquired this property in 2016; the property has posed challenges, which I expected: a lot of garbage removal; the city has hindered me by not allowing me to have water on the property; when I pulled the permit to work, I asked the city to switch the water back on but instead of switching the water back on, they removed the water meter; the city had been aware of a very large vandalism act that cost me over \$40,000; after 4 months of working on the property, all the new windows were smashed, including the trim & all the doors; it was very hard to see; I called the police & they had an investigation which took a while; the insurance company doesn't cover vandalism; that certainly impacted my time schedule & finances; finally, I got myself together & I started the work again; I finished all the windows that were broken, I painted & scraped all the trim; I called the plumber who pulled a permit; the electrician pulled a permit & all of a sudden, I found that I was scheduled to finish by the end of Feb; I found the city escalating things in such a dramatic way that it was very shocking after having an understanding from Matt, who told me, "Please don't do anything else until you call Joe Yannarely; I called him & he was off until Jan 16, 2018 but I didn't stop working to find the city cancelling my permits; even the inspector came out for the plumbing & could not get in; so, all the work on electric & plumbing & bldg is done, inspected by Jim Seeger; I contacted Jim Seeger, who told me that he did not initiate any of that; I was told to fill out these papers; I tried to contact Matt & said, "I thought you understood everything I was going thru"- it took time; it was not neglect on my part or carelessness; I have been maintaining the property; I even made a fence around it to protect myself a little bit; I have done everything in my capacity to move on & if that process had not stopped my permits, I would have been done by the end of Feb but unfortunately, I got very strong language on the phone, "Don't you put a foot on the property; you're not allowed to do anything; I'm warning you..." it was unbelievable language to deter me from finishing my work; so I waited for this hearing; I thought the city would contact me & ask, "What is the delay on this?" so I could show them what I'd been doing but I didn't get any of that; I got a hearing & a threat that "we will set you back to a Category 3 & you'll have to pay \$5000..." I was really overwhelmed by these things; I don't have much to do in there; I request until the end of Mar & I will be in compliance

Mr. Magner: I think that this is a standard case of where we need a \$5000 Performance Deposit & a new code compliance; his is from 2015

Ms. Moermond: was that the reason why staff was telling him to stop work- the code compliance was expired?

Mr. Magner: I don't know who's telling him to stop work; the only time my staff will tell someone not to work is if they don't have permits; the bigger issue here is to have a new code compliance inspection done; a \$5000 perf dep posted; a scope of work on how he's going to finish this project because this goes back to a code compliance in 2015 that allowed him to do the Sale Review in early 2016, when he purchased the property but now we're in 2018 (I understand that there was some vandalism & that he needed to recover from that) but we're pretty far down the road; if he doesn't agree with that, he would need the building official to say that the code compliance is still in effect & progress is quite a ways down the road; at least Mr. Seeger would need to go

out & verify; I think his argument is that he would have been done by now except that the city said not to go out & work on the project & there's so much work done that it doesn't even warrant this action; I don't agree with that but the final determination there would be Mr. Ubl based on what Mr. Seeger would see; to move forward, we need to get Mr. Seeger back out there to make a determination one way or the other; if he's that far done, then he could post the \$5000 perf dep & work off the old code compliance & finish the work under the permits, if they've been pulled; we can't speculate at this point without having a determination by Mr. Seeger

Ms. Moermond: I'm seeing a delay – the actual Order to Abate a Nuisance Building went out Nov 27, 2017 with a deadline at the end of Dec 2017 but we're 6 weeks later; normally, there wouldn't be quite that much of a gap between the two

Mr. Magner: part of the issue is that we don't have a lot of hearings over the holidays

Mr. El Bakri: the painting is done; an electrician told me, "I've done the work; I pulled the permit by phone or online & they rejected it..... "

Mr. Magner: that's part of the problem – no permits for Vacant Buildings can be issued online; so he can apply for it online but the system, physically, won't accept it; we issue almost 50% of all permits online but our computer system cannot accept an online permit if the building has a Vacant Building status

Ms. Moermond: OK – that's clear; so, I hear where you're at; here's where I'm at: I have no choice; I have to have a new code compliance inspection report because I need to see a Work Plan that finishes up; if you're code compliance insp report says that there's hardly any electrical left to be done – fabulous but I need a new code compliance report

Mr. El Bakri: to go back to Mr. Magner's suggestion..... He can send inspectors back in there....

Ms. Moermond: I want to get a new code compliance insp report which will send in those inspectors: elect, plumb, HVAC & a bldg. insp – I need that punch list

Mr. El Bakri: can I move the property to a Cat 2 VB?

Ms. Moermond: that's water under the bridge; we're cannot go backwards -looking at the exterior pictures, is that particle board fence still there?

Mr. El Bakri: that was the only way to stop the nonsense that I was getting.....

Ms. Moermond: in & of itself, that's a huge code violation; am I wrong?

Mr. Magner: No; we don't allow fences in residential areas to be either construction or

Ms. Moermond: you have a nuisance bldg; there's a way to get out of this; you're close to getting it done but there's only one path out, right now: you need to get a new code compliance; hopefully, it's a short list because you've done a ton already; I would love to see that

-I need to see bids from your contractors that are up-to-date for the work that needs to be done

-I need to see a plan that pulls it together; I need to see that you have the money to

pay for it
-you need to post the \$5000 perf dep

Mr. El Bakri: this is taking it way back..... & I have to do all of it

Ms. Moermond: that's where we're at; I can't roll that back

Mr. El Bakri: this would delay everything more & I am very, very close; the property is at least 80% done & I have to do everything all over again with the contractors – I don't see that it's necessary.....

Ms. Moermond: I understand & that's water under the bridge; there's steps that you can take; it goes to City Council Public Hearing in mid-March

Mr. El Bakri: the police officer was willing to come to testify & to request to give me more time....

Ms. Moermond: I'm ready to give you 6 months if you.....

Mr. El Bakri: I'm not interested in 6 months; I want 1 month & I'll be done; I want only 1 month

Mr. Magner: looking at the record, we have a bldg. permit from Jun 22, 2016; there have been no other permits issued for this project; so, I don't know how you could claim that it's 80% done when we don't have any other permits for this project

Mr. El Bakri: but they did do the work; you cancelled the permits

Mr. Magner: we never issued an elect permit; the system won't take it; the plumbing permit was cancelled on Jan 12 – again, because there wasn't a perf dep so that was refunded

-here's the problem with your scenario: in Jun 2016, you should have gotten those permits then when you started this project almost 2 years ago; first you went thru Sale Review with Reid Soley; then, you should have pulled all the permits; your contractors did not do that; so, you need to go back to them; Ms. Moermond is correct: if you get a new code compliance insp report, you can hand it to these guys, who, allegedly, already did the work & you can say, this is what we have left to do; they can pull the permits & then the permit inspectors can come out there & sign off & you can finish the rest of the work; we're not asking you to get 3 bids from 3 different contractors; we're saying that you need to get a new code compliance report, identify what's left according to Mr. Seeger, post your Perf Dep; have your contractors pull the permits that you need & Mr. Seeger can make the determination on the bldg. permit because he lists the status of the bldg. permit as "closed" which means that it wasn't finalized; it wasn't signed-off (a bldg. permit is only good for 180 days)

Ms. Moermond: the front of the property – take off the particle board; DSI could write an Order on that; that fence was constructed without a permit

Mr. El Bakri: it is not a fence; it's protection from the neighbors' garbage, etc; I discussed that front with Matt Dornfeld; he told me that I needed an access on the front for emergency purposes

Ms. Moermond: if you apply for the new code compliance insp report this week, I'll ask to have the inspection expedited to the following week

-we will send you a letter confirming what needs to be taken care of
-your contractor may need to double pay the permits

Continued to February 27 for the following conditions:

1. apply for and receive for a new code compliance inspection;
2. a \$5,000 performance deposit will need to be posted with DSI at 375 Jackson St, Ste 220, St Paul MN 55102 – please note that the deposit will be returned with interest when the code compliance certificate is issued within the grant of time from the City Council – which is proposed to be 180 days;
3. a detailed work plan or sworn construction statement, including timelines and bids, for completing the work will need to be provided; please note all new permits will need to be pulled for completion of this project;
4. documentation of financing sufficient to execute the above work plan will need to be demonstrated (line of credit, construction loan, personal bank account). The City estimates the cost to repair exceeds \$50,000; however, this number may change based on the estimates you bring forward;
5. if the funds being used are not tied to the project (such as a construction loan), we require an affidavit that states the necessary funds will be set aside from other business or personal accounts; and
6. the property must be maintained.

Laid Over to the Legislative Hearings due back on 2/27/2018

Other

10:00 a.m. Hearings

- 6 [RLH RR 18-10](#) Making finding on the appealed nuisance abatement ordered for 947 BARCLAY STREET in Council File RLH RR 17-8.

Sponsors: Bostrom

Ahmad Kian, owner, appeared.

Steve Magner, Code Enforcement Manager: a letter was sent Jan 19, 2018 to confirm that on Jan 16, the Legislative Hearing Officer recommended continuing the hearing to today to get an update from building inspector Jim Seeger on the status of the property

Mr. Kian: Mr. Seeger was out there a week ago; he said that things were looking good & to make sure that we finish the rough-ins for HVAC, electrical & plumbing; then we can close it up; we have finished the electrical & we are in the process of getting the inspectors out there for plumbing & HVAC

Ms. Moermond: from Mr. Seeger, we need the percent of completion in order to make a determination about whether your performance deposit can be continued or whether we would require an additional performance deposit

Mr. Kian: that's the same place we were 2 weeks ago when I was here

Ms. Moermond: he was there a week ago & we should have received the follow-up from him

Mr. Magner: I was looking for an email from Mr. Seeger that I may have missed

Ms. Mai Vang: there a lot of active permits; none finaled (warm air, mechanical, electrical, bldg.)

Ms. Moermond: we will let you know within the next 3 days in writing what that determination is; if the determination is that you're less than 50% complete, we'll probably ask for another \$5000 performance deposit

Mr. Magner: Mr. Seeger's notes indicate that he cited some framing corrections; so, he could sign-off on the framing; I will have to ask Mr. Ubl to contact Mr. Seeger but I believe that Mr. Seeger is in training for the rest of this week

Ms. Moermond: do you have an updated work plan that would anticipate when you'll be complete with this

Mr. Kian: I certainly hope by summer; it's not a rental; we're going to sell this property

*Ms. Moermond: you had provided this bid dated Jun 2, 2017; could you get me an updated bid with new deadlines for the work; those dates aren't relevant anymore with the scope change; I'd like to see an updated work plan by Fri Feb 23, 2018
City Council Public Hearing Feb 28, 2018*

Recommend continuation of first \$5,000 performance deposit. Owner needs to post a 2nd \$5,000 performance deposit by February 23rd, noting that DSI will not issue a permit until the new deposit is received and provide an updated work plan including new timelines with updated bids for the remaining repairs.

Referred to the City Council due back on 2/28/2018

7 [RLH RR 17-48](#)

Making finding on the appealed nuisance abatement ordered for 544 MINNEHAHA AVENUE WEST in Council File RLH RR 17-12. (Public hearing continued from February 14)

Sponsors: Thao

Ben Jackson, Community Enhancement Group LLC appeared.

Ms. Moermond: there was to be a determination & you were going to follow up on that, Mr. Magner.

Steve Magner, Code Enforcement Manager: Mr. Seeger & Mr. Dornfeld were at the property; photos were taken & sent to you; an email that Mr. Dornfeld sent yesterday indicates, "Per Insp Seeger, the rehab work is approximately 30% complete; some plumbing has been roughed-in but no electrical or HVAC; there was a maintenance issue with the sidewalk; some building materials in the yard":

Ms. Moermond: I don't think that we have updated work plans on this

Mr. Jackson: in talking with Mr. Seeger & Mr. Dornfeld, I told them that we didn't even get the permit until Sept 19 vs. Jun 21; in between Jun & Sep, delinquent taxes came up that we had to pay & it went into a Category 3 VB, so we had to get Mr. Seeger back out there to do another code compliance insp report; so, we didn't actually get the permit until Sept 19 even though we had 6 months from Jun 21; the 2nd thing is that one of our missions is to train youth & individuals who may not have an opportunity to work in trades, which makes work go slower than if professionals were doing it; &

our lead person, who was training was out because he had a hernia operation (reasons for delay)

-we do have an electrical permit & our HVAC guy just submitted to have his bond renewed on Jan 31 & that just came thru today; I sent Ms. Vang a copy, he is in the process of getting the mechanical permit;
the reason its only 30% complete is because Mr. Seeger can't even grade all the framing that's been done until all the rough-in is started but all the framing is basically done with the addition, etc.

Ms. Moermond: if you're at 30% done & it's been 2 months of layovers,....

Mr. Jackson: I don't understand how we're still at 30%..a lot has been done

Ms. Moermond: I'm not the building official but 30% is a long way from 50%; although, we can ask for feedback

-we are really at the 8th month mark & we're not close to 50%; the City would be within its rights to forfeit the \$5,000 perf dep; I hear you expanded the scope of the project & that there were some things going on to delay..so, based on that, I'd recommend that the City Council continue the \$5,000 but require a 2nd \$5000 to get you to the end of the project

-the deadline for submitting the additional \$5,000 perf dep is Fri Feb 23 (it's all refundable if project done on time)

Public hearing continued to February 28, 2018. Recommend continuation of first \$5,000 performance deposit. Owner needs to post a 2nd \$5,000 performance deposit by February 23rd, noting that DSI will not issue a permit until the new deposit is received.

Referred to the City Council due back on 2/14/2018

8 [RLH RR 18-6](#)

Making finding on the appealed nuisance abatement ordered for 666 MINNEHAHA AVENUE WEST in Council File RLH RR 17-13.

Sponsors: Thao

Nuisance is abated and the matter is resolved. Certificate of Code Compliance was sent to owner on January 17, 2018.

Referred to the City Council due back on 2/21/2018

9 [RLH RR 17-52](#)

Making finding on the appealed nuisance abatement ordered for 2096 REANEY AVENUE in Council File RLH RR 17-28.

Sponsors: Prince

Erick Flyckt, Attorney, appeared.

Ms. Moermond: we have had some mixed information from the Dept of Safety & Inspections (DSI); perhaps Mr. Magner can clear up the record

Steve Magner, Code Enforcement Manager: Update

-Building Official Steve Ubl waived in on this: under Chap 33 of the Legislative Code, the defining person under state law & city ordinance, is the building official; Mr. Ubl has a number of staff, who go out to inspect these properties & provide recommendations for him but he is, ultimately, the decision maker; Mr. Seeger wasn't clear so, the final determination must be made by Mr. Ubl, who doesn't think that 55%

is the actual percentage of the completed project; at the end of the day, we need to go with Mr. Ubl's decision

Ms. Moermond: Mr. Ubl states in his email: Our building inspector reported back to me after reviewing the property at 2096 Reaney Avenue. It would appear that we do not have any plumbing, mechanical or warm air permits issued for this vacant building. Additionally, it appears that 40-45% complete based on scope of work identified in the code compliance. If you, the contractor or the owner have any questions, please contact myself or Jim Seeger & hopefully, we can assist in moving the project forward (attached)

-we carried forward your performance deposit even though it's not 50% complete; I'm not interested in forfeiting the performance deposit; this also says to me that an additional performance deposit should be posted (all of it refundable with interest if completed within 6 months)

Ms. Moermond: we reviewed the proposal for rehabilitation by Beyond Home Solutions; we found it acceptable

Mr. Flyckt: I think they did install 2 new furnaces for the property

Ms. Moermond: City Council Public Hearing Feb 28, 2018; I'd like to see that Perf Dep posted by Feb 23, 2018

Recommend continuation of first \$5,000 performance deposit. Owner needs to post a 2nd \$5,000 performance deposit by February 28th, noting that DSI will not issue a permit until the new deposit is received.

Referred to the City Council due back on 2/28/2018

11:00 a.m. Hearings

Summary Abatement Orders

- 10 [RLH SAO 18-12](#) Appeal of Bret Johnson to a Summary Abatement Order at 1613 CONWAY STREET.

Sponsors: Prince

Bret Johnson, owner, appeared.

Supervisor Lisa Martin: Summary Abatement Order issued Jan 25, 2018; photo; re: mattress, couch, cabinet, other furniture on blvd; comply before Feb 1, 2018; Mr. Johnson contacted the inspector & stated that these were not his items; however, he did remove them & this file was closed; it was not sent to Parks

Mr. Johnson: I received an Order that said I needed to removed the items; I cleaned it up the following day after receiving the Order; I had a hauler come & take it away -I'm looking to make sure that the property's account is clear so I can go forward without encumbrance to try to recoup my hauling cost from the former owner & the current owner

Ms. Martin: the file is closed on this

Ms. Moermond: as far as the city is concerned, the matter is abated; the SA went to

*the Occupant & you; you cleaned it up; in terms of someone else being held accountable, that would be a private matter between you & that party; the city's account is clear; the matter is closed from the city's perspective
-the city is not responsible for the costs that you incurred taking care of it*

*Mr. Johnson: that still leaves me on the line for the amount of the hauling; I was looking for you to vacate the Order after the fact
-the debris was not even on my property; that's the problem; it wasn't my debris & it wasn't on my property; it was on the property next to me*

Ms. Moermond: it's a mute point now; it's been addressed; if anything like this comes up in the future, Inspector Seeley can be reached at 651/266-1916

Grant the appeal as the nuisance has been abated.

Referred to the City Council due back on 2/28/2018

Correction Orders

- 11 [RLH CO 18-7](#) Appeal of Alexandra Reese to a Correction Notice at 1194 HEWITT AVENUE.

Sponsors: Stark

Alexandra K. Reese, owner, appeared.

Supervisor Lisa Martin: our office received a complaint on Jan 25, 2018 re: a vehicle parked in the yard appeared to be on an unapproved surface that needed current tabs; a Correction Order was issued; photos

*Ms. Reese: I'm looking for a delay until the weather permits to have the vehicle fixed, properly registered & removed, which we intended to do anyway, so that I'm all in for compliance
-I understand that there was a complaint but got different information when I contacted the city inspector
-my privacy was invaded; for example, as the photos will indicate, the vehicle was in such a place that it cannot be seen from the street nor can you get close enough to that vehicle to see even the license plate, let alone that the tabs are expired; so, in order for the inspector to obtain that information, he had to have a name search done to find a vehicle with expired tabs & I don't know if it's in the scope of a city employee to do that
-the inspector also told me that he verified the vehicle was parked in the yard by viewing satellite photos; how is that in the scope of a city employee? That to me is very, very disturbing; however, there was contradicting information coming from the same city inspector; I did question him, I said that my vehicle can't possibly be seen from the street; you'd have to walk 30-40 feet into my 134 ft driveway to even know that the vehicle is there; how far is a city employee allowed to go onto the private property to look for potential violation; he said that he was in my driveway; if he was in my driveway, why did he need to look at a satellite picture to know that my car is parked in the yard?
-I'm concerned here - what is the truth?
-and if the city inspector was in my driveway & saw my car parked in the yard, why did he not see the huge storage pod in the front yard of my neighbor who filed the complaint?*

Ms. Moermond: let's break that down

Ms. Martin: the fact is that we have a vehicle with expired tabs parked on an unapproved surface; the city inspector has every right to go on your property to investigate a complaint & clearly, looking at the photo from the driveway, you can see the little yellow part of the tab on the back of this red vehicle; yellow is the color of 2017 tabs (we have cameras that zoom in); we also use the SPPD to run plates to find out what the information is & we do use satellite to take a look at the site; we look at permits to see if there was every an approved parking surface that was added to the property - all part of inspectors' duties
-we sent out a simple Corr Notice saying that you need to move the vehicle & get some tabs; usually, we don't have issues; otherwise, we'd send a Summary Abatement to tow the vehicle

Ms. Moermond: did your inspector take notice of the storage pod & how long are they allowed to be there?

Ms. Martin: I don't know; this info is new to me; I'd have to look up the address

Ms. Reese: it's 1186 Hewitt

Ms. Martin: pods are allowed for, usually, 30 days; often times, people get extensions, sometimes up to 6 months

Ms. Reese: it's been there since he moved in 2 years ago

Ms. Moermond: so, let's consider this a complaint filed & ask for it to be investigated

Ms. Reese: we are not denying this; we will take care of it when the weather permits

Ms. Moermond: I think it's reasonable that we give some time for the vehicle to be moved & it would be reasonable for you to get tabs for the vehicle even though the weather is cold

Ms. Reese: we can't get close enough to the vehicle to attach the tabs; there's a 3-4 foot snow bank around it; I'm not opposed to buying the tabs but we can't get close enough

Ms. Moermond: I think it's reasonable to expect that you'd be able to access the back of your car; yes, there's a snow bank there - but I'm sure you have a shovel

Ms. Reese: the snow bank is probably solid ice by now; & I have a disabled husband & I'm only 5 ft tall; to me, at this point, it's a little bit unreasonable to expect us to shovel solid ice bank about 3-4 ft; we're not opposed to getting the tabs

Ms. Moermond: let's get those tabs by Feb 28; show them to the inspector; then I'll go out another couple of weeks to get to the back of the car - Apr 15, 2018 to remove the car

-City Council Public Hearing is scheduled for Feb 28, 2018

Grant the following extensions: 1) grant to February 28 to provide proof of current tabs to inspector; 2) if condition is met, grant additional two weeks to put tabs on the vehicle; and 3) if condition 2 is met, grant to April 15, 2018 to remove the vehicle.

Referred to the City Council due back on 2/28/2018

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 12 [RLH VO 18-4](#) Appeal of Heather Meyers, SMRLS, o/b/o Tywana Price to a Condemnation as Unfit For Human Habitation and Order to Vacate at 1272 EDGERTON STREET.

Sponsors: Bostrom

Heather Meyers, SMRLS, and Tywana Price, Occupant, appeared.

Ms. Moermond: this is a situation where there was no heat reported in the bldg; an inspection took place that documented that there was no heat; it was operating with spaces heaters; questions about the capacity of the electrical service to manage the number of space heaters; there were questionable repairs happening (handy man coming in doing work that should have been done by a licensed contractor); we had a licensed plumber on the phone during the hearing who said that this was 'lipstick on a pig;' based on what he was seeing, he determined that the right thing to do would be to get the Sr. Plumbing Insp in to evaluate the situation; the city's Sr. Plumbing insp went out & responded to my question saying, "I can look at the plumbing piece of this problem but I'm not a mechanical insp & the boiler issue is largely a mechanical issue; I can deal with the plumbing pipes..." looking at the plumbing, he was very concerned about the system; there are significant safety problems with the plumbing; his original Order said that the work needed to be taken care of immediately or the house Vacated; there was a conversation involving Insp Shaff where it was pushed out over the weekend to give a few days to respond to the Order

Supervisor Leanna Shaff: as far as we know, nothing's changed; there hasn't been a licensed plumber out to perform the necessary repairs

Ms. Moermond: were those issues articulated in an Order or a letter that went to the owner of record?

Ms. Shaff: I don't know

Ms. Moermond: were they or will they be incorporated into the Fire C of O Orders?

Ms. Shaff: at this point, no; we still have a Condemnation that basically says that the system's a problem; there was not a mechanical permit pulled that would deal with the boiler; as far as we know, it has not been addressed in the required way; the boiler was shut down & red tagged (I may be incorrect in that - I was in training all day yesterday) so that there was no heat in the house

Ms. Moermond: I called SMRLS on Fri to share the results of the Fri afternoon inspection & you tried to contact the owner; how has that been progressing?

Ms. Meyers: I have a couple of updates: Gerry Kaluzny & I had a conversation with Mr. Scott Zack, property mgr for Covenant Capital LLC, on Fri; we emailed the plumbing inspector's report to him; I told him that, based on conversations with you, the deadline to address the boiler was pushed to today; other than that, there wasn't

much productive conversation

-my office represents the tenant, Ms. Price & the 5 other members of her household so, our biggest concern is that they are living in a unit that's habitable & he should be putting them up in a hotel; Mr. Zack's offer was to have the family pay for the hotel, which would be credit on their rent; we were butting heads on that because now that the house has been Condemned, there's a strong argument that rent is not owed; yesterday, I sent Mr. Zack an email - a 24-hour Notice of intent to file an ETRA: fix the boiler or prepay a hotel for the family; shortly thereafter, I got a call from Curtis Berg, who is now representing Mr. Zack; Mr. Berg informed me that Mr. Zack is going to cooperate with paying for a hotel; so, I don't think we have to file an ETRA; I'm supposed to call Mr. Berg after this hearing to let him know how it went; and I was informed that the most recent contractor, LaBrash, has just pulled out of this deal

Ms. Moermond: the phone book is full of licensed plumbers; Mr. Zack needs a new contractor to deal with the entire system (significant repairs or replacement)

Ms. Meyers: we did relay that to Mr. Zack on Fri; he said that he just needs more time; hopefully, now that he has retained counsel, he can be advised on what he needs to do & the legal consequences of delaying

-sounds like we're going to work out the hotel for the family

-we would be grateful, however, if we could move the vacate day to tomorrow so that they'd have some time to pack up

Ms. Shaff: I have no faith that the repairs will be done whatsoever; & I'm uncomfortable with running all the space heaters; I think that it's a way better deal to have the family in a hotel starting tonight so that we don't prolong a bad situation

Ms. Moermond: and you are aware that Ramsey County also will provide assistance for families facing imminent homeless or who are already homeless

Ms. Meyers: I have been told that but again, the legal obligation is on the landlord to provide that

Ms. Price: I have 3 children in school & they use the bus; the 4th child is in college

Ms. Moermond: there's a staff person with the St. Paul School District who works with families to make sure that when they are displaced, the kids can continue to go to their school

-you will stay at a hotel tonight but you'll have access to the house from 8 am - 8 pm

-we will send this to the Vacant Building Program; however, it's not in the VB Program until Council has decided; this will go to City Council next Wed, Feb 21, 2018 at 3:30 pm

-there's a chance that the owner will pull those permits today & have the work done before it goes to public hearing next Wed, Feb 21, in which case it could be re-occupied

Ms. Meyers: I have to call Mr. Berg after this hearing to set up the hotel, so, I will let him know everything that happened here today

Ms. Moermond: if Mr. Zack gets the entire system repaired/replaced before Feb 21 City Council Public Hearing, the City Council could say, "We're going to grant your appeal & allow you to re-occupy;" if he doesn't, it's extremely unlikely that Council would allow re-occupation of this house & it would go into the VB Program at that point

Deny and grant to February 13, 2018 to vacate the property.

Referred to the City Council due back on 2/21/2018

13 [RLH VO 17-60](#)

Appeal of Gina Yanez and Louis Yanez to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 740 WASECA STREET. (Public hearing continued from February 14)

Sponsors: Noecker

Gina Yanez & Louis Yanez appeared.

Ms. Moermond: there was a hearing last week & you came at 1:30 for the 11:30 hearing but I did agree to send it back to talk about the situation today -we have a vacate order because you didnt' get a Fire C of O; this is not an owner occupied property & getting the title transferred has been a problem because of past due taxes.

Mr. Yanez: we don't have the funds to pay the property taxes & we're waiting for our inheritance to come in; that's why we're here; we tried to get a loan but neither one of us has a job

Ms. Moermond: the Orders were issued back on Nov 6, 2017; I had a hearing on Dec 5 to talk; we talked again on Dec 19-gave you a fair lenth of time (2 months) to deal with this & it's not been handled yet; so, I feel like I need to close the book on this now; you can take the time you need to get the past due taxes taken care of & the title transferred but what do we do with the fact that this isn't owner-occupied & we don't have a legally responsible person for this property; that's what I 'm stuck with.

Mr. Yanez: I have another sister & she doesn't feel that this is right because we're getting the house & she's getting nothing -we're trying to fix up the house; we're checking off the little things; we just can't afford the big ones -we keep getting paperwork we have to sign & then we get more paperwork -we finally got my sister to come out & sign for it; now, we're just waiting for the money; then, they said that we're \$4000 behind in property taxes, which needs to be paid before we can get this; we didn't know that

Ms. Moermond: Ms. Shaff, any comments?

Ms. Shaff: we haven't been there in quite some time; we don't know the status of the property

Ms. Moermond: I want to put this in front of the City Council on Feb 28 & I'll recommend to them that if you can get this in your name by Apr 1, 2018, you are out of the Certificate of Occupancy Program; you can live there as owner-occupants; if you can't demonstrate that, then the property needs to be vacated; this is a good long period of time to get this sorted out; if it becomes owner-occupied, the Orders will be followed-up by Code Enforcement -if the county transfers the property, let us know right away

—
1) grant to April 1, 2018 to change the title to the appellant(s)' name(s); 2) if the title is changed to reflect this new ownership, grant to be released from the Fire Certificate of

Occupancy Program and refer follow-up on the current fire orders to Code Enforcement; and 3) if the title is not changed to reflect this change in ownership, the property must be vacated by April 1, 2018.

Referred to the City Council due back on 2/14/2018

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 14 [RLH FCO 18-22](#) Appeal of Alan Conard to a Fire Inspection Correction Notice at 1339 PAYNE AVENUE.

Sponsors: Bostrom

LHO forwarded appeal of the Fire Certificate of Occupancy Orders on the upstairs ceiling height at 1339 Payne Ave to the Building Official for his review and determination. Appeal withdrawn.

Withdrawn

2:30 p.m. Hearings

Vacant Building Registrations

- 15 [RLH VBR 18-3](#) Appeal of Danielle Sobaski to a Vacant Building Registration Requirement at 1124 MATILDA STREET. (To be referred to Legislative Hearing on March 13)

Sponsors: Brendmoen

Danielle Sobaski, owner, appeared.

Supervisor Matt Dornfeld, Vacant Buildings: I will read my entry: I met with property owner, Ms. Sobaski, at the property on Feb 7, 2018 at 10:30 am; at the time of my inspection, improvements had been made; smoke detectors were operable; all forms of egress were free of clutter; electrical service was on; water was on; furnace was on; water heater was working; there were no signs of life-safety concerns at the time of my inspection; there was an SUV parked in front of the house on the street with the hood propped open, which appeared to be inoperable; there were some building materials on the front porch & some discarded household items from cleaning placed near the trash receptacles in the back yard; I advised Ms. Sobaski to look into all 3 things; I did not witness any gross unsanitary conditions; there were no signs of mice, insects, etc; the downstairs bathroom appeared to be as Inspector Martin called it; it remained as it was

Ms. Sobaski: it's not an operable bathroom

Ms. Moermond: cap the lines

Ms. Sobaski: they have been capped

*Mr. Dornfeld: they were capped when I was there
-a general electrical permit was approved with Corrections (for upstairs ceiling fan,*

switch covers)

Ms. Moermond: have you changed the locks?

Ms. Sobaski: yes; we have a code

Ms. Moermond: we have an old list that was generated by Ms. Martin; Matt, you're telling me that the life-safety issues have been taken care of; we need the electrical permit signed-off; we still have some corrections that needs to be made, some of which are weather sensitive
-provided Mr. Dornfeld with the list

Mr. Dornfeld: Ms. Sobaski does not have secondary housing & is in financial straits; so, my goal was to made sure that she has shelter; & the life-safety issues have been taken care of

Ms. Moermond: I'd be interested in changing this from a Category 2 to a Cat 1 VB & converting whatever is left in that Vacate Order to a Correction Order & putting some deadlines in place
-converting it to a Cat 1 means that Ms. Sobaski can occupy it & it's out of the VB Program but the remaining corrections still need to be made

Ms. Sobaski: I have a lot of the materials for repair on site

Ms. Moermond: if we could change this calendar around, I would like it to be that you could get employed again & work on this while you're employed; having a job will qualify you to get some assistance in doing the work; it will change the equation

Mr. Dornfeld: when I was at Ms. Sobaski's home last Wed, we discussed a lot of the issues that probably drew the neighborhood complaints that got DSI involved: maintaining her property; keeping the yard clean; keeping the grass cut & the sidewalk shoveled; not having police calls; not having inoperable vehicles with hoods open parked in front of the house - those types of things draw complaints to DSI, which inspectors out to the property; she has made strides on the interior & I feel/think that it's safer for her to be in her home than on the street or in a shelter; her house is a habitable home that is not yet code compliant
-maybe, a 30-day re-check cycle for 3-4 months will be a good idea; it's what I had in mind without a VB fee attached to it; & with the understanding that she will continue to make improvements

Ms. Moermond: OK; what I will do then is to make the recommendation to the Council that this be changed to a Cat 1 VB; I will refer it back to LH for follow-up on Mar 13, 2018; I will attach a list (work plan) to the resolution & discuss how you work with Mr. Dornfeld

Public hearing on February 28 and will be continued to March 13 Legislative Hearing. Legislative Hearing Officer will provide owner with a list of items to repair along with deadlines. Supervisor Matt Dornfeld will continue to monitor the property on a monthly basis and give a staff report at the next hearing.

Referred to the City Council due back on 2/28/2018

hearing continued to April 11, 2018)

Sponsors: Noecker

Jonathan Gutierrez, owner, appeared.

Mr. Gutierrez: I'm here to ask for an extension because of the weather

Ms. Moermond: how many weeks of good weather do you need?

Mr. Gutierrez: about 3 weeks of good weather; my goal is to progress without stopping

Ms. Moermond: this is at City Council tomorrow, Feb 14, 2018; I will recommend they continue the matter to Apr 11, 2018

To continue public hearing to April 11, 2018. Recommendation is forthcoming.

Referred to the City Council due back on 2/14/2018

- 17 [RLH VBR 18-6](#) Appeal of Aaron Rubenstein for Historic Saint Paul to a Vacant Building Registration Renewal Notice at 689 CONWAY STREET.

Sponsors: Prince

Aaron Rubenstein, Historic Saint Paul, appeared.

Supervisor Matt Dornfeld, Vacant Buildings: this is a Vacant Building Registration; rehab is on-going; permits are pulled; the property is being maintained; anniversary date is Mar 2, 2015

Mr. Rubenstein: we're getting close; we have an extension with the contractor to Mar 5, 2018 aiming for a punch list by mid-end of Mar

Ms. Moermond: will grant a 120-day VB fee waiver from Mar 1, 2018

—

Waive the vacant building fee for 120 days from March 1, 2018.

Referred to the City Council due back on 3/14/2018

- 18 [RLH VBR 18-4](#) Appeal of Andrew Davis to a Vacant Building Registration Notice at 823 LAFOND AVENUE.

Sponsors: Thao

To be withdrawn; C of O has been approved and all permits have been finalized. VB has closed their file.

Withdrawn

- 19 [RLH VBR 18-7](#) Appeal of Pat Wolf, o/b/o H.F.S. Properties, to a Vacant Building Registration Fee Warning Letter at 428 MINNESOTA STREET.

Sponsors: Noecker

Pat Wolf, H.F.S. Properties, appeared.

Supervisor Matt Dornfeld, Vacant Building:

-this is the old Woolworths Building that's being rehabilitated; there is work being done daily; it's down to its steel beams

-the Vacant Building fee is due now; it entered the VB Program on Jan 29, 2004; we've collected 9 years of payment of the VB fee by check

Ms. Wolf: we've paid the VB fees all the years when it really was a VB; it is no longer a VB; it's pretty much a complete re-do with the exception of all steel on 2 floors; it was a 3-story bldg; we took the 3rd story off, including the steel; went down to 2 stories & now, we're building back up to 5 stories; Goff Construction is our contractor -we'll be substantially complete with the 5-story office building in Jun 2018 with occupancy in Jul 2018

-we are appealing the VB registration because it's more like a brand new construction project vs. a vacant building project

-when I spoke with Mr. Ubl, he indicated that it would be his recommendation to waive the VB fee; he indicated that he would be here

Ms. Moermond: this is neither fish nor foul right now; in order to get out of the VB Program, you need a Certificate of Occupancy or Certificate of Code Compliance & that won't be forthcoming until Jun or Jul 2018 when you complete the work; I'd be more interested in prorating than deleting the fee

-the cost of the VB Program is the cost of all of the services associated with vacant buildings divided by the number of vacant buildings

Ms. Wolf: are services being rendered at this building?

Mr. Dornfeld: due to our increasingly high homeless population & our graffiti artists, we are monitoring the building

Ms. Wolf: for the record, there are no sidewalks; it's a full blown construction project

Ms. Moermond: I think that you are making a good argument; you are a low service building & you are taking those steps that the city wants to see happen; so, I'm going to ask the City Council to lay this matter over until Aug 1, 2018; if you have your Certificate of Occupancy by Aug 1, 2018, I'll recommend that they delete the VB fee

Public hearing continued to August 1, 2018 and if owner receives a code compliance certificate, will delete the vacant building fee.

Referred to the City Council due back on 3/14/2018

20 [RLH VBR 17-77](#)

Appeal of Calvin Mickel to a Vacant Building Registration Notice at 316 SUPERIOR STREET. (Public hearing continued from December 6, 2017)

Sponsors: Noecker

Calvin Phan Mickel, owner, appeared.

Mr. Mickel: I'm here to ask for an extension; painting has to wait until it's warmer; photos; I'm trying to make a nice home

-the water damage was not structural; contractors need about 3 more weeks and then we'll do the small bathroom on the first floor

Inspector Matt Dornfeld, Vacant Buildings: Mr. Mickel was here Nov 7, 2017 to appeal the VB registration; we agreed to waive it for 90 days through Feb 7, 2018 so he could get his C of O re-instated. He was scheduled to be back here Jan 23, 2018; we had him on the agenda; however, he claims that he was not notified; consequently, he did not attend; so, we denied his appeal & changed the bldg to a Category 2 VB but that was roughly 15 days before the 90-day waiver ended

Mr. Mickel: the last email I received was the day after my last hearing

Ms. Moermond: asked Mai Vang about the letter that she sent after the Nov 7 LH

Ms. Vang: that letter, dated Nov 9, 2017 stated that his next Legislative Hearing was scheduled for Tue Jan 23, 2018

Mr. Mickel: sorry; that's my fault

Mr. Dornfeld: that was 15 days before the 90-day waiver ended

Ms. Moermond: I'd like to see any documentation/photos you may have

*Mr. Mickel: no permits were pulled for the bathroom yet
-we should be done in 60 days but I'm asking for 90 days extension*

*Ms. Moermond: you're moving forward, so let's change this back to a Cat 1 VB; I'm sure that you'll get your Fire C of O re-instated; we'll process this as a tax assessment; please appeal that assessment; then, I will cut it in half but I will not make it go away; we will put a note in they system so you can pull permits
City Council Feb 14, 2018*

Recommends that the City Council: 1) continue the classification of this building as a category 1 vacant building - meaning there must be compliance with the November 8, 2017 Fire Certificate of Occupancy orders prior to re-occupation and 2) not grant an additional waiver on the vacant building fee

Referred to the City Council due back on 2/14/2018