



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

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

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Tuesday, August 28, 2018

9:00 AM

Room 330 City Hall & Court House

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

##### Remove/Repair Orders

- 1 [RLH RR 18-31](#) Ordering the razing and removal of the structures at 737 ORANGE AVENUE EAST within fifteen (15) days after the September 5, 2018 City Council public hearing.

**Sponsors:** Bostrom

*Recommend removal of the building in 15 days with no option for its rehabilitation.*

*Melissa Porter of Shapiro Zielkerepre on behalf of JP Morgan Chase Bank present.*

*Steve Magner – Updated the record by reviewing August 2, 2018 to Ms. Porter which outlined expectations for a grant of time to rehabilitate the property. These included posting a \$5,000 performance deposit, developing a workplan with bids and a timeline which is consistent with the code compliance inspection report, demonstrating the financial capacity to execute the rehabilitation and maintaining the property.*

*Melissa Porter indicated her client received bids back for the rehabilitation and wants to work with the city for bid process for demolish. Her client did not tender the \$5,000 performance deposit and is maintaining the property.*

*Mr. Magner confirmed the property has been maintained.*

*Ms. Moermond stated that because the owner wished to pursue demolition, she would recommend that the Council order the building removed within 15 days with no option for its rehabilitation.*

**Referred to the City Council due back on 9/5/2018**

- 2 [RLH RR 18-32](#) Ordering the rehabilitation or razing and removal of the structures at 522-524 OTIS AVENUE within fifteen (15) days after the September 5, 2018 City Council public hearing.

**Sponsors:** Henningson

*Recommendation forthcoming. By close of business on August 31, 2018, Olson & Chermak to 1) provide documentation of financial capacity to complete rehabilitation,*

*estimated at minimum \$50,000 pending bids; 2) post \$5,000 performance deposit and 3) bring property taxes current.*

*Jay Olson, Jeff Chermak and Beth Camilleri testified.*

*Steve Magner – Updated the record by reviewing August 2, 2018 to Mr. Olson which outlined expectations for a grant of time to rehabilitate the property. These included posting a \$5,000 performance deposit, developing a workplan with bids and a timeline which is consistent with the code compliance inspection report, demonstrating the financial capacity to execute the rehabilitation and maintaining the property. In addition, he noted a development contract with Mr. Chermak would need to be approved by the city.*

*Ms. Moermond asked for an update on the code compliance.*

*Mr. Magner indicated a portion of the ceiling had fallen and Mr. Seeger was aware and material was tested. The hazardous material clean-up delayed the code compliance inspection.*

*Ms. Moermond referred to the August 2 letter and asked about the terms not related to the code compliance inspection, such as the money for the work, the performance deposit and past due taxes.*

*Mr. Chermak – said the city was still holding the performance deposit from his previous rehabilitation of the Category 3 vacant building at 521-523 Desnoyer Avenue and asked that if instead of returning the money, the city could transfer it to this property.*

*Ms. Moermond asked if that was a possibility and Mr. Magner responded it was.*

*Mr. Chermak indicated he would prefer to wait on paying the past due taxes until the code compliance inspection was complete, so the terms of his agreement for the rehabilitation of the property with Mr. Olson could take this into account.*

*Ms. Moermond said she was concerned about the delay in the development of the work plans, because of the delay in getting the code compliance inspection due to the hazardous materials abatement. There were still other things on the original list of expectations in the August 2 letter which were not dependent on this inspection report, such as the money-related conditions. She is looking for a financial commitment to demonstrate seriousness in doing this work, so she can have that to show the city council if she asks for a continuance to complete the plans.*

*Mr. Chermak said he could e-mail a bank statement and re-iterated his hesitance to pay the past-due property taxes at this time without a development contract in place. He also said they were making progress on the roof and have a bid.*

*Mr. Magner inquired about the taxes, noting the damage is already done, the ceiling has already collapsed. He went on remarking that from the city's standpoint we're letting you do this based on unsure conditions and the neighborhood is uneasy. There isn't a lot of leeway for the city on this, as there is no sympathy for Mr. Olson's circumstances – pay the taxes and produce the documents.*

*Ms. Moermond summarized saying that although she understood Mr. Chermak's position, she would only ask the Council to continue the matter if he proved up financially he commitment. Therefore, the funds to execute the rehabilitation and the*

*back taxes must be paid by the close of business Friday August 31. The performance deposit from the previous rehabilitation on Desnoyer Avenue could likely be transferred. In reviewing the room, Ms. Moermond found there was one neighbor present who had not previously testified, Beth Camilleri.*

*Ms. Camilleri spoke to Mr. Olson's properties in general and her commitment to getting them back to being neighborhood assets. A copy of her remarks were added to the record.*

**Referred to the City Council due back on 9/5/2018**

- 3 RLH RR 18-36** Ordering the rehabilitation or razing and removal of the structures at 483 COMO AVENUE within fifteen (15) days after the September 26, 2018, City Council Public Hearing. (Legislative Hearing on September 25, 2018)

**Sponsors:** Thao

*Kim Theng, owner, appeared.*

*Steve Magner, Code Enforcement Manager:*

*-The building is a two-story, wood frame, duplex on a lot of 2,178 square feet.*

*According to our files, it has been a vacant building since October 23, 2017.*

*-The current property owner is Kim Theng per AMANDA and Ramsey County Property records.*

*-On May 10, 2018, 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 21, 2018 with a compliance date of June 20, 2018. 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 \$6,400 on the land and \$75,300 on the building.*

*-Real estate taxes are current.*

*-The Vacant Building registration fees were paid by assessment on January 4, 2018.*

*-A Code Compliance Inspection was done on December 28, 2017.*

*-As of August 27, 2018, the \$5,000 performance deposit has not been posted.*

*-(by an omission of our permit counter, a building permit was issued on Aug 6, 2018; had this been brought to the attention of the building official,..... we're waiting for today's outcome to decide what we want to do with that; one option would be to void that permit because it was issued in error; the other option is to leave that permit in place if the performance deposit is put in immediately)*

*-There have been four (4) SUMMARY ABATEMENT NOTICES since 2017.*

*-There have been two (2) WORK ORDERS issued for:*

*- Garbage/rubbish*

*- Grass/weeds*

*-Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish exceeds \$25,000.*

*-There is a code compliance inspection report attached to the record*

*Ms. Moermond: how did this arrive in the VB Program?*

*Mr. Magner: this property was Revoked & Condemned by the Fire Certificate of Occupancy*

*Ms. Moermond: viewing photos from summer of 2017 that document thoroughly*

*-I see this on appeal for both the VB Registration & the Order to Vacate issued by Fire Inspections*

*-what is your plan?*

*Mr. Theng: they gave me a year to repair; don't know why they changed now; I got a buyer on Fri; I already sold the property & somebody called me on Fri & said, "You cannot sell the building;" but the code compliance said I could sell it; the buyer had money to pay to repair*

*Ms. Moermond: did you receive the mail that was sent to you after the code compliance? an Order to abate a nuisance building (?) May 19 (?)*

*Mr. Theng: what was the problem with the building?*

*Ms. Moermond: what are you talking about? there's tons of pictures of things; you got the code compliance report in Dec, 2017 and it says that the inspection report expires at the end of 1 year; that doesn't mean that you have a grant of time of 1 year; you may have misread that*

*-subsequent to the code compliance report, you received an Order to abate a nuisance building which changes things*

*Mr. Theng: who Ordered that? I didn't receive any letter; nobody notified me*

*Ms. Moermond: an appointment letter was sent to you; Mr. Magner, was Mr. Theng present for the inspection?*

*Mr. Theng: I already paid for the code compliance; I got 5 inspectors in there*

*Mr. Magner: the Order to abate a nuisance building was mailed to Mr. Theng on May 19, 2018; we have no record of it being returned; it listed all the deficiencies identified in the code compliance & is subject to the restrictions of St. Paul Ordinance Chap 33.03; it shall not be used for occupancy until such time as a Certificate of Code Compliance or Certificate of Occupancy has been issued; all repairs must be accordance with appropriate codes, changes or additions, etc. & must be repaired with permits, approved & finalized*

*Mr. Theng: I didn't receive any letter & at the bottom of the code compliance, it said that I may sell....*

*Ms. Moermond: we've been over this; an appointment letter was sent to you on Apr 9, 2018; that letter said that they wanted to do an inspection of the building because it was suspected to be a nuisance building; they did the inspection & then they sent out a letter on May 19, 2018 with the results of that inspection*

*Mr. Theng: what's wrong with the building? Who inspected?*

*Ms. Moermond: Mr. Magner's staff inspected & that letter contains a list of all the things that need to be dealt with*

*Mr. Magner: the inspectors went out on May 10, 2018; they had previously sent an appointment letter for May 10, 2018; the owner did not appear & they did not gain access so they performed the BDI, attached exterior photos, pulled photos from the file & the code compliance inspection report, which is a detailed report of all the deficiencies that need to be corrected, describing a nuisance; under the city's code, a*

building that is not maintained & has fallen into disrepair, Category 2, can be declared a nuisance; the City Council has already declared the building to be a nuisance & as such, we've issued an Order to Abate that Nuisance; we posted an Order to Abate placard on the property May 18, 2018

Mr. Theng: I didn't see it

Ms. Moermond: you weren't there mowing the lawn, so you didn't see it;

Mr. Theng: I mowed; I took care of it myself

Ms. Moermond: I see 2 tall grass/weeds Orders: May & Jul (were done by owner)  
-what do you want to do with the building?

Mr. Theng: I want to fix it; I have a buyer, Isaiah Farrar

Ms. Moermond: Mr. Farrar, do you want to step in as the developer on this project?

Mr. Farrar: I want to buy it but we were told that a Cat 3 cannot be transferred; I just started to work on properties myself

Ms. Moermond: this property has a lot of work that needs to be done; staff is estimating that a minimum of \$75,000 will need to be spent; and title can't transfer until everything is done & that will be between you guys; our job is to hold the owner of record accountable to repair or remove the building; the first requirement is the code compliance inspection report & you already have that; if you want time to do the work, the city will look for other things: 1) written bids from subcontractors with names of contractors; 2) set amount of money for the cost; 3) work plan with specific timelines; 4) we'd need to see documentation of the money (affidavit); 5) \$5000 performance deposit by Fri this week

Mr. Theng: that's already lined-up; I have an oral bid; I can get the perf dep in by Fri

Ms. Moermond: so, Mr. Theng, you're going to be managing; the maximum of time the city can give you is 6 months

Mr. Theng: no problem; I have about \$300,000 to do the work; I will do the work; I will pull the permits; I already called the mechanical & plumbing contractors; I will not abandon the property

Ms. Moermond: provided Mr. Theng with all the letters that he says he did not receive -I want to see you Sep 25 here to go over everything to make sure that everything is set for the City Council meeting on Wed Sep 26, 2018; we will send a letter to confirm all of this

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Need to provide the following by September 21, 2018: 1) \$5,000 performance deposit; 2) rehabilitation plans consistent with code compliance inspection, including bids and timeline; 3) documentation of at least \$75,000 in financial capacity to complete rehabilitation; 4) an affidavit indicating the funds will be segregated for the project until complete; 5) the property must be maintained. Note, a building permit was issued in error. Owner was told to post performance deposit by close of business Friday August 31 or the permit would be cancelled and only re-issued upon Council approval.

**Referred to the City Council due back on 9/26/2018**

- 4 RLH RR 18-37** Ordering the rehabilitation or razing and removal of the structures at 332 PAGE STREET WEST within fifteen (15) days after the September 26, 2018, City Council Public Hearing.

**Sponsors:** Noecker

*No one appeared.*

*Steve Magner, Code Enforcement Manager:*

*-The building is a two-story wood frame single-family dwelling with a detached one-stall garage on a lot of 7,405 square feet. According to our files, it has been a vacant building since June 28, 2017.*

*-The current property owner is Steven M. Voiles per AMANDA and Ramsey County Property records.*

*-On May 9, 2018, 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 15, 2018 with a compliance date of June 14, 2018. 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 \$21,800 on the land and \$72,400 on the building.*

*-Real estate taxes for 2015, 2016 and 2017 are delinquent in the amount of \$5,075.75, which includes penalty and interest. Taxes for 2018 in the amount of \$1,294.00 have not been paid. Property is scheduled for tax forfeiture July 2019.*

*-The Vacant Building registration fees were paid by check on June 28, 2018 (paid by Wells Fargo).*

*-As of August 27, 2018, a Code Compliance Inspection has not been done.*

*-As of August 27, 2018, the \$5,000 performance deposit has not been posted.*

*-There have been three (3) SUMMARY ABATEMENT NOTICES since 2017.*

*-There have been two (2) WORK ORDERS issued for:*

- Boarding/securing*
- Grass/weeds*

*-Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$22,000.*

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

*Ms. Moermond: exceeds \$100,000! we don't know what Wells Fargo is up to; they paid the VB fees but they haven't paid the delinquent taxes*

*-looks like the water was shut off on this property last summer & the owner, Mr. Steven Voiles, walked away from it; he probably wasn't paying the taxes or the mortgage*

*-I'll recommend that the Council order the building removed within 15 days with no option for its rehabilitation*

*Remove within 15 days with no option for its rehabilitation.*

**Referred to the City Council due back on 9/26/2018**

- 5 RLH RR 18-38** Ordering the rehabilitation or razing and removal of the structures at 610 SAINT ALBANS STREET NORTH within fifteen (15) days after the

September 26, 2018, City Council Public Hearing. (Legislative Hearing on September 25, 2018)

Sponsors: Thao

No one appeared.

8/31/18: Ayan Askar called and stated she missed her hearing. Ms. Moermond has agreed to layover the matter to September 25th with a City Council Public Hearing on September 26.

Owner needs to meet conditions requested of the hearing officer.

\_\_\_\_\_  
Steve Magner, Code Enforcement Manager:

-The building is a two-story wood frame single-family dwelling on a lot of \_\_\_\_\_ square feet. According to our files, it has been a vacant building since September 4, 2014. There are two buildings on this one lot; the other address on this parcel is 677 Thomas Avenue and is not a part of this proceeding.

(the rear house has been Condemned & vacant for a period of time; the front house was occupied by the original owner on the first floor; they were renting the 2nd floor; ultimately, some code enforcement activities resulted in a Condemnation; they appealed the Condemnation during the process through a Repurchase; they were ultimately allowed to do a 3rd party Repurchase where the son of the party came in & bought the property; they vacated the front house; according to what they told Paul Scharf, Ramsey County, they were going to consider rehabilitating both structures; then, they wanted to maybe get rid of the rear structure & rehabilitate the front as a duplex; nothing has happened)

-The current property owner is Hooyo Huno Housing LLC per AMANDA and Ramsey County Property records.

-On May 16, 2018, 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 23, 2018 with a compliance date of June 22, 2018. 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 \$8,900 on the land and \$56,100 on the building.

-Real estate taxes are current.

-The Vacant Building registration fees were paid by check on September 6, 2017; the fee for 2018 is due on September 4, 2018.

-A Code Compliance Inspection was done on October 19, 2017.

-As of August 27, 2018, the \$5,000 performance deposit has not been posted.

-There have been ten (10) SUMMARY ABATEMENT NOTICES since 2014.

-There have been three (3) WORK ORDERS issued for:

- Garbage/rubbish
- Boarding/securing

-Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$20,000.

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

*Ms. Moermond: so recommended*

*Remove within 15 days with no option for rehabilitation.*

**Referred to the City Council due back on 9/26/2018**

## 10:00 a.m. Hearings

- 6**     [RLH RR 18-41](#)     Making finding on the appealed nuisance abatement ordered for 2096 REANEY AVENUE in Council File Nos. RLH RR 17-52 and RLH RR 17-28. (Public hearing continued to October 24)
- Attorney Adam Soczynski appeared o/b/o US Bank. (Erick Flyckt is on vacation.)  
Chris Marquis appeared o/b/o Mortgage Contracting Services (MCS).*
- Steve Magner, Code Enforcement Manager: read letter sent to Erick Flyckt (attached) on Sep 4, 2018*
- owners contacted Supervisor Yannarely, who forwarded them to Jim Seeger to schedule a time/date for inspection; today, Mr. Seeger indicates in an email that he did hear from them but he was holding off the inspection because he did not have trade permits signed-off; I checked earlier & there's only one trade permit signed-off (water service); Mr. Seeger he would need all trades permits signed-off so that he can do the final walk-thru; we have warm air inspected; water finalized; plumbing inspected; mechanical inspected; electrical inspected; building inspected*
- Ms. Moermond: City Council started its conversation back in Aug 2017; it took almost 3 months where a grant of time could be issued; that was followed by a Making Finding Resolution to determine whether the work had been completed in the 45 days Council had granted; it wasn't completed; an additional grant of time was given; & for the second time, we are here to determine whether or not the work has been completed within the time granted by the City Council*
- Mr. Soczynski: work has been slow but they have made progress; they've run into a lot of complications, especially with the HVAC; there were 5 or 6 inspections; I was at the site on Fri & spoke with some of the subcontractors; they said that it will probably be 30 days or a little longer to finish; once the HVAC inspections are finished, they can move forward; they don't want to close anything up; 30 days may be optimistic because of so many unforeseen delays already; I would think that the property would need 60 days to actually have things finished; US Bank has a lot invested*
- Ms. Moermond: listed inspection notes from Mar, Feb, May, Jul - what I'm reading is about things that hadn't been done that were requested earlier; might be some communication difficulties or ....*
- Mr. Soczynski: I can only tell you the information I got when I went out there; I can tell that the contractor is a little nervous about the inspections*
- Mr. Magner: I don't understand why this project hasn't been completed within the time granted; there's clearly a problem with contractor & not a problem with our inspectors*
- Ms. Moermond: seems to be a problem with electrical inspection; notes indicate that things weren't ready for inspections; contractor walking away & lying the property*



*Mr. Magner: this has all the signs of being a general contractor problem*

*Mr. Chris Marquis: we're here from MCS, 3rd party property preservation company; the general contractor is one of our vendors; we identified an issue with him & have removed him from this job; we are paying the electrical contractor directly; that will take care of that lien; HVAC inspections are scheduled for this Fri at 2 pm; our understanding is that it should pass; as soon as that's completed, we'll move forward & close everything up  
-I don't think it will be done in 30 days; more like 45 days, just to make sure everything gets finished out  
-we have a plan of action regardless of the inspections*

*Ms. Moermond: get me that document showing me how you're going to get from where you are now to being done; I will share that with Mr. Magner; we'll review it & based on that, we'll figure out what the recommendation should be to Council in terms of time to finish the project  
-neither Mr. Magner nor I have an interest in seeing this project demolished  
-this is scheduled to go before City Council on Sep 12, 2018; at that time, we'll see how things look*

\_\_\_\_\_  
*Continue to Legislative Hearing on September 11. Workplan to be submitted to Legislative Hearing Officer no later than Friday September 7, 2018 for review and discussion in Legislative Hearing on September 11.*

**Referred to the City Council due back on 9/12/2018**

- 7      [RLH RR 18-40](#)      Making finding on the appealed nuisance abatement ordered for 670 WESTERN AVENUE NORTH in Council File Nos. RLH RR 18-5 and RLH RR 17-22.

**Sponsors:**      Thao

*Steve Magner Code Enforcement Manager: Code Compliance Certificate was issued Aug 20*

*Ms. Moermond: Nuisance Condition has been abated.*

**Referred to the City Council due back on 9/12/2018**

## 11:00 a.m. Hearings

### Summary Abatement Orders

- 8      [RLH SAO 18-58](#)      Making finding on the appealed nuisance abatement ordered for 33 GEORGE STREET WEST in Council File RLH SAO 18-55.

**Sponsors:**      Noecker

*Ms. Moermond: with respect to 33 George Street, Supervisor Lisa Martin reports that there is compliance and the finding is that the nuisance condition has been abated*

\_\_\_\_\_  
*Nuisance condition abated.*

Referred to the City Council due back on 9/19/2018

- 9 [RLH SAO 18-57](#) Appeal of Kathleen J. Carlson to a Vehicle Abatement Order at 1111 JENKS AVENUE.

**Sponsors:** Bostrom

*Audio was not on until later; Ms. Moermond put the following on the record for 1111 Jenks Avenue:*

*The appellant, Kathleen Carlson, appeared and explained that she & her husband had problems with the tabs being removed from her vehicles; they reported it to SPPD; there was another vehicle down the alley that also had been vandalized in a similar manner; SPPD told her that they could have the vehicles on their properties without tabs; we didn't pursue that any further; the Carlsons have had one of the two vehicles in the Abatement Order, the Nissan, repaired; it has current tabs & is now being parked on the street; they asked for an extension of 60 days on the other vehicle to be able to report it; I'm recommending that the City Council grant an extension to Nov 1, 2018 for compliance on that*

\_\_\_\_\_

*Grant extension to November 1, 2018 for second vehicle to come into compliance.*

Referred to the City Council due back on 9/19/2018

#### Correction Orders

- 10 [RLH CO 18-33](#) Appeal of Lori Schilling to a Correction Order at 2056 MAGNOLIA AVENUE EAST.

**Sponsors:** Bostrom

*No show.*

*Supervisor Lisa Martin: the owner has agreed to board up the broken window & paint the boarding to match the garage; at that time, the Excessive Consumption fee will then be removed*

*Ms. Moermond: so, the door frame #1 that she mentions in her appeal is done; #2 repair roof & exposed wood surfaces (Ms. Martin: wood was replaced; permit was approved); painting exposed wood surfaces on the garage (Ms. Martin: done); replacing window glass is all done except for 1 window to which she has agreed to board & paint to match the garage (Ms. Martin: I believe that she has worked out a deadline with the inspector but he was out today so I wasn't able to get an update); OK, I'll put a deadline on it: Sep 12, 2018 for compliance -although the Excessive Consumption bill is attached to be appealed, we won't deal with that until it comes forward as an assessment; will leave that to DSI as to how they want to handle that bill*

\_\_\_\_\_

*Staff reports that there is compliance with all orders except a broken garage window which is granted an extension to September 12, 2018 to repair.*

Referred to the City Council due back on 9/12/2018

**11:30 a.m. Hearings****Orders To Vacate, Condemnations and Revocations**

- 11 [RLH VO 18-43](#) Appeal of Mark Schuch to a Notice of Condemnation as Unfit for Human Habitation & Order to Vacate, Summary Abatement Order and 2 Vehicle Abatement Orders at 1004 EDMUND AVENUE.

**Sponsors:** Thao

*Inspector reports condemnation lifted. Hearing Officer to provide deadlines on balance of orders.*

*(I found no recording or minutes on this case except these few lines.)*

*Ms. Moermond: re: 1004 Edmund Avenue*

*-want a work plan; will put some deadlines on for the next step; will get back to Ms. Martin in writing*

*1004 Edmund*

*(No one showed on this property.)*

*Marcia Moermond said there are still orders on repairs. She was hoping to have a work plan for the owner, but they are not here. She will put things in a letter. She hates to see that storage unit emptied back into the house. She will get back to Martin in writing.*

**Referred to the City Council due back on 9/12/2018**

- 12 [RLH VO 18-44](#) Appeal of William Dunnigan to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 754 BLAIR AVENUE.

**Sponsors:** Thao

*William Dunnigan appeared.*

*AJ. Neis gave a staff report:*

- On the August 6 inspection, there was a complaint from Excel that the gas was shut off in Units 1 and 2*
- Property was vacant and unsecured.*
- Excel had put detamper tabs on the gas meters. One tab had been cut and power was still on in one of the units.*
- The garage was full of debris and wide open.*
- The main floor was not in use*
- There are lots of issues on the exterior.*
- (a photograph shown)*
- The power was illegally on.*
- The front door to the upper unit was wide open.*
- No one was clearly living there, but he didn't go in.*
- Based on that concerns, he took photographs and went to the building to make sure*

*the back door was secured.*

- *He had learned that there are no boilers in the building. They were removed.*
- *The heating appliances were removed from the property.*
- *The inspector did not think it was a big deal. Normally they would condemn the building for an immediate vacate. Unfortunately, the inspector didn't consult with his lead to find out what type of timeline would be given. - Dunnigan was having difficulties with the tenant that occupied this building.*
- *He asked if we could condemn the building.*
- *Neis said they would not condemn a building that was not condemnable so he could get his tenants out of there.*
- *If he had known there was no heat, that would have been a quite different story.*
- *When asked about the lack of basic facilities, which drove him there on August 6, Neis responded at that time, they were not shut off by Excel.*
- *Excel does not notify DSI for 30 days; they give people time to get things resolved.*
- *Power was shut off around July 6.*
- *There has been over 20 complaints on this property.*
- *There were no orders that proceeded this condemnation.*

*William Dunnigan:*

- *Neis represented a fair assessment of the property.*
- *He has worked with Mr. Neis before.*
- *Dunnigan is a microbiologist turned rehabber.*
- *(Dunnigan talked about his life, including being a rehabber for 40 years.)*
- *(He gave Moermond some lists of properties he has worked on.)*
- *Larry Jiles, current tenant, was planning on purchasing it the last couple of years.*
- *Jiles did a lot of stuff without asking the owner, but it was good stuff.*
- *Jiles lost his job last fall.*
- *Since then, it's been a disaster.*
- *Dunnigan approached Neis about a strategy. They pulled out the old boiler to replace them.*
- *They have an agreement from Jiles to be out the end of July.*
- *He ordered two dumpsters.*
- *They vacated the house.*
- *When asked about the outcome of the hearing, Dunnigan responded he got a writ.*
- *He didn't know the power was shut off.*
- *He now has people working during the day to clean and paint.*
- *The buyer since it was condemned has backed away.*
- *Now he has to deal with it: the power is on, the building is secure, the yard is clean, the building is cleaned up. - They hauled away 25 mattresses.*
- *Dunnigan said he would like to install the two boilers, get the condemnation lifted, and get a current certificate of occupancy, reseed back yard, and put it up for sale.*

*Moermond:*

- *There has not been an interior inspector.*

*Neis:*

- *He has not been in the rooms; his knowledge is from the inspector's inspection.*
- *An inspection appointment letter was sent, and he received a call from Dunnigan.*
- *The house is up for sale.*
- *A letter went out on May 30. It was delayed and then delayed again on June 17. There is no documentation why it was delayed.*

*Dunnigan:*

- *Things were still being worked out with Larry Jiles.*

- He agreed to move in 90 days.
- There is money in escrow.
- He cannot pull a permit when it is condemned.

Moermond:

- Responded that he can pull permits.
- He has a condemnation and the certificates are revoked which leads to the vacant building program.
- It requires a code compliance report for a transaction to occur.

Dunnigan:

- He is willing to take responsibility for it now.
- He has people willing to act as security to make the property safe.
- He found needles in the debris.
- He can get in and maintain it.
- They can make a list of things they are supposed to do.

Neis:

- He cannot lift the condemnation until the heating facilities are in place.
- He is opposed to someone living there at night.
- He is willing to get out there as early as tomorrow at noon to get an inspection.

Dunnigan:

- Heat is not needed now

Moermond:

- This is a troubled property.
- She needs to know what is going on inside the house.
- There is no heating in there.
- She is not feeling comfortable ending the condemnation.
- She is happy to waive the vacant building fee for 90 days.
- She is comfortable that an inspector can go through instead of the code compliance report.
- He will be able to get trades people in.
- She is not comfortable having people live in there while that is being done

Dunnigan:

- Xcel did not notify him.

Moermond:

- She is willing to look at this again in a week when they have a concrete list of things for them to respond to.
- If they get good information, they can figure out a plan of action.

Neis:

- willing to work with him

Moermond:

- She will lift the vacant building so he can pull permits.
- She make this a two week layover.
- It will not be occupied in the interim.
- He will be able to pull permit in the interim.

Dunnigan:

- They are trying to provide affordable housing.
- If it goes to Class 2, it will not be affordable housing anymore.

Inspector Neis to inspect interior and prepare orders prior to next Legislative Hearing.  
Building may not be occupied until Fire Certificate of Occupancy is reinstated or appeal granted.

**Laid Over to the Legislative Hearings due back on 9/11/2018**

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

- 13 [RLH FCO](#)  
[18-150](#) Appeal of Heather Cothorn to a Fire Inspection Correction Notice -  
Certificate of Occupancy at 213 BATES AVENUE.

**Sponsors:** Prince

*Extension to December 1, 2018 bring exterior building items (Items 1-4) into compliance and to October 1, 2018 for the balance of the orders.*

213 Bates Avenue

*(Appellant did not appear.)*

A. J. Neis:

- He encouraged her to appeal.
- It is a fire certificate of occupancy issued to Heather Cothorn.
- Appellants are looking for an extension of time.
- The building is vacant.
- There are multiple code violations.
- One of the big snafus is that this is a historical building.
- They bought this with a batch of buildings not knowing it could even be historical.
- They wanted to put a new roof on.
- They received HPC approval of work, but that was obtained this month.
- They are looking for additional time.
- Since it has been sitting vacant, he advised them it meets the definition of a vacant building.
- They are past their normal extensions of deadlines.

Marcia Moermond:

- She will give them until September 17.

Neis:

- The original letter was August 17 or something like that.
- He advised inspector to send them a new letter.
- He gave them 4 weeks to complete the work or file an appeal.

Moermond:

- She is good with giving them through December 1 on the exterior repairs.
- Those are related to the roof, spray foam removal, rotting, boards, peeling paint, torn screen.
- The balance are not talked about in the appeal; therefore, she will assume they are okay.

- Her recommendation to Council: December 1 for the exterior, October 1 for everything else, things not building related are also October 1

**Referred to the City Council due back on 9/26/2018**

## 2:30 p.m. Hearings

### Vacant Building Registrations

**14 RLH VBR** Appeal of John Kellermann Jr. to a Vacant Building Registration Notice at  
**18-59** 1349 EDGERTON STREET.

Sponsors: Brendmoen

*Waive vacant building fee for 90 days. Inspector Dornfeld to inspect and report back on September 4 at Legislative Hearing.*

*John Kellermann appeared.*

*Matt Dornfeld:*

- He and Singerhouse met with owner at the property.
- There are numerous issues (he listed them).

*Marcia Moermond:*

- It appeared no one was living there at the time.

*Dornfeld:*

- There was an extension cord.

*John Kellermann:*

- He was in treatment.
- His girlfriend let her daughter move in.
- When he got out, all of this came down on him.
- Inspector Shaff said she would help him out.
- He had to evict them.
- Things happened while he was in treatment. The windows were knocked out.

*Neis:*

- A permit was pulled for the electricity and finalized.

*Moermond:*

- Asked can they do a quick walk through on this.
- She would want to confirm that the life safety issues were addressed.
- The vacant building fee can be held off for 90 days.
- She is hearing conditions, is not sure what is needed, and needs eyes on this.

*Neis:*

- The building went through a full code compliance.
- There have been challenges since then.
- It is unfortunate it has gone to this in such a short period of time.
- Dornfeld and appellant can connect to a time.

*Moermond:*

- They will lay this over to next Tuesday.

Laid Over to the Legislative Hearings due back on 9/4/2018

15 [RLH VBR 18-58](#) Appeal of Hai Nguyen to a Vacant Building Registration Fee Warning Letter at 511 LEXINGTON PARKWAY NORTH.

**Sponsors:** Tolbert

*Deny the appeal. Note: appellant paid vacant building fee day of hearing.*

*The following appeared: Hai Nguyen, appellant; interpreter from University Language Center*

*Matt Dornfeld gave a staff report:*

- *There was a fire.*
- *They put in a 90 days vacant building to start and then a second 90 days.*
- *The property has not been a nuisance.*
- *They are here to discuss that fee.*
- *The fire was in February.*

*Marcia Moermond:*

- *Asked how long until the permits are finalized and work is done.*

*Hai Nguyen:*

- *Three months on August 20 when they replied to my question. The contractor replied to my question.*
- *When asked is it Superior Construction Services, he replied yes.*

*Moermond:*

- *Vacant building is billed out for 12 months.*
- *It covers February 2018 to February 2019.*
- *Right now, we are 6 months unto that billable year.*
- *It looks like it will be 9 months before the work is complete.*
- *She will do the following: recommend that he does not pay it at this time. It will be a special assessment onto taxes. That special assessment is appealable. What I can do is to prorate that assessment to have it paid less. If it is done in 9 months time, she will cut the fee in half. She will divide over 5 years. It is the majority of the year, so she cannot let the fee go anymore. She will ask staff to put a note in the file, so he can continue to full permits. He will get a letter in the mail about an assessment.*

*Nguyen:*

- *When he got the announcement for this meeting on the 24th, he received a check from the insurance company and they agreed to pay this fee.*
- *He has a check here for \$2,127.*

*Dornfeld:*

- *He will take the check to 365 Jackson.*
- *He told the appellant to call him in the morning.*

*Woman in the audience:*

- *She will go with him.*
- *She is his sister.*

*Nguyen:*

- *He has the form completed.*



*Dornfeld:*

*- He will take the form and check.*

*Moermond:*

*- Will deny the appeal, as he has the check with him and the form.*

**Referred to the City Council due back on 9/26/2018**

**16 RLH VBR  
18-56**

Appeal of Gonzo Guerra, Connection Realty, to a Vacant Building Registration Notice at 1056 REANEY AVENUE.

Sponsors: Prince

*Gonzo Guerra, Connection Realty LLC, owner, appeared.*

*Fire Supervisor A.J. Neis: Revocation of Fire Certificate of Occupancy by Inspector James Thomas; this has been here before over some code violations including water heater was not inspected/finaled; you granted an extension for 90 days to come into compliance; the work was not done, hence the Revocation/Order to Vacate; the appeal indicates that the water heater was inspected & finaled but I don't know when that was; I'm looking at the paperwork from the plumbing inspector; I see a permit on file but I do not see that it was finaled or approved by our office; as a result, we Revoked the C of O*

*Ms. Moermond: looking at the official record in front of City Council on May 16, 2018, the Council granted 90 days for the completion of the water heater installation under permit, noting that the other items on the list will be inspected at that time (to Aug 16, 2018)*

*-were you there to inspect anything?*

*Mr. Neis: I'm going off Inspector Thomas' report; their permit was pulled Jul 24, 2018; it's under review; it's not been finaled; Inspector notes say that no other work was completed (dryer vent, smoke alarm affidavit, smoke alarm, electrical \_\_\_\_, water heater permit)*

*Ms. Moermond: Mr. Guerra, what are you looking for today?*

*Mr. Guerra: all the work was done; I have the tag that it was finaled & it was OK; it passed inspection; I don't know why the permit wasn't closed out because they put this Notice on the hot water heater; I called Steve; he was on vacation*

*Ms. Moermond: let me see what you've got; OK; I'm not 100% sure; the final of the plumbing is what this says: "Water heater install - OK"*

*Mr. Neis: it's quite possible that ..... looks like .....Jul 31*

*Ms. Moermond: it looks like we need to hear from Mr. Fernlund & make sure that he updates his records electronically & you guys need to get inside because you have a deadline on other things that were supposed to be done at the same time; get your fire inspector back in there again so that they can close out the rest of the list*

*Mr. Guerra: I emailed Inspector Thomas & I asked him if everything was done as was specified as to the dryer duct & the tenant was there & he said that there was a piece of duct tape on it; then, the plumber put a piece of aluminum tape on it that didn't need*

to be there

*Ms. Moermond: get Insp Thomas out there to take a look & touch base with Mr. Fernlund*

*-Mr. Guerra, schedule an appointment with Insp Thomas*

*-Mr. Neis, you let Mr. Thomas know to connect back again*

*Mr. Guerra: from what I understand from the tenant, Insp Thomas was just concerned about the water heater permit; everything else was fine*

*Ms. Moermond: I need to have it confirmed; within the next 2 weeks, get the inspector out there & we'll have a staff report here on Tue Sep 11, 2018 from either Inspector Neis or Inspector Shaff to confirm that all of these things have been taken care of, in which case, we can recommend that the appeal is granted*

*Mr. Guerra: do I have to come back?*

*Ms. Moermond: only if there is a problem*

*-we will waive the VB fee for 60 days*

*Forthcoming. Grant the appeal if Plumbing Inspector Fernlund confirms permit finalized and Fire C of O inspector confirms compliance with rest of orders by September 11 Legislative Hearing.*

**Laid Over to the Legislative Hearings due back on 9/11/2018**

**17**     [RLH VBR 18-57](#)     Appeal of Louis and Gina Yanez to a Vacant Building Registration Notice at 740 WASECA STREET.

**Sponsors:**            Noecker

*Appeal granted. Power and gas are restored.*

*740 Waseca*

*Marcia Moermond:*

*- There was a deadline of August 9 to get the utilities back on again, and it was missed.*

*- The owners should have received a letter. She also sent a copy of the council's resolution to SMRLS.*

*Matt Dornfeld:*

*- It was inspected by Rich Singerhouse, Tom Friel and St. Paul Police on August 10.*

*- This is a 1½ story house.*

*- It is currently occupied.*

*- Singerhouse and Matt Dornfeld met police officers there.*

*- The house was condemned and referred by Code Enforcement Kaisersatt for lack of facilities.*

*- House had broken windows and screens, lacks electrical service.*

*- There were numerous police calls to the property.*

*- Since 2012, the house has attached garage and detached wood shed.*

*- An Accessory trailer is parked in driveway and street.*

*- Summary Abatements were issued.*

*- On August 15, Singerhouse & Friel met with a police officer and Dan from*

*Restoration Professions.*

- They proceeded to secure the entry doors with clips.
- Since then, things have been quiet.
- He has not received any neighborhood complaints since the doors were secured on the 15th.

*Moermond:*

- She has a note from Bill Weis from SMRLS that the bankruptcy did not get filed until yesterday.
- The reconnect orders are in, and power should be restored "tomorrow," which would have been August 15.
- The owners blew the deadline, but it is back on again now.
- The neighbors are not happy. They are calling.
- There is gun fire, drug dealing, and terrible stuff that people are associating with this house & family.
- There is a lot of pressure on DSI inspectors to play it by the book.
- They have to be responsive to people who have fear.
- She knows they have struggled to get this house into their name, and get back taxes paid.
- She has been with them for the months they have been trying to get back in again.
- She is frustrated that they have let these bad things happen.

*Gina Yanez:*

- They went to a meeting with all the neighbors.
- She took responsibility as it is her fault: they let people come in whenever they want.
- They are trying to blame it on her son, but she said she would take responsibility.
- They asked would she go as far as pressing charges.

*Moermond:*

- They are not talking about pressing charges.
- They are talking about no contact orders, stay away orders, etc. to keep away people causing problems.
- The police and SMRLS can give her some direction on this.
- Yanez knows who the people are.

*Yanez:*

- When asked if she comfortable telling people to stay away, she responded yes.

*Moermond:*

- She has been in this for the long run.
- She has gotten them back in, bent the rules, had lay over after lay over, everything she can do.

*Yanez:*

- Responded that she understands.

*Moermond:*

- She has a vacant building registration.
- The power is back on.
- She can be in there.
- She would like to see orders on the house.
- She is concerned that this house will get trashed to the point that it is condemnable, but they can prevent that from happening.
- People living nearby want to give the owner a chance to fix this; people want to see

*them succeed.*

- They want to express frustration, but they want to see you make it.*
- You have a history in the neighborhood. You have roots. It can work.*
- She asked Caitlin has she talked to them about the no contact orders.*

*Caitlin Gilford, SMRLS:*

- She was only aware of the electricity shut off issue.*

*Moermond*

- A few weeks later, the gas was shut off for nonpayment.*

*Gilford:*

- She thought it was turned off for another issue.*

*Yanez:*

- When asked is the gas back on again, she responded yes.*

*Moermond:*

- Now they know the neighborhood situation.*
- It has been deteriorating for months.*
- If, for example, the rain gutters are falling off the house, it would be better if you fix them instead of getting an order to do so.*
- She suggested to Caitlin that she explain to the Yanezes how no contact orders work.*
- She will recommend to the Council that the appeal be granted, as the power and gas are back on, and they can live there now.*

**Referred to the City Council due back on 9/12/2018**

**18**     [SR 18-125](#)

Review Request of Johnny Burgin to an Appealed of a Special Tax Assessment for property at 1241 CLARENCE STREET, File No. VB1802, Assessment No. 188801, adopted by Council on January 17, 2018.

**Sponsors:**         Bostrom

*Legislative hearing staff to contact Mr. Burgin and indicate matter has been investigated and proper notification of assessment and right to appeal assessment was provided. No new resolution to decrease or delete assessment.*

**Received and Filed**