



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
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651-266-8585

Tuesday, September 25, 2018

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [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. (Amended to grant 180 days)

Sponsors: Thao

Kim Theng, owner, appeared.

Steve Magner, Code Enforcement Manager:

-read letter sent by Mai Vang (attached) on Aug 30, 2018

-listed conditions to be addressed by Sep 21, 2018: post \$5000 Performance Deposit (done); submit a detailed Work Plan or sworn construction statement including timelines & bids, including subcontractor bids; documentation of financing sufficient to execute the Work Plan (a line of credit, construction loans, personal bank loans; the city estimates the cost of repairs to exceed \$75,000, however, this number is likely to change based on the estimate you bring forward; if the estimate exceeds \$75,000, you will need to provide documentation of financing in that amount; if the funds being used are not tied to this project, such as a construction loan, we are requiring an affidavit that states the necessary funds will be set aside from other business or personal accounts; maintain the property

-if these conditions are met & approved, I will recommend the City Council grant up to 180 days for the rehabilitation of 483 Como

-City Council Public Hearing continues to be scheduled Wed, Sep 26 at 3:30 pm

Ms. Moermond: some information was provided to our office & we forwarded it to DSI, as well; were conclusions drawn, Mr. Magner?

Mr. Magner: yes; \$5000 was posted; read email sent by Mai Vang, LH Coordinator, to owner dated Fri Sep 21, 2018: Ms. Moermond & Mr. Magner have reviewed all submitted documentation & have found that these bids are not acceptable for the reasons listed: 1) bid from Twin Cities LLC is unsigned & requires payment on receipt, presumable in full & they would need to see a demonstration that this has happened; 2) more importantly, Ms. Moermond has talked with Reid Soley & Best Homes Twin Cities LLC is not a state licensed residential building contractor or a state licensed residential remodeling contractor; therefore, they would not be able to pull permits;

they may be licensed under another name and if that's the case, they would like to see the bid come from that company. Also, they need to have license number; 2) Best Homes Twin Cities LLC is not a licensed electrical contractor; again, they may be licensed under another name & if that's the case, they would like to see the bid come from that company; also, they will need the license number; 3) under a separate email, you submitted the heating bid; it does not appear to cover all the items listed in the code compliance inspection report. Note: the heating guy is licensed in the City of Saint Paul; 4) no bid was provided for plumbing
-Sep 21, I found that there is a bid from Lake City Mechanical for \$3900 for the scope of work; their license number is listed on this letterhead

Ms. Moermond: Mr. Teng, you provided us with some bad materials

Mr. Teng: now, I hired a regular electrical contractor; they haven't gotten me a bid yet; they say, probably next week

Ms. Moermond: your hearing at City Council is tomorrow

Mr. Teng: I understand; I screwed up on that first contractor

Ms. Moermond: how am I supposed to trust that you're going to be able to get the job done if you can't get this done?

Mr. Teng: you could penalize me or something; I'll pay the fine

Ms. Moermond: there's no fine; we're talking about a dangerous/nuisance structure & you don't seem to be taking seriously the things you need to do

Mr. Teng: no; I take seriously; I tried to get it done in 6 months; I made the commitment; I misunderstood; I thought I had 365 days....

Ms. Moermond: we went thru this in painful detail the last time we talked; the code compliance insp report indicates in one sentence that it's good for one year; it says nothing about giving you a grant of time of one year to address the nuisance conditions which were brought forward in a separate letter to your attention; and so, I'm looking at delay, delay, delay & then, you brought us bad bids, which were also significantly less than the city's estimate

Mr. Teng: no; I got a bid from the heating guy; he will do all ____; he just sent me an email; I didn't submit it yet to Ms. Vang; I need to hire an electrical guy yet; he said he'll give me a bid

-the guy who came to the last LH wanted to buy the property & was going to do the repairs; I will do the bldg repairs now; it will take 3 months to complete it

Ms. Moermond: but you don't have a Work Plan

Mr. Teng: I can do all the building repairs; it's already half done; most items were building

Ms. Moermond: if they're done, why were they included in your contractor's bid?

Mr. Teng: I need to have the plumber do his part before I can finish in the bathroom

Ms. Moermond: what you're saying doesn't make sense to me; could you clarify?

Mr. Teng: it will take me about 3 months to complete - all this work that I do myself
-I have a license for Class A Journeyman's electrical but I'm not a contractor; I didn't
renew my license; I retired
from local IBW; I can't do electrical work on houses other than my own private
residence; I don't want to do myself
-I have a licensed electrical contractor, a heating guy & a mechanical/plumbing guy
-I forwarded the email for mech/plumbing guy to Ms. Vang last Fri

Mr. Magner: we have bid from Lake City Mechanical: installing a 1" main water supply
per instructor report to bring gas/water heater up to code per report; install backflow
preventer on wall hydrant per report; install 2 new shower valves, trims, per report; bring
in bathroom sink waste pipe up to code per report & bring gas piping up to code per
report; also says: equals extra (don't know what that means); states below \$3900; we
include the following after hour including overnight ___ based on normal work hours;
etc. - doesn't talk about the mechanical section
-I haven't seen financial documentation
-we don't have a very clear plan in front of us

Ms. Moermond: we do have evidence of financial capacity; we don't have a Work Plan

Recommendation: Public hearing to be continued to October 3. The following
conditions need to be submitted by Friday, September 28:

- 1) detailed work plan or sworn construction statement including timelines;
- 2) general contractor and subcontractor bids;
- 3) the property must be maintained.

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

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. (Amend to grant 180 days)

Sponsors: Henningson

Jay Olson, owner, and Jeffrey Chermak, contractor, appeared.

Ms. Moermond: there was a delay in getting the Code Compliance Inspection Report
out to you; I'm glad you sent an email letting us know that

Steve Magner, Code Enforcement Manager: update: read letter (attached) dated Aug
30, 2018 from Mai Vang listing conditions: 1) post \$5000 performance deposit by noon
Sep 5, 2018; 2) pay delinquent taxes by close of business Fri Aug 29, 2018; 3) submit
documentation of sufficient financing to execute Work Plan; 4) submit an affidavit, if
necessary, stating funds will be set aside; and 5) maintain the property
-if conditions are met, Leg Hrng Officer will ask Council on Sep 5 to refer your case
back to LH on Sep 25, 2018 for further discussion

Ms. Moermond: Mr. Chermak, tell me about the documents that you just provided

Mr. Chermak: the documents are basically identical to the paperwork that was
submitted on the previous project with editing done for addresses & legal descriptions
-contracts regarding work being done by myself; ownership stays with Mr. Olson

-most documents are loan & construction agreements; line of credit; standard purchase agreement; mortgage (line of credit) for security; also a sworn construction statement that has attached to it a more detailed work plan, bids from an electrical contractor, a plumbing contractor & an HVAC contractor (contractors whom I've worked with previously)

Ms. Moermond: Mr. Magner & I will review these documents & I will get back to you by tomorrow morning via email

Mr. Chermak: can we pull permits soon after your email response?

Ms. Moermond: it is scheduled on the City Council agenda tomorrow, Sep 26, 2018; they will take their vote tomorrow; if everything is in order, you will be able to pull permits after that

Kirsten Jansen, neighbor who lives at 506 Otis Avenue:

-asked if the city has any leverage to be proactive on the series of properties that we know are...

Ms. Moermond: no; we can't look at a strategy for the entire neighborhood; the city is, in all cases, restrained to interacting with the property owner on a property by property basis; and the owner is given due process of the law and allowed to try to remediate the concerns that are brought to his attention. So, is there a way to do a comprehensive strategy? The owner has within his power the ability to do a comprehensive strategy; the city's version of a comprehensive strategy is using the Vacant Building Program & the Fire Certificate of Occupancy Program for those buildings that have deteriorated to a condition where there should be an Order to Abate. I understand the frustration of the neighborhood; we've heard a lot about that over time but there is no legal tool that the city can apply to this that would look at this in a comprehensive matter (all 17 or so properties together).

Ms. Jansen: we know that we're going to keep coming back here for a number of years

Ms. Moermond: if you're talking about housing policy - working with landlords about existing housing, I know that some Certificates have been Revoked on these properties & they'll need to be re-instated if they're going to be used as rental again

Ms. Jansen: I feel that it's definitely a danger for renters in our neighborhood

Ms. Moermond: I'm not looking at that today; just at this Order

Mr. Magner: her question is a general, more broad-based question that needs to be taken up, perhaps with her Councilmember, which is a better forum than this because this is specific to individual properties on today's agenda

Ms. Moermond:

Recommendation is forthcoming.

Update: Ms. Moermond has reviewed the plans and recommended granting 180 days for the repair.

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

- 3 [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. (Amend to remove within 15 days)

Sponsors: Noecker

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

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

- 4 [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. (Public hearing held September 26) (Amend to remove within 15 days)

Sponsors: Thao

*Ayan Askar, Hooyo Huno Housing LLC, owner, appeared.
Kris Kujala, Ramsey County Forfeited Lands, also appeared.*

Ms. Moermond: this is kind of a unique circumstance

-Ms. Askar is purchasing this under a contract from the county; it's a tax forfeited property & there are some contractual obligations that she faces that will effect her ability to perform the rehabilitation on this property

-Ms. Askar, you missed the LH that we had before; what was going on with that?

Ms. Askar: I spoke with Joe; she handed Ms. Moermond a letter

Ms. Moermond: this letter is for an Excessive Consumption of Code Enforcement Services; it isn't for what we're talking about today; showed her the Order to Abate a Nuisance Building from May 23

-I'm asking you to explain: why weren't you there?

Ms. Askar: I spoke with Joe on the phone in Jul about the hearing; I was pulling my permits in Jun; they gave me the permit for 677 Thomas (main house); he said that I couldn't pull a permit for 610 St. Albans because I had to wait for Joe or someone to talk to about that; I called joe & asked about it because Reid Soley is telling me that I can't pull a permit for 610 St. Albans because it's pending Cat 3 VB; Joe, in Jul, said that he'd set me up for Sep hearing; I asked why he was making me wait so long; he said, how about Aug 28; I said fine & wrote down Aug 28; I opened my mail & I see a LH for Sep 4; I called ahead (my first time receiving stuff like this) on Fri, Sep 1, to say that on Sep 4 I have a 9 am appointment to take my kid to kindergarten, so I can't be at court & at kindergarten, so can we please move it to later on; Joe tells me that I already missed my court on Aug 28; so I asked why he sent me a Sep 4 date; he told me that was something totally different about a window being boarded up....so

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.

Ms. Moermond: there was a question about notification; the Summary indicates that DSI sent certified mail to Ramsey County Tax Forfeited Lands & also, that personal service was provided to Ms. Askar; and connected to our record is an Affidavit of Personal Service of Michael Lonsure being duly sworn in & on Jul 25, 2018 at 6:40 pm, he served a Notice of Public Hearings upon Ayan Askar therein named, personally, at apartment 113, 1550 Larpenteur Ave W & he handed it & leaving it with Gina Askar, sister, a person of suitable age discretion residing therein, a true & correct copy thereof; so, we have a personal server saying they went to your house & gave a copy to your sister, who signed for it

Ms. Askar: she's in Africa right now; she never told me about that letter

Ms. Moermond: this building also had placards on it talking about this process

Ms. Askar: everything I provided you was available in Jul & the bids have been available since May; I swear to God that I had no knowledge that this was.... I thought it was changed.. but when I received this other one....

Ms. Moermond: that letter is talking about a tax assessment (Excessive Consumption of Code Enf Services); the fact that you would confuse that doesn't speak well of your ability to be able to navigate this process

-let's talk piece by piece of what's expected of you

-\$5000 per dep; Mr. Magner, I see a receipt dated Sep 24, 2018

Ms. Askar: I did receive a revised letter from you; the first letter did not have anything

about a \$5000 deposit

Ms. Moermond: but the Order to Abate a Nuisance bldg that you received May 23 did say that

Ms. Askar: I was aware of that but Racquel said to follow everything that's on that letter & I did & there was no \$5000 deposit but the 2nd revised one had the \$5000 on it

Ms. Moermond: Ms. Kujala, is Ms. Askar's knowledge that this is a Category 3 Registered VB subject to demolition new to her & when hearings are scheduled? how do you guys communicate when these things come up?

Ms. Kujala: I don't communicate with her in regards to city matters or whenever I receive Notice of Order to Abate Nuisance condition just because we're listed as the owner on the property since it's on a Contract for Deed

Ms. Moermond: what are those terms of that Contract for Deed?

Ms. Kujala: the contract was actually entered into by the prior owners, Wendy & William Wenzel on Jul 21, 2017; they had Repurchased; it was approved by the County Bd; one of the provisions in the contract provided that the property be brought up to code within 12 months from the date of execution of the contract & that date has come & gone; it should have been code compliant by Jul 21, 2018

Mr. Magner: for clarification purposes, when the county sold the original residence (parcel included 2 houses, a front duplex & the rear mother-in-law), was it the county's intent that both structures/properties be rehabilitated?

Ms. Kujala: if both were not code compliant, yes; both would be part of that rehabilitation because they make up one tax parcel

Mr. Magner: they could have come into compliance by razing one structure & rehabilitating the other

Ms. Kujala: that is correct

Mr. Magner: the front property is a Cat 2 VB; the rear one, 610 St. Albans, is a Cat 3 VB; at the time that this all happened, the Wenzels were occupying the first floor of the duplex; another party, who had long-term tenancy was occupying the second floor; & I had been approached more than a year ago by a Homeless Outreach worker to see if we could give them a little bit of time during this transition period (Aug 2017) but their intent was to move out; my understanding is that the property has been vacant since that period of time; we're now looking at 12 months of 677 Thomas

Ms. Kujala: I want to explain a little further: at the point of Repurchase by the Wenzels, Jul 2017, they assigned their contract to Ayan & I believe it happened in Aug 2017; at some point, they gave her an assignment of contract, which is allowed under statute, for someone to assign their contract to another individual; they, then are bound by the same terms of that Repurchase Contract; so again, that assignment puts the onus on Ayan to bring the property up to code; at this point, the Repurchase Contract is noncompliant & it is currently in the cancellation process

Ms. Moermond: could you explain the cancellation process?

Ms. Kujala: was to be in compliance by Jul 21 & it was not, so a 30-day Notice was sent of a Default of Noncompliance asking for her to bring it up to code; she did not comply; she then received another 30-Day Notice of a Pending Cancellation, which expired on Aug 24; another Notice which expired Sep 24 & we still have not received compliance; therefore, sometime this week, another Notice will be going out of a Final Cancellation, an additional 30 days is allowed under law to allow for compliance; if that does not occur then, the file would be sent to the County Attorney's Office for final cancellation procedures

Ms. Moermond: so, if the county doesn't see compliance in the next month, you'll go to final cancellation procedures; and what does that look like?

Ms. Kujala: after 60 days, Ms. Askar would be personally served by the County Attorney's Office; at the point of service, a 60-day clock starts to run where she has 60 days to bring it into compliance to avoid cancellation of the contract; if she hadn't complied, her ownership would end; the State of MN would take ownership of the property

Ms. Moermond: we have the \$5000 Perf Dep & we still have a valid code compliance inspection report

-lets' talk about the detailed work plan/sworn construction statement
-you provided me with a contract with McLemore Construction

Ms. Askar: I hired McLemore Construction last year in Dec; they provided me with a bid; I had to take that bid & get a loan under my brother's name; we got the loan; it took a little longer because they were looking at future value; they sent someone to look at the bid, the code compliance inspection report & looked at the future value of the home to determine if it's worth getting a loan; based on that, they said that value of the property is \$345,000 & is doable; we'll pay the \$150,000 to repair both properties & before we could even start construction, I was told to "wait" at the end of Jun until the Cat 3 is taken care of; once I sit in front of you, then, I can pull permits & do the work; so, we have been just waiting for construction to being - waiting for this thing to finish; once done, we can start work right away; everybody's on standby, including the bank

Ms. Moermond: I don't know what it means that the bank is on standby

Ms. Askar: they can't disperse the funds if work is not being done; & they can't get any work done if there's no permit pulled

Ms. Moermond: looking at this information, I don't know that you're approved from the bank; so, is there information that shows that you have a loan agreement in place & they're giving you money

Ms. Askar: yes; there are 2 letters: 1) how much the value is worth; and 2) my loan that's approved.... it's from a while ago but we are approved

Ms. Moermond: the 2nd letter is about the conditions for pre-approval & the right to re-spend it; you didn't provide additional approval information to me; a loan agreement would say that they're going to give you the necessary funds to do the rehab
-I want information in writing that there is money to do this rehabilitation; right now, I don't have anything except that you would have fewer than 90 days before you lose the property; so, I would not ask the Council for any more than 85 days right now, for you to be able to do the work because it makes no sense; if you aren't done with the

*project in 90 days, no matter what I do, it goes back to the State of MN
-if the loan is in your brother's name & he is co-owner of your LLC, why is he not here
today if the money is in his name?*

*Ms. Askar: we spoke to Ms. Kujala because we had an issue about the deed being
transferred over & finally we solved & proved that he's part owner of the company & I
have been trying to handle that so the loan comes to the property; finally, I showed up
to Ms. Kujala's office to say that if this doesn't work, there was another gentleman
(because I was worried about the bank saying if they forfeit the money, the deed
cannot be transferred to my brother because it is a personal loan on him); they said
that they can finally do it because I showed him the ownership of the Hooyo Huno
Housing LLC; now, that we solved that, he has the legal documentation to show that he
has the money; he's not here today because he has to work & he didn't give it to me
but he's going to email it to me*

Ms. Moermond: and you sister didn't give you Notice of today's hearing

Ms. Askar: my sister left Jul 5 - we didn't even speak about it

*Ms. Moermond: your sister should have remembered to tell you; that's kind of
something you'd remember; that's a big deal*

Ms. Askar: she should have

Ms. Moermond: yea; it's a big deal

*Mr. Magner: if you've been approved for a rehabilitation of the property - parcel, you
have money to fix up both units?*

Ms. Askar: yes; it's \$150,000 together

Mr. Magner: why haven't you pulled any permits or done any work on 677?

*Ms. Askar: because the bank releases the funds partially for the construction loan,
slowly; they come & check off each thing; the bank is hesitant because we can't pull
permits for 610; they both count as 1 property; they don't look at it as 2 separate
addresses; they look at it as 1 address*

*Mr. Magner: so, the reason that you have not pulled permits on 677 is because the
bank won't give you financing until the city allows you to pull permits on 610; is that
correct?*

*Ms. Askar: they gave the funds but they just won't let us move forward until they know
what's going on with 610 because the value that they gave us was based on 610 being
part of the housing; if 610 is no longer with it, then the value of the property goes down*

*Ms. Moermond: you're pre-approve; you haven't got any agreement; you talked about
your brother using a personal loan to pay for this work; so, that's not a construction
loan*

*Ms. Askar: it's called a Conventional Renovation Loan & he's going to be living there;
he'll be living upstairs; I'll be living downstairs*

Mr. Magner: let's go back & clarify this again; I think there's a little miscommunication

because I'm asking a question & then,,,, I think there's a mixed answer there that I'm not clear on; so, you need to answer that question again: earlier in your testimony, you had stated that people told you that you couldn't pull permits; which property are you referring to?

Ms. Askar: Reid Soley & Joe Yannarely told me that; when I went to pull permits, they said I couldn't pull any permits on 610 St. Albans because it was a pending Category 3

Mr. Magner: I need to be clear in my question so, were you ever told that you could not pull permits at 677 Thomas?

Ms. Askar: no; I could pull a permit today at 677 Thomas; on 610 we can't but they're together so the bank wants to make sure that we can pull permits on both of them

Mr. Magner: after the city declares a bldg to be a nuisance, they establish certain recommendations & requirements (now in front of LH Officer), the dept can't allow permits until the City Council grants time for the rehabilitation; so, you have to meet the criteria of the hearing officer before we can issue permits; but we can issue you permits today & we could have issued you permits as of Jun 21, 2018 for 677 Thomas; I understand that you're saying this is tied to your construction loan but that's the issue that you need to portray back to the bank to say, "Give us the money so we can move forward;" if you don't move forward you now have a much shorter time frame today than you did before because the County, which regulates the ownership between you & the State of MN, says that you have only 89 days to complete the rehab of both structures

-the city could say you could go ahead & give you a time frame to rehabilitate the structures after we approve this; but even if they gave you that time frame, it would have to be contiguous with what the county's action is

-you could have done something else with 610 by, for example, razing that structure & rehabilitating 677; that way you would have satisfied the county & the city; you're saying that can't satisfy your lender because your lender wants you to rehabilitate both structures; therein lies your problem

-I think that the only way for you to get out of this at this time, is to find a different money source to allow you to rehabilitate one structure & raze the other or have the city raze the other one because I don't know of many people who can literally rehabilitate 2 structures in 90 days

Ms. Askar: the bank is waiting for the result of the hearing today

Ms. Moermond: let me be 100% clear; the City Council will not give you 1 minute of time to do the rehabilitation of this property without evidence that you have financing in place, secured, to execute the rehab; they need to see the money before they'll give you any time; you say that your financier won't give you the money unless the city gives you time; that's not the way it works for the city; the city will not give you time without the money being demonstrated; you can go forward & do the rehab on the Thomas property without any vote as Mr. Magner indicated but on the St. Albans property, you've got to show us yours before you'll get time from the Council

-the contract from McLemore doesn't provide bids for electrical, plumbing & HVAC

Ms. Askar: we sent that 2 weeks ago; Reid Soley asked for separate subcontractors license & bids; we communicated on email (on the very bottom of the pricing of subcontractors); Reid Soley verified them

Ms. Moermond: I want to see those bids; I need to see that information here

-this was originally pulled together Apr 29, 2018; I'm looking for a statement about how long the McLemore bid stays in place

Mr. Magner: usually there's a statement that says, "This bid is good for 30 days;" so, if she's going to use this, we would need a follow-up document stating that these bids are still good

*Ms. Moermond: timelines are missing about when this contractor would begin & complete the work & when their subs would begin & complete the work; you have a lot hanging over you to get this done in a very timely fashion & if they don't have the ability to do that right now, you need to figure out a different strategy for dealing with this; I need to see from them in writing that they can get in & out & get everything signed off with all of their subs in fewer than 90 days
-I don't have timelines right now; I don't have financing right now; I don't have optimism right now*

Ms. Kujala: is there any option for Ms. Askar to sell this property & have someone else undertake the rehab at this time?

Ms. Moermond: no

Ms. Kujala: she can do another assignment; so, her report earlier was invalid in regards to her asking it to be assigned out; she can do another assignment

Ms. Moermond: explain that a little bit

Ms. Kujala: she would be assigning her contract for deed

Ms. Moermond: that would affect property on Thomas so that somebody else could fix that property if it passed sale review but is it possible for the St. Albans property to be fixed by another person if she assigns off the contract to somebody else?

Ms. Kujala: again, both properties are under 1 legal description; so, when I talk about the sale of the property, I talk about both of them (one is not separate from the other one); all I'm asking is would she have the option or would the city entertain the option for her to sell the property which would include both structures but that this same time frame exists for whomever would buy this property; it's still under the same terms & conditions of that contract; so, again, if she sold the property today to somebody, they would have 89 days to bring the property up to code; what.....

Ms. Moermond: she can do that but the question becomes, "What impact does it have on her ability to repair this property vs remove it;" & I think the thing is that this nuisance condition needs to be abated prior to its transfer & the nuisance condition is this building; so, in practice, Thomas would transfer & stay standing but this property would be demolished in order for that to happen

*Mr. Magner: I don't see this far down the line where a 4th party came in, contractually took over her assignment & then told the city that they were going to rehabilitate or remove 610 & rehabilitate 677 & they were going to literally start tomorrow..... a 4th party could come in, take her assignment, get a permit, raze 610 & get a permit after they do a sale review with us for 677; that, in theory, could happen but you'd have to have a crew sitting around, waiting because you still have only, now fewer than 89 days, to complete the project
-is it possible? yes; is it feasible? no*

Ms. Askar: *do you guys know of Hendrie - property owner who knows Marcia (Hendrie Grant)*

Ms. Moermond: *I know his name but I don't know him; if you want to sell to somebody....*

Ms. Askar: *that was one of the options because the bank was just waiting around to hear this result & if time was given to me, then, they would forward the money tomorrow but they just want to know what the results are (do I have time) & McLemore is on standby; he said he will work round the clock, overtime, to at least get St. Albans out of the way; then, at the same time, do Thomas because when the trades come in, they'll do both properties*

Mr. Magner: *I have a problem with that statement; if this was 2008, I guess I might have some ability to comprehend that statement; this is 2018; most people who we deal with are having a very hard time getting a contractor to: 1) answer the phone; and 2) literally, show up because of the volume of work & the funds available to do these things; I've dealt with a number of cases this year where we have been told by a contractor repeatedly that they were going to be here, we're going to be there, we're going to be there & I report back to the complainant or we're documenting that because we had given a time frame when we had to give an extension so for me to believe that there's a contractor just standing there waiting to start a project - that they have nothing else to do, --- I'm having a hard time with that
-this goes to City Council tomorrow, Sep 26, 2018 & I have nothing to make a recommendation to move forward*

Ms. Moermond: *I want to be 110% clear; the letter sent to you was explicitly clear about what you needed to provide & they'll be listed again at the end of these minutes; I don't know how you'll pull it all together; you can ask the City Council to Lay it Over for a week*

Ms. Kujala: *I'm still confused over a comment you made earlier; you said that your bank is basing the value of your loan on the 2 properties existing on the same parcel & based on the rental*

Ms. Askar: *it won't be rental; I'll be living on the 1st fl; my brother will be living on the 2nd fl*

Ms. Moermond: *I don't care if it's rental or not; I think the question was is the bank basing it's loan on a rental income stream & is that something we need to be considering & reviewing?*

Ms. Askar: *the value as far as the one that's worth \$345,000 - St. Albans; the bank wants to know if that's a keep or not a keep*

Ms. Kujala: *I think it needs to be clear on your statement from the bank on whether their figuring out the loan to value ratio of the property based on a rental use & how many rental uses are they basing that on as far as that valuation; I think that's an important piece*

Ms. Moermond: *I will ask Council to Lay this Over for 1 week & give you until Fri, Sep 28, 2018 to provide the information (subcontractor bids; a timeline; a statement from your contractor signed by him to execute this project with this timeline; an account with*

the money in it) that I need; if you don't, I'll ask the Council to remove the building within 15 days with no option for its rehabilitation
-the documents that you provided to me from the bank were not on point getting this work done; show me that your brother has the money in an account; I need to know that the money is available for this project
-both structures need to be fixed within 89 days for you not to lose the entire parcel

Public hearing to be continued to October 3, 2018

Appellant Ayan Askar is to provide the following conditions by the close of business on Friday, September 28 if she intends to rehabilitate the property:

1. In the Legislative Hearing, the McLemore Construction bid was received and information is still needed as to 1) whether the bid is still valid; 2) a timeline demonstrating work can be done in fewer than 90 days; and 3) subcontractor bids
2. Documentation of financing sufficient to execute the work plan (currently estimated to be approximately \$60,000) will need to be demonstrated (line of credit, construction loan, personal bank account).
3. If the funds are from a personal bank account not tied to the project (such as a construction loan), will need an affidavit that states the necessary funds will be set aside for the repairs; and
4. The property must be maintained.

If Ayan Askar wants to proceed with demolition, the City would need to see a signed contract with a licensed demolition contractor.

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

5 [RLH RR 18-30](#)

Ordering the razing and removal of the structures at 877 WOODBRIDGE STREET within fifteen (15) days after the August 15, 2018 City Council public hearing. (Public hearing continued from August 15 and 22)

Sponsors: Thao

Ling Jian Zhou, owner, appeared.

Steve Magner, Code Enforcement Manager:

-read letter (attached) sent by Mai Vang on Sep 13, 2018 re Order to Remove/Repair 877 Woodbridge

-you did not appear at Sep 11, 2018 hearing; LH continued to Tue, Sep 25, 2018

-2 conditions have been met: posted \$5000 Performance Deposit & applied for Code Compliance Inspection

Ms. Moermond: we received an email Tue Sep 4 from Mr. Zhou indicating that he had done some cleaning but the water was shut-off; his water meter was defective; I think that was actually learned a couple of years ago prior to the house being squatted in -do you have evidence that the place has been cleaned out professionally & sanitized?

Mr. Zhou: I hired a plumber; he pulled a permit & he's working on it today; I will have water some time this week so I will be able to hire professional cleaners -the house is clear of debris

-I'm just waiting for the code compliance inspection; then, I can get the money

Steve Magner: original LH was on Jul 17, 2018; at that time, the owner did not show; Leg Hrng Off recommended removing the building within 15 days; to my understanding, the owner, then, appeared at the City Council Public Hearing & requested that this matter be sent back to LH, at which time, you had requested the bldg official expedite a code compliance inspection; after that, Mr. Ubl sent his staff out there but staff wasn't able to inspect based on the gross unsanitary conditions of the property -I & Mr. Yannarely did go out to verify that & we entered photos for your review (Amanda)

Ms. Moermond: you haven't met the conditions that were outlined in the most basic way; you were provided information on Aug 22, 2018 about what needed to happen; you missed your hearings

-I will recommend to the Council to Order the building removed within 15 days with no option for its rehabilitation

Mr. Zhou: the thing is I already tried to do as much cleaning as I could & they want the bldg to be professionally cleaned

Ms. Moermond: I said that; let me be clear - professionally cleaned & sanitized so city inspectors can gain safe access to the premise; inspectors documented severe urine, mold, mildew smells, trash, dead rodents & human waste; so, professionally cleaned & sanitized, you bet!

Mr. Zhou: I understand that but the problem is that I don't have any access to water; I won't be able to do that without water and St. Paul Regional Water won't let me do that work without hiring a licensed contractor & I didn't find one until last week to do the work; they just started working there today; it's not like I can do the work myself

Ms. Moermond: I'm going to recommend to the Council; I don't think that you have met any of these conditions

Mr. Zhou: I am working on it

Ms. Moermond: no; you were given reasonable deadlines in which to achieve these; you have not; you've missed hearings; I do not believe...

Mr. Zhou: the hearing on the 11th, I wasn't totally aware

Ms. Moermond: it was in the letter you received dated Aug 22; you missed your original LH

Mr. Zhou: that I know

Ms. Moermond: my position is unchanged: I'm going to recommend the building's removal within 15 days with no option for its rehabilitation; I think Council gave you a good long chance beyond what you otherwise would have had; it was a very straightforward ask of you to get this taken care of; the city was ready to be out there doing the work right away & you were unaware that you even didn't have water running in the property

-Mr. Magner & Mr. Yannarely were out there Aug 21, 2018; a Summary Abatement Order was issued; they documented conditions for me; they noted that the lawn is 1 foot high & that there's a broken window on the north side of the house (issued SA);

when we talked about this again at the LH you missed on Sep 11, we checked & the window was still broken & the grass was still unmowed; a Work Order was sent to get that done; if you can't mow the lawn, fix the window or get the water turned back on again or meet any of these other conditions, I do not think that you should receive a recommendation for a grant of time to do the rehab on this; I think that the neighborhood deserves better; it's been too many years that this has been a Reg VB; it's been a nuisance & a blight on the neighborhood; it's been squatted in; it's filthy -if you want to talk to the City Council; the public hearing is tomorrow, Sep 26, 2018

Mr. Magner: noted for the record: beside the fact that the owner failed to comply with the SA that we sent out when we did that inspection & did not show up for the hearing, one of your requirements was to put together a Work Plan; give us some financing; when I talked earlier, the owner said that everything was pending on the code compliance inspection report; well, we do have a code compliance ins report form 2012; so, he could look at what the old code compliance says; even the city starts there; the owner could have taken the old one & put together pending bids & a financial plan based off that; so, from a dept level, I don't know that he's capable of doing the rehab of the property because he's not able to figure this out

Mr. Zhou: a lot of that work is done since that 2012 code compliance; there's a brand new furnace upstairs & downstairs; I have kept heat in the property

Mr. Magner: if all that's been done, why didn't you base your estimates off what has been done?

Ms. Zhou: you asked me to get a new code compliance inspection; then, I'll get the contractors; I was following your instructions

Mr. Magner: we dont' have any permits that have been finalized since 2012; a building permit pulled in Jan 2012; an electrical permit that's never been inspected; one bldg permit's had 1 inspection done; one mechanical's had 1 inspection done; nothing else -we have no record of any finals
-DSI agrees with the Hearing Officer that you aren't taking this seriously

Ms. Moermond: it's up to the City Council tomorrow at 3:30 pm

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

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

6 RLH RR 18-43

Ordering the rehabilitation or razing and removal of the structures at 993 JAMES AVENUE within fifteen (15) days after the October 24, 2018, City Council Public Hearing.

Sponsors: Noecker

Erick Flyckt, representing US Bank, appeared.

Steve Magner, Code Enforcement Manager:

-The building is a two-story wood frame single-family dwelling with a detached two-stall garage on a lot of 5,227 square feet. According to our files, it has been a vacant building since June 21, 2012.

-The current property owner is Henry Seka per AMANDA and Ramsey County Property records.

-On June 14, 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 June 26, 2018 with a compliance date of July 26, 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 \$30,900 on the land and \$112,600 on the building.

-Real estate taxes are current.

-The Vacant Building registration fees were paid by check on June 27, 2018.

-A Code Compliance Inspection was done on December 20, 2013 and has since expired.

-As of September 24, 2018, the \$5,000 performance deposit has not been posted.

-There have been fourteen (14) SUMMARY ABATEMENT NOTICES since 2012.

-There have been seven (7) WORK ORDERS issued for:

- Boarding/securing
- Grass/weeds
- Snow/ice
- Garage (loose boards, siding, fascia/soffits)
- Chain link fence and gate (collapsed portion)

-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: the expired code compliance inspection report from 2013 is in the file

Mr. Magner: we have no finalized permits; in the city's eyes all items on the old code compliance insp report are still outstanding

Mr. Flyckt: US Bank has not yet foreclosed; my office received a foreclosure referral last month; we are prepared to commence the foreclosure process; we have all the documentation; if we try to seek a 5-week redemption period reduction thru the courts, it's possible, if everything goes according to plan, that US Bank could be entitled to the property in mid-end of Jan 2019 as a time frame, expediting the time frame as much as possible

-I don't know if US Bank has been inside of the property; I got the referral on this last week; Mr. Seka was actively serving in the military for 10 years, getting off active duty in Jul 2018; early on in his service, he apparently informed the bank that he was going to be walking away from the property; this is a VB insured loan; he did not follow the loss mitigation process; since it came to US Bank's close attention, they did receive a waiver from Mr. Seka, waiving his rights in order to proceed with the foreclosure; thus far, the bank doesn't have possession; they can enter the property as vacant as the lender; they can do cleaning of the property but removing personal property may become an issue in terms of getting a code compliance inspection done; on Fri, the bank authorized one of the VP's to order the code compl insp; from past experience I know that ordering the check from US Bank & getting it out can take up to a week; if there's valuable property in the house, we'd have to get a separate property waiver from Mr. Seka in order to have that removed for the code compl insp to be done; he's been compliant in waiving his SCRA rights but he seems frustrated with the process at this point; I'm not sure how compliant & helpful he'll be in the future; I know in the past that in certain rare circumstances, DSI has been willing to do inspections where personal property is neatly boxed & safely stacked in the center of the rooms

-I'm looking for a time extension to get the code compl insp process completed; then,

US Bank would have to make a decision on how to proceed; they are currently looking at it in the best case scenario, over a \$200,000 loss on this property whether it's rehabbed or torn down; I know there's some guidelines with the VA in play in terms of reimbursement; I think, based on the code compl insp & the bids they get, they will make a decision

-Mr. Seka has already indicated that he's walking away from the property; maybe he would also be walking away from his personal property inside; I will be working on that

Mr. Magner: if your client could get into the bldg & arrange Mr. Seka's items in a manner that would allow the property to be inspected; then, we could do the code compl & your contractor could go thru & construct an estimate to determine if the cost of rehab would be worth it vs. removing the structure

Ms. Moermond: can you get the REO people in there to get the junk out?

Mr. Flyckt: absolutely; but I don't think there's a lock box yet - they are on board with that because they want to get the inspection done

Ms. Moermond: scheduled at City Council Oct 24, 2018

Mr. Magner: maintain the property; grass, shovel snow, etc.

The following conditions must be met by October 19 in order to grant a layover:

- 1) post the \$5,000 performance deposit;
- 2) insure the property is cleaned out and ready for inspection;
- 3) apply for the code compliance inspection; and
- 4) provide document that the client has filed to shorten the redemption period.

Referred to the City Council due back on 10/24/2018

- 7 RLH RR 18-44** Ordering the rehabilitation or razing and removal of the structures at 931-933 SHERBURNE AVENUE within fifteen (15) days after the October 24, 2018, City Council Public Hearing.

Sponsors: Thao

Robert Gotch, owner, appeared.

Steve Magner, Code Enforcement Manager:

-The building is a two-story wood frame duplex with a detached one-stall garage on a lot of 3,920 square feet. According to our files, it has been a vacant building since August 21, 2014.

-The current property owner is Robert and Susan Gotch per AMANDA and Ramsey County Property records.

-On June 13, 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 June 26, 2018 with a compliance date of July 26, 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 \$9,700 on the land and \$103,500 on the building.

-Real estate taxes for 2018 are due and owing in the amount of \$4,776.00, plus penalty in the amount of \$262.68, for a total of \$5,038.68.

-The Vacant Building registration fees were paid by assessment on September 5, 2018.
-As of September 24, 2018, a Code Compliance Inspection has not been done.
-As of September 24, 2018, the \$5,000 performance deposit has not been posted.
-There was one (1) SUMMARY ABATEMENT NOTICE issued since 2014.
-No (0) WORK ORDERS have been issued.
-Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$25,000.
-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.
-on Aug 20, 2014, we opened a Category 2 VB file per a Certificate of Occupancy Revocation by Fire Inspector Hall; see Revocation letter for list of violations; at the time of inspection, the dwelling appeared vacant & was secured; we posted placards & photos were taken

Ms. Moermond: Fire Inspections found the bldg empty; they did not get in to inspect it; you weren't using it as a rental property at the time; it looks like the bldg's been deteriorating over the last several years
-what do you want to do with this property?

Mr. Gotch: definitely, rehabilitate it; it was sold on a Contract for Deed; the owner at that time didn't allow Fire Inspections in; I got the bldg back; with mounting multiple medical bills due to my wife's many surgeries in the last 4 years (2 hip replacements, 2 back surgeries & facing 2 more); right now, it's a financial burden but the plan is to rehabilitate that bldg; I'm looking for more time
-I have no problem doing the code compliance inspection; the time frame of 1 year is going to be very close; I have multiple properties "for sale" right now just to raise the funds to rehabilitate this property; I go by it every day; I continue to maintain it; the garage is in disrepair - the roof but it's secure; the nbrs look after it
-you tell me what you want to do & I will comply

Ms. Moermond: to repair the bldg, you'll need the code compliance inspection report & you'll need to post a \$5000 performance Deposit (Cat 3 VB)

Ms. Mai Vang: gave Mr. Gotch a Code Compliance Insp Application & the Performance Deposit form

Mr. Gotch: I have rehabbed quite a few properties; this will get done; it needs work; I have multiple properties for sale which will raise the funds for the medical bills as well as for the rehab of this property

Mr. Magner: how long have you had properties for sale?

Mr. Gotch: one has been for sale for 2 weeks; another one - fewer than 30 days
-I've had some offers; there's an offer pending on the property in Stillwater
-I have \$120,000-\$125,000 equity in these properties
-my wife's last surgery was about \$65,000
-the 2 properties up for sale: \$265,900 & \$182,500 asking prices; no mortgages on those
-the Sherburne property is quite cleaned out - plenty of room to be inspected; there may be some junk in the basement

Ms. Moermond: get the junk out of the basement; get it cleared out by Oct 2 & application made for the code compliance inspection; then, I can get the inspection expedited; Oct 19 - post \$5000 performance deposit

Appellant will need to have the property cleaned out & code compliance inspection applied for by October 2nd and post the \$5,000 performance deposit by October 19 in order grant a layover.

Referred to the City Council due back on 10/24/2018

10:00 a.m. Hearings

- 8 [RLH RR 18-42](#) Making finding on the appealed nuisance abatement ordered for 947 BARCLAY STREET in Council File Nos. RLH RR 17-8 and RLH RR 18-10. (Legislative Hearing on September 25)

Sponsors: Bostrom

If electrical permit is finalized by Wednesday, September 26, will consider the nuisance is abated and the matter is resolved.

Update: Electrical permit was finalized today. Nuisance condition is abated.

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

11:00 a.m. Hearings

Correction Orders

- 9 [RLH CO 18-37](#) Appeal of Michelle Camilo to a Correction Notice at 679 COOK AVENUE EAST.

Sponsors: Bostrom

Michelle Camilo, owner, appeared.

Supervisor Lisa Martin: a Correction Notice was issued on Sep 11, 2018 regarding a retaining wall on the south side (front) of the property; it is in a state of disrepair - crumbling; repair/replace the wall; work may require a permit; deadline is Oct 26, 2018 -I looked at the appeal; there's some financial hardship; I gave the owner information on some loans that we have thru the city; photos are in the file

Ms. Moermond, Ms. Martin & Ms. Mai Vang all viewed the photos in the file

Ms. Moermond: I can see damage & I'm concerned about it making thru the winter; it may fail; there may be some temporary things that could be done; do you have any money at all? Do you know anyone who has skill in this area? What are you learning about the resources Ms. Martin provided?

Ms. Camilo: I have no money; my brother can put cement into the wall; we talked to a contractor, who estimated that it will cost \$10,000+ because it's connected to the stairs; I don't have a written estimate, just a verbal estimate; I just got a piece of paper

from Ms. Martin about resources

Ms. Moermond: I will Lay this Over for 2 weeks to give you a chance to look for financing & talk to Planning & Economic Development (PED) about options
-other resources: Daytons Bluff Neighborhood Housing Services, 651/774-6995;
Northeast Neighborhood Development Corporation; East Side Community Development Corporation, 651/771-1152
-get some bids from contractors; I'm OK with some temporary repairs for over the winter with a plan for a permanent repair set up for the spring of 2019

Recommendation is forthcoming.

Laid Over to the Legislative Hearings due back on 10/9/2018

10 [RLH CO 18-36](#)

Appeal of Derald Theis to a Correction Notice at 1365 MARION STREET.

Sponsors: Brendmoen

Derald R Theis, owner, appeared.

Supervisor Lisa Martin: Sep 13, 2018, a Correction notice was issued for residential parking on an unapproved surface; Notice said, "Please remove camper from rear yard;" compliance by Sep 20, 2018

Mr. Theis: introduced his pictures
-it wasn't an unimproved surface; it's gravel; remember the carport? I was here 4 months ago because you said, "Well, you got 4 months to get rid of the carport;" so, somebody called & said that there was some grass peeking thru on both sides of the carport; I removed that carport because there's a judgement against my trailer on a concrete slab way back behind the carport; you can't see it & you can't see what it's sitting on; it's sitting on cement; here's my driveway (photo) where I removed the carport & you can see that it's gravel with a little bit of grass growing on both sides; here's the trailer on cement (photo) but it's hard to see

Ms. Moermond: I'm looking at gravel; I don't have an idea where it is but....

Mr. Theis: showing more photos: where carport was-grass growing on each side; I put down new gravel; the trailer on the hill, sitting on cement, it has real good tires - this is not sitting on an illegal surface; it's sitting on a legal surface; I use it for storage & it's shrouded by trees; you cannot see it; this is the people across the street, Dead End Customs; there was supposed to be a criminal investigation; I never saw that; the reason why they called this on me is because I had one of their vehicles removed from my yard; they park.....

Ms. Moermond: staff is saying it's an unimproved surface & when I look at what's underneath that trailer.....

Mr. Theis: it looks a little tattered but you don't see any grass growing under it; it's not chipped out; it's sitting nice & sturdy; it should be my choice if I want to get rid of it or not...not the neighbor lady across the street; she don't have no jurisdiction of peeking in my yard; I think their Dead End Customs business should not be operating but I guess I can't call against their vehicles any longer; they can park wherever they want -he submitted photos & documents for scanning

Ms. Moermond: let Ms. Martin look at those photos too

*Mr. Theis: there's nothing illegal here; I don't get it
-the trailer's on a concrete slab - it's legal
-the car is on gravel driveway; it always was - it's legal*

Ms. Moermond: did Mr. Kedrowski take any photos?

*Ms. Martin: they should be in the file, as well
-usually we allow parking like on a driveway area but not all the way up into the yard*

Mr. Theis: it's not in the yard; it's just where the old gravel was

Ms. Moermond: my only question is the driveway you laid in the same footprint as your old driveway?

Mr. Theis: the exact same spot

Ms. Moermond: I'm going to run an aerial map; I want to check for an existing driveway; if that driveway checks out, I'll grant your appeal; if not, we'll have you back

Ms. Martin: I did see cement

*Mr. Theis: there was a garage up there - it's torn down
-the gravel has never been an issue*

Recommendation is forthcoming, pending review of driveway re-surfacing.

Waiting on photos from DSI. 10/1/18

Follow-up: After reviewing the photos, Ms. Moermond recommends denying the appeal and granting an extension to November 1, 2018 for compliance, which will require surface repair of the parking pad and that the driveway be re-established where there is a gap between the parking pad and existing driveway.

Referred to the City Council due back on 10/10/2018

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 11 [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

No one appeared.

*Ms. Moermond: 745 Blair will be Laid Over to Oct 9, 2018
-Mr. Neis, you had done a re-inspection on Sep 13, 2018; you indicated that you were going to lift the Condemnation but you had additional exterior Orders; you reported back that you thought the exterior Orders should come forward separately than the appealed Orders that we have right now; I asked for the exterior Orders to be written & included in the matter under appeal in case he had a different deadline than he was*

looking for that we could talk about all the exterior Orders at the same time & create a plan of action; it might be kind of frustrating from the owner's perspective to talk about some Orders now & some in the future; let's just fold them together; so, I had asked for another set of your Orders; those haven't been written yet so, I'm going to Lay the matter Over for 2 weeks & hope that you can get those written in the next couple of days & out to Mr. Dunnigan so he can either say whether or not those dealines work for him & we can put something in writing for the Council

Fire Supervisor A.J. Neis: I do recall that the only way I was comfortable lifting the Condemnation was conditional on getting the boilers re-installed

Ms. Moermond: the Condemnation issue's been taken care of as far as I'm concerned because you lifted it & now it's just the balance of the Orders

Mr. Neis: I never lifted the Condemnation

Ms. Moermond: you said you did

Mr. Neis: I said I was comfortable lifting the Condemnation in my email; I never said that I lifted it

Ms. Moermond: OK

Mr. Neis: I said I was comfortable lifting the Condemnation conditioned on the boilers being installed & approved under permit

Ms. Moermond: my understanding was that you said you lifted it

Mr. Neis: read his email dated Fri Sep 14, 2018: "I inspected 754 Blair yesterday with the owner Mr. Dunnigan. The home has been cleaned and could be ready for occupancy once the boilers have been installed under permit and the water heater is turned on. (The hot water is off until the boilers are installed so CO does not backdraft into the building until the vents get reconnected.)"

Ms. Moermond: was he copied on that email?

Mr. Neis: no; he was not;

-he continued to read his email: "Based on the items left, as long as he can get the boilers installed and approved under permit and the hot water turned on, I would be comfortable lifting the Condemnation and have the remaining items to be corrected under the C of O as they are not life safety and mostly exterior;" so, I never recommended.....

Ms. Moermond: ...do we have permits on this?

Ms. Mai Vang: there's 2 mechanical permits: 1) gas; & 2) hot water

Ms. Moermond: if he can get those permits closed, then we have a clean record; if he can't, we'll revisit it; it's been Laid Over to Oct 9 LH

Mr. Neis: based on seeing these permits and the history that I've had with Mr. Dunnigan on past inspections, I believe that they should be done; so, while I'm not comfortable lifting the Condemnation until the boilers are actually there; I am confident that the work should be completed

Ms. Moermond: great; & then any additional exterior Orders that you can write up to augment what we have in place & we'll close the whole thing out on Oct 9, 2018

Mr. Neis: sure

Ms. Moermond:

Need to see the two mechanical permits closed by October 12; and the deadline on the balance of the order is November 1, 2018 with the exception of the driveway which is granted to June 1, 2019.

Referred to the City Council due back on 10/10/2018

12 [RLH VO 18-49](#)

Appeal of Lynn Fagerness to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1127 RAYMOND AVENUE.

Sponsors: Jalali Nelson

Lynn Fagerness appeared.

*Ms. Moermond: a city building inspector checked out the structure of the stairway & looked at the rust; he did not look at the roof
-the stairway itself, he'd let it go to the end of this construction season but not thru the winter in it's current state; I'm going to put a deadline of Dec 1, 2018 on the stairway & the roof or Unit 6 vacated because of the leaking & the structural stability of the stairs*

*Fire Supervisor A.J. Neis: the other 2 upper units are vacated
-this has been an on-going issue for past several years; there's been further deterioration, especially with the roof; are we talking just Unit 6 being vacated or ??*

Ms. Moermond: we don't have any better information about the roof affecting the other units than what you provided & I don't have any specificity from you about the impact of leaking on the other units; the bldg inspector wasn't in there

Mr. Neis: it was hard to determine; speaking with one of the tenants about the mold, they had been asked to paint the units before I got there to cover up any visual aspects of mold so I couldn't see it on the re-inspection; (2nd floor- Units 4, 5 & 6) with the roof leaking into the bldg, there is substantial mold in those units so, I'm concerned about the air quality in the entire bldg

*Ms. Moermond: the roof Orders impact the entire bldg; I don't see a reason to separate Units 1, 2, & 3 unless we have a structural engineer go thru the bldg & say that there's a distinct difference between the first floor units & the 2nd floor units
-if you can bring me something that says the first floor units are not affected by the roof leakage, we can keep those occupied*

Ms. Fagerness: to clarify, the roof & the stairway need to be addressed & resolved by Dec 1, 2018; & then, units 1, 2 & 3, you also want them....

*Ms. Moermond: those are impacted as they're written
-if you can bring me documentation that the first floor isn't impacted by the 2nd floor.....
-if you get the roof repaired & not the stairway, Unit 6 needs to be vacated
-if you get the stairway repaired & not the roof, the whole building will need to be*

vacated

Grant to December 1, 2018 for the roof repair and stairway repairs. If the roof is repaired and not the stairway, Unit 6 will need to be vacated.

Referred to the City Council due back on 10/10/2018

13 [RLH VO 18-50](#)

Appeal of Che Ku, Owner; Bona Ku, General Manager; and Howard Sussman, attorney for Sussman Law; to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at Double Dragon Foods, 121 MARYLAND AVENUE WEST.

Sponsors: Brendmoen

Howard Sussman, Attorney & Bona Ku, general manager, appeared.

Fire Inspector James Perucca: I responded to a complaint that came in on 121 Maryland Avenue West; Inspector Migdal was assigned to that & was inspecting the building for any signs of rodent infestation; while in the lower level of the building, he found a considerable amount of standing water on the floor with water dripping from the ceiling throughout the basement; it appeared that it had been dripping for some time; the liquid gave off a foul stench; Insp Migdal immediately called me to join him out at the site; when I arrived, it appeared that staff had tried to clean up in our short term absence with bleach but there's still a considerable odor in the building; it was noted that this water, which appeared to have been coming from the food prep area on the main floor where raw meat & fish were being prepared; also, water was coming out of the walk-in coolers; the extent of the leaking was too extensive & I could not pinpoint the cause or area it was coming from; the major concern was water dripping onto electrical fixtures & electrical supplies; it looks like there was an attempt to shield some of the breaker panels from the leaking; it appeared that some conduit/junction boxes were compromised by rust along with several areas which were, at the time, locker rooms & bathroom facilities for staff that appeared to have large amounts of mold-like materials throughout the areas; looking at the structural supports for the bldg, the amount of oxidation involved & continual leaking caused loss of structural integrity; we put on an Immediate Condemnation

Ms. Moermond: the main things: standing water resulting in the water being contaminated; the mold results from the water; the electrical is compromised by the water; & the I-Beam compromised by the water, humidity, age, etc.

-I called Mr. Costen this morning to find out where he was at; he indicates that he was there & that the conduits & boxes are cleaned up but there's a lot of external rust that was being scraped & there are lots of grounding issues that were being taken care of -did you have a follow-up inspection yesterday?

Mr. Perucca: I did; I met with the owners & their representative; they have made several strides to abate what I would deem to be, probably, the cause of one of the issues - the floor not being sealed properly & over time, moisture has infiltrated various places allowing water & other fluids to leak thru; contractors were also on the scene & some work had already begun to try to abate the flooring issues; electrical contractors had been out over the weekend, too, also revealing areas of compromise for any of the electrical fixtures being impinged upon & they felt that was satisfied -pointed out that looking into the file, he has yet to see any permits pulled for the work

Ms. Moermond: I did see an electrical one; I did not see a building permit

Mr. Perucca: prior to trade inspectors going out there, those permits need to be pulled; plumbing is also an issue: floor drains/slop sinks need to be properly connected; make sure that they aren't part of the problem going forward; there are floor drains into which much of the cleaning water flows thru, which appear to be compromised in some places; there's condensation in the walk-in coolers & in the preparation areas

Ms. Moermond: this morning, you attached a couple engineering reports; can you tell me what they are?

Mr. Perucca: those reports are from previous Certificate of Occupancy inspections; inspectors had called out issues with the flooring & suspected impingement on the structural members; reports are dated 2016 & 2017 & address some remedies that were taken to abate the oxidation on the structural members & to get a review of the integrity of floor & structural support of the bldg; in our conversations with the ownership, I would like a fresh review to make sure what, if any, compromise in the past year has worsened the integrity of the bldg

Ms. Moermond: I'm skimming this report; when was the most recent Fire C of O inspection?

Mr. Perucca: the most recent C of O was approved this past Aug 2018

Ms. Moermond: these violations aren't new (standing water of this nature; structural support from the I-Beam); these are longer term problems, from my experience; we have a problem with that inspection

Mr. Perucca: I would agree that things were missed in that inspection; steps are being taken to correct that

Ms. Moermond: the Aug inspection wasn't sufficiently thorough, to say the least -looking at the structural engineering info, it looks to me like in 2017, - Erickson Rhodes & Associates ---- "Currently, the measured structural section loss due to corrosion does not represent a concern for the structures ability to safely support the code required loading. Steps should be taken to eliminate moisture penetration thru the floor to prevent further deterioration to the structure."
-but later.... In Conclusion, it says, "However the high level of corrosion at the joist seat & support angle would require additional evaluation once properly cleaned."
-those statements are a little contradictory
-they also note: "There is still active infiltration through the concrete slab." (Mar 2017) and this is following a cleaning (there's a sandblasting receipt attached) "The heavy corrosion made measurement impractical and the angle seat should be cleaned more thoroughly to allow for future measurement and observation. Areas of heavy corrosion are noted on the attached plan."
"Future Structural review and assessment should be done in order to ensure that the water infiltration issue has been fixed"
-they note that "During the observation some measurements could not be taken due to heavy corrosion ..; and that the tenant should verify that the in place loading of the coolers and freezers on the slab do not exceed that loading" (100 lbs/sq.ft.)
-I think the report is nibbling & inconclusive; I'd really want to know more about what's going on right now

Mr. Perucca: this morning, I forwarded that report to Brian Karpen, city structural engineer; he was familiar with the 2017 report; he states: Recommendations at the

time were to stop water infiltration, condensation issues; sandblasting to clean the corrosion; and assessing the state of the steel structure & repair as necessary; Mr. Karpen went out there at the time with Inspector Spiering and noted water infiltration & condensation were still an issue; continued corrosion; etc; they went out there after the 2017 engineering report

Ms. Moermond: the electrical, cleaning, is underway
-not sure where the water is coming from (condensation, prep area & drainage issues perhaps)
-I-Beam; mold; contaminated water
-Mr. Sussman, what are you looking for today

Mr. Sussman: we're looking for the Condemnation Order to be lifted & we're looking for a new Certificate of Occupancy; & we're looking for the ability for Double Dragon to re-open & start doing business again ASAP, specifically, today
-re the 2017 engineering report, there's an invoice that goes along with it that

Ms. Moermond: from Feb of 2017 indicating that there was some sandblasting work done before the engineering report was completed; is that the one?

Mr. Sussman: but it also shows that there was remedial work performed after the report....

Ms. Moermond: so the date on the invoice is not consistent with the date & the description of the work done, which includes both dates before & after the date of the invoice; that's kind of odd

Mr. Sussman: that is odd; I'm not the one who prepared the invoice

Ms. Moermond: if the invoice is dated Feb, how is it that they would know that they were going to be doing work in Nov or did they mis-date the invoice?

Mr. Sussman: overall, it shows that there has been a performance of a spirit of cooperating & complying with the City of St. Paul in terms of inspection & any remedial work that needs to be performed; this is primarily thru the 14-point requirement & last week's Order from Sep 19 - structural, plumbing & electrical work; there has been a tremendous amount of work performed by Double Dragon during the last week in order to address the different issues; Bona Ku, with the support of his uncle, owner Che Ku, who could not be here today because of illness, had numerous contractors come out: Kirtland Electrical; HJ Development, general contractor

Mr. Ku: HJ Development has been doing the flooring & they subcontracted the plumbing work

Ms. Moermond: there's no permits

Mr. Ku: they didn't do that yet; & Insp Virgil Thomas is coming to inspect the flooring tomorrow

Mr. Sussman: there's been a tremendous amount of cleaning
-a demolition of the locker rooms, bathroom in the basement occurred during last week
-work has continued since Sep 19, 2018; it was a great idea that Mr. Perucca & his staff come out to re-inspect yesterday; I was present; we observed what all has been

done; it is our position that there has been a substantial performance on all 14 points; there is still more work to be done & the owner of Double Dragon is completely receptive to meeting with Mr. Perucca in the future as well as making arrangements for the structural engineers to come back to evaluate the situation

-re: 5th full paragraph on p. 2 of Erickson Report - Conclusion: "The amount of corrosion was not enough to cause concern for the structural capacity of the existing members. The remaining capacity of the steel structure is adequate for the applied code required loading of 100 lbs per sq.ft. However, the high level of corrosion of the joist seat and support angle would require additional evaluation once properly cleaned."

-that kind of follow-up can be performed as necessary

-the current work has been substantial & work will continue to be done to complete the project; the work done should justify the ability to re-obtain the occupancy status & for the business, which employs 100 people, to continue with the understanding that they will continue to cooperate with Mr. Perucca's staff to do what's necessary to complete the continued work

-Mr. Ku has been at the business steadily since Sep 19 coordinating things & doing work himself in an effort to not only comply & cooperate but also to re-open the business at this time

Ms. Moermond: I went by the building & I observed that someone had removed the placards Condemning the building, showing that the Certificate was Revoked, which is against the law; why did that happen? who did that? that troubles me

Mr. Perucca: Insp Migdal went back out & verified that the placards had been removed from the front door

Mr. Sussman: I'm not familiar with that; I can report to you that the doors are locked; I've been there twice; customers cannot go inside; I cannot go inside; there's no doubt that the business is not operating; it is dark & there's no sign of commercial activity

Mr. Perucca: there is signage that says, "Closed for Cleaning"

Mr. Ku: yes, we posted 10 signs

Ms. Moermond: let's go thru the list

-#1. you said the smell was somewhat neutralized? Perucca: there was an attempt to reduce the smell with bleach & as of yesterday, the smell is more/less abated

-#2. largely abated but electrical permit not finalized (?) Perucca: correct & some areas still have leakage around plumbing fixtures

-#3. main level kitchen; Perucca: a contractor did a very thorough cleaning of the hood system & that needs to happen more frequently

-#4. main level kit fryer; Perucca: has not yet been corrected

Ku's plan: put a 16 inch small steel divider (usually mounted on the fryer itself) between fryer & cooking oven; it will be the last thing I do

-#5. main level prep area; Perucca: area had been cleaned very thoroughly

-#6. electrical throughout bldg, especially the basement & deli area; no permits yet; Perucca: permits not yet finalized; a few areas still need to be addressed re outlets & damaged extension cords

-#7. remove frayed electrical cords; Perucca: a few appliances have damaged cords still, separate from the damaged extension cords

Ku: we had extension cords that we used for our rice cookers

-#8. multiple blocked exits throughout the bldg; Perucca: obstructions have been eliminated

-#9. basement-eliminate all waste water sources/mold-like substances on walls;

Perucca: all the walls throughout the basement appear to have been treated (95%); some around plumbing fixtures

-#10. rodents; Perucca: I didn't see any signs of droppings; extermination contractor will increase the frequency of their visits

Ku: will provide contractor's receipt from Eco Lab Pest Control; they will come more frequently

-#11. repair/maintain walls, floor, ceiling; Perucca: pertain to lower level; areas have been completely removed

Ms. Moermond: Mr. Ku, what's your plan for the I-Beam in question?

Mr. Ku: I'm going to get another structural analysis done by the Erickson Company (beams & columns, etc.)

Ms. Moermond: have you done any analysis of your refrigerators/freezers (loaded) as it pertains to the 100 lbs/sq.ft?

Mr. Ku: no

Ms. Moermond: seems like that should be done; it's a very heavy load for a floor

Mr. Perucca: pointed out the MN Dept of Agriculture Inspection Report dated Sep 19, 2018; most of report is corroborating the conditions that were founded but their conditions are more concerning the raw foods & how they should work with raw foods moving forward

Ms. Moermond: you won't be able to open today; I need to see:

-the electrical permit finalized

-a bldg & a plumbing permit pulled & finalized

-information related to extermination

-I think that your structural analysis shouldn't hold up your re-opening but can be folded into your regular Orders

-I am very sympathetic to wanting to re-open the business & get people back on their jobs again but we didn't get here without having some significant problems & I don't want to re-open without having these permits finalized

-on my side, I will call the Sr. Inspectors to make sure that they are available or have somebody available as soon as possible

-I'm willing to review this midday tomorrow; if you have these permits pulled & finalized & have the extermination information to me, at that point, I would recommend that we could lift the Order

-you can email information to me

-it sounds like your contractor initiated work & did work without having pulled building & plumbing permits, which can be rectified quickly; as soon as your contractors call that they're ready to have their work looked at, I will get the inspectors out there

Need all permits pulled and finalized and pest control receipt in order for the condemnation to be lifted. If the condemnation is lifted, the balance of the orders shall have a deadline for reinspection within one month.

Referred to the City Council due back on 10/3/2018

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 14 **RLH FCO
18-171** Appeal of James F. Cannon, Jr. to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 752 CARROLL AVENUE.

Sponsors: Thao

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 10/9/2018

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

- 15 [RLH VBR 18-64](#) Appeal of Anh Pham to a Vacant Building Registration Notice at 721 JACKSON STREET.

Sponsors: Brendmoen

Anh Pham, owner, & Scott Zebow appeared.

*Ms. Moermond: this Category 2 Vacant Building file was opened in Aug 2018; you appealed the VB registration & wanted to discuss whether you should be in the VB Program at all; you talked about the role that you thought Councilmember Dai Thao played - I found that the VB file was opened by the building inspector following up on tall grass/weeds complaint on the property & that complaint was made by the manager of the Code Enforcement Unit; he is often up & down Jackson Street & he repeatedly noticed that there'd be tall grass/weeds on this property
-at this point the property is for sale & you are looking to sell it to somebody who will fix it up*

-we talked about the bldg being empty & there being code violations on the exterior of the bldg; you brought up violations that also exist on the interior of the bldg

-I will recommend that Council give you a 90-day waiver on the VB fee but not grant your appeal to be released from the VB Program; I think this meets the definition of a VB; it's empty & has multiple significant code violations

Mr. Zebow: could we have a list of those violations because we never received one?

Ms. Moermond: Mr. Dornfeld talked about the observations made by the VB inspector; at the time he gave his staff report, he indicated that there were some defects (holes in bricks); it has defects in the soffit & fascia; front door is rusted; chimney missing mortar & bricks; several windows are boarded; fence in back of bldg restricts access to the back of the structure; there are areas of tall grass, weeds, bushes; trees growing in the right-of-way; issued Summary Abatement Order for tall grass & weeds & overgrown vegetation

-you mentioned that there were significant interior code violations, as well

-all those things together makes it a Cat 2 VB

-whoever wants to repair the bldg needs to get a Code Compliance Inspection Report; you don't need to apply for one but the new owner can order the inspection in lieu of a TISH Report

Mr. Zebow: can we get a copy of what you were reading from?

Ms. Moermond: these are the minutes from the hearing & yes, you can; they are also online

Deny the appeal but will waive the vacant building fee for 90 days.

Referred to the City Council due back on 10/10/2018

**16 RLH VBR
18-72**

Appeal of Sean Sisler to a Vacant Building Registration Renewal Notice at 1907 CHELTON AVENUE.

Sponsors: Jalali Nelson

Sean Sisler, owner, appeared.

Supervisor Matt Dornfeld, Vacant Buildings: made a Category 1 fire VB exempt file on Sep 22, 2017 per a referral from St. Paul Fire Dept - extensive fire damage occurred Sep 21, 2017; permits on file; workers on site daily; maintained; have not received any nuisance complaints

*Mr. Sisler: we're in temporary housing
-should be done mid-Oct
-we need to move out of our temporary apartment on Thu; we'll be staying at an Airbnb to make up for the last 2 weeks
-our insurance ran out with our current housing
-we have a lot of out-of-pocket expenses*

Ms. Moermond: if back in by Christmas, you will have no VB fee

Waive the vacant building fee for 90 days.

Referred to the City Council due back on 10/24/2018

17 [RLH VBR 18-75](#)

Appeal of Thomas Lieberman to a Vacant Building Registration Fee Warning Letter at 1519 MARSHALL AVENUE. (Legislative hearing on October 16)

Sponsors: Thao

No one appeared.

Supervisor Matt Dornfeld: I don't have an update from the property owner but I'm reading Inspector Kalis' notes; this is a Category 2 Vacant Building per a Certificate of Occupancy Revocation on Jul 31, 2018; it sounds as though Ms. Kalis has been in contact via phone with the owner; he advised owner to file an appeal, which he did; it appears that the house is being illegally occupied at this time; we've issued multiple Summary Abatement Orders for trash/refuse, which have been abated by the property owner; due to the 9 violations on the original Certificate of Occupancy; a Revocation letter was issued by Fire Inspector Joe Brown dated Jun 19, 2018

Ms. Moermond: I'm not clear what they're looking for here

Mr. Dornfeld: nor am I

*Ms. Moermond: I will recommend the Council deny the appeal
-I'm also not clear what's going on with the Summary Abatement Order issued on Sep
12, 2018 & what the inspector is actually asking for*

Mr. Dornfeld: the SA issued by Inspector Kalis?

Ms. Moermond: yes; but I don't think it matters for our purposes today

Ms. Mai Vang: he is also appealing the Summary Abatement

*Mr. Dornfeld: Insp Kalis has marked the SA that he issued on Sep 11 & went out Sep
12 was done by owner so, that SA is in compliance*

*Ms. Moermond: so, that matter has been resolved; recommend denial on the VB
registration*

*9/25/18: Deny the appeal on the Vacant Building Registration Notice; grant the appeal
on the Summary Abatement Order as the issue has been resolved.*

*9/26/18: Owner missed hearing and wants to reschedule. Rescheduled to Oct 2 at
2:30 p.m. (He is also appealing an Excessive Inspection fee which will be heard at this
time as well.)*

Laid Over to the Legislative Hearings due back on 10/2/2018

**18 RLH VBR
18-70**

**Appeal of Mark Drexler to a Vacant Building Registration Renewal Notice
at 1816 MINNEHAHA AVENUE EAST.**

Sponsors: Prince

Mark J Drexler, owner, appeared.

Staff: Supervisor Matt Dornfeld, Vacant Buildings & Building Inspector Jim Seeger

Mr. Dornfeld: Category 2 VB; has had a code compliance inspection report

*Ms. Moermond: an unusual situation; in the normal course of events, the house could
not be re-occupied or be out of the VB Program until a code compliance certificate is
issued; it is my understanding is that you, Mr. Seeger have met with the owner at the
property & have discussed an alternative method of compliance that would involve
pulling 2 bldg permits*

*-today, I need to know the exact things that need to happen for Mr. Drexler to get out of
the VB Program -- for you to issue a Conditional Certificate of Code Compliance*

*Mr. Seeger: the 2nd floor is pretty weak; the way it is right now, it's a hazard for
neighbors; the wind from the right direction or down draft-- the upstairs is very
unstable; the biggest thing is to get that all stabilized under permit; then, the siding &
roofing need to be corrected; if the lower level meets code for restroom, heating &
everything & we have it properly insulated, we could probably do a conditional permit
for occupancy & the structure*

*Ms. Moermond: you're talking about the 2nd floor being unstable, which needs to be
stabilized; the siding & roofing needs to be addressed*

Mr. Drexler: I would create a bathroom in the basement; there was a bathroom there so all the plumbing is all set up for it

Mr. Seeger: it's been a while since I've been out there

Ms. Moermond: so you're looking for the bathroom installation to happen; what other things need to be addressed?

Mr. Seeger: he is able to have the upper level pass inspection on the framing part & he has some type of insulation whether he puts it on the floor,,, & does all the floors & ceiling so it's insulated; that way we don't have heat loss thru the ceiling of the 1st floor

Mr. Drexler: would that include finishing the interior surfaces with sheet rock or just insulation?

Mr. Seeger: just insulation on the upper level

Ms. Moermond: so, we need 2 bldg permits: 1) one for this first phase, a conditional code compliance certificate; and 2) a permit to do the balance of the items, preferably within 6 months

-Mr. Seeger, what would be those conditions?

Mr. Seeger: normally, a permit is good for around a year

Ms. Moermond: so, he's got a permit to get himself to the conditional certificate & then he needs that permit finalized for those items; & I think that Mr. Drexler wants longer than 6 months for the balance of the work
-are there other permits that would need to be issued.....

Mr. Seeger: it's the same with electrical & plumbing (1st & 2nd permits to be able to get thru this)

Ms. Moermond: electrical, mechanical & are there any plumbing issues on the 2nd floor?

Mr. Seeger: none of the rooms are going to be in the same place as they were before

Mr. Drexler: the walls would be in different places

Ms. Moermond: will there be a bathroom on the 2nd floor?

Mr. Drexler: yes; & there will be a bathroom in the basement (elect, mechanical, warm air)

Ms. Moermond: so, there'd be an additional plumbing permit required

-Mr. Drexler, you want more than a year & DSI is looking to get you out of the VB Program conditionally; they are looking for less than a year; would you re-state your goal?

Mr. Drexler: I want to: 1) avoid the VB fee; 2) re-establish the C of O by completing the structural repairs on the 2nd floor, which are quite extensive
-it would be better for me just to finish installing electrical & finishing the 2nd floor

Mr. Seeger: you've got a house that was improperly built in the first place

Mr. Drexler: it was never done right; I've abandoned my thought of doing the structural myself; I will hire the structural part & get it done

*Ms. Moermond: so, you talked in terms of years working on this project & DSI is saying you'll need to get half of the things done in order for you to get a Conditional Certificate; then, you need to figure out a period of time in which you would be able to complete the work; it's not a clean "out" of the VB Program
-I did commit to have Mr. Seeger here to be able to go back to a conversation that I understood you guys had which....*

Mr. Drexler: we hadn't decided anything at that time - just a discussion of options

Ms. Moermond: so, you are talking about hiring a contractor to help you get thru this first chunk & then getting that conditional certificate & doing the rest of the work yourself

Mr. Drexler: ideally, yes

Ms. Moermond: that contractor says it'll be about \$25,000 to do the structural stuff on the 2nd floor?

*Mr. Drexler: I think so; I've asked for a quote.....
-I should never have started this thing; I really didn't think it was going to mushroom into this; the house is only worth about \$100,000 & now, I'm going to spend a 3rd of that just on a very tiny repair job; this doesn't make any sense at all; I don't understand how the city can try to force somebody to spend more than the house is worth; I might as well just tear the thing down & have a vacant lot; the only way that a person who owns one of these low value homes can ever fix it up is by doing it themselves; the city forces them to hire contractors; it's just an impossibility; nobody will fix up their homes because it prices it out of the realm of sense*

Mr. Seeger: but you've created a hazard

Mr. Drexler: it has to be repaired though & the only way to get to the repairs was to create the hazard; how could I possibly fix it up in the way my structural engineer tells me without creating a hazard? I had to go thru this phase to get to the finished product

Mr. Seeger: but this was started how long ago?

Mr. Drexler: part of it has been because the city has been forcing me to do all these other things; I gave myself at least 4-5 years to do the whole project myself

*Ms. Moermond: I can't get inside your budget to know how these pieces are going to fit together; I don't know the house's value; I understand where you're at in trying to do the repairs yourself
-from where I sit, the question is what is necessary to make the property habitable again and until it's habitable, you're in the VB Program; is the city forcing you to do it? No; the city is saying that nobody can live there unless it's safe and here's the things that need to happen to make it safe; and I would like to see those things get done sooner rather than later because I think the money is better spent on the house than the VB Program*

Mr. Drexler: the only things that I want a contractor to do is the demolition on the 2nd floor & the structural repairs on the 2nd floor

Ms. Moermond: I know that you want "out" of the VB Program & I can't just let you do that because this isn't a safe house to live in yet

-I can waive the VB fee for 90 days & allow you to pull permits

-Mr. Seeger will work with the permit folks so that they know what to look for

-if you got the conditional code compliance certificate within 6 months, I can cut the VB fee in half & you're good to go at that point; right now, it doesn't make sense to divide it over 5 years but I can do that then

Mr. Drexler: can I get a list of what we've talked about today - the specifics?

Ms. Moermond: we can summarize & run it be Mr. Seeger to see....

Mr. Seeger: the exterior would need to be done; roofing; you talked about putting a truss up at one time; you'll have some siding issues on the 2nd floor; windows; exterior framing; insulation on the walls, ceiling & items on the first floor & garage; everything interior on the 2nd floor would be on that other permit

Ms. Moermond: my office will draft a letter; we will send it to Mr. Seeger for him to read thru to see if it's consistent with what he's intending; that will attach to the record & Mr. Seeger will have it for his records

-let this go to assesment because at that point, I can talk about dividing it over a number of years

-actually, when you get the yellow postcard, or when you get the letter for the assessment, call Mr. Dornfeld & tell him that all you're looking for is for the assessment to be divided over 5 years; he can communicate that to me; then, you don't have to come to a hearing

-provided Joe Yannarely's phone number: 651/266-1920; he works with VB assessments & VB cases, in general; if you can't get a hold of Mr. Dornfeld, call Mr. Yannarely

Mr. Drexler: I've had a lot of people talk to me about buying this house; could I sell it to someone?

Ms. Moermond: what Mr. Seeger has outlined is for you & for you only - conditional code compliance certificate

Mr. Dornfeld: summarized the sale of a Cat 2 registered VB

-if you do choose to sell, a full code compliance inspection would be required (one on record dated Jan 15, 2018 will expire); a prospective buyer would need to go thru the city's Sale Review process

Waive the vacant building fee for 90 days and allow permits to be pulled.

Referred to the City Council due back on 10/24/2018

**19 RLH VBR
18-76**

Appeal of David Malanga to a Vacant Building Registration Renewal Notice at 678 SNELLING AVENUE NORTH.

Sponsors: Jalali Nelson

No one appeared.

Supervisor Matt Dornfeld, Vacant Buildings: this appeal was filed from New Your, NY; this has been a Vacant Building since Oct 5, 2016; it's a vacant commercial bldg that lost its Certificate of Occupancy; it has an alcove on the outside - there's an indentation that is open to trespass just by design; it is a very popular place for our homeless folks; they've been living in the alcove, leaving their personal belongings behind, spraying it with graffiti; there have been numerous Work Orders, Excessive Consumption Orders that have been issued this past year; until I was in contact with Mr. David Malanga, who is representative of the ownership, SG National LLC, I've explained what is going on; they have hired a maintenance company to monitor this bldg, especially this alcove, which has reduced the frequency of complaints we've received considerably; I'm not sure of the future of the bldg; they are trying to sell it; Mr. Malanga is looking for some leniency on the VB fee

Ms. Mai Vang: a letter was faxed this morning from Mr. Malanga

Ms. Moermond: read the letter:

To Whom It May Concern: Please accept this Letter of Appeal in my absence from the hearing dated 9/25/2018 at 2:30 pm. We are appealing this charge based on the financial burden this building has become. We are already overwhelmed paying the taxes, utilities and a local Saint Paul maintenance company for property inspections. Additionally, we continue to pay for graffiti removal and clean-up. We are hopeful that the building with rent or sell in the near future. However, at this time the addition of \$2,127 only further complicates things.

*Very Truly Yours,
David Malanga*

-the reason for the VB fee is because it requires frequent inspections & to deal with exactly the kinds of things that they're encountering; that's why the VB Program exists

Waive the vacant building fee for 90 days.

Referred to the City Council due back on 10/24/2018

20 [RLH VBR 18-69](#)

Appeal of John Morley to a Vacant Building Registration Notice at 1617 SUMMIT AVENUE.

Sponsors: Jalali Nelson

John Carrington Morley Jr, owner, appeared.

Supervisor Matt Dornfeld, Vacant Buildings: VB Inspector Mike Kalis opened a Category 2 VB on Aug 14, 2018 per a Condemnation referral by Code Inspector Lisa Martin for hoarding, clutter & other interior code violations (9); the Condemnation Order was issued on Jun 22, 2018; currently, due to the appeal, Insp Kalis has stalled enforcement & is waiting on your judgement

Mr. Morley: In Apr 2014, Insp Scott St. Martin came by; there were 2 things that he wanted: 1) cords moved; and 2) something from the staircase moved; I have 4 kids, who are grown & live away; I live there by myself; Insp St. Martin said, "If you clean up the cords & the staircase, since you're living here by yourself, there's not a problem;" I took the city's representative at his word; then, on Jun 22, Ms. Martin came; I asked why she was there & she couldn't say why she was there; she said that it would

probably take me 8 weeks to clean the place up (it's not junk; it's not garbage; it's stuff that's been there; I suffered from depression & then I had a cancer operation; then, cancer treatment; I told her that my dad would be having heart surgery so, I can't do anything right now; my dad lives in Ohio & I'm going to Ohio to care for him; she came back one time before I left for Ohio & I had done the cord & stairway stuff as requested by St. Martin; I told Ms. Martin that I'd be gone most of the summer caring for my dad; she had my phone number & I had her phone number; apparently, a neighbor told me that 2 days after I left, a sticker appeared on my door; so, then, I came back & was only in town for about a day & I had to go back for the remainder of the summer; I called Ms. Martin & left another notice; & apparently, her voice mail message to me about the first one was, "I know we talked about this but there's a Steve Magner, who told me that my commitment to you has been contradicted; I have to do something else;" I had asked why there was a sticker on my door?
-the 2nd time a sticker appeared, I called Ms. Martin but I talked to a Mike Kalis & he said, "Well, it's been transferred to me;" again, it was 2 days after I had left a message for Ms. Martin that said, "I'm going back to Ohio & I'll be back at the end of the summer;"
-so, I'm back & appealing this - there seems to be some kind of an arbitrary decision making that's going on off to the side independent people are telling me; I have no problem getting it cleared up - that's my goal; my girlfriend is helping me & her son is helping me; we've rented storage space but it's going to take some time; I'm also trying to figure out who's in charge; it appears stuff just kind of happens autonomously

Ms. Moermond: right now, let's just say, it's me
-this is a Condemnation with hoarding (excessive accumulation of combustible materials) as the primary issue; I don't see that there are any unsanitary conditions
-you say that you're getting help from your girlfriend & her son but you shouldn't be living in the house
-I'd like to get this to be a Cat 1 VB, which means it's turnkey; it has very few code violations & is ready to move into
-yours is a Cat 2, VB because you have a Condemnation; if we can get your accumulation of "stuff" out of the house, we can make it a Cat 1 VB & you can move back in again; a Cat 2 means that you have to get a Code Compliance Inspection (all 4 trade inspectors need to go thru & create a report of things that need to be done)

Mr. Morley: most of the accumulation is books
-can you help me understand why, when I'm cooperating with Insp Martin, that it was arbitrarily handed over to the VB Program?

Ms. Moermond: here's how that went down: Insp St. Martin did an inspection; he leaves DSI; the follow-up is with Insp Lisa Martin, who's the supervisor for the western half of the city for owner-occupied properties; she looks at it & wants to respect the Orders that St. Martin issued but at the same time, she takes photos & shows them to her boss, Steve Magner, & says, "I'm not sure what to do with this;" the boss looks at the pictures & says, "This needs to be Condemned; there's just too much stuff;" if a couple of months go by & the issue hasn't been addressed, the inspector will, as a matter of course, refer it to the Vacant Building Program
-I want to give you time to get the house cleaned out; I want to give you a deadline; Mr. Dornfeld will check it after some time
-she provided a brochure on The House Calls Program; they can help with providing dumpsters & other kinds of resources; advised that he not rent any more locker space; get rid of stuff

Mr. Morley: with all due respect, the stuff going to the locker is one of my son's

personal possessions

*Ms. Moermond: explained why the excessive accumulation of combustible materials is a fire hazard; those books will burn for a very long time; the water & paper will become very heavy & the 1st & 2nd floors of your house may collapse
-how long until you can decrease the volume by half?*

Mr. Morley: I hope to have the place livable by the end of Dec; I'm doing most of the work; she & her son help me on weekends; there are things of value there; there are things that are no longer needed; I will go thru them, do some discarding & give some to Goodwill

Ms. Moermond: the end of Dec is a very long time for me; I need to see faster progress than that

Mr. Morley: I had prostate cancer surgery & I can't carry a lot of stuff

*Ms. Moermond: the House Calls Program might have some ideas for you on this -I'd like to see the volume down by 50% & an inspection done by the end of Oct; you will be 90 days into the VB Program on Nov 23, 2018; if we check on things in about a month, we'll be able to see if we can get you out of the VB Program with no fee & without having to do a Code Compliance Inspection Report
-let's have that inspection occur before Oct 19, 2018 & I'd like to see you back here on Oct 23, 2018*

Mr. Dornfeld: where Mr. Morley lives is a highly sensitive area; so, the slightest thing that a neighbor thinks may be incorrect may probably be phoned in as a complaint; maintaining the exterior of the property is very important

Ms. Moermond: OK; we have a plan

Mr. Dornfeld: we'll meet the 23rd; I call or email a week in advance just to confirm but just plan on Oct 23, 2018 at 10 am

Ms. Moermond: we'll hold the VB fee while this discussion is going on; I will send it to Council asking them to send it back to LH again

Inspector to report to Legislative Hearing Officer whether 50% of the clutter has been removed.

Laid Over to the Legislative Hearings due back on 10/23/2018