



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

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

---

Tuesday, October 9, 2018

9:00 AM

Room 330 City Hall & Court House

---

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

##### Remove/Repair Orders

- 1 [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; laid over from October 10) (Amend to remove within 15 days)

Sponsors: Thao

*No one appeared.*

*Ms. Mai Vang: Ms. Askar emailed me at 7:25 this morning; she's now in Brainerd & running late*

*Ms. Moermond: my concern is the financing on this; every time we ask the question, different financing comes up; it started out that she didn't really have financing to do the rehab; then, she showed approval of a loan but it wasn't actually closed; then, she said that her brother had a couple of personal accounts that could be used to fund the rehab; he was not present & had no information to share; after that, I was contacted by her banker, David Harvey, BNC National Bank; he indicated that Ms. Askar & her brother were approved for a loan to rehabilitate both 677 Thomas single family house & 610 St. Albans duplex both on this parcel; that loan was to have been closed last week; for that reason, I asked Council for a Lay Over; at first she had wanted to rehab; then, she told us that she wanted to demo it; then, at the last meeting, she wanted to fix it again; she shared her brother's account information again; the last construction loan would only cover the fixing of 610 St. Albans & not both of them; I haven't heard from the bank as to whether they closed the construction loan*

*Ms. Vang: as of yesterday, BNC National Bank is no longer in the pictures; the new bank is Mid Country; they have submitted new information to the file; it's printed & stapled together; Ryan Sayer*

*Supervisor Steve Magner: an email was sent by Reid Soley on Fri, Oct 5, 2018, "Dear Marcia: Received a call today from a banker who intends to lend money for the repairs required at the property at 610 St. Albans St N & 677 Thomas Ave. He informed me that Ayan Askar, Hooyo Huno Housing LLC, owns this property & intends to sell the*

property to her brother. Bank loan would be issued in her brother's name. I told him that our Legislative Code prohibits the transfer of title of a residential Cat 3 VB property. The banker intends to contact the LH Officer; his name is Ryan (I did not write down his last name but his phone number is 602/434-9200."

-so, I'm having some concerns, as probably you are, as to --- we were led to believe last LH two weeks ago that this was a done deal; that we had a loan & all we simply had to do was go to this hearing; get a recommendation of time from the LH Officer & then move forward to closing; now, I don't think that's happening

-another question: conflicts with the construction plans; McLemore Construction submitted a multi-page plan for 610 St. Albans

Ms. Moermond: that was a perfectly good sworn construction statement but it didn't have a schedule on it; after a few conversations, the owner of McLemore Construction did provide a rudimentary schedule

Mr. Magner; I have some of that documentation; my concern is that the estimated numbers for the electrical don't match up

-I'd like to see McLemore give us the plans for both bldgs & their subs' estimates

Ms. Moermond: I asked for those in an email on Oct 1, 2018; plans & bids for one property / plans & bids for both properties

Mr. Magner: OK; so all that was talked about at the last LH, articulated in Mai's letters & reiterated in your email of Oct 1, 2018

-Ms. Askar is in arears with Ramsey County

Ms. Moermond: that time period has run out; there was a 12-month time period the county gave on its Contract for Deed it had issued to the Jansen/Wenzel ownership last summer; Jansen/Wenzel got that Contract for Deed on the condition that they sell the property within 90 days to someone capable of executing the rehab; that Contract was sold to Hooyo Huno Housing LLC, who assumed the necessity to have it rehabbed by this summer; so, they had 9 months in which to execute a rehab for 677 Thomas & 610 St. Albans; they did not meet that requirement & in fact, are several months behind their terms & they haven't pulled a permit on either one of the properties; so, Ms. Kujala indicated that the county was initiating Cancellation of Contract proceedings on that Contract for Deed; if they initiate this rehab & have an aggressive timeline, the county would be willing to work with them but we don't have a real plan or financing

Mr. Magner: we don't have a complete or thorough rehab plan & we are lacking a finance requirement

Ms. Vang: McLemore submitted an estimate yesterday; the total amount is different now = \$72,000

Ms. Moermond: Mid Country says that the loan approval (not closed) is dated Aug 20, 2018; last time, she showed us loan approval from BNC as evidence of financing; it's not clear from whom they are getting their loan for this rehab; the bank said that money would be dispersed as a construction loan thru a 3rd party

-Ms. Askar did provide info on her brother's personal loan; she submitted an affidavit but doesn't state the amount

-this is front of Council tomorrow

-even if Ms. Askar's brother, co-owner, spent all of the money that he has in his accounts that are shown with a total of \$67,000, it still does not equal the cost of the revised Work Plan for the 1 property, let alone the 2 properties

*-I'm going to reject that as a financing source & Mid Country will be responsible for getting back to me with what they have for plans & based on their questions for continuance,..... I don't have any concrete info for when there's a closing scheduled, etc, all is unknown to me; they're not here & she is not here today*

*Remove the building within 15 days with no option for repair, unless Appellant can provide approved financing documentation to support her case.*

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

**2**      [RLH RR 18-45](#)

Ordering the rehabilitation or razing and removal of the structures at 1232 SEVENTH STREET EAST within fifteen (15) days after the November 7, 2018 City Council public hearing.

**Sponsors:**      Prince

*Melissa Porter, Shapiro & Zielke, LLP, appeared representing Harrington Mortgage Services & Mers*

*Steve Magner, Code Enforcement Manager:*

*-The building is a two-story wood frame triplex on a lot of 6,970 square Feet.*

*According to our files, it has been a vacant building since November 3, 2016*

*-The current property owner is Mai Vue per AMANDA and Ramsey County Property records.*

*-On May 23, 2018, an inspection on 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 posed on June 11, 2018 with a compliance date of July 11, 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 \$115,600 on the land and \$123,000 on the building.*

*-Real estate taxes for the first half of 2018 have been paid*

*-The Vacant Building registration fees were paid by assessment on December 4, 2017.*

*-A Team Inspection was done on April 18, 2017 and has since expired.*

*-As of October 8, 2018, the \$5000 performance deposit has not been posted.*

*-There have been nine (9) SUMMARY ABATEMENT NOTICES since 2016.*

*-There have been fourteen (14) WORK ORDERS issued for:*

*-garbage/rubbish*

*-boarding/securing*

*-snow/ice*

*-vehicles*

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

*-this was referred to the VB Program by Fire Prevention Staff; they Revoked the Certificate of Occupancy; there was a water shut-off & a gas/electricity shut-off*

*-WO for garbage in Sep; WO for emergency boarding in Aug; a bunch of WO's for boarding in May-Jun; on-going issues*

*Ms. Moermond: we have returned mail from Mai Vue; was she the previous owner?*

*Ms. Porter: we haven't yet concluded our foreclosure process; we have a sheriff's sale scheduled for Nov 27, 2018; so, my clients do not yet own the property; Mai Vue is the current owner*

-my clients are in the process of setting up the code compliance inspection; I don't have a date certain; I just received the file within the last couple of days; once my clients have the inspection report, they will make their determination

Ms. Moermond: they need to make application for the code compliance inspection

Ms. Porter: the Brokers Price Opinion is \$179,000; the mortgage is around \$143,000; it's likely my client will repair but until they get the inspection report & have some estimates for the repairs.....

-they have not yet applied for the shortened redemption period; that is often done after the sheriff's sale

-asked for shut-off dates

Mr. Magner: the water was shut-off on May 30, 2017; the electric was shut-off on Jun 5, 2017; the gas was shut-off on Jun 20, 2017

-the bldg was Revoked in Nov 2016

-there were other complaints in Apr 2016: mold in the bathroom; no vent in bathroom; bathroom light fixture doesn't work; kitchen sink leaking, entire floor is warped

-we started our action in Apr 2016 & ultimately Revoked the C of O & referred it to VB in Nov 2016

Ms. Moermond: a team inspection took place in Apr 2017; it looks as though the previous owner, Mai Vue, ordered it but your client could start looking at that now; we will email it to you

-I would be happy to work with you on time

-you will need to clean it out before the trades inspectors will go in to inspect

Mr. Magner: you will need to contact Reid Soley, 651/266-9120 to see if it can remain a triplex because it's been vacant for more than one year; it's existing use is listed as residential multi-family

Ms. Moermond: there is no current Fire Certificate of Occupancy information

Mai Vang gave Ms. Porter a VB Registration form & 2 applications for a Code Compliance Inspection (one duplex & one triplex)

Ms. Moermond: this will go to City Council on Nov 7, 2018

-get the junk out done within 2 weeks - by Oct 23, 2018; then, you can file your application for the correct code compliance inspection; & have your VB form filled out

-get the \$5000 performance deposit posted by Fri Nov 2, 2018

-I would like to also see a shortened redemption application to the Courts; I'd like to see paperwork by Nov 2, 2018

---

The following conditions must be met in order to receive a grant of time:

- 1) interior clean-out by October 23;
- 2) shorten redemption application to Court by November 2;
- 3) post the \$5,000 performance deposit by November 2.

If the conditions are met, on November 7 at the Public Hearing, the matter will be continued to Legislative Hearing on November 27 to discuss work plans, bids & financial plans.

**Referred to the City Council due back on 11/7/2018**

- 3 [RLH RR 18-46](#) Ordering the razing and removal of the structures at 1213 THIRD STREET EAST within fifteen (15) days after the November 7, 2018 City Council public hearing.

**Sponsors:** Prince

*Douglas Twait, Esq., DST & Associates appeared o/b/o Sally Foster, owner.*

*Steve Magner, Code Enforcement Manager:*

*-The building is a one story split-level wood frame single family dwelling with an attached one-stall garage on a lot of 4,792 sq.ft. According to our files, it has been a vacant building since January 18, 2018 due to a fire.*

*-The current property owner is Sally Foster 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 June 13, 2018 with a compliance date of July 18, 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 \$14,400 on the land and \$77,700 on the building.*

*-Real estate taxes for the first half of 2018 have been paid.*

*-The Vacant Building registration fees were paid by check on March 8, 2018.*

*-As of October 8, 2018, a Code Compliance Inspection has not been done.*

*-As of October 8, 2018, the \$5,000 performance deposit has not been posted.*

*-There have been five (5) Summary Abatement Notices since 2018.*

*-There have been six (6) Work Orders issued for:*

*-garbage/rubbish*

*-boarding/securing*

*-snow/ice*

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

*-the fire may have originated in the attached garage & merged into the residence*

*-we have had no interaction with the owner at this time*

*Ms. Moermond: skimming the Fire Report; will email it to Mr. Twait*

*-the report notes that the estimated cost of damage to the building was \$57,400; they don't describe any damage to content or vehicles; they also note that it was a vacant building at the time of the fire; there is heavy smoke damage throughout the house*

*-as Mr. Magner indicated, the fire investigator said, "After examination of the fire scene and fire patterns of movement and the intensity observed, my conclusion is that the fire started in the lower level along the west wall, approximately 1 foot to the south of the interior garage service door. Ignition source was probably an open flame..... the action that brought these items together was due to an intentional human act."*

*-someone started a fire in an empty house but they aren't listing it as being under investigation but it may well be; the other possibility is that it may have been squatters going in & starting a fire to keep warm*

*Mr. Magner: that is possible*

*Ms. Moermond: if Ms. Foster did live there, she did not live there at the time of the fire; the county lists her address as 2000 White Bear Ave N; there was an attempt at personal service telling her about these hearings today but she wasn't found by the server, who gave us an affidavit saying that; evidently, she did get the Notice; is there*

*a mortgage?*

*-maybe you could tell me what Ms. Foster is up to & what's going on with the insurance, if there is some*

*Mr. Twait: I haven't been given any information about insurance but I've been told that as of last week, they have requested 3 demolition bids; I'm still waiting to hear what they are; their intention is to demolish the property; I've also been told that they are mowing the grass & trimming trees*

*Ms. Moermond: do you have a VB registration form, Mr. Magner?*

*Mr. Magner: No; suggested they call Joe Yannarely, 651/266-1920 for a list of licensed demo contractors in the City of Saint Paul*

*Ms. Moermond: this will be on the Council's agenda on Nov 7, 2018*

*Mr. Magner: in my opinion, there's enough time to be able to approve a bid before Nov 7, 2018*

*Ms. Moermond: on Nov 7, I will recommend removing the building within 15 days; that would give your client 15 days to get this thing rolling*

*Mr. Magner: that means that we need to have a signed contract with a St. Paul licensed demolition contractor within those 15 days; that's about 45 days from today to obtain a signed contract that states the work will be done within 30 days; he went on to further explain the process & list some examples*

*Ms. Moermond:*

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

**Referred to the City Council due back on 11/7/2018**

## 10:00 a.m. Hearings

- 4 RLH RR 18-16** Making finding on the appealed nuisance abatement ordered for 1536 VAN BUREN AVENUE in Council File RLH RR 18-2.

**Sponsors:** Jalali Nelson

*No Show; LO to 10/23/2018*

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

## 11:00 a.m. Hearings

### Correction Orders

- 5 RLH CO 18-37** Appeal of Michelle Camilo to a Correction Notice at 679 COOK AVENUE EAST.

**Sponsors:** Bostrom

*Rescheduled to October 16; owner wasn't able to make Oct 9 hearing.*

*Ms. Moermond: tell her to bring her bids along next week.*

**Laid Over to the Legislative Hearings due back on 10/16/2018**

**6**      [RLH CO 18-39](#)      Appeal of David Simons to a Correction Notice at 1033 DESOTO STREET.

**Sponsors:**      Brendmoen

*Ms. Moermond: he indicates that he has money issues; the gas & electric are off; does that continue to be the case?*

*Supervisor Lisa Martin: I'll call Xcel & ask for an updated status on 1033 DeSoto*

*A Recess was taken while Ms. Martin placed her call to Xcel.*

*Ms. Martin: Xcel states that the gas/electric are still off & there's no notes in the system that county assistance is kicking in or that there are any other agreements at this time; compliance date was Oct 3, 2018*

*Ms. Moermond: the next course of action would be to issue a Condemnation/Order to Vacate*

*-I will recommend to deny the appeal at City Council next Wed, Oct 17, 2018  
-give a Vacate date after next Wed but send the letter now*

\_\_\_\_\_  
*No show. Deny the appeal.*

**Referred to the City Council due back on 10/17/2018**

## 11:30 a.m. Hearings

### Orders To Vacate, Condemnations and Revocations

**7**      [RLH VO 18-52](#)      Appeal of Attorney Jon Paulson on behalf of Irma Sonia Ortega to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 990 PAYNE AVENUE.

**Sponsors:**      Bostrom

*Jon Paulson, Attorney; Irma Sonia Ortega, 990 Payne Avenue LLC, owner; and her wife, Isis Delusia, appeared.*

*Fire Supervisor A.J. Neis: Revocation of Certificate of Occupancy/Order to Vacate is due to long term non-compliance of a building; C of O process started in Oct 6, 2017; there are multiple code violations; the Inspector continuously finds new code violations, not because they were missed but because of the continuous changes that have been going on without getting the proper permits; the bldg is also supposed to have a partial sprinkler system installed, which to my understanding, is still not done; there's been some dispute as to why the contractor won't turn it on (could be anything from the contractor hasn't been paid to the city not turning it on because of an outstanding water bill?); the sprinkler system has been required for over one year; so, we have the*

appearance of having a fire life-safety system within a bldg with restaurants, etc, & the system isn't turned on; this bldg has a history of challenges with our office including allowing illegal occupancies of assemblies for receptions, etc; I understand that is not happening any longer

-our office has been unable to get voluntary compliance

-Ms. Ortega has had a fire in another one of her properties on Dale Street

-Inspector has not had very good luck getting communication with Ms. Ortega

Ms. Moermond: how many sets of Orders were there during this past year?

Mr. Neis: appointment letter sent in Oct 2017; Orders issued Nov 2017; appointment letters sent in Jan & May, 2018; Correction Notices in Apr, May, Jun, Aug in 2018; & finally a Revocation in Sep 2018, the 6th set of Orders in this cycle; typically, we go 90 days

-the cycle before that started in Jul 2015 & it was not approved with Corrections until Jul 2016 (over 12 Correction Notices before we finally got minimum compliance)

-we've really been trying to work with this property owner & it's been very challenging

Mr. Paulson: after the Sep list came thru, they went thru & did the things that they were asked to do within the past 15 days; they still need to work on the sprinkler system; up until this point, the sprinkler system hasn't been required for the 1st floor; it's required if there are people living on the 2nd floor; the hoods are done, etc.

-the reason for the appeal is, obviously, with 30 days to vacate 6 tenants, it's a hardship for the tenants, as well

Ms. Moermond: why has it taken 12 months?

Ms. Ortega: we have different tenants; in each space, the tenant is responsible for taking care of their area; I don't go inside their business; I had a different business & I wasn't inside this bldg much but we closed the other business; so now, I'm here & I'm making sure that everything is taken care of it

-this is my wife; she is the one who was on the inspection; she is taking care of a lot of things

-when we got the Vacate Notice, I went thru the list & I had a meeting with all of the tenants & I told them the problems

Ms. Moermond: how do you communicate with your tenants normally about these Orders?

Ms. Ortega: usually, we try to take care of everything

Ms. Delusia: when we have an inspection, I usually tell them what needs to be fixed inside their own place; they know what they need to do

Ms. Moermond: do you give them the Orders?

Ms. Delusia: no; I tell them what needs to be fixed

Mr. Neis: again, these are not issues that were made in the appeal but we received as a complaint in Sep; read some of the complaint comments sent to the office; not made by the Fire Insp: "multiple electrical boxes not active; main electrical room is blocked with furniture - narrow hallway upon entering room; fire suppression system does not appear to be in service; hazards in basement including remove concrete; exposed asbestos insulation where boiler was removed; false stairwell leading to



*upstairs has flooring placed over it; occupancy in rear upper floors unable to access bldg; curtains hung over windows & doors leading to maintenance sheds smell like dog feces; multiple items stacked in front of doors leading to electrical room in front of sprinkler room & alarm panel;"*

*-this has been a continual problem since the 2015-16 Orders; took over a year & over a dozen Correction Orders*

*-we are prohibited from divulging the complainant by state law*

*Ms. Moermond: when will the sprinklers be addressed?*

*Ms. Ortega: we have had a financial hardship so we haven't been able to finish the last phase because the sprinkler company put in wet heads in the garage area & I needed to get them to switch them to fryer heads so they won't freeze in the winter; otherwise, I'd have to heat the garage & I'm not in a position to heat the garage; we haven't had the money to finish paying for that; originally, I wanted to make the 2nd floor compliant & they told me that in order for me to do that, I needed to sprinkler the entire 1st floor; so that's why we started to install the sprinkler system in the 1st floor but it wasn't for the first floor; it was for the 2nd floor*

*Mr. Neis: the fire code is clear that you cannot have a life-safety system that gives the appearance/illusion that they have protection but they do not & it has to work properly; the system has to be up & running; typically, if we'd find this in any other bldg, we'd require the owner to provide a 24/7 fire watch while the bldg is occupied until the fire system has been restored; otherwise, we wouldn't allow occupancy at all*

*Ms. Moermond: any programs for sprinkler systems?*

*Mr. Neis: on the east side--- if there were, we would have given those resources*

*Ms. Ortega: I think there is some program; I'll look into it*

*Ms. Moermond: is there a change in the requirement?*

*Mr. Neis: my understanding is there were some conditions where, if they wanted to do certain things with the bldg, this partial sprinkler system would be required; so, that may be correct; but if it's there, it has to be working*

*-the only parts that were required to be sprinklered were the parts that needed to be; we weren't adding....*

*Ms. Moermond: I'm confused; what parts are those?*

*Mr. Neis: the 1st floor*

*Ms. Moermond: OK; and you guys were saying something else; I want to be clear*

*Ms. Ortega: the only part that needed to be sprinklered was the storage area between the brewery & the restaurant on the first floor; but in planning for the future & using the 2nd floor; we were told by the fire dept. that we'd needed to sprinkler the whole 1st floor; so, we thought we'd just get it done; but we fell into financial hardship when my business burnt; so we're having some tough times*

*-we've addressed all the items on the list except for the sprinklers*

*-she entered documentation for the hoods with photos that go along with the fixes & number on the deficiency list (scanned); she described what was on the photos*

*-we put a tag by the hood & there was one by the door but someone removed it; there's*

a line that goes from the hood to the exit; both hoods have been certified  
 -the 2nd floor is vacant  
 -we removed all the ext cords & plug adaptors  
 -we cleaned the hoods  
 -we fixed the screens  
 -we replaced the light by the dumpster, etc.  
 -we will be sending photos that were missed (hamburger shop)  
 -I will look into what loans may be available from the city

Ms. Moermond: go to the Real Estate section to see what we have for loans for commercial bldgs; talk to PED Deputy Director, Kristen Guild, 266-6671; try East Side Community Dev Corp, John Vaughn; & Northeast Nhd Dev Corp, Chuck Repke  
 -we need to figure out a deadline for the sprinkler system (\$12,000 business loan to keep on working on it but \$100,000 would finish the work completely)

Mr. Neis: I'll have Insp Imbertson go out for a re-inspection Oct 22 to get the list checked off

Ms. Moermond: we will talk again here on Nov 6 about financing for the sprinkler system & come up with a plan; we're allowing continued occupancy while this happens

\_\_\_\_\_

Layover to November 6 to discuss remaining items. (Inspection on October 22 to check off compliant items on list.)

**Laid Over to the Legislative Hearings due back on 11/6/2018**

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

- 8 [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

James F. Cannon, Jr, owner, appeared.

Fire Supervisor Leanna Shaff: 2-unit bldg; the last inspection cycle finished in Aug 2014; the next cycle started in Jul 2017 by Insp Elvestad, who is no longer with the city; at first they went to the wrong party; the insp was picked up by Insp Huseby; there are 5 large items on the list; one includes adding another unit to a duplex  
 -I got involved with this in May; Mr. Cannon came to DSI wondering what he needed to do & I explained that he needed to get a Work Plan submitted to get all of these items taken care of  
 -the work that happened was not done under permit

Ms. Mai Vang: this is a legal duplex

Ms. Shaff: back in May, I asked for a plan for deconversion; in the meantime, there have been a lot of emails back & forth; I'm not sure that Mr. Cannon quite understands the depth of what has to happen (photos)

Mr. Cannon: there's not 3 units & that's part of my contention; when I purchased the

*property about 3 years ago in 2015, the seller had already put a bathroom in the basement - some work had already been done but I didn't know that no permits had been pulled at that time; instead of making it habitable space, I left it alone; my biggest concern is to make the property safe; I do understand to a certain degree, what Ms. Shaff & Ms. Huseby have asked me to do; the biggest problem I've had is finding someone who's trustworthy to do the work; I've made some progress; I removed all the sheet rock in the basement but the person I hired to do that work didn't follow thru & ended up taking money for work that wasn't done  
-I'm just asking for more time to bring it up to code; my intent is not to turn it into a triplex; I just want to get it safe; just want to know what to do*

*Ms. Moermond: the Order says to discontinue unapproved use or convert to a legal use*

*Mr. Cannon: there's a bathroom in the basement; no kitchen; it was divided into rooms but unfinished; they had started to turn it into a triplex; a lot of the work was poorly done, so I didn't move forward on it & because I thought that because it wasn't going to be used for living or sleeping & that I had made that clear -- I thought that was enough but apparently, it's not; I just want to make it clear that I didn't want to turn it into a triplex & that it's not being used as habitable space & because of that, I thought that I was still in compliance; I guess I'm just new to all of this*

*Ms. Shaff: we were very clear in our communication with Mr. Cannon; on May 18, Ms. Huseby writes, "Thank you for coming to the office & talking with Leanna & I; ... this morning, the City's requiring a Work Plan to be submitted to me re the correction of the electrical, the removal of sheet rock, correction of the electrical by name of your electrician under permit either as abandonment of improperly installed for potential triplex conversion; it goes on... does not mention venting*

*Ms. Moermond: electrical in walls without permit is a concern*

*Ms. Shaff: and the venting*

*-on Jun 4, I got an email from Mr. Cannon: "I wanted to let you know I recently hired a contractor & an electrician to make sure that everything in the basement is up to code; so I'll be pulling permits & begin the process of remodeling the basement."*

*Ms. Moermond: I see that an egress window was installed; so, there was an intention for there to be a sleeping space down there & a separate entrance into that also (photos)*

*-utilities are in the basement so other tenants would need access*

*-I see a refrigerator down there*

*-do we have any other plumbing going on besides the bathroom?*

*Ms. Shaff: I'm not sure*

*Ms. Moermond: originally, this hearing was scheduled for Sep 25, 2018*

*Mr. Cannon: that was at my request; I wasn't able to get that time off work  
-I had an electrician in 2 weeks ago; he hasn't given me the bid yet; I submitted a Work Plan*

*Ms. Shaff: it was not a Work Plan; just a sketch*

*Mr. Cannon: this is the only property I own; I live here; I did have a couple of bids but I*

*didn't feel comfortable moving forward with them*

*Ms. Moermond: the Order has been out there for more than a year*

*Mr. Cannon: the biggest reason that it's been so long is because I didn't hear anything from Mr. Elvestad or from the last time he came until almost .....*

*Ms. Moermond: did he write you an Order telling you that you needed to deconvert this & that electrical was a part of it?*

*Mr. Cannon: he did and....*

*Ms. Moermond: so, the Order has been out there for more than a year*

*Mr. Cannon: what I'm saying is, the Order was made & I had done everything on there & I felt that I had complied with what the Order had said & I didn't hear anything from St. Paul Fire until almost a year later; what I was told was that if I'm living in my property & I do some electric work on my own property, that I'm still in compliance so I thought from what I had heard from other people that had been in similar situations,,,,, I thought I was in compliance; I hadn't heard anything back  
-I knew that there was work that needed to be done in May*

*Ms. Shaff: we have Orders from Aug 24, 2017; Sep 26, 2017; Jun 15, 2018; Aug 23, 2018*

*-Insp Huseby has notes in here:*

*-Mar 21, 2018 - working off a C of O*

*-Mar 29, 2018 - property owner requests more time*

*-he came in on May 18, 2018; I gave him unit Jun 15 to give me a plan*

*-I'm forwarding you all the emails*

*-I'm pretty sure that I told Mr. Cannon that the electrical code requires that if it is a non-owner occupied unit, that you cannot do the work; if it's a duplex, you can do the work within your unit; you are still required to have a permit, which is inspected & signed-off on; on any other part of the property, you are required to have a licensed electrician working under permit*

*Ms. Moermond: what's your plan?*

*Mr. Cannon: I would like to have someone from inspections to come & look at it & see that all the sheet rock has been removed & tell me what I need to do so that it's safe & up to code; not a triplex;*

*Ms. Moermond: I think that you want them to tell you exactly what needs to be done & their expectation is that you would hire an electrical contractor with the statement: Remove the illegal wiring that was installed in this basement; the electrical contractor being a licensed & bonded contractor would know exactly what the electrical code requires & be able to pull those wires that shouldn't be there & make sure that the connections are sound & legal; that is their purview & once they pull their permit, one of the city's electrical inspectors would be able to go in & confirm that what the contractor has proposed is what the code requires & be able to specify corrections to the electrical contractor*

*Mr. Cannon: I'm more clear now than I was before; I thought that I was being told to convert my duplex into a triplex; that's how I read the Order*

Ms. Moermond: you read it wrong

Mr. Cannon: OK

Ms. Moermond: pulling off sheet rock is not a permitted thing but go backwards & pull a plumbing permit for the bathroom & remove it; if you want to keep the bathroom, you'll need to have permits pulled on another person's work (plumbing, electrical & venting)

-Ms. Shaff, you're looking for walls & studs to be gone; illegal wiring removed; illegal plumbing pulled

Ms. Shaff: yes

Mr. Cannon: I prefer to cap it the plumbing in the bathroom

Ms. Moermond: have it all done by Nov 9, 2018; skip the Work Plan; go straight to the permits

-if financing is a concern, try Neighborworks

Ms. Shaff: he was given info on other resources; i.e., Rental Rehab Program on city website

Ms. Moermond:

Grant to November 9, 2018 to remove basement walls, studs, venting, plumbing and electrical which were installed without permits, or bring into compliance by getting this work permitted and approved.

**Referred to the City Council due back on 11/7/2018**

**9 RLH FCO  
18-176**

Appeal of Mike Bertrand to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 935 FOREST STREET.

Sponsors: Bostrom

Michael J Bertrand, owner, appeared.

Fire Inspector Leanna Shaff: 4 unit bldg; re-inspection of Fire C of O by Insp George Niemeyer

-31 deficiencies; Mr. Bertrand lives here; started with appointment ltr being sent out Apr 9, 2018; no show on Apr 24 - no answer at main door; rec'd email from property owner late in after asking for re-schedule; Insp Niemeyer writes on Jun 11: rec'd call from PO; he was confused; Jun 25 Insp Niemeyer cancelled; he inspected: Jul 24, Aug 31, Oct 1, 2018

Ms. Moermond:

-are all the units occupied? (Mr. Bertrand: no)

-has the list diminished at all over time?

-so, what's going on?

Ms. Shaff: on the first Order there were 36 Orders

Mr. Bertrand: I'm basically unemployed; this was the perfect storm, financially; I've had 3 evictions this year; I own 3 properties on which I live; I fix them with the money that comes in, too; my self-employment is bathtub refinisher & the business has just

about dried up; so, I took a job with Metro Transit to get health insurance & other benefits; things were going OK for a while but with the recent attacks on bus drivers on Mpls - I was almost assaulted; so, I decided to get out of that & then, I went to no income; I started Uber but that wasn't profitable; I lost income; because of lost income, I'm down \$20,675 for the year; my divorce decree states that at the end of 2018, I have to get my ex-wife off of 2 mortgages; so, the property that I'm selling & I had a Purchase Agreement on 609-611 Reaney (\$97,000); after I paid off Reaney & the 4-plex in which I live, I would have had \$32,000 approximately; last Thu, I found out that, the original PA that I had signed, they assigned the contract - that person backed out of the PA; so it didn't sell; they offered me the \$1000 but I said that I didn't want the \$1000, I wanted the property gone; so then, they came back to me and said that because of the re-assignment, they wanted the upstairs tenant gone & they thought that I could do that quickly; I told them that was not proper service; proper service is giving 30 days and in Oct, it's Dec 1; it's not 30 days from today, it's for Dec 1; and then, there's no guarantee that the person will be out Dec 1; so, then, I didn't keep my end of the agreement - the tenant's not out - the deal goes up in smoke

-I live in apartment #1; and someone lives in Apartment #2 on the first floor; #3 & #4 are vacant; the Orders are basically from #3; it has a leaking roof, which I've been trying to fix all summer but couldn't do it - I couldn't find the source; so, when Insp Niemeyer came out, he told me about the Rental Rehab Program; I took his advice & looked it over & it seemed like it was based on credit worthiness & I don't have good credit; so, I dismissed it;

-I had a bid to do the roof for \$20,000 & I had the sale of a property done which would cover the roof - it's a flat roof; when Insp Niemeyer came back out; he told me that I could appeal it; I've been a landlord for 20 years & never appealed anything; I thought that if you appealed something, you got on the city's black list; to me, that was never an option & Insp Niemeyer convinced me that it's only an option

-George told me to contact Rental Rehab because it's based on keeping the property maintained, not necessarily on credit worthiness; OK, I applied; they told me that I needed to submit it thru a contractor, who'd pull the permit & oversee everything

-I'm looking for additional time because I have a commercial driver's license & I'm going to go on the road for 30 days & make some money - outstate; I won't be home at night

-the sale of the property is going to happen because it has to happen

Ms. Moermond: you've got Reaney, up/down duplex; Sims & Thomas, nonconforming use- single family & a duplex; Thomas/Griggs is paid for - the legal address is Forest; Sims will be paid off with the sale of Reaney; the rest will be used to fix the property; I do my own work & this is general building maintenance; George never saw water dripping from the ceiling

Ms. Shaff: #27 - debris falling out of furnaces

Mr. Bertrand: I pulled a permit & replaced 2 water heaters; permit is finalized; I met the Sr. Mechanical Insp there; they re-plumbed that & a lot of debris (sand, gravel) from inside the pipe ended coming out the pipe; Insp fired up the furnace #4 to make sure there was proper draft

Ms. Moermond: #27; Insp is asking to have all 4 furnaces tested

Mr. Bertrand: at \$200 a piece; that's \$800; that can be done immediately

Ms. Moermond: any other life-safety issues that affect Units #1 & #2?

Mr. Bertrand: I fixed the door & installed a door jam; 2 permits were pulled & finalized for the water heaters

Ms. Moermond: #30- " water heaters' permit; contact the licensed contractor to repair/replace water heater; 2 water heaters were installed; there's only 1 permit for one of them; obtain a 2nd permit for the 2nd water heater & have both permits inspected & approved"

Mr. Bertrand: that's finalized off; it's been done; I met the gentleman that came out there; I know that he inspected 2 water heaters

Ms. Shaff: I see a permit on Jul 13, 2018; it's finalized; I see different permit numbers but I'm confused - I've never seen it written this way in AMANDA; it's not very explicit

Ms. Moermond: so, we really need to get more info from Paul Zellmer

Mr. Bertrand: I'm trying to sell Reaney (\$97,000); it's supposed to close on Dec 1, 2018  
-tomorrow at 2:30 pm, a roofing guy is coming out to repair the roof; the ceiling is open in #3; I know where it's leaking, exactly

Ms. Moermond: 1) conditioning an extension on doing the furnaces right away; 2) wondering about certifying Units #1 & #2 and taking #3 & #4 off

Mr. Bertrand: blue cupboards are in #4 - just needs a drawer front on that one; needs carpet & paint; appliances are there; mechanicals are there; & leave #3 until the repairs are done  
-going on the road next week Tue

Ms. Moermond: #4 is in pretty rough shape; if you can get half the bldg certified & work towards getting Units #3 & #4 certified, that keeps you in there & give you some time  
-furnaces done this week; water heater permits finalized - Super Shaff can talk with Insp Zellmer; notes aren't clear; get the furnace receipt to Insp Niemeyer; if corrections are required, we'll have to have another conversation  
-Insp will send an appointment ltr for the week of Nov 18, 2018

Grant the following deadlines:

-Grant to close of business on October 15, 2018 for Items 27 & 30  
-Grant to November 16, 2018 for Items 1, 2, 3, 23, 24 & 26  
-Grant to January 18, 2019 for the balance of the orders  
-Units 3 & 4 cannot be occupied until repairs are completed and the apartments certified for occupancy.

**Referred to the City Council due back on 11/7/2018**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 10 [RLH VBR 18-78](#) Appeal of Shirzad Raimi to a Vacant Building Registration Requirement Fee Warning Letter at 1055 FREMONT AVENUE.

**Sponsors:** Prince

*No one appeared.*

*Ms. Moermond: this is a Vacant Building Registration; I emailed back & forth with Supervisor Matt Dornfeld; owner Shirzad Raimi is asking for a 60-day extension; I'll round that up to a 90-day extension to be on the safe side -I'll recommend that Council grant a 90-day extension*

\_\_\_\_\_

*Waive the vacant building fee for 90 days.*

**Referred to the City Council due back on 11/7/2018**