



Meeting Minutes - Action Only

Legislative Hearings

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

Tuesday, January 15, 2019

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 18-51](#) Ordering the rehabilitation or razing and removal of the structures at 667 OHIO STREET within fifteen (15) days after the January 2, 2019, City Council Public Hearing. (To be referred to Legislative Hearing on January 15, 2019; City Council public hearing to be continued to January 23, 2019)

Sponsors: Noecker

Dennis Winge appeared.

Steve Magner, Code Enforcement Manager: read letter sent out Dec 28, 2018 to Dennis Winge & Neal Christopherson (attached); conditions to be met today (2nd opportunity):

- 1. provide contractual agreement between Dennis Winge and the owner. This will be a contractual agreement which must stipulate that Dennis Winge, as the purchaser, will be undertaking the rehabilitation of the property while the property is still owned by Mr. Neal Christopherson and that title is not transferred until the rehabilitation is completed and a code compliance certificate is issued. This agreement is subject to approval by the City;*
- 2. A detailed work plan or sworn construction statement, including timelines, for completing the work required in the code compliance inspection report will need to be provided, including subcontractor bids;*
- 3. Documentation of financing sufficient to execute the above work plan will need to be demonstrated (line of credit, construction loan, personal bank account). The City estimates the cost to repair to exceed \$50,000; however, Dennis Winge has estimated the work to be \$80,000; documentation of financing must show funds commensurate with the bids and construction statements;*
- 4. If the funds being used are not tied to the project (such as a construction loan), an affidavit is required that states the necessary funds will be set aside from other business or personal accounts; and*
- 5. The property must continue to be maintained.*

If these conditions are not met, Ms. Moermond will recommend that the City Council order the building razed and removed. The City Council Public Hearing will be January 23, 2019 at 3:30 p.m. in Room 300 City Hall.

-re addendum H in the Purchase Agreement: I was a little confused when I reviewed it because it's hard to tell what the rest of the document is indicating
-we assume that he has the capacity to rehab this structure while it's a Cat 3 VB for Mr. Christopherson, who at the time after the code compliance certificate is issued by DSI, there'll be a transfer of title & that's usually what we see in these situations

Ms. Moermond: could you please provide the rest of the Purchase Agreement?

Mr. Winge: I'm sure I can

Ms. Moermond: looking at the Construction proposal from Nicko Construction & Koehler Electric, I feel like I'm missing components of the work plan; your estimate was \$80,000

Mr. Winge: everyone's coming in with lower bids; it'll be around \$50,000; I also have mechanical from Nicko (scanned)

Ms. Moermond: I need to know what each contractor's bid looks like in detail; we also need a schedule about when this work is going to be done
-do you have your Purchase Agreement with you?
-do you have any financial info? we talked about depositing that check before

Mr. Winge: looking for paperwork; I have the PA (scanned)
-I still have the check for ___ ; it's hard to get a loan when you don't actually own something yet
-right now the total cost is around \$54,000; will deposit check today

Ms. Moermond: if we can see that check/money deposited in an account; we can provide a sample affidavit
-last piece is a schedule on how you'll complete this; specifically, what will be done when

Mr. Winge: house is cleaned out today; contractors are ready to go; they've been bugging me

Mr. Magner: just a simple work plan with time frames

Mr. Magner: Nicko is doing majority of bldg work; Mpls St. Paul Mechanical doing the furnace; Koehler is doing the new electricals; Willy Plumbing - bathroom - \$4900

Ms. Moermond: looking for: bank statement; affidavit; work plan with schedules
-City Council Public Hearing Jan 23, 2019
-financials are needed by this Fri, Jan 18

Recommendation is forthcoming.

Owner needs to bring forth affidavit of financial capacity to do the rehab such as a bank statement and revised work plan which includes a timeline, by close of business on Friday, January 18, 2019.

Referred to the City Council due back on 1/23/2019

AURORA AVENUE within fifteen (15) days after the February 13, 2019, City Council Public Hearing.

Sponsors: Thao

Owner to post the \$5,000 performance deposit by February 6. Legislative Hearing continued to February 12 (per owner's request; originally laid over to Jan 29).

Hearing Officer is looking for the following conditions to be presented at the February 12 hearing:

- 1) the vacant building fee must be paid;*
- 2) a work plan or sworn construction statement, with timelines, for the completion of the rehab;*
- 3) provide subcontractor bids*
- 4) provide financial documentation indicating the amount of funds to do the rehab (line of credit, construction loan, or personal bank account);*
- 5) must provide an affidavit indicating the dedication of funds from an account for the project; and*
- 6) the property must be maintained.*

Referred to the City Council due back on 2/13/2019

3 RLH RR 19-3

Ordering the rehabilitation or razing and removal of the structures at 899 GERMAIN STREET within fifteen (15) days after the February 13, 2019, City Council Public Hearing.

To be referred back to Legislative Hearing on March 12.

Legislative Hearing Officer is looking for the following conditions to be presented at the March 12 hearing:

1) A workplan demonstrating how the rehabilitation will be completed must be submitted and approved prior to the Council granting time for the work to occur. This workplan should include some detail on how the code compliance inspection report items will be addressed, by whom, for how much and on what schedule. The Legislative Hearing Officer is anticipating you will have talked to qualified contractors and subcontractors and gotten some initial bids. Based on these, there should be some sound preliminary estimates on the project cost to be discussed at the next Legislative Hearing;

2) provide general and subcontractor bids; and

3) the property must be maintained.

Referred to the City Council due back on 2/13/2019

10:00 a.m. Hearings

4 RLH RR 19-1

Making finding on the appealed nuisance abatement ordered for 735 MARGARET STREET in Council File RLH RR 18-3.

Sponsors: Prince

Nuisance is not abated but work plan and financing in place to complete the project and will recommend granting an additional 180 days to complete the rehab.

Referred to the City Council due back on 2/6/2019

- 5 [RLH RR 18-53](#) Making finding on the appealed nuisance abatement ordered for 830 UNIVERSITY AVENUE WEST in Council File RLH RR 18-22. (To be referred to Legislative Hearing on January 15, 2019)

Sponsors: Thao

Andrew Kim and Bruce Nelson appeared.

Ms. Moermond: according to Jim Seeger, 65% of the rehab is complete -I found your Scope of Work to be skimpy; it wasn't clear to me how this plan connects back to the contract that was in place with the rehabber; I have this document saying that the job's going to be done in 180 days & will cost \$80,000+; I also have this that says, "This isn't done; we're going to give you these number of lines to tell you how we're going to get done;" it's not an official addendum on this contract that's been agreed to by all & signed off on; it doesn't address the problem at hand; the Council would say that you didn't do your work plan & you're failing by 6 months

Mr. Kim: what's on that sheet of paper is what's remaining to be done; we're ready to get this job done; once we finish all these given items, we should be finished

Ms. Moermond: can you provide a better document?

-also, I see an account balance of \$34,000 but I don't have any idea how much has been paid on the \$80,000; I don't know if this amount of money will address completing this contract

-these pieces of paper don't tell me what I need to know

Mr. Kim: we should have sent you more information

-we spent about \$44,000 on the house of the \$80,000; & we are looking to spend another \$49,000 to complete the house; the extra cost comes from renovating the boiler system, which we didn't expect we'd have to do; the heating system wasn't functioning properly; it took us a while to get bids from a number of companies just to get radiators; then, we decided to replace the old system & get forced air, which took us another 2 weeks to schedule for bids & another 2 weeks to schedule for installment & another 2 weeks to get things done (winter is the busiest time of the year for installing furnaces); that threw us off schedule; now, we are on track to get it done in a couple of months

Ms. Moermond: get me documentation that addresses my concerns

Steve Magner, Code Enforcement Manager: I'm just looking for a revised Work Plan with timelines

Mr. Kim: we can get that info to you by the end of this week or early next week

Ms. Moermond:

-I will put this in front of City Council on Jan 23, 2019

-get it to me by the end of this week

-show me an agreement as an addendum to the work plan showing where we're at & we all agree; where the money is at & we all agree & where is the \$49,000 coming from?

Recommendation is forthcoming.

Owner needs to bring forth affidavit of financial capacity, financing of \$49,000 for the balance of the work being done and revised addendum to the work plan by Friday, January 18.

Referred to the City Council due back on 1/23/2019

11:00 a.m. Hearings

Summary Abatement Orders

- 6 RLH SAO 19-2** Appeal of John Lesch to a Vehicle Abatement Order at 1211 COMO BOULEVARD WEST.

Sponsors: Brendmoen

Grant to June 15, 2019 for compliance.

Referred to the City Council due back on 2/6/2019

Correction Orders

- 7 RLH CO 18-45** Appeal of Francis Garcia to a Correction Notice at 312 BRIMHALL STREET.

Sponsors: Tolbert

Deny and grant to February 1, 2019 for tenant to vacate the upper level; grant the appeal on the one-inch throw deadbolt lock order.

Referred to the City Council due back on 2/6/2019

- 8 RLH CO 19-1** Appeal of David Johnson, Jr. to a Correction Notice at 1038 BLAIR AVENUE.

Sponsors: Thao

Deny the appeal.

Referred to the City Council due back on 2/6/2019

- 9 RLH CO 19-3** Appeal of Curtis Zitzman to a Correction Notice at 1026 REANEY AVENUE.

Sponsors: Prince

Deny the appeal and grant to February 22, 2019 for compliance. (Inspection to occur on February 25 @ 10 a.m.)

Referred to the City Council due back on 2/6/2019

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations (NONE)**1:30 p.m. Hearings****Fire Certificates of Occupancy**

- 10 [RLH FCO 19-7](#) Appeal of John S. Jagiela to a Fire Inspection Correction Notice at 134 MONTROSE PLACE.

Sponsors: Jalali Nelson

Layover to January 22 to get additional information on relevant sections of electrical code; grant to July 1, 2019 for the exterior peeling paint.

John S. Jagiela, owner, appeared.

Fire Supervisor Leanna Shaff: Fire Inspection Correction Notice from inspection Dec 11, 2018 by Fire Inspector Steve Pieczykolan

-being appealed: basement washer which was plugged into a power strip; Insp says that it must be plugged directly into a permanent wall outlet; and Mr. Jagiela is looking for more time to address the peeling paint throughout the exterior of the bldg & the garage

Ms. Moermond: makes sense to address the peeling paint in warmer weather; Ms. Shaff is looking for the other doable things to be done first; then, she would automatically extend the paint job

-you attached the 2002 electrical code; you think you should be able to plug the washer into a power strip (?)

Mr. Jagiela: right, because the code cited by the fire inspector applies to compressor motors; it doesn't apply to washing machines; when I bought the washing machine, they sold me this power strip because the outlet is too far away from where the washing machine needs to go - next to the tub; they said that it was an approved power strip; I've done that for 29 years & there've been a lot of inspectors that have come out there in 29 years

-Sears said that I could plug it into a power strip

-there's a difference between air conditioners, refrigerators, with compressor motors; the washer just has a motor that spins around the drum

Ms. Moermond: I've never heard of that

-we're not operating out of a 2002 code & I'm not aware of any listing that would allow for it to be plugged into a power strip; so, I'm looking for some additional information from you

-do we have photos from the inspector

Ms. Shaff: not of that

Ms. Moermond: we could use some photos of what's going on here & confirm with the Sr. Electrical Insp about

Ms. Shaff: I spoke to Mr. Moynihan, Sr. Electrical Insp, earlier today; he confirmed

*that a power strip isn't OK for a couple of reasons even on a washing machine
-we require that all appliances be listed "appliances" so anything other than a direct wall outlet would probably void the listing for the washing machine & a power strip would not be listed for use for a washing machine*

Mr. Jagiela: the problem is that he cited these electrical code provisions that apply to compressor motors & that code provision doesn't really apply to washers

Ms. Moermond: 440.13 here in the Order might be the same as 440.13 in the 2002 code & it might not because these codes get re-worked & things move around; what I need to know is if we still have a match between the citation he's using in the Orders, what you provided me & what the current code is; we can get the electrical insp to produce it but what the Sr. Electrical Inspector said was that in his opinion, the electrical code does not allow for use of a power strip for washing machines; we can provide that code citation to you; we'll make sure that happens

*Ms. Shaff: just because something has been allowed before doesn't mean it's allowed to continue, according to the many code books I've read
-if the insp provided the wrong code section, we will immediately change it to the right one, which will require that you cease using a power strip with a washing machine*

*Ms. Moermond: I will talk with Mr. Moynihan to get a current citation & get it into your hands
-if we need to schedule another LH, we'll let you know
-I'll grant an extension to Jul 1, 2019 for the exterior painting*

Mr. Jagiela: the house is stucco; so, when I bought it in 1990, the previous owner had painted the stucco, which is not what you're supposed to do; so, either I hire someone to sandblast the house & put stucco back on & get a 20 year fix or I paint it; I have painted it 4-5 times (they always claim that it'll last 10 years but it never lasts 10 years); the fire inspector said that you just can't have peeling paint; so take it off, even if the stucco isn't painted, it's fine; I need to look into having it sandblasted & re-stuccoed but I haven't talked to a contractor yet

Ms. Moermond: so, you don't know what your choice is going to be & based on that choice, you don't know how much time you'll need

Mr. Jagiela: for sure, I think that I can get the peeling paint off the bldg

*Ms. Moermond: repairs need to be done in a workman like manner; so, be aware of that
-let's continue this conversation in 2 weeks, Jan 29, 2019 at 1:30 pm*

Mr. Jagiela: I have a trial that starts on Jan 28 in Hennepin County & it's on a 3-week calendar

Ms. Moermond: so let's go with Jan 22, 2019; call your contractor & figure out how you want to approach this problem with peeling paint on stucco & we'll close conversation on the power strip/washer; right now, I'm looking at an extension of bringing things into compliance by Jul 1, 2019

Laid Over to the Legislative Hearings due back on 1/22/2019

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

- 11 RLH VBR 19-2** Appeal of Stephanie Carr to a Vacant Building Registration Fee Warning Letter at 121 HATCH AVENUE.
- Sponsors:** Brendmoen
- Deny the appeal. No one appeared.*
- Referred to the City Council due back on 2/13/2019**
- 12 RLH VBR 19-4** Appeal of Betty Gruber to a Vacant Building Registration Notice and Summary Abatement Order at 675 HAWTHORNE AVENUE EAST.
- Sponsors:** Brendmoen
- Betty Gruber, owner, appeared.*
- Ms. Moermond: I understand that you're in the VB Program because of a Fire C of O Revocation*
- Fire Supervisor Leanna Shaff: Fire Certificate of Occupancy Revocation*
-we been here for the same property for a multitude of reasons: this one, in particular got started with more of my involvement in Jul 2017 where we found a meth lab in the garage; it had a C of O at that time, the garage was contaminated; in order to give Mr. & Mrs. Gruber enough time as possible, we condemned just the garage; the renters were in the house moved on; unfortunately, the people who had started the lab were reported to be living in the garage; I was called by SPPD that people were living in that garage when we began the Fire C of O process in May 2018; we were dealing with the tenants a lot & I had to remind him that he was not the property owner; we had difficulty numerous times getting a response from Mr. or Mrs. Gruber
-at the initial inspection in May 2018, I called out the exterior items & I incorporated the issues with the garage clean up into those Orders
-there were inspections in May, Jun, Sep, with no movement on any of that
-I understand that Spalding Decontamination was out there & decontaminated the garage but I still have not received paperwork for that from the Grubers; so, I can't substantiate all of that
-on Nov 1, 2018, I again, was not met at the property by the Grubers; in fact, Terry Olson, the person who had caused them much angst & issues, was actually working on their house at 671 Hawthorne Ave E;
-consequently, I Revoked the Fire C of O for long term noncompliance
-the tenants are not there; the mailbox reads "Vacant;" I've been able to look into the windows & see that it was vacant
-the last time I spoke with Mrs. Gruber, she said that she wanted to use 675 for storage; I told her that was not OK for a vacant bldg
- Supervisor Matt Dornfeld, VB Program: Insp Friel met a person who identified himself as Roger at the property on Jan 3, 2019; he stated that property owners were allowing him to stay there; I told him he could not & suggested the owner file an appeal; house was referred with a Revoked C of O by Fire Insp Shaff; house has peeling paint, defects in soffit/fascia as well as a number of deficiencies included on the Revocation*

list; 2-car garage is open; detached wood shed is secure; open Cat 2 VB file; issued SA to secure garage

*Mrs. Gruber: he was supposed to be fixing up the place & that Spalding - according to him, the garage is all cleaned up; I told him that we needed paperwork; he said, "I don't want to deal with you; I want to deal with her" (Ms. Shaff); he acted like he was going to call you
-somebody stole the light right off the garage*

*Mr. Dornfeld: Insp Friel put into his report that Roger said he was living at 675 (Jan 3, 2019)
-for the record, 1576 Griggs St N which shows up as Ms. Gruber's homesteaded address, was Condemned & made a Cat 2 VB back in Jul for severe gross unsanitary conditions; it has been secured multiple times by Restoration Professionals; there have been police calls*

*Mrs. Gruber: he was supposed to just be fixing; well, at that time, we didn't have the VB letter
-Griggs got broken into; they ransacked the house; threw everything on the floor
-we had gotten it all cleaned up; now, we're cleaning up again*

Ms. Moermond: I see that the Reg VB letter from DSI went out on Jan 7, 2019 but Ms. Gruber, the C of O was Revoked well before that

Ms. Shaff: that bldg was ordered vacated effective Nov 30, 2018; that Revocation letter dated Nov 1, 2018 was addressed to Betty Gruber, 671 Hawthorne Ave E

Mrs. Gruber: we had a problem with our mail at that time; I had my purse stolen & someone had put "return to sender" on the mail so, we weren't getting it; we never got that letter

Ms. Shaff: I was in phone/email contact with Aaron, the tenant at 671, who assured me that he had spoken to you, Ms. Gruber; you were having him try to do your dealings

Mrs. Gruber: because he had a computer; he said that he emailed you the contracts for him to do fixing; they were going to come over to paint the house & then, we got all that rain; so, they postponed it

Ms. Moermond: could you describe the conditions?; I don't have the Revocation handy

*Ms. Shaff: I haven't been inside the house for quite some time now; I know that the garage is wide open & as far as SPPD is concerned, that's a good thing at this point so Mr. Olson & his friends don't move into the garage & shed again
-house & garage need paint; documentation of compliance for decontamination of garage; damaged electrical fixture on garage; garage apron needing to be repaired; shed needs painting; steps to rear doorway were deteriorated & unsafe*

*Mrs. Gruber: the house is all fixed up now; he was the son of a minister so, we trusted him; he did some cleaning & that Roger guy was fixing up
-we will not rent the house again
-we wanted someone in there, because my husband is disabled, to mow the grass & shovel snow - pay no rent*

Ms. Moermond: it would still have to have a C of O whether or not you charge rent

Ms. Gruber: Mr. Gruber is at home, 671 Hawthorne, & I'm laid off; he has a nurse who comes over once a week & his foot is almost healed up

Ms. Shaff: In a few months past, I've spoken with Mr. Gruber & he doesn't seem to know who I am even after dealing with him for a few years on these properties, so with the house not being secured, I don't trust that other people won't be moving in; it's sound like this Roger has moved in again

*Ms. Moermond: you need to get Spalding's paperwork to the city; the city will hold you accountable; other than that, there's not too much wrong with the property & without you living there, you'll need a C of O for it to be occupied
-it makes sense to me that if you can get the documentation that the meth lab clean up has occurred that you'd be given a certain length of time to get your Certificate re-instated but you don't want to have anybody live there so, we're kind of in the VB Program*

Ms. Gruber: we just want to fix it up to sell it

*Ms. Moermond: first, contact a realtor who will represent you in this, someone who you trust & maybe they can help you talk with Spalding to get that much needed paperwork
-the garage is Condemned until the city gets documentation that the meth lab is cleaned up
-emphasized getting realtor advice
-this should be in the VB Program (house remains a Cat 2 because the garage is Condemned)
-I'll waive the VB fee for 90 days*

Deny appeal but waive the VB fee for 90 days.

Referred to the City Council due back on 2/13/2019

13 RLH VBR 19-3

Appeal of Anna Louise Kennen-Pitches to a Vacant Building Registration Notice at 884 WESTMINSTER STREET.

Sponsors: Brendmoen

Anna Kennin-Pitches & Micheal Pitches appeared.

*Supervisor Matt Dornfeld, Vacant Buildings: was made a Cat 2 VB on Dec 11, 2018 per a code enforcement referral; Insp Friel's notes state: 1 1/2 story wood frame single family house; vacant & secure; house mostly gutted on 1st floor; wires hanging; bare walls, etc; exterior is defective with holes in siding & holes thru to interior; peeling paint; defects in roof; chimney leaning; screens/windows defective or unfinished, etc; detached 1-car garage is secure; large amount of wood, metal debris, bags of rubbish in yard & front porch; porch attached shed is open; no current permits on file
-he issued Summary Abatement for the stuff mentioned in yard/porch
-Dec 24, 2018 he stated the bldgs remain vacant & secure; owner present
-Jan 4, 2019 an appeal was filed; enforcement stayed*

Ms. Moermond: why are you appealing?

Mr. Pitches: we have a business together; she just started it up - wanted to get into flipping houses

-we went through the process & looked at many places with realtors & found this occupied place that was up for sale; so, she decided that was the one she wanted to buy

Ms. Pitches: I bought the property on Sep 21, 2018 and we were just going to do some light stuff but once I got in there, I decided to make it nicer; maybe I'll live there; I have a dog & there's a backyard; I live in a townhome now

Mr. Pitches: I spoke to Tom Friel & he gave me details of the situation & what we had to do; on Dec 28, he said that the property was still, officially, registered in the name of the previous owner; then, I rang Racquel from here & she told me that the date was passed to put in an appeal; so, I came to see her & what I'm thinking is that the actual Notice for the VB was sent to the previous owner because we still hadn't rec'd anything -we plan to do quite a bit of work ourselves because we can't afford to just hire contractors

-we feel like there was mistaken identity as far as the VB because we've had it for months & we're working on it so, we're not really sure why it was actually a VB

Ms. Pitches: there's no debris in the yard; we took care of it all with the dumpsters

Mr. Pitches: the small rehab has turned into quite a big project; it almost will be a brand new house once it's done

Ms. Moermond: the title co at the table normally assumes responsibility for getting current info to the Records Office; now, Ramsey Co Taxation lists Louise David Investing LLC

Mr. Pitches: that's us but we didn't receive anything from the City of St. Paul yet; Racquel gave me a copy

-Mr. Friel said on Jan 2 or 3 that on a couple days previous to that he found that it had been registered in our name with the city; but we weren't aware of this until one of our friends did a drive-by, checking on the place & said that we had a sticker on the window

Ms. Pitches: we had a TISH prior to the purchase & it did not say anything about a Cat 2

Ms. Moermond: provided some background on how the city code works in this case -staff found the house uninhabitable & empty when someone called in about the mess in the yard; so, staff referred it to the VB Program; they monitor the property & set a minimum benchmark for what the property needs repaired in order to be re-occupied; in this case, they are looking for you to have a code compliance inspection report prepared; that report will be the list for your contractors to address; provided an application for the CCI to the Pitches

-you'll need a lockbox (on already)

-I'd like to help you out with the fee for registering it as a VB

-I can waive the VB fee for 90 days

Mr. Pitches: we want the property on the market at the end of Feb; at the very latest, the first week in Mar

Ms. Moermond: apply for that code compliance insp right away to get those inspectors in there because you won't be able to pull permits until you get that inspection report done

-a 90 day fee waiver will buy you 3 months from Dec 13, 2018; if you aren't able to get your Certificate by Mar 13, 2019, we'll be talking about getting a bill for that \$2000 & I'd expect you'd appeal that proposed assessment so we could work on prorating it down to the portion of the year that you were in the VB Program

*Mai Vang: the warning letter went out yesterday; it will say this bill hasn't been paid
-the mail was going to Eden Prairie & Edina*

Ms. Moermond: Mr. Dornfeld has made a note of this hearing in the computer system, so you're fine

Deny the appeal but will waive the VB fee for 90 days.

Referred to the City Council due back on 2/13/2019