



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
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651-266-8585

Tuesday, April 9, 2019

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [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 May 14)

Sponsors: Busuri

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

1) a revised signed contractual agreement which must stipulate that Mr. Franzen will be undertaking the rehabilitation of the property while the property is still owned by Mr. O'Sullivan, in order to be in compliance with City Codes pertaining to the transfer of nuisance/dangerous properties; and

2) an affidavit/letter of commitment from Community Resource Bank dedicating the amount of \$70,000 will be set aside used for the project

James O'Sullivan, property owner, Lisa Hollingsworth, Southern MN Regional Legal Services, Todd Franzen, Cash for Houses, appeared.

Moermond:

We have some documents to look at in this case. Do you want to tell me a little about...

Hollingsworth:

I will tell you where I thought things were and a wrinkle that arose this morning. There are two gentlemen also present this morning, Todd Franzen of Cash for Houses and Jeff Oman who is a real estate agent for the transaction. March 25, Cash for Houses entered into a Purchase Agreement to purchase this property subject to the renovations being made.

Moermond:

Actually, they didn't make it that way. We said you can't do a Purchase Agreement because it is a Cat 3. We pulled it back and now we should be moving forward with something consistent with code.

Hollingsworth:

Fair enough. I am covering for one of my colleagues. It was Cash for Houses that actually paid the \$5000 bond required by the City.

I came today believing that we were moving forward but, yesterday, Mr. O'Sullivan and his daughter arrived in town and found a dumpster in the front of the property and all of Mr. O'Sullivan's personal property in the dumpster, which has thrown things into a wrinkle this morning where Mr. O'Sullivan's daughter is very emotional. Mr. Franzen is feeling uncomfortable about this deal. For right now, though, I think we'd like to move forward with the legislative hearing process. Assume the sale is moving forward and if it ultimately blows up, it happens at a time other than today.

Moermond:

How did Mr. O'Sullivan's possessions end up in the dumpster?

Hollingsworth:

Mr. Franzen admits his crew acted prematurely.

Moermond:

As of Friday, the contract was unsigned.

Hollingsworth:

I don't have a signed contract in my files. But because of what you were saying...

Moermond:

Yes. You can't sell a Cat 3. There is an agreement here attached to the materials that we were sent on Friday, called Construction Services Contract. It is an undated and unsigned contract. Have you signed this contract? No. Mr. Ohlman is saying no.

Mr. Magner, catch the record up.

Steve Magner:

A letter sent March 28, 2019, sent to Southern MN Regional Legal Services and Todd Franzen, to confirm the Legislative Hearing Officer continued the matter to April 9th provided the owners post a \$5000 performance deposit by the close of business on Friday March 29th. If this is met, the following conditions must be present on or before April 9th: 1. provide a signed contract between Mr. Franzen and Mr. O'Sullivan; 2. a detailed work plan or sworn construction statement with timelines for completion in accordance with code compliance; 3. submit bids from contractors and subcontractors; 4. provide documentation of financing; 5. if personal funds will be used, an affidavit must be provided stating funds will be set aside for the rehab; 6. the property must be maintained.

As of today, we do have a performance deposit. We do have a work plan with a timeline. We have subcontractor bids. We have a copy of an agreement between Mr. O'Sullivan and the party that plans to do the rehabilitation. The contract is not signed and the construction service contract doesn't go into transfer of ownership. The City doesn't care once the Code Compliance Certificate has been issued. Mr. O'Sullivan can do what he wants with the property once that happens.

Moermond:

The plumbing bid looked a little slim, but the mechanical bid picks up the bulk of it.

Magner:

Part of the Code Compliance was about the gas dryer. It notes in there they don't plan to have the gas dryer. Then there would be no reason to vent it or pump gas to it. A permit will have to be pulled sometime in the future if an appliance shows up.

Moermond:

Did you mention we need a fresh copy of the work plan?

Magner:

There's one section of the work plan, specifically the timeline...

Moermond:

The headers indicating when things will be done. They're not visible. It's the shading.

Magner:

Our electronic copy has the same problem.

Moermond:

We'll need a fresh copy of that. We'll need a signed copy. The title will not be transferred until the completion of the work. What were you looking for?

Magner:

I think we can just write that in. So, according to this copy, which is still dark, those dates are 6/17, 6/24, and 7/1

Moermond:

A signature on the agreement, obviously, and revised to reflect the title won't transfer until the rehab is complete. Can you have something to my office in a week?

Hollingsworth:

Hopefully that gives everyone time to cool off from this morning and decide how they are moving forward.

Moermond:

I didn't see anything about the funds necessary.

Megner:

We do have a letter from Community Resource Bank indicating funds well in excess of that needed for rehabilitation of the property. Well over \$200,000 are titled to this LLC.

Moermond:

We need an affidavit to go with this, though. It says the money is there but it doesn't say the money will be spent for this which is something that you, the owner of the account, could say. I think your cost estimates were about \$70,000. It should say something like \$70,000 will be set aside for the purpose of rehabbing this house. What I've seen happen too many times, is someone takes the money and buys another property instead of fixing the one up. And I've waited six months of the City's time waiting for someone to do something they're not going to do. So, an affidavit, a commitment, from you to set aside \$70,000 from these monies for this purpose.

Franzen:

OK.

Moermond:

That'd be great. Ms. Vang can send you a sample. That clause in the contract, saying you won't complete the sale until the work was done, and signed and dated contract. Let's say it will be in our hands in a week's time and I will have it in front of City Council. If this works, are you ready to go on it.

*Franzen:
Yes.*

*Moermond:
I will put it in front of City Council April 24, for them to vote on it. I hope it works out OK for you. Take care.*

FOLLOW-UP 4/17/19: Cash for Houses announced they were pulling out of this project. Laura Orr at SMRLS indicated she has been in talks with Habitat for Humanity to do the work with a new grant they have for working with elderly owners. Will ask for referral to Legislative Hearing May 14, 2019 and Council May 22, 2019 to be able review potential Habitat plans for the property.

Referred to the City Council due back on 4/24/2019

- 2 [RLH RR 17-19](#) Ordering the rehabilitation or razing and removal of the structures at 412 GOODRICH AVENUE within fifteen (15) days after the July 19, 2017 City Council public hearing. (Public hearing continued from March 21) (To be referred to Legislative Hearing on October 23)

Sponsors: Noecker

Continued to April 23. Owner to provide all necessary conditions.

Laid Over to the Legislative Hearings due back on 4/23/2019

- 3 [RLH RR 19-11](#) Ordering the rehabilitation or razing and removal of the structures at 489 SHERBURNE AVENUE within fifteen (15) days after the March 27, 2019 City Council public hearing. (To be referred to Legislative Hearing on April 9)

Sponsors: Thao

Layover to April 23. In the interim, the house needs to be clean-out.

William Stuff attended by phone.

*Moermond:
After learning how helpful the Southern Minnesota Regional Legal Services was in the earlier case, I think it would be helpful to involve them in this case. Mr. Stuff would benefit from having an attorney involved, instead of neighbor volunteers, who may or may not understand the legalities involved.*

*Magner:
I agree.*

[Ms Vang calls our to Mr. Stuff and he attends the hearing by speaker phone]

*Moermond:
Mr. Stuff?*

*Stuff:
That's me!*

*Moermond:
This is Marcia Moermond at St Paul City Council.*

*Stuff:
I got the flu really bad.*

*Moermond:
How's the clean out on the house going?*

*Stuff:
The dumpster is in place. I talked to Quick Clean and they're coming out next week, I believe. I talked to Craig, are you familiar with Craig?*

*Moermond:
No.*

*Stuff:
Lauren set the whole thing up.*

*Moermond:
That's great. I am wondering if you would be willing to talk to an attorney to help you in this process. I think we could get you somebody for free, from Southern Minnesota Regional Legal Services. Someone to review the documents with you and help you navigate the process. Is that something you are willing to look at?*

*Stuff:
What documents are involved?*

*Moermond:
What we will be talking about is the work plans for getting the house fixed. Eventually, you said you were thinking of selling it. I think they could help you with any documents there. Certainly the resolution in front of the City Council is an important document that is going to be happening. You've got some great neighbor volunteers but if we could get someone to cover your legal stuff...I think of it because I had an earlier case of a gentleman in the same situation and those lawyers came with him and they pretty much pulled together the agreement to make it happen and I want to suggest that to you.*

*Stuff:
What I was really hoping to do is get it cleaned out and get contractors in for bids and estimates on what it's going to take and then go in Neighbor Work and talk to Amanda and she's affiliated with financial help and see what I can get to fix the house up. Once I get a Certificate of Occupancy, that's all I need, right?*

*Moermond:
That's exactly right.*

Stuff:

After I get it all cleaned out, I need a roof ASAP, furnace, water heater, and some structural in the front entry where the chimney fell through the roof. I was hoping to get some financial help from Amanda at NeighborWork. She said she's got financial backing that will help me and they'll put a lien on the house after work is completed. If I die, move, or sell the house, they'll take their money off the top. Does that sound correct?

Moermond:

I don't know because I haven't seen the financing on that.

Stuff:

First I have to get the house cleaned out and get contractors in to give me a ballpark figure on what it's going to take, financially. The clean out should be underway at least by next week. According to Craig. Do you have Lauren's number?

Moermond:

Yes. I do.

Stuff:

Lauren Lightner. She is setting up the whole thing.

Moermond:

OK.

Stuff:

OK? Maybe give me another chance for a hearing in, whatever Lauren said it would take, what the timespan would be.

Moermond:

Well, since we didn't get to talk today, I would like to talk with you in a couple of weeks so that we have steady communication. Two weeks from now is April 23.

Stuff:

She sent you a email.

Moermond:

I got an email from her a couple weeks ago.

Stuff:

No. Yesterday, that's what she told me.

Moermond:

I didn't get it before 6 last night.

Stuff:

It would probably be a good idea to check with her about the situation.

Moermond:

I am counting on you being the one in charge because it's your house.

Stuff:

Yes. Right. But as I say, there's nothing I can do until I get it cleaned out and

contractors, technicians, and tradesmen coming in, giving me ballpark on what it's going to cost.

Moermond:

Sure. It's clean-out, ordering the inspection, you need the inspection report before you put your contractors through, and then the contractors. I'm sure NeighborWorks will want to be involved in that.

Stuff:

Do you have NeighborWorks number?

Moermond:

I do.

Stuff:

Talk to Amanda. She will give you a heads-up on what is happening or should be happening. I'm not quite sure myself. I've been living in the street for a year.

Moermond:

I know. Are you inside right now?

Stuff:

The homeless people on the Green Line have got the [inaudible]. It was that rainy weather last week. Everybody got wet.

Moermond:

Yeah. Are you someplace warm and dry right now?

Stuff:

Yeah. One of my friend's basement house. I can't eat, I can't sleep. It got too nasty. Coughing up green gobs and my ears got full and the virus went into my ear. I'm just a mess.

Moermond:

I'm sorry to hear that. Hopefully you will feel better soon. We are going to mail you a letter to 489 Sherburne. Do you want us to also mail it to your sister?

Stuff:

Send it to Sherburne, that would be the best.

Moermond:

OK. That will confirm that we will talk in two weeks, on April 23rd at 9AM. And in the meantime, let's get the house cleaned out and get the Code Compliance Inspection ordered.

Stuff:

Check with Lauren and see if that is in the timespan of the clean-out. Give me a message on my phone. I had a hard time hearing my phone ring today. Had a bubble in my ear. I'm going to NeighborWorks next week and see what could happen. Is there any reason to get involved with Southern Regional Legal thing at this stage.

Moermond:

You would be well served to have someone representing you in this case. I am saying we need to get the house cleaned up in the next couple of weeks. I will talk to Lauren

and tell her that. We need to get that house cleaned out. Take care of yourself.

Stuff:

Thank you for calling.

Laid Over to the Legislative Hearings due back on 4/23/2019

- 4 [RLH RR 19-18](#) Ordering the rehabilitation or razing and removal of the structures at 530 GERANIUM AVENUE EAST within fifteen (15) days after the May 8, 2019 City Council public hearing.

Sponsors: Brendmoen

Layover to April 23. Owner to apply for a new code compliance inspection by April 23. Once a code compliance inspection is applied for, she will need to a \$5,000 performance deposit posted no later than May 1.

Ms. Moermond is also looking for the following conditions:

- 1) the property taxes must be paid or provide a Confession of Judgment;
- 2) a work plan, including timelines, for the rehab;
- 3) submit general and subcontractors bids;
- 4) financial documentation (a line of credit, sworn construction loan or a bank statement) dedicating the funds to be set aside for the project.

Luu Omar, appeared.

Moermond:

I will get a staff report and we will talk when he is done.

Magner:

The building is a 1 ½ story wood frame, single-family dwelling, detached garage which was converted into a storage facility. Sits on a lot of 5,207 square feet. Corner lot. Has been vacant since 2012. Current property owner is listed as Luu Omar per Ramsey County. On December 5, 2018, an inspection of the building was conducted. A list of deficiencies and nuisance conditions was developed. Order of vacancy was posted January 2, 2019, with effective date of February 1, 2019. As of this date, the property comprises a nuisance as defined by the legislative code. Taxation lists market value of \$9,800 on the land and \$122,000 on the building. Real estate tax for 2017 and 2018 are delinquent in the amount of \$1784.49. Property is scheduled for tax forfeit on July 31st, 2019. Vacant Building fees were paid by assessment on October 1, 2018. Code Compliance Inspection was done on February 26, 2016, and has expired. The \$5000 performance deposit has not been posted. There have been 49 Summary Abatements since 2012. There have been 34 work orders for garbage, rubbish, grass, weeds, snow and ice. Code enforcement officers estimate the cost of rehab in excess of \$50,000 with demolition starting around \$15,000.

Moermond:

There's a lot going on here, Mr. Omar.

Omar:

The [inaudible] part [inaudible] vacant [inaudible] the house and [inaudible] I don't know exactly [inaudible]. Sometimes when I get there, I try to move it. [inaudible] a lot of times, [inaudible] vacant and trashing it. The other thing is there's a garage in front of the house [inaudible] and when I purchase the property

Moermond:
When did you buy it?

Omar:
2014. January 14. [inaudible] on the garage. I purchase, the garage [inaudible] included. I tried, a couple of times, the DSI and they said I had to call [inaudible] number. I was [inaudible] the garage was the neighbor's house because when you come out of the garage, there's stairs coming out of the garage that goes to the neighbor's house. So the garage has the access that actually goes to the neighbor's house. [inaudible]

Moermond:
So, you've talked a little about the building and about how stuff arrives in your yard. It looks like you bought the property five years ago and you haven't paid property taxes at all since you purchased the property. Have there been any building permits pulled?

Omar:
Yeah, I did [inaudible]

Moermond:
And that's probably expired.

Omar:
It expired recently. The Cat 2 one expired. And I tried to sell it as a Cat 2 home and then when I purchased [inaudible], the contract, they have on there Cat 3. So I told them I can't sell the property and they got [inaudible] there's a chance of not.

Magner:
According to the aerial, there's a house in the front by the street and an accessory structure in the rear. But the garage, if you're looking at it from the backyard, there's a garage here for the neighboring property, 1137.

Omar:
That's a shed, not a garage.

Magner:
This, right here, is your house. A thin lot that runs toward the back there's an accessory structure, a shed. The garage you were talking about is 1137. That garage belongs to this property. So, just so we know what we are talking about, a single family structure on a property with a shed, no other structures. We've cleared that up.

Moermond:
I'm hearing you don't have the money to fix it right now. You would like to sell it to somebody who could fix it. You found yourself in Category 3 status. It's not likely that you're going to be able to get the money together to fix it?

Omar:
The only choice I have is to get a loan to do it and that's when I realize, interest and everything [inaudible] taxes so I was trying to sell so I can pay the taxes. The companies [inaudible] they don't allow properties [inaudible] can do everything they need to do the house. [inaudible] I didn't notice Category 3 before [inaudible]. I sold it and insurance agent told me [inaudible] Category 3. [inaudible] taxes and all that stuff.

Moermond:
Are you living in Prior Lake?

Omar:
Yes.

Moermond:
This letter was sent to you in January, an order to abate a nuisance building.

Omar:
Yes [inaudible]

Moermond:
That's what turned it into a Category 3 was when that inspection was done and that letter was sent.

Omar:
So that's when they did the inspection?

Moermond:
That letter followed an inspection. You would have gotten an appointment letter from the department to...

Omar:
That would show the appointment. [inaudible] had that.

Moermond:
You would get an appointment letter from them. They would conduct an inspection, make a finding about whether or not it was a nuisance building and send you a letter if it was. They found it was a nuisance building so they sent you a letter January 22 saying you've got to have this repaired in the next month or they will pursue a remove or repair action on the property.

Omar:
Yes. I do get a letter. [inaudible] except the one. I knew that it would get the Category 2 to move [inaudible] the appointment

[machine gets turned on so info on computer can be shared]

Moermond:
That's the letter that was sent to you, Mr. Omar, to set up an appointment for Wednesday, November 28th at 10:30. Is that when you did your inspection, Mr. Magner?

Magner:
I believe the staff went out there on that day.

Moermond:
There's a lot of photos attached to the record dated March 27th, 2019. Given the amount of snow on the ground, I'm not sure if these were taken in March or when you did the inspection and the computer put a new date on them.

Magner:

Photos are put on the camera and then downloaded. It can get re-dated if it's not done right away.

Moermond:

The record needs to accurately reflect the date the photos were taken. So, you're thinking somebody out there can buy this property and fix it.

Omar:

Yes.

Moermond:

There's a lot that needs to happen. There are people out there who can do it but they would have to do it without owning the property because the property couldn't be transferred to them until the work was done. That's a big deal for a lot of people.

Let me lay it out for you. And we will send you a letter with the information. And provide your email address, it's quicker than US Mail.

Vang:

Ms. Moermond, I sent him a copy of the OTA back in February when he contacted me. I think at that time he didn't have current address change with Ramsey County so I told him to go and correct that as well.

Moermond:

Did you say you live at Stonebriar?

Omar:

Yeah, I have a two [inaudible] Prior Lake, Stonebriar, and one in [inaudible] Chaska.

Moermond:

OK. So, one was sent to the address in Prior Lake.

Omar:

Yes.

Moermond:

To be perfectly clear, one was sent to the owner of record with Ramsey County and there is another address he has?

Vang:

I think at that time it was not sent to Prior. Let me see when that got changed. Ramsey County has the Chaska address. So, is that the correct address to be sent to?

Omar:

Yes.

Vang:

OK.

Moermond:

So the OTA went to the wrong address and you sent it to him in February.

Vang:

I think I noticed it was Prior Lake in...

Moermond:

So this Chaska address is the correct address?

Vang:

Yes. According to him.

Magner:

When did you change your address?

Omar:

I didn't change. Both are good addresses.

Marnar:

Both addresses are good addresses for you. So the appointment letter and the OTA went out to the correct address. We need to make that clear for the record.

Moermond:

I think so, too. Do you know when you sent that?

Vang:

I sent an email to him on February 27 and I said please have your current address changed with Ramsey County so future mailings will go to the correct address.

Moermond:

And he has indicated the address belongs to him and the notice of hearings did go to the correct address at the correct time. Personal service was attempted but he was not located. There was a legal server who went out to your property in Chaska to try to serve you with notification of today's hearing but you weren't findable. However, US Mail was sent and didn't come back.

Let's talk about the nitty-gritty of what we are dealing with here. There's a lot going on. If you want to fix the house, you would need to maintain the property, you haven't done that at all since you bought it. 49 orders have been issued tells me you aren't taking care of it regularly. 34 of those led to City personnel taking care of it.

Omar:

[inaudible]

Moermond:

While I would say vacant properties are more subject to that, I see a lot of vacant properties and those that nobody ever checks are subject to this because everybody in the neighborhood knows which properties somebody is watching out for and which properties nobody cares about. Whatever happens moving forward, I would expect that it be maintained.

A new Code Compliance Inspection would need to be ordered so whoever repairs it would need to have that current. That's about \$500. A \$5000 performance deposit would need to be posted. That would be refunded if the work is completed in the time that is granted to do it. There need to be work plans that show all the work from the Code Compliance is going to be taken care of. Two documents, basically, an overall schedule and timeline and then the bids from the subcontractors showing how they are going to do the work, their timelines and costs. You would need to show that you have

the money to be able to do the work. The City's estimate was that it will be more than \$50,000. If you came back and said you can do it for \$20,000, I will look carefully at the bids and make sure they line up with the inspection report.

It sounds like you want to sell it. The previous case you heard in here, the gentleman was trying to sell it but the people who want to buy it until it is fixed. They are in the process of coming to an arrangement in which the person doing the work on the property won't take title until all of the work is done. If you wanted to have someone else do it, you would need someone who would not take title until the work was done. That's a big deal.

Omar:

Do I need to bring them here?

Moermond:

If somebody else is going to do the rehab, I would want to see their information. We would want to see that they have money that is sufficient to cover all the things the bids cover. We'd be looking for %50,000 to be available in a business account, a personal account, a construction loan. There's lots of different ways people finance these things. If it's money not directly tied to the project, we'd need an affidavit committing the money to the project. Also, the taxes are going to need to be caught up.

Omar:

[inaudible]

Moermond:

Did you file for a Confession of Judgment? Is that what you are saying?

Omar:

Yes. [inaudible] some money. [inaudible] taxes. [inaudible] pay the rest. Hopefully, either way, I will sell the house before then and pay the rest of it.

Moermond:

You have a fair bit of work to do.

Omar:

Everything I need to do will be in the letter, right?

Moermond:

Yes.

Omar:

I will ask them if they want to do, like the gentleman, how they are doing it. If they say no, I'll just get a loan and do it myself. I know that most of the, the inspector, when they went in back in November [inaudible] go inside, just walk around the house. [inaudible] a lot of work. Some of the things that are left, is not the same as the last Code Compliance. [inaudible]

Magner:

Even if you are going to enter into a contract with someone, you gotta have that Code Compliance. Quite frankly, I don't know what the Hearing Officer is going to say to you, but the most important thing, if you are going to do something, is going down and applying for a Code Compliance today. Because it's going to take you three weeks to

get the inspection.

Omar:

[inaudible] inspection.

Moermond:

What's your ability to put the \$5000 performance deposit in?

Omar:

[inaudible] can do it. [inaudible]get a loan.

Moermond:

Get the Code Compliance as quickly as possible. You are meeting with Ramsey County to talk about a Confession of Judgment Thursday so we'll soon have better information from them. Are there current orders on this property?

Magner:

Last one was 2/22 for a snow walk. On 4/8/19, inspector noted that the building was secure and vacant and there was a bag of debris in the front yard adjacent to the garage which belongs to 1137. Referred that to Paula.

Omar:

Somebody said there was a bags in front of house?

Magner:

There was bags of debris in front of the adjacent garage.

Moermond:

So there was a bag near his property but not on his property?

Magner:

Yes. Not your problem.

Omar:

It happens all the time. Sometimes I go in the back yard, [inaudible] big tree [inaudible]throw more garbage than I ever did in my life [inaudible]

Moermond:

I think you need to decide how you want to move forward on this. You need to apply for the Code Compliance report right away. You need to have the application complete and a lockbox attached to the house, like you did before. I would like to talk to you again, on April 23 and have a Code Compliance report to look at. That will give me a better idea of what we are looking at, going to the Council on May 8th. Short term, order the Code Compliance in the next day ago. For the May 8th public hearing, I'd like to see the performance deposit posted, no later than May 1. On April 23, we can talk about your work plans, getting contractors to look at the work, bank loan information. My guess is you are going to need more time to put together more plans than between now and May 8. I'm wanting you to step up and do a couple things now. If you cannot do them, I'm going to think you don't have the capacity to do the work and order the building down. Ms. Vang will send you a letter confirming all of this.

Omar:

April 23. \$5000 and Code Compliance.

Moermond:

I'm OK waiting until May 1 with the \$5000. I want to have the money there before the City Council looks at it.

Omar:

May 1, \$5000. Code Compliance ASAP.

Laid Over to the Legislative Hearings due back on 4/23/2019

11:00 a.m. Hearings

Correction Orders

- 5 [RLH CO 19-6](#) Appeal of Robert Leibman to a Correction Notice at 23 ACKER STREET WEST.

Sponsors: Thao

Robert Leibman appeared.

Lisa Martin, Staff.

March 21, 2019, we sent a correction notice to Mr. Jack Leibman, trustee, 3800 American Blvd W, Suite 1500, Bloomington, 55431, and the occupant. Both properties, 23 Acker St and 27 Acker St are owned by the same owner. We have an issue with the garbage storage and the trash and recycling bins are stored on the front boulevard. However, there's a very high retaining wall. If the containers are full, getting them to the street for pick-up is an issue.

Moermond:

Do we have an aerial on this?

Martin:

I have the message to Public Works whether they considered exceptions because there are areas throughout St Paul where they have these situations where it's difficult to get these cans up and down. There's no alley.

Moermond:

No parking on this parcel, then.

Vang:

Do you still want an aerial?

Moermond:

We can add it to the record later. Put up the pictures. So 23 and 27 are numbers on the same house.

Leibman:

The white property on the left is 27 and the blue property on the right is 23. I should renumber that. The 2 is for Apartment 2. That door leads to the second floor apartment. You can see above the window, the 27.

These properties have been in existence for about 100 years. The hill has always been there. My understanding is that the street has always been quite a few steps

below the level of the houses. Photo #1 give a perspective where the cans are in front, they've always been out at the boulevard. As a practical matter, there's no place else to put them. They are heavy when full and especially in the winter, it would be hazardous to bring them up and down the steps. As a practical matter, this is the only place to put them. Photo #2 shows the 10 steps from the street level. Photo #3 shows the property two doors down which has the same issue but a much smaller hill. Photo #4 shows a neighbor with a flat yard but they don't have them in the back, they have them in the front. Photo #5 has a very small hill but the driveway is flat and they have their can adjacent to the house. We are asking for 23 and 27 condition to keep the cans in front. It's unreasonably burdensome to have to bring these heavy cans up and down multiple steps twice each week for pick-up.

Moermond:

I didn't see in the order what Code you were relying on.

Martin:

Garbage storage, Chapter 34.

Moermond:

You didn't write it under Right of Way? Previously, I have seen these under Right of Way, as well, which adds a layer to it. We want to nail down all the affected Codes. Maybe a call to Theresa or maybe just open up the book, I don't know what you guys want to do.

You are not the only ones in the City with this issue. In the corrective notice, it give the direction of what needs to happen to be compliant with the Code. I was asking for the specific Code citation. If I am going to give you a variance, I need to be able to list out the Codes. That would make the record clearer a year from now if this comes up again. I'm going to hold off making a decision until I have that in front of me. There was a similar case on the West side, on Cherokee, similar kinds of hilly properties. What they had done is build a cubby into the retaining wall to tuck the cans in. That was an issue with Zoning because it was a structure. I think we can resolve this by email.

Leibman:

I did consider the idea of a cubby but the cost of the retaining wall at 23 Acker, the blue house, that call was over \$5000.

Moermond:

I don't doubt that. Who is going to spend that much to store their garbage. When you consider the cost of garbage service, it is dwarfed. If that was something you had done, great, but I'm not asking you to do that.

I will get those Codes in front of me so I have very specific language and we will get something to you in writing. Until then, and until the Council has voted on this, enforcement is stayed. You can leave the containers where they are.

Leibman:

I only received the letter regarding 27 Acker. I am assuming both would be heard, 23 and 27. I did not appeal 23 because I didn't receive a letter on that. I would have challenged both if I had known.

Moermond:

Let's see what's going on here. I have Jack Leibman, trustee, out on American

Boulevard in Bloomington. Looks like they were issued on the same day. And also to the occupant.

Leibman:

I thought it was odd that I only received one.

Moermond:

What we come up with will be for both properties.

Grant the appeal of the St. Paul Legislative Code Chapters 357.05(i) and 34.08 and allow garbage containers to be stored on the boulevard, given the lack of any alley access or driveway serving property, as well as the geography of the property making it unsafe to transport containers up and down long series of exterior steps

Referred to the City Council due back on 4/24/2019

6 [RLH CO 19-7](#)

Appeal of Robert Leibman to a Correction Notice at 27 ACKER STREET WEST.

Sponsors: Thao

Robert Leibman appeared.

Lisa Martin, Staff.

March 21, 2019, we sent a correction notice to Mr. Jack Leibman, trustee, 3800 American Blvd W, Suite 1500, Bloomington, 55431, and the occupant. Both properties, 23 Acker St and 27 Acker St are owned by the same owner. We have an issue with the garbage storage and the trash and recycling bins are stored on the front boulevard. However, there's a very high retaining wall. If the containers are full, getting them to the street for pick-up is an issue.

Moermond:

Do we have an aerial on this?

Martin:

I have the message to Public Works whether they considered exceptions because there are areas throughout St Paul where they have these situations where it's difficult to get these cans up and down. There's no alley.

Moermond:

No parking on this parcel, then.

Vang:

Do you still want an aerial?

Moermond:

We can add it to the record later. Put up the pictures. So 23 and 27 are numbers on the same house.

Leibman:

The white property on the left is 27 and the blue property on the right is 23. I should renumber that. The 2 is for Apartment 2. That door leads to the second floor apartment. You can see above the window, the 27.

These properties have been in existence for about 100 years. The hill has always been there. My understanding is that the street has always been quite a few steps below the level of the houses. Photo #1 give a perspective where the cans are in front, they've always been out at the boulevard. As a practical matter, there's no place else to put them. They are heavy when full and especially in the winter, it would be hazardous to bring them up and down the steps. As a practical matter, this is the only place to put them. Photo #2 shows the 10 steps from the street level. Photo #3 shows the property two doors down which has the same issue but a much smaller hill. Photo #4 shows a neighbor with a flat yard but they don't have them in the back, they have them in the front. Photo #5 has a very small hill but the driveway is flat and they have their can adjacent to the house. We are asking for 23 and 27 condition to keep the cans in front. It's unreasonably burdensome to have to bring these heavy cans up and down multiple steps twice each week for pick-up.

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Referred to the City Council due back on 4/24/2019

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 7 [RLH VO 19-11](#) Appeal of John Henly, Rev Nik Contractors, on behalf of John Maranda, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1391 BARCLAY STREET.

Sponsors: Busuri

John Henly, Rev Nik Contractors, appeared.

John Maranda, Owner and Responsible Party, appeared.

This started in June, 2018, as a complaint, followed up by Inspector Thomas while we were switching division areas. Inspector Pettiford took over that area, saw it was due for a Fire Certificate of Occupancy inspection and scheduled it. Inspector Pettiford was there on 9/24, 11/6, and 12/10 when she wrote other orders. Unfortunately, at the end of November, Inspector Pettiford was involved in a car accident and she's not been doing inspections since then. Her partner, James Thomas, was assigned to take over the inspections. I received a call from John Maranda on 3/21, quite upset with Inspector Thomas, demanding a different inspector. He told me all the work was done. We made an appointment to meet the next day. I took Inspector Vue on the inspection and we found many items that were not complete or only parts of them were complete. Each item on the list says what is updated, or what's changed, or what's new. Mr. Maranda was apprised of every item on the list at the time of inspection. Part of his argument was he didn't know or somebody else was supposed to be doing it or Inspector Pettiford should have been coming out. Because of the long term on non-compliance, the revocation stands but I gave him a couple more weeks to have it completed by the 15th, which overlapped what Inspector Thomas gave him. I spoke to Inspector Thomas.

Moermond:

In June of 2018, there would have been orders issued connected to the complaint?

Shaff:

Looks like Inspector Thomas couldn't gain access.

Moermond:

What was the nature of the complaint.

Shaff:

Kitchen ceiling leaking, presumably from unit upstairs. Black chunky stuff comes out of the shower. Had black mold behind the paneling in the shower. Upper unit washing machine overflows into lower unit. During the October inspection, there was a complaint that the laundry room smells of mold and mildew, centipedes, and tiles in laundry room are dirty. Holes in living room walls. Rodent infestation. That was handled within the Fire Certificate of Occupancy.

Moermond:

Actual access to the building came September 24?

Shaff:

Yes. With Inspector Pettiford. As you are aware, the property owner lives next door.

Moermond:

Who will be starting?

Maranda:

The complaint came from a prior tenant who had some issues and kinda ran the place down. There's been all new tiles, floors, a bunch of stuff. Reason being, when James came out, there was a lot of stuff that had already been done. I was a little upset, because on the new list, it hadn't been chopped off. So, I complained about it. As far as compliance, Jill was really nice, she kept telling me I did a wonderful job. I found out through the grapevine that she had been hurt so I called to get re-inspections going again and got re-assigned. I've been pushing forward, getting some stuff done. Leanna is correct, there is a couple things I thought contractors had taken care of, but they didn't do it properly. That's been addressed. Best buy put the wrong vent on but they've put a new vent on so it took care of that. I put new soffit on last week, so it's got new soffit and fascia.

Moermond:

Tell me about who is living there now.

Maranda:

I have two tenants. The bottom people have lived there about five years. Now, everything is new, got new vanities and tiles. There's no black mold. We've addressed the driveway issue. There wasn't water coming from the upstairs kitchen; it was coming from the driveway down into the lower area. Now I've got good tenants. Put a new floor in when you come by and see that, the transition strip. New floor in the hallway.

Shaff:

In the record here, there is no permit, as is required, for the new dryer venting.

Maranda:

Best buy did that. They hired a professional company, A1 Service.

Shaff:

There's no permit, whatsoever. The last permit on the house is in 2011 for electrical, gas, ventilation. Looks like new heating appliances.

Moermond:

Whoever told you they pulled permits, didn't actually pull permits. The work that needed to be permitted needs to be taken care of with permits. You are responsible for making sure it happens. It's the contractor's license in play.

Shaff:

Ms. Moermond, I was very clear with Mr. Maranda that it is incumbent upon him, as the property owner to make sure this stuff gets done.

Moermond:

You have the contractor information from Best Buy to take care of that. It won't disappear off your list until they get that resolved and get a follow-up inspection.

Maranda:

They can pull a permit after they finish the work?

Moermond:

I think that's the only option we have. They have to pull it and get the inspection. If there's something the inspector needs to examine, the contractor will have to open it up and show the inspector what's happened. And then close it after the inspector has signed off on it. That's the danger of pulling permit after the fact. A dryer vent is visible.

Henly:

I am the general contractor. I've been working on properties for years. The reason I filed for an appeal is the way the paperwork has been handled. The original inspection was in September but that's not the inspection we are dealing with here. It's the one dated Nov 6, Fire Inspection Correction Notice.

Moermond:

What is in front of me is March 25th.

Henly:

It started out Nov 6 and there was going to be a re-inspection Dec 7th, which was done Dec 10. This is the copy I have from the re-inspection, titled Re-Inspection Fire Certificate of Occupancy Deficiencies. Then there's nothing from December until March 13. The one on March 13 says Revocation of Fire Certificate of Occupancy. Something happened between Dec 10 and the re-inspection for Jan 25, which didn't happen. John called to find out about Jill and they sent out Mr. Thomas. He's the one that did the re-inspection March 13, but it is the same document as the one dated Dec 10, with the addition of two items at the end. Instead of saying it's a re-inspection, it's a revocation. This is the issue we have, not on individual items, just the timeliness of the documents.

Moermond:

What would you have preferred?

Henly:

What happened between the Dec 10 document when there was a re-inspection scheduled for January 25?

Moermond:

So, you have a re-inspection two months later than that.

Henly:

He didn't inspect. She just said he didn't have access.

Moermond:

That was from June, 2018. That was what started this process. There was a complaint in June, 2018, around the kitchen ceiling, black mold, washer leaking. He wasn't allowed access at that point in time. He was first granted access Sept 24. So, Sept, Oct, Nov, Dec, and instead of a Jan follow-up, we go to March. And you would have preferred to have the Jan re-inspection than the March re-inspection. And you were surprised to learn in March that there was a revocation for non-compliance.

Henly:

On the first document that is called a Revocation of Fire Certificate dated March 13, signed by Mr. Thomas. It is the same as the previous document dated Dec 10. He never inspected those items. They never should have been on there.

Moermond:

There's an inspection that occurs March 22nd that reviews that same list of items and crosses off only two. That doesn't validate your statement. There still remains a lot of items and items were partially complete. It wasn't a matter of the list being closed out when it could have been. You have multiple inspections which led to the revocation. The same list of items is what we are moving forward with. Where are you with completing the work from the March 25th order.

Maranda:

#1 you can knock that out.

Moermond:

There's a note on the appeal, I assume from you, Mr. Henly. It says "what do you mean by item #1?" You're saying it's done but I am hearing a lack of clarity. You have clarity on that now?

Maranda:

Yes.

Henly:

It says provide and maintain foundation elements to adequately support this building at all points. That means exactly what?

Moermond:

Were you present for the inspection?

Henly:

No.

Moermond:

Did Inspector Shaff explain it to you, Mr. Maranda?

Shaff:

Actually, Mr. Maranda showed it to us. The stairs to the back unit were damaged and that was causing a leaking of water into the lower unit.

Maranda:

Nothing was hit. It was just cement repair. A redirection of water flow. It turned out to be something simpler than what we originally thought.

Moermond:

So we are all on the same page on item #1. Tell me about #2.

Henly:

After #2 gives the problem, it tells you more specifically about where the problem is located. That was why we had trouble understanding what #1 was.

Maranda:

I took a video of #2 an hour ago. I do know what Leanna was talking about. It's been painted and fixed.

Moermond:

So your question, can I cut foam out and paint the wood and passed, that has been resolved?

Henly:

Yes. These are my personal notes on the side. Pass control on #3 has been handling things. They did one spray on the 12th and they are coming back to do another one that I've paid for.

Shaff:

Are they spraying inside and outside?

Henly:

Yes.

Moermond:

Ms. Shaff, you would be looking for documentation from the company? About the work they did perform. So, a receipt about the work that was performed would suffice.

Shaff:

Absolutely.

Moermond:

We have the interior on both units. We have odds and ends of places that need repair around the duplex. How's that going?

Maranda:

Wonderful. #4 has been addressed except I haven't painted the laundry room. I was going to do it today after 3PM. I had John do the caulking on the holes where one of my other contractors fell short.

Shaff:

What kind of caulk did you use?

Henly:

That was another issue. Originally it was done with fire block spray foam.

Shaff:

That's not an approved material. Read what the label says for approved use.

Maranda:

We redid it with the 3M fire...it's yellow. The tube of caulk is on top the water heater. John's done a great job but when they come out to do a re-inspection, they add items on. When is it ever done?

Moermond:

We have a list that is smaller than the last list. I am hearing that things are partially addressed and what you are talking about is a very good example of how things have been partially addressed. We're getting it completely addressed now. I really don't want to focus on complaints about past inspections but on how to get from where we are now to getting the Certificate reinstated.

We have everything done except painting the laundry room.

Maranda:

#5 is an issue because of the permit. I need to make a phone call.

Shaff:

About the electrical fixture in the northwest bedroom, the Electrical Code doesn't require a permit if you are just replacing a fixture. It has to be done by a licensed contractor, so I am satisfied with the paperwork. I have a receipt from the electrician.

Moermond:

#6, a window crank and you have a note here that it is done.

Maranda:

Got the crank. Took one from my house, from the window downstairs.

Moermond:

#7, the laundry room floor needing replacement and the transition strip was missing. So, that's all done?

Henly:

He redid the whole laundry room and he was intending to replace the hallway floor as well. That's why the transition strip wasn't installed yet. They didn't even call for the hallway floor to be done but he decided to do it anyway. So, now that's done and the transition strip is done. There's a new floor in the laundry room and in the hall.

Moermond:

Good. #8 lower unit heat register repaired but upper unit register cover has holes in the top near the bathtub

Maranda:

Small dime-sized hole, not fixed. On my list.

Henly:

That was a new item on there.

Maranda:

The tenant voiced it when Leanna was there and I didn't know about it.

Shaff:

It was on the orders before. Item #4 on the March 13 orders. It's not a new item, just

more explicit about where it was.

Moermond:

So that still needs to be done but there's no confusion about what it means. Rear entry storm door edge is missing. Done. That's #9. Couple of items for the upper unit here. The exhaust duct on the dryer; we talked about the permitting for this.

Maranda:

Brand new LGs. \$3000 on new appliances.

Moermond:

These guys will not sign off until they see a mechanical permit signed off. In the lower unit, we've got one hour holes in the ceiling in the boiler room around the piping. There's also a hole in the ceiling near the door. Ceiling needs to be repaired properly. Wasn't complete on the re-inspection. Was it partially done?

Shaff:

Need to be done with correct materials.

Moermond:

New materials going in. And then you have Revocation for non-compliance. I think it would be reasonable to put a few weeks on this. Everything is stayed until we finish our conversation. What do you think? I think the longest one is getting your contractor to call in about the permit. The others are ones you will take on. I would be comfortable giving until May 10 and putting it before City Council April 24.

Maranda:

I agree.

Henly:

I was hoping to have the Revocation disappear from my paperwork. I fear it could be just a paint chip. It doesn't seem fair. Jill reassured me I was doing a wonderful job. And then to be cast into the runway...I was hoping that could be erased from the paperwork.

Moermond:

What I am looking at is long-term non-compliance, starting in September and not being completed in March. I'm looking at five months of orders hanging on. You did not appeal the March 13 revocation order. You came in April 3, several weeks after the revocation. I think you have a path out of this. If something happens with the furnace or boiler and the inspector is there, is that something that needs to be placed on the orders. Yes. I want to work with you but I think if it had been inspected in January, it would have been revoked. Standard procedure, three inspections, not done, revocation. Was Inspector Pettiford clear enough about that? I don't have any idea.

Shaff:

I do. I spoke with Inspector Pettiford today and she expressed her difficulty in getting Mr. Maranda to understand and was frustrated about having to go over it and over it and not getting compliance.

Maranda:

Jill and I had great understanding. That's a grey area for me. It's the time from when she got hurt.

Moermond:

You will have an opportunity to speak to the City Council about that. The items on the orders still exist eight months in. The revocation stands.

Grant to May 10, 2019 to complete the Orders.

Referred to the City Council due back on 4/24/2019

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 8 [RLH FCO 19-41](#) Appeal of Bruce Johnson to a Fire Inspection Correction Notice at 138 BATES AVENUE.

Sponsors: Prince

Bruce Johnson appeared.

A.J. Neis, Staff:

This is a Fire Certificate of Occupancy notice. The item that is being appealed is a sleeping room exiting through another sleeping room. Apparently there's a loft with a sleeping room on the upstairs. They've got beds in both areas. Is there an escape window in the loft?

Johnson:

Yes. And in the other room. You come up a flight of stairs from the first floor and it's just a handrail that separates that loft from the lower part of the unit.

Moermond:

Somebody sleeps in that area?

Johnson:

They do.

Moermond:

I'm not clear where the doors are.

Johnson:

I can describe it. Here's downstairs. You walk up a flight of stairs, come to a small landing and this is a half of a handrail. This is the loft area. Right here are two windows. You walk through the loft over where the stairs started and that goes back into a door into the back bedroom.

Moermond:

It's almost like they are sleeping in a hallway.

Johnson:

The loft is 12 feet by, like, 18 feet.

Moermond:

It's open to the stairwell, well, there's the railing.

Johnson:

There's a full wall on the backside.

Moermond:

The stairs take you into the loft area. You have to go through that to get to the bedroom. Is there another door separating the stairway from the loft? It doesn't look like it. It looks like you are straight in.

Johnson:

It's open.

Moermond:

You really don't have a lot of privacy from the other bedroom. So, it's a kid's bedroom.

Johnson:

Not a lot of privacy. It's a Hmong family, traditionally sleeping together in the same room. I suggested to them to sleep separately so that's what they did. The sleeping room is huge, but having four beds in there was kind of awkward. It's been that way for 20 years; you've inspected it three times before. Four other units, you've done the same inspections. Never once called it out.

Moermond:

Could you diagram what you described? [Johnson describes as he draws] Window...window...door. Is this really adjacent, though?

Johnson:

This is story and a half building. The roofline goes up here.

Neis:

The issue with this, especially in a loft area, especially in a story and a half, it's probably the most dangerous area for someone to be sleeping.

Moermond:

Better off in the bedroom?

Neis:

Here's why. We teach people to sleep with their door closed. We all know smoke migrates up. If that's an open loft, all the smoke and heat will migrate up and bank down on them. If there's a fire, you are putting them in smoke. Worst possible case scenario.

Moermond:

Is there a door at the foot of the stairs?

Johnson:

No. It's just a doorway, 36 inch doorway. My concern is having that number of people in the back bedroom. These aren't angled rooflines.

Moermond:

While I respect your thoughts on the smoke travel, I am wondering if there is actual Code that would govern sleeping rooms in this way and I'm not sure that there is.

Neis:

That's what we cited. Egress shall not pass through sleeping areas. It doesn't say sleeping room, it says sleeping areas. There's two beds there...

Moermond:

That is a separate argument from what you are making.

Neis:

The Code clearly says it. Rooms that [inaudible] shall not lead through other sleeping areas. That's your decision but, the Code is very clear on it. It doesn't say sleeping rooms or anything like that, it says areas.

Moermond:

It does say room when they call it out. I've always viewed that Code to the person in the sleeping room being able to have direct access out, not having people sleeping in the middle area. What you are saying would apply to someone sleeping in a living room.

Neis:

It could if the path was ... [inaudible] if the path was a clear delineation of, ah, some of that, over somebody else... [inaudible] offset the other area. They're not doing a direct pathway through the sleeping area. But, I understand what you are saying.

Moermond:

I don't know what to tell you. The Code Citation is dated. It's not a current Code Citation. Oh, I have the 2007 Code. That had to do with patient sleeping rooms.

Johnson:

Not running a hospital.

Moermond:

Actually MSFC 1014.2.4 says egress should not pass through [inaudible], closets or spaces used for similar purposes. I'm not seeing what you are referring to.

Neis:

Egress from room or space shall not pass through adjoining or intervening rooms or areas that...the area or rooms are not each provided a discernable path of travel.

Moermond:

Number 4 is what is actually cited. Here.

Neis:

OK. 1014.2.3. Means of egress from dwelling units or sleeping areas shall not lead through sleeping rooms, toilet rooms, or bathrooms.

Moermond:

So, the actual citation should be 1014.2.3. Am I right?

Neis:

Yeah. It was off by a decimal point. Which makes a difference!

Moermond:

Can you get them all in the same bedroom again?

Johnson:

No. Here's my concern. We've owned it for 20 years. It's always been used as that. Inspected in the past. They've gone through and seen the beds there as well.

Neis:

I can't speak to the past inspections. If the inspectors missed it before.

Johnson:

You can't miss walking past...

Neis:

The inspector didn't know that was a violation. There's a possibility they didn't know...

Johnson:

I understand. But, the same inspector was at my other building, right next door, same style, less than six months ago and didn't write it up.

Neis:

Same inspector here?

Johnson:

Yes.

Neis:

OK. Was at your building next door? Same situation?

Johnson:

Exact same building.

Neis:

I wish I could give you an answer to that. I would like to investigate that myself. I'm not disbelieving you whatsoever. That is concerning to me, that they caught it in one and not the other. I can't tell you what they saw when they were there. They do make mistakes.

Johnson:

If you want us to keep affordable rents for families, especially immigrant families, and try to teach them lifestyles, this will limit what I get for tenants.

Neis:

I don't disagree. That is something that us, as a City, considers very important to us. Being that said, it does not make it mean we can make it any less safer. Codes are clearly...

Moermond:

I am struggling with this. One of the cures is to stop using that as a sleeping room which is not the landing area, the actual bedroom. Because the Code seems to speak to the bedroom, not to the landing. This sleeping area should not egress through another sleeping area.

Neis:

That's what the appeals process is for. We have to send it...

Moermond:

Thank you, A.J. I'm going to read this more carefully.

Johnson:

I understand the struggle. The inspector said I could put them in the living room but then I'm walking through a front doorway. To me, that's worse.

Moermond:

If we did something to mitigate the concern of that middle room, I thought of, a door at the foot of the stairs. If there is a doorway, could a door be hung? Let me mull this over. I'm going to put this out two weeks.

Neis:

I will be on vacation until the second week of May.

Moermond:

I'm comfortable pushing this to May 14. I would like to have a decision and mail it to you. We can use that time to discuss it.

Johnson:

I can take it to City Council.

Moermond:

Right. I would like to have my decision in your hands before that day.

Recommendation is forthcoming.

Update: grant the appeal on the condition that there be no locks separating the upstairs rooms and that there be smoke and carbon monoxide detectors/alarms in all locations required by the state and local codes. Ms. Moermond also stated that the recommendation to grant the appeal is based on the character of the upstairs hallway/loft area functioning more as a hallway and egress route than a closed, individual sleeping room. Therefore, egress for those sleeping in the closed bedroom is not impeded its exit through the hallway/loft area which has no separate 2nd door serving it.

Referred to the City Council due back on 5/1/2019

9 [RLH FCO 19-43](#) Appeal of Bernetta Romero to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 456 LAWSON AVENUE WEST.

Sponsors: Brendmoen

Bernetta Romero, contract for deed holder, Jaime Romero, son, Angela Skaggs, fiance, appeared.

A.J. Neis, Fire Inspector Supervisor:

This is a Fire Certificate of Occupancy notice issued by Inspector Franquiz. Process started in Nov, 2018. There were multiple attempts to reschedule. The inspector was informed that there was a sick family member and he accommodated that. He rescheduled the appointment to January. There's been multiple sets of orders, multiple appointment letters, and the file has lots of pictures. The property is in poor condition. I have reviewed the inspector's orders; everything seemed accurate. Quite honestly, as his supervisor, I am surprised it hasn't gone through revocation or condemnation based on the violations. I can pull the photos up on the screen if that would be helpful.

Moermond:

Bring it up in case we need it. When did the inspections occur?

Neis:

The first C of O inspection was Jan 4, 2019, then Feb 13 was the re-inspection date. That inspection was done and then re-inspection Mar 19. Multiple attempts to inspect. Mar 21 with re-inspection for Apr 19.

Moermond:

I will find out what the worst violations were but I would like to find out from the appellants...in the appeal it says "we feel this inspector is being too harsh on us and some of these repairs are completely out of bounds. One example, the yard is muddy. This inspector gave us things to correct that were impossible to correct due to cold weather months, like repairing the roof and painting. The back parking area when the City Enforcement came to the house on Friday, March 22, he informed Angela that the only reason we are being treated as a rental property is the sellers have not filed the paperwork with the County."

I want to talk about the building conditions and the orders. These will continue whether it is treated as an owner-occupied property or as a non-owner-occupied property. Then I want to learn about what is going on with this contract for deed.

Who is buying it on a contract for deed, and from whom?

Angela Skaggs:

Bernetta Romera is buying it on a contract for deed from Delisle

Moermond:

Does Delisle show up in the tax record?

Vang:

Owner is Jeffrey Delisle and Thomas Delisle, contract for deed Bernetta Romero. Relative Jaime Romero.

Unidentified male:

Who is Ulysses Benton?

Skaggs:

He is the previous owner of the home.

Moermond:

Can you tell me where you live?

Bernetta Romero:

80 West Delos St.

Neis:

This is where there is a miscommunication. We're not treating it differently. The paperwork has been filed. It shows the owner, which is Mr. Delisle, and the contract for deed owner, which is Mrs. Romero, is correct, but she doesn't live in the property. Since she doesn't live at the property, she is technically the landlord or responsible party who should maintain the building.

Moermond:

And she seems to have assigned that C of O responsibility to the occupants. They are showing up on your letter?

*Neis:
That's my understanding.*

*Moermond:
Ms. Romero, you own this house?*

*Ms. Romero:
Yes.*

*Moermond:
What is the relationship between you all? You are the son and you are the fiancé.
You bought this house for them, then?*

*Skaggs:
We didn't have the paperwork and we were in a desperate situation and she got the home for us.*

*Moermond:
You were in a tough spot, you got help. Mom bought the house. I assume you are helping with payments, if not making the payments.*

*Skaggs:
We aren't making any payments, she is doing it all.*

*Moermond:
She's carrying the water on it. Who is financially responsible for the repairs?*

*Skaggs:
We've all kind of been working on it. I have no income. He has very little income.
And she is working on this home and her house. It's really hard for us to budget this.
Also, some of the repairs have been completed but they are still on the list. I don't know why they are still on there.*

*Moermond:
What's the best place to begin. Do you qualify for the Rental Rehab program based on the fact that it is being purchased on a contract for deed? Does that matter for the program?*

*Skaggs:
They said contract for deed is eligible.*

*Moermond:
That is the target I am looking at now. What I'm hearing from Mr. Neis is some pretty serious things are going on. What I am hearing from you is you have addressed some things and you would like them removed from the list. I am guessing that the serious things are going to be more expensive. Mr. Neis, there's a couple of weather dependent things on here that the department and I would be happy to do an extension on.*

*Neis:
Absolutely. The comment about the yard being muddy, our inspectors are usually*

reasonable when they see muddy yards but when you look at the pictures of the yard, it's more of a...not just muck, it's the urban blight bestowed upon the neighbors with all the stuff back there. It's an accumulation of a lot of things.

*Skaggs:
It's all gone.*

*Neis:
Perfect. If it is, that's great. There's a lot of photographs, bear with me. It is the mud but it's the combination of*

*Moermond:
Is there run-off concern or erosion concern here?*

*Skaggs:
The foundation is cracking and splitting off...*

*Moermond:
On the outside? Is that a coating on the foundation or the actual brick, a skim coat?*

*Skaggs:
Cement. Two inches. Look at the picture. See white sticking out of the bottom of the house? That's the foundation cracking.*

*Moermond:
Water has infiltrated.*

*Skaggs:
That's how we got the mold. Which is all cleared up. We have everything to redo the foundation. We just purchased that recently.*

*Neis:
All the garbage is gone? The trailer or camper?*

*Skaggs:
Yes.*

*Neis:
Excellent.*

*Moermond:
What are the most critical issues? We can set the roof aside for a minute.*

*Neis:
The roof and the foundation. He doesn't have notes about it being structurally unsound. He's got notes, tuckpointing and that. From a life safety standpoint, some of the windows #9 can't be opened.*

*Skaggs:
They open.*

*Moermond:
When they open, do they stay open or do they slide shut.*

Skaggs:

They stay open. They can be closed but they can't be latched yet. We are working on that.

Neis:

So, #9, 12,13, the dryer vent is actually disconnected, so it's venting carbon monoxide back into the home.

Skaggs:

#12 was completed.

Neis:

This work will require a permit; there's not permit on file. Did you hire an electrician?

Skaggs:

My brother is an electrician. He was supposed to pull a permit.

Neis:

Is he licensed in St Paul? The inspector's pictures are dated March 21. They weren't done. Here's an example. A smoke alarm that's hard-wired...there was some other electrical work that I saw. There's a missing cover plate.

Skaggs:

That's not missing. That's actually a metal one. Smoke detectors are up.

Neis:

The comment was made that they were there when the inspector was there. And the inspector has time-stamped photographs clearly showing they were not. Dryer vent, open junction box.

Skaggs:

All that stuff is gone. We did it in two days.

Neis:

These are left and exposed open. That's not acceptable. [inaudible] breakers, etc. [inaudible] workmanlike manner, was not done.

Moermond:

We have significant electrical work. Your brother needs to pull a permit.

Neis:

Is he licensed in St Paul?

Skaggs:

As far as I know.

Neis:

That may be why he didn't pull a permit. He may be a qualified electrician but the contract he works under, with his employer, may not allow him to do side jobs. If his employer isn't willing to pull the permit under the company's name, that might be where the issue comes in. Is he self-employed?

Skaggs:

I'm not sure. All I know is, he's an electrician.

Neis:
The work is not done.

Moermond:
We left off after #13

Neis:
#15 is done. #17, items blocking the window.

Skaggs:
That's taken care of.

Neis:
#21 has to do with electrical. #21.22...

Skaggs:
May I say something about the light fixtures? My light fixture that was in the front room area, I ended up pulling it down. That was already passed from prior inspection already. And he marked it down as it wasn't [inaudible] so I don't know.

Moermond:
This order seems kind of general. There are light fixtures that are not properly installed. I did see in the photos a couple of examples of fixtures not secured properly.

Skaggs:
We put that tape up there because they made it a square in the ceiling and bees were coming through and we don't know why.

Neis:
Can't use tape like that, using electrical tape or duct tape to patch a hole to prevent bees from coming through, that's a problem. Here's another light fixture, dangling from the wires.

Moermond:
The track lighting is hanging loose and it's hard to say if it's a one screw job or something more serious going on there.

Neis:
Ceiling fan, blades that are bent. Those things are calibrated. When you turn on one that is bent, it wobbles and can actually jiggle the fixture right out of the ceiling. If it's there, it has to work.

Skaggs:
That is tar from tarpaper that we put on the windows to

Mr. Romero:
Keep the heat out. Air conditioning.

Neis:
So, 21, 22, 23, 24, 26, 27, 28, for life safety, that's where we have to go. So, 9, 12, 13, some of this may be done, 15, 17, 21, 22, 23, 24, 26, 27, and 28.

Moermond:

You printed out the Rental Rehab loan application yesterday. Mrs. Romero, it seems though you are the one who will have to apply for that money. Is that something you are prepared to do? It looks like a lot of repairs are needed for that property and you will need to be familiar with that program.

*Mrs. Romero:
I would have to think about it.*

*Moermond:
Of course. It's not a small decision. Normally I would look for a work plan to get an idea of how you plan to approach these items and the timeline. The items that were called out as life safety issues will need to be addressed first. Given the severity, you are a borderline case for being condemned. And you leave the borderline the longer this goes unaddressed.*

Your brother is an electrician. The electrical work will need to be done under permit or it can't be crossed off the list.

*Skaggs:
Do you have the pictures from the first [inaudible]?*

*Neis:
Sure.*

*Skaggs:
There was actually a cord that was hard-wired to the electrical box. To the dryer. That's what my brother removed and corrected the wiring.*

*Moermond:
That's what he did, he didn't do any of the other stuff?*

*Nei:
That's not on the list.*

*Skaggs:
The very first list.*

*Neis:
He abated it on this list.*

*Moermond:
You've got a lot of stuff going on in your exterior yard. Pictures from January show pallets, garbage.*

*Skaggs:
All gone. Every bit is gone. Nothing in the yard except two wheelbarrows and a shed.*

*Moermond:
This is going to be considered a non-owner-occupied home. Mrs. Romero does not live there. I get that you are family, but it is not the same thing.*

*Skaggs:
If a taxpayer lives in the home, doesn't that qualify them as a partial owner?*

Moermond:

Mrs. Romero is registered as the owner with the County. Her name is what is on here, not yours. What does Ramsey County show.

Vang:

It has three names.

Moermond:

Mrs. Romero on Delos, no doubt the Delisles on Rice St., Jaime Romero.

Moermond:

So you are on there. As a relative though. Is that a relative homestead?

Neis:

Yes. It's between rental and a relative homestead.

Moermond:

If your name were on the contract for deed with your Mom's name, you would have an ownership position. But just your Mom's name is on the house, but she gets a tax break because you are living there.

Skaggs:

She put her own home up for collateral to buy this house.

Moermond:

Your own house is in the paperwork? You need to have somebody working on your behalf when you sign documents like this. How much do you owe on the house?

Skaggs:

The last statement was \$100,000. That's just last month.

Moermond:

Is there any equity in the house?

Skaggs:

I have not been able to look that up. The value has gone up. When we purchased it, it was even in worse condition than it is now.

Moermond:

It has gone up a little each year. When did you buy it?

Skaggs:

July, 2012. We co-signed in October, 2012. We did not receive Truth in Housing until a week after we closed on the house. We can't prove that.

Neis:

This is a tough one. If one house goes bad, they could potentially lose two homes.

Moermond:

Mrs. Romero, would you classify yourself as low income, or medium income? I'm thinking about getting you legal help to look at these documents. Southern Minnesota Regional Legal Services, legal aid, they have some attorneys in house who work with people who are low income. They also have attorneys who work with them pro bono. Some of those work with more elderly people. Also, to figure what is your best option.

You are the one who has everything on the line in this. You need advice that is just for you. I'm going to suggest you do that and that you talk with the Rental Rehab staff at the City and see if a loan would be appropriate for you or that it would fit your situation and that would be a decision you would want to make, with getting some professional advice.

Is that something you are willing to do? Get an attorney? I suggest through SMRLS. Otherwise Home Line might have a referral for you. Can you think of anyone, Mr. Neis?

Neis:

There's a city-side deferred rehabilitation program. That's for home owners....Write these two numbers down for me, you can call and ask. It's Planning and Economic Development. Works with home owners. Her name is Zong Vang and her number is 651-266-6564. Ms. Moermond, if he is on the paperwork, then it won't go to Rental Rehab, it will have to go through this program. SMRLS number is 651-222-5863.

Moermond:

Some of these things you guys can do. We will look at doing an extension on the weather dependent stuff. You guys need to talk to somebody right now about now about what to do. You, in particular, Mrs. Romero. You need to get some good advice about how to manage your situation. I'd like to see you again in a week. We will leave it open; you won't have another inspection in the meantime.

Laid Over to the Legislative Hearings due back on 4/23/2019

**10 RLH FCO
19-40**

Appeal of Kelly Deignan to a Reinspection Fire Certificate of Occupancy With Deficiencies at 1326 THOMAS AVENUE.

Sponsors: Jalali Nelson

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 4/23/2019

2:30 p.m. Hearings

Vacant Building Registrations

11 [RLH VBR 19-30](#)

Appeal of Jerry Allen to a Vacant Building Registration Notice at 1183 UNIVERSITY AVENUE WEST.

Sponsors: Jalali Nelson

Withdrawn