



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, April 23, 2019

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [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

Grant to close of business on May 6, 2019 for all required conditions to be met.

Steve Magner, Staff:

A letter was sent April 12, 2019, to Mr. Omar regarding the remove or repair of 530 Geranium. "This is to confirm that on April 9, 2019, the Legislative Hearing Officer, Marcia Moermond, recommended the above referenced matter to Tuesday, April 23 at 9AM. In the interim, you will need to apply for a new Code Compliance Inspection immediately and post a \$5000 performance deposit no later than May 1, 2019. Ms. Moermond is looking for the following conditions to be met, prior to making a recommendation to be made to the Council to grant time for rehabilitation of the structure. 1. Pay the delinquent property tax or provide a confession of judgement. 2. Provide a work plan, including timelines for rehab. 3. Provide general and subcontractor bids. 4. Provide financial documents, a line of credit construction loan or a bank statement dedicating the funds to be set aside for the project. 5. Maintain the property."

Moermond:

Ms. Vang, you checked yesterday to see if a Code Compliance application has been made and you said that none had been made at that time?

Mai Vang:

One has not been made.

Moermond:

Let's send him a letter saying all of these conditions need to be met no later than close of business May 6. It's in front of City Council on May 8.

Magner:

The last Code Compliance was done in 2016. We have no activity.

Referred to the City Council due back on 5/8/2019

- 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

Carol Carey and John Yust appeared.

Moermond:

When last we spoke by phone, you had one bid and you required three bids for your state funding.

Carol Carey:

Correct. Competitive bids. We have to get at least one more bid.

Moermond:

We were going to have all of them in place today and we don't. What's that looking like?

Carol Carey:

We have them out to three bidders. John has been working with the original contractor throughout the revisions needed for the MHFA program. I am waiting for three bidders. I don't have a second bid yet. I need two. It's out to three. I wanted to make sure I was able to get at least one of them.

Moermond:

What is your timeline?

Carol Carey:

I can push as hard as I can and I still won't get the bids until I get the bids. I was in conversation with two contractors yesterday. They thought a two or three week time period was adequate for them to submit a second bid. I based that timeline, conservatively, on receiving the bids, executing the contracts in May. If that all happens at the shortest possible timeline, I could close on the financing that's in place, in May and begin. But I qualified it on the timeline as between May and June, just because I don't want to be back here in May and say...

Moermond:

I thought we were going to be done today, based on all the feedback I've been getting, so...this is a disappointment.

John Yust:

I would like to explain what happened. I was waiting for some information from Carol. It actually came February 12, but I thought there was more to come before I started on the final drawings. So, I was waiting and I am responsible for that delay. When I got to the point where I needed some structural consulting, my structural engineer was two weeks out, so that was another delay. All the plans are done, the structural is all in

there and the drawings are out to the contractor. So, I'm part of the delay and I apologize for that, to Carol and to everybody.

Moermond:

We are looking at a one year anniversary, which has been tremendous patience for a property that is a nuisance building. Obviously, we are not going to step in and knock it down, but it doesn't help us in the future when we handle other properties that come forward and what the expectations are. Six weeks is what you are saying? Before you have a second bid and your financing in place?

Carol Carey:

No. Actually, I expect the second bid within two or three weeks, and then I need to execute the contracts and I need that for closing. Ideally, if all that could happen in May, it could happen in May. But, it could be the first part of June that we close on our construction financing. We have the \$50,000 MFHA contract in place. We've raised \$50,000 in private and in-kind contributions, but we need the construction financing in order to move forward and break ground.

John Yust:

Quite a bit happened last year with the demolition of the back and sealing up the cistern area. We have a house really ready to start construction. Some of the lumber we salvaged is inside the building.

Moermond:

Alternatively, one could say the house would have been demolished but for those moves that were taken because there was no compromising the structure. What you have done is good, but it's not getting this house rehabbed. That kept it from falling into itself. Obviously, we will stick it out with this one because we are so far down the road but it does impact future projects. This path is super long and if we are going to take seriously that this is a nuisance abatement order on a building that has been...

OK. I'd like to finish this on June 11 and put it before the City Council on June 19 and be done.

Laid Over to the Legislative Hearings due back on 6/11/2019

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

Moermond:

I did talk to William Stuff and indicate I would be willing to [inaudible] the matter to May 14. And he is hopefully hiring Laura Orr at Southern Minnesota Regional Legal Services. There have been some considerable problems. I wish I didn't tell him we could lay that matter over because my understanding, from a recent email from Quick Turn Services, who the County hired to clean out the building, is that he was in the house partying with some friends of his and I know those are friends he hired to clean

out the house. But they were hanging around, drinking beer and eating pizza and were hard to roust out of there.

We also had an extension cord in the basement and standing water. It would appear that a water pipe from the street to the house broke and that has caused water to come up into the house from underneath and bring sediment with it. Water was on at the property and Jerry Ludin tells me it was cut on Saturday at the same time Quick Turn Services was there. I talked to Pat Bowland at Xcel Energy; he said they might be able to cut the electric at the pole, but it was raining yesterday and sometimes the crews like to wait until it is not raining. If it hasn't been done already, it will be done today, which means Quick Turn Services cannot complete the clean-out of the basement. One of the workers fell through the back porch and injured himself. We will need to have Ubles folks ready to deal with that.

In a very exceptional circumstance, Dai Thao is willing to sponsor the cost of the Code Compliance Inspection Report, by a motion at the Council table, which never happens. Given Mr. Stuff's dire financial circumstances and as long as he is willing to work positively with us, try to get that done as quickly as possible.

Again, I wish I had not laid the matter over, but Laura Orr could not have made it today, anyway. She will be working on this one, as well as Mr. O'Sullivan's property with Habitat for Humanity. I am concerned about the timeline for turning this around. Everything we've learned about the building condition makes it seem worse. The Code Compliance report is going to be critical. The whole water service will need to be replaced; it's a lead line. That increases the cost of the project considerably.

Steve Magner:

You indicated to Ms. Orr or Mr. Stuff that you were laying this over til...

Moermond:

May 14. But it's not OK that he was there, behaving like that. We have bent over backwards to be of assistance. That is an abuse of that goodwill. The other concern I have is we need to continue to communicate directly with Mr. Stuff. Or, through his attorney, if he has hired Laura Orr. But that is how communication needs to happen with the City; it is not through a committee. He is the owner. He is a competent individual. He needs to be the one we are looking for answers from. Oh, I'm sorry, June 11.

Laid Over to the Legislative Hearings due back on 5/14/2019

- 4 [RLH RR 19-12](#) Ordering the rehabilitation or razing and removal of the structures at 1143 WOODBRIDGE STREET within fifteen (15) days after the April 10, 2019 City Council public hearing.

Sponsors: Brendmoen

Laid Over to the Legislative Hearings due back on 5/14/2019

Special Tax Assessments

- 5 [RLH TA 19-173](#) Deleting the Appealed Special Tax Assessment for property at 468 HERSCHEL STREET. (File No. J1913A, Assessment No. 198512)

Sponsors: Jalali Nelson

Delete the assessment. Owner provided change of address from Ramsey County Property Tax Record.

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

11:00 a.m. Hearings

Summary Abatement Orders

- 6 [RLH SAO 19-28](#) Appeal of Muhammad Y. Ahmadi to a Summary Abatement Order at 791 YORK AVENUE.

Sponsors: Busuri

Forthcoming.

Muhammad Y. Ahmadi appeared.

Moermond:

I spoke to Public Works. They are going to send a crew out and they think they can do the work. I will let you know if that doesn't work out.

Muhammad Y. Ahmadi:

Thank you. You sent me a letter so I respond to the letter. Thank you, ma'am.

Referred to the City Council due back on 5/8/2019

- 7 [RLH SAO 19-30](#) Appeal of Denise Day to a Vehicle Abatement Order at 1138 THOMAS AVENUE.

Sponsors: Jalali Nelson

Grant to July 1, 2019 to remove the vehicle or come into compliance with the parking surface.

Denise Day appeared.

Lisa Martin, Staff:

We have two vehicles in the backyard on an unimproved surface. The inspector put green placards on to try to get their attention so they could call right away to let them know it was not in compliance with our requirements. The compliance date was April 9, 2019. The photos are in the file. An appeal was filed and here we are today.

Moermond:

Tell me about ...

Denise Day:

OK. Well, my green van, it has, it has always been there. We laid down brick pavement years ago for the van. And it's still there. And I've had an inspector come out before and OK's it, that it was OK the way it was. The Mustang is gone. The only reason I parked it there was because of the snowstorms. I parked it in my backyard and I explained it to the inspector. It's parked there because of the snowstorm.

Because I can't park on the streets. He had already given me a notice that I couldn't park in the alley, and that's another thing I wanted to address. My neighbors park in the alley all the time; they are never bothered. If I park my vehicle in the back of my garage, I will get a ticket for it. I have asked about that. I have asked him could he explain to me why is that. He says well you can't park between electrical poles. OK. There are no electrical poles. So, I asked him could he come out and show it to me. He never did. To make matters leave it alone, I just started putting my vehicle in the front. So, we won't do that. Next thing I know, I get two tickets for the two vehicles, because of the snowstorm.

Now the Mustang is no longer there, so that's no longer an issue. It's just the green van, which I am going to get rid of this summer anyway. But, the thing is I am a little confused because I had inspectors that came out before and they said it was OK. But this inspector says it's not in compliance. He says you have to have permission from the City to do a pavement. That is not true. My neighbor has gravel for her pavement across the alley; she never had to get permission. In the past, I've had gravel in the back of my yard. I never had to get an ordinance from the City to put down gravel for my cars. The only thing that I know that you have to get a City ordinance for was if you were doing a construction driveway pavement. Then you gotta get a permit. But not to put gravel to put your vehicle. I've never heard of that. So, I asked him to explain that to me. Nobody has. 'Cause my neighbors have gravel.

Moermond:

How long have you had it?

Day:

I've had my house for 27 years. I've never had a problem.

Moermond:

I am satisfied that it has been there for that long and it's OK. There's no way for us to go back that many years and sort it out. The only problem I foresee is if you are within one yard of the property line, because you need a little buffer between properties.

Day:

I am. I am. Because the inspector said that it was OK before. His name is Mike. He used to come out and he'd say, Denise, this is fine. There's bricks up on there. We laid this years ago to park the van. He said that's fine; you've got a brick pavement. Now this inspector comes and tells me I gotta get a City ordinance. I've never heard of that.

Martin:

It's a site plan is what we require. If you're going to have a parking area, because you need to make sure you are not on the property line, you have to be so many feet away from the home. There has to be a site plan showing it is an approved parking area and you have to have either approved pavers, concrete, asphalt...

Day:

I understand. So, that's my first hearing of that. I never heard of that before.

Moermond:

Is your van parked where there's the bricks?

Day:

Yeah. It's on top of brick pavement.

Moermond:

Is it connected to a driveway?

Day:

No. It's not a driveway; we just made brick pavements the way I was instructed to do years ago. So, that's what I did. It doesn't have a driveway. But, I am going to have the van removed any. So even if I try to come and try to talk to him about, you know, I'm going to remove it but it is just, I'm confused as to what is right and what is wrong here because my neighbors do this and I even took pictures.

Moermond:

I totally trust you.

Day:

They got gravel and nobody bothers them. My other neighbor parks his truck right next to his garage; nobody bothers him. Nobody! But, they bother me.

Moermond:

I have a picture of the green van parked on bricks here. That parking pad isn't connected to the alley by a driveway. You have to drive through the yard to get to the pad. That's the only unusual thing that I see. If you had this next to your garage so you could just pull into that spot, I don't think anyone would have blinked an eye. But I can see it's kind of tucked away. You are not abusing it. You are going to be getting rid of the green van anyway, this summer. When do you think that's going to happen?

Day:

I'm trying to get rid of it now. The Mustang right now is in the shop. It's not there; I removed that right away. But the green van, I'm trying to get somebody to get it out. I was supposed to have it fixed; I've had that van since my two younger kids were born. And it sort of was sentimental to me, kinda hard to get rid of it but my kids are like "ma, just get rid of it." OK, I will get rid of it. I'm trying to work on that now, trying to have someone, 'cause people have asked me to buy it, 'cause they don't even make them like that anymore. That's one of the reasons I wanted to keep it. It has everything in it.

Moermond:

Those old conversion vans...

Day:

Yeah. Old conversion van! And I just could not get rid of it! Oh my god, I want to get it fixed.

Moermond:

...somebody in the '70s who had a whole apartment in there...

Day:

I just didn't want to get rid of it! I have to learn to let go. So that's what I am learning to do. I am learning to let go, because I got pictures of my kids in that van from traveling, when they were born. I mean, it's 1995 and she's like 23 now, my daughter. She grew up traveling with me in that van.

Moermond:

And the vehicle is 24. OK!

Day:

Just give me some time, a couple of months.

Moermond:

July 1. There's a couple of months. Will that work?

Day:

Yeah. I'm hoping so.

Moermond:

What I will say is you will have the vehicle gone by July 1. In the future, if that's going to be a legitimate parking pad, we have to figure out the driveway situation or maybe you want to add a parking pad right beside your garage.

Day:

I wanted to put a parking space right beside my garage and they were charging me \$2000 to do it. I just didn't have the money.

Moermond:

You can do the same thing as you did with this pad; you can maybe even move the same bricks.

Day:

OK. I can do it next to the garage. I can do it myself.

Moermiond:

That's a legitimate parking surface if it is done right. So, you do need to let the City know, so Zoning knows it not right next to the property line. The only problem now is the parking pad doesn't have a driveway and they don't want you driving through the yard.

Day:

OK. Closer. If I even was to keep the van, what you are saying is I need to park it next to the garage, make pavement there, and notify the City?

Moermond:

Yes.

Day:

So, what do you do when you notify the City, do you just call them?

Martin:

I am going to mail you the information. I was digging through here to see if I had a copy. There is a site plan requirement and I can get that out to you and if you have questions, give us a call. There's no cost associated with it. Just want to make sure you are far enough from the property lines and you are using proper materials.

Day:

'cause my neighbor just uses gravel and she's right across the alley from me.

Martin:

You can use Class 5.

Day:

OK. Another question I have is, is it illegal to park behind your garage?

Martin:

That's a parking enforcement question. That's through the police department. Right now in lots of properties, there's a boulevard, the apron and then the front of the garage. You can't park in that apron. And in the alleys, there's an apron that goes into the garage. You cannot park on those. That is considered an obstruction and the police department is citing those vehicles.

Day:

That's not your department? Somebody different? I had to go to court for that and they dismissed it because it was not illegal. I'm serious. Where I was parked. They were saying I was parked in front of somebody else's garage, but it's actually mine. So when I brought the pictures into the court, the guy looked at them and says "you're not illegal" so they dismissed it. That's why I'm confused.

Moermond:

I understand. But if the police are enforcing it, that's not something I...

Martin:

You can talk to parking enforcement.

Day:

I was thinking it was the same thing. It's not. OK, I got you.

Moermond:

The easiest way to get hold of parking enforcement would be 292-1111 or the main non-emergency number for police

Day:

You mean when my vehicle was ticketed a couple months ago, it was not you, it was the police department? 'Cause when I talked to him, the person who gave me the ticket for the van, and I asked him about it, he was talking to me like he was the one that issued it. That's why I'm confused.

Moermond:

I wonder if she was caught up in that big list...

Martin:

We had a guy that was cited for parking like that and he went around the City and called in a bunch of properties...

Moermond:

...parked in the apron in the alley. He was parked...

Martin:

...on the apron in the front of the property.

Moermond:

So when he parked there, he was blocking the sidewalk, too. He must have called in 100 properties.

Martin:

A lot of the alleys are narrow and if you park behind the garage like that, if your neighbor is trying to back out, if it's obstructing at all...

Day:

I had an issue with that, too. The police officer said, when he came out, 'cause we have a neighbor like that, too, that just moved in. We are all like neighborhood. We are generational. Everybody on our block is generational. We got a new person that moved in and she complains about everything. So she complained about my vehicle being parked behind my garage and complained "I cannot get out of my garage." He came out and he measured it and he told her "she's within her rights, you are way over here, you need to learn how to drive." This is what he told her. "If you can't get out of your garage, and her van is way over here, and you are way over here, then you need to go back to school." So that was dismissed. He was kinda mad that she even called out! Seriously!

I try to follow the rules. This officer said you can be so many feet from a person's on the other side. And I complied with that. I don't know whether she's calling in or...but she calls in on everybody. Everybody's kinda tired of her. We really wish she would move, because we've been over there for years and we've never had these issues.

Moermond:

July 1 works for you?

Day:

What is this? April? Yes, ma'am, that works for me.

Referred to the City Council due back on 5/8/2019

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 8 [RLH VO 19-9](#) Appeal of Mark Ritter to a Correction Notice-Reinspection Complaint (which includes order to vacate) at 998 BAYARD AVENUE.

Sponsors: Noecker

Grant to May 2, 2019 to vacate the property.

Leanna Shaff and Erica Minus, Staff.

Leanna Shaff:

When we were last here, you asked that we conduct an inspection. You've had the opportunity to view the photos that I added to the file. I was accompanied by Ms. Minus and Officer Filowich of the St Paul Police Department. That house is full. I wrote 15 orders, one was to reduce combustible storage by 75%. He doesn't have a Fire Certificate of Occupancy. Lot of storage materials, extension cords, wires going everywhere. Not good. There's bullet holes in the windows.

Moermond:

When we were talking to Mr. Ritter, he talked about his difficult relationship with his sister who lives in a property that backs up to this one. He talked about his mental health challenges which affects the way his housing is set up and has led to a lot of

orders. He showed us documentation that his sister has power of attorney over medical decisions, but we did not get better information about power of attorney for the property.

Shaff:

I have been in contact with his sister, Jody. Neither one seems able to come up with anything. The mother has dementia and is at Shalom Home. Nobody knows what's going on over there. Mark is destroying the home.

Erica Minus:

He is not the owner of the property.

Shaff:

Ms. Minus told me some disturbing things, like the water is off. Mr. Ritter told her he wasn't going to come today. He hung up on me. I called him back. He said he wants somebody else to inspect his house. He was quite agitated. I also talked with Tru at St Paul Regional Water Service and learned they turned the water off 4/8 for non-payment. Code Enforcement Inspector Westenhoffer was there 4/12. He issued orders.

Moermond:

Can we pull those orders? What's his vacate date?

Minus:

He will be back to re-inspect April 23.

Shaff:

When I talked to Mr. Ritter at the property, I told him, had it been my decision, I would have condemned it on the 5th for excessive combustibles and wiring. We talked about what hours he could be there to clean out the house. He didn't seem to have issue with that.

Moermond:

He did know he could appeal Mr. Westenhofer's orders, because he used the same language in this appeal.

Shaff:

The orders I sent said there would be a re-inspection.

Moermond:

The point was to determine the conditions and inform the appeal of the correction notice, which was you are living in the property and you are not the property owner. Learning more through the inspection, we learned the property was in bad condition. Both your inspection and the water shut off lead to condemnation. I can get this in front of City Council May 1, recommending it be vacated May 2. What I am struggling with is whether he can occupy until that time.

Minus:

He said he went to pay the water bill. They wouldn't accept cash and wanted a credit card in the owner's name. He said he didn't have a card in his mom's name so he wasn't paying anything. He said his lawyer even attempted to make the payment.

Moermond:

The living conditions have been in place for a couple of weeks and we are looking at

one more. Would you be able to talk to the mental health team about the conditions there and the impending vacate?

Minus:
Absolutely.

Moermond:
They might be able to get him out before next week. I will put this before City Council May 1 and have the vacate May 2. He can be there 8AM to 8PM. If he's there beyond that, it's a Vacant Buildings thing and they can take care of it.

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

9 [RLH VO 19-13](#)

Appeal of Donald Nelson to a Correction Notice at 1633 PORTLAND AVENUE.

Sponsors: Jalali Nelson

Recommendation is forthcoming. (Inspector to inspect the property and make a determination on whether the house should be in the Vacant Building Program)

Donald Nelson, Opal Scoggins appeared.

Lisa Martin, Staff:
April 16, 2019, we sent a correction notice to Albert Feiler, at 1633 Portland Avenue. He is the owner of record on the property. When we arrived at the property, we could see there was a lot of issues, including hoarding issues. We knocked on the door; there was nobody there. The lights were on, you could clearly through the windows that it is packed. Spoke with some neighbors. There is no water and it is not for lack of payment, it is for a meter violation. They have not been able to get in. Our understanding is the owner is hospitalized and not at the property. There is also a vehicle on the street with expired table that belongs to Mr. Feiler. I scheduled another meeting for yesterday at 10AM and asked that Lauren with House Calls meet us there with assistance with resources such as dumpsters. We were hoping to get into the property and speak with the owner, but again, our understanding is he is hospitalized and not currently at the property.

Moermond:
What is your relationship with Mr. Feiler?

Donald Nelson:
Al and I have been partners for 47 years. We've lived in the house there since 1974. The reason the water was cut off was there...we were in the process of moving from St Paul to Minneapolis. We weren't really staying at the Portland house. I was staying at the house in Minneapolis. And Al's been in the hospital for about six weeks.

Moermond:
Ms. Scoggins, what is your relationship to...

Opal Scoggins:
I am his sister. Donny's sister. I used to change his diapers. I probably will... We are in the process of trying to get the house cleaned out. We are over there about three days a week. We gotta go through papers. He saved papers since 1910. We've been shredding and then we will get a dumpster and finish cleaning the house because

he wants to sell it.

Nelson:

The one in St Paul is five bedroom; we are downsizing to a three bedroom.

Scoggins:

As far as the meter, they can make an appointment. I will meet them there and they can come anytime. I don't think it's the meter that's causing low usage. Nobody is there. He's only there four nights a week and then the other three he's in Minneapolis. And I do his laundry in Minneapolis. He doesn't do any laundry and dishes we do once a week. We get over there and get the dishes done. But he usually eats with us, so there's no water, the water would be low. And the apartment upstairs, nobody's been there for two years.

Moermond:

This new place in Minneapolis, is this someplace you've moved to already? And this house is, by and large, empty?

Nelson:

Not to look at it.

Scoggins:

Al's still living there.

Moermond:

Where do you put your head at night?

Nelson:

Minneapolis. The house over there, the furniture that I just had to have when I bought it, is being over-stuffed. Chair, couch, and loveseat and so, I'm just going to have to have someone take them because I don't have any use for them. I couldn't use them because my new living room is about as big as this.

Moermond:

But still, it's a different layout and you want furniture that fits.

Nelson:

I bought some new furniture for it, so...the furniture is in good shape so I thought just put it on Let Go. Tell people they're backbreakers, so...anyhow.

Moermond:

So, your partner, your husband is in the hospital.

Scoggins:

Got a broken neck, three broken ribs, concussion, pneumonia

Moermond:

Was that a car accident?

Scoggins and Nelson:

Fell down stairs.

Scoggins:

No, I think he fell up. We weren't there. He was at his apartment building that he has.

Nelson:

It's two cement steps up so I don't know how he managed to do the damage he managed to do to himself. They had him in a drug induced coma for a couple of weeks so his neck could start healing. They put a trach in and tube feeding.

Moermond:

What's his prognosis? In terms of how long he will be hospitalized?

Nelson:

Probably two or three months.

Moermond:

You are operating together to do a very large job, of moving and of dealing with a hoarded house.

Scoggins:

Mostly papers.

Nelson:

It was built in 1913.

Moermond:

Not filled up since then, I hope!

Nelson:

It's bills that he didn't pay that he has strung all over the living room and dining room. He would tell me, "Don I worked on the dining room table." Well, yah, you made a little place here, one spot you could write. You didn't get rid of these bills.

Scoggins:

We're getting it cleaned out. We've been working on it from before he got hurt.

Moermond:

You own the new house in Minneapolis and you are currently staying there. For sleeping purposes.

Nelson:

Yes.

Moermond:

The City is saying you can't live there with no water. If you aren't living there, that is different. You probably want to get the water re-established so you can more easily clean it.

Nelson:

We didn't know the water was shut off until we found the paper last week.

Scoggins

It was buried under the snow. When the snow melted..."oh, your water is being shut off."

Moermond:

I need to tell you that if the City has a condemnation and order to vacate, the next step

is for the house to be put into the Vacant Building program. That program is there to monitor buildings, whether a single family home or a commercial business, that's empty and to make sure they are not broken into, to the best of their ability. A couple things go with that, a placard on the door and a pretty hefty annual fee. I could see that you would want to stay out from under that program, but I would want to figure out a work plan to get things cleared out so you can have it on the market. Once it's cleaned up and on the market, I don't care if it's empty. I need to make sure it's ordered vacated and as long as there's no water and that's a problem. Based on what the inspector has seen from outside, looking in, the living conditions aren't acceptable. There's too much load in there and I don't know about the sanitation piece, but I do know, from your description, that fire load is heavy with all of that paper and with it described as being "full."

Martin:

There are obvious maintenance issues on the exterior of the home. The rear staircase looks like it has failed. That's why we scheduled an appointment, so we could meet with the owner and do an interior inspection and do a walk-around and figure out what their plan was, before we condemned it.

Moermond:

Is that something you are able to do?

Nelson:

I'd hire someone to do it.

Moermond:

Would you be willing to meet with the inspector and provide her access?

Nelson:

Sure.

Moermond:

If you are working with them and getting a plan, we have a game to keep out of the Vacant Building program. You are married to the owner so you have an ownership stake and I have no qualms about you working with the inspector. It sounds to me like you are of moderate income, or better, none of my business.

Scoggins:

Social Security.

Moermond:

There are services Ramsey County Health has available. They are a little income restricted. But they may have information for you because they work with people with hoarded houses. This is Erica Minus and she can share some advice.

Erica Minus:

It is assigned to Lauren. I don't know if we knew about Mr. Nelson until today. If we had a phone number...

Moermond:

Is it 470-4010? OK. It's what's on here.

Nelson:

There's a phone for the house, too, but I don't know what it is 'cause I never use it.

Scoggins:

Do you want my number? Because I'm more apt to answer the phone, 612- 840-7218.

Moermond:

Here's where I am. It is appropriate that this be ordered vacated. They've got a correction notice on it. They haven't hung the placard yet. Could you placard it on the inside of the door? We can know that it is condemned and vacated but we don't need to hang a placard advertising that. You can be there 8AM to 8PM. We will keep you out of the Vacant Building program if you have a work plan with Ms. Martin about what you will be doing and how you are accomplishing it. She is going to need to be OK with it. And Ms. Lauren Lightner is with the House Calls program and has tried to reach out to Albert but probably didn't connect. She will be able to work with Lisa and you guys and hopefully we will get this...

Martin:

Here's my card

Nelson:

Thank you. What furniture I have there, I need to donate.

Minus:

They are more worried about the papers.

Martin:

I will call you tomorrow and we will set up a time to go to the property.

Moermond:

Ms. Lightner can help with where things can go.

Scoggins:

My 18 year old grandson is helping us, too.

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

10 [RLH VO 19-12](#)

Appeal of Zacharus Turner to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 1569 STILLWATER AVENUE.

Sponsors: Busuri

Grant to June 1, 2019 to vacate the property or provide ownership documentation.

Zacharus Turner appeared.

Leanna Shaff, Staff:

..Date/Time of 1st LH: April 23, 2019 at 11:30

..Purpose of Appeal: I just need a little more time to make right.

..Date of Order(s) Under Appeal: March 18, 2019

..Inspector/Key Staff: Jacob Wheeler

..Legislative Hearing Staff Comments: Hearing Officer Marcia Moermond approved acceptance of this appeal.

Jacob Wheeler wrote the order. This started last November. It is not owner-occupied

and is required to participate in a Fire C of O program and also maintain one. We had a long period of time where it was owned by Robert Turner and occupied by you, the son of Robert Turner.

*Moermond:
Robert Turner being deceased?*

*Shaff:
Right. We have been trying to gain access since last November. We have been in contact with this Mr. Turner's sister who is the executor of the estate. Her name is Rondala Allah. The story at the beginning was that it was going to go through probate. Now we understand that it is not. Basically we have a deceased owner, the executor isn't willing to move forward, so we have no responsible party. And no Fire Certificate of Occupancy.*

*Moermond:
I was really concerned when I looked at these orders and I saw you had a condemnation included in this but you don't have eyes on with the inspector on interior conditions. I don't see any reference to police being inside or anybody who would be a legitimate...*

*Shaff:
Inspector Wheeler was told by Mr. Turner about the interior conditions.*

*Moermond:
But he didn't have eyes on himself.*

*Shaff:
Correct, I told him to, being the resident told him, he was...*

*Moermond:
I am troubled with that piece of it, because somebody may or may not understand what is a condemnable situation. What's bad for me may not be bad in terms of what the code says.*

*Shaff:
We've heard there's no functional kitchen.*

*Moermond:
The revocation of this makes sense.*

*Shaff:
We can't revoke something we don't have.*

*Moermond:
Making a decision to revoke a Certificate of Occupancy and therefore it must be vacated on those grounds. It would be an administrative decision.*

*Zacharus Turner:
I do understand.*

*Moermond:
Tell me about your situation. Are you living here?*

Turner:

I do live here; I've lived here almost 17 years. My father had a reverse mortgage. The original reverse mortgage, I was a second party to be let have the house after, at least a year if not longer. My sister lives in Atlanta, Georgia. Our mail, because she is the executor, was being sent to Georgia, like four things at one time. So our mail, everything that I got from you guys, comes out on a timely basis, but it's going to Atlanta, Georgia. My sister is here with me. Her husband is an over the road truck driver, so he's not home very much. So, my mother had to come from Albany, Georgia, two and a half hours away, after we got telephone calls about the mail, to take pictures of these letters that were being sent to the house that we're being late and being behind on, abatement notices, initially. Because the mail wasn't going to me or my father. It was going to my father's name...

Moermond:

Your father passed...

Turner:

He passed away December 31. So, my initial plan was to remodel my house. I've got three dumpsters through Ramsey County Public Actions program. Paid for. I've cleaned up the house. Cleaned up the backyard. The house was an absolute mess. I was gone for like a year, actually I was gone for like four years. I spent some time with my Mom and came back home, Dad's sick. We took the kitchen apart and then my father passed away. He wanted to come home desperately but he couldn't come home in the way our house was at the time. I had a choice between having a funeral here, or at least, a memorial here, and then we had a second funeral, the actual funeral, in Jackson, Mississippi. Dad had no insurance. He's a 1%er. He had pancreatic cancer for 11 ½ years, one of the longest survivors in the upper Midwest for eons. Anyway, a strong guy. He fought the good fight. He's gone. I miss him, dearly. Financially, I am broke, so I had a choice. To come here, this court date and try to fight, because, initially, this lady, a group of people tried stopping by my house. Now the notices were going...normally the notices go directly go to the house, so a person either has looked at the notice or gas not looked at the notice. Totally understandable. Myself, I never had a chance to see one because it was going out of town to Georgia. Which, if you look on the owner occupancy, it says Robert L. Turner, it says Georgia, which is not true. He was living right over there, at the old folks home over by Marian Rd, Maryland? By Sears over there. Anyways, long story made short.

He passed. My sister does not want to have anything to do with the house. It reminds her of her dad; it reminds her of him passing out and being in a coma and she doesn't even like coming inside the house. So, there are no memories that she wants to keep that are more terrifying than her Dad laying on the floor.

Moermond:

I am sorry for your loss. Has she initiated a probate process?

Turner:

My dad's was...I mean...it's awesome. 11 ½ years, Dad's medical bills run in the millions and millions of dollars. So, his life insurance is gone; we cashed it out many years ago. His cars are old. He's 77; he doesn't have anything new. There's nothing to fight. My sister and I have split things up. I gave her my dad's car. She doesn't want the house. She's had the opportunity to take anything she wanted to out of the house. My dad's secondary property [inaudible] or whatever, that were passed on to him are split up in between us. I mean, we have no fight, there's no argument. There's only two of us.

Moermond:

Is there any sort of medical lien that will be on the property because of all the health care your father required?

Turner:

My father was very fortunate. He had Ramsey County that was paying for him, so that confirms he was actually here, because Ramsey County was paying for his stay right down the street and at the same time, he was a 1%er, as far as his longevity with the pancreatic cancer. And they made him a 1%er payer. Basically, with his Medicare, and his [inaudible], there was very little fee. So, basically his medical bills were paid for by Ramsey County.

Moermond:

When Ramsey County does that, they often put a medical lien on the house so they can recoup some of the costs.

Shaff:

When speaking with the sister, she also said there's a reverse mortgage on the house and the banks won't even have a discussion with her.

Moermond:

Is the bank going to be foreclosing on the mortgage or ...

Turner:

I would be the better person to talk to about that, ma'am.

Moermond:

She has talked with her about that.

Shaff:

It's been a while since I talked with her and she said she's not even...

Moermond:

I'm trying to get hold of the tail on this thing. Where's the ownership?

Turner:

My sister is not interested. My sister walked in the house for the last time about two months ago, when my dad first passed. Went in his room, picked out things that she liked and things, that was the last time she was there. My sister [inaudible] is going to move back to the Twin Cities. She has another house on Dale St. She is not interested in two mortgages. Myself, I am interested but you see I did not talk to anyone because she is the person who is in charge of finance. Even though I've been there longer than my sister, I was physical, my sister was financial. My sister was out of town, she made sure the bills were paid. I made sure my dad got to the appointments, made sure he had his hamburgers, whatever he wanted, spent the time with him. The last four months my sister moved to the Twin cities, basically for the hospice care, and our time was taken with taking care of our Pops. That was it. But she's not interested in the house. Myself, I have a year. Part of our clause, like a person like myself can stay there for a year, rent free for a year, or I had the option to pay for the house, or get a loan or sell it on my own. If I can.

Moermond:

Where is this notion of a year coming from?

Turner:

Usually on a reverse mortgage, a person has up to 365 days to remain in the house after the owner is no longer inside the house.

Moermond:

In terms of the bank's position, you would have until December 31, 2019, to be there. From their perspective.

Turner:

There's other clauses and there's other addendums that I can do as well.

Moermond:

One of two things need to happen. We either get her to be the responsible party; she needs to step up in terms of her role here. Or you need to be in an ownership position. I'm not hearing her cooperating toward getting you in that position. I am hearing that she doesn't want to deal with the mortgages, doesn't want to deal with...

Turner:

She wouldn't be on the mortgage because she wants to have nothing to do with the house.

Moermond:

But if she is the personal representative of the estate...

Turner:

She was the payee for my father, she wasn't the executor of the estate. That title was more given to her by the folks in their offices. But my sister was the personal payer of my dad's bills when he was alive.

Moermond:

There is no representative of the estate, then? Legally?

Turner:

I think, legally, probably not.

Moermond:

That is also problematic, Ms. Shaff.

Shaff:

Speaking with sister, she had retained the services of an attorney. I gave her the opportunity, on a couple of occasions, to even email me on what steps they were taking or where they were at in the process and they've refused to even email. We are not going to touch this. Financially, it's not feasible.

Moermond:

Your mother, who is also in Georgia, is also out of the picture?

Turner:

Excuse me. My sister and my mother live in Georgia. My father is gone.

Moermond:

Were they divorced? Or is there still a legal relationship?

Turner:

They were divorced when I was [inaudible].

Moermond:

So, she doesn't have an interest in it. It's just you two.

Turner:

She's not interested, as this lady has very well stated. I'm helping myself so I'm not very happy. 'Cause you could have made this easier on all of us. My intent is to get it owner-occupied but I didn't know what's going to happen today so I could probably get that in the next 24 hours. Do I have to get an appointment with one of you two? Or what do I do, exactly?

Moermond:

We have two things going on. The thing I am happy to look at today is the administrative piece of it in that we don't have a legal responsible party right now. As I ask questions, and as we discuss this, I'm not hearing that one is going to be on the horizon. It's looking grim in that way if your sister isn't stepping up. If you wanted to do probate, both of you would really need to step up. There's costs associated with that. If she is not willing to pay some of that, are you able to shoulder that and bring that action forward. Certainly, she'd need to participate in that with you because she's involved as well. I'm not hearing that is going on. I am hearing her back off.

The second piece has to do with the condition of the housing. You have described to the inspector that things are not great.

Turner:

I just don't have a kitchen sink; I don't have a kitchen. I mean, it was a casket or a kitchen. But that could change.

Moermond:

I don't know if I can get past the first piece. If I were you, that's not where I would put my money right this minute. Or if I would put my money towards a security deposit somewhere else where I would hve more assurance of long-term housing. And you could still work on the ownership situation. If you aren't the owner, you can't live in the property. If you are a renter, if you are buying on a contract for deed, there's legal arrangements with the owner of record. But I'm not hearing that there is something in the offing, doing that. So, the City can't issue a Certificate of Occupancy without an owner, saying this person can live there.

Turner:

If I can get documentation from the bank sent to me house that I am the registered person who is legally responsible to them...

Moermond:

The bank isn't in a position to confer that upon you. The deed is not something that the bank handles. The bank has a reverse mortgage on the property. The deed is something through the County Recorder's office. That's actual ownership of the house.

If it could be worked out that we were going through probate and we had a game plan, then the fact that the bank is OK with you being there through the end of the year would be a different proposition. But there isn't that.

Did you want to add anything?

Shaff:

No. You summed it up well. We don't have anybody we can hold responsible for the property.

Turner:

How long would I have, if that's the case? The house is condemned now. I guess I don't know...before this I couldn't do anything if I wanted to so if I wanted to get a certificate, I couldn't get one. If I wanted to speak to an officer, which I did do, they said hardship case. They said [inaudible] to knock on your door and there were seven people outside. They want to search your house. Would you still be willing...paperwork...I got addendums about paperwork from, ah, oh god, citations for my yard being a mess or I need to trim my trees or cut my grass or whatever. And when I didn't see one, I didn't necessarily believe or had to believe. But now if I would have seen a piece of paper, beforehand...

Moermond:

Would you pull up 1569 on Stillwater?

Turner:

And then second, I had an appointment to meet with an officer and court [inaudible] people and they never showed up. I called the next morning and said "hi, Mr. Wheeler, why did you not show up?"

Moermond:

Were Summary Abatement orders sent to the occupant? It sounds like you didn't let the people in, though, which is totally within your right.

Turner:

I didn't know what was going on. I've been arrested, I've been arrested so many times. I been in prison and I've got two police officers, I've got a Fire Marshall, I've got this person, who the heck are these people and they've all got paperwork and they...I'm accustomed to seeing some kind of paperwork. If I'm in trouble, well, show me some paperwork. But just stand there in front of my door and say I have the right to do this and you have to let me in, I disagree because I didn't have the paperwork. Well, then we'll get a warrant. Well, then, fine, get one, please. I have no problem with that point in time. Then the day they were supposed to show up, they did not show up. I called the next day and asked why not. They said that we found out that your father had passed away and we don't exactly know what to do. Seven days later, I get a notice saying I'm going to be condemned. Forty days later, this is 45, 46 days later, I am here with you, ma'am. So, I went through a process. I would have let them in. They would have cited me because I do not have a kitchen. My house is not a mess; my house is clean. The garage was full of junk, well, the junk is taken care of.

Moermond:

I am hearing you on the physical conditions piece of it. I'm just hung up right now. What do you have on the Summary Abatement orders?

Shaff:

December 3, the mail was sent to the occupant by Inspector Wheeler.

Turner:

I think it gets rerouted to Georgia. My sister has the...

Shaff:

It was addressed to occupant. They will deliver those. On January 2, it went to occupant.

Turner:

I was in Jackson, Mississippi, at a funeral.

Shaff:

It talks about the Fire Certificate of Occupancy requirement.

Moermond:

Does it give a date for an inspection? Or is it background information? While you look that up, Ms. Vang did you find a Summary Abatement order?

Mai Vang:

Summary Abatement order dated October 15, 2018, was sent to 1569 Stillwater and another letter to occupant.

Shaff:

The one on January 2, in bold type, and it goes to occupant at 1569 Stillwater, says since you've failed to comply with correcting deficiencies, an inspection will take place on February 28, 2019, at 11AM to ensure the property has been vacated.

Turner:

Did anyone show up or make the appointment?

Shaff:

That was the letter that was sent to the occupant.

Turner:

No, I'm saying did anyone make the appointment.

Moermond:

That is the appointment. It's telling you that someone is coming on February 28. Here we are now, though.

Turner:

I understand ma'am. You have to do what you have to do. What's my next recourse from here.

Moermond:

It would be the City Council. What I will do here, I'm willing to talk to you more about time but I need to see some documents filed to get the ownership situation resolved. Right now, this is on a beeline for being in possession of the bank as of January 1, 2020. That does not include them being your landlord in the interim. This needs to be vacated June 1. We will give you May to start on some new housing. I will put this in front of City Council on May 1 at 3:30PM. We will send you a letter with the information on it. If email works, that's the fastest way to send things to you. I'm trying to set it up quickly so you have time to react.

Turner:

What if I buy the house right now?

Moermond:

That's great. I don't know why you would buy it from, that's the problem.

Turner:

The bank.

Moermond:

The bank isn't entitled to the house. The bank has a mortgage on the house. Who is in title is the question. That needs to be resolved. If that can be resolved, there's a path to buying the house. Would you be buying it from your sister and yourself.

Turner:

My sister is not interested in the house.

Moermond:

The bank would need to foreclose on the house. There would be a redemption period, probably. Then they would come into ownership of it. Now, do they want to sell it to you or do they want to sell it on the open market? That is taking us way into mid 2020.

Turner:

Probably even longer than that. The longest I've seen is, like, six years. That's very long time. I'm not going to fight that long.

Moermond:

What are you talking about?

Turner:

When I talked to the bank, I talked to one of their representatives and they said there's every six months you can put into a summary of what your intent is so, a summary letter of intent. So if you have a possible seller, you give their name and what they are trying to buy the house for. Or you can do short sales or you can do, there's all sorts of ...

Moermond:

All right, but we don't have [inaudible] ownership right now.

Turner:

I know. I'm trying to buy as quickly as possible. I do have something that is worth lots of money that I am trying to sell

Moermond:

Who you are going to buy it from, I don't know and that needs to be resolved. I hope that you can dig into that. I think you will be displaced for some period of time and I hope you can get into an ownership position with this. For now, I'm going to go with June 1. If we can see probate paperwork, that changes the situation. You may want to talk to an attorney. Are you familiar with Southern Minnesota Regional Law Services.

Turner:

I understand. It couldn't be worse than what my sister has told me.

Erica Minus:

Is it OK to give Mr. Turner some information about what our organization can do?

Moermond:

Of course, this is Erica Minus, she is a social worker with the House Calls program at Ramsey County.

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

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 11 [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

Owner to provide a work plan to address the items and approved loan by May 7, 2019. If there is no plan or financial documentation, the property must be vacated by July 1, 2019. If there are acceptable plans and approved loan, will grant until August 1, 2019 for compliance of the repairs.

Bernetta Romero, property owner, Jaime Romero and Angela Skaggs, occupants, appeared.

Moermond:

Mrs. Romero, where we left things, you had decisions to make about how to proceed with repairs on the house. It was suggested you get some advice on this. I received an email from Michelle Vojacek from Planning and Economic Development in which she indicates Zong Vang received a call from you, Ms. Skaggs, about a rehab loan for the property that's owned by Mrs. Romero and DeLisle. Ms. Vojacek says there's nothing they can assist with because Bernetta does not homestead the property. Ms. Skaggs disclosed that Bernetta Romero has filed a lawsuit against DeLisle and DeLisle would need to join on any type of mortgage, if we could do one, which will not happen with DeLisle, according to their experience. Also, you are not paying on the contract for deed so they can't assist you with foreclosure counseling because Bernetta does not live there. Further, you had a lien on your house for the mortgage for this property. Staff was not able to find anything like that. They were only able to find that you had a \$10,000 line of credit on your house, if that is still outstanding. The Rental Rehab will not work because it is relative homesteaded and also, DeLisle won't sign off on Rental Rehab loans. So, you would be footing this on your own, through traditional financing.

Angela Skaggs:

I have a Certificate of Title for her house showing the mortgage on her home for the money from DeLisle and I have a note for you from SMRLS.

Moermond:

So, Delisle didn't register this. They hold \$28,000 mortgage on it. [Reads letter from SMRLS Laura Jelinek] She is stating you have complied with the items requested, that you needed to get advice and we suggested talking to an attorney about loss and property, talking to City staff about potential funding both the Rental Rehab and the Owner-Occupied.

Would you restate where you are in terms of orders versus condemnation. This one seemed to be on the edge.

Fire Inspector A. J. Nies, Staff:

This is borderline condemnable. The occupants indicated the inspector said that to them as well. There is a lot of stuff and I am at a loss for words on this one. It sounds like the means aren't there to fix it. They don't qualify for the resources due to the circumstances in their financing. The C of O would be revoked and ultimately we would be ordering this to be vacated.

Moermond:

This is a reinspection. The first one was in January, then February 13, then March 19. Multiple attempts to reinspect March 21. Reinspection in April. We are three months into it, with different sets of orders. What's the plan?

Skaggs:

We talked about it and Bernetta was going to apply for a loan from her bank and we were going to do the repairs needed with that loan, since we don't qualify for the other funds. We were going to ask for a four month extension.

Moermond:

I'm not going to look at any extension without an approved loan from a bank, showing you've got the financing to do this and somebody in place to take on the project. Mrs. Romero, you are the one who is on the line here, this is your house, this is your money that would be spent fixing it, is this your intention, to do this? You are nodding your head in the affirmative.

Mrs. Romero:

Yes.

Nies:

I would strongly advise you to consult with an attorney. I know this is your family, but ultimately, you are on the hook for everything and you have to think about yourself. If that second deed is affecting your home, you need to shield yourself from losing not one, but two, homes. At the end of the day, you can't take care of your family if you can't take care of yourself.

Skaggs:

The exact thing we said to her yesterday.

Moermond:

Have you talked to your bank?

Mrs. Romero:

Not yet, but I will.

Nies:

Do you know how much you would be asking for? Do you have estimates for the repairs? You keep looking over at your daughter-in-law, but it seems like you are in this situation because their finances weren't the best. I wouldn't be looking to her for financial advice when your finances are on the line.

Skaggs:

They're asking you, do you want to take out a loan?

Mrs. Romero:

Yes.

Nies:

That's all I can say.

Moermond:

When you first got this list of repairs that needed to be done, Mrs. Romero, how did you think you would be tackling this list? You need to remove the board from a bedroom area and provide access to the room or maybe a wall needed repair. What were you thinking in terms of tackling that kind of list?

Mrs. Romero:

Work out a plan and tackle it.

Moermond:

Have you ever hired someone to do this kind of work? Family members can do this kind of work? You are nodding and I don't know what that means.

Mrs. Romero:

Family members helped out.

Moermond:

They know how to do these repairs to the house?

Mrs. Romero:

Yes.

Nies:

How long have you owned the house?

Moermond:

Seven years?

Mrs. Romero:

Yes.

Nies:

If it was family helping with the house, we've had a lot of complaints [reads from file]: "box springs, trash, tires, TV, clothes in the yard. Remove improperly stored garbage, vehicle parts, craft wood, metal, household items. Please remove all tires from the property. Camper trailer and utility parked in the rear yard." These are complaints I am reading off. Tires, pallets, furniture, miscellaneous debris in the rear of the yard. Construction debris, wood boards with nails protruding, windows and other garbage, rubbish.

Moermond:

What I am taking from this, Mr. Nies, is that these are things that would normally be undertaken by a property manager type person rather than a contractor that one would need to pay with a loan.

Nies:

"Trailer in the yard with extension cords." These are just all in the last three years.

*"Junk all over the yard. Camper in the back. Extension cord from house to camper."
Something about a satellite dish and notes about something from police.*

Skaggs:

I also called the police to have that stuff removed by the people that put in there. They didn't want to remove it. They told us they wanted us to lose our home because they didn't have a home at that time. And we were fighting with them for months.

Moermond:

Homeless people living in an RV?

Skaggs:

They were not living there, ma'am. They were working out of it. All their tools and stuff were in it.

Moermond:

Who allowed them to be there?

Skaggs:

We didn't let them. They pretty much took it and put it in the backyard. And when we asked them to remove it, they didn't want to remove it.

Moermond:

Did you know them?

Skaggs:

Yes

Moermond:

They had reason to believe they could move their vehicle there.

Skaggs:

Right.

Nies:

This was two different occasions. One was the camper in '16 and there's comments again about the camper in '19.

Skaggs:

'16 was [inaudible] trailer. That was my Mom's.

Moermond:

And a power cord running to it?

Nies:

"Extension cord from house to camper. Satellite dish."

Moermond:

Was your Mom living in it?

Skaggs:

The big camper?

Moermond:

2016.

Skaggs:

My Mom was staying in it, temporarily. Yes, she was. She was staying in it for approximately three weeks. And she ended up being forced off the property. With the trailer. The extension cord going to the camper was not plugged in until they plugged in tools they needed.

Nies:

They even set up a satellite dish on the roof. We have pictures.

Skaggs:

The roof on the camper? What the heck?

Moermond:

That says their intention is longer term. When you go to the bank, what is your intention? To take out money? Do you have anybody to do this work? I'm going to need to see a plan to get these things addressed. Some aren't money related but some is.

Mrs. Romero:

Work out a plan.

Moermond:

I think the bank will ask for that if you are taking a loan out against your house. But, perhaps not. Consulting with an attorney, or not, is your choice.

Nies:

In a situation like this which has been going on for six months, we would be revoking the Certificate of Occupancy immediately with a vacate date of June 1, to give them time to relocate.

Moermond:

I would like a plan. I have a low level of confidence about this now. You are wanting your son and soon-to-be daughter-in-law to be driving this but they don't have a good track record. I will give you a chance to put together that plan. I want to see all the items on this list addressed with completion dates and costs associated and how those costs will be covered. I need you to be clear, that plan needs to be approved by me. You have a deadline of May 7 to get that to me. I will put this in front of City Council May 8. I will give you up to August 1 to address all the items if your plan is acceptable. If you do not have a plan, the vacate date will be July 1. You will need to find another place to live and you will need to figure out your financial situation related to the property.

Referred to the City Council due back on 5/8/2019

**12 RLH FCO
19-40**

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

Sponsors: Jalali Nelson

Grant to June 30, 2019 to have the number of occupant reduced to 4 unrelated adults.

Kelly Deignan, property manager, appeared.

A.J. Nies, Staff:

Fire Certificate of Occupancy correction notice by Fire Inspector Huseby. What is being appealed is the over-occupancy. They are not disputing the over-occupancy, just for time for the occupants to finish their lease to coincide with the end of the school year. There is a permit pulled for the third floor attic for finishing the dry wall. Are all five students on the lease?

Kelly Deignan:

Yes.

Moermond:

Did you rent it to five unrelated adults or are they related in some way?

Deignan:

I did not. I inherited them and assumed two of them were brother and sister; I didn't even ask. I started working for Troy Olson (property owner) about a year ago and they were already there. I think the inspector asked them. We are asking that they can just finish the lease term which ends at the end of June. Their school ends in May but they have things to finish up and then they will all go home. We won't let them stay. They are talking about selling the property or I will rent it to four people. All of the other maintenance issues are corrected and the permit is pulled. We went through with Inspector Huseby and have done everything she recommended.

Nies:

Ms. Huseby did not cite any life safety issues, such as lack of egress, in the attic. Had that been the case, we would have wanted them to relocate to a safer sleeping room. Other than the permit, which has been pulled, I don't see anything from life safety that would prevent them from being up there.

Moermond:

Are there five bedrooms in the house?

Deignan:

Yes.

Nies:

Is Mr. Olson a licensed contractor?

Deignan:

I believe so. He owns a construction company.

Nies:

The permit was pulled by Mr. Olson but he's got a company.

Deignan:

Superior or Exterior...that's his company.

Nies:

Minnesota Superior Exteriors. The workmanship I saw in the photographs is shoddy. If he is a licensed contractor, he should know better. I am asking you to relay that to him. He should know that permits are required, etc.

Deignan:

Absolutely, I will relate that to them. I believe some of it had been done before they bought the property. And they did finish some of it themselves. The basement bathroom was in question. We found evidence that had been done before he had purchased it. Inspector Huseby's been great; she went through the whole property with us.

Moermond:

The last sale transaction on the property was in 2004.

Deignan:

I thought it was later than that. I have the file from the first lease they had; the file only goes back to 2016.

Nies:

Mr. Olson has owned this for quite some time.

Moermond:

I can see giving extra time for the students' sake. Mr. Olson has been in this business for a long time. He knows this. I don't care if he had a property manager. He is responsible. He knows this stuff. He created a situation. I'm giving a break because of the students. I will recommend the Council grant your extension until the end of June. If it happens again, Mr. Olson will be renting the students another apartment.

The extension is on the over-occupancy. Do you want to re-inspect in the interim.

Nies:

I will send Inspector Huseby an email, saying she can re-inspect.

Deignan:

Thank you.

Referred to the City Council due back on 5/23/2018

2:30 p.m. Hearings

Vacant Building Registrations - NONE