



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

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

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Tuesday, May 14, 2019

9:00 AM

Room 330 City Hall & Court House

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#### 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. (Amend to remove within 15 days) (Public hearing continued from April 24)

**Sponsors:**     Busuri

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

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*Laura Orr, Southern Minnesota Regional Law Services, attended, representing Mr. O'Sullivan.*

*Laura Orr, SMRLS:*

*Mr. O'Sullivan, the owner, has moved down to Iowa with his daughter and last week he was hospitalized for sepsis and pneumonia. Today's hearing was scheduled after discussion between yourself and I about pending discussions with Pat Lund of Twin Cities Habitat for Humanity about new funding acquired by Habitat related to helping seniors. Habitat for Humanity reviewed the property and the Code Compliance report and ultimately concluded that the scope was outside what they can manage. At this point, Mr. O'Sullivan does not have contractor bids, or financing plans, or purchase plans in place. So, while his heart is in this property, and he genuinely hoped to rehabilitate it, at this point it's not happening [inaudible].*

*Moermond:*

*I am sorry to hear that Habitat review. We certainly did what we could. I don't really have an option on this one.*

*Orr:*

*I warned Mr. O'Sullivan that might be the case and on his behalf, after the hearing [inaudible] may convey back to him what to expect.*

*Moermond:*

*We will put this one in front of city Council on June 5th. Recommendation has to be for the removal of the building. There is no rehab plan forthcoming. That is a 15 day order. That means that Mr. O'Sullivan would have the ability to act within those 15*

days to initiate demolition. Mr. Magner, would you outline your department's process on that?

Magner:

Sure. If you, or Mr. O'Sullivan or his daughter contacted us and said we hired a contractor and submitted us a signed contract to do that before the 15 days are up, or by the fifteenth day, we will give you 30 days to commence that action. If you don't, on the fifteenth day, we will send a notice to our contractor. Just be aware, we competitively bid these things. Historically, our costs are at, the same, or less than what people tend to find out there in the industry because we do this all the time. They're doing it as a one-time situation. We are a guaranteed payer; contractors know what they are getting when they walk into a situation like that. There's more flexibility for a contractor than there would be for a person off the street.

Moermond:

It's one of the few things that we can do cheaper than the average citizen.

Orr:

That's what I anticipated as well and Mr. O'Sullivan [inaudible]

Magner:

We fund this, we use federal grant dollars to fund this activity and then, ultimately, we would assess those costs back on the taxes. He can appeal those costs, come back here again and see Ms. Moermond or ask to have that spread over a period of time. If the demolition cost \$15,000, we can spread that over 10 years. There would be interest charged at the City's current rate. It's a funding option and you just have to ask. You don't have to go out and find the resources to pay for it. If they choose not to pay for it, ultimately the property would tax forfeit and the government would retain the property. It would be liquidated from there.

Moermond:

We've got a land value of \$22,700. I don't know, in this tight housing market, if someone would bid that beyond the \$22,700. I don't know if it would be cost effective for him to sell the lot. That might cover the cost of the assessment, plus a little extra.

I know some of his personal possessions were taken out of the house, but not all.

Orr:

My understanding is that the home has been stripped down entirely. During the process of a tentative purchase arrangement discussion, a prospective buyer had gone through and stripped down the interior so far as removing toilets and other fixtures and so, he no longer has personal possessions in it.

Moermond:

OK. Access to the property is unqualified during this 15 day time period, but after that elapses, Mr. Magner?

Magner:

Anything left on the property would be considered abandoned. Per the ordinance, the resolution that will be passed. It will become the right of the contractor once we [inaudible]

Moermond:

If we put this before Council on June 5th, the 15 day time clock begins once the

mayor signs it, which is usually within a few days. It would be no later than June 12th. At the longest, the 15 days would take until June 27. At that point, they would be awarding a contract. He could comfortably get into the property until June 23 and do what he wanted.

Orr:

Based on our discussion about the selling of the lot, I understand any restrictions on sale of the property are no longer...

Magner:

It's razed; just selling a vacant lot. We try to leave the lot in a developable condition. We'll remove the full foundation. The utilities, we'll cap in the front yard, wherever's the availability for the contractor. [inaudible] buy the lot. It's a legal lot of record, unless there's some substandard condition which I have forgotten; it should be developable. [inaudible] again, maybe go back to Habitat and see if they are interested in purchasing the lot. Maybe for one of their other programs.

Orr:

Thank you for those insights into the process.

Moermond:

Just looking to see if I have pictures of the house, head on. I see pictures of parts of the house, not the house from the street.

Orr:

It's a unique lot, the highest point in the neighborhood. It's all up hill before you get to where the property is and it's very wooded. So, I can imagine a developer or a prospective home owner could envision that high point in the neighborhood and would be very excited about, wow, like that.

Magner:

Generally better being the high point than the low point.

Orr:

Yes, yes.

**Referred to the City Council due back on 6/5/2019**

**2**      [RLH RR 19-15](#)

Ordering the rehabilitation or razing and removal of the structures at 412 HOLLY AVENUE within fifteen (15) days after the April 24, 2019 City Council public hearing. (Amend to grant 180 days)

**Sponsors:**      Thao

Remove or repair within 180 days.

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Steve Magner, Staff:

There was a letter sent March 29 to a number of individuals that were here that day [inaudible]. "Dear Ms. [inaudible], Ms. Wagers, Mr. [inaudible], Mr. Altman: this is to confirm that on March 26, 2019 Legislative Hearing, Marcia Moermond, Legislative Hearing Officer, stated that [inaudible] 2019 at the City Council public hearing at 3:30, she will ask the Council refer the matter back to Legislative Hearings on Tuesday, May 14, at 9AM for [inaudible] conditions to be met. Then the matter will be referred to the Heritage Preservation Commission for review at their meeting on April 22, 2019. The

conditions are: 1.) The contractual agreement between Mr. Wagers and Mr. Stadstad. Mr. Stadstad will undertake rehabilitation of the property while it is still owned by Mr. Wagner; 2.) A detailed work plan including a sworn construction statement and timelines for the project; 3.) Documentation of finances sufficient to execute the work plan; 4.) If funds being used are from a personal account, an affidavit indicating the necessary funds are set aside for the project; 5.) Provide general contractor and subcontractor bids; 6.) Maintain the property."

Moermond:

I sent this to the HPC and they have made a report which we have attached to the record. I am assuming you have your ducks in a row. Where are you at, Mr. Alton?

Brian Alton, attorney:

All the ducks are swimming along neatly, all in a row. [laughs]

Moermond:

Tell me about the ducks!

Alton:

I am Brian Altman. I am the attorney for Mr. Wagers. We have a Purchase Agreement which provides that Mr. Stadstad is going to be purchasing the property. That Purchase Agreement provides for a closing date, when the transfer of the title, when the work has been completed, and he has a Certificate of Occupancy from the City. In the meantime, also during the term of that, beginning June 1st, going to be working on the project, he will be leasing the property. So we have a separate lease to provide that he has exclusive control of the property during the term of the lease so that he can get the work done. We have every confidence Mr. Stadstad has the ability [inaudible] this project and believe it will [inaudible]. I can provide a copy of the Purchase Agreement to you today, or I can email, whichever you prefer.

Moermond:

Either is fine.

Alton:

I have just redacted the purchase price is all I have done. There is an addendum that sets forth the terms of the written lease [inaudible] June 1. That, uh, the lease itself is not yet signed. [inaudible]

Moermond:

OK.

Alton:

The March 29 letter that Mr. Wagner referred to is attached as an exhibit to that Purchase Agreement so that all parties are clear what has to be done. And also attached to it [inaudible] the back of it, is the addendum which puts forth the terms of the lease and [inaudible] Mr. Stadstad could do the work. Mr. Stadstad is here and he has those items, 2 through five, I believe.

Moermond:

Perfect. Tell me about what you have there.

Stadstad:

A sworn construction statement, I had it notarized [inaudible]. I just had a lender I work with put together the fund letter rather than doing the affidavit thing [inaudible]

*personal. Money will come from a lender. It's all signed and verified by the lender here. I have a project timeline. I did speak with the City inspectors. Multiple. I think I have one who didn't call me back yet. But they were very vague, you know, when they wrote this up, they were trying to blanket cover a lot of things. What they told me was get in there, get a look at things and then let us know and we'll kind of home you in. So my project timeline is a little vague, but still accurate based on what I've seen. What we have all seen in the house. Not vague as far as dates, just repairs, you know. A sworn construction statement has a decent amount of detail in it. The project timeline has a decent amount of detail in it without getting into a super amount of minute detail just because the inspectors said they will do that. And then I have a bid that essentially says sworn construction statement breaks everything down and they are [inaudible] to that bid amount. So I have all those things if you want them.*

*Moermond:*

*Yes. The most important thing, when I look at a work plan is if it hits all the points on the Code Compliance Inspection Report. A simple statement saying "it does cover that" because in your situation, that's like one-third of the whole project, that component of it.*

*Stadstad:*

*That's actually in the bid, it says "agreement to make it code compliant," essentially, because [inaudible] and then I have also taken a little different plan of attack. My goal is to get the Code Compliance done as quickly as possible so I have an aggressive timeline and will kind of figure it out. We'll kind of figure out a way to pick and choose what has to be done, and then my personal preferences on the detail [inaudible].*

*Moermond:*

*Let's take a look.*

*Stadstad:*

*Yup.*

*Moermond:*

*This is an acceptable letter from Merchant's Bank because it does specifically talk about work happening at this property. It's not a general account [inaudible]*

*Stadstad:*

*And the amount matches to this one as well.*

*Moermond:*

*Yes. That's a good thing. Where are we at with the performance deposit?*

*Alton:*

*It's been made. Early March.*

*Moermond:*

*Great. Mr. Wagner, this appears to be in order. Would you glance at it, too?*

*Wagner:*

*Sure.*

*Moermond:*

*You said the lease term begins beginning of June?*

Alton:  
[assents]

Moermond:  
OK.

Magner:  
Just for clarification, your plan is to get it to the point where you can get Code Compliant Certificate with minimal finishes.

Stadstad:  
Sort of. It's gonna kinda be as we dig into things, it's gonna take a little bit more to get it completely done or is it gonna be Code Compliant, so [inaudible] talked to the inspectors, the goal is to have Code Compliance done and checked off. Some of that will mean that certain areas are painted and finish nails have been covered over and painted. Sometimes that's not going to be practical. So...

Moermond:  
Just for the records, in here, if you are past the 50% mark in six months, you have met the threshold for getting another six months, using the same performance deposit. I'm not seeing there would be that in your way, if you wanted to work the Code Compliance at the same time as the general renovation.

Stadstad:  
That's absolutely the goal. You know, there's a lot of kinda little things. The house hasn't been [inaudible] fill the nail holes. Things like that. Yes, that's absolutely...

Magner:  
I guess my question more reflects my experience with property like this, that dollar amount not being reflective of what would be doing the property justice. Or getting it to the point where it would be something that someone would use to market it.

Moermond:  
This is a half million dollar project, not a quarter of a million dollar project? Is that what you are going with it?

Magner:  
I think that the cost he's got there, \$228,000.

Moermond:  
But, ultimately, you are going to be doing more, is what you indicated earlier.

Stadstad:  
Oh, yes. [inaudible] things like landscaping. That's to get us through the Code Compliance. There's things like the plumbing where we will need to redo the whole bathroom, we can't just [inaudible] Code Compliance. Those things will all [inaudible]

Moermond:  
I am comfortable recommending 180 days and we will put it before Council June 5th.

Stadstad:  
So we will want to wait until June 5th? To make sure it happens?

Moermond:

*June 5th will be the big green light. Right now, with the recommendation that I am making, it is the practice of the Department of Safety and Inspections to issue permits on the strength of the recommendation. So, if you did want the permits, you could begin activity now. Most people wait, but this seems like kind of a done deal. If there's something you wanted to go with...*

*Stadstad:*

*Probably just start on general clean up and make sure everything's OK and then start working on permits.*

**Referred to the City Council due back on 5/22/2019**

**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.

**Sponsors:**      Thao

*Written status report on June 11 from Laura Orr and continued Legislative Hearing to June 25.*

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*Laura Orr, Southern Minnesota Regional Law Services, attended, representing Mr. Stuff.*

*Orr:*

*There are more options to explore with Mr. Stuff, the homeowner for 489 Sherburne Avenue. He did complete and return paperwork to our office which enabled us to be here on his behalf this morning. However, since that time, I have not had a conversation with him, particularly in terms of updating him for Habitat for Humanity's position. That is the first point of exploration for our office and Mr. Stuff. I ask, on behalf of Mr. Stuff, that the City permit Mr. Stuff six to eight weeks to further explore options for financing and rehabilitation of the property. He has received a Code Compliance Report and has until Thursday to appeal the findings of that report.*

*Moermond:*

*Yes. No. You know one of the guys cleaning out the house fell through the porch.*

*Orr:*

*I was not aware of that; I appreciate that context. Again, this is a circumstance where I exchanged paperwork with Mr. Stuff. I know he would like my involvement. I haven't had the opportunity to counsel...*

*Moermond:*

*And the City paid for this for him, which we never ever do. The City literally paid for this.*

*Orr:*

*I appreciate that perspective.*

*Moermond:*

*I am nervous about going on a six to eight week layover; I feel like it would benefit from a higher level of babysitting, in maintaining, in keeping accountability. I am looking at you and you are here. But getting Mr. Stuff to the table, reminding him of what's going on, keeping him on track. If Habitat doesn't work out, it might be fruitful*

with Neighbor Works. They might be able to do something. A sit down meeting might be a helpful thing. The people cleaning out the house also found him partying in there with some of his friends. He has been maintaining the property. Mr. Wagner, does that continue to be true?

Magner:

We are between seasons. We did have to issue a Summary Abatement and go over and remove the air conditioner unit that was falling [inaudible]

Moermond:

That's right, so no.

Magner:

I don't think Mr. Stuff really has the capacity to do much.

Moermond:

So, this is the season where the snow is melted and things are turning up and the grass is starting to grow. We can foresee in a couple of weeks, it will need the grass cut and things being taken care of. Yes, that air conditioner falling out did create a hazard that the City needed to go take care of.

Magner:

I think the big hazard was the side with water in the basement.

Moermond:

Yes. Did you hear about that?

Orr:

I had not.

Magner:

When the crew hired by House Calls went to do clean up, they found water in the basement. Because the power was on and there were extension cords in the basement, they had to stop and retreat...besides one of their crew falling through the porch.

If there's a live extension cord on the floor and the water hasn't hit it yet and you step in the water, you create a wave and the wave hits the power, there's a good chance the individual standing in that might not survive that electrocution. Those are dangerous situations. People don't realize that. I, myself have almost gone plunging down steps and into water without realizing it. I don't know how far over a cord or something might be. It's a hidden danger that people aren't aware of.

Moermond:

Immediately action was taken to shut off power to the house. The problem wasn't from the water shut off; that might have been done earlier, but a line break beneath the house. So the line that services the house needs to be replaced. That break is what caused the water to come up from underneath and fill the basement. The electric was cut at the pole. When there's a water hazard like this, the utility doesn't like to cut it at the house, because there's a hazard at the house level. They go straight to the pole. Right not, there isn't electric servicing the house and someone working on the house will need to restore those utilities. It's off, for safety, at the moment. Everybody knows to carry flashlights into these places anyway.



*Have you had a chance to talk with Habitat about this one yet?*

*Orr:*

*It was a footnote to the other property. I do want to revisit so we have a clear idea of scope. Organizations approach with different skill sets but the core idea is to help people and we would like to turn over ideas to help Mr. Stuff a little longer.*

*Moermond:*

*I am looking at June 11 to continue our conversation and what expectations I have for that date. Obviously, you want to meet with Mr. Stuff. I think that's enough time to talk initially with Habitat and Neighbor Works.*

*Orr:*

*I will be out of the office June 11. Is there flexibility for another date? June 25?*

*Moermond:*

*I am thinking about how this will work its way through the nonprofits and how we can get through this sooner. I first heard this in February and it will be getting "long in the tooth" by then. I'd like to have something concrete that I can work with. Maybe a status report June 11 and we sit down on June 25 so that we can get back to you with our questions.*

*Orr:*

*Your suggestions would be reasonable. You would like a status report by June 11 in your office and a meeting on June 25.*

*Moermond:*

*Our practice is to email letters to anyone who signed up for it. We have been mailing letters to Mr. Stuff at Sherburne where he indicates he continues to receive mail as well as to his sister in ...*

*Magner:*

*I think it's prudent to scale that back to his legal counsel and to Sherburne. It seems more appropriate now that he has legal representation ...*

*Moermond:*

*We've been sending to Frogtown District Council, Historic St Paul, House Calls, and I am thinking that as his representative, you are the one to organize all that.*

*Orr:*

*That would be reasonable. The risk when so many agencies are involved is...*

*Moermond:*

*You can ride herd on it. We are not legally required to inform them. They have no ownership stake in this. You have a client who does, however. I am glad you are taking care of this. Mr. Stuff does need your help.*

*Orr:*

*I appreciate your referral.*

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

City Council public hearing. (Amend to grant 180 days) (Public hearing continued from April 10)

**Sponsors:** Brendmoen

*Remove or Repair within 180 days provided the work plan is signed.*

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*Mr. Sathre, attorney, appeared on behalf of Bayview Financing.*

*Steve Magner, Staff:*

*On March 28, a letter went out to the attorney for Bayview, "Dear Mr. Sathre: This is to confirm that on March 26, 2019, at the Legislative Hearing, Marcia Moermond, Legislative Hearing Officer, recommended that on April 10 public hearing at 3:30PM Room 300, she asked the City Council to refer the matter back to April 23, 2019. At 9AM in Room 330, City Hall, provided a \$5000 performance deposit is posted. You have indicated your client posted the deposit. Therefore, please confirm with your client if the deposit is posted, the following conditions will need to be present at the April 23 hearing: a detailed work plan; a construction statement; timelines for completion of the rehab [inaudible]; contractor bids; documentation of financing sufficient to cover the rehab estimated to be exceeding \$50,000. If funds are being provided from a personal account, you must provide an affidavit stating the funds are being set aside [inaudible]."*

*Moermond:*

*It looks like we have the elements here, the last two being a work plan and an affidavit of funds. Looking over the work plan, it meets the points needed to address the items in the Code Compliance. I noted that it was unsigned and undated. Perhaps there is another version that is signed and dated?*

*Sathre:*

*I could email you one.*

*Moermond:*

*Great. It looked to me like the affidavit was sufficient.*

*Magner:*

*And the work plan came in at \$89,500.*

*Moermond:*

*I would like a signed work plan on the record, if that is the one you are going to go with. Happy to put it on the City Council quickly so you guys can get going. I will get it before the Council June 5th. You can get me the signed document shortly?*

*Sathre:*

*I will work on that. Hopefully, if not today, tomorrow.*

*Moermond:*

*As soon as I have it, it is a clean recommendation for me to ask for 180 days for you to do the work. That's all there is to it.*

*Sathre:*

*Thank you very much.*

**Referred to the City Council due back on 6/5/2019**

**11:00 a.m. Hearings****Summary Abatement Orders**

- 5      [RLH VO 19-14](#)      Appeal of Susan K. Drake and Yost J. Yost to a Notice of Condemnation as Unfit for Human Habitation & Order to Vacate at 920 FREMONT AVENUE.

**Sponsors:**      Prince

*Layover to May 21. Inspector to inspect interior on Thursday, May 16 @ 10 am*

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*Yost Jonifer Yost and Susan Drake appeared.*

*Inspector James Hoffman:*

*On April 8, we got a call into the call center saying there was a roof collapse on a structure, property, 920 Fremont. On the 9th, I went out, took a look, took pictures, found the porch roof collapsed and a few other issues as far as exterior things. Roof was in pretty poor shape, [inaudible] and soffits, rear staircase going into the house [inaudible] basically get in the house from [inaudible] stairway itself is pretty unstable.*

*Moermond:*

*Which stairs?*

*Hoffman:*

*The front stairs leads into the porch area that's collapsed. Not sure if you've seen the pictures.*

*Moermond:*

*These pictures? I have.*

*Hoffman:*

*The rear staircase was pretty rickety. So, I wanted to touch base with my supervisors. Steve Magner, he's our manager, he went out and took a look at it himself and then reconvened with me several days later. I sent out an appointment letter April 10 under the direction of Steve Magner who said send an appointment letter, see if you can get in there. April 15, I was not in the office that day, personal things going on. So, my supervisor, Paula Seeley went out there, said she left her card, knocked for a few minutes. Nobody answered.*

*Drake:*

*We are both hard of hearing.*

*Hoffman:*

*Going off what I've been told, so.*

*Yost:*

*I took the day off; I was home.*

*Moermond:*

*OK. We'll be right back with you. We will let him keep going and then we can...*

*Darke:*  
*We found her card...*

*Moermond:*  
*So what next.*

*Hoffman:*  
*After she went out there and had no contact, her, Steve Wagner and myself had a conversation several days later. I was on vacation the next week, so that's why there's a delay between the orders as far as when appointment was and when the condemnation letter was sent. Per our discussion, condemned it based on material endangerment of the collapsed roof, the roof itself and a number of other exterior deficiencies. Thought it was in the best interest to have the property condemned.*

*Moermond:*  
*It looks like you have all exterior items in your orders here and your condemnation is primarily concerned with exiting and that the front and back entrances are compromised.*

*Hoffman:*  
*I would say so, yes.*

*Moermond:*  
*I saw in the photographs you had taken that the shingles were deteriorated on the house overall. Would you bring up that photo, Ms. Vang?*

*[Vang displays photo]*

*That's the front of the house. Did you see inside the porch?*

*Hoffman:*  
*There's one picture through one of the windows where you can clearly see sky ... through to the other portion of the roof.*

*Moermond:*  
*It sounds like Inspector Seeley and you folks did not connect when there was an appointment. For whatever reason. It sounds like we are just talking about the outside of the house right now. Tell me a little bit about what's going on here.*

*Drake:*  
*Our porch roof collapsed from the ice, fell right through the floor and everything so it's like we've got no fire insurance, company won't cover that or not.*

*Moermond:*  
*Have you talked to them?*

*Drake and Yost:*  
*No.*

*Moermond:*  
*When did this happen?*

*Drake:*

*A while ago. Last year. We have talked about to a contractor about what we should do. We are thinking about having a metal roof put on the house and it would cost too much but he said it would be in our best interest if we took the porch off and put in a deck or something but we weren't sure what to do.*

*Yost:*

*We weren't too sure about as far as the financial part of it. We'd have to get the license and we'd have to get, you know...*

*Drake:*

*We weren't sure what to do.*

*Yost:*

*Yah. At that time.*

*Drake:*

*I notice there's no pictures of the back stairs; they are not that terrible. I'm scared to death of stairs because I fell down stairs and fractured my back about four years ago and if they were that bad I wouldn't be walking up and down those stairs. They are not the greatest, there's no pictures of 'em. They are not that bad....I know they are not that bad. I know they are kinda uneven but the worst thing about the back stairs is the railings. We've just got some crappy railings.*

*Yost:*

*And I've been really seriously thinking about replacing them.*

*Drake:*

*We are not sure what to do or go about things. It's like, we didn't know what was going to happen down here...*

*Yost:*

*And we weren't gonna hire a contractor to go ahead and start doing the work because we really want to know exactly touch bases, we really want to know exactly what we have to do to get [inaudible]*

*Drake:*

*[inaudible] came out, didn't talk to us. Nobody explained anything to us. I don't know what a soffit is. I know what an eave is but I don't know what a soffit is. She didn't talk to us or anything. She, you know, and all of a sudden we get this order of condemnation and whatever, without anybody even talking to us.*

*Yost:*

*And I don't have any clue, whatsoever, you know, as far as the front porch is concerned. I don't know if you guys actually did your homework or not. But the front porch is not connected to the house at all.*

*Drake:*

*It's just a porch.*

*Yost:*

*It's just a porch. You can almost tear it down [inaudible]*

*Drake:*

*Plastic all around the [inaudible]*

Yost:

Sure.

Drake:

*In the meantime, too, we got rid of our vehicle in the driveway. And we don't know, we got the yard cleaned up and there wasn't that much stuff there but we got rid of all that stuff, so...*

Yost:

*We, so we been doing, it's not as though that we ignoring the problem. We know what the problem is, is that we just wanted to verify today, we really want to get some idea exactly what we have to do to get [inaudible]*

Drake:

*[inaudible] we don't know, you know, the codes and all that stuff. Understand that's what has to be done. 'Cause nobody didn't talk to us.*

Yost:

*And as far as the legal part of it, we didn't know the slightest idea of what you are talking about. So, you talking to...*

Drake:

*We've been there almost 20 years. October of 2000. We've lived there a long time.*

Yost:

*And US Bank, I really hate to bring that up, US Bank had a homeowner inspector out there, inspecting that house and they approved that loan, to go through.*

Drake:

*Actually, that house got relocated there by the City. We were living on [inaudible] Avenue where they built the new community center by [inaudible] high school. Do you know where that is, off of Arcade? We got relocation to move into the house and they approved the house when we moved in there. It's like, you know...*

Yost:

*We just assumed that the house was OK, you know.*

Moermond:

*Well, that was quite a long time ago.*

Yost:

*Right.*

Moermond:

*Things change over time.*

Drake:

*We do things, like in February, we changed the hot water heater, you know?*

Yost:

*Yeah. It's not as though we are ignoring the problem. It's that like I said earlier, I'd like to find out exactly what we...I know that the roof is gotta definitely be done on the place but as far as the porch, the porch is not connected to the house. As far as I am*

concerned, we could eliminate the porch but I wanna make sure that, you know, if we eliminated the porch and we started, ah, I wanted definitely looking at different roofs and different contractors for the roofs. I got papers at home for different people that I've been calling to...one guy he said before they even came and touched the roof that they had to actually demolish the front porch. And before I can do that, I have to come down here and get the permit to get the license to...this is why...

Drake:

[inaudible] Maybe the gentleman can explain to us exactly what has to be done.

Yost:

Right. And this is why I really want to find out exactly what I have to actually do.

Drake:

We're really really upset. Because we really don't have anywhere to go. We can't maintain the house and f\*\*\*\*\* move into a place. [inaudible] I haven't worked for four years because I fractured my back. And I have a mailing address for my medical because I'm on Medical Assistance and [inaudible] heart problem.

Yost:

[inaudible] address, I mean, you know.

Drake:

It's like we've been really upset about this, especially when we got a condemnation and notice to vacate order without anybody even talking to us.

Yost:

And seven days, there's no way...

Drake:

They wanted us out. I got letters here. They say they wanted us out in seven days. We've lived there 20 years.

Yost:

I can't do it in seven days. I mean, you know.

Moermond:

I have a couple of things I want to throw out for you here and I think we can definitely ask Mr. Hoffman some questions, too. First thing would be what the necessary repairs are. The orders identify the problem. The porch roof is a problem because it could affect your ability to exit in case of an emergency. So, how do you address that? We go to how do we keep it from affecting your exiting. We could repair it or we could take it away so it no longer has a role in getting out of the house. [Yost and Drake persist in talking over Moermond] Those are two ways to tackle the problem of the porch being a problem exit. It sounds like you've given some thought to that and talked to some professionals. That's a really good first place to go.

Drake:

On the notice I saw something about peeling paint. We have painted since we were there.

Yost:

And we been seriously thinking about painting again. In the meanwhile, before I go ahead and do that, there's no sense of painting the front porch if the porch is going to

*be a [inaudible]*

*Drake:*

*[inaudible] the house*

*Moermond:*

*Let's pause here and take a breath. What did you want to say, Ms. Vang?*

*Vang:*

*I want them to talk one at a time.*

*Moermond:*

*That is really important, one voice at a time. Otherwise it's really hard for us to sort out.*

*There's quite a few things listed out here as principle violations. It seems to me that some of these aren't...it seems to me that the exiting seems to be of primary concern. You have material endangerment there. Windows that...*

*Drake:*

*There's one window we don't have a screen on; that's where we put our air conditioner so we don't have screen. We never put it back on because we put our air conditioner in that window.*

*Moermond:*

*What did you observe about the foundation?*

*Hoffman:*

*Mostly where the porch is connected. The floor is gone from the porch, so there's load paths that aren't being connected, obviously. Again, that back stairway is anchored to the house and it needs to be properly footed. As far as the foundation supporting the house, I didn't take note of that, exactly. I was more concerned with what's above it. [inaudible] the entire roof being collapsed. Parts, other parts of the roof are in poor shape. Again, the soffit and the eaves...*

*Drake:*

*What's a soffit?*

*Hoffman:*

*Where the roof comes down, you've got your eave and then underneath that, you've got that boxed area.*

*Drake:*

*The porch, or the whole house?*

*Hoffman:*

*The whole house. Not the entire house, I would say maybe 20% of it.*

*Drake:*

*There's one part where the storm took off on it, on the front.*

*Hoffman:*

*On the west side and on the south side. That can be addressed whenever the roof is done, so...*



Yost:

*Right and that's why I wanta really find out in details what exactly I have to have done.*

Moermond:

*Have you folks talked to anyone who could provide some financial assistance? You mentioned earlier that you have limited means.*

Drake:

*About a year or two, after we moved in there, we tried to get help through an organization called Dayton's Bluff. They said we made too much money when I was making \$7 an hour and he was making \$10 an hour.*

Yost:

*And I could even verify, you know, I got checks.*

Moermond:

*But that was back 15-18 years ago.*

Drake:

*We got a second mortgage and we couldn't afford to do that.*

Moermond:

*You've been paying your mortgage.*

Drake and Yost:

*Yeah.*

Moermond:

*You are all good on that.*

Yost:

*Everything is all up to date. Water, electricity, telephone, everything, trash. Everything.*

Moermond:

*Have you talked to the City, because there is some assistance available through the City.*

Yost:

*No. We haven't.*

Drake:

*We didn't know.*

Yost:

*See, this is why we are here today because we would like to find out, in detail, exactly what kind of help we could get and how [inaudible]*

Drake:

*[inaudible] get phone numbers because we don't have a computer.*

Yost:

*Right. And we don't have no email either, so.*

Moermond:

*Where are you at with the equity in your house? Have you paid enough on your mortgage that you have some equity built up?*

Yost:

*Yes.*

Drake:

*\$1000 or something. We've got another \$20,000 to pay on the house.*

Moermond:

*You have \$20,000 left to pay on it.*

Yost:

*Right.*

Moermond:

*Equity. Let's say if the house is worth \$120,000, if you were to sell it. I'm throwing out a number, let's just say it's worth \$120,000. If you only have \$20,000 left on your mortgage, that means you have \$100,000 in equity.*

Drake:

*Oh, that's the escrow I'm talking about. That's the escrow. \$1000.*

Moermond:

*I think you would benefit from talking to City staff about some housing money. It looks to me like you've got some emergency money that you really need to spend to get this porch situation addressed and to get that back repaired. You know the railings are not in great shape and you know that they are uneven...*

Drake:

*The stairs are uneven, yeah.*

Moermond:

*Exactly, but if somebody is coming in and doesn't know that, then it's not safe for them.*

Yost:

*Right. I wouldn't want to jeopardize their job, either.*

Drake:

*We didn't know if we should start any work or not, because we didn't know what [inaudible]*

Yost:

*This is why I really want to find out, in detail, exactly ...*

Drake:

*{inaudible} permits to put in fixtures?*

Yost:

*See? That's what I am saying.*

Moermond:

*I don't know what your skill level is, doing these kinds of things.*

Drake:

*[inaudible] a little bit of trouble. He's got Parkinson's and [inaudible]*

Moermond:

*That's going to make that harder for you to do that on your own. And...*

Yost:

*That's why I was seriously thinking about hire...and I got a quote from a few people that I can hire, that I've already talked to that will be more than willing to come on over and do the work.*

Moermond:

*You've said you had ice damage to the roof...*

Drake:

*That's right. Ice damage on the roof made the whole roof collapse. I mean, it went through the floor.*

Moermond:

*Was that in 2018 that happened? Or earlier?*

Drake and yost:

*Yes, 2018, in the winter.*

Moermond:

*November, December of 2018, or January?*

Drake:

*Later in the year than that. March or something.*

Yost:

*I had to clean up. I cut up all the boards and then I had to find some means or getting rid of all that garbage and everything. So like I said, it's not that I just left everything the way it was. No. I actually did...*

Drake:

*We tried cleaning up the [inaudible] put some plastic on [inaudible] it was off.*

Yost:

*What we were going to do is [inaudible]*

Moermond:

*One voice at a time.*

Yost:

*I'm sorry but we didn't expect a roofer to go up there during the winter, either. Do, that's why we put up plastic for now. Because we were in the process of hire a roofer to come in there and do it.*

Moermond:

*What's on the front porch? Do you have storage in there?*

Drake and Yost:  
No. it's all empty. All dirt.

Yost:  
And I was seriously thinking about filling that all in but I figured, well, if the porch has gotta go, I will just have a professional come in there and just do the work.

Drake:  
Cheaper. [inaudible] it seems like the walls are solid but I'm not sure if we checked that or not.

Yost:  
Right.

Drake:  
[inaudible] the windows, the glass [inaudible]

Yost:  
[inaudible] the windows need to be painted, I know that.

Drake:  
Glass in the front window. [inaudible]

Moermond:  
The main areas of concern are the safety of the porch in the front, the stairs in the back, and that the inspector hasn't had access to the whole house. I think this situation would benefit from you talking with some City staff about any financial assistance that might be available to help you get some of these repairs made. You tried in the past to talk to Dayton's Bluff Housing Services. They are also a decent source and there are also some other organizations like them.

[Yost persists in interrupting] One voice at a time.

I would like to do that. At the same time, I want to be really serious with you guys that this is a problem. Getting out in the case of an emergency is hugely important. Also, giving access to emergency personnel, whether they are EMTs with a gurney or fire fighters with a hose, they have to reliably be able to get into the house. Right now, that's compromised.

The other things on the orders we may be able to put into a repair plan that's more long term, if we could get some money to work on these things. I am concerned about you being there and having these exits, I am using the word "compromised" but you know where I am coming from. Can you get out safely? If any water needs to be used to put out a fire on that roof, if rainfall causes it to get so wet that it collapses further in, these are all huge problems. I think you know that the house is kinda coming down around you a little bit.

Drake:  
Our mortgage payment is a lot cheaper than an apartment.

Moermond:  
Of course it is.

Yost:

*Is what you are saying is before we can make any kind of repairs, we'd have to find another place to locate?*

Drake:

*We can't.*

Moermond:

*I haven't said that yet. What I want to know is how quickly we can take care of the emergency repairs that need doing. There's City money for that and the other place we may be able to get some money would be Ramsey County, the House Calls program. I don't know if you've ever worked with them, but...*

Yost:

*No. I never even heard of some of these places...*

Drake:

*We don't have a computer so we [inaudible]*

Moermond:

*They have some money to be able to hire some services that would be able to help you take care of the most pressing thing, which is getting in and out, while we put together a plan to tackle the other things. That would include the inside stuff. I think you would qualify for a forgivable loan, based on your income, length of time in the property, and other criteria. I would want you to meet with them.*

*Ms. Vang is writing down some of these contacts for you. I see you don't have paper and a pen...*

Yost:

*No.*

Drake:

*Just brought bills and stuff.*

Yost:

*You can discontinue that vehicle out of the driveway. I got rid of that this morning. [inaudible]*

Drake:

*[inaudible] Friday and Saturday but we called them places [inaudible]*

Yost:

*I called [inaudible] different [inaudible]*

Drake:

*One place twice and he didn't [inaudible]*

Moermond:

*One voice at a time. You guys love to talk at the same time.*

Yost:

*These people, you call them and they say that they're gonna come out and do this and then I just sit out there practically all morning, waiting for them to show up. Finally this*

*last one I talked to, he told me bluntly, right straight out, "you be out in your yard, I'll make sure, I'll come by and get it." I go well, you better, I says, because this is definitely the last time I'm gonna call anybody. Because, I says, "I called about three or four or five different places and it's like, I can't get rid of it so I gotta get rid of it this morning because it's gotta be gone." So he goes while he and yah it's really critical and an emergency for me to get rid of it. He made it a point to come over first thing this morning and get rid of it, so. it's gone, so...*

*Moermond:*

*The other resource that we should get information on is Rebuilding Together Twin Cities 651-776-4273*

*Drake:*

*We talk at the same time, we've been together for 45 years. It's kinda like [laughs]*

*Moermond:*

*What I would like if for you to connect with some of these organization that could provide assistance, knowing that we have an emergency going on here. If we can get this taken care of in the next week, I am OK with you staying there, but I am not willing to do a long term risk of you staying there while we figure this out. You've gotten the feedback; you've been aware of the problem for quite a while and nothing has happened yet. I am telling you we have to pull the trigger now to make something happen to address this. There is no more waiting on it. I get you have limited means and I don't want to take away the money you need to spend on food and medication to deal with this.*

*We've giving you a big green brochure for House Calls. They may have some money for emergency help. We will give you contact information for Michelle Vojchek and Zong Vang. They work with people who own their own homes who need money to do fixes. Their money flows more slowly. The third place is Rebuilding Together. They work with older people, living in their own homes, who have emergency repair problems. They have a limited scope but might fit with what you have.*

*Yost:*

*I will bring this up. When you people come in, I would like these people that come in and say that they're gonna do the work and everything else. Now, you know, what guarantee do we have that they're gonna actually get it done. You say that we got a week to get all this stuff done?*

*Moermond:*

*What I am saying is I think it is an emergency to get the repair of the back steps and the front porch addressed. I am giving you the best resources I have, in terms of emergency money and people who know what they are doing, to come and be able to help with this stuff. I want to talk to you next Tuesday at the same time and would like a report back on where you are at with things. Also, when you talk to them, share our names and phone numbers if they have any questions. Our business cards are right there. Mr. Hoffman's contact information is in the letter.*

*Yost:*

*Yah, I think we got...well, we'll take another one, just to be on the safe side.*

*Moermond:*

*We have to get Mr. Hoffman inside the property to do an inspection so we can be assured that anything hazardous on the inside that needs to be addressed is included*

*as we are putting together a plan to do these fixes.*

*Drake:*

*Yah, we got problems on the inside.*

*Yost:*

*Yah, OK, I'll give you an example. I know that we gotta definitely replace the floor in the bathroom. Because the toilet...*

*Drake:*

*The bathroom rug...*

*Yost:*

*Leaks. OK? And then we got a hot water faucet that, as much as we try to shut it off, it still runs.*

*Drake:*

*It doesn't run [inaudible] it's just to fix the faucet.*

*Yost:*

*Right and I'm not a plumber. That's why I've been trying to hire these certain people that will come in and do the work and get it done. But before I can go ahead and do that, I wanta go ahead and take care of the most major thing and that's the roof and the porch and that's why I been really you know kinda you know*

*Drake:*

*[inaudible] hasn't done anything but it's been like many years since he put it up. Been like that and nobody's said nothing. I don't know what the deal is [inaudible]*

*Moermond:*

*I thing sometimes...*

*Drake:*

*Hit us all at once and you know [inaudible]*

*Yost:*

*Well, and he know and he probably know this, too, in this neighborhood where we live at, there's about two ,three other houses in the neighborhood that's been in bad shape, that they had to close down, so...*

*Moermond:*

*And I can't promise you that we won't end up in the same place, but I hope that you are hearing that I am trying to work with you.*

*Yost:*

*I realize that. I appreciate it.*

*Drake:*

*[inaudible] homeowner [inaudible] 20 years.*

*Yost:*

*I don't know how much longer I'll be working. I'm 67 and...*

*Moermond:*

*As long as we have you here and you guys know what your schedule is this week, Mr. Hoffman, is there a time when it would be good for you to do an interior walk through?*

*Drake:*

*I know we got a lot of problems in the house.*

*Yost:*

*Yah. It's not as though we don't want him in there. It's just that like I said I know we got a problem with the bathroom...*

*Drake:*

*We haven't been able to afford to move out or do anything else, either.*

*Moermond:*

*I understand. We're here to work on this.*

*Hoffman:*

*Thursday at 10AM.*

*Yost:*

*OK. I gotta make arrangements through my work. I gotta give them at least a day or two days...*

*Moermond:*

*So, Thursday at 10AM. Would one of you be home?*

*Yost:*

*I will be definitely be home. She will...*

*Moermond:*

*Mr. Hoffman has been doing this for years and he is very respectful. What we are trying to do is go to these non-profits to look for money to fix stuff. I want to make sure that, if we fix the porch, the bathroom floor doesn't collapse and we have to have you leave anyway. That we get it taken care of and we know what we are doing.*

*Yost:*

*That's reasonable.*

*Moermond:*

*If we have to relocate you for a period of time, we know who is going to pay for that limited period of time. I'm about putting together a plan right now. You guys do have a crisis but there are resources and we want to get you connected with them. I have information here for you that your number is 651-774-8574.*

*Yost:*

*Yes.*

*Moermond:*

*That's your home line?*

*Yost:*

*Right.*

*Moermond:*



*I'm going to give a call to some of these organizations ahead of time. You call them so that we are both reaching out to them. You will get the inspection on Thursday at 10AM. We need to have Mr. Hoffman walk through there.*

*Do you know what you need to do?*

*Yost:*

*Yes. We are supposed to contact some of these people and see what kind of assistance we can get. And then, we'll wait for him to come out Thursday to see what he come up with and then after that, we'll just take it from there.*

*Drake:*

*[inaudible] anybody come out [inaudible] getting quotes or...*

*Moermond:*

*Sure you can. I would focus right now on these because if Rebuilding Together says they can do it, they've got their own contractors. If the City spends money on it, the City will have contractors bid on it. You can have somebody bid on it right now, but if we are getting some of these dollars, those dollars may or may not be able to pay your contractor. They might have to do competitive bidding so that a couple guys have to look at it before they can take the bid.*

*Yost:*

*If you go out and hire these people, would they get the permit, or would I...*

*Moermond:*

*The person who does the work should be the one pulling the permit. Ultimately, you are responsible for people working on your house pulling the permit. If you hire a plumber, the plumber should be the one pulling the permit, the plumber should talk to the plumbing inspector. But, if something goes haywire, we'll knock on your door and say the guy you hired didn't follow through, so you need to call that person and make sure that they follow through. That's the reason a lot of people pay half down and half on completion. Just to make sure that all those things are wrapped up at the end.*

*Yost:*

*Another thing I'm going to bring up at the end is that, you know, I've been seriously thinking about getting a dumpster and getting rid of a lot of stuff...*

*Moermond:*

*That green brochure we just gave you, if you qualify, income-wise, and I suspect you do, they can help you with a dumpster.*

*Yost:*

*Oh, is that right! Because see I was seriously thinking about you know, getting a ...*

*Moermond:*

*You could be spending your money on something other than the dumpster. In terms of these emergency repairs.*

*We will see you next week at 11AM. Mr. Hoffman will be back, having had a chance to look at your house. You will be talking to people. The priority is the front and back, but we are waiting to find out what he learns. The rest of the stuff, I am thinking, we could put in a work plan that you work on over the next couple of months. OK?*

Yost:  
OK.

Moermond:  
Ms. Vang will confirm this in a letter to you which you will receive in a few days.

**Referred to the City Council due back on 5/22/2019**

- 6      [RLH SAO 19-32](#)      Making finding on the appealed nuisance abatement ordered for 71 MARYLAND AVENUE EAST in Council File RLH SAO 19-26.

**Sponsors:**      Brendmoen

*Nuisance is abated.*

**Referred to the City Council due back on 5/22/2019**

### 11:30 a.m. Hearings

#### Orders To Vacate, Condemnations and Revocations

- 7      [RLH VO 19-15](#)      Appeal of William Rolf, NCK1 LLC, to a Correction Notice-Complaint Inspection (which includes condemnation) at 1324 GRAND AVENUE and 1326 GRAND AVENUE.

**Sponsors:**      Tolbert

*Deny on the condemnation and order to vacate.*

---

*William Rolf appeared.*

*James Perucca, and Brian Schmidt, Staff:*

*..Date/Time of 1st LH: Tuesday, May 14, 2019, 11:30 a.m.*

*..Purpose of Appeal: The unapproved use was made in violation of the lease and the lease is being terminated, and the tenant evicted. An order to cease the unapproved use and close out the permit pulled by tenant on 7/2/18 would be more appropriate than condemnation. There is no need for plans for change in occupancy if the space continues being used as retail space.*

*..Date of Order(s) Under Appeal: April 24, 2019*

*..Inspector/Key Staff: James Perucca*

*..Legislative Hearing Staff Comments: Appellant had a letter dated 4/23/19 that he wanted to appeal, which read that the property was being condemned. Staff found a vacate order dated 4/24/19, which appellant had not seen. --rrn*

*The property is a commercial property with the address range of 1324-1330 Grand Avenue. It has four commercial suites and what we show as a [inaudible] storage area. That's important because the condemnation is reflected to one area of the building, which is what we list as the S1 storage. We got involved because of a complaint of parties being hosted in the rear of the building, in what was a former warehouse. Upon investigation, found evidence of that area being used as an assembly area that had not been approved. We have pictures showing it being used, from social media. [inaudible] after hours parties ...*

Moermond:  
Are those in your records?

Perucca:  
Yes. The referral is under 1324 Grand Avenue.

Did go out to the property with officers and did find evidence that it was being used for after hours assemblies of various types. Because of exiting, lack of fire protection, improper door swings, we took the action to condemn the space immediately.

Our records show the property is approximately 13,400 square feet. Besides the four individual business suites, the rear of the building is approximately 6400 square feet which was used at one time as storage. Over time, it's been manufacturing, car dealership, car detailing. Most recently, it's been storage. A previous occupant had pianos stored in there and that's probably the last documentation that we show. Warehousing for one of the retailers. Of the occupancies that are on the Certificate of Occupancy, the primary one is the S1 storage. An unoccupied restaurant being in A2, two retail/mercantile suites and one home health care business suite. The connection to the S1 storage space is through the address 1326 Grand Ave. it goes through a rear entry through the mercantile part of the store into the rear space.

I believe Mr. Rolf is not questioning the use as an assembly. It seems quite apparent that this was being used improperly as an assembly without proper exiting and fire protection. But, he believed that this was all part of the retail space and not S1 storage.

Rolf:  
That's one of the issues.

Perucca:  
If you would go to the last set of pictures, the photo document at the bottom, some of the concerns I would have, whether it's retail/mercantile or assembly, is that the exiting is still improper. The doors that are present lack proper landings on the exterior.

Moermond:  
The entire space that we are concerned with has been used as an assembly space is all under the 1324 address? Is that an accurate way to describe that location?

Perucca:  
That location is 1326. The Certificate of Occupancy starts with the 1324.

Moermond:  
Do you have other information for the record?

Perucca:  
We have several building permits still open. There's an electrical still open. Building permit was for a 30 foot by 10 foot by 20 by 10 which was part of the warehouse space used for a bar, I suspect. Bar and or storage. There was some demolition of walls in the storage space. From what I can find in the documentation, there's been no change of occupancy to change that space from S1 to either mercantile or any other type of business.

Moermond:  
The main thing we are talking about is the improper use of the warehouse space as an

*assembly space because it lacks all kinds of things that it would need to be used as an assembly space.*

*Perucca:*

*Correct.*

*Moermond:*

*The big two are probably the exiting and the sprinkler systems.*

*Perucca:*

*It also lacks the requirements that would allow it to be used for retail. Separation from the main electrical power...*

*Moermond:*

*I am hearing that's a problem with the retail spaces as they connect to this warehouse space is problematic. But if it's being used as warehouse as opposed to assembly, does that problem continue?*

*Perucca:*

*It does not. There are minor issues but as far as that use of the space, we can correct minor conditions.*

*Moermond:*

*That's a lot of report. My first question, Mr. Rolf, is NCK1 LLC you and are you the owner or the manager?*

*Rolf:*

*I am the owner.*

*Moermond:*

*And so you leased this space. Tell me about that and what happened.*

*Rolf:*

*I have a lease with this tenant that specifies this is to be used only for retail.*

*Moermond:*

*The warehouse space?*

*Rolf:*

*It's been used for retail for the 20 years I've owned the building. It's been inspected as a retail space and I pulled a permit in 2010 to add a fire exit in the back. I went over the floor plan and decided where the exit should go. I also improved the lighting; there's a second exit on the west side. I improved the lighting for that exit as well. Added some exit lights and reframed the hallway in steel studs. It had been a wood hallway. I reframed it in steel studs to make it more fireproof.*

*My understanding is this space is retail...it was retail space when I bought it. Custom Crafted upholstery used it as retail. Keys for Kids, the piano place, that was their show room. They had one or two pianos in the front. They had all their pianos for sale in the back. It's been inspected as retail space; this isn't some strange use that we just came up with out of the blue. It's retail. I have a concern that it's...I spoke with Zoning and Building and neither one of them had an issue with it being retail.*

*Moermond:*

*Let's go back to what the problem is right now.*

*Rolf:*

*This tenant had a concert in there, wasn't smart enough to know that isn't an accepted use there. I have evicted him; the sheriff hasn't moved him out yet. But he has been served with a writ. He's convicted.*

*Moermond:*

*When?*

*Rolf:*

*I got the writ. I also have the part of the lease that says he can't use it.*

*Moermond:*

*Which clearly didn't keep him from doing it.*

*Rolf:*

*Sure. People do what they want, whether you put it in writing or not. Here's the writ. Here's the part of the lease that says it can only be used as retail. So, it seems to me that evicting the tenant was a more reasonable solution than condemning the space and making it subject to a full Code Compliance.*

*Moermond:*

*I imagine it does feel that way, from your perspective. So, only once was it used this way?*

*Rolf:*

*I think it may have been twice. From the Facebook pages, that's what it looks like.*

*Perucca:*

*From what was provided by St Paul Police, "we are open every day from 12PM to 7PM [inaudible]. Use it for [inaudible] music, skateboarding, [inaudible]"*

*Rolf:*

*I think he had some [inaudible]. I don't know that he ever had any people back there.*

*Perucca:*

*He advertised key features: X box, [inaudible] hourly pricing [inaudible] members \$5. Hourly rate \$10/hour. Member rate \$8. Punch cards offered. Parties, game stations for \$150, [inaudible] for \$400. Party add-ons, game stations, additional food, beverage [inaudible]*

*Rolf:*

*I never saw anyone in the space when I was there so I don't know how successful he was with that. I think it was only those two concerts.*

*Perucca:*

*There is a [inaudible]*

*Moermond:*

*Did I read that eviction date correctly? Was he supposed to be out April 30?*

*Rolf:*

*Yes, he was supposed to be out. Apparently, the attorney put the wrong address on*

*the writ so he had to have it re-issued. And so, hopefully he will be out by the end of the week, it depends on the sheriff's calendar.*

*Perucca:*

*There are two recent flyers that St Paul Police provided for performances, looks like a hiphop birthday bash...*

*Moermond:*

*What are the dates for those?*

*Perucca:*

*May 18 from 5 to 12AM*

*Moermond:*

*Saturday night.*

*Perucca:*

*Video shoot, dress free food and drink. Also ...*

*Moermond:*

*Had you seen that?*

*Rolf:*

*No. I just looked on the [inaudible] I saw that...I mean I'm not contesting that he had a couple bouncers...*

*Moermond:*

*He's advertising that he has the space available for the 18th.*

*Rolf:*

*Yeah, that's not going to happen.*

*Moermond:*

*And I don't know how you are going to keep it from happening.*

*Rolf:*

*Well, the police have been instructed to shut it down.*

*Perucca:*

*The police are monitoring [inaudible] should there be criminal activity involved, at...they would take action but I can't comment on that.*

*Rolf:*

*I guess I will call them. I can't imagine he's going to do that. He did, I mean ...that's a criminal thing.*

*Perucca:*

*The other documentation that the police provided was a party on February 22 that he had a invite. Facebook page from February 23. Looks like a concert there. February 27, looks like a band playing on a stage with people around. March 9, another concert, a romantic death.*

*Moermond:*

*Mr. Perucca, if this condemnation stays in place, what would Mr. Rolf need to do to*

*make this space usable again.*

*Perucca:*

*The current tenant is still there. I don't have any belief that some of their stuff would still continue. Mr. Rolf believes the rental space has been used for retail and I can't imagine...*

*Rolf:*

*I can document that.*

*Perucca:*

*Unfortunately, our documentation shows the opposite. We have from 2013 Certificate of Occupancy order that refer to the warehouse in several correction areas. From what I can document here, none of that space meets the requirements for retail space.*

*Rolf:*

*Proper exiting, it does.*

*Perucca:*

*No, it doesn't have proper exiting.*

*Rolf:*

*Well, I went through it with Planning and [inaudible]*

*Perucca:*

*The doors are improper.*

*Rolf:*

*The doors swing out. I'm going to show you some pictures.*

*Perucca:*

*You don't have separation from your main electrical.*

*Rolf:*

*Sure the main electric...you can either close that off.*

*Perucca:*

*No, you can't close that off.*

*Rolf:*

*It has to be put outside?*

*Perucca:*

*Well, it has have [inaudible] separation from anywhere the public would be.*

*Rolf:*

*Build a one hour fire wall.*

*Perucca:*

*Correct.*

*Rolf:*

*That costs \$500. That's not a big deal.*

Perucca:

*What I'm saying that isn't a big deal; you certainly can do that. But [inaudible]*

Rolf:

*The Fire Department's been out and seen that there with that used as a retail space and [inaudible]*

Perucca:

*But here again, when you look at it as storage...*

Rolf:

*They had a cash register back there. They had a showroom. You're telling me your inspectors don't know that a cash register means it's a retail space?*

Perucca:

*I cannot say what they saw back there.*

Rolf:

*I can say; I have pictures.*

Perucca:

*Well, let me show you pictures also.*

Rolf:

*You have pictures of the space being used as retail?*

Perucca:

*I do.*

Rolf:

*Yeah, there's a cash register.*

Perucca:

*That may be but that's not the approved use. Also, improper landings on the exit [inaudible] was put in [inaudible] as far as being able to step out onto a level surface [inaudible] have to be [inaudible] improved.*

Rolf:

*Again, landings cheap.*

Moermond:

*My question was what needs to happen for this space to be usable, again, should the condemnation continue to be in place. What I am hearing is the way the space is configured, doesn't align the way it should with a retail space. That there are discrepancies between warehouse and retail space requirements. And you are saying these aren't big fixes. And I think that's agreed, these aren't big fixes. But they are fixes that would be necessary prior to reuse.*

*I am loathe to grant your appeal, to say this can be reused, without those things being addressed.*

Rolf:

*That's in order to make improvements, that's not a condemnation.*



Moermond:

Actually, right now, the space is condemned. You did allow it to be used as an assembly space. Your tenant, your...if there would have been fire, if anything had gone sideways in it, and that has most certainly happened in other cities in the United States, where these kinds of events have lead to horrific tragedies. I look at this and I get where you are coming from, gosh this tenant misbehaved and everything, but...

Rolf:

He showed up and said he was going to have concerts in there [inaudible]

Moermond:

And yet, here we are, having this conversation. You have responsibilities as an owner. I need to make extra sure that you are taking care of business moving forward. Because business wasn't being taken care of during these conditions.

Rolf:

[inaudible] I had no idea until somebody, you know, I got a call on Monday about the tenant from one of the neighbors, but you know, nobody had mentioned to me [inaudible] concerts before.

Moermond:

And yet it is the responsibility of a property owner to know these things and if you don't, that's not on the neighbors to tell you. That's on you to figure out for yourself. It's your property at the end of the day.

The condemnation pertains specifically to it being used as an assembly space, am I right?

Perucca:

Correct. It does. But the contention is that it cannot be used as anything other than what we have it listed as, S1 storage.

Moermond:

If I am thinking about the Certificate of Occupancy for this structure...

Perucca:

We did not condemn the entire building.

Moermond:

What we are dealing with is a part of the building. The rest of it can continue to be used and occupied as it has been. What would need to happen before this space could be re-used is it would need to be re-inspected and found to be in compliance with what the proposed use was, whether it's warehouse or retail.

Perucca:

Correct. My judgment is that if it will be used for retail space, it would need to go through change of use. It would need to have plans submitted and have all the requirements for retail. As you said, zoning doesn't have a problem with it being a retail space.

Rolf:

And Building doesn't have a problem with it being considered retail. It's [inaudible]

Perucca:

*The permit that was pulled was for framing an area that was within that space. That was the most recent permit.*

*Rolf:*

*That's an old...the permit I pulled was when the tattoo place was going in. I had the fire exits done.*

*Perucca:*

*That did not address so many things. [inaudible] space. If we pulled the permit for the building, for the additional [inaudible] such as...all I can say is they must have looked at it with such a narrow view that they did not look at the entire space [inaudible]*

*Rolf:*

*The inspector came out. Looked at it.*

*Perucca:*

*As it sits now, it doesn't meet the requirements for [inaudible] space. Whether I'm not throwing anybody under the bus, but whoever was out there in the past, if that were the case, were wrong. So, I cannot, in good conscience, say that this space meets all the requirements to be a retail space as it is now. Because I was mentioning, there are open permits for electrical, HVAC, heating, [inaudible]*

*Moermond:*

*The one building permit was approved conditionally with the electrical permit being taken care of.*

*Perucca:*

*That is still open...*

*Rolf:*

*It was for one circuit. The guy probably hasn't come back because the tenant didn't pay him. They haven't been able to reach him.*

*Perucca:*

*The overhead heater is not connected. It's not been approved, signed off yet.*

*Moermond:*

*Actually have two open electrical permits. One from Skyline Electrical for Apt B and the other from Albrecht Sign Company for the same address. You've got a couple of contractors out there who haven't finished their permit work.*

*Rolf:*

*[inaudible]*

*Perucca:*

*We do have change of elevation. We do have other issues that, short of designing it for you, somebody would have to look at the space, an architect to ensure that whatever trip hazards are being addressed, any kind of fall hazards. Railings that are near the overhead door. The stairway that was installed, make sure that is sufficient. [inaudible]*

*Rolf:*

*It has fire exits.*

*Perucca:*

*No, it doesn't. [inaudible] if it had been, it's not.*

*Rolf:*

*I had it installed.*

*Perucca:*

*Open junction boxes in several places [inaudible] to the ceiling. The stage was constructed, obviously, without any permit.*

*Rolf:*

*Actually, that's not a stage [inaudible] put that in*

*Perucca:*

*There's a skateboard [inaudible] and an [inaudible] skateboard rack that's also in there.*

*Rolf:*

*I will have to tear that out.*

*Perucca:*

*I am concerned about the landings from the exit doors that [inaudible]*

*Rolf:*

*That exit out into the [inaudible]*

*Perucca:*

*[inaudible] how far they [inaudible] Smaller things, you know, the dumpsters cannot be within...[inaudible] dumpsters have to be set back from [inaudible] Separation [inaudible] one hour enclosure. All very doable and [inaudible] but what I show on my records is that ...*

*Moermond:*

*What is in front of me right now is a condemnation for this area because it was being used as an assembly space, reconfigured to be used in that way. Although I hear you that you have evicted this tenant, the space problems have to be rectified before it can be re-occupied. However that gets addressed is something that is beyond my jurisdiction. That is a building code issue. Filing a change in use form falls under the building official. All I can look at right now is the Fire Code as it pertains to ordering this space condemned and vacated. What is involved to re-occupy is what the Fire Inspector says. If he says you have to file paperwork to use it as a retail space, the proper place to appeal that would be to the Building Official because building code appeals go straight to the Building Official. So item 2 in your orders is that. We have a building code appeal form that would address how to re-occupy the space. Right now, I'm going to recommend to the Council that the condemnation of this space stands and your problem moving forward will be how to get it in use again, how you want to have it in use. If the Building Official says retail use is OK, based on an inspection by a Building Inspector or Fire, I'm not sure how they want to handle that, then that's OK. That's beyond what I am looking at.*

*Rolf:*

*What's the difference between it's not OK to occupy and that it is condemned? Is that the same thing?*

Moermond:

*In this particular case, it is. The other way to say it is your Certificate is revoked for a part or a whole of your building. Condemning it does revoke the Certificate for that portion of the building. I will concern myself with that space and say that space is not usable until you have an approved use. If you have an argument about what would be an approved use, I can't do that. The Building Inspector can. If you want to say retail and they're saying it's warehouse, Building Official is the one to answer the question. His name is Steve [inaudible] and his number is in that paperwork.*

*Right now I am looking at something that has been modified into an assembly space and I am saying it cannot be used until you get the sign-offs from them that it is OK to occupy.*

Rolf:

*I am concerned that the condemnation is going to create additional issues.*

Moermond:

*You pretty much have all the issues you could have already.*

Perucca:

*We looked at it [inaudible] the area involved.*

Rolf:

*That's nice that you didn't condemn the whole building. That's thoughtful.*

Perucca:

*But...*

Moermond:

*I know you are trying to be ironic, but the use and...*

Rolf:

*No, I'm not trying to be ironic. I am genuinely saying it's thoughtful that he could have condemned the whole building. I understand that.*

Moermond:

*Any other comments today?*

Perucca:

*I think that this is an issue that can be worked out and making sure that everything that's required is in place is the paramount goal that we have.*

Rolf:

*Obviously, we'd have to do some work to make it back into a retail space.*

Perucca:

*It does appear that the door that goes to the alley does swing in.*

Rolf:

*It does swing in? They installed it improperly.*

Perucca:

*And there's some minor things, I didn't want to give you the whole laundry list but looking at the [inaudible]*

*Rolf:*

*The other one does open out.*

*Moermond:*

*The placards should be on the doors for that space, so that anybody who shows up for the party on the 18th will be met with a "Condemned" placard.*

*Rolf:*

*Unless he's out of the [inaudible]*

*Moermond:*

*In which case, it's still condemned and they should be met with a placard at the door.*

*Rolf:*

*If for some reason the sheriff isn't able to get him out by then, and he does show up for the party, can I call the police?*

*Moermond:*

*The place is condemned and ordered vacated. You can always call the police. They will not allow the space to be used. Do you need a placard on there?*

*Perucca:*

*I have not ordered as such. Usually the condemnation has been sufficient but ...*

*Moermond:*

*There's big placards that we have for spaces that have been broken into that say "Keep Out."*

*Rolf:*

*I don't think they'll break in but it's possible he will try to have the party anyway.*

*Perucca:*

*After I [inaudible] the building [inaudible]went in there.*

*Rolf:*

*Seriously?*

*Perucca:*

*Yeah, that was forwarded on from Police. More from a parting [inaudible] of sorts.*

*Moermond:*

*We have a path for getting the space re-occupied and for the time being, that portion of the building is condemned, ordered vacated. You guys should have Keep Out placards.*

**Referred to the City Council due back on 5/22/2019**

## **1:30 p.m. Hearings**

### **Fire Certificates of Occupancy**

**8**      [RLH FCO 19-53](#)      Appeal of Daniel J. Sullivan, Kenneth Doyle, and Kenneth Ekblad to a

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Fire Inspection Correction Notice at 705 SUMMIT AVENUE.

Sponsors: Thao

*Appellant withdrawn the appeal.*

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*Dan Sullivan, representing the property owner, appeared.*

*Leanna Shaff, Staff:*

*Routine Fire Certificate of Occupancy inspection conducted on April 25 by Inspector Franquiz. We have 60 items on the deficiency list. It looks like Mr. Sullivan is representing the property owner in appealing for more time.*

*Moermond:*

*What is your role with the property?*

*Dan Sullivan:*

*I am the property manager.*

*Moermond:*

*Does Mr. Doyle continue to reside...*

*Sullivan:*

*Yes. He is currently handicapped. Not all that mobile, but he does continue to live there.*

*Moermond:*

*Kenneth O. Doyle...Mr. Sullivan, we've got this long list of orders and I'm not sure who filed this appeal, you or Mr. Eckblad.*

*Sullivan:*

*Mr. Eckblad is the one who came down and filed it on my behalf. I am just recovering from neck surgery. Wanted to make sure we got it in on time.*

*Moermond:*

*All it says is "extension, nature of work is time consuming."*

*Sullivan:*

*Right. If I look, there are 60 items, when I break them down, four of them involve smoke detectors, that work's already done. Three of them involve egress windows; two of those are Anderson windows that involve defective cranks. One of them simply has to be replaced. The house is settled enough that it's not going to work so we have to put a new window in, which will take some time. One of them simply involved a broken handle. That's been remedied. Two of the items involve fire door separation issues, one of which is going to require some re-alignment. There are 14 electrical or plumbing related issues. All except two are straightforward; two, it's not clear what the problem is and it's going to require time from a licensed plumber. Getting the electricians and the plumbers contracted. The electrician we've used in the past, Electric City, fits us in 'cause we are always small job, so, maybe they come in two days and maybe they come in two weeks. But then, we gotta get someone to come and sign off on those.*

*The remainder there, on the interior there are 25 what I call maintenance projects.*

*Twenty-one are simple and straightforward: get rid of extension cords; put covers on*

outlets; for are complex, that is, they require some significant amount of work. On the exterior, there are 11 items. Six are straightforward; take down some hardware from an old storm door, straighten up, fix a fence. Five are complex, in that they are significant and may require HPC approval. I've emailed the HPC and my experience, last fall, when we were getting permits to do the excavation work that was required, took over two months to get their approval once they had agreed on the plan. I worked with the staff, we came up with a joint plan, they said this is fine and it took two months to finally get that approved. One of the items requires access to a couple of rooms that were locked. Those are now unlocked.

So, with all of that, this work cannot be done by June 10. Some of it may not even get approved to get done by then. So, we're asking for 60 days.

Moermond:

Have you got a work plan?

Sullivan:

A work plan? No.

Moermond:

You tossed out a bunch of general statements and I'm wondering when you said four are complicated, what does that actually mean? Have you contacted contractors and they are going to be fitting you in a particular time period? Do you have the money available to pay those contractors? Can you throw some details around that skeleton?

Sullivan:

OK. I have basically been back home since Friday.

Moermond:

And home is...

Sullivan:

705. All right? And sort of slowly coming back into functioning from my surgery. And I have only briefly spoken...I've spoken to the master builder who has done a lot of the work on the house in the past. He is set up to start working sometime later this week. He does this on a part time basis, but he's pretty efficient. Technically, he could do all of the work that's here, but some of this requires a licensed plumber. I have talked to a plumber who is willing to do all of these things, again, fitting it into his schedule. Nailing down exactly how long those things will take...there is one item on here that involves some deterioration of the foundation that we have not had a chance to get somebody really knowledgeable out to say here's what you gotta do to fix it and here's what it's gonna take. So, we don't know about that item at all. All of the others are simply...and there's one plumbing issue that the plumber is totally...there's one...there's a water pressure problem in one of the units that is unclear why there should be. And therefore, trying to figure out where that problem is and how to fix it is going to take an unknown amount of time. So, there are a handful of things like that and, as I said, HPC process for the exterior work is a complete unknown.

Moermond:

But it's not like you applied for a permit to start the process.

Sullivan:

I emailed them to say do we need a permit. So, similar work in the past on our property has not needed a permit. But our neighbors, the house next door, when they

*had work done, they had to get a permit, I mean, had to get approval from HPC. So, our experience so far is HPC, as long as you basically putting it back the way it was, that's all right. So things like painting, walk repair, they haven't, but our neighbors had the same front step problem that we have and had to get their approval to do it. So, I don't know. So, my questions to them, "here's the work, do we need approval?" and sometimes they get back to you in a day and sometimes they get back to you in a week or two.*

*Moermond:*

*What would you be doing in those 60 days? How would you be organizing your time and how would I know these things are happening on a particular calendar?*

*Sullivan:*

*If you would like a schedule, of that, I would be happy to develop one for you. As I said, we prioritize, I mean, the first thing we did were the smoke detectors, the most serious safety issue. And then the fire separation, make sure we've got self-closing doors. We were...the priority would be sort of the fire safety to the general safety to maintenance. You know, there are cracks in a few walls that need to be repaired, cabinets that need to be fixed. They would go to the bottom. They are two open permits that by the time we actually got approval to do those last fall, the ground was frozen, so we couldn't do the landscape work and it snowed so we couldn't finish the roof work we'd started. That also, we would prioritize as soon as we can, especially the roof, because it's created interior damage that, until we fix the roof, doesn't make sense to fix. That's to solve two leak problems related to a couple of chimneys. The idea is that Mr. Tim Eckblad, Ken Eckblad's father, he's the master builder, will be getting back on the roof fairly shortly to get those problems solved first.*

*Moermond:*

*Ms. Shaff, I'm sure you've had a chance to look at these. Which items would you prioritize?*

*Shaff:*

*Do we want to go through them each?*

*Moermond:*

*Why don't you just peruse them and we can hear from folks who have come here today. I am assuming you folks came downtown because you would like to be heard on the record. And I would note that also we have an email on the record. And that is from Mr. Michael Roessle. Is that you?*

*Roessle:*

*Yes.*

*Moermond:*

*And what is your name, ma'am?*

*Lori Brostrom:*

*Lori Brostrom.*

*Moermond:*

*We do have your email attached to the record. We will start with your comments.*

*Roessle:*

*Sure. Many of the same items that were on the 2017 inspection report haven't been*



corrected in the nearly two years since then. Copies of the two reports I'm happy to provide, circling the same items from 2017 that appear again. In fact, the list has grown from 2017, from 29 items to 60 items. So, it significantly deteriorated. Two years of non-compliance and showing a complete lack of interest or ability to fix these, what gives us any confidence that in 30 days, 60 days, another two years, they're gonna be corrected? From the three weeks since the inspection happened, you talked about are there any plans. To me, I heard vague references to anonymous plumbers and builders. That doesn't give me confidence. The master builder that was referred to, I wonder if the master builder is a master contractor. When I spoke with him, he mentioned to me that he was a high school janitor. I think people's lives are at stake living here, including the small children who are endangered at this property. Extensive use of extension cords and multi-plug adaptors generally means the electrical system is in serious disrepair and it is the electrical system that caused the massive fire in 2011, sending members of the Fire Department to the hospital. If you allow this to continue, your inaction in compliance with these problems will be thoroughly documented and a matter of public record and you will be fully accountable to the City residents when the next tragedy strikes here. These are people's lives that you're playing with and the owner has consistently shown lack of interest and/or ability to correct these structural, life-saving issues.

I have some pictures of the roof I took when repairs were being done. You can see there's no moisture barrier left between the wooden substrate and tiles, other than the small area that's been patched. Here's another picture of complete disarray. Wood around the window frame is literally crumbling. The letter that's a matter of public record from notable architect, Ted Lentz, talking about the horrific condition of this property. In 2017, many members of the community strongly urged you to take action and not restore the Certificate of Occupancy. Against the advice of everybody, except for Mr. Doyle, you chose to restore them and now these problems have returned and, in fact, gotten worse.

It's time for action; leniency is over. Years upon years upon years of willful noncompliance. The owner treats life and safety as a joke. It's time to put this to a stop. Thank you.

Moermond:

Did you want to submit those documents for the record? We could scan them in.

Roessle:

Yep.

Moermond:

Ms. Brostrom.

Brostrom:

I live across the street at 710 Summit and I've lived in my condo for 22 years. I have had a bird's-eye view of this property and what has happened over the years. Watched it steadily deteriorate. Even though this isn't the topic of this hearing, but because the building is so dilapidated, the kinds of tenants that are moving in have been problematic, in terms of criminal activity. So, for us, it's not just the fact that we are watching this building deteriorate, we are appalled when we see the photos that have come out, of the condition. I mean, its, aside from the code violations, the place is filthy. There have to be pest issues there, given the leaking and the accumulation of filth that is going on, that you can see in these pictures.

Again, I realize you are focused on the code violations but I think it's part of a greater picture that speaks to a dereliction of duty and intent on the part of the Doyle [inaudible] property. These violations do not just happen overnight. As Michael pointed out, many of them have existed for the last two years. There certainly would have been ample time, over the winter, for this work to have been done. It wasn't. It shouldn't have required the City inspectors to point out these deficiencies. To Michael's point, we don't have any confidence, whatsoever, that this will be ameliorated, even in 60 days. The challenge that we are feeling right now, as neighbors, is this has happened over and over again. He's gotten extension after extension after extension. And we have a building that is in worse shape than it has ever been.

We have no problem getting an electrician out when we have a problem at our place, within a day. You have to pay a little extra, but some of these issues are life-threatening. I can't imagine why you wouldn't do that and why that hasn't been done already since the inspection was done almost three weeks ago. It is indicative of the approach that Doyle has taken. I don't feel, at this point, that he should be given an extension. I think he should get as much done as he can get done, pedal to the metal so to speak, and see what happens by June 10. By that time, perhaps there would be more detailed information about some of the things that would take longer. Otherwise, I think some of these units that are in especially bad shape, should be vacated. It's hard for me to imagine, frankly, any human being living in some of them. Just because of the condition that they are in. that is what I would ask of the City.

Roessle:

I would just add that there are at least a half dozen critical, life safety issues in this report. So, this isn't just a broken window crank or a top of the line window that malfunctioned. People's lives are in danger and again, I would just like to add the definition of insanity is doing the same thing over and over again and expecting a different outcome. We're well past that point here.

Brostrom:

I was there when the fire took place in 2011 and it was frightening. There were flames shooting out of the windows.

Roessle:

2011.

Brostrom:

2011. And it was ...I think part of the concern, apart from the safety of the people inside the building, is that, given that we are surrounded by these historic old houses that most of us have kept to pretty good shape, you know, the risk to our houses, if something like this happened, from sparks flying, things like that, is real. Again, the behavioral issues of the tenants, which have been ongoing, are not the focus of this, but we see a direct linkage. And it is getting worse. We applaud the police for staying on top of this; they are paying extra special attention which has been helpful for us in terms of our sense of security, but when I look at this house and see the things that are attached to it, you know, it really is concerning.

Roessle:

And in fact, those things have gotten so bad, it has risen to the attention of the Chief of Police Axtel .

Moermond:

*The behavioral issues.*

Roessle:  
Yes.

Brostrom:  
*We had a meeting last week?*

Roessle:  
Two weeks ago.

Brostrom:  
*Two weeks ago. In Mayor Carter's office with Jaime Tensure, representatives from the Police, the City Attorney's office, Ricardo Cervantes was there. Again, this has become this incorrigible problem that we are trying to deal with and have something done that will help us feel secure in our own neighborhood and our own houses. There was a representative from Dai Thao's office as well.*

Moermond:  
*Any other comments for the record? OK. Thank you.*

Sullivan:  
*May I just correct one...*

Moermond:  
*In a minute, I've got a couple of questions for Supervisor Shaff.*

*What I am looking at here is a Fire Inspection Correction Notice. Where in the inspection process is this? Is this the first inspection in a Certificate of Occupancy cycle?*

Shaff:  
Yes.

Moermond:  
*It came due to be reinspected as it would every....this is a class...*

Shaff:  
*It is a Class C, I believe. Now a D. It's been two years.*

Moermond:  
*It's been two years, so you went back in again and this is the first set of orders coming out of this new inspection cycle.*

Shaff:  
*That is correct.*

Moermond:  
*In the normal course of events, if there are items identified in this set of orders that would lead to the condemnation of a particular unit or units, would those be written up as such, right out of the gates?*

Shaff:  
Correct. Yes.

Moermond:

*In terms of the comment about letting it go and then coming back and condemning, if it isn't condemnable at this point in time, unless things get worse in two or three week's time, they're not going to say, now we're going to condemn you for something that didn't meet the condition of condemnable in the past. I want to make sure we are clear that you can't go in later and say that.*

*So, this is the first set of orders. You don't have items on this list that would define, in the codes that you have to use, as unsafe for human habitation.*

Shaff:

*That is correct.*

Moermond:

*But the codes, by their very nature, are intended to maintain safety.*

Shaff:

*Correct.*

Moermond:

*You could have safety problems at the same time they didn't rise to the level of unsafe for human habitation. There is "grey" in there.*

Shaff:

*There is, a little bit. The codes are minimum compliance. As we talked about before, they are a D-. if we believed that people's lives were in danger, imminent danger, we would definitely condemn. Units 2 and 4 are unoccupied. Or were at the time of inspection. And 7. Unit 1, which we don't inspect, is Mr. Doyle's unit. I don't believe an unoccupied unit poses, necessarily, a threat. There's nothing happening there, without human intervention, that's going to cause a condemnable action. Or, that they couldn't be fixed and reoccupied.*

Moermond:

*Are these the same units that were vacant the last time we did a go-around on this?*

Shaff:

*I wasn't involved in the end of the last time. Inspector Nies was and found it to be minimally code compliant in order to get his Fire Certificate of Occupancy. I believe 2 was vacated, 7 was occupied; I believe that all except Unit 2, in the end, were all occupied.*

Sullivan:

*Unit 5 was not; Unit 5 required him going back through. Unit 2 and 5 were vacant at the time.*

Moermond:

*Thank you. Ms Shaff.*

Shaff:

*When I look at the sets of issues...some of the smoke alarm issues were in units that weren't occupied. Or we had some smoke alarms that were 10 years old. Doesn't make them necessarily bad but the code requires replaced every 10 years. Then the occupied unit...*

Moermond:

3?

Shaff:

*There is no Unit 3, that was married into Unit 1. Unit 5, the back one or is 4 in the back?*

Sullivan:

*4 is in back; 5 is the old master suite.*

Shaff:

*Unit 5, I'm going to get back to you, issues, the windows in that where the sash cords are broken, things like that. That is an issue for people leaving a building. Unit 7, we had a couple bedrooms that we need to get access to. We have some sand washing of the foundation, but nothing that's not early stages.*

Moermond:

*Can you describe what you mean by sand washing?*

Shaff:

*The mortar has basically lost its adhesiveness and is kind of washing out of spaces. It's completely repairable. Other than that, most of what I am seeing is deferred maintenance. If Unit 7 was occupied, yes, those window wells are deep and need some escape ladders. The vines need to move but if it's not occupied, then...*

Moermond:

*Taking us back to being at the beginning of a Fire Certificate of Occupancy Inspection cycle, you have a re-inspection scheduled for June 10, and...*

Shaff:

*May I interrupt? We would expect that some of these things will take longer, but like most inspections, what we are looking for is we want to see progress. For the stuff that is doable. I would expect that some of these would be larger issues. That may take an additional 30 or 60 days, but we would want to see progress, like we've done in the past in many of our properties, making sure we are taking care of the life safety and other issues.*

Moermond:

*Where I am going with this is the pattern of orders that I see would be the initial set of orders, a re-inspection, a re-inspection, and then a revocation. We're talking about, if there's no appeal, and everything's moving along a regular calendar, that the Certificate of Occupancy would not be revoked for a total of four months from the original inspection date.*

Shaff:

*Three to four.*

Moermond:

*Three to four months. That is really the hammer that you guys bring down later for long term non-compliance.*

Shaff:

*That is correct.*

Moermond:

*I mention this because we do need to treat this property as other properties are treated. To do otherwise would open ourselves up to all kinds of trouble which would also include making it unenforceable for this particular property right now. How to keep it on task, though, keeping things moving is what I need to be about. We do have a past track record where things had to get to the point of being beyond having the Certificate revoked and being put into the Vacant Building Program, which is where I came into contact with it.*

Sullivan:

*I understand that. All of that, contrary to the implications, all of those previous things were fixed. We did an enormous amount of work [inaudible] and part of my, if I were in good health, I would have no problem having the overwhelming majority of these things done by June 10. But because I am restricted from any kind of physical activity, except walking, 'til July, that means that I have to arrange for other people to do this sort of thing. As I said, Mr. Doyle is sufficiently handicapped, he's not going to be able to do anything. That's why I was asking for some additional time. If I hadn't had surgery, I would have been on this two weeks ago. As soon as I got the letter. But I just got out of the hospital and am just getting going.*

Moermond:

*Who accompanied the inspector?*

Sullivan:

*I did.*

Moermond:

*You were there when he was making his findings?*

Sullivan:

*Yes. I am very familiar with every item on this list. We talked about, sort of, what needs to be done. That's why my ability to oversee it, I know what they want done, therefore am in the position to read these orders and say here's what the problem is and here's how it needs to be fixed. And I'm not moving as quickly as I was a month ago. That's why I'm hoping to have a little bit of time just to keep it...I have every intention of getting it done as fast as I can.*

Roessle:

*May I?*

Moermond:

*No. Not right now. You've had your say, actually.*

*Ms. Shaff, in looking at these orders, you've prioritized the items in the occupied units as being more important than the unoccupied units. And are there any things, you talked about the exterior and the degrading mortar being of concern, are there other things that you want called to attention besides the items in the occupied units? Being priorities in addressing this list.*

Shaff:

*The unoccupied, as long as they stay unoccupied, they are not as big of an issue. If they were to remain unoccupied, for the time being. In Unit 6, item 42 is the toilet's loose. That's going to cause issues, the longer it drags on. Especially we're not*

*talking fresh water.*

*Moermond:*

*As I look at this old resolution, I see there was a requirement that Units 2 and 5 went into the Vacant Building Program and there were a bunch of conditions hung on things. I'm wondering if you would go so far as to say that the unoccupied units don't have a Certificate of Occupancy.*

*Sullivan:*

*Unit 2 does not. It is one of the items on here...*

*Shaff:*

*That is uncertified.*

*Sullivan:*

*Unit 2 is uncertified.*

*Moermond:*

*I am going to let the Inspector answer the questions about what is and what isn't certified. So, we cannot have Unit 2 occupied. Until you guys sign off on it. And that is consistent with this resolution. Unit 5 is occupied now.*

*Shaff:*

*Yes.*

*Moermond:*

*And that was another unit that was in play. That does qualify to have a C of O, then.*

*I'm trying to figure out how you wouldn't get the length of time you are asking for in the normal course of inspection cycle. If I act to do an extension in the middle of the cycle, it would act to add on time at the end before you hit revocation. That's really what the long term situation would be. Unless we set it up that failure to meet it would be asking for a higher level of enforcement.*

*Here's where I'm at, Council makes the decision. Noncompliance with that decision means they are going to up the ante on it. I understand that you have had health problems, but I also know if I was looking at this list of things myself, that I wouldn't be doing them myself in my own home. Sure, there's a few things I would pick off, but I'm not my own electrician. I'm not my own plumber. And I'm not clear that you've called them, but that you have a relationship in the past with them. Is that a fair assessment?*

*Sullivan:*

*The plumber I have actually talked to. Not the electricians. I'm just basing their work...I have to figure out which of the work requires...I need to talk to the electrical inspector to say which of the items requires a licensed. None of them are challenging. They are all simple items.*

*Moermond:*

*Let's just say they all do.*

*Sullivan:*

*OK.*

Moermond:

*For argument's sake, unless this is happening within Mr. Doyle's unit. And Mr. Doyle is performing that work. We will say that it does and it falls under the general rubric of being a general repair. Is that a fair assessment of what you guys would look for?*

Shaff:

*Yes. And typically a licensed electrician. There are some items, and I believe we discussed some of those, that may not need a permit, but they will require a licensed electrician. Our requirement at that point will be an itemized list of what they did. On their letterhead or however they do that. So we could make sure that happened correctly.*

Moermond:

*OK. In terms of being able to talk with the contractors, I would like to be able to give a set of the photos attached to the record to Mr. Sullivan. I think they are a pretty thorough documentation of the code violations so if you weren't physically able to walk a tradesperson to the location, here is a set of photos that show the condition and you can stay comfortable in a chair. I think all those photos were taken the day of the inspection. There are two sets dated April 29 and that's because they were loaded into the computer system on that date, not because they were taken on that date. They are all from the same inspection.*

*It would be a lot easier to have this conversation if I had a work plan in front of me from you.*

*The Council doesn't meet May 29, it's the fifth Wednesday. In the normal course of events, I would send this to Council June 12 but I think we can push that back to June 5 to put this in front of them. At this point, I need to be realistic here. If the Council grants your request and gives you more time on June 5, that's fine, that's what they can do. If they don't, am I giving you a realistic amount of time to deal with that denial, if it's only a few days between when they make that decision and when your deadline is.*

Sullivan:

*I want to understand...part of the whole issue...my opening statement is all this work cannot be done by June 10. That was the reason I asked for an extension.*

Moermond:

*I understand.*

Sullivan:

*If what I am being told is, of 60 items, 30 items are done by June 10, and they say OK there's progress, and I got a, at that point, a plan for how the rest of it is gonna get done, they would say OK we'll come back again. Is that how the process would work?*

Moermond:

*They would come back again, yes. That would be the normal way of doing business.*

Sullivan:

*I arrived late in the previous cycle and didn't understand this part of it.*

Moermond:

*Mr. Doyle has complete responsibility for it, regardless of whether you are on the scene or not.*



Sullivan:

*I'm trying to do as good a job as I can. If my understanding is we get everything done and there's some benefit to having a June 10 hammer to move stuff along, that they will come in and say OK, you are making good progress and I've done it...they will come in and say, you'll not really making good progress here but we are still going to get another re-inspection, and assuming they haven't found we're still at the...if there is something that becomes life-threatening, then they ought to shut it down. [inaudible] I don't believe we've got any of those situations. [inaudible] we were to remedy that, so I am happy to withdraw my appeal.*

Moermond:

*OK. The re-inspection will be on June 10. And you know how staff will be working with you on it. You can file an appeal of the revocation when it comes forward, if it comes forward. That would be a separate enforcement action.*

*If you get things done, you are not going to get revoked. If you don't get things done, the Certificate gets revoked. That's a separate enforcement action that can be appealed distinctly, although the items would have already been in here. We will talk about that action and whether or not that's the right thing, if you [inaudible]. I just want you to be clear on what your appeal rights were.*

*We are on for June 10. I have a withdrawn appeal. It will be reflected in the record as being archived. You will proceed as you would have in the normal course of events.*

**Withdrawn**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 9      [RLH VBR 19-33](#)      Appeal of Safaa Hassan to a Vacant Building Registration Requirement and Vehicle Abatement Order at 2199 GLENRIDGE AVENUE.

**Sponsors:**      Prince

*Grant to June 12 to get Fire Certificate of Occupancy reinstated and will release from VB Program; waive VB fee for 90 days.*

---

*Safaa Hassan and Evelenia Pugh appeared.*

Moermond:

*You said you wanted to do something really quick. If it is quick, you may, otherwise I will turn it over to Staff for comments and we will proceed down the line. Ms. Hassan, what did you want to quick say?*

Safaa Hasan:

*I am thinking maybe I should do this to understand the whole process.*

Moermond:

*So, Ms. Shaff.*

*Shaff:*

*This is a Fire Certificate of Occupancy inspection conducted by Inspector James Thomas. He sent appointment letters on 7/5/18, 7/24/18, and 8/10/18 to the property owner at a Grant Street address. We received a change of address on 9/12/18, started sending letters to a Scott Street address. Sent an appointment letter on 9/20/18. We gained access to the property 10/12/18. We sent additional letters 10/24, 11/29 and 12/21/18. We need to gain access and compliance for these. We have not been able to do so and referred it over to Vacant Buildings.*

*Moermond:*

*This is an old order. This is December 21 where the Vacant Building Registration is the current one.*

*Shaff:*

*5/3*

*Moermond:*

*What was the delay in sending it over to Vacant Buildings?*

*Shaff:*

*There was no delay on our behalf.*

*Moermond:*

*So, it was sent and the file wasn't opened until May.*

*Shaff:*

*Correct.*

*Moermond:*

*Which works to your benefit because it decreases any fee that might be attached. So, here you are. You need to have a re-inspection. For some reason, the pieces haven't gotten connected on it. What's going on?*

*Hassan:*

*I can even go back from before 2018. The letters were being mailed to a property that I lived in five years ago. Three addresses ago. I found out from the inspector he had tried multiple times to go through the property with no luck. There's a tenant and she works. When he finally got ahold of me and I asked where are you sending it to, he gave me an address in Lakeville. But I don't live there so there's no way I would know that you are trying to do this.*

*To make a long story short, I called the City. They said just email us. So, I emailed and I didn't hear anything so I figured everything was good. Turns out, next time I talked to him, months later. Well, when he talks to me, he's talking to me like don't trust your tenants, don't do this, no you can't mail the address change. But I'm telling you what I was told. So then I called the City again and there's an actual form that you need to fill out. So I get the form, sent that in, then I started getting the mail in Scott, which is my current address. The last four months, I have been going through a lot with my son. That's kinda like my #1 priority right now. The only reason I bought this property by the way was Evelenia and her sister. And the Fire Inspector keeps telling me don't trust them. Evelenia filed the appeal when I was visiting my daughter in the Army when this all happened. Because when I came back, it would have been too late to file it. If I were to trust any tenant, it would be her. She has been at the property when he showed up. When he came, she said come on in. He said no, that he did not notify me. So, I am confused, then why are you there? The items on the report, and*

*you can correct me if I am wrong, is a loose toilet, which I don't know how that's a fire hazard, a car that had expired tabs in the driveway, which Evelenia's sister has. She's getting tabs for that or will put in the garage. She can't have expired tabs in the driveway, I mean, there's a garage there. And then one other thing which was like the sheetrock and the fire.*

*Pugh:*

*He said that there's gotta be a smoke detector in every bedroom which I never heard and I even went to people like my friend, brand new apartment building and they don't have a smoke detector in every bedroom. There is a smoke detector on the main floor of my bedroom and then downstairs in the basement. They are all working smoke detectors but there's not one in every bedroom. I asked him, when he left and gave the list of infractions, can I just set up something for him to come back and he said no, he couldn't talk to me or make the appointment. He gotta deal with Safaa. She's supposed to know when I'm home. To know the stuff on the list was correct.*

*Hassan:*

*The stuff on the list was correct. A fire alarm in every bedroom?*

*Moermond:*

*It doesn't actually say that. It says outside each sleeping area. It doesn't say inside.*

*Pugh:*

*He told me inside. There's one outside the sleeping area.*

*Hassan:*

*When you say each sleeping area, does that mean one outside every bedroom? Because there is one on the main floor.*

*Shaff:*

*The Fire Certificate of Occupancy program in the City of St Paul is required for every building that is not owner-occupied. With the exception of an owner-occupied single family or an owner-occupied duplex. You, as the owner of the property, are ultimately responsible. We can't hold your tenant responsible for your property.*

*Hassan:*

*I understand that.*

*Shaff:*

*A smoke alarm is required outside of the sleeping area. Smoke alarms have been required in this state since 1972. Depending on when it was built or if it was remodeled or if it had building permits for certain items, it would be required for them to be added inside of bedrooms, etc. I see that there was a permit in 2014 for an egress window and some other things that would then require that at least a battery operated smoke alarm be placed inside a bedroom sleeping area.*

*Pugh:*

*That's downstairs. There's smoke alarms and stuff downstairs. The bedroom he's talking about is on the third, it's upstairs. There's a smoke alarm in the hallway.*

*Shaff:*

*The permit would require that all sleeping rooms with a smoke alarm inside. If he's just writing in his orders that just needs to be outside, that's on the 2197 side? You live on?*

*Pugh:*

*I live on the 99.*

*Shaff:*

*It says it's for the 2197 side.*

*Pugh:*

*He told me it was for my side. There were four things on that list. There was a smoke alarm in each bedroom, there was the stuff underneath the stairs in the basement, there was a lock on the door, on the bedroom, and it was the toilet. He said the downstairs toilet was loose. Those were the four things that was on my side. That he had infractions on it. And we did have an inspection for the fire department before or the City or whoever came out and there was, everything was still the same as before. The smoke detector was on that floor. Didn't say nothing about had to be one...*

*Hassan:*

*I'm trying to get clarification. Does there have to be one in every bedroom? Or outside every bedroom? Because the hallway...*

*Shaff:*

*The Fire Code says one outside of the sleeping areas. [inaudible] I'm going to tell you the building permit here says there must also be one inside every sleeping room. That would have been a requirement with the Building Code. So, we're going to need the one outside in the hallway.*

*Yes. That's there. And then one inside every sleeping room. Now I'm going to go back to what I was saying. The City is charged not only with enforcing the State Fire Code but also the City property maintenance code. And it seems you are having difficulty with that one. Which is chapter 34. How long have you owned this house?*

*Hassan:*

*Since late 2016, November 2016.*

*Shaff:*

*Excellent. 'Cause I'm also going to add to the orders to require you to come to the Landlord 101 class.*

*Hassan:*

*OK*

*Shaff:*

*Because that's required of all first time property owners since 2007. So, expect to see an order to come to that. You will get a lot of information on how to be a landlord and what's expected in the City.*

*Moermond:*

*The main thing here is this Certificate has been revoked and the house is ordered vacated. That did go to Brooklyn Park and I didn't see an appeal on that so I'm kinda thinking what was going on that I didn't see an appeal back then when you were told the place had to be emptied if it wasn't...I've got a December 21 order, revoking your Certificate.*

*Hassan:*

*That's what I was saying, those two months...*

*Moermond:*

*You weren't opening your mail.*

*Hasan:*

*My son went through all this personal stuff...*

*Moermond:*

*And there's consequences for not opening your mail. And that is you were actually ordered out for long-term non-compliance with the orders. I am hearing that you can come into compliance with them.*

*Hassan:*

*Definitely.*

*Moermond:*

*I was thinking that's what you would say because it seems like a straightforward list...*

*Pugh:*

*Some of it is done. There's smoke detectors in the bedroom. The stuff is moved. I took the [inaudible]. It's done.*

*Moermond:*

*Under control.*

*Pugh:*

*Yeah.*

*Moermond:*

*And the toilet, I get that's not in the Fire Code. This is about maintenance and making sure you have a good seal.*

*Pugh:*

*I didn't see it was loose.*

*Moermond:*

*They will tip their knee on it and see if there's a tight seal, for the gases. That's what their thinking is.*

*Shaff:*

*Part of it is there's only two bolts that hold a toilet to the closet arm. Under that is a wax ring that holds it onto the...but the plumbing code requires that it be caulked around the bottom, too. But when they get loose on that wax ring, the possibility of a) either cracking that toilet or b) leaking not sanitary water out of that seal and rotting out your floor and causing so it can't be sanitation issues. Because the bottom of that toilet isn't sealed with porcelain finish, it's porous. So, now we have all sorts of issues. So, if we get a little bit of movement, that's an issue. It needs to be tightened up and make sure it's caulked to the floor.*

*Hassan:*

*I would have thought that would have been done through the Section 8 inspection and all that. That's why I was like, loose toilet, why didn't they catch that, why didn't they say that was an issue.*

*Moermond:*

*I think it's time to make an appointment to get that Fire Inspection taken care of. I think it would be good for you to be present, too. If you get this C of O reinstated, I can see getting you out of the Vacant Building Program and getting you back on track again. I can also say that getting your Certificate revoked could have also resulted in your losing the Section 8 reimbursements. You gotta open that mail.*

*I did check to see if your address was up to date in the Ramsey County Taxation Office. It was the old address last year, but your 2019 tax statement has your current address.*

*Shaff:*

*It wasn't updated until 11/24.*

*Moermond:*

*Ms. Shaff, do you have access to Mr. Thomas' calendar? Do you have your calendar with you today?*

*Hassan:*

*I have a full time job; it's going to have to be early morning or late.*

*Shaff:*

*Mr. Thomas' latest appointments are typically about 2:30 or so.*

*Moermond:*

*Are you saying you can't make it?*

*Hassan:*

*No, I'm trying to make sure we are both there.*

*Moermond:*

*Is it better to do 9:30 or 2:30?*

*Hassan:*

*9:30.*

*Shaff:*

*The first available would be June 3, two and a half weeks out.*

*Moermond:*

*We will put it before City Council June 12.*

*Hassan:*

*And then I just meet him there and go through the list of items that he gave us. Do I need to come back here?*

*Moermond:*

*You should not, no. if everything checks out, you will have your C of O and be out of the Vacant Building Program. We will check the computer a day or so after.*

*Hassan:*

*Will he be checking both sides?*

Shaff:  
Yes.

Moermond:  
*You will want to let your other tenant know.*

Hassan:  
*Can I get a list for both sides?*

Shaff:  
*That was right out of the Revocation Notice that you filed with ...*

Pugh:  
*There was nothing on the other side.*

Moermond:  
*You are in 2199?*

Pugh:  
*Yes, ma'am.*

Moermond:  
*In 2197 there were two orders. Kind of repeating...*

Pugh:  
*Smoke detectors and a toilet.*

Moermond:  
*Yes. We have a time. You will let the other tenant know. If something goes haywire with it, Ms. Vang will give you a call and we will figure out the next steps.*

**Referred to the City Council due back on 6/12/2019**