



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, January 14, 2020

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 19-30](#) Ordering the rehabilitation or razing and removal of the structures at 1904 PRINCETON AVENUE within fifteen (15) days after the December 18, 2019 City Council public hearing.

Sponsors: Tolbert

Performance deposit must be posted by close of business Friday, January 17, 2020 (posted on January 14, 2020). Excess accumulation must be removed and code compliance inspection must be applied for by Friday, February 14, 2020. Layover to LH February 25, 2020, PH March 11, 2020.

John and Mary Jo Kattar, owners, appeared

Moermond: I am sorry for your loss. When last we spoke, we were looking at getting a layover in place from Council if the performance deposit was posted, and it wasn't posted. Has that changed?

John Kattar: no. we haven't been in a position to come down and do so.

Staff report from Supervisor Steve Magner: at the Legislative Hearing on November 26, the letter said we will lay it over to January 14 at 9 am if the following conditions are met: \$5,000 performance deposit posted with DSI by December 17, 2019, a code compliance inspection ordered by December 17 and property must be continued to be maintained. If this isn't done, the Hearing Officer will not recommend continuing the matter to Legislative Hearing. So then, after that there was a series of emails, the last of which from Marcia Moermond, indicating a recent parental death and we will refer it back to Legislative Hearing on January 14, but the performance deposit must be posted by then. As of this morning there is no performance deposit posted.

Moermond: so where are things at with you folks these days?

John Kattar: we're prepared to provide it, once I understand fully what I'm putting money down for. Is it meant as a carrot or a stick or?

Moermond: yes. Both. We walked through that last time. The performance deposit is

required under chapter 33 of the Legislative Code when work is done on dangerous or nuisance buildings. The money is returned if the work is done within an amount of time. It is your own carrot, to complete the work in the time allotted. If you don't complete it, if you are past the 50% mark, the Council could continue the performance deposit and give you additional time to complete. If you are not, the Council could choose to move forward with demolition, or ask for an additional performance deposit, or forfeit the \$5,000 and ask for an additional \$10,000. The mark is measured when the Council votes on the resolution. The original vote was December 17, we continued that, when I put it back in front of Council I'd like to give them the performance deposit, the code compliance inspection report, and a work plan (sworn construction statement, scope of work, something from a general contractor) and a calendar and schedule of the work, as well as evidence of financing. The property must continue to be maintained, that hasn't been a problem in your case. The performance deposit in this case is earnest money that you are serious about doing the work, that's something tangible I can show the Council that you are in this. I want to be able to incrementally get you to a place where you can get this house fixed and you can move on in whatever way you want. I know things have been complicated in your life in December. Is your house to a point where inspectors can go in?

John Kattar: we haven't had a chance really. We are at a disagreement of cleaning out the house. Once that happens everything else can flow.

Moermond: and it has to happen. You have to get it cleaned out and inspected. I can't ask Council to consider a longer timeline without that happening. I need a clear timeline, and I'm not willing to go out longer than a month. That's it, no more. Inspectors need to be able to walk through and see everything, ceilings, floors, furnaces. All of that needs to be in clear view and unobstructed. I would say it's probably in your interest to have the house broom clean so when you have your contractors come through they are able to work without having to move around things.

John Kattar: I can't even bring contractors in until I have an idea of what is wrong.

Moermond: House gets cleaned. House gets inspected. Contractors come through. I'm not willing to go longer than a month to get the cleanout done, and that's contingent on seeing the \$5,000 performance posted.

John Kattar: I have the money if I need it.

Moermond: you need it, and you should have had it posted by today.

John Kattar: well today means today.

Moermond: here we are in a hearing, I'm not seeing it done, that doesn't speak to me that you're—

John Kattar: I can have it done in 2 minutes outside of this room.

Moermond: then let's get that taken care of.

John Kattar: that's not the important part.

Moermond: it is to me because it's a measure of whether we're moving forward on this.

John Kattar: if that's the case, let me understand.

Moermond: its been the case since the beginning when you got your vacant building registration letters.

John Kattar: but the performance bonus wasn't until the last meeting.

Moermond: performance deposit has been there since the order to abate a nuisance building was issued on September 23, 2019. This isn't new information. You're going to post that performance deposit, the house will be cleaned out within a month, and you will order a code compliance inspection report in three weeks' time so they can go through after the house is cleaned out. That would give me a work plan to put in front of Council saying they are taking these steps.

John Kattar: I understand what the carrot is. What's the stick?

Moermond: knocking down the house.

John Kattar: ok, and what would that take if you decide to knock down the house?

Moermond: No, right now the decisions are all with you. The order the Council would issue would be an order to abate a nuisance or dangerous condition. We're working on a plan via rehabilitation because you've said that's what you want to do. If you don't do those things, the only way I have to recommend the Council abate the nuisance condition is to remove the building. That's not the way we want to go, but that's the only other card I have. If these things aren't done, then removal of the building is the way the city would pursue addressing the nuisance condition.

John Kattar: That's not the way I want to go, but its where I have to go if I need to.

Moermond: if these things aren't done, then removal of the building is the way the City would pursue addressing the nuisance. We want to stay over here dealing with this stuff.

John Kattar: Marcia you've been in this business a long time.

Moermond: I'm Ms. Moermond in this room Mr. Kattar.

John Kattar: oh sorry, I can't read the sign.

Moermond: It says Marcia Moermond which is my full name.

John Kattar: I always knew you as Marcia.

Moermond: no, you never did, I've always been Ms. Moermond in this room.

John Kattar: now I've lost track of what I was thinking.

Moermond: so today is January 14, one month, four weeks time, February 14 is a Friday. By then there should be an application for a code compliance inspection report made and the house should be cleaned out, so the four trades can go through anytime after February 14. If that isn't done, I'm going to be in a hard place.

John Kattar: I understand. And my neighbors will be unhappy too but that's alright. I think you know what we're dealing with here. We're not dealing with 100 percent logical

thinking here. I've had to deal with this for almost 40 years. I do the best I can. I don't know if I can solve the problem in one month. All I know is that every time the City has stepped in and put these limits on us, it has made the situation worse. It goes exponential each time the City does this to us. I can't control that. There's no medication or therapy that will correct this problem in the near one-month period. I would like to comply with the City, and I will do the best I can. I never intended for this to go like this, they never gave me an option.

Moermond: we're not going to relive 10 years ago today

John Kattar: It is a continuing thing, its not a reliving.

Moermond: Ms. Kattar, are you understanding where I'm coming from here?

Mary Kattar: Yes.

Moermond: And the deadlines I need to draw? It has been more than a decade we've been talking about this and we need to bring it to conclusion.

Mary Kattar: well we haven't actually talked about it.

Moermond: you're right, the house was ordered vacated and it was uninhabitable according to having excessive accumulation of fire load. So, that's out there. I think its reasonable. I don't think this is a surprise. You're going to have to make some decisions.

Mary Kattar: Do we need all the furniture out?

Moermond: I'm suggesting you get all the furniture out, but there's no question whatsoever that the walls, floors, utilities need to be visible. I'm suggesting it be broom clean. That is my honest, best advice. You cannot put everything into Rubbermaid crates and move it to the middle of the room and say its inspectable.

John Kattar: that's what you said last time.

Moermond: it wasn't a suggestion, it's a "if you have to, you have to", but if the inspector gets there and can't see, that's on you. They need to be able to see bows in the floor, dangling wires, they need clear access to all of this. Where you put it is up to you. But it must go if you want to save the house. So, the performance deposit will be posted by no later than close of business this Friday, and the February 14 deadline for house being cleaned out and code compliance inspection applied for. Completing those two things buys you time here to work on contractors, bids and providing proof of financing. You doing those two things shows me you're willing to meet me halfway. If you don't do those two things, I have no choice but recommend removal to the Council. If the performance deposit gets posted and the building get demolished you can ask for your performance deposit back. House Calls is the best resource I can suggest as far as hoarding resources. Lets put this in Legislative Hearing February 25 and Council March 11. With any luck at all we'll have a code compliance inspection report in our hands so we can look at continuing and you can get contractors in to take a look.

John Kattar: ok and if the City demos the property it remains mine right?

Moermond: absolutely. If worse comes to worse hire movers and get it into storage.

John Kattar: its not my choice. I have no control.

Moermond: it's a choice that will cost you hundreds of thousands of dollars, certainly tens of thousands.

Mary Kattar: House Calls is no help?

Moermond: I didn't say that. They work with housing crisis, often associated with hoarding disorders, and they have services they work with including organization and cleanout companies, they also have dumpsters. Those services are free for people in financial need. I don't know if you meet that threshold, you also don't live in that house so its not an emergency. However, they know the companies that do that, and they can give you good resources you can plug into yourself. We'll give you a brochure. I wish you well and again my condolences for your recent loss. We'll see you in a few weeks.

Laid Over to the Legislative Hearings due back on 2/25/2020

2 [RLH RR 19-23](#)

Ordering the rehabilitation or razing and removal of the structures at 1179 SEVENTH STREET EAST within fifteen (15) days after the September 11, 2019 City Council public hearing. (Public hearing continued from September 11) (To be referred back to Legislative Hearing on November 26)

Sponsors: Yang

Layover to LH February 25, 2020. PH March 11, 2020. Feasibility study, financing/fundraising plan and schedule for bringing development forward by February 25.

*Dennis Kroll, architect from Kroll & Associates, appeared
Kenneth Udoibok, pastor, appeared
Olufemi Badejo, elder from church, appeared*

Staff report from Supervisor Steve Magner: this letter was sent November 27, 2019 and states the Legislative Hearing Officer recommended laying the matter over until January 14 for the following conditions: revised fundraising contract with specific benchmarks, written letter with use of tax credits grants, and the property must be maintained.

Moermond: during the course of our conversation last time, Mr. Kroll, you mentioned there would be a very good sense at this juncture about whether the financing would be coming through, so I'm looking to that and I also will come to the conversation about the property maintenance as well. The real issue at hand has to do with the scale of project and ability to execute.

Kroll: we've had some setbacks, we've been looking for a new fundraiser at the beginning of December a couple of hopefuls fell through. There was a new one we were going to meet with last week, and she became ill. Though, she looks hopeful. That being said, that's only part of the program. We've recognized this isn't going to get done within the timeframe without serious financing. To do that, what we're doing is talking to a consultant who has experience working with LISC.

Moermond: so the previous consultant, Randy Mortenson?

Kroll: he's out of the picture. That happened right after the November meeting. We're

talking with her about engaging her to do a feasibility study, different ways of going forward and examining different kinds of partnerships that would be nonprofits and affordable housing for the upper part to make the project work. We need to look at what that would look like, among other options. Ms. Lisa Kubler has quite a bit of experience in putting projects together for nonprofits. I've known her since the 1980's. She has quite a resume of projects she's put together that are historic. I want to mention there's a letter that indicates this place isn't worth saving, and I disagree with that.

Moermond: right, and we're setting that aside for now. I'd like to focus now on financing. Before, there was a grant application due mid-January?

Kroll: that is for accessibility and that can happen once the fundraiser is engaged. I think there's going to be a series of those applications in the next year. We need to deal with bridge financing. This is one way forward, to do the feasibility study, and engage a fundraiser. I also talked to the Land Bank yesterday, they have done work in the neighborhood on the east side.

Magner: who did you talk to?

Kroll: Eddie Landenburger. They have money that is not available until May, until they sell back two projects. That being said, this consultant has a lot of resources and she will connect us up with bridge financing of some sort.

Moermond: so you had a meeting and couldn't meet because she was sick?

Kroll: that was the fundraiser.

Moermond: And we're talking about Ms. Kubler who is doing the feasibility study, and you have had a chance to meet with her. Is she hired?

Kroll: we're just talking with her now about engaging her. The intention is to do that.

Udoibok: Ms. Kubler's name came from Nancy Hylden, who I'm talking to regarding source of revenue. I have a meeting scheduled next week with Pastor Schroeder with Teen challenge for possibility of partnership of using the second floor. That's how Lisa's name came up. Dennis here is familiar with her. So, we're taking steps trying to find some nonprofit financing and if we can't raise money that way, we'll get a bridge loan.

Kroll: I think we can do that and you can come along and replace some of that with fundraising. The short of it is we need more time. She suggested three months would be a good number.

Moermond: she needs 3 months to put together a feasibility plan? And that wouldn't even touch executing.

Kroll: it would be beyond that. Other things she has on her plate might make it more than a month for a feasibility study. One of the things she would do is to be another set of eyes and resources for the financing. She's done many nonprofit financings. So, I would hope to be into construction in three months, but it would be prudent for that much time.

Magner: part of the problem you have is the change of use. You have an existing

building that is primarily assembly. I have a feeling I know where the zoning is, I don't know that it is a major hurdle, but if you are planning on doing that you would have to have plans.

Moermond: he has plans for assembly, with office use upstairs.

Kroll: we're not changing zoning, T2 would allow mixed use, right?

Magner: right, but the building is the issue. If you're talking about bout residential you have some issued you have to submit to our department to have them approve. For example egress requirements

Kroll: I've done that many times.

Magner: I just don't see you having a permit in 90 days when we don't have plans, if you have them and want to dual track, you might want to do that. We can't come back here in 90 days and say now you need them approved by DSI. We can't approve things in 2 days.

Kroll: there needs to be more demo in the building. That's what I meant. We can move fast, but we don't want to go down too many wrong roads. We want other input before we do that.

Magner: don't you need a design to know the end goal and to do the fundraising and have a bid and have an idea of where you need to be with fundraising.

Kroll: that's the easy part. The fundraiser isn't even hooked up yet. I've done other historic buildings, that had the same kind of issues, back in the 90's we did a building in Minneapolis in the Whittier neighborhood and it's a mixed use.

Moermond: I don't question your capacity to execute. I'm worried about the money not ever coming together, and nothing happening with this for even longer. We're 5 months in from when we began now, at that point we were talking about money and fundraising and you showed me a contract, which I said needed benchmarks, which didn't happen. Now that fundraiser left, and you're looking for a new fundraiser. You've had a conversation with someone to do a feasibility study, but nothing has been undertaken yet. I hear the number you gave me before which was \$500,000, which I hear you say you don't have. The other way to abate the nuisance condition, besides you doing it, is to have someone else to do it. I'm not pushing you to sell, I'm pushing you to figure out a way to make this work so building doesn't get demolished and you keep as much equity as possibly can. If the right way to go is to have you do it, I'm all with you, but if you can't make it work then lets figure out a way for the best alternative to come forward for you folks and the City. I'm hearing you want to wait to make a decision on that until you get a feasibility analysis. Will you be ready at that point to give me an answer about whether your committed to moving forward and you have the money in hand?

Kroll: in that period I'm hoping with her help we can identify funding sources as well as partners. I can see that we're not going to be able to do it with a prayer. There needs to be some viable cashflow to pay for this, or a use partner. We don't know what that will look like. I know that has been done before and she has suggested that.

Moermond: and you're buying this on a contract for deed from Amazing Homes Ecclesia. He was not interested in being a financing partner.

Udoibok: he would but he's retiring. Before we went from Category 2 to 3, we thought we could renovate the first floor and then find the money to do the rest. We wanted to keep it as a church, but circumstances have changed and it might be a mixed use, and there is money out there if you can get partners. Its not for lack of interest.

Moermond: at some point, the other HPC asked for this to be evaluated further, and they asked to delay action. Its been delayed five months. I'm going to approach HPC staff about what kind of documentation they would want before it gets demolished. We should give you an opportunity to do the feasibility study, but I need you to know that if the demolition path is chosen we'll have requests from HPC for documentation.

Kroll: that can be done whether or not it's being demolished?

Moermond: I don't think they want to spend the thousands of dollars unless its for regulatory reasons. Last thing on our agenda has to do with the neighbor's email about property maintenance. You sent an email last night about having a contract to remove snow.

Udoibok: we've had that for a while. We can't monitor the property at night. It would have been nice to be called about the couch and the Christmas tree.

Moermond: actually, it would have been nice identified it before the City gets called. I know when I got this email last week, I forwarded it to you Mr. Magner, did you have anyone go look at the property? What was your finding?

Magner: I think Joe Yannarely went out. I'm going to have to contact him, I don't see notes.

Udoibok: it couldn't have been there more than a day.

Magner: I would suggest that absentee owners go minimum of once a week.

Udoibiok: we go more than that.

Magner: for a small amount of money you can do video surveillance and can know what's going on by your phone. If you're truly serious about doing this, we end up having people set these things on fire to warm up and next thing you know you get a phone call from us that there was a fire and we have to tear your building down. I'm not the biggest believer in the broken windows theory, but it's a reality. When you have those things, it attracts a clientele that will go there, vs. the business that's operating across the street. You become the victim.

Kroll: we talked about video cameras. It probably is something we need to do.

Udoibok; we decided on Sunday Badejo will install some kind of surveillance. We've probably removed 5 couches in the last few years. That alley is dark there. Even if someone was staying there, it doesn't stop.

Magner: even if you give us a license plate, the cops probably won't chase them down. Its about you knowing there's a problem, and you can know before there's a problem.

Udoibok: Were going to try and talk to the neighbors and have them call us.

Moermond: but if I'm a neighbor I resent having to manage your property for you. I put that out there, that I would let them know you are doing a camera system, this is our plan, but if there's a problem feel free to call.

Udoibok: I can't be responsible for social pathologies. We can't prevent at night, someone dropping a couch. Whether we live there or not.

Kroll: but you're committed though.

Moermond: and that's where the broken window theory comes into place. A baseball goes through a window, it can happen to anyone. If it goes unrepaired for any length of time it communicates that no one cares. This is a sensitive socioeconomic area, which is what you're talking about, so it has a greater impact when a couch is dumped.

Udoibok: I received a notice and I don't understand it. We received a notice that the building has been secured and we don't know what for.

Magner: they got an emergency boarding letter, the SPPD went to the site after receiving a call and found it had been broken into.

Moermond: what was the date on that? While you're looking that up, I'm going to summarize. I feel like we've taken a step backwards with the fundraising which is disappointing to you and to me. I'm glad you're looking at a feasibility plan, I would like to have something in my hands in six weeks time. I think that's more than generous. I need a calendar, I don't have a calendar on where you guys are at. When are you going to decide this, or when do I have to decide it for you? When will you have a "if we don't have it together, this is what we're going to do next" plan? You telling me that is a lot better than me telling Council on March 15 we need to pull the plug on this. Your previous plan is gone. That was what you were hanging your hats on. A plan of action for how you are doing your planning stage would even be something. Six weeks we will talk. February 25th.

Magner: December 14, 2019 at 3:00 am. Contractor put one board up on the property and sent out the emergency boarding letter. You receive that letter based on the case number given to us by the SPPD. You can talk to them with the case number for more info. In another month you'll get a letter indicating its a pending assessment, which you can appeal. If you don't do that it will be an assessment and you'll get a bill in about six months. If you don't pay it, it goes on your 2021 taxes.

Udoibok: we've sent in the gold card before. Nothing happens, we still get an assessment.

Moermond: you need to show up at a hearing with me. Sending in just the gold card doesn't do anything. The hearing date and time is in the letter that comes with the gold card.

Laid Over to the Legislative Hearings due back on 2/25/2020

3 RLH RR 20-4

Ordering the rehabilitation or razing and removal of the structures at 173 ROBERT STREET SOUTH within fifteen (15) days after the February 12, 2020, City Council Public Hearing.

Sponsors: Noecker

Recommend granting 30 days to remove the building.

Jim Hunt appeared

Moermond: are you affiliated with either of those entities, Fillmore Avenue Apartments LLC or Weidner Investment Services?

Hunt: representative of both. I'm a developer representing them.

Magner: 173 Robert a one-story, wood frame, commercial building on a lot of 13,939 square feet. According to our files, it has been a vacant building since October 13, 2016. The current property owner is Fillmore Avenue Apartments LLC C/O Weidner Investment Services Inc. per AMANDA and Ramsey County Property records. On October 17, 2019, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An order to abate a nuisance building was posted on October 25, 2019 with a compliance date of November 24, 2019. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$97,400 on the land and \$68,600 on the building. Real estate taxes are current. The Vacant Building registration fees were paid by credit card on September 23, 2019. As of January 14, 2020 a Team Inspection has not been done or a \$5,000 performance deposit been posted. There have been four summary abatement orders since 2016, and four work orders for garbage/rubbish and boarding/securing. Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish exceeds \$25,000. 193 Robert is a one-story, wood frame, commercial building on a lot of 31,799 square feet. According to our files, it has been a vacant building since October 31, 2016. The current property owner is Fillmore Avenue Apartments LLC C/O Weidner Investment Services Inc. per AMANDA and Ramsey County Property records. On October 17, 2019, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An order to abate a nuisance building was posted on October 25, 2019 with a compliance date of November 24, 2019. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$223,100 on the land and \$61,900 on the building. Real estate taxes are current. The Vacant Building registration fees were paid by credit card on October 15, 2019. As of January 13, 2020, a Team Inspection has not been done or a \$5,000 performance deposit been posted. There have been four summary abatement notices since 2016 which resulted in no work orders being issued. Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish exceeds \$25,000.

Moermond: to clarify, I did take a look at the City's historic record on these and for 173 Robert it looks like its been a vacant building, it entered the program in October of 2016 but since at least 2015 its been not in use. And then for 193 its been since at least 2013 that its been empty. So that's a few years longer than what it was in the vacant building program for.

Hunt: that sounds right. It was being rehabilitated at that point, before it was bought.

Moermond: so tell me you the ownership is interested in removing the buildings?

Hunt: yes, we've completed a demolition survey including hazardous waste and asbestos. Wink and Associates sent that out with a proposal for demolition, we got three bids last week that we're working through, then we will proceed with getting the

permit and the buildings removed.

Moermond: what kind of timing are your contractors talking about to do the work?

Hunt: we're asking for six months from the time we approve.

Moermond: this goes in front of Council February 12, and normally if someone is interested in demolishing on their own, I recommend 30 or 45 days to pull the permit, and then Magner takes over, how long do you give them to complete the work?

Magner: it depends on the scope. I don't see why they can't be removed w/in 30 days after the permits are issued. Its in your best interest to do it sooner than later because you're going to run into road restrictions. There's no reason these buildings can't be done by May 1.

Hunt: we have to do some environmental work in there, so the demo contractor has to hire an abatement contractor.

Magner: worst case scenario is you have a ten day waiting period. I'm more interested in the scope of work, are you removing the building and leaving lots and signage? Leaving curb cuts?

Hunt: our plan is to remove the three signs, and then remove the buildings and patio area, but not touch the asphalt. They will remove the foundation and the slab on grade, and there will be a slight depression but make it safe and reseed.

Magner: you will need to backfill the sites. They can't be left to pool. If its granular material and its drains, that's not a problem, but if you leave a bowl and it pools that's a nuisance and we can't have that.

Hunt: understood. There's no basement. They are above grade now, so other than removing the foundation there isn't much depression.

Magner: if we were doing it, we wouldn't leave any infrastructure. The City wants it to look better than when other demos were done across the street.

Moermond: if Mr. Hunt shared the bids, could you review them and say what the City would do in addition to or whether it meets the City's requirements, so things can be modified?

Magner: its always cheaper to do things at once. I understand he also wants to minimize his costs. He can certainly share those with you to send to me, I will talk to the building official about it. As long as you're removing the totality of the building and signage and grading it so it doesn't drain onto a right f way or adjacent occupied property or creating a pond.

Hunt: they said they would rather have a depression to keep from having run off. I'm trying to do the right thing.

Magner: if you put top soil and seed it, you shouldn't have runoff. The site should actually suck up the water since you have less impervious surface.

Moermond: this goes in front of Council on February 12, at that time I will ask them to grant 30 days to remove the building. That gives you 30 days to have the permit pulled

for removal. Once you have the permit pulled Mr. Wagner takes over. His expectation in general is 30 days once the permit is pulled.

Hunt: Bohlander has the lowest proposal and say they have worked with the City a lot.

Magner: have Andy call me.

Referred to the City Council due back on 2/12/2020

4 RLH RR 20-3

Ordering the rehabilitation or razing and removal of the structures at 193 ROBERT STREET SOUTH within fifteen (15) days after the February 12, 2020, City Council Public Hearing.

Sponsors: Noecker

Recommend granting 30 days to remove the building.

Jim Hunt appeared

Moermond: are you affiliated with either of those entities, Fillmore Avenue Apartments LLC or Weidner Investment Services?

Hunt: representative of both. I'm a developer representing them.

Magner: 173 Robert a one-story, wood frame, commercial building on a lot of 13,939 square feet. According to our files, it has been a vacant building since October 13, 2016. The current property owner is Fillmore Avenue Apartments LLC C/O Weidner Investment Services Inc. per AMANDA and Ramsey County Property records. On October 17, 2019, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An order to abate a nuisance building was posted on October 25, 2019 with a compliance date of November 24, 2019. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$97,400 on the land and \$68,600 on the building. Real estate taxes are current. The Vacant Building registration fees were paid by credit card on September 23, 2019. As of January 14, 2020 a Team Inspection has not been done or a \$5,000 performance deposit been posted. There have been four summary abatement orders since 2016, and four work orders for garbage/rubbish and boarding/securing. Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish exceeds \$25,000. 193 Robert is a one-story, wood frame, commercial building on a lot of 31,799 square feet. According to our files, it has been a vacant building since October 31, 2016. The current property owner is Fillmore Avenue Apartments LLC C/O Weidner Investment Services Inc. per AMANDA and Ramsey County Property records. On October 17, 2019, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An order to abate a nuisance building was posted on October 25, 2019 with a compliance date of November 24, 2019. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$223,100 on the land and \$61,900 on the building. Real estate taxes are current. The Vacant Building registration fees were paid by credit card on October 15, 2019. As of January 13, 2020, a Team Inspection has not been done or a \$5,000 performance deposit been posted. There have been four summary abatement notices since 2016 which resulted in no work orders being issued. Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The

estimated cost to demolish exceeds \$25,000.

Moermond: to clarify, I did take a look at the City's historic record on these and for 173 Robert it looks like its been a vacant building, it entered the program in October of 2016 but since at least 2015 its been not in use. And then for 193 its been since at least 2013 that its been empty. So that's a few years longer than what it was in the vacant building program for.

Hunt: that sounds right. It was being rehabilitated at that point, before it was bought.

Moermond: so tell me you the ownership is interested in removing the buildings?

Hunt: yes, we've completed a demolition survey including hazardous waste and asbestos. Wink and Associates sent that out with a proposal for demolition, we got three bids last week that we're working through, then we will proceed with getting the permit and the buildings removed.

Moermond: what kind of timing are your contractors talking about to do the work?

Hunt: we're asking for six months from the time we approve.

Moermond: this goes in front of Council February 12, and normally if someone is interested in demolishing on their own, I recommend 30 or 45 days to pull the permit, and then Magner takes over, how long do you give them to complete the work?

Magner: it depends on the scope. I don't see why they can't be removed w/in 30 days after the permits are issued. Its in your best interest to do it sooner than later because you're going to run into road restrictions. There's no reason these buildings can't be done by May 1.

Hunt: we have to do some environmental work in there, so the demo contractor has to hire an abatement contractor.

Magner: worst case scenario is you have a ten day waiting period. I'm more interested in the scope of work, are you removing the building and leaving lots and signage? Leaving curb cuts?

Hunt: our plan is to remove the three signs, and then remove the buildings and patio area, but not touch the asphalt. They will remove the foundation and the slab on grade, and there will be a slight depression but make it safe and reseed.

Magner: you will need to backfill the sites. They can't be left to pool. If its granular material and its drains, that's not a problem, but if you leave a bowl and it pools that's a nuisance and we can't have that.

Hunt: understood. There's no basement. They are above grade now, so other than removing the foundation there isn't much depression.

Magner: if we were doing it, we wouldn't leave any infrastructure. The City wants it to look better than when other demos were done across the street.

Moermond: if Mr. Hunt shared the bids, could you review them and say what the City would do in addition to or whether it meets the City's requirements, so things can be modified?

Magner: its always cheaper to do things at once. I understand he also wants to minimize his costs. He can certainly share those with you to send to me, I will talk to the building official about it. As long as you're removing the totality of the building and signage and grading it so it doesn't drain onto a right f way or adjacent occupied property or creating a pond.

Hunt: they said they would rather have a depression to keep from having run off. I'm trying to do the right thing.

Magner: if you put top soil and seed it, you shouldn't have runoff. The site should actually suck up the water since you have less impervious surface.

Moermond: this goes in front of Council on February 12, at that time I will ask them to grant 30 days to remove the building. That gives you 30 days to have the permit pulled for removal. Once you have the permit pulled Mr. Magner takes over. His expectation in general is 30 days once the permit is pulled.

Hunt: Bohlander has the lowest proposal and say they have worked with the City a lot.

Magner: have Andy call me.

Referred to the City Council due back on 2/12/2020

5 RLH RR 20-2

Ordering the rehabilitation or razing and removal of the structures at 1286 SHERBURNE AVENUE within fifteen (15) days after the February 12, 2020, City Council Public Hearing.

Sponsors: Jalali

LH February 25, 2020. Continue PH to March 11, 2020. At February 25 hearing if PO wants to rehabilitate they must provide sworn construction statement and bids.

Erick Flyckt, attorney, appeared

Magner: 1286 Sherburne is a one and one-half story, wood frame, single-family dwelling with a detached, one-stall garage on a lot of 3,920 square feet. According to our files, it has been a vacant building since September 9, 2014. The current property owner is PHH Mortgage Corporation per AMANDA and Ramsey County Property records. On October 9, 2019, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An order to abate a nuisance building was posted on October 14, 2019 with a compliance date of November 13, 2019. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$28,000 on the land and \$151,800 on the building. Real estate taxes are current. The Vacant Building registration fees were paid by check on September 23, 2019. A Code Compliance Inspection was done on December 28, 2017 which has expired. An application for a Code Compliance Inspection was paid on December 2, 2019; however, an inspection has not yet been done. As of January 13, 2020, the \$5,000 performance deposit has not been posted. There have been seven summary abatement notices since 2014. There have been twelve work orders issued for: Boarding/Securing and Grass/weeds. Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$17,000.

Moermond: this was condemned and ordered vacated September 2014, illegal bedroom, lacking basic facilities. What is it the mortgage company would like to do?

Flyckt: we posted a performance deposit yesterday afternoon. I have a receipt. I think they have shifted from file processing to case management. They did pay the fee for the code compliance inspection; the inspector went by on December 24 and didn't see a lock box. Since that time, we have contacted Bruhn and have an appointment January 27. They were going to have the other trades go through before that time. They are trying to decide whether its better to rehab or demo. They want to base that on the code compliance requirements.

Moermond: this is scheduled for public hearing on February 12, I'm going to ask Mr. Bruhn to expedite his write up so you get it as soon after January 27 as possible. I will ask the Council to continue the matter to March 11, but we will talk February 25 about any specifics in the plan, so if you want to rehabilitate, that means the sworn construction statements and bids.

Magner: Nathan was out on December 24, and January 10 the plumbing inspector was out there and saw no lock box and door broken in. It looks like we still have a problem. If you could verify that and Nathan is gone this week and next week, if you could email Joe Yannarely or Reid Soley and let them know so we can get this going.

Flyckt: it's my understanding that its on the back door.

Magner; if you can verify that, email Reid, we'll get people out there.

Referred to the City Council due back on 2/12/2020

6 RLH RR 20-1

Ordering the rehabilitation or razing and removal of the structures at 31 WINTER STREET within fifteen (15) days after the February 12, 2020, City Council Public Hearing.

Sponsors: Thao

Refer back to LH February 25, 2020 if performance deposit and code compliance inspection is done by February 12, 2020.

Michael Sauer, council for US bank, appeared

Magner: 31 Winter is a one and one-half story, wood frame, single-family dwelling with a detached, one-stall garage on a lot of 8,276 square feet. According to our files, it has been a vacant building since November 12, 2015. The current property owner is US Bank National Assoc C/O US Bank Home Mortgage per AMANDA and Ramsey County Property records. On October 2, 2019, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An order to abate a nuisance building was posted on October 10, 2019 with a compliance date of November 12, 2019. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$14,300 on the land and \$105,000 on the building. Real estate taxes are current. The Vacant Building registration fees were paid by check on October 29, 2019. An application for a Code Compliance Inspection was paid on November 6, 2019; however, an inspection has not yet been done. A note from the inspector indicates that an inspection will not be done until the interior is cleaned out. As of January 13, 2020, the \$5,000 performance deposit has not been posted. There have been twenty-six summary abatement

notices since 2015. There have been twenty-nine work orders issued for: Garbage/rubbish, Boarding/Securing, Grass/weeds and Snow/ice. Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$20,000.

Moermond: Ms. Zimny pulled a condemnation issued October 2015. That was extreme dilapidation, hoarding and extreme infestation. That's attached to the record. What does the bank want to do with the property?

Sauer: we just became the owner. The former owner had some issues, she's civilly committed, they were trying for a year to sell to try and recoup whatever equity they could for her, on October 8, 2019 the conservator brought a motion to abandon the property because they couldn't sell. We didn't object to any of that. The redemption period expired December 11, 2019 so we became the owner December 12, 2019. We did get a code compliance inspection, unfortunately because of the hoarding there is a lot of property, we worked with Jim until he retired, and Nathan since. We have a contractor retained and for \$6,000 we received 130 cubic yards of material, as of yesterday its cleaned out and everything is gone. We got the former owner to sign a personal property waiver. We disposed of everything. I called Nathan to reschedule, he's out until the 27th, but its ready to go, I have the lock box and code. We'd like the inspection done ASAP to know what has to be done. Fixing it is the goal, but that will depend.

Moermond: you heard in the previous case, where a \$5,000 performance deposit was posted, it makes it easier for me to stand in front of Council to give more time and get an inspection report and plans. So, I think a similar kind of time period would work if we can get someone in there. Can you get a performance deposit posted by close of business January 31?

Sauer: can we do it? Sure. If the code compliance inspection comes back and its not feasible to rehab, do they get it back?

Moermond: yes, upon written request with interest, every time. I can give you a bit longer too, until Feb 7th.

Magner: if he could give us the lock box info and send that to Reid, I'll have him bring the info to Mr. Ubl or Mike Palm so he can get the inspectors moving on it. We'll at least get the other parts done before Nathan comes back. Tell him Mr. Magner wanted it expedited.

Moermond: if the performance deposit is posted and code compliance inspection is done by Feb 12, I'll ask them to refer it back to Legislative Hearing February 25. We'll put it back in front of Council on March 11.

Referred to the City Council due back on 2/12/2020

10:00 a.m. Hearings

Making Finding Orders

- 7 **RLH RR 20-5** Making finding on the appealed substantial abatement ordered for 530 GERANIUM AVENUE EAST in Council File RLH RR 19-25.

Sponsors: Brendmoen

Recommend continuing the \$5,000 performance deposit and granting an additional 180 days to complete work.

Mr. Abdi Omar appeared on behalf of Luul Omar

Supervisor Steve Magner: we were given an approximate of 75% completed at this point in time.

Moermond: you are here on behalf of your sister? Does 75% sound right?

Omar: yes and yes.

Moermond: I'm going to ask the Council to continue the \$5,000 performance deposit and you get an additional 6 months to complete the work. We'll do an additional follow up at that point.

Referred to the City Council due back on 2/5/2020

- 8 RLH RR 20-6** Making finding on the appealed substantial abatement ordered for 871 JESSAMINE AVENUE EAST in Council File RLH RR 19-21.

Sponsors: Busuri

Layover to LH January 28 to confirm file is closed and orders are abated. (Nuisance is abated as of January 14, 2020)

Supervisor Steve Magner: we got a report from Nathan Bruhn, its about 99% done. Owner yesterday said the only item Nathan was waiting for was the proof on the egress of the safety glass window. The owner has the paperwork and the invoice saying its been installed and they were giving it to Nathan, who is not here. We'll be closing the file in the next week. I don't think we even need a layover, it should be done by February 5.

Moermond: Lets just layover to Legislative Hearing Jan 28 to make sure its closed.

Staff Update: Nuisance is abated as of January 14, 2020. CPH is February 5, 2020.

Referred to the City Council due back on 2/5/2020

- 9 RLH RR 20-12** Making finding on the appealed substantial abatement ordered for 957 PROSPERITY AVENUE in Council File RLH RR 19-19.

Sponsors: Yang

Recommend continuing the \$5,000 performance deposit and granting an additional 180 days to complete work.

Jintu Wang, husband of owner, appeared

Adam Abdirahman, buyer, appeared

Abdul Mohamed, general contractor and construction, appeared

John Anderson, architect, appeared

Magner: according to his notes they're about 75% done.

Moermond: is that consistent with how you guys looked at it?

Anderson: maybe a bit more. Nathan did a final sheetrock inspection about 10 days ago.

Moermond: we are clearly past the 50% threshold. We'll continue the performance deposit and give another 180 days for the project to be completed. We'll have another follow up hearing to make sure things are buttoned up and done. Council is on February 5, 2020.

Referred to the City Council due back on 2/5/2020

Repurchase Application Orders

- 10 [RLH OA 20-3](#) Making recommendation to Ramsey County on the application of Linda Marie Phillips for repurchase of tax forfeited property at 558 ARLINGTON AVENUE EAST.

Sponsors: Brendmoen

Recommend approval of repurchase application.

No one appeared

Staff report by Supervisor Magner: Ramsey County request for repurchase. Ms. Kujala with a repurchase application for Linda Philips, \$8,721.43 in forfeiture. Board is seeking input from City. Reason for forfeiture: depression and grief are the number one reason I became delinquent on taxes, lost mother, father and only sibling in 2011, I was in deep depression. It didn't sink in until the property tax people came to my home this fall, I was diligently trying to get the taxes paid, after my confession of judgement I had a fall, [statement is cut off], tore meniscus and ACL in knee. I want to remain in my home, it is all I have left from my family. I have begun therapy for my depression, this has been a huge wakeup call for me. I will do anything to make it happen that I can remain in my home. I will make sure to never become delinquent again.

Moermond: we look at the last 5 years of code and police activity at the property to see if tis been a municipal problem. What's your assessment of the code?

Magner: one tall grass and weed in 2016, may not have even been founded.

Moermond: one call about a disturbance, in 2017, which I would say is insignificant. We recommended approval of the repurchase application.

Referred to the City Council due back on 1/22/2020

- 11 [RLH OA 20-2](#) Making recommendation to Ramsey County on the application of Daniel F. Dahlin, Heir to the Estate of Helen V. Dahlin, for repurchase of tax forfeited property at 1889 FAIRMOUNT AVENUE.

Sponsors: Tolbert

Recommend approval of repurchase application.

No one appeared

Supervisor Steve Magner: Letter from Kris Kujala regarding Daniel Dahlin, estate of

Helen Dahlin, for a total amount of \$46,264.90. Clearly must have been sitting out there for a full six years.

Moermond: I didn't find any written explanation for the request for repurchase.

Magner: second page. Wants to repurchase, the other at the time of forfeiture or the owner's heirs

Moermond: yeah, it just sounded really bureaucratic to me.

Magner: there is nothing under reasons that led to forfeiture.

Moermond: we can assume it was the death and the heirs weren't paying the taxes in a timely fashion. It does look like it was homesteaded.

Magner: it says close of business after 26 years and ongoing health issues. We have an interior complaint in 2017, but not a lot, just a snow/walk in 2005. Mostly permit activity. Welfare check in 2017, investigate civil problem in 2019.

Moermond: it hasn't been a municipal problem, so we will recommend allowing for the repurchase.

Referred to the City Council due back on 1/22/2020

12 [RLH OA 20-1](#)

Making recommendation to Ramsey County on the application of David Chavez for repurchase of tax forfeited property at 721 FOURTH STREET EAST.

Sponsors: Prince

Property not seen as significant municipal problem, but because there is some history of code and police calls recommendation to Ramsey County withheld.

No one appeared

Supervisor Steve Magner: David Chavez, owes \$20,725.71. Reason stated: I was on a payment program, I paid twice a year, I was paying it and then we found out my wife had cancer and I went to make payment and was short \$300 and they wouldn't take my payment because it wasn't in full. We have complaint about appliance on boulevard in October, trash in July, inoperable vehicle in June, car parts in June, garbage and junk in January, August 2018 we had sofa on boulevard, shut off in August 2018, shut off November 2017. Shut off July 2017. Shut off in September 2015. Shut off in May 2015.

Moermond: which indicates financial problems. Police calls, it looks like a lot of it was vehicle and traffic related, I was trying to decide how much should be attributed to the parcel vs. the street itself. If that is the public street it doesn't seem like it should be put on them. There's an animal complaint in 2018 and 2019.

Magner: they do have a license though, don't they? August 2019 we have a license issue. Clearly a dog at the property, the application was February 2019, and it was delinquent. I don't know if that's related to the calls. Animal bite in February 2019, and it wasn't licensed, so they required a license.

Moermond: you've been out there to do cleanups in 2019? The complaints came in. it

sounds like a junky yard in the recent past.

Magner: not seeing work orders, just complaints.

Moermond: so it was taken care of. Do you think this property rises to the level of municipal problem?

Magner: its got problems, I don't know if we can go that far. There are certainly concerns there. We're probably just going to end up back here again.

Moermond: are there conditions we'd recommend the County put on the property?

Magner: I don't think we're at that point. I think its on the County to restructure their confession of judgement, when you show up with \$500 and you owe \$800, and that triggered the forfeiture.

Moermond: and we don't have information from the County on that.

Magner: they need to make sure if they allow it, they are guaranteed the funds.

Moermond: we don't have a reason to not allow repurchase. Or do we not make recommendation? It has not presented a municipal problem but because of the history we will not make a recommendation.

Referred to the City Council due back on 1/22/2020

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 13 RLH VO 20-7 Appeal of Lindsey/KBD Investments LLC to a Fire Inspection Correction Notice, including Condemnation, at 289 BURGESS STREET.**

Sponsors: Thao

Grant to June 1, 2020 for compliance.

Brett Hesley, on behalf of KBD Investments, appeared

Moermond: Lindsey filed the appeal?

Hesley: she works with me, she is actually my wife. I'm one of the owners of KBD.

Staff report from AJ Neis: this is a fire c of O, not a full condemnation of the building, a condemnation of a single bedroom written by Inspector Franquiz. This was due to the fact that the bedroom passes through an enclosed front porch. As a result, the building is not condemned. My understanding is that Mr. Hesley was concerned because they had recent code compliance inspection when he purchased the building 10 years ago, and why it was an issue. The last two previous Fire Inspections this wasn't sited. The room was clearly intended to be used as a bedroom. I share his sentiment. I sent an email Christmas Eve, prior to the appeal being filed. When I looked at the building, I looked at it and the bedroom clearly used to be a living room and it was converted. It had an old bay window with the two solid window and a legal sized emergency escape window installed in the center, which exited into the enclosed

porch. He's not disputing this is incorrect, he's simply stated, I did exactly what the inspector asked me to do. Item 20 in the code compliance report, it says habitable rooms with new usage, which would have been the living room into the bedroom, with the installed egress window which was finalized and approved by the building official.

Moermond: how do you know it refers to this space?

Neis: it was the only room with new habitable usage, it's a small home.

Moermond: ok, and how does it meet emergency egress requirements, it doesn't specify it has to be directly to the outside in this statement, but emergency egress code does say it has to be directly to the outside.

Neis: Correct, no one is disputing this isn't correct, including Mr. Hesley. I advised him to appeal to see what other outcomes there were. He complied with what the building inspector told him to do.

Moermond: he thought he complied. Because what the building inspector was not definitive at this point.

Neis: when I read it I believe it is definitive.

Moermond: it says "emergency egress requirements," what am I missing?

Neis: When he puts in parenthesis, he talks about the size "shall meet egress requirements". The way I read that would be implied this is the size it needs to be.

Moermond: but it doesn't say anything about "immediately to the outside" or anything to the contrary. It says you have to meet the requirements, and that is one of the two requirements.

Neis: you're right. And that's not in dispute.

Moermond: you kind of did, when you said "you told him to do what he's doing" essentially.

Neis: I believe based on this that the building inspector did say that.

Moermond: and I found the language to be ambiguous.

Neis: The front porch was enclosed long before 2008. The window was put in and then the code compliance is approved. There were no notes saying this couldn't be used as a bedroom, it says "habitable use", put in this size window, and I approve. I believe the building inspector erred in his case.

Moermond: we have a pickle. Poor Mr. Hesley.

Hesley: This was in the earlier days of code compliance, I met Jim at the property and had him tell me what to do. He told me to switch this and approved it. I didn't know as much about code at the time. He asked me to do it, he approved it and I've had 2 fire inspections since then.

Moermond: what I'm guessing happened with those cases, it was an existing opening size that was grandfathered in. A variance would be putting something in new in

exceptions to the code between 2008 when this code compliance inspection was done, and now there was also a lawsuit. What it doesn't cover is mistakes. And here we are. I'm totally sympathetic to where you are at. If option A is to not do anything, what's option B or C?

Hesley: I'm not looking to put anyone in danger. Given the fact someone is living there. I can put another window in, but it won't be simple, it's an old home and I don't know what will happen when I open up the wall. Once I open it I have to deal with it, I just can't pop a window in. It's not practical while someone lives in the home, especially in the middle of the winter. Can I wait until no one lives there? I'm also not wanting to kick these people out, they are good tenants. So if I have to give notice, I will, but then I've made a family move over this, which they don't want to do.

Moermond: I think waiting until the weather will accommodate the work more hospitably and being very planful so everyone has notice of when any contractors are coming in and when the work is going to be done is somewhere between those 2 extremes.

Hesley: that's partially up to the City, if I have to move wiring to do headers, and I don't know that until I open it up.

Moermond: I understand there may be complications. We don't know that there will be.

Hesley: do I have to pay another building permit fee? I think that's unfair.

Moermond: we can get you a building code appeal form. That's not something I can do. It is not my jurisdiction. I want to make it as comfortable as possible for you and the people living there.

Hesley: and I may just end up taking out the windows from the front porch. It will make the tenant angry. That's probably what we're going to have to do.

Moermond: and we can give you a longer timeline on that.

Hesley: it doesn't matter to me, I'm just going to tell the tenant to get their stuff off the front porch because it's not a secured space anymore. The cold isn't an issue.

Moermond: I think if we say June 1, 2020 that's enough time and allows for enough decent weather.

Neis: and we can leave options B and C open to Mr. Hesley.

Hesley: and option B isn't a realistic option for me with the people in there. I know for sure I'll have to move electrical, and I don't know how old that is. It's a load bearing wall. It wouldn't be reasonable to do it with people living there. I'd rather take the windows out. Do I have to take the screen door off?

Moermond: if the windows are out the screen door can stay.

Hesley: I'm not unwilling to put the window in in the future, but not while someone is living here.

Neis: if you took the screen door out, you can return the house to its original state, make it original when you sell.

Hesley: I'm just hesitant because you get snow and weather on the boards, but because the wall is there, it can't drain.

Neis: I'm guessing originally it had 3 columns originally and was one big open front porch.

Referred to the City Council due back on 2/12/2020

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 14 [RLH FCO 19-127](#) Appeal of Ron Staeheli to a Correction Notice-Reinspection Complaint at 358 ARBOR STREET.

Sponsors: Noecker

Layover to LH January 21, 2020 to review additional documents.

Laid Over to the Legislative Hearings due back on 1/21/2020

- 15 [RLH FCO 19-118](#) Appeal of Stephen Mann, Mann Theatres, to a Reinspection Fire Certificate of Occupancy With Deficiencies at 760 CLEVELAND AVENUE SOUTH.

Sponsors: Tolbert

Layover to LH February 4, 2020 for inspection staff and owners to meet on site with contractors in interim.

*Michael Mann appeared
Stephen Mann appeared
Michelle Mann appeared*

Moermond: this is follow up from a hearing on November 12, we had a January 2 follow up date but as I recall you had just gotten blueprints and were still working on the actual plans. I'm going to ask Mr. Perucca to update the record on where we left things and then back to you folks.

Jim Perucca: following up on C of O occupancy for both 760 Cleveland and 1830 Grand are the fire alarm systems for the assembly areas. There is an existing residential alarm at various places in the building, and last we spoke we were looking to see what alternative methods could be provided to achieve as close to the coverage of a commercial system as possible and how that may be achieved. I did receive correspondence from Collins Electric and they asked for more specifics, and I gave the general requirements needed for installation of a commercial system to see what they could propose. As of today, I haven't heard any more correspondence, so waiting to see if you have a proposal.

Moermond: Collins electric contacted fire inspection scoping out some things, you had a chance to look at your system. There's some question about whether its sufficiently integrated to be considered an equal or alternative means of compliance with commercial coverage requirements. I turn it over to you to see what you've learned.

Stephen Mann: we received two, I think you spoke with Brothers. We had Collins and Stephens bid, both aren't within our reach to do. At the last meeting we asked both contractors to give alternatives, both to do the full blown system and also something that gives protection but not quite as high. Brothers told us after speaking with you they didn't want to give a bid because it wouldn't meet requirements. The problem we have, twin theaters are hard financially to make it, we have issues that our industry is down 7% from a year ago and facing streaming from all sorts of companies which affects business and frankly the minimum wage that St. Paul has passed. We can't absorb in all areas here. If we can't come up with something agreeable to us, it would be in our best interest to just sell them.

Moermond: I'm not sure who told you that it wasn't worth developing because the City wouldn't consider it. What I was hearing from Mr. Perucca is they were willing to look at alternatives, and they had been contacted and so, what I'm hearing is you had contractors look at it and they wanted to develop a full proposal, but not anything less than replacing your current system with a complete commercial system. I'm wondering where the disconnect is. So the contractors didn't provide you that alternative?

Stephen Mann: I think part of the problem was we weren't part of the conversation Perucca had with the contractor. We told them from the get go, give us a cost for a full system and a price for something acceptable but not with the panel and everything else, because we had a sense of what that cost would be there. Michael and Michelle spoke to them and they both said after speaking with Mr. Perucca there was no sense, they weren't interested in giving us a number on a lesser system because it wasn't a reality. Today we come here with a full blown bid because we don't have an alternative.

Moermond: you talked to two companies and both the bids came back in that way? You asked for a full bid and an alternative and the one said the City wouldn't look at it, which isn't what I heard from Mr. Perucca, and then the other provided you a full bid. Can you describe did they come back with an alternative means of compliance?

Michael Mann: their reaction, which was Collins, was very much the same as Brothers, which was they just didn't see how that could be possible.

Michelle Mann: they were given the instruction that a commercial system was needed. Period. That's the communication they received from Mr. Perucca.

Perucca: the conversation I had, is our desire is to have a commercial system. Your goal was to have a system that mimicked as close as you can that system, and what would be acceptable is yet to be seen.

Stephen Mann: we're not here today to say we're not going to do anything. We just want something we can all live with. Frankly, those two theaters, if it wasn't for the City, Councilmember, Mayor, the theaters wouldn't be open right now because from a profitability standpoint where do you see Twin theaters anywhere else? But, it was important to the City, and they gave us a grant and a loan, and if we were to put it up for sale, those would have to be repaid. The marching order from me was to talk to these people, I met with Brothers and we did a walk through, my idea was to get detection with horns and strobes without a full-blown panel, trying to run wires in an old building like that that's where it gets costly. The holdup on the blueprints, we had to search and search and finally found them and I wouldn't let them out of my possession. I can't replace them, so we took them to the printer and contractor.

Moermond: I'm ok with the holdup, I want to get it right.

Neis: looking back at the file and so forth, there were smoke alarms that weren't proper, but one of the things I've found is the contractors are hesitant to put up an alternative method of compliance without knowing, they look at the code to spec and give a quote. They may not know what's going to be acceptable because they are making nothing but assumptions. In fairness and after speaking with Mr. Perucca, to lay this over a couple weeks and have him and I go look at what's there, during off business hours to test things and look at things more thoroughly, to get a better grasp of what's there.

Moermond: can I recast this a little, as the Department of Safety and Inspections, you will look at alternative means of compliance, but that you will not design those systems. Am I understanding you to say you'd like to look at the system and create benchmarks or expectations about what a system would include?

Neis: to clarify, to see what's there and test what's there. See if the smoke alarms interconnected.

Stephen Mann: they are not interconnected.

Neis: they are not. Were they replaced alarms, that they just didn't connect the third wire? That may give us a better grasp of what may need to be ran. Absolutely not making any designs. We have a lot of concerns about this, but to at least put a better set of eyes off normal hours, so we get a complete idea of what we're looking at.

Moermond: it might be useful if that time could be scheduled with Mr. Neis and Perucca to have a contractor there at that time too. I can continue this a couple of weeks for that to happen. Today is January 14, lets talk on February 4. Then contractors can put something in writing, and have that to staff.

Perucca: Tuesday the 21 at 11:00 AM.

Additional information on Mann Theater put on record on January 14, 2020

Supervisor Jim Perucca: Since the C of O process has been going on for years, I was able to speak to the original inspector, Kris Calfisk (spelling may not be accurate) who tried to recall her memory. It appears she first called out the fire alarm system, the need for it, back in October 2016. At that time, she does recall that residential smoke detectors may have been in place, but given the size of the theater and the occupant load, she realized that they were now required to have a commercial system since it was over a 300 occupant load. Those are similar conditions on both theaters. She was aware that they had applied for the grant through the City to make repairs and had believed that the fire alarm system was part of that. She believed that the existing alarms, which may have been installed in the early 2000's, but she did call out the need for a commercial system. Since that time, she has left the City, but in follow up with Inspector Imbertson, he did do a complete walk through and looking at his notes from June of 2016. He said: made full walk through, due to the length of inspection it had been ongoing. Discussed alarm system requirements. They seem to understand and stated they will immediately look into getting bids and requested a time frame for compliance. He goes on to say that they insisted this was the first time they heard about this, apparently it wasn't passed along from the company ownership. Since then they have had changeover in maintenance people. He also says we had previously been holding off on this inspection due to upcoming renovation, but when renovations

finally occurred it was only cosmetic plus repairs to exterior walls, the alarm system was not included in this scope of work, as they earlier stated they were not aware of the requirement.

Moermond: It would have been nice if we would have had that when they were still in the room. So, when Ms. Zimny prepares the minutes, she will add that in verbatim and we can send them a copy of those minutes so they can hear that statement. We will remove forward with things as they were left earlier.

Perucca: we are still willing to see what we can do.

Laid Over to the Legislative Hearings due back on 2/4/2020

16 [RLH FCO](#)
[19-119](#)

Appeal of Stephen Mann, Mann Theatres, to a Reinspection Fire Certificate of Occupancy With Deficiencies at 1830 GRAND AVENUE.

Sponsors: Tolbert

Layover to LH February 4, 2020 for inspection staff and owners to meet on site with contractors in interim.

*Michael Mann appeared
Stephen Mann appeared
Michelle Mann appeared*

Moermond: this is follow up from a hearing on November 12, we had a January 2 follow up date but as I recall you had just gotten blueprints and were still working on the actual plans. I'm going to ask Mr. Perucca to update the record on where we left things and then back to you folks.

Jim Perucca: following up on C of O occupancy for both 760 Cleveland and 1830 Grand are the fire alarm systems for the assembly areas. There is an existing residential alarm at various places in the building, and last we spoke we were looking to see what alternative methods could be provided to achieve as close to the coverage of a commercial system as possible and how that may be achieved. I did receive correspondence from Collins Electric and they asked for more specifics, and I gave the general requirements needed for installation of a commercial system to see what they could propose. As of today, I haven't heard any more correspondence, so waiting to see if you have a proposal.

Moermond: Collins electric contacted fire inspection scoping out some things, you had a chance to look at your system. There's some question about whether its sufficiently integrated to be considered an equal or alternative means of compliance with commercial coverage requirements. I turn it over to you to see what you've learned.

Stephen Mann: we received two, I think you spoke with Brothers. We had Collins and Stephens bid, both aren't within our reach to do. At the last meeting we asked both contractors to give alternatives, both to do the full blown system and also something that gives protection but not quite as high. Brothers told us after speaking with you they didn't want to give a bid because it wouldn't meet requirements. The problem we have, twin theaters are hard financially to make it, we have issues that our industry is down 7% from a year ago and facing streaming from all sorts of companies which affects business and frankly the minimum wage that St. Paul has passed. We can't absorb in all areas here. If we can't come up with something agreeable to us, it would be in our best interest to just sell them.

Moermond: I'm not sure who told you that it wasn't worth developing because the City wouldn't consider it. What I was hearing from Mr. Perucca is they were willing to look at alternatives, and they had been contacted and so, what I'm hearing is you had contractors look at it and they wanted to develop a full proposal, but not anything less than replacing your current system with a complete commercial system. I'm wondering where the disconnect is. So the contractors didn't provide you that alternative?

Stephen Mann: I think part of the problem was we weren't part of the conversation Perucca had with the contractor. We told them from the get go, give us a cost for a full system and a price for something acceptable but not with the panel and everything else, because we had a sense of what that cost would be there. Michael and Michelle spoke to them and they both said after speaking with Mr. Perucca there was no sense, they weren't interested in giving us a number on a lesser system because it wasn't a reality. Today we come here with a full blown bid because we don't have an alternative.

Moermond: you talked to two companies and both the bids came back in that way? You asked for a full bid and an alternative and the one said the City wouldn't look at it, which isn't what I heard from Mr. Perucca, and then the other provided you a full bid. Can you describe did they come back with an alternative means of compliance?

Michael Mann: their reaction, which was Collins, was very much the same as Brothers, which was they just didn't see how that could be possible.

Michelle Mann: they were given the instruction that a commercial system was needed. Period. That's the communication they received from Mr. Perucca.

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Additional information on Mann Theater put on record on January 14, 2020

Supervisor Jim Perucca: Since the C of O process has been going on for years, I was able to speak to the original inspector, Kris Calfisk (spelling may not be accurate) who tried to recall her memory. It appears she first called out the fire alarm system, the need for it, back in October 2016. At that time, she does recall that residential smoke detectors may have been in place, but given the size of the theater and the occupant load, she realized that they were now required to have a commercial system since it was over a 300 occupant load. Those are similar conditions on both theaters. She was aware that they had applied for the grant through the City to make repairs and had believed that the fire alarm system was part of that. She believed that the existing alarms, which may have been installed in the early 2000's, but she did call out the need for a commercial system. Since that time, she has left the City, but in follow up with Inspector Imbertson, he did do a complete walk through and looking at his notes from June of 2016. He said: made full walk through, due to the length of inspection it had been ongoing. Discussed alarm system requirements. They seem to understand and stated they will immediately look into getting bids and requested a time frame for compliance. He goes on to say that they insisted this was the first time they heard about this, apparently it wasn't passed along from the company ownership. Since then they have had changeover in maintenance people. He also says we had previously been holding off on this inspection due to upcoming renovation, but when renovations finally occurred it was only cosmetic plus repairs to exterior walls, the alarm system was not included in this scope of work, as they earlier stated they were not aware of the requirement.

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Laid Over to the Legislative Hearings due back on 2/4/2020

- 17 **RLH FCO 20-7** Appeal of Jay Mitchell, Danmark LLC, on behalf of Quality Residences, to a Correction Notice-Reinspection Complaint at 1191 MINNEHAHA AVENUE EAST.

Sponsors: Prince

Grant to June 1, 2020 for repair of remaining exterior item.

Referred to the City Council due back on 2/5/2020

- 18 **RLH FCO 20-2** Appeal of Kassim Busuri to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 474-476 UNIVERSITY AVENUE WEST.

Sponsors: Thao

Grant to March 6, 2020 for repair of alley light and plumbing under permit. Grant to June 1, 2020 for repair of window.

Referred to the City Council due back on 2/5/2020

2:30 p.m. Hearings

Vacant Building Registrations

- 19 [RLH VBR 20-4](#) Appeal of Ariana Pierre to a Vacant Building Registration Notice at 846 ASHLAND AVENUE.

Sponsors: Thao

Layover to LH January 21, 2020. PO to provide a work plan for executing repairs.

Ariana Peirre, owner, appeared

Jens Werner, ED from Summit University Planning Council, appeared

Carolyn Brown, Community Stabilization Project, appeared

Staff report by Supervisor AJ Neis: I also deal with owner occupied properties on an emergency basis, during after hours calls I take them from the Fire Department, citywide. The email Monday Dec 16, it was close to 11 PM I was called to the residence to assist the Fire Department. I sent the email to Supervisor Martin: St. Paul Fire was called out last night to a deceased person at the residence. On arrival there was a strong odor of natural gas and there was no heat in the home, with space heaters being used. One of the occupants was the niece of the owner, I believe that was you [Ms. Pierre] I met that night with your boyfriend?

Pierre: yes

Neis: The appellant said they had no heat for over a month, the owner of the home suffered from dementia. I advised the occupants they couldn't stay in the home, and the owner, who we believed was Anslem, was going to say with his daughter and Selma Lopez in Minneapolis and she was the best contact for the property. I believe she was the one taking care of her father's best interest. The deceased person was removed myself, working with Xcel and Fire Department, made sure meter was shut off for both

gas and water. We red-tagged several appliances. I advised Lisa Martin to issue the condemnation.

Moermond: what is the ownership situation right now? The letter is addressed to you?

Pierre: I have owned the house since May.

Moermond: so we have a death, emergency personnel finding out things weren't going well for you. It says in your appeal you live in and own the home and you repaired the boiler, but the house has never been vacant. Normally the boiler would need a permit.

Supervisor Matt Dornfeld. Dec 18, 2019 Code Enforcement Supervisor Martin followed up on Inspector Neis's referral. Her notes read as Follows: called by SPFD regarding deceased occupant. No heat, no water, no gas. Occupied by owner who has dementia. His vulnerable adult son who passed away, being cared for by an adult grandchild who lives on site.

Moermond: but that might have been turned around because the property is in your name.

Pierre: now it is. As of May, I moved out here then from Philadelphia. I didn't know about the heat situation until this winter.

Moermond: the property was in your name, not in your grandfather's name? And he had dementia but it was already out of his name when this happened.

Pierre: yes.

Neis: when I out at the property and asked who the owner was, you never mentioned you were the owner you just grabbed your belongings and left.

Moermond: I can understand how it could that would be a distressing time. I do show Ms. Pierre showing up in STAMP records as owner, and Ramsey County also lists her as well.

Dornfeld: Lisa went out and condemned the house for the boiler and the water being shut off, as advised by the Fire Department. We discussed the situation, she felt that if they were able to get the heat back on, we would make it a category 1 and give 30 days to get back on their feet and deal with it under permit. She goes back out on Monday the 13th. Her notes read: met granddaughter on site, she claims she is the owner as of this past summer. Ramsey County shows grandfather as owner, that's not correct. She said he has dementia and doesn't live there, its just her and her boyfriend. Upon inspection all the egress windows are broken and missing sash cords. No heat in front bedroom. Radiator cracked. Boiler was just put in, but no permit. Water heater looks new, but no permit. Granddaughter stated said she wasn't sure when or who put it in but it is not to code and is currently connected with an extension cord. The Smoke and CO alarm is located on the second floor only. The front door has broken windows. The majority of the home has broken or cracked windows and torn screens. Gas stove was tagged by Xcel with no shut off valve. The water is on but there is not heat throughout the entire home. The garage is in poor condition, needs roof, eaves soffits and paint. There is a red Chrysler in the alley with a flat tire and expired tabs that belongs to the grandfather. Sending an updated condemnation letter and referring to vacant buildings to upgrade to Category 2 Vacant Building. She basically got in the second time and did a more thorough inspection and deems the property needs a code

compliance inspection.

Moermond: in the updated report, is it the December 18 orders? Oh no, January 14th. That just happened. We have the list of things that lists it as being unfit for human habitation, which is what sends it to the vacant building program. At this juncture with a lot of cases, I'm looking at how quickly we can get these things addressed the condemnation letter itself, which lists all the reasons someone shouldn't live there, its unsafe. The vacant building piece lists all the things that need to be addressed before it can be lived it again. They want to see it come up to minimum code compliance. Depending on the scope of what is going on, that's how I look at this. How much do we need to do to get this back in shape again. I need to hear from you, what's going on, how are things going?

Pierre: since I moved out here I've been trying to fix it up slowly. It's a family home, my grandfather did a lot of work himself, like the windows. Them not being able to open, that was him trying to keep the draft out. We did fix the boiler, but we have no heat in the front room because the radiator cracked before he was able to come fix the boiler. He can't pull permits because of the vacant building status.

Moermond: who is "he"?

Pierre: Busby. I have his business card. I don't have anywhere else to go, other than that house. I've been staying at my aunt's house in my Minneapolis. I am trying to fix things slowly. My grandfather has been staying with my aunt.

Werner: as a representative of one of the District Councils, we recognize she moved across the country to care for her grandfather, she's helping the maintain the stability of the community and well being of people in the community. We recognize this isn't easy, I just became a first-time homeowner myself, and I know how overwhelming the list of repairs can be. She's taken big steps to learn all of this and hire contractors, and she's getting wrapped up in red tape. She has my support as well as Carolyn Brown to take care of these things and navigate the process and find tools and resources to help her bring this beautiful home into compliance. We're hoping you lift the condemnation, so she has a place to live and address things quickly. We'd like to get rid of the vacant building fee because it would be huge burden, you'd rather see that money go into repairing the home. She's had a difficult few months, and she has our support.

Moermond: in terms of pulling permits, they do keep you from being able to do that unless the vacant building fee is paid or has a waiver. You have a 90 day waiver, you can go pull permits. The question of whether the house should be condemned. I don't feel like I have any elbow room on that at all, without heat, water, boiler, gas. I can't pretend the inspector didn't see what she saw. They have to be addressed before it can be safely lived in again. You can't move into a house with no water. What we can do is look for a plan to address the critical things to get them addressed and get you back in as quickly as possible. What I don't have a sense of is the resources it will take to get it done and your ability to handle this financially. There are resources in the community and at the City, that could be brought to bear in this emergency. Have you had any conversations or filled out applications? The faster we can get those things in play, the faster you can get back in. The code compliance inspection is going to be looking at the house, I know Inspector Martin does good inspections, I feel like this is pretty solid what I am looking at here, and gives a good sense of scope of significant problems. Have you talked to the City or NeighborWorks about funding?

Pierre: I talked to Brush with Kindness when my grandfather still owned the house, but we didn't follow through.

Brown: she already has someone to repair the boiler, we just need a permit. Once he does that, he is going to do the radiator and the cracked radiator repair and water heater. He will pull a permit for both. Once those are done and that's inspected, can she move back in. Safe Haven can come out about the carbons and smokes. We can remove extension cords, and we can check with NeighborWorks and see if they have any locks or doors. Jens is going to reach out to Brush with Kindness about their funding. A lot of these are minor things.

Moermond: I don't think the gas shut off to the stove is minor.

Brown: Agreed. Or we can get a new stove. Anything on the exterior we would ask until the weather breaks. The windows we can speak to East Side Development on.

Werner: Some of the minor things, like the locks and doors, we have neighborhood volunteers who can help. Noel Nix has a program he's working on to get volunteers.

Moermond: I'm familiar. I don't know they are actually working inside people's homes though.

Werner: what I was getting at is that it is something that Summit- U was working on as well, before that was announced. So we found neighborhood volunteers who are handy who can help with minor things. With access to ReStore and Minneapolis Tool Library.

Moermond: locks and the ability to get out in case of a fire are minor repairs, but major life safety issues. I want to be clear. Can you all put together a plan on how you want to approach this, you are able to pull a permit now to do some work. Let me know how you are going to approach it and by when. She wrote everything as a principle violation, however numbers 12, 13, 14 and 16 she would consider secondary violations. The rest are primary violations. Those need a plan for and need to be executed before anyone can move back in. We'll need a plan in one week. We will give you a HouseCalls brochure as well.

Pierre: we did get my grandfather's car towed yesterday.

Moermond: addressing it is a good neighbor relations thing to take care of.

Laid Over to the Legislative Hearings due back on 1/21/2020