



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

*Marcia Moermond, Legislative Hearing Officer*  
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Tuesday, March 10, 2020

9:00 AM

Room 330 City Hall & Court House

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#### 9:00 a.m. Hearings

##### Remove/Repair Orders

- 1 [RLH RR 19-29](#) Ordering the rehabilitation or razing and removal of the structures at 864 MARION STREET within fifteen (15) days after the December 18, 2019 City Council public hearing. (Amend to remove within 15 days) (Public hearing continued from December 18, 2019)

**Sponsors:** Thao

*Layover to LH May 26, 2020. At that time 1) title must be clear, 2) Proof of financing including an affidavit setting aside project-specific funds, and 3) completed work plan including sworn construction statement, contractor bids, and timelines done in accordance with the Code Compliance Inspection.*

*Robert Schilling, owner, appeared*  
*Chad Lemmons, attorney, appeared.*

*Moermond: it appeared from the documents you brought to the Council meeting that the title work is underway?*

*Lemmons: I have a copy of quiet title complaint and the petition.*

*Staff report by Supervisor Steve Magner: February 28, 2020 a letter was sent confirming that the Council refer the matter back to March 10 for the following conditions: sufficient financing to the rehabilitation, provide proof of steps taken to clear the title in the property, and property must be maintained.*

*Moermond: what I'm holding are the substantial steps to clear the title.*

*Lemmons: the property is both torrens and abstract, that's why we have to bring both a quiet title action and a proceeding subsequent. The quiet title action was already filed, I'm just waiting to get Court confirmation that they've accepted it. The petition was signed this morning and I will file it today. I may have found one of the old owners, I intend to file this afternoon. I think I found Melba Daly and intend to send a letter and some documents to her.*

*Moermond: what is the timeline you're expecting?*

*Lemmons: it takes about six weeks to do a quiet title. In the case of proceeding subsequent, they're being pretty efficient in getting the report. That only requires 10 days or 14 days published noticed. I plan to have both done within six weeks.*

*Moermond: in the meantime, let's say it's a seven week deadline. A significant concern had to do with the financing of the rehab, and at that point there wasn't money at hand to do the work, but there was the possibility of using another property's equity. I don't know if any of those conversations have happened, have you talked about this?*

*Lemmons: I've been focused solely on title work, but he has talked to someone and has a letter.*

*Schilling: she has 20 years experience. I would be pulling \$25,000 out and then a lender to give hard startup money, and then a prequalify for a standard mortgage.*

*Moermond: this letter doesn't go very deep. It says her name is Maureen McGeary, a licensed real estate broker in Minnesota. It says you two talked about rehabbing March 7, 2020, we are working with a lender I work with and are moving forward on a short-term bridge type loan to finance with a fixed mortgage rate after it is completed. So, she's giving you possibly a loan.*

*Schilling: no, she's a broker.*

*Moermond: so she knows a bank that is going to maybe give you money. That's not quite the same.*

*Schilling: I talked to one of the lenders. I forget what type of loan, I have another document here.*

*Moermond: oh great, this is much more substantial. Mr. Magner what is the minimum estimate the City had for this property?*

*Magner: at least \$75,000.*

*Moermond: also I find the staff note exceeds \$75,000. We saw an estimate a general contractor did for you, and was developed prior to the code compliance.*

*Schilling: yes, but now I have the code compliance so I can sit with the people and plan something.*

*Moermond: so know we're looking for something around \$75,000, but I'm looking for specific bids that explain how you can accomplish that. Include those bids in a workplan, if they're providing services without charging we want to take that into account as something with value we're giving you credit for. We will send you sample work plans. Your next seven weeks is pretty mapped out, you have to get those estimates and based on those get financing in order to execute the project. I'll be looking for you to have that together, and Mr. Lemmons is going to have Court action on the title. If you have questions along the way Mr. Schilling, if what you're doing is ok, send it in and have us look at it. I'd hate to have to play catchup when we've had so many layovers already. On the strength of what you're saying now, I am going to continue this to Tuesday, May 26, 2020, and everything needs to be done then.*

*Schilling: is there any way I can get electricity in the building?*

*Moermond: talk to our senior electrical inspector, Mr. Wagner what do you think?*

*Magner: make an application to senior building inspector to allow a contractor to go in and give it temporary power. That's a decision they would make.*

*Moermond: your electrical inspector is Randy Klossner, we will give you Dan Moynihan's number. We'll give you this copy of the code compliance and I wrote his number on it. Your regular electrical is listed as well to contact. Let's not let that slow you down. May 26 we are laying this over, please deliver.*

**Laid Over to the Legislative Hearings due back on 5/26/2020**

**2**      [RLH RR 20-11](#)

Ordering the rehabilitation or razing and removal of the structures at 174 PAGE STREET WEST within fifteen (15) days after the February 26, 2020 City Council public hearing. (Refer to Legislative Hearing April 14)

**Sponsors:**            Noecker

*Refer back to LH April 14, 2020. \$5,000 performance deposit must be posted by close of business Friday, March 13, 2020. Purchase agreement must be submitted and approved which shall include a clause specifying the property shall not be transferred until a code compliance certificate is issued.*

*Robert Bier, owner, appeared*

*Jason Cramer, investor, appeared*

*Brendan Anderson, realtor and project manager, appeared*

*Staff report by Supervisor Steve Magner: February 28, 2020 a letter was sent regarding this property confirming February 26 Ms. Moermond recommended the Council continue the matter to today for further discussion. By the close of business on March 6, property must be cleaned out, \$5,000 PD posted, and Code Compliance inspection must be ordered with a lock box, and get a third party to oversee the project and if this happens a legal contractual agreement between you and Mr. Cramer and it must continue to be maintained. The Public Hearing will be March 18, 3:30. Today the following were to be provided: financial information dedicating funds to this project, an affidavit of financial commitment, detailed work plan, and general and subcontractor bids.*

*Moermond: so before we dive into the conditions can you describe where the conversation is at on the property? Mr. Bier do you want to start? You've been cleaning out the house.*

*Bier: they actually cleaned it out, quickly.*

*Moermond: your intention is to enter into a contract where they clean it out and fix it up and then transfer title.*

*Bier: yes*

*Anderson: I've been working with Bob hand in hand the last week, I ordered three 30-yard dumpsters, hired staff and we spent five days cleaning it out. I've ordered the code compliance, and there's a lockbox. I brought some pictures and receipts, and the purchase agreement. We signed in order to get this to where it is at today, we probably*

*need some more additional paperwork because of the Category 3 nature of it.*

*Moermond: yes, that's why the City has to approve the contracts.*

*Anderson: we do have a scope of work, our contractor Ryan is here as well, from No Corners Cut Construction. The timing has just been rapid.*

*Moermond: right, and from the City's perspective on timing the Fire occurred August 2018, and I started hearing this January 28. The main concern is for that \$5,000 performance deposit to be posted in short order, if it hasn't been already. The performance deposit is necessary for me to ask the Council to continue it's discussion of this. I ask this of anyone looking for layover, it is also the reason Mr. Bier has been under the gun a little bit, as he hasn't been able to post it. It shows you have a vested interested in the property.*

*Cramer: we have almost \$5,000 invested in the junk out, the dumpsters.*

*Anderson: the dumpsters was over \$2,200, the labor to remove the items was \$1,500. I have \$4,300 in hard costs that I fronted in good faith with Bob.*

*Moermond: that's not a substitute for performance deposit under the code. I can tell you that the \$5,000 is refundable if the City doesn't give you the time. It is not that you'd be kissing it goodbye if you don't move forward. This goes to Council March 18. You have a purchase agreement we can glance at and give some feedback.*

*Bier: I have a copy on my email I can email as soon as I walk out of here.*

*Moermond: the code inspectors are looking for it to be broom clean, you have your application in so they are heading in quickly. We can expedite it.*

*Magner: is it broom clean now?*

*Anderson: it is probably an afternoon's worth of work.*

*Magner: get it done today, because once you send in the application, they aren't going to show up in a group, they will go when they squeeze it in, if it is full of stuff they will lock it back up and leave. It is imperative it gets addressed today.*

*Anderson: there's a sofa.*

*Magner: they won't worry about that. They just don't want stuff to trip over.*

*Moermond: \$5,000 posted by close of business this Friday. Purchase agreement reviewed and approved, submit that so we can give feedback. The next phase will be contractors, and that comes after the code compliance in your hands. Subcontractor bids, schedule, decent amount of detail in it. I need to be able to tell a neighbor who calls what should be happening so staff can follow up. Also, demonstration of financing. Please get us the purchase agreement. One month layover is what I'll ask of Council. We will talk April 14.*

**Referred to the City Council due back on 3/18/2020**

**3 RLH RR 20-10**

Ordering the rehabilitation or razing and removal of the structures at 1282 HAGUE AVENUE within fifteen (15) days after the February 26, 2020

City Council public hearing.

Sponsors: Thao

*By March 23, 2020 PO shall have demonstrated financing sufficient to complete the project. Financing documentation shall be reviewed for approval by the Legislative Hearing Officer.*

*Nneka Constantino, owner, appeared*

*Mimi Hasslebalch, attorney on behalf of Forethought Life Insurance Company, appeared*

*Staff report by Supervisor Steve Magner: letter was sent February 28, 2020 continuing the matter to today. By close of business March 6 please submit a work plan and bids, documentation demonstrating financial capacity, affidavit for funds, and property must continue to be maintained. One plumbing permit shows up in the system as issued by Mason Plumbing and Drain, October 10, 2019 for \$6,500. A Code Compliance has been ordered, there's been no activity on this permit and a standard letter notifying you that the 135 days has passed was sent on February 26, the permit expires within 180 days for no activity. The City estimates rehab to exceed \$30,000.*

*Moermond: let's tackle the work plan first. Have you had a chance to look it over Mr. Magner?*

*Magner: no*

*Moermond: I did, and I found it to be in good shape. I do have one question about the plumbing contractor, you said in the materials the original plumbing contractor is no longer able to finish, so you included a bid from a different contractor.*

*Constantino: the general contractor notified me of that, Ahmad LaChapelle, he said that he participated in the contact between plumber and City in October 2019 and he needed additional permits to be pulled, and at that time they said that they weren't pulling permits at this time, but they didn't say it had moved to a level 3 and that's why they weren't pulling permits. And so the plumber didn't think it was a good idea to continue with the weather and no temporary heat and framing inspection and he would wait, and I'd paid the one third and because of the delays he said he no longer has time to do it. That one third deposit is nonrefundable. I did participate in the meeting with the contractor and the new plumber. This isn't the first deposit that I've lost. I did bring a couple things you don't have in front of you, one was confirmation of conversation of conversation between myself and Jim Seeger in August 2019. I was able to get a copy of the mail hold. Ironically the postman had saved it, you typically don't get a copy and it is post marked. He did confirm everything before that date would have been returned and said City Mail can't be forwarded, before January 23. I do have a C of O now for the house on Sherburne. DSI confirmed they held my application because it was a commercial address, even though there was nothing wrong with having one, once I confirmed it was the right address they issued it.*

*Moermond: so setting those other things aside, which are secondary to the discussion we're having but we'll call it housekeeping, I would like to go back to the plumber question. The plumber in the sworn construction statement you provided was Anthony, and the new plumber is Barr Webb.*

*Morgan: yes. I met with him and the contractor he seems solid.*

*Moermond: the three lines in the construction statement regarding plumbing, we have plumbing materials and it looks like \$6,100 and labor was included, and plumbing fixtures \$3,000. The plumbing bid you provided to me indicates Barr Webb will be doing the work for \$6,150. The plumbing materials they reference that you are to be providing—*

*Constantino: they are at the house.*

*Moermond: You already have them on hand, and they put that in their bid. What I was curious about, it looks like the cost for plumbing was previously included in the construction statement, it literally is included in line 31.*

*Constantino: that's because it is already there.*

*Moermond: that's the labor line, so it wouldn't have been there yet. Line 31 of your sworn construction statement, the plumbing bid is just a labor bid, for \$6,150 and it references you have materials and fixtures on site. I am pursuing this because I am under the impression the labor was in the sworn construction statement in the past with the previous company and this is an additional cost on top of your sworn construction statement with the new company.*

*Constantino: I'm sorry, I'm confused. The issue is in line 31, he gave me a bid of \$6,100. I wanted to participate in the conversation, so I know what's going on, and he said it is \$6,100 for everything, including labor. He said it is not a lot of work that needs to be done.*

*Moermond: so he put the amount for labor and supplies in the same line in the construction statement?*

*Constantino: yes.*

*Moermond: Ok, that makes sense. And then the plumbing fixtures were an additional \$3,000.*

*Constantino: What the contractor did, was look at the code compliance, he said you have to clear the code compliance. He said one of the issues was that the fixtures I picked were very expensive, so when we do your estimate we're going to estimate the amount you have for your fixtures. But if you want to clear the code compliance so you can get a loan on the project, you may decide places to cut corners. For instance, you picked the most expensive siding you can possibly pick, you have siding in the back of the house, if you want to just quick clear the code compliance you can just use what is in the back of the house. If you want to continue to use the custom fixtures it could be more. He put it in there so I would know how much I have to allocate. The bathtubs are already there and attached, the only thing the new plumber needs is these sinks, for a cabinet fixture and do something with air testing. He also said even though it is March, and he wants Kevin Lacey back in for something about the heat. So, they're all consistently saying temporary heat and framing inspection first before they get started.*

*Moermond: that is well explained in what is put together.*

*Constantino: yeah, it was more like you can do this, but you don't have to do that. That's why he was putting different things in there, but he said I could go cheap and where I could cut costs if I run into cash flow issues.*

*Moermond: as long as we are talking about financing. You provided documentation of funding from a variety accounts, some of these appear to be more in the day-to-day kind of life accounts, like a checking account.*

*Constantino: one isn't though. The one with the affidavit.*

*Moermond: the portfolio?*

*Constantino: yeah. That one I have a line of credit, I have a full statement for that so you can see it.*

*Moermond: what I would really like to see is for you, because this is coming together from a variety of sources.*

*Constantino: that is in one aggregated account. I don't need—that's the only account I need to fund.*

*Moermond: the Meryl Lynch savings account, \$27,500 and the amount in the sworn construction statement is \$31,500. So you're \$4,000 short.*

*Constantino: there is another piece of paper that I put together that shows like a long-term cash award from my employer that is granting on March 15, 2020.*

*Moermond: I'm looking at it.*

*Constantino: so that additional is not on the summary, that automatically goes into my Meryl Edge savings account.*

*Moermond: you're saying savings account, and you're saying line of credit and I'm looking for an account you can use today. I'm not confident the portfolio represents that; it feels like an investment account.*

*Constantino: it does represent that though. I have a full statement with me, in case you had questions. That account shows a balance of about \$27,000, since I am an employment I have an additional line of credit, if you look at the actual investments you can see that they total more than \$27,000 and they allow me to leverage that account as an employee. I have the full statement in front of me, in addition to that my vesting award, the additional paper not included in the summary, goes directly into this account. So, in addition to that I have monthly cash flow that would support, I'll get \$5,000 just in my next payroll on my next paycheck and I don't have a mortgage anymore, I mean I have a mortgage for that house but it has been paid for several months in advance. This shows the \$25,000, was \$27,000, plus I have an additional line of credit attached to the account. If you actually look at the assets and investments, it shows the investments is actually \$43,000.*

*Moermond: I want the money segregated into an account specific for this project.*

*Constantino: it is!*

*Moermond: no, this is an account you showed me walking in the door which is fine, but I want to see you take \$32,000 out of that, and put it into a separate account.*

*Constantino: my employer will not allow me to do that. This account is for that! I'm not*

*using it for anything else, I signed the affidavit, I signed it at work.*

*Moermond: an investment portfolio, I'm struggling with how that is going to maintain value or that you can write checks from it.*

*Constantino: I can write checks from it. I ordered checks.*

*Moermond: can you get me information that explains how that can happen, because right now—*

*Constantino: yes, I can give you a copy of—I ordered checks last week.*

*Moermond: I don't need copies of checks. I need a description and maybe you can highlight where it describes how the account operates, that you can use it for this purpose?*

*Constantino: it's a cash management account. When I paid for the code compliance, I paid for it out of this account. I have a monthly kind of amount for the house that goes into this account. I can give you a copy of the checks written against it. It's my employee checking account. I have the ability to make investments in this account, and I also have a line of credit.*

*Moermond: checking account you list Meryl Edge checking, \$1,351, not \$27,000, that's the savings account.*

*Constantino: no, it's not.*

*Moermond: that's what you wrote right here, so I'm struggling with what you're telling me.*

*Constantino: yeah, but it is a checking account. They're both named the same if you look at the statements.*

*Moermond: that isn't what you told me right here.*

*Constantino: I apologize, I should have put cash management account, because if you look at the statement that's what it is called. It is not called a savings account. I consider it a savings account for that house.*

*Moermond: and the paperwork says investment portfolio.*

*Constantino: the paperwork says portfolio because I have the ability, as an employee, to have a line of credit against the account, which I have in the full statement. I also have the ability to write checks against the account. You will see there is also my long-term vesting that goes for the company, I have another vesting that comes on the 15th, it goes directly into this account. I can write checks from this account, and it is the way my company can monitor if I write checks over \$2,000, I have to substantiate what they are for, because of the financial monitoring for my job. But it is a cash management account, and it does have a checkbook against it. Both accounts, even the one for the \$1,000, have the exact same titling. The one that has the \$1,000 I use it for my regular checking account to pay my bills, and then the other account I use it as a savings account, which is why I called it that, for 1282 Hague.*

*Moermond: and I don't have any documentation on the TCF account listed.*



Constantino: I have that. I sent it with them. That is not segregated.

Moermond: I have Bank of America, I have two Meryl Edge.

Constantino: I didn't send the statement, I sent the account verifications because they are in CD's. This is not for this house, it is only for an emergency and I can't afford it out of the account with the \$27,000. Because they are in CD's I asked them to give you an account verification.

Moermond: you have to sell the CD's.

Constantino: I have to sell the CD's but I don't have to do anything in the Meryl Lynch account. I can write a check for \$15,000 - \$20,000 today.

Moermond: you just said it requires approval if it is more than \$2,000.

Constantino: I just have to substantiate it to my employer, tell them what I'm doing.

Moermond: and here's where I'm struggling is, the rules governing your spending of that account I don't feel confident with what I know right now. That you can write the checks you need to to cover what the contractor is going to say –

Constantino: I can absolutely write the check. My job doesn't have to approve it in advance, it is after the fact.

Moermond: does that affect future financing?

Constantino: no. They are looking to see if I'm writing checks to stop from being sued because I have to disclose I'm being sued. They're looking to see if I'm paying a foreclosure attorney. They're looking to see if I'm paying for an office away from the office, because that's not allowed.

Moermond: is it written down somewhere? The process and what the implications are if you fail to get something approved after the fact?

Constantino: no, that's just part of any registered representative who works and manages money.

Moermond: I'm sure that whoever is looking it over has a set of objective criteria they use to review those decisions.

Constantino: I don't know, it is FINRA rule.

Moermond: please understand, if you want to write a check for \$10,000, that check clears and your employer comes back and says no, this isn't an ok expense—

Constantino: they would just fire me.

Moermond: or would they give you a chance to make it right?

Constantino: no, they would just terminate me---

Moermond: then it must be written down.

*Constantino: not that I know if. I'm governed by FINRA. It is their rule, it is not even a Meryl Lynch rule.*

*Moermond: I'm sure that FINRA has written documentation.*

*Constantino: I have no idea, they don't communicate with registered representatives, they only communicate with compliance. But, I have to pay the contractor right now, and he's waiting for me to get this issue situated. If I am told I have extra time, I will write him a check today, from that account.*

*Moermond: I'm going to go back to, the account you show me you're talking about is \$27,500. The amount the contractor says is required is \$31,500.*

*Constantino: but I have money coming into that account on March 15, as you can see with the estimated value of \$15,000 that my job is giving me in a bonus.*

*Moermond: so you have additional money coming in, you can't show me all the financing right now.*

*Constantino: no, you can see it. I just put it in front of you.*

*Moermond: you wrote additional—*

*Constantino: no! I just put in front of you right now. I'm sorry I didn't make that clear. Those are the statements, so \$5,000 is coming into the account on March 15, and that shows the vesting, and then if you look at the statement you can see I have a direct deposit of additional cash that goes into this account every two weeks.*

*Moermond: what I would like to see is maybe you modify your contractor to pay in full up front.*

*Constantino: I don't want to do that because there are all these different subcontractors and I've lost money. If I would have paid the other contractor up front I would have lost all that money and would not have been able to get it back, because I couldn't get the framing inspection done. I can use that checking account, it is a checking account, it is called a cash management checking account and I can use that to write checks, and I can get a letter—*

*Moermond: that's not what it says on the documents you provided me.*

*Constantino: it says it on the statement. I can get a letter from a legal administrative assistant.*

*Moermond: you've provided me with a lot of documents here.*

*Constantino: well, I can get a letter from someone to say I can write checks against the account.*

*Moermond: ok, and when you write those checks against it I need to know that they will be approved.*

*Constantino: there is no approval process.*

Moermond: we talked about FINRA.

Constantino: that's after the fact. And if they don't agree, they terminate me.

Moermond: ma'am, bring it to me in writing.

Constantino: I'll give you whatever they will put together, it is Meryl Lynch, I can't direct that.

Moermond: the check you can write is to pay off the contractor right now.

Constantino: I don't want to pay him in full.

Moermond: I hear you don't want to but you're not showing me that you're going to be able to along the way.

Constantino: I can, the \$27,000 shows that it is in my account and I have the money to take it out at any time.

Moermond: show me the guidelines that allow for that.

Constantino: I will call Meryl Edge and ask them to send me the brochure on the cash management account, and then I will ask someone at Meryl Edge to write a letter about available funds that I can use for whatever purpose I have, for like a mortgage verification.

Moermond: I'm happy to go over those items, but I think you hear where I'm coming from that I'm hearing where you're coming from.

Constantino: yeah, you don't believe that I can write a check against the account, even though there's nothing that—

Moermond: that's not at all what I said. What I said was, if you write a check and it isn't approved I don't know what is happening to finance mid-stream on this project. You're saying you'll lose your job, I'm thinking there could be a set of rules—

Constantino: there isn't.

Moermond: FINRA sounds like—

Constantino: if I write a check for something that is not approved according to the firm, I just get terminated. That's how that works.

Moermond: and that means the project isn't getting completed.

Constantino: it would be fine getting completed because I've also showed you that I have \$300,000 in my 401K and I can take a 401K loan for \$50,000 if I wanted to.

Moermond: I get that, and when I wrote you a letter, it specifically was in there saying "retirement accounts are great to show me you have money available, but it is not the same thing as having cash on hand to be able to write a contractor a check."

Constantino: I completely understand that, which is why I showed you the \$27,000.

Moermond: and this is why I want to see money up front, locked in.

Constantino: yeah, but I've lost \$15,000.

Moermond: I'm really done with the conversation where we're at now.

Constantino: I'll just get the letter, showing that I can—I'll try to get that within three days. I'll request it as soon as I leave.

Moermond: Otherwise things are in order, it is just that rub and I think this is solvable, this is not a situation we normally come across in rehab of houses, where this kind of account is being used, it is governed different than different kinds of accounts like a construction line of credit or that kind of thing. We'll deal with it.

Consantino: and if you don't mind, when he's showing what is due, he is showing April 1, I owe \$5,500, he's showing I don't owe an additional \$11,469 until June, and another in August.

Moermond: in order for me to recommend to the Council you get a grant of time to rehabilitate you have to show me that you have all of the money for the entire project up front.

Constantino: which I do. And I also got a letter from the bank showing I have \$14,000 in available funds that I can withdraw right now, which I believe you have in front of you.

Moermond: you told me you have those as CD's and those can be sold and used—

Constantino: they can be sold at any time. It is available.

Moermond: I get that, showing me a CD isn't showing money in an account you write a check off of. It is close but it is not there. We are going to get you across the line here—

Constantino: I have available credit of \$30,000 on my credit card. And I shouldn't have to show—I hear what you're saying so that's fine. I'll get the letter from Meryl Edge showing I can write checks against a cash management account, that anybody can write checks against any investment account.

Moermond: how that's governed.

Constantino: I don't know about that, but I'll ask them for available funds that the checks can be used. I feel that that's, you know.

Moermond: and you know what I'm looking for.

Constantino: I believe you just want a letter saying I can write checks against the account.

Moermond: we will put this in writing to clarify any confusion.

Constantino: ok, was that the only concern you had about?

Moermond: I talked to you about the plumber issue and this, and those were my only concerns.

*Constantino: is there a prolonged issue with the plumber outside of what we already addressed?*

*Moermond: we addressed the plumbing contractor issue, I'm satisfied.*

*Constantino: you got a copy on the record that my mail was held, and you also got a copy I was talking to Jim Seeger in August and September even though they said at the hearing initially that I hadn't been contact with DSI for a year.*

*Moermond: I need to move on to my next cases, as we discussed those are secondary things to what is in front of me right now, we've discussed the financing and that is the outstanding issue, we are clear on how we need to come into alignment on that.*

*Constantino: and what about the additional \$14,000 that is in cash at TCF?*

*Moermond: you said it was a CD, I guess I don't want to cover that again.*

*Constantino: it says available funds though.*

*Moermond: you just told me CD. I need to move on.*

*Constantino: you can make a withdrawal from a CD! They aren't the same as they used to be, they are no penalty CD's. I don't understand. When I went to DSI I had to give them cash because they wouldn't accept my check. I find it to be, I'm going to say this on the record, then last time I came here you all said I didn't actually fill out an application for Certificate of Occupancy, turns out I did and they were holding my application. Something seems strange about this. They wouldn't accept my check because they said they had never seen one like that, so I had to get \$5,000 cash and cashiers checks. I think that this is institutional micro-aggression. Not necessarily from you, but absolutely the system. There are people that use cash management accounts on a regular basis, just because someone that is presented to you with a full statement showing they have \$27,000 in cash, another \$14,000 in cash, another \$300,000 that I can access and take a loan against, why would I want to take a loan against it early? I am proving I had conversation with Jim Seeger up until September, even though Steve Magner said on the record that I had not talked to them in over a year. I believe that these are prejudice micro-agressions where the rules are, and I'm not talking about you specifically, but I find it very interesting that the rules are being bent and molded when I have money, cash in hand have never had a bill I didn't pay. The mortgage company is sitting here that can tell you that I have paid my mortgage in advance several months, I make over \$150,000 a year, I have the cash flow to pay for this project. The reason the project is not done, as you can see in front of you, is because I wrote a letter, I paid for a code compliance to be done in June, they never applied it to my account—*

*Moermond: please don't point at me.*

*Constantino: I'm not pointing at you, I'm just talking with my hands.*

*Moermond: and you're yelling at me too.*

*Constantino: I'll stop talking with my hands.*

*Moermond: and please lower your voice.*

*Constantino: I can lower my voice, or move the microphone because that's mostly what it is, I've got a microphone in front and it is amplifying my voice. But I also, see that lot of people say that to a lot of black women who tend to be angry, we're talking about tearing down a house that I have seven offers on including the last time I came here from the neighbor who said he wants to buy it, because I reached out and paid for a code compliance in June, the people that were sitting in front a few minutes ago you said they can get a code compliance done within three weeks, mine was held by the City for two and a half months. I had to send that letter—*

*Moermond: Ms. Constantino, you also would have just heard that the matter is pending in front of the Council right now and I'm bird-dogging it. In your particular situation, it was not in front of the Council—*

*Constantino: but they held it! I have a lock box in front of the house.*

*Moermond: Ms. Constantino, you created a record already saying this two weeks ago, you provided additional documentation, I have people sitting behind you who had 9:00 hearings.*

*Constantino: but no one is responsible for the misinformation that comes. You all were ready to tear—and it is not you, I don't believe you had the right information in all fairness—according to the notes that I read that I didn't attend, Steve Wagner said 1) that the house was placard, in all of the City pictures there's no evidence of that and none of the neighbors said it was placard.*

*Moermond: I don't want to enter into this argument right now. We are so close to being across the finish line on this, ready to go, you've got your people lined up.*

*Constantino: and I'm going to get the letter as soon as possible.*

*Moermond: and you've provided documentation, the other things you are saying you have said already and I need to conclude and move on to my next cases.*

*Constantino: I appreciate that. I just want it on the record because I feel that it is discriminatory and awful, because I've had no problem paying the \$5,000, I went to DSI three times and they wouldn't even let me write the check. The contractors, they were ready to tear the house down saying they weren't able to contact me, even though there's a sign on the house with my phone number, even though I've been in DSI with the plumbing contractor and there was an open permit on the house. Why, even if I could have the plumber do the work right now, why would I ever do that before you say you're not going to tear the house down? I feel like the whole process, DSI's overlay, has been racist, prejudice, and extremely awful. And, they have no repercussions for the things they put on the record to you that were completely inaccurate. According to the information you had, I had not been in contact with them for over a year which is an outright law.*

*Moermond: I do appreciate what you're saying.*

*Constantino: we're talking about a \$400,000 property with \$27,000 that needs to be done that no contractor would do when it is 30 below.*

*Moermond: with all do respect, we're talking about a completely gutted property that doesn't have that value yet. We're close and I really want to wrap up on this, I have*

people waiting for more than an hour to be heard. You have your comments and information on the record which is super helpful as we move forward in the conversation. Let's just get this last piece taken care of and then I can recommend the Council give you the 180 day grant of time. We talked last time that if you are at the 180 day mark but more than 50% complete, it is my standard practice to continue the performance deposit.

Constantino: and it will be done.

Moermond: your work plan is sound, I don't have a question about that. There are occasionally stray things that happen—

Constantino: well if DSI continues with this "oh I'm sorry you have to have your, you know", I tried to talk to them and they said I should have the contractor talk to them. It's my house. And I shouldn't be deflected to have the man who I have a contract with to have to have a conversation with them. And that's exactly what happened, meanwhile they are telling you they haven't heard from me and that's bologna.

Moermond: and that is the fifth or sixth time you've said that this morning. I do appreciate it but—

Constantino: well my concern is that the work plan says that it is contingent on DSI allowing the inspections. I tried to do some of my work before this meeting—

Moermond: Ms. Constantino, let's not buy trouble on that, if you are having trouble—

Constantino: I am. And I'm putting it on the record right now. I'm having trouble on that and I don't like what is going on.

Moermond: you have not yet tried to pull a permit on this project with a scope of work—

Constantino: we called for a permit to be pulled, the building contractor.

Moermond: DSI won't let anything be pulled until the Council takes a vote, that is how that works.

Constantino: so then why would they send me a letter saying they expect the plumber to continue when they can't have a framing inspection, and I'm at serious risk of losing money over and over again.

Moermond: Ma'am, I flagged you got a 135 day letter, which is also a way of saying permits last 180 days and this is a 145 day notice that the permit will expire.

Constantino: but he can't do any work.

Moermond: I understand that, I flagged it, I let you know what was going on with that, I need to move on. I appreciate your comments, they are in the record.

Constantino: thank you for listening to them, I appreciate that.

**Referred to the City Council due back on 3/25/2020**

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 March 24, 2020 at 9 AM.*

**Laid Over to the Legislative Hearings due back on 3/24/2020**

- 5 RLH RR 20-13** Ordering the rehabilitation or razing and removal of the structures at 134 ELIZABETH STREET EAST within fifteen (15) days after the April 8, 2020, City Council Public Hearing.

**Sponsors:** Noecker

*Refer back to LH April 21, 2020. By close of business April 3, 2020 the \$5,000 performance deposit must be posted. Lock box must be on property by Monday, March 16, 2020. Staff will update PO on whether a new CC application is needed.*

*Russell Bednarski, contractor, appeared  
Charnell Hudson, owner, appeared.*

*Staff report by Supervisor Steve Magner: The building is a one-story, wood frame, single-family dwelling, with an accessory wooden shed, on a lot of 6,970 square feet. According to our files, it has been a vacant building since August 28, 2018. The current property owner is Charnell Hudson per AMANDA and Ramsey County Property records. On November 21, 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 December 6, 2019 with a compliance date of January 5, 2020. 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 \$16,800 on the land and \$76,800 on the building. Real estate taxes are current. The Vacant Building registration fees were paid by assessment on October 1, 2019. As of March 9, 2020, a Code Compliance Inspection has not been done. As of March 9, 2020, the \$5,000 performance deposit has not been posted. There have been six summary abatement notices since 2018. There have been nine work orders issued for Garbage/rubbish, boarding/securing, grass and weeds. Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$15,000.*

*Moermond: you have timelines that are attached to that contract that will affect how you want to work on the property. I did also get a request from Kris Kuajala from Ramsey County tax forfeited land, and I said I will continue this for two weeks and if there's anything we want to comment on from today, it is super common for us to have a conversation in a couple of weeks anyway. What jumps out at me and Mr. Magner was saying is we don't have a code compliance or a performance deposit. I'm wondering where you are at with that?*

*Charnell: can I do it by next Friday.*

*Bednarski: I spoke with Joe Yannarely last week, he said there was a \$50,000 estimate to repair the building. I went in there with notification to Joe and police over the weekend, and when I went in, except for some damage from water being left on and boarding. Due to damage from broken pipes, I didn't find it to be in bad shape. I*



*have an inspection Ms. Hudson gave me dated the 26 and these are all pretty superficial.*

*Moermond: right now the Department has established the building constituted a nuisance or dangerous structure. That's what the condemnation is, I believe there was a condemnation order to vacate and those items were no doubt connected to that. So, the list of items that need to be addressed to bring into minimal code compliance is going to look different than that. We're going to need to have the code compliance inspection developed. Is the house broom clean and ready to be inspected?*

*Hudson: not yet. Before I was in the process of doing this, I've been gone for FMLA for a year, there wasn't anything in there, but vagrants brought in a couch. It was cleaned out.*

*Bednarski: there's very little in there.*

*Hudson: right before I left to go out of town, I had actually purchased a code compliance, I can do another one. This is dated December 17, 2018. There's no lock box.*

*Bednarski: it was boarded really well, I had to break in. It is now screwed on. There's a board they can unscrew to gain access.*

*Magner: as a contractor you can decide what you want to do, whether you want to replace the lock set or put a hasp on with a lock. They need a lock box. If you want to hinge the plywood and put a latch on that, that's fine. It can be on a door knob, deadbolt, hasp lock. Whatever way you want to do that.*

*Moermond: you'll need to contact Nathan Bruhn with the lockbox combination, we'll give you the number.*

*Magner: I do see the application from 2018. I don't know we've ever had this situation. If you wanted the department to act on that 2018 application. We never had a lock box, so Seeger probably went out and didn't get in.*

*Hudson: I told them I was out of town when I called, I didn't expect it to be as long as it was. I never used it, and no one went out, because I wanted to be there.*

*Moermond: I don't think you should have to pay for it again, just pay for any cost difference.*

*Magner: if you could send an email to Mr. Ubl asking if she needs to submit a new application, and if we can apply the fee to that, and she can pay any difference if she submits a new application. If you were to drop off an application in the next day or two, can you have the lock box on soon?*

*Bednarski: I can have it done by this weekend.*

*Moermond: right now I'm going to treat it as in exploration and let you see if it is viable to do the rehabilitation. I'd like you to post the \$5,000 performance deposit. It is returnable.*

*Hudson: I can do that on the 20th.*

*Moermond: this goes to Council April 8. I would like to see a performance deposit performance posted by April 3 close of business. The code compliance has been applied for. Make sure you sign in and we will email the details on the code compliance. I'll get info from Mr. Ubl on how he would like to proceed. We'll put it in the letter. I know the house is small so that may make it more affordable.*

*Bednarski: the furnace is brand new, it has an electrical box with nice circuits. It had new plumbing with PVC. It looked decent, had hardwood floors, it needs some cosmetics.*

*Moermond: we'll see what the trades inspectors say. They could say the work was done without permit. We just don't know yet. The vagrants make a nuisance condition that would only be cured by the house being both repaired and reoccupied so it's a safe neighbor. It's a fire hazard if people are breaking in. It is a problem. Getting it online again makes a difference.*

*Bednarski: I secured with the neighbor David Shaddig to watch the property, it is not abandoned, he's watching.*

*Moermond: based on what we've learned, we're going to continue it and we can learn some more. It will go to Council April 8, and back here on April 21.*

**Referred to the City Council due back on 4/8/2020**

**6**      [RLH RR 20-14](#)

Ordering the rehabilitation or razing and removal of the structures at 975 MARSHALL AVENUE within fifteen (15) days after the April 8, 2020, City Council Public Hearing.

**Sponsors:**      Thao

*Layover to LH March 24, 2020. CPH April 8, 2020. By March 24, PO must have 1) submitted a \$5,000 performance deposit 2) Proof of financing including an affidavit setting aside project-specific funds, and 3) completed work plan including sworn construction statement, contractor bids, and timelines done in accordance with the Code Compliance Inspection.*

*Anthony Basset, construction funding LLC, mortgagee on property  
Sean Skrypek, MN premier properties, o/b/o David Zinz, owner of Minnesota Premier Properties LLC.*

*Staff report by Supervisor Steve Magner: The building is a two-story, wood frame, single-family dwelling, with a detached two-stall garage, on a lot of 5,227 square feet. According to our files, it has been a vacant building since June 27, 2017. The current property owner is Minnesota Premier Properties LLC per AMANDA and Ramsey County Property records. On November 20, 2019, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. Order to abate a nuisance building was posted on December 6, 2019 with a compliance date of January 5, 2020. 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 \$49,400 on the land and \$132,000 on the building. Real estate taxes for 2018 and 2019 are delinquent in the amount of \$9,745.88, which includes penalty and interest. Property is scheduled for tax forfeiture in 2022. The Vacant Building registration fees were paid by assessment on August 1, 2019. The fee for a Code Compliance Inspection was paid on February 19, 2020; however, an inspection has not been done. As of March 9,*

2020, the \$5,000 performance deposit has not been posted. There have been twenty-nine 29 summary abatement notices since 2017. There have been twenty-one work orders issued for garbage/rubbish, boarding/securing, grass/weeds, snow/ice and exterior – hanging siding from building. Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$20,000.

Moermond: my observations are these, we have a code compliance ordered February 19, I am not sure if there's a lockbox, that's usually what the holdup is.

Skrypek: general inspection has been done, waiting on trades, they have 3 licensed contractors ready to go and look and have work starting within 45 days of trades going in.

Moermond: the performance deposit hasn't been posted, that's a requirement moving forward. Scheduled to forfeit for nonpayment of property taxes in 2022. \$9,745 when they checked it, what's going on? I'm guessing a large portion of that is because there's been 21 work orders.

Skrypek: there is room for improvement. They fixed the siding. They have been shoveling. There's room for improvement.

Moermond: have they hired someone to go by on a weekly basis?

Skrypek: yes, I believe so. I haven't seen it since the snow melts.

Moermond: I'm willing to work with you but I want to go back to keeping it maintained. If I'm standing in front of Council on April 8 and tell them there was 29 orders for 2 years and 21 work orders, that reads very badly. That's at least once a month the City is taking action. Secondly, if there's another violation I mention to the Council, expect someone to jump down your throat. You're now under a microscope.

Skrypek: understood.

Moermond: you have all licensed generals, are they competing for the project?

Skrypek: he's pulling his own subs is my understanding.

Moermond: we need a sworn construction statement, scope of work, a schedule on how the work will be done in the next six months, what is happening in each month, looking for the amount of money. City is estimating in excess of \$50,000, that number is probably consistent with what you're hearing, if it isn't I'd be looking carefully myself at the work plan aligning with the code compliance and if all the issues were addressed. If it's consistent I don't use such a fine-toothed comb. We need an affidavit from Mr. Zinz dedicating the funds, whatever that figure is.

Skrypek: we have a \$200,000 Bremer account for this.

Magner: we just need the work plan and letter of financial commitment from the bank for the owner.

Moermond: I don't know how quickly they can get the code compliance into your hands. You're scheduled to go to Council April 8. Are you chomping at the bit and you'd like me to expedite?

Basset: yes.

Moermond: can you be expediting the construction statement and financing?

Skrypek: that's on Mr. Zinz.

Moermond: I'm going to lay this over here to March 24 to get all the ducks in a row for April 8, we have a bit of time to get things locked in so you have a vote that gives you 180 days to do the rehab. Let's get the performance deposit posted by then too.

**Laid Over to the Legislative Hearings due back on 3/24/2020**

7 [RLH RR 20-15](#)

Ordering the rehabilitation or razing and removal of the structures at 2022 STILLWATER AVENUE within fifteen (15) days after the April 8, 2020, City Council Public Hearing.

**Sponsors:** Prince

Layover to LH March 24, 2020. CPH April 8, 2020. By March 24, PO must 1) Post a \$5,000 performance deposit with DSI, 2) provide proof of financing including an affidavit setting aside project-specific funds (at least \$50,000, final amount determined by sworn construction statement) and 3) completed work plan including sworn construction statement, contractor bids, and timelines done in accordance with the Code Compliance Inspection.

Kim Sorn Theng, owner, appeared

Moermond: so Rodney is your son, and he quit-claimed the property to you.

Staff report by Supervisor Steve Magner: The building is a one-story, wood frame, single-family dwelling, with a detached one-stall garage, on a lot of 4,792 square feet. According to our files, it has been a vacant building since October 27, 2008. The current property owner is Rodney Theng c/o Kim Sorn Theng per AMANDA and Ramsey County Property records. There is a note in Amanda indicating Rodney Theng quit claimed the property on January 8, 2020 to his son, Kim Sorn Theng. As of March 9, 2020, Ramsey County Property Records does not show a Quit Claim Deed has been recorded. On November 26, 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 December 13, 2019 with a compliance date of January 12, 2020. 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 \$15,100 on the land and \$71,800 on the building. Real estate taxes are current. The Vacant Building registration fees were paid by assessment on December 2, 2019. A Code Compliance Inspection was done on July 14, 2016 and has since expired. As of March 9, 2020, the \$5,000 performance deposit has not been posted. There have been eight summary abatement notices since 2008. There have been seven 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 \$15,000.

Moermond: just to confirm the second sentence in the summary should read "Rodney quitclaimed to his FATHER", it reads as son.

Theng: I'd like to fix it. I already requested a code compliance. I have a lock box.

Moermond: it says there's not a lockbox combination, they don't have the code yet.

Theng: It was January 9.

Magner: mechanical has been in February 26, they sent their letter. For 2020, we've just had mechanical out there, and electrical, and Nathan has been there. February 19, 21, and 26. We're still missing plumbing.

Moermond: I'll reach out on that one. At the same time, we're needing to talk about the performance deposit and a work plan.

Theng: I have a line of credit for \$200,000.

Moermond: this is a line of credit at US Bank, approved, but it is not clear on any limitations or specifications.

Theng: I can use it for anything.

Magner: why has the house been sitting since 2008?

Theng: he was a young man, he didn't have money to do it.

Magner: you've always been part owner?

Theng: I gave him money to buy it.

Magner: aren't you in the business of buying these and renting them? We've seen you before.

Theng: yes, but I sold them.

Magner: we had to ask you to fix up Como. So if the hearing officer can get them to finish the code compliance and you post the bond, you can get bids and an affidavit for funds so we can get going here?

Theng: yes.

Moermond: right now, we'll be looking for the finished code compliance inspection, the \$5,000 performance deposit, work plan and sworn construction statement. They are voting April 8. Are you going to act as your own general contractor?

Theng: I'm going to homestead this one. I need to hire a plumber.

Moermond: you need to hire every single trade listed. You can't do your own electrical, etc. You can't homestead a registered vacant building. We need to see bids. If you are a licensed electrical contractor you can do your own work.

Theng: did they change the rule?

Moermond: this house has been empty since 2008, you cannot say you live there.

Magner: if you are building a residence for yourself and it is a new build, you can then claim that. But you can't do it when it's a vacant building. The County won't accept a

*homestead on this building. If you were the homesteader before this, you could.*

*Moermond: If you want to knock this down and build a new house you can certainly do that. You'll need a subcontractor to do the work and pull the permits on this one. Layover two weeks to March 24 to look at work plans.*

**Laid Over to the Legislative Hearings due back on 3/24/2020**

## 11:30 a.m. Hearings

### Orders To Vacate, Condemnations and Revocations

- 8 [RLH VO 20-12](#) Appeal of James Cannon to a Correction Notice-Complaint Inspection (which includes condemnation of Unit 1) at 752 CARROLL AVENUE.
- Sponsors:** Thao
- Layover to LH March 17, 2020. Property cannot be reoccupied until permits are finalized and property has Fire C of O.*
- No one appeared*
- Moermond: This is a condemnation, this is the second time.*
- Mai Vang: he came to the front desk this morning, I didn't give him an answer.*
- Moermond: we will send a letter indicating this cannot be reoccupied until the inspector has signed off on the work. We can reschedule to next week, but he can't put anyone in there until permits are finalized and Fire C of O is reinstated. If he gets that done and doesn't need a hearing then that's great. This is equivalent of denying the appeal.*
- Laid Over to the Legislative Hearings due back on 3/17/2020**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 9 **RLH VBR  
20-13** Appeal of Shai Leibovich to a Vacant Building Registration Fee Warning Letter at 980 CONWAY STREET.
- Sponsors:** Prince
- Grant to April 1 to have Fire C of O reinstated or property must be vacated. Waive VB fee for 90 days (to 4/23/20) and allow permits to be pulled.*
- Carolyn Brown, Community Stabilization Project, appeared*
- Moermond: there was a request to reschedule, to have you appear on his behalf, we responded can you give us a written appeal, since you're not a legal property manager yet.*
- Staff report by Leanna Shaff: Fire C of O revocation and order to vacate by James*

Thomas, we have four items on the deficiency list, one is to provide and maintain a minimum of 68 degrees at all times, we don't have compliance.

Moermond: this was written December 18, 2019.

Shaff: yes, the appointment letters went out, started October 7, 2019, correction orders October 24, November 22, December 16 and January 2, 2020.

Moermond: was no heat an issue all along? And we have four sets of orders that lead to this revocation?

Shaff: first one didn't say, but no basement access, ceilings door latch, door, smokes in upstairs.

Moermond: when was it referred to vacant buildings?

Shaff: pending revocation December 16, revoked January 2.

Joe Yannarely: opened January 23, 2020 as a vacant building.

Moermond: I'm going to hear from you but you know how uncomfortable I am with that situation. I have to tell you I know we've talked about these properties for a while now, as I was preparing for today's hearings, we looked at how many properties were owned by BPH1, BPH2 and 3 and RBK and I'm coming up with 33 or 34 properties and I'm assuming they had Renter's Warehouse as manager on all of these. When I know I've seen 7 in hearing, formerly or still being managed by Renter's Warehouse, and then I read we were unaware of condemnation that lead to vacant buildings, I'm thinking I want to call BS on that, why haven't the LLC's taken all their properties away from Renter's Warehouse and figured out the current status and ride herd on them? We've been talking for 5 or 6 months. They have chosen not to know. It is not a surprise. I'm really frustrated with their behavior, it is not just Renter's Warehouse at this point it is the LLC's your working with.

Brown: January they took all the properties back, now they are trying to figure out about all the units, apparently Renter's Warehouse didn't give them that information, for 980 Conway by the second time it came about, I went over with Thomas and found out about the heat. The tenant downstairs controls the heat, so when she's hot she turns it down. We did send someone out to check it out and they bled the radiators, the safety test was done which was submitted.

Moermond: the appeal wasn't filed in my office until February 26, but the Vacant Building file was opened January 23. So, he isn't even appealing the first letter he got, he's appealing the second. Is he paying attention or not? If they're getting the letter sent to them.

Brown: the second one, they sent it over, I had no idea. I didn't even know the building was posted as a Vacant Building because there was nothing sent up. If they sent it to Renter's Warehouse saying the C of O was going to be revoked, I never saw it.

Moermond: even if all of that was true, a letter went out January to the LLC, a month before the one he appealed. So, he knew then what was going on. So, did he know? Yes. These aren't surprises. He knows what he owns and can follow up on it. Did Renter's Warehouse have to provide files when you ended the contract?

Brown: no.

Moermond: are they not contractually liable for that and that's something he needs to pursue from them? I should be talking to him right now, and that's one of the reasons it is important to have him here and present. This should have been vacated in January for no heat. I'm hearing months after the fact there is actually heat. Do we have permits signed off for this?

Shaff: no.

Moermond: do you have any documentation from contractors at least?

Brown: the safety test.

Shaff: I have no documentation and it is still unabated in Thomas's notes. You can look up property info on the City's website. He can even get the letters sometimes.

Brown: when we came down to file the appeal, we didn't know about the revocation of the C of O they couldn't even find record of it. I was told to email Thomas, he didn't respond.

Shaff: part of the problem is we don't find out about things from Mr. Leibovich, who is responsible, because people don't fill out change of information forms until it is way past a problem.

Brown: he will be back Wednesday.

Moermond: what's the situation now? We have two units and one unit with a thermostat that controls both units.

Shaff: that can't happen. Each unit needs to control their own heat.

Brown: the contractor said we need to wait until it is warmer because they will have to shut off the heat.

Shaff: providing supplemental heat is the norm. It has never been a reason not to get the work done.

Moermond: I'm going to ask the Council to consider this case March 25, and I'm going to ask them to allow to April 1 for the Fire C of O to be reinstated, and if it is not done by that date it should be vacated. What needs to happen needs to happen quickly.

Brown: it is based off of these orders right here, right?

Moermond: C of O reinstated. Mr. Thomas will need to make himself available for an appointment before April 1. Waive the Vacant Building fee for 90 days and allow permits to be pulled.

**Referred to the City Council due back on 3/25/2020**

**10 RLH VBR  
20-15**

Appeal of Donald W. Steele, D & J Steele Construction, to a Vacant Building Registration Renewal Notice at 935 IGLEHART AVENUE.

Sponsors: Thao



*Waive the VB through June 19, 2020.*

*No one appeared*

*Moermond: D&J Steele say they are close to being done?*

*Joe Yannarely: the only permit pulled is a building permit December 23, 2019. I see nothing else. I have a note from Inspector Gavin that February 28 he called the new owner who said work was to begin on property March 2, 2020.*

*Moermond: how long has it been in the Vacant Building program?*

*Yannarely: March 23, 2017. New ownership, I assume that's why they are appealing.*

*Moermond: waive the VB fee through June 19, 2020. After that you can send it through as an assessment if they don't have their certificate.*

**Referred to the City Council due back on 3/25/2020**

- 11     [RLH VBR 20-14](#)     Appeal of Daniel Heinen to a Vacant Building Registration Fee Warning Letter at 377 MARYLAND AVENUE WEST.

**Sponsors:**     Brendmoen

*Rescheduled to March 17, 2020 per PO's request.*

**Laid Over to the Legislative Hearings due back on 3/17/2020**

- 12     [RLH VBR 20-12](#)     Appeal of Carrie Nelson to a Vacant Building Registration Notice at 291 STINSON STREET.

**Sponsors:**     Thao

*Layover to LH March 17, 2020 2:30 p.m. for PO to provide a work plan and proposal for completing repairs by close of business Friday, March 13, 2020. Waive VB fee for additional 30 days.*

*Carrie Nelson, occupant, appeared*

*Shawn Nelson, owner, appeared*

*Staff report by Supervisor Leanna Shaff: as you're aware there's quite the history here. I'll read the notes more or less, since December 13, 2019 per the Legislative Hearing Officer there were different compliance dates, a 30 day extension for items 1, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, and 24. Inspector Franquiz wrote January 13, arrived at property and knocked no one answered, waited 10 mins, still no response. January 14 Supervisor Neis instructed him to call tenant again, he left a second message, later that day on the 14th he received an email from the tenant saying they didn't receive notice and weren't home yesterday. January 15 Neis instructed Franquiz to contact the tenant to schedule the reinspection within 7 to 14 days. Went to reinspect January 23, no access. January 28 tenant called and set a new reinspection date for February 6, meanwhile the dates for compliance had come and gone. On January 29 due to noncompliance with Legislative Hearing orders, it has been determined to revoke the Fire C of O.*

*Moermond: there was an appointment February 6?*

*Carrie Nelson: he did go through.*

*Shaff: he did?*

*Joe Yannarely: February 10 there's a note saying that many of the deficiencies required to be done by the LHO were not completed. Did observe the new furnace was installed but the permit has not been finalized. No permit was pulled for the new tankless water heater. Adding this deficiency to the notice, I spoke with supervisor Shaff and am enforcing revocation and giving tenant until the end of the month to vacate.*

*Moermond: a basically a finding that the other items haven't been addressed, just the furnace.*

*Shaff: the permits for gas and warm air are still open, they have not been inspected or finalized.*

*Moermond: that was a contractor for CAPRW, who hired Metro Heating and Cooling.*

*Shaff: yeah it has never been inspected at all.*

*Moermond: the contractor should have called to have it inspected and that didn't happen. It is best if the contractor reaches out in case there's something that needs to be fixed.*

*Shaff: codes to require the permit holder to call for the inspection. It is part of their job.*

*Moermond: we have a lot going on here, and looking back at the October orders, we had a lot of 30 day orders put in place. We did 30, 90 and 180. What's going on?*

*Carrie Nelson: the first inspection in January, I usually get it by email if I don't get one in the mail. A couple letters were dated December 13 granting the appeal and the notice. I didn't get a letter about when the next inspection was going to be, so we weren't home. He was calling an old number. We got it rescheduled for the 23, I called him the night before and left a message about going into the hospital, then got a message a few days later. There have been things completed on the list, some we didn't do right.*

*Shawn Nelson: the grounding wire on the meter, I do have the correct wire, I have a thicker wire. I did install a handrail, it's not correct. A lot of the lights have been corrected*

*Carrie Nelson: he went upstairs, it thought it was just the first level.*

*Shawn Nelson: we're having issues getting parts form the manufacturer for the electrical panel door. Door handles have been fixed, door jams have been fixed. There's still a lot of work to do. It has been a tough winter.*

*Carrie Nelson: Elliot was arrested Dec 10 for a probation violation, he typically does most of the work. He's still incarcerated. He will be out on April 13. It would be my preference and hope we can put a deadline for everything to June 30, which gives him 30 days. We're mainly having a problem with the electrical panel front. If we can't we'll have to have the whole box replaced. I've been googling trying to find it.*

*Moermond: have you reached out to any electrical contractors?*

*Shawn Nelson: one, he wasn't able to do anything. We worked with Menards and Home depot they gave me a manufacturer to reach out to. Both couldn't help.*

*Carrie Nelson: the only thing I can find is some box that's \$1,800. That sounds crazy.*

*Shaff: the stuff that needs to happen as far as electrical work, it requires a licensed electrician.*

*Carrie Nelson: I thought we just needed a panel front?*

*Shaff: that will require a licensed electrician.*

*Carrie Nelson: to put a cover on it?*

*Shaff: there's other electrical work here in the orders that needs to take place. Multiple fixtures hanging and damaged with exposed wiring.*

*Carrie Nelson: no, they aren't damaged. They're just hanging and aren't screwed up there. The one he was referring to damaged just needed to be placed back up.*

*Moermond: I think he's thinking damaged is a fair description of lights hanging and incorrectly installed.*

*Shaff: he did note that the tankless water heater installation doesn't have a permit.*

*Carrie Nelson: and I thought Metro was doing all of that down there.*

*Moermond: that's up to you and CAPRW. That's for you to figure out. I simply don't know you're arrangement. I'm not thinking it's the most organized way to approach this. I'd like you to own some responsibility for preparing a plan and explaining where you are at with things. If half the fixtures are done, let's hear from you what's still remaining and you can get some feedback. This does require a permit. I'm thinking one week to prepare that, and what your specific proposal is. I am not interested in putting this out 90 days. I don't want this off the cuff, I want you to think and be ready to commit to what is going on. If you need to make arrangements, save money, etc, include that in your thinking. Right now, plan on having to hire an electrician. What does that mean for your budget? Let's get that figured out, and you're making a specific request instead of general. Because the first set of deadlines have been broken, I need to nail it down. I thought I had it nailed down before, so let's do that. Get that to me by Monday, I can share with staff and have them react to it before Tuesday.*

*Shaff: the 90 day extension is this Friday.*

*Moermond: let's say Friday close of business. Waive the Vacant Building fee another 30 days, allow permits.*

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