



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, October 27, 2020

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 **RLH RR 20-31** Ordering the rehabilitation or razing and removal of the structures at 1033 GALTIER STREET within fifteen (15) days after the September 23, 2020, City Council Public Hearing.

Sponsors: Brendmoen

If code compliance inspection is ordered and \$5,000 PD posted with DSI by close of business November 13, 2020, refer matter back to LH December 8, 2020 at 9 AM.

Adam Soczynski, attorney for Usset, Weingarden and Liebo, appeared via phone

Moermond: calling about 1044 Galtier. Couple of hearings already, my understanding is you are representing Nationstar doing business as Mr. Cooper?

Soczynski: correct.

Moermond: I know we've talked before for another case with a Category 3. I'm going to ask MR. Magner to update the staff report, we'll do it once again.

Staff report by Supervisor Steve Magner: the building is a two-story, wood frame, duplex 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 September 10, 2015. Findings of Face, Conclusions of Law, Order for Judgment and Judgment filed and recorded with the Ramsey County Recorder's Office on July 21, 2020 finds Philip S. Schloss as the fee owner of the property subject to a mortgage interest on the property by Deutsche Bank, NA. Ramsey County property records still indicate HSBC Mortgage Corporation as the owner of the property which is invalid according to the Order for Judgment. A Vacant Building Registration Form was received by the Department of Safety and Inspections on September 11, 2020 indicating Mr. Cooper holds a mortgage interest on the property and Xome Field Services as the responsible party. To date, an Assignment of Mortgage has not been filed with the Ramsey County Recorder's Office. On June 18, 2020, 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 June 19, 2020 with a compliance date of July 19, 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 \$10,000 on the land and \$129,200 on the building. Real estate taxes for the first half of 2020 have been paid. The vacant building registration fees were paid by check. As of August 24, 2020, a Code Compliance Inspection has not been done. As of August 24, 2020, the \$5,000 performance deposit has not been posted. There have been forty summary abatement notices since 2015. There have been forty work orders issued for: Garbage/rubbish, Boarding/securing, Grass/weeds and Snow/ice. Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$22,000.

Moermond: what's going on with summary abatement orders on the property? While he does that, where is your client at in terms of filing their interest with the County recorder's office?

Soczynski: the mortgage is filed. The problem is the former owner, Mr. Schiller, filed a stray deed to HSBC to rid himself of any interest in the property. At the time they were the lender of title. We started this process by the court order which vacated that, which put him back in title. My client has started the foreclosure process. The mortgage was recorded.

Moermond: I am looking at notes that say it hasn't been filed.

Soczynski: I'll have to look through my notes. If it hasn't been filed it will be soon. It has to be before we can continue with the foreclosure.

Magner: it does look like recent activity includes a grass abatement the end of August, and a boarding work order done in October 16. Those are the two most recent activities.

Moermond: so Xome isn't doing their job.

Magner: the document I read into the record was prepared prior to the October 13 hearing. I don't know that we have done an update since then and if the bank has started its foreclosure or filed its paperwork. That would have been prepared the week of October 5. If something has been done in the last couple weeks, we wouldn't have that.

Moermond: looks like Xome has been on the correspondence for a while.

Soczynski: I only know about Xome's interest in the last hearing when they filed the vacant building registration.

Moermond: looks like they're your REO in the field.

Soczynski: I haven't got any more information from them except my client wants to rehab the property. When certain government entities hold properties things go a certain way.

Moermond: what you're saying doesn't show up in the title work our people did.

Soczynski: that may not show up.

Magner: if a loan is underwritten and it has been processed or in the foreclosure state, we would usually know that.

Moermond: we've seen that on a lot of records that I've seen.

Magner: if the paperwork has only been filed in the last couple of weeks, we haven't seen it. If he has it and he can provide it that would be great.

Soczynski: we don't have anything, if I did I would share it. It is young in the foreclosure process. Let me see if there's anything the referral paperwork that indicates anything. My guess is that at this point it is not, just from glancing at this quickly. No one has contacted the City about the property in the last two weeks?

Moermond: no, we've been beating the bush to try and get someone to respond.

Soczynski: can you give me more info on the estimated \$100,000 to repair?

Moermond: that's going to be staff experience for the findings from their inspection on the property. I'd like to focus on why there's no code compliance inspection or performance deposit posted if your client is really interested in rehabbing.

Soczynski: I understand. I'm also trying to let my client reevaluate that decision.

Moermond: they should get their own numbers based on the code compliance report and give their own bid so they have their own clean information.

Magner: for consistency of practice would you like the October 16 letter read in? There is a letter from that date sent to Kim O'Malley at Xome regarding the repair/remove of 1033 Galtier confirming that on October 13 the matter was laid over to legislative hearing today as no one was able to be reached. Please let me know of any interested parties who wish to participate and lists the typical requirements to rehab the project. That was sent after the last hearing, and I believe a copy was sent to their attorney.

Soczynski: yes I have a copy in front of me.

Moermond: so my question isn't a surprise. If your client wants to rehabilitate, are they willing to step up and take those steps?

Soczynski: I can't answer that for them at this point. As I hear you talk, I know you'd like this to move along. I understand all that. I would like to see if I can't get this resolved with them, and if I can't I'd like you to be able to move forward. I guess I'd like two more weeks to get them onboard, and if they won't or can't, you can move forward with the next step. I've had a difficult time with my client finding out who the client was and if someone even wanted to rehab. Once our file was closed, you sent out a new notice, and then someone said there's a code compliance issue, as we sat on it they said they wanted to go forward.

Moermond: the code compliance issue isn't new.

Soczynski: it wasn't new, but it finally got to the right place where someone wanted to act and then came to us and here we are and now I'm having a difficult time again getting answers again. I think they got Xome involved in order to pay the vacant building registration costs. I don't know what will happen in two weeks. I asked for them to give me something so I don't look stupid talking to you, but I got nothing. I guess I'd like two more weeks to get this completed and order some of these things and move forward to repair, or else to make a business decision to not do it and have

it taken down.

Moermond: how much money is invested in the mortgage?

Soczynski: there's an outstanding balance of \$261,000.

Moermond: so added on costs to that. The reason I ask is it give me an idea of what your calculus is around loss mitigation rather than making money. That helps me think through where you're coming from. This goes to Council November 18. I would love to have that performance deposit in place and code compliance issued by close of business November 13. I need to see the code compliance inspection ordered and performance deposit posted. If those 2 things happened, on November 18 I will ask them to give a bit more time to get plans and bids. This hasn't been taken care of or maintained, this is under a microscope. It is an ongoing condition that it doesn't continue to be a nuisance. We do run into problems with filing code compliance applications and not providing lock box information, or actually putting the lock box on the property.

Magner: if the property manager puts the lock box on and submits the code with the application we can hopefully streamline it in a couple weeks. If we have to play the back and forth game to get the code it will delay things significantly. This is especially important during Covid, where staff always goes individually. They need that access.

Moermond: that will be in the letter as well. That gives you a deadline.

Soczynski: I think that's reasonable in this case.

Moermond: let's get the inspection ordered and performance deposit posted if that's the direction they are going.

Magner: when would you bring this back then?

Moermond: I'd recommend Council refer it back into hearing December 8 to look at this again.

Referred to the City Council due back on 11/18/2020

2 RLH RR 20-23

Ordering the rehabilitation or razing and removal of the structures at 1915 IVY AVENUE EAST within fifteen (15) days after the July 8, 2020 City Council public hearing. (Amend to remove within 15 days)

Sponsors: Yang

Order the property removed within 15 days with no option to repair.

Michael Klemm, attorney appeared via phone

Monica Anderson appeared via phone

Michael Hulke did not answer phone, voicemail left 10/27/20 at 9:35 AM

Staff report by Steve Magner: September 25, 2020 a letter was sent to Mr. Hulke, Ms. Anderson and Michael Klemm confirming September 22 at the legislative hearing recommending laying over to hearing today. Please provide evidence of contract or purchase agreement with potential third party, evidence of financial documentation of half the estimated cost of \$100,000, affidavit dedicating funds for the rehab, submit preliminary work plan and bids and the property must continue to be maintained . If

these conditions are not met Ms. Moermond will discuss removal of the building.

Moermond: so we're at a place where you were looking for someone to purchase to rehab. We haven't received anything, but that doesn't mean you haven't made progress. Where are things at?

Klemm: since the last hearing, we had extensive communications with a potential buyer, but they have since determined there are other opportunities elsewhere and would need more time to put things in order. Frankly our impression is he doesn't see it as a great opportunity as an investment. At this point given he's not moving forward and we haven't found any other potential buyers we think it is probably appropriate to move forward towards removing the building.

Moermond: I'm sorry that's the way it is working out. Do you have a time consideration on this Mr. Klemm?

Klemm: no.

Magner: we're ready to move forward anytime.

Moermond: I'll put this in front of Council November 18 and if anything changes in your circumstances between now and then let me know, it may make it easier for me to say to give them a chance. The way it stands now I will recommend the building removed within 15 days with no option of rehab. We have a performance deposit on this, Ms. Anderson can request in writing that's returned or how does she do that?

Magner: she can make an application to Reid Soley and we return it to the party who submitted those funds.

Anderson: who do I make this request to?

Moermond: we'll include his contact info in the letter, as well as include your brother who wasn't included in this call.

Klemm: please emphasize in your letter that if circumstances change we may be able to request more time. Is there a mechanism for the ownership to be transferred to the City?

Moermond: no. the City has to pick a lane, either they're enforcement or redevelopment, in this case they are enforcement and those lanes don't cross. If taxes aren't paid it would forfeit to the State for nonpayment of taxes and managed by the County.

Anderson: I would pursue having the taxes changed since there's no longer a house?

Moermond: exactly. Right now the market value is estimated \$19,400, with demolition exceeding \$20,000. You want to hold off on those decisions until you know what demolition has cost and make a decision based on that.

Anderson: when will I know the cost from the City for the demo?

Magner: if we go to Council on November 18, that puts us on the first of the year to send the notice to proceed, we should have the building down mid-February and will process the bill after that. Probably end of March we can let you know what that total

is.. It is all variable based on the bidder interest, hazardous waste removal, and we won't know that until we're done.

Moermond: when the Council takes its vote, the family and estate have 15 days in which to act to remove themselves. If they don't, the City will pick up the ball and start its process, which includes soliciting bids. The City will choose the lowest bid from a qualified contractor. That number the City gets is just for the demo, it doesn't include the hazardous materials, which is why he can't give you a total until it is completed.

Klemm: regarding utilities, I assume it makes sense to turn them off?

Moermond: I personally would.

Magner: another piece is personal possessions should be removed now. Once the resolution has come and gone and it goes to a contractor anything left on site are the rights of the contractor.

Klemm: house and any building on the property?

Magner: yes, we bring it back to a predevelopment stage so the next buyer can do it without additional costs.

Anderson: what date will that be so we can plan? We have personal items still there.

Moermond: 15 days after November 18, basically December 1 to be safe.

Referred to the City Council due back on 11/18/2020

3 RLH RR 20-24

Ordering the rehabilitation or razing and removal of the structures at 657 SHERBURNE AVENUE within fifteen (15) days after the July 8, 2020 City Council public hearing.

Sponsors: Thao

By close of business November 10, 2020 PO must submit signed and detailed bids, including contractor and subcontractor bids; affidavit of funds indicating the ability to pay for the work, and the property must be maintained in order to receive time to rehabilitate the building.

Achoyea Tea, owner, appeared via phone

Tea: I never got the letter, I thought it was tomorrow.

Moermond: the conversation was clear last time, even if you didn't get it, the bid wasn't signed or completed, no subcontractor information. We were looking for you to provide that information. We don't have anything from you.

Tea: I got the paper from him today. I thought it was tomorrow.

Moermond: if you want to drop off the papers it can be dropped off in our office at 310 City hall. There are number of ways you can handle that. I'd prefer in person, since it wasn't done by today.

Tea: I can drop it off today later on. I thought you'd call me on the 28.

Moermond: no, all our hearings are on Tuesdays.

Tea: a lot of letters I don't receive from St. Paul. Only bills. I never had problems before.

Moermond: it is being mailed to 5761 33rd Ave S. Unit 11. It hasn't been returned.

Tea: I only work with paper.

Moermond: we've never heard that from you.

Tea: I need the paper that I can read, you know.

Magner: October 16 a letter was sent regarding the remove or repair of this structure. This is to confirm on October 13 at the Legislative Hearing, Marcia Moermond recommended continuing the matter to today via phone. By close of business Monday October 26 you must submit signed, detailed bids. Your current proposal is 17,500 from REI construction is unacceptable. If using funds from a bank account, will need to provide an affidavit indicating the ability to pay for the work. The City currently estimates the rehabilitation exceeds \$100,000, and the property must be maintained. In order to consider the \$58,000 balance as financing for this project, we would need an affidavit demonstrating the funds will be dedicated to this project, however the current work plan submitted to DSI October 12 was not accepted by the Legislative Hearing Officer or the Code Enforcement Manager, therefore the level of financing necessary cannot be considered final.

Moermond: so you say you have new bids, what do they look like?

Tea: I'm going to pick it up today from him, and tomorrow I'd talk to you. I haven't seen them yet. I thought we were talking tomorrow. I never got the paper that he read.

Moermond: that you aren't getting electronic communication is news to us. We can totally send this via mail. You have to submit that bid, I'm surprised you don't know the amount. We need to see that exactly and it needs to be reviewed and approved. I'm thinking it is not worth our while to have another legislative hearing. We should probably handle this in writing at this point. You can drop the materials off. I'll put this in front of Council November 18. I want to have in my hands by no later than close of business November 9, for plans that can be approved no later than November 10. That means if you're sending me something that isn't approved, you are taking that time off the top of the deadline. If you send me something tomorrow, I can look at it with Mr. Magner and let you know if there are problems so you will have time to fix that problem. If you wait until the last min and submit it and it fails, we have to go to Council and say it isn't going to work. I strongly encourage you to get this in as quickly as possible. The first plan wasn't adequate, and I want you to have a chance to address it. Come to the office and deliver the materials please. October 26 there was a summary abatement order issued to remove junk from the rear yard, including a mattress, and to secure the shed.

Tea: oh sh*t. The homeless people bring that sh*t. I don't know what to do with the homeless. I kick them out all the time, they get back in from the window.

Moermond: it is your job to keep control of your property. An order was mailed with a deadline by the end of tomorrow. You better make sure the shed is locked by then and cleanup the yard. It looks really bad.

Tea: understood.

Referred to the City Council due back on 11/18/2020

- 4 [RLH RR 20-44](#) Ordering the rehabilitation or razing and removal of the structures at 854 EDMUND AVENUE within fifteen (15) days after the December 2, 2020, City Council Public Hearing.

Sponsors: Thao

By close of business November 9, 2020 PO must post \$5,000 PD with DSI and apply for CCI. Application for CCI must include lock box code and box must be attached to door for use.

Susie Thill appeared by phone

Staff report by Steve Magner: The building is a two-story, wood frame, duplex 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 December 29, 2016. The current property owner is Susie Doris Thill per AMANDA and Ramsey County Property records.

On August 19, 2020, 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 August 20, 2020 with a compliance date of September 19, 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 \$9,000 on the land and \$107,600 on the building. Real estate taxes for the first half of 2020 have been paid. Taxes for the second half of 2020 are due and owing in the amount of \$1,327.23, which includes penalty and interest. The vacant building registration fees were paid by credit card January 2, 2020. A Code Compliance Inspection was done on April 24, 2017 but is now expired. As of October 26, 2020, the \$5,000 performance deposit has not been posted. There have been summary abatement notices since 2016. There have been six work orders issued for Garbage/rubbish, Boarding/securing and Grass/weeds.

Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish exceeds \$20,000.

Moermond: a couple of things jump out at me. We don't have an inspection report, so no punch list to be completed yet, to be reoccupied and no PD posted. Those are the first things that need to be done. Where are you at Ms. Thill?

Thill: I inherited this house last year, ultimately I'd love to fix it up and either rent or sell. That was the initial plan. When the previous owner passed away, I didn't do too well, things got backed up. This year I'd planned to start and then Covid hit and I went out of town and I'm working in Oregon. I'll be back home next week. I did pay the property taxes second half. The 5k PD I am not sure what that is. My mail stopped forwarding last week, I got stuck here due to the snow. I really don't know what that even is, but I have been paying the taxes and the VB fee. Last year the reason there was some maintenance orders, it wasn't doing well after the passing of the owner. I don't know what your time frame is, this is all new to me. I did have a contractor come out to discuss some options, but that's as far as I've gotten so far.

Moermond: the order to abate a nuisance building has the discussion of the 5K pd.

Magner: that's correct. Page five.

Thill: I just have the September 25 notice mailed to me in front of me today. I do have the previous one, I called a gentleman listed on it and then we are in a fire evacuation area so that's buried somewhere. I only have the September 25 notice of this hearing with me.

Moermond: the dates I have, the order to abate was sent August 20, 2020 and the notice scheduling this hearing sent September 25.

Magner: the August 20 letter, page 5, the first part has the deficiencies listed, and if you skip down two paragraphs it talks about the code compliance inspection and posting the \$5,000 performance deposit with DSI before issuance of permits.

Moermond: so we have that in the order to abate a nuisance building which was addressed to Ms. Thill in Woodbury. These two things need to happen. I'm not sure if the house is cleaned up yet, it looks like it was condemned as unfit for human habitation in 2016. We had a couple things going on, the big two were it was unsanitary and it had too many things, like a hoarder with sanitation issues.

Thill: by the time I got to it, it was cleaned out. The house is empty right now.

Moermond: that's great news, sometimes that's the first step with hoarded houses. I'm looking for you to do those 2 things, pretty quickly. Getting those things done shows me your committed to this. The code compliance is done to create a punch list of items that needs to be done to bring the property into minimum code compliance.

Thill: I found a list in John's things.

Moermond: it was, but it has since expired, so they will want a fresh one. Once you get that list you'll want to talk to contractors and pull together a scope of work or a work plan that says how you're going to get it rehabbed, what steps your taking in what order. That kind of thing. Right now staff is expecting rehab to be about \$75,000. Realistically I'm looking for bids around that amount, and if they don't I will look more closely to make sure it covers all the code compliance items and it is a licensed contractor. You need to show us you have the money to execute the rehab, that's in the form of a bank account, construction loan, showing us you can get into and out the other side to complete it. You need to maintain the property and keep it up. That is sometimes tricky for people, but it needs to be done. Things have been taken care of pretty well of late. That's good news. I'd like to get us started on the first two things, and then talking with you about the next steps.

Magner: when filing for code compliance inspection, get our form off the internet and send to Reid Soley, the most important part is including the lock box combo on the application so staff can quickly get out and get those inspections done. They are going individually and need that lock box asap to save time.

Moermond: I'd like to check in with you November 10 and I'd like to see those first two things done and it give you an opportunity to ask questions. I want to make sure you're still on top of things and moving towards that December 2 Council Public Hearing. I anticipate you won't have everything done by December 2, but by talking to you I'll have assurance you are working towards things getting done and can ask Council to send it back to LH and give you more time.

Thill: where do I pay the \$5,000 performance deposit?

Moermond: that will be to DSI, we can send you that information.

Laid Over to the Legislative Hearings due back on 11/10/2020

10:00 a.m. Hearings

- 5 [RLH RR 20-47](#) Making finding on the appealed substantial abatement ordered for 975 MARSHALL AVENUE in Council File RLH RR 20-14. (Grant 180 days to complete rehabilitation or removal of structure)

Sponsors: Thao

Grant 180 days for the rehabilitation or removal of the property.

Anthony Bassett, Construction Funding LLC, appeared via phone

Moermond: following up about this property. We got the information you sent, and both Mr. Magner and I have reviewed and find it acceptable. Tomorrow at the 3:30 City Council meeting I will ask them to grant 180 days for the rehabilitation or removal of the property. Any questions?

Bassett: no, will I be notified of the Council decision so I can pull permits?

Moermond: Mr. Magner will make notes in the file today, you can pull permits as soon as tomorrow.

Magner: yes, tomorrow.

Bassett: very good, thank you.

Referred to the City Council due back on 10/28/2020

11:00 a.m. Hearings

Summary/Vehicle Abatement Orders

- 6 **RLH SAO 20-42** Appeal of Gary & Charlene Goldschmidt to a Vehicle Abatement Order at 270 PAGE STREET WEST.

Sponsors: Noecker

Grant to November 19, 2020 for compliance (vehicle removed or compliance with orders).

Charlene Goldschmidt, owner, appeared via phone

Staff report by Supervisor Lisa Martin: vehicle abatement order issued for a gray Saab, no current tables, missing vital parts and appears inoperable. Compliance date of October 22, 2020. Inspector spoke with them and they were waiting for title, and with an extension they can resolve the issue.

Moermond: it is going to take me time to put this in front of Council due to Veteran's Day. I'm going to give a deadline to have this taken care of by November 19. That means either gone or in compliance.

Goldschmidt: that should be fine. He told us the second of November.

Moermond: we'll email you this information.

Referred to the City Council due back on 11/18/2020

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 7 [RLH FCO 20-145](#) Appeal of Laurel Hedlund to a Fire Inspection Correction Notice at 709 BEDFORD STREET.

Sponsors: Brendmoen

Layover to LH November 17, 2020 at 1:30 PM for further discussion.

Laurel Hedlund, owner, appeared via phone

Moermond: we have the bid you sent in, that is helpful for the record for context for money involved. I also had a conversation with the Public Housing Agency on this one. I'm going to lay this over for a couple weeks. I spoke with the Section 8 manager. He checked the housing quality standards they use for inspection and they observe the same code as the City with respect to egress in this situation. He's not sure why it wasn't called out before. He's going to ask for Corrina Serrano to take a look at it and delve deeper to see. You'll probably hear from her soon to take a look. We'd like to be acting in accord with one another. I don't have an answer yet, but that's probably to your benefit. We want all the right facts in place. Any questions?

Hedlund: what is section 8 waiting for? What are they digging into?

Moermond: you said they had inspected and were ok with the layout. I checked with them to see if they signed off on this as a four bedroom and told them about the egress into an enclosed porch. Dominic checked the housing quality standards and found them to be identical with the City, so he was unsure why it wasn't called out when their inspectors went through.

Hedlund: I go by what their inspector told me. They said they follow federal guidelines. I didn't know they had to follow local ones too.

Moermond: they happen to be consistent in this case. Their rules and ours are identical in this situation. Why it wasn't called out from them needs to be looked at.

Hudlund: what are the potential outcomes here?

Moermond: I would want to have further conversation with them after their findings. I don't want to guess.

Hedlund: Regardless, as is, it can't be bedroom. There is no outcome where—

Moermond: I don't want to make a statement yet. I want consistent information across the board. I'd like to pause this for more information and come back to this in a couple weeks where we can decide where we go from here then. People's lives are in play.

Hedlund: I am getting another estimate.

Moermond: that does affect you and what happens moving forward. If we need a deadline on compliance and you get an estimate that you want to finance, that information is all for the good for figuring out what an appropriate timeline is. More information is always better. Let's lay this over to November 17 at 1:30 p.m.

Hedlund: regarding the inquiry into what happened. Either the Section 8 inspector made a mistake or the City made a mistake. Is that what's being determined? It does open into an enclosed space. There is no confusion there. I don't know what they're inquiring about.

Moermond: and it will affect you.

Hedlund: I know that. I'm trying to figure out what will happen.

Moermond: I want them to have a chance to make a finding before we start creating a map together to see where we go. This conversation can be paused for a minute, I know you want answers but it is better to have concrete answers than guesses now.

Hedlund: as it gets colder it is harder to do changes.

Moermond: we're in Minnesota, we get it done. We'll talk in 3 weeks.

Laid Over to the Legislative Hearings due back on 11/17/2020

8 [RLH FCO
20-122](#)

Appeal of Dennis Gudim, Statera Fitness, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1025 SELBY AVENUE.

Sponsors: Thao

Layover to LH November 10, 2020 at 1:30 for further discussion. City staff to review report and survey.

Dennis Gudim appeared via phone

Moermond: we got the materials yesterday. Fire Inspector Supervisor Neis and I just looked over the survey and engineer's letters. That's what we're looking for to draw conclusions on this, our observations looking at it with respect to the engineering letter is that it appears because the foundations to the buildings and wall are distinct, the footings for your building are unaffected. However, we aren't engineers so we'd like our engineer to look it over to confirm. With respect to the survey it looks like the orders issued to you to the wall should be issued to the neighbor since they are using the wall. In our cursory examination it appears the majority of the wall falls on your property, but the question posed is given what it is supporting, where are they properly issued to? If it lies on your property that will be an issue, but knowing what I know, either we'd withdraw the orders or keep them in place and also issue orders to the neighboring property. It is less critical timing-wise given your engineers findings. That is good news, I need affirmation of that, but it seems on the surface to be good. Mr. Neis, any comments?

Neis: only comments are, looking at the site review, how it extends out if there is any bulge on the wall. Otherwise, I would concur with getting that further examination completed.

Moermond: I think it is likely we'll look at an extension if the orders stay in place. We can work with you on that. I'm going to ask for 2 weeks for staff review by engineer and attorney to come up with a strategy and we'll have something concrete to talk to you about. I know it wasn't cheap to get those professionals in, but it was critical in this process.

Laid Over to the Legislative Hearings due back on 11/10/2020

**9 RLH FCO
20-151**

Appeal of Benjamin Roberts to a Re-Inspection Fire Certificate of Occupancy With Deficiencies-Final Notice at 905 DAYTON AVENUE.

Sponsors: Thao

Grant the appeal on roof orders on the condition that appropriate permits are pulled and finalized for chimney work by November 18, 2020. Note any further deterioration in roof conditions may result in new orders.

Benjamin Roberts, owner, appeared via phone

Staff report by Supervisor AJ Neis: this a Fire C of O correction notice, a final notice for a couple of items. First, the chimney needed repair. It has since been repaired but wasn't done under permit so we don't know if it was done correctly. We're asking for a permit to be pulled to make sure the venting is proper. The second is for the shingles on the roof. Inspector Smith said they are about 30% deteriorated and curling substantially. When he performed his reinspection the inspector didn't notice any evidence of leaking or deteriorating, so it is possible the roof is still weather resistant at this time.

Moermond: tell me what happened with the chimney repair work.

Robards: I called the contractor at RII Construction. It has always been under permit when he did the work before. He looked at the chimney and said it should be done right away. He was worried about wind and came out the next day making the repairs. He acted quickly on it but somehow he didn't get the permit. I've talked to him 2 or 3 times and he keeps saying he will go down tomorrow. I tried to call again earlier this am to see if he got the permit but I don't know. They did take pictures when they did the work, he tore the chimney down to the roof line, just below, to connect to the good flu, and put 2 and a half to 3 flues up. Then he did the brick. He asked if there was a fireplace because there were 2 flues coming out He rebuilt that also even though there wasn't a fireplace. It may have been to a heater back in the day. He put in two flues.

Moermond: Mr. Neis are you seeing the contractor has pulled a permit pulled now?

Neis: no permit at this time.

Roberts: I will have to get on him and get him down there. Last time it talked to him was before I called David Smith. At that time he said he was busy with contracts at the Mall of America. I don't know why he hasn't gone down there.

Moermond: can this be done online?

Neis: if he is licensed he can pull it online.

Roberts: I will tell him that.

Moermond: I'm willing to work with you on granting the appeal on the roof, on the condition you get the chimney permit pulled, finalized, and signed off as the condition for doing that. Are you willing to do that?

Roberts: as much as I can.

Moermond: I'm hanging your entire re-roofing on it. You get the chimney work permit finalized and you'll get an extension on the roof by granting your appeal. When it is reinspected in 2022 I fully expect it to be an issue again, but unless conditions deteriorate further it isn't an issue now. If by November 18 you have the permit pulled and finalized you have the extension on the condition we discussed.

Roberts: I understand the expectation. Hopefully I can motivate the contractor to do it. Online should help expedite. I don't have control over the contractor.

Moermond: you're the one paying the bill.

Roberts: and its already paid, that's the problem.

Moermond: the other thing is to go after his license for not pulling a permit for work he should have pulled a permit for. Not a nice option, but it is there.

Roberts: date on the roof?

Moermond: I'm granting your appeal that the roof orders can be set aside for now. That would mean that it wouldn't come up again until 2022 during your next Fire C of O cycle unless there's a problem like a bad roof leak. If it looks ugly but still works. We don't have to worry about it between now and then.

Referred to the City Council due back on 11/18/2020

2:30 p.m. Hearings (none)

Vacant Building Registrations