



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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

Tuesday, February 7, 2023

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 23-4](#) Ratifying the Appealed Special Tax Assessment for property at 938 ARKWRIGHT STREET. (File No. VB2304A, Assessment No. 238810)

Sponsors: Brendmoen

Layover to LH February 21, 2022 at 9 am to see if permits are finaled (if they are, reduce assessment by half). CPH 2/22/23

Rodrigo Cardozo, owner, appeared via phone

Moermond: following up on conversation a month ago on our Vacant Building fee. We were going to see where you were at with permits to see if we could prorate it. It looked like you haven't had permits finaled yet in the system, but they were inspected. I also got some emails from you that were just put in front of me this morning.

Cardozo: I'd like to address the emails. I sent the information the title company provided me regarding the purchase, showing us the July 25 I mistakenly wrote June, it is July 25 the city opened this file. We purchased July 18 so the assessment didn't exist so neither the seller nor buyer could negotiate the sale on something that didn't exist. Something that didn't exist and we weren't aware of, and it seems the seller didn't know either. We are being charged for something that happened before us. We understand our obligation from the moment we purchased. It seems to us that there was some inaction from the City to do it promptly or in a timely manner. It seems like we are being affected due to that inaction from the City. That is our perspective on that point.

The other point about the electrical inspection. It has been a nightmare. This work was finished the first week of January. Randy has been available twice; last attempt was Friday. I was with him that day. He requested the technician to be there, Dean's Home Services, they arranged the appointment for last Friday to be there with me and Randy and walk through the project.

Moermond: the inspector's notes indicate on February 3 the electrician did not show. Perhaps there was some misunderstanding about timing, but the inspector said they were there and no contractor was there. That's on the \$7,000 permit pulled.

Cardozo: that is correct. We called them and said they notified by phone the inspector that the guy was sick. I don't know what else to do. The house is ready to go on the market. We are in the hands of these people who don't take responsibility and I don't know what else to do. Randy was there and has questions I of course cannot answer. They said yesterday they would call him today. I assume they haven't. My hands are tied and I don't know what to tell you. We could probably try and give me another week and see if it can be sorted out.

Moermond: I'm comfortable doing that. I'm looking at the City sending the previous owner registration and whether or not you would have been let out of the Vacant Building program. At the time that appeal could have been made the electrical was shut off and yellow tagged. That finding is reinforced by the TISH you got at time of acquisition and done last October. Those tell me we do have a building that should be a Category 1 Registered Vacant Building, possibly even a 2. This was not subject to a Code Compliance Inspection. In terms of July notification, it goes to owner of record with Ramsey County. As of July 25, the owner was the previous owner, Deutsche bank. The October notification did indicate it was a registered Vacant Building. The City also puts a blue placard on the door, physical notice on the property it was in the program. I get the letter went to the wrong place because your acquisition was so close to when the thing occurred. The cure would be whether to see if you should be in the Vacant Building program or not and all the indicators to me show it was unoccupied with significant electrical problems. That is reinforced by the value of the permit you had to pull to correct those problems. I'm willing to work with you on cutting the Vacant Building fee in half. That's legitimate. You aren't scheduled for Public Hearing until February 22 and if you aren't done by then I'm willing to look a couple weeks further to get it finalized and still cut in half. I do have a concern saying it shouldn't have been in the program. With the disclosure and the placarding and the inspection report. In terms of the title company saying it wasn't on the title search, of course it wouldn't have been. It wasn't in the Vacant Building program until after that.

Yannarely: The City was notified of the electrical shut off on July 25 from Xcel.

Cardozo: we were never notified. We thought it was just a power shortage. We were never notified. When we got the house, it had electricity. Suddenly there was no electricity. Since we weren't living there we couldn't find out what happened. We reported several outages several times and it took us several attempts to get someone from Xcel to tell us what happened.

Moermond: there should have been a yellow tag on the electrical meter itself to indicate there was a problem.

Yannarely: there was signage that it was winterized by Guardian Asset Management. If our inspector could see that—

Moermond: a month after your acquisition there was signage on the door indicating it was being managed by Guardian.

Yannarely: and winterized.

Cardozo: we thought it was safer to leave it that way so people wouldn't try to enter the house.

Moermond: you didn't have your own signs to indicate your role in the property. They

aren't managing it anymore.

Cardozo: yes, we are managing it.

Moermond: perfect.

Cardozo: we clean the sidewalks. There's no garbage. We make sure of that all the time. We did probably fail to take those off when we got the house. We didn't realize it was necessary and ignorant of this situation. We are in charge of the house.

Moermond: what we can do is monitor and see if the electrical permits get finalized. It sounds like your contractor needs to connect with the electrical inspector?

Cardozo: yes, that's my understanding.

Moermond: has that been scheduled yet?

Cardozo: I gave them a mouthful yesterday trying to make them understand the situation. They said they were going to try and connect with Randy this morning. I've been calling them every day. I don't know how to get out of this.

Moermond: we have a full 2 weeks before your public hearing on this and I've said I'm willing to continue for another 2 weeks in case of problems. I'd maybe tell your contractor you only have two weeks just to light a little bit of a fire, but that is your business.

Cardozo: that's what I told them.

Moermond: I'll look at this again on February 21, and this has a Public Hearing on February 22. When we learn where you're at on the 21st we can decide if we need to continue this for another two weeks. Sound ok?

Cardozo: it does, thank you.

Moermond: I'm not seeing a reason not to cut this in half, we just need the paperwork to catch up with the physical work.

Referred to the City Council due back on 2/22/2023

2 [RLH TA 23-11](#)

Ratifying the Appealed Special Tax Assessment for property at 1319 EDMUND AVENUE. (File No. J2301C, Assessment No. 232000)

Sponsors: Jalali

Approve assessment and make payable over 10 years.

Charolet Titus, daughter of owner, appeared via phone

Thelma Lee Maggitt, owner, unable to be reached

Moermond: when we spoke about this January 3 we wanted to explore whether or not this property owner was eligible for deferral of the assessment. This type of assessment isn't eligible for the deferral. Ms. Vang, did you follow up with Ms. Titus?

Mai Vang: I sent an email.

Moermond: but no response, so we will call them in.

Voicemail for Thelma Maggitt left at 9:36: this is Marcia Moermond from St. Paul City Council calling you about your assessment. We'll try you back in 10 minutes.

[call was ended and they were called back at 9:49 am]

[Maggitt was tried at a different number at daughter's request and it didn't work]

Moermond: my understanding from staff is they sent information on the state program for deferral of the property tax bill. You have most of that done?

Cardozo: yes, there was one question to ask the County Recorder.

Moermond: for that program, I don't know how their process works in getting back to you. I looked into any possibility there may be a city deferral, kind of doubling down if possible. Here at the City, we found out that only one type of special assessment qualifies for deferral because of senior or disability status. That is for tree removal, which isn't what we're looking at. What I'd like to do to help is let's divide payments over 10 years and the interest rate is somewhere between 3 and 4 percent. If the state can give you that deferral, then it would be deferred. But in case they can't, I wanted to make sure she wasn't stuck with that bill all at once. Is that acceptable? She can of course say no, but I thought that was the slowest way to divide the impact.

Cardozo: certainly. If she can't get this deferment that would be the best way. How do I know if she qualifies?

Moermond: we can do the 10 years now. I'm sure the State wouldn't share the specifics of her case with us, I think it is probably best for you to make that phone call so you can ask the deeper questions. Do you have contact information in the paperwork you have?

Cardozo: I thought it was all the City of St. Paul, even the stuff we filled out.

Moermond: I'm afraid I was under that impression myself, but it isn't. It is the State of Minnesota.

Cardozo: we have all of that.

Referred to the City Council due back on 2/22/2023

3 [RLH TA 23-23](#)

Ratifying the Appealed Special Tax Assessment for property at 701 FRONT AVENUE. (File No. J2309A, Assessment No. 238508)

Sponsors: Brendmoen

Approve the assessment.

Gholam Kian, owner, appeared via phone

Moermond: when we last spoke you indicated you had asked Highland Sanitation to pick items up and they hadn't. Our Public Work's garbage hauling team reached out to Highland for an update on their records for this property. They indicate there was no contact from the owner in September or October for bulky item pickup, but there were

several times with extra bags that had to be picked up during this time. So, I'm thinking the responsibility comes back to you in this one. You got notice; you didn't reach back to the inspector to say it was being taken care of. The City crew took care of it and there are costs associated with that. Highland didn't confirm where you were at with that. Perhaps you were thinking of a different property.

Kian: as you know I have many properties. We were trying to coordinate with the tenant in terms of the items and process. They won't accept a call from my tenant. The check you should do is whether I used my 3 items or not, which I haven't. It was two weeks.

Moermond: you did receive written notice which included a written description and a photo and that mailing went directly to you. It is clearly adjacent to the garbage cans. That is by a car and a fence as well. That isn't the same as what you are describing on September 19 looked just like the video when the crew showed up October 1. If you want the hauler to pick it up you have to call them and say we have 3 bulky items for pickup.

Kian: you also have to have the complete description.

Moermond: and that was written in the orders a long with the picture. You could also drive by and look

Kian: I did go by and see them sitting on the curb by the road and asked my tenant to move then back to the driveway. I'm paying something I have paid for and didn't use. It sat inside my property for 2 weeks. That is intrusion of property. That is inside my property. And you didn't give me time to do the due diligence to contact them. I did my part and it is a matter of just getting it done and if the City won't factor that in more power to you folks. If you guys think that's fair it is what it is. I don't think it is fair.

Moermond: the photo in the order is identical to the video taken 10 days later by the crew that showed up. If it was moved to the back to the curb and back again it wouldn't be located in precisely the same location it was earlier. I'm going to recommend the Council approve this assessment. You are welcome to ask for a different outcome. They may look at it differently than I do. From my perspective the garbage didn't move and there was no outreach to the hauler to use your bulky item pickups. I do agree it is available but you have to call them. You are welcome to ask Council for something different.

Referred to the City Council due back on 3/1/2023

4 [RLH TA 23-24](#)

Ratifying the Appealed Special Tax Assessment for property at 917 FULLER AVENUE. (File No. J2309A, Assessment No. 238508) (Public hearing continued to September 6, 2023)

Sponsors: Balenger

Reduce assessment from \$378 to \$189. Continue PH to September 1, 2023 and if no same or similar violations delete assessment in full. (should be September 6 PH)

Ying Que, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarelli: a Summary Abatement Order was issued to please cut and remove plant growth and vegetation overhanging sidewalk. Issued

September 20, compliance date of September 29. Rechecked September 30 and October 5 and work was done by parks October 6 for a total assessment of \$378.

Moermond: any history here?

Yannareilly: some history, yes, but none required work orders for compliance.

Que: I saw the order in September, the mail is so slow and it goes to my P.O. box. I got the mail the end of September. There was a picture in that order and it wasn't very clear. The color picture sent to me recently was clearer. I called the number on the order to clarify. I left a message and never heard anything. I hired a contractor, I have a picture on my computer, not sure how to show you it to you. The northwest corner on my fence line I had a contractor give me an estimate and it was \$600. I told them to do it. They cut it the end of October. Then I got this bill. I just don't understand why I have this charge for something I already paid for.

Moermond: you said you hired them and they did the work at the end of October?

Que: yes.

Moermond: and the city went by a month earlier. Looking at it, it wasn't the worst case ever. There were definitely a couple of branches hanging, but I've seen worse. I do see you've taken action in the past. It is unfortunate the city has to send you a letter, but when they have you take care of business and you did the same here. I'm curious, you said you called the inspector, did you end up having a conversation with them?

Que: no, I got a voicemail and left a message.

Moermond: if it is hard to get timely mail at that P.O. box you can reach out to Ramsey County so the City's mail goes to an address that is more accessible to you regularly. Just putting that out there as an option. I'm going to recommend the Council decrease the assessment by half, as I believe you made good faith efforts to address the situation. What we can do then is if you have no violations for six months we can delete it. So down to \$189 today, and then March 1 at Council I'll ask them to look at it again September 1. Keep the garbage picked up and lawn mowed without the City having to send a letter.

Que: ok

Referred to the City Council due back on 3/1/2023

5 [RLH TA 23-6](#)

Ratifying the Appealed Special Tax Assessment for property at 2193 NORTONIA AVENUE. (File No. J2304B, Assessment No. 238103)

Sponsors: Prince

Reduce assessment from \$2,797 to \$1,817.

Berent Larson, o/b/o executor, appeared via phone

Moermond: following up on the assessment on Nortonia. Last time we spoke we didn't have all the records from the St. Paul Police Department. We have them now. Also, the last time I indicated I would be deleting the entire boarding for the first time the St. Paul Police Department went out there on that initial welfare check. That is our practice because we don't want to discourage people from calling in welfare checks.

That is gone, so that's \$730 off the total. Then we looked at the other 2 police reports, do you have those?

Larson: I'm unable to pull up my email.

Moermond: the second time the police came out September 6 the neighbor had called in a burglary. The police arrived and found broken glass and jewelry on the ground and man was seen running from the scene when police arrived. That is under investigation. What I do know is September 6 the officers identified a bad odor from the house and sounds like they thought perhaps it wasn't a body and rather rotting garbage which makes sense for a hoarded house but kind of an open question given the circumstances. The investigator who reviewed it after the report was prepared deployed officers to go out again and investigate the odor and it was at that time they found out that she was in her house. I would consider that the emergency call out \$250 charge for the contractor, so September 16 when they went out again to look that we should consider that part of the previous day's work. I'm going to recommend they delete that extra emergency fee too. So that's \$250 plus \$730, which brings the assessment for boarding activities from \$2,797 to \$1,817. I know some of your concern was to do with the interaction with rest pro with the brother you are representing.

Larson: yes.

Moermond: I ask you send that information to myself and Steve Magner, we'll get you his contact information. He's the one who manages the City's contract with Rest Pro. I think we should follow up that way with that part of the discussion. We'll send you an email with that. I think I remember you saying he's going to be selling, I can make this payable up to five years but if he's selling it may not be necessary.

Larson: no, I would say we want to sell.

Moermond: ok, so we'll leave Council looking at the \$1,817 then.

Larson: in the grand scheme of things, the fact is they got paid multiple times, and I appreciate you looking at that. I thought it was really bad business and I'm running into that with my insurance stuff as well. They just took advantage of him so bad because he didn't know any better and was out of town. He lives in Mankato and is 80-some years old. He paid \$6,000 beyond this and I did more in a week than they allegedly did.

Moermond: which is the part I want you to send information on. I only have these assessments in front of me. But I'd like to make sure your concerns are addressed in the context of the city's contract with them. There are also other ways to complain about their activity you are probably aware of.

Larson: I just wanted to clarify that. I feel bad for him, honestly. I don't have a dog in the fight other than to do the right thing. I know you're doing your best which I appreciate it. I'd also asked about the Vacant Building 2 to a 1. We didn't understand the process. Ron is elderly. I know we paid the fee but we'd been holding to kind of see your determination on that. The house is cleaned out and habitable.

Yannarely: you paid the Code Compliance Inspection but it doesn't look like that was completed yet.

Larson: right because we found out we could appeal it but it was so far after the fact. We didn't understand and we were just trying to do our best. We just want to market it

as fast as possible. He paid a \$2,500 vacant building fee. He's been a cash machine for the City of St. Paul. There's no structural damage other than the hole from the fire department.

Yannarely: and you know that how?

Larson: I've been there.

Yannarely: do you have some expertise? Houses that are hoarded are rarely—

Moermond: here's the thing. He did pay the Vacant Building fee which de facto means he is not arguing it. The letter does indicate it appealable. The building itself at the time it went into the program was, without question, uninhabitable by humans. That is one of the categories for making it a Category 2 Vacant Building. I think what Mr. Yannarely is getting at is that when we have the kind of weight of materials and the possibility of mold and other things as a result of hoarded conditions over years, it needs further investigation. At the time the brother applied for the Code Compliance Inspection, which was November 16, 2022, he didn't give the City a lock box number so inspectors could access the property. As soon as that is provided the inspectors will go through. If you have a Code Compliance Inspection Report, there's no requirement to do a TISH, so the cost is basically a wash. That is a little better for him. The results of the Code Compliance, if its light, that's all to the good. He could even hire someone cheaply and get it done. I can't say without having an inspector in there. Because he paid it, it means he agreed with it, and he applied for the Code Compliance Inspection Report and he won't have to shell out hundreds more for the TISH. Hopefully that is of some comfort. Someone needs to get a lock box on there and get that to the City.

Larson: I talked to Mr. Humphrey. Can you give me his number?

Moermond: 651-266-9123.

Larson: I'll call him today; I do have a lockbox, but didn't want to put it on until we had this conversation. We're trying to muddle our way through the best we can.

Yannarely: has he discussed you can sell the house provided you go through the sale review process?

Larson: someone told me the price would take a hit. The house had a steel beam, which is what saved at it.

Moermond: there was dog food—

Larson: the dogs were outside. There was no food. I've never seen anything like this in my life.

Moermond: it is sad and difficult and really hard. Mr. Humphrey will be a good help.

Referred to the City Council due back on 2/22/2023

6 [RLH TA 23-54](#)

Ratifying the Appealed Special Tax Assessment for property at 2063 PARKSIDE DRIVE. (File No. VB2302A, Assessment No. 238807)

Sponsors: Prince

Approve the assessment and make payable over 5 years.

Cyle Riddle, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: June 8, 2022 this condo was damaged by a rear deck fire. We opened at Category 1 Vacant Building and after 3 months we issued the Vacant Building fee of \$2,616.

Moermond: it looks like you had a fire. Tell me what is going on and where are you at in the repair process?

Riddle: you would have to talk to my HOA in Lindstrom about. This is stuff out of my control. That's why this has taken so long. Them, along with progressive is the issue. I've been living in my car for almost 7 months. I'm still not back in.

Moermond: your insurance policy doesn't cover housing?

Riddle: they covered \$11,200 which got me two and a half months in a hotel. My policy it states I should have received \$32,000 for living expenses and I didn't. I have litigation people working on that.

Moermond: are you in Ramsey County?

Riddle: I am.

Moermond: are you familiar with resources for people who are unsheltered?

Riddle: no. Red Cross didn't provide any information.

Moermond: we don't have an email address for you, is that correct?

Riddle: I do. [gives email]

Moermond: we'll put together the resources we have that we can refer you to. I'm also wondering where you are at income-wise. I know that's personal. Would you qualify for legal aide, in the "low income" range.

Riddle: I would say so, I am still paying my mortgage, car note, insurance.

Moermond: working full time?

Riddle: yes.

Moermond: along with that housing information I want to connect you with SMRLS and my thinking is that you are borderline about qualifying for services with them, but they do have a network of attorneys they work with who work pro bono in situations like that to get assistance in navigating the insurance company. I'll speak to the Councilmember for this area, this is Jane Prince's ward, and see if the ward office could help grease the skids on this. We can at least flag it for them.

Riddle: it took six months to get them to do anything.

Moermond: the Vacant Building fee we're talking about today is something your insurance should cover. Again, it sounds like you have problems with them. What I can do since it doesn't sound like it will be reoccupied anytime soon. I want to make that fee payable over as long as I can, over 5 years. The other thing I'm wondering, did you reach out to Ramsey County taxation to let you know it was fire damaged? Because I think your property taxes can be prorated based on the fact there was a fire and the condition of the building is different than what they based their appraisal on?

Riddle: I didn't know about that.

Moermond: we'll get you information on how to speak to the assessor. If you need supporting documentation we're happy to send the fire report to share with them if they need it.

Referred to the City Council due back on 2/22/2023

7 [RLH TA 23-76](#)

Ratifying the Appealed Special Tax Assessment for property at 686 EDMUND AVENUE. (File No. VB2305, Assessment No. 238804)

Sponsors: Balenger

Layover to Legislative Hearing March 21, 2022 at 9 am for further discussion. If Code Compliance Certificate issued by March 21, reduce assessment by half. If not, approve assessment.

Somdy Kong, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this is a Category 2 Vacant Building condemned by Fire back in October 2020. It was given a 90-day waiver by you previously. This is the prospective fee of \$2,616. It doesn't appear there is a Code Compliance Inspection or even one pending.

Moermond: so this fee covers October 2022 through October 2023.

Yannarely: yes.

Moermond: where are you at? What is going on, Mr. Kong?

Kong: I'm trying to fix it as much as I can. People keep breaking in. There are holes from people breaking in. They've been spray painting inside. I just got laid off from my job, so I'm short on funds. I will get that Code Compliance Inspection as soon as I can, but I don't have the money to pay that \$2,616. I was wondering if you could help me out? I'm doing the best I can right now.

Moermond: we can definitely make this payable over 5 years, so its smaller bites on your taxes. I hear you can't tackle this anytime soon. You're strapped for money. One of the things you will need if you maybe want to sell this, looks like this is a rental property that's not generating any income. Maybe you want to look into selling it to someone who can do this work. That's just my thinking though, it is entirely up to you. I know in order to transfer this you will need a Code Compliance Inspection Report. You also need that to pull permits. That's going to run you about \$500. We can make that Vacant Building fee payable over time, but you're going to need that Code Compliance Inspection Report in order to either do it yourself for transfer the property.

Just wanted to make sure you are aware that is hanging out there. We can email that application to you so you have that handy. Let's touch base with you March 21 and see where things are at.

Referred to the City Council due back on 3/22/2023

10:00 a.m. Hearings

Special Tax Assessments

- 8 [RLH TA 23-66](#) Ratifying the Appealed Special Tax Assessment for property at 528 COMO AVENUE. (File No. 2304T, Assessment No. 239003)

Sponsors: Balenger

Approve the assessment and make payable over 2 years.

No one appeared

Moermond: yesterday Mai Vang reached out to find out how many years the owner wants this made payable over, as that was the request. They responded they would like 2 years. I'll make the recommendation this is made payable over 2 years. We will email her back to confirm that recommendation.

Referred to the City Council due back on 3/22/2023

- 9 [RLH TA 23-52](#) Ratifying the Appealed Special Tax Assessment for property at 1547 MARION STREET. (File No. CRT2304, Assessment No. 238203)

Sponsors: Brendmoen

Approve the assessment.

Narayan Agrawal, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is an assessment for an unpaid Certificate of Occupancy bill. Total assessment \$850. We sent appointment letters June 6, June 17 and July 25 of 2022. Compliance date of September 16. Billed September 20, 2022 and when that isn't paid we sent another letter 30 days later with a 15-day due date. That was sent October 20, 2022. A check dated November 14 was received in DSI on November 16, 12 days after the final billing due date of November 4, 2022. The check was returned to the Responsible Party as it had already been sent to assessment for nonpayment.

Moermond: why were there several appointment letters? Was that due to inspector or the owner rescheduling?

Shaff: the property owner rescheduled.

Moermond: what are you looking for today Mr. Agrawal?

Agrawal: I don't dispute the fee. I know it was late payment but I didn't know that by

delaying the payment 2 weeks it would cost me money. I had full intention to pay. If you can remove the extra charges we are good.

Moermond: the second invoice sent to you dated October 20 does indicate it is a final notice and language in a box in the middle of the page that says payment must be received no later than November 4 or the fee invoice plus administrative costs will be submitted for assessment to your property tax. So that was disclosed. You probably overlooked that. I'm thinking it is a pattern. It took several attempts to get in to see the building. It took several attempts to get payment. It seems you are slow to react to these City things. There is time involved for dealing with it as an assessment. I am struggling. This is a 35-unit building. A large business.

Agrawal: the first was kind of lost. I don't remember seeing the second bill. Then when I was going through all my papers I found the bill sitting there lost in the shuffle and immediately paid it. It was my full intention to pay. I pay everything on time, this kind of got lost or I would have paid it a long time ago.

Moermond: I'm afraid that is on you. Being lost in the shuffle happened on your end and in this case there are costs associated with it. I struggle to see other taxpayers are responsible for picking up those administrative costs when management is your private endeavor. I'm going to recommend the Council approve the entire assessment. There is the opportunity they may look at it differently.

Agrawal: but it was a matter of 10 days. They could have cashed it and been done.

Moermond: you paid late and they didn't accept the late payment.

Agrawal: they could have.

Moermond: because it was late it was already sent to assessment. It isn't their business practice to cash it since they've already incurred costs in sending to it assessment at that point.

Agrawal: but they could have only charged me half of that cost.

Moermond: the Council could look at it differently than I do. That's your next stop. I'm recommending approval.

Agrawal: the City Council doesn't look at the same thing, that's what happens in 99% of cases.

Moermond: what is 99 percent?

Agrawal: that they approve what you recommend.

Moermond: no, it is not 99 percent. There is information on how to talk to the Council in the letter you got.

Agrawal: it isn't a pattern. That would be if I didn't pay on time many years. You used the wrong word. This isn't a pattern.

Moermond: and I come out differently on that.

Agrawal: I submitted what I have, there's nothing I can submit.

Referred to the City Council due back on 3/22/2023

10 [RLH TA 23-43](#)

Ratifying the Appealed Special Tax Assessment for property at 820 OCEAN STREET. (File No. CRT2304, Assessment No. 238203)

Sponsors: Yang

Approve the assessment.

Scott Bradley, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a Fire Certificate of Occupancy on a single-family home for unpaid fees. Total assessment of \$466. We had appointment letters March 4, March 30, April 21 and May 25 of 2021, revocation letters June 22 and July 20, 2021 (notes vacant status). Appointment letter again June 16, 2022. Revocation letters June 28 and July 28, 2022. Compliance date of September 2. Billing dates are September 6 and October 6, 2022. Payment due 15 days later. We didn't receive any returned mail. Note the revocation was due to long-term noncompliance and was heard before you June and July of 2022. It was noted in the original hearings there was ownership change in 2018 but that information wasn't updated until June 2022. There were three \$74 no entry fees removed when the bill was sent to assessments because we cannot assess no entry fees.

Bradley: I was appealing the no entry fees, but it sounds like those were removed. Those were sent to the prior homeowner. We had a hearing about this last summer. That was established then. I had no idea about the Certificate of Occupancy process at that time. After we established that last summer I have been getting the mail and fully cooperative since I was aware of this process. I should note it was hard for me to find someone to do the particular repairs under permit. I eventually did and got the work done by deadline. I'm fine with the inspection fee, it sounds like the no entry fee which is what I was contesting, have been removed. I was appealing that because I don't feel I should be held responsible for something I didn't know about.

Moermond: and I'll roll you back it is incumbent upon you to learn the local rules and regulations when you bought the property. You filled out the form as part of the hearing process. You are correct orders went to the previous Responsible Party but it isn't on the City to track you down. What you do have, those no entry fees have been deleted, so the original \$531 is down to \$466. The City won't collect money for dispatching staff to the property on 3 occasions to do inspection. The taxpayers will cover that. I'm hearing that was the reason for your appeal, so the current assessment of \$466 I'll recommend approval. Anything else?

Bradley: yes, two other things. Looking at this letter, there's a real estate charge and something else—I don't have a problem with the \$309 Certificate of Occupancy fee on the—

Moermond: yes, there is \$157 in administrative fees when contesting it as an assessment. You are contesting that why, sir?

Bradley: I don't understand the DSI admin fee and real estate admin fee. I don't understand why I am paying that and what it is for.

Moermond: that's the fee for processing it that way. You received an email from

Joanna Zimny in September which says: You cannot appeal the bill itself, so your other option is to leave the bill unpaid and let it go to assessment. Then you would appeal (there is no fee for appealing these types of assessments). I will say that in the event your appeal is denied and no reduction given there is the additional admin fee, on top of the base fee, for assessments. While these matters don't go before me, as you know, and it is up to the Hearing Officer and Council, I would mention that typically when making her recommendations she weighs whether there was a City error and whether that cost should be paid by the taxpayers at large vs. the private property owner. I wouldn't expect that you see that assessment in the mail until 2023.

I'm not inclined the Council do a reduction based on this. They did give a decent length of time in order to keep your Certificate of Occupancy in place. My recommendation will be for the full assessment of \$466. They may consider decreasing it. I would note we do have a no-show fee from May 25th. The no-show fees are deleted off of this.

Bradley: that was 2021.

Moermond: yes, so you could go to the previous property owner if it was pending and seek to have them cover that. That is also an option.

Bradley: since we are on the phone, I just received noticed of another Fire inspection appointment on February 14, in just a few days.

Shaff: I've already responded to that with an email. That inspection isn't happening, we've talked extensively about that.

Bradley: I did get your email but it sounds like the process is just delayed a few months. I would take exception to that as well--

Moermond: sir, I can't come to any determination on something that isn't in front of me. That (assessment) is all I have in front of me today. Your recourse on the other at this point is to speak to DSI, not me. I encourage you to work with them. An appointment letter or set of orders you want to appeal I will look at in that context.

Referred to the City Council due back on 3/22/2023

11 [RLH TA 23-62](#)

Ratifying the Appealed Special Tax Assessment for property at 848 PLEASANT AVENUE (aka 842 PLEASANT AVENUE). (File No. CRT2304, Assessment No. 238203)

Sponsors: Noecker

Reduce assessment from \$605 to \$448.

Moermond: the real estate office reached out to indicate that the service charge should be deleted, the bill was paid by ACH and the Department wasn't informed it was paid in a timely fashion. That is an error, probably on the part of financial services, so we'll make it a total assessment of \$448.

Referred to the City Council due back on 3/22/2023

12 [RLH TA 23-63](#)

Ratifying the Appealed Special Tax Assessment for property at 800 SNELLING AVENUE SOUTH (AKA 750 SNELLING AVENUE SOUTH). (File No. CRT2304, Assessment No. 238203)

Sponsors: Tolbert

Reduce assessment from \$605 to \$448.

Moermond: the payment was processed by means of ACH and DSI wasn't made aware of payment to Financial Service, so it went to assessment, so down to \$448.

Referred to the City Council due back on 3/22/2023

13 [RLH TA 23-25](#)

Ratifying the Appealed Special Tax Assessment for property at 1520 ALBEMARLE STREET. (File No. J2310A, Assessment No. 238509) (Public hearing continued to September 20, 2023)

Sponsors: Brendmoen

Layover to LH February 21, 2023 at 10 am (unable to reach PO).

No one appeared

Voicemail left at 11:52 am: this is Marcia Moermond from St. Paul City Council calling you about your appealed tax assessment for 1520 Albemarle and the work done there. We tried talking to you January 17 and you were driving so we concluded determining driving and talking was not a safe practice. I will continue this one more time and then it will go to Council for approval. I'll continue this to February 21.

Laid Over to the Legislative Hearings due back on 2/21/2023

14 [RLH TA 23-41](#)

Deleting the Appealed Special Tax Assessment for property at 903 BEECH STREET. (File No. J2302P, Assessment No. 238401)

Sponsors: Prince

Delete the assessment.

No one appeared

Moermond: graffiti assessment with waiver on file so we will be deleting.

Referred to the City Council due back on 2/22/2023

15 [RLH TA 23-35](#)

Ratifying the Appealed Special Tax Assessment for property at 586 BURGESS STREET. (File No. J2304E, Assessment No. 238303)

Sponsors: Balenger

Approve the assessment.

Voicemail at 11:55 am: this is Marcia Moermond from St. Paul City Council calling you about your appealed tax assessment for 586 Burgess. I'm going to send this to Council on February 22 for approval. If you want to provide other information to the Council to consider, you may

Referred to the City Council due back on 2/22/2023

16 [RLH TA 23-36](#)

Ratifying the Appealed Special Tax Assessment for property at 586 BURGESS STREET. (File No. J2305E, Assessment No. 238304)

Sponsors: Balenger

Approve the assessment.

Voicemail at 11:55 am: this is Marcia Moermond from St. Paul City Council calling you about your appealed tax assessment for 586 Burgess. I'm going to send this to Council on March 22 for approval. If you want to provide other information to the Council to consider it should state how in the letter telling you about these assessments.

Referred to the City Council due back on 3/22/2023

17 [RLH TA 23-47](#)

Deleting the Appealed Special Tax Assessment for property at 835 MARSHALL AVENUE. (File No. J2304E, Assessment No. 238303)

Sponsors: Balenger

Delete the assessment.

Huy Le, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: Summary Abatement Order was issued to owner and occupant to cut back and remove tree branches into the alley on July 28. Compliance date August 4, 2022. Rechecked August 24 and it was abated by owner and the file closed. No history at the property.

Le: I originally didn't get the letter of notice. When we got the second, I believe I found it later on, and I called Otis and asked what the situation was. He explained the overgrown bushes and we started talking to our neighbor. From our point of view the root of the bushes were in her yard. We asked her to take care of it. She refused to. We called Otis and tried to figure out how to do this. He said it doesn't matter where the root is, it is where the overgrowth is. He said as long as we took care of it within a week of that conversation, which unfortunately I didn't note when that was, he said he could remove that fee. We did that within 3 or 4 days. I never followed up with Otis once it was addressed and assumed no news is good news. I was just wondering if there was a way to remove this?

Moermond: it sounds like you made a good-faith effort to address this. This is based on what you are describing and taking you at your word and not having any history of code violations, I'll recommend this is deleted.

Referred to the City Council due back on 2/22/2023

18 [RLH TA 23-42](#)

Ratifying the Appealed Special Tax Assessment for property at 905 MARYLAND AVENUE EAST. (File No. J2310A2, Assessment No. 238527)

Sponsors: Yang

Layover to LH February 21, 2023 at 10 am (unable to reach PO).

Voicemail left at 12:06: this is Marcia Moermond from St. Paul City Council calling you about your appealed tax assessment for 905 Maryland Avenue East for a cleanup. We will try you back in 5 to 10 minutes.

Voicemail left at 12:12 pm: this is Marcia Moermond from St. Paul City Council again trying to reach you about your appealed assessment. I'll put you on the calendar to be called February 21. Hopefully we connect them. This has a Public Hearing on March 1 so if we can't connect my recommendation will be to approve the assessment.

Laid Over to the Legislative Hearings due back on 2/21/2023

19 [RLH TA 23-50](#)

Ratifying the Appealed Special Tax Assessment for property at 1181 ROSS AVENUE. (File No. J2305E, Assessment No. 238304)

Sponsors: Yang

Approve the assessment (as it has already been paid).

No one appeared

Moermond: this was an assessment for Excessive Consumption, but the assessment has been paid. Mai Vang reached out to the appellant, John Schmidt, and asked if he wanted to be heard. He hasn't reached back. It will move forward as an approval, which is kind of a moot point since it has been paid.

Referred to the City Council due back on 3/22/2023

20 [RLH TA 23-57](#)

Deleting the Appealed Special Tax Assessment for property at 368/370 SNELLING AVENUE SOUTH. (File No. J2303P, Assessment No. 238402)

Sponsors: Tolbert

Delete the assessment (waiver on file).

No one appeared

Moermond: waiver on file, so we can delete.

Referred to the City Council due back on 3/22/2023

21 [RLH TA 23-53](#)

Ratifying the Appealed Special Tax Assessment for property at 115 SYCAMORE STREET EAST. (File No. J2310A, Assessment No. 238509)

Sponsors: Brendmoen

Layover to LH February 21, 2023 at 10 am (no contact info for PO).

No one appeared

Moermond: we have an appeal for 115 Sycamore and an email address but no phone number. Ms. Vang, you sent an email indicating we need a number?

Vang: and Ms. Zimny followed up. No response.

Moermond: this moves forward to Council March 1. We'll lay this over to February 21 to see if we hear from her.

Laid Over to the Legislative Hearings due back on 2/21/2023

22 [RLH TA 23-5](#)

Ratifying the Appealed Special Tax Assessment for property at 199 DUKE STREET. (File No. J2308A, Assessment No. 238507) (To refer back to August 15 Legislative Hearing, 2023; Public hearing continued to October 4, 2023)

Sponsors: Noecker

Refer back to LH March 7, 2023 at 10 am (in person).

Michelle Dimayuga, owner, appeared via phone

Moermond: are you expecting my call?

Dimayuga: no.

Moermond: this has been continued a couple of times and goes to Council Public Hearing February 15 so we're out of time to discuss this. Are you able to do a hearing now?

Dimayuga: I'm about to get on the road in 15 minutes for an appointment.

Moermond: it won't take that long.

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: there was a Summary Abatement Order sent to the occupant and owner on September 14, 2022 to remove and dispose of a mattress on the boulevard. Compliance date of September 21. Mattress hadn't been removed on reinspection on September 21. Mattress was picked up by September 26. No returned mail. Slight history of tall grass and weeds, done by owner.

Moermond: what are you looking for today?

Dimayuga: I gave a statement, I'm not sure who it was. They spent a long time recording it because I'm a teacher in St. Paul Schools. Do you have that statement?

Moermond: all I see is an email about when you appealed saying you are a teacher with medical issues and can submit written testimony. You could come in person and drop off paperwork.

[Dimayuga gives statement of her health conditions and barriers to doing hearing in the phone]

Dimayuga: I would probably need to come down to the office with someone. I know someone spent 45 minutes writing up a detailed account, but I don't know where that is.

Moermond: you spoke with Racquel Naylor in our office. You are scheduled to have your Council Public Hearing next Wednesday, February 15 but I would like to have a chance for you to look at the information at the same time. When we've called before you've had conflicts, I'm looking at a Tuesday morning when you would be available. We do these the first and third Tuesdays of the month. Will that work?

Dimayuga: yes, I took unpaid leave.

Moermond: we'll send a letter confirming we'll reach out to have a conversation in 2 weeks' time so you have the information in front of you. Are you getting the letters from our office?

Dimayuga: I believe something came that said court today in the mail.

Moermond: no, the last letter we sent was January 17, 2023.

Dimayuga: only about once a month can I do paperwork because I have to have another adult come navigate it with me.

Moermond: would you have an opportunity to have that conversation with the person who helps you in the next two weeks?

Dimayuga: it would be most helpful to come meet you in person so someone can help me navigate it in person.

Moermond: sure. We will send you another letter with the appointment highlighted. You are welcome to come into our office. We'll set this up for four weeks from now, Tuesday, March 7th at 10:00 a.m.

Dimayuga: you said March 7, 10 am?

Moermond: yes, four weeks out. We'll send you that letter and talk in more detail then.

Dimayuga: on Wednesday do I have to go in front of the Council?

Moermond: no, I'll ask them to send it back so you and I can talk more.

Referred to the City Council due back on 2/15/2023

Special Tax Assessments-Rolls

- 23** [RLH AR 23-14](#) Ratifying the assessments for Collection of Vacant Building Registration fees billed during July 11 to September 19, 2022. (File No. VB2305, Assessment No. 238804)

Sponsors: Brendmoen

Referred to the City Council due back on 3/22/2023

- 24** [RLH AR 23-15](#) Ratifying the assessments for Securing and/or Emergency Boarding during October 2022. (File No. J2305B, Assessment No. 238104)

Sponsors: Brendmoen

Referred to the City Council due back on 3/22/2023

- 25** [RLH AR 23-16](#) Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during July 28 to September 23, 2022. (File No. CRT2304,

Assessment No. 238203)

Sponsors: Brendmoen

Referred to the City Council due back on 3/22/2023

- 26 [RLH AR 23-17](#) Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during August 22 to September 21, 2022. (File No. J2305E, Assessment No. 238304)

Sponsors: Brendmoen

Referred to the City Council due back on 3/22/2023

- 27 [RLH AR 23-18](#) Ratifying the assessments for Graffiti Removal during September 29 to October 26, 2022. (File No. J2303P, Assessment No. 238402)

Sponsors: Brendmoen

Referred to the City Council due back on 3/22/2023

- 28 [RLH AR 23-19](#) Ratifying the assessments for Removal of Diseased and/or Dangerous Tree services during June to November 2022. (File No. 2304T, Assessment No. 239003)

Sponsors: Brendmoen

Referred to the City Council due back on 3/22/2023

- 29 [RLH AR 23-20](#) Ratifying the assessments for Removal of Dangerous Tree service during July 2022 at 183 GEORGE STREET WEST. (File No. 2305T, Assessment No. 239004)

Sponsors: Brendmoen

Referred to the City Council due back on 3/22/2023

11:00 a.m. Hearings

Making Finding on Summary Abatement Nuisance Abatements

- 30 [RLH SAO 23-13](#) Making finding on the appealed nuisance abatement ordered for 1068 CHATSWORTH STREET NORTH in Council File RLH SAO 23-9.

Sponsors: Brendmoen

Nuisance abated pertaining to first making-finding deadline.

No one appeared

Moermond: we do have compliance with the first part of the orders he was to deal with and we will talk about the other parts in the future.

Referred to the City Council due back on 2/8/2023

1:00 p.m. Hearings**Vacant Building Registrations****31 [RLH VBR 23-4](#) Appeal of Neil Scott to a Vacant Building Registration Notice at 928 GOODRICH AVENUE.**

Sponsors: Noecker

Grant the appeal and release the property from the VB program. VB staff to review file May 15, 2023 to see if permits closed, otherwise file will be reopened.

Neil Scott, owner, appeared via phone

Moermond: we left things last time with giving you a 90-day Vacant Building fee waiver as a Band-Aid to carry us over to today where we were going to look at whether this should be in the Vacant Building program and where we were at with permits. I'd asked you to reach out to Clint Zane about permits.

Supervisor Matt Dornfeld: my records show a building permit was issued February 3, 2023 and Inspector Zane did visit the property, at minimum.

Scott: I talked to the inspector and he said pull new permits. I did that. I also went down to review the records to see what was outstanding with the permits. Apparently on the roof we hadn't submitted pictures, which I did do last Friday. The only thing outstanding on the siding were some nail holes where there was surface nailing and they needed to be filled with wood-putty and paint touched up.

Moermond: so, all doable. The weather sensitive things are in good shape I hear.

Scott: if I could have one more month past March that march date you give. I talked to realtors and they suggested I fix the front steps and paint the trim, which I obviously can't do that now. Porch floor needs paint. The point is, if I could have at least another month I could get the outside done. I assume the inspector would also like to look at the roof personally.

Moermond: I know you're between here and Florida.

Scott: I am here until this is done and sold.

Moermond: I'm sure your realtor wants this done as soon as you can so you can catch the sale season of May and June.

Scott: yes, they want it on the market by the end of May. I think I can reach that goal easily.

Moermond: I'm going to recommend the Council release you from the Vacant Building program, however, I'm going to ask Mr. Dornfeld to make this a preliminary file and review it May 15th to see if permits are closed and the file can be permanently closed. Permits should be finalized by then. For right now you are out of the program.

Referred to the City Council due back on 2/22/2023

32 [RLH VBR 23-6](#) Appeal of Rob Yang, Wilandeth LLC, to a Vacant Building Registration Notice at 1573 UNIVERSITY AVENUE WEST.

Sponsors: Jalali

Waive the VB fee for 90 days (to April 20, 2023).

Rob Yang, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Jim Perucca: this is a 2-story business occupancy of 3,750 Square feet. The Certificate of Occupancy inspection was being done by Inspector Migdal, July 12, 2021. During that time, it is noted that there are 2 building permits open, an interior remodel demolition permit from March 31, 2021 and then a remodel building permit from October 18, 2021. To flesh out the steps taken by Inspector Migdal, he was at the property July 12, 2021 and indicated he visited and no one was there to meet him. Property appeared vacant. Will be revoking Certificate of Occupancy at this time. Subsequent notes indicate that inspector Migdal checked the property October 29, 2021 still revoked unoccupied. December 6, 2021, still unoccupied with active building permit. March 7, 2022 building permit still open and active. July 11, 2022 building permit still open. October 13, 2022 he wrote he spoke with the property owner and learned construction is still in progress and the property owner plans to complete the project in the next 90 days. Also informed the property owner that all permits need to be finalized at that time. January 17, 2023 emailed the building inspector to get his perspective before forwarding over to Vacant Building as a Category 1. January 19, 2023 discussed with me, Jim Perucca, and will be forwarding over to Vacant Building staff for follow up. Building has been in revoked-unoccupied status over a year.

Moermond: your first letter went out July 2021, so we're at 18 months now. That's kind of long to nurse along a file. What was under consideration before that referral?

Perucca: the last 90 days was given due to the conversation with the property owner. He wasn't necessarily right on top of dates after a year which is when we would typically revoke. I don't have a good explanation of why there was that lag period.

Staff report by Supervisor Matt Dornfeld: we opened a Category 1 Vacant Building per that referral. At the time of our inspection January 19, 2023, it is noted it appeared vacant and secure, as well as maintained.

Moermond: did any inspector get inside at any point? To assess conditions?

Perucca: Migdal didn't make entry.

Moermond: so the referral as Category 1 Vacant Building was not based on any code findings of the interior?

Perucca: correct

Moermond: tell me what is going on Mr. Yang?

Yang: we're turning the second floor to a 2 bed 3 bath apartment. When we had the building inspector come out to look at the plans when we were taking out the floor in the basement, there were issues and needed a structural engineer to make changes.

We did that. With Covid and we waited 8 months for the rubber membrane for the roof, and we still couldn't get it we had to do an alternative of patching the roof. When I spoke to the fire inspector I told him it was only going to be three months because the roofing supply company told us we were getting it any day, and then it turned into months. I told him I'm more than happy to meet you out to see what we've done inside. From the outside you can't see anything. Then I got the letter saying they inspected it and wanted to put it as a Vacant Building. We're not even working out the outside, just the interior. I have a \$500,000 loan on the remodeling. It isn't like I don't want to get it done.

Moermond: the fire inspector isn't the person to review those items. He'd be replying on the building inspector closing out their permits first. I would add that I'm not seeing any plumbing permit at all in the system. Mr. Perucca, do you see anything?

Perucca: no plumbing or mechanical permit issued in Amanda.

Yang: I can submit you the payment to Cities 1 Plumbing three months ago. They told me the permit was pulled. I have receipts of them pulling money out of my construction loan to do the plumbing.

Moermond: I understand. The permit just isn't in the system, so they haven't made application yet for that. The mechanical permit is under review so they may not have complete information on that. Hard to say. Kind of beside the point. Am I right that you purchased January 2021?

Yang: yes.

Moermond: the next thing is you pulled the interior demo permit in March 2021.

Yang: right.

Moermond: then I see another building permit pulled October 2021. The inspector came out in July of 2021 making the determination the building is empty. He gave a year and a half from that point for permits to be closed. I have to say this is my bread and butter and I don't see it takes that long for contractors to close these things up as a rule. A year and a half, even during Covid, is doable. I'm reading between the lines that you don't want to be in the Vacant Building program and pay the fee. You were saying I'll be done in 90 days to the inspector. How are things looking now?

Yang: I have a couple tenants that want to get in there. As of today, I restructured my loan because we're expecting it done by the end of May. I can get letters stating we were on a 9-month waiting list for materials. My contractors were scheduled to do the roof at a certain time, but when the materials weren't in they couldn't just wait for me. They had to do other jobs. I kept having to reschedule all my contractors because of my material delays.

Moermond: I am struggling with how that relates to this being an empty building that isn't ready to be used. I get it is taking a long time. I'm guessing this has been vacant since you purchased January 2021, at least. I'm hearing you're working on it. I hear an 8-month delay on roof. Now I hear anticipated occupation in May.

Yang: we weren't able to get the roof because there was structural damage in the back of the building and tear some of the CMU blocks down and put new up before we could even put the roof up.

Moermond: what I am hearing is this is an old building and you're finding problems that weren't anticipated, but this is common when working on older buildings. I want to work with you on the Vacant Building fee which is what is in front of me today. I'm landing that it is definitely qualifying to be a registered Vacant Building. It was referred as a Category 1 which is to your benefit because you aren't being required to get a full Code Compliance Inspection Report. That would slow things down more. I hear you have a lot going on with the loan and I'm looking at this and thinking you aren't going to be done in the normal 90-day waiver window. That would take you to April 20th. I can do that, and if you are done in May it is 4 months in. Let's do that waiver. You can pull permits and continue your work. If it goes over April 20th it will move forward as a proposed assessment on the property taxes. I am more than willing to look at prorating it if you're in for four or five months. Let's have that conversation now, for now let's put that waiver in and you continue to work. If you're not done by April 20 we can continue to work together.

Yang: what is the waiver?

Moermond: you went into the Vacant Building program January 19th. A 90-day waiver takes you to April 20. You don't have to pay the fee if you get out of the program in 90 days. Permits finalized means no fee. It also means you won't have trouble pulling permits.

Referred to the City Council due back on 2/22/2023

1:30 p.m. Hearings - None

Orders To Vacate - Fire Certificate of Occupancy

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 33** [RLH FCO 23-1](#) Appeal of Amanda Knutson, Brownstones of Summit/Gassen Company, to a Fire Certificate of Occupancy Correction Notice at 596-604 SUMMIT AVENUE.

Sponsors: Noecker

Grant to September 1, 2023 for compliance, conditioned upon: 1) ceasing to use stairway as emergency egress from third-floor units and 2) submission of an updated engineering analysis confirming stairs are safe to use for second-floor emergency egress by March 21.

*Amanda Knutson, property manager for Gassen Management, appeared via phone
Pauli Kennelly, interim Board President, appeared via phone
Seth Stevenson, project manager Gassen Management, appeared via phone
Reverend Reid Olson, board member, appeared via phone*

Voicemail for Seth Stevenson left at 2:50 pm: this is Marcia Moermond from St. Paul City Council calling you about the appeal for 596 Summit Ave. WE have one other person to call in and then we'll try you again.

Tried Seth Stevenson again at 2:53 – no voicemail left

Moermond: we left things last time that we wanted to continue this to get more information, a staff report that was up to date and use that to help inform where we go with deadlines for compliance with the orders issued by Fire Inspections.

Staff update by Supervisor AJ Neis: I was called out to this property about a year and a half ago about the rear staircase for concerns of safety and structural integrity after an engineer's report that the stairs should no longer be used. Mr. Stephen Ubl, Brian Karpen, and I all reviewed the staircase and were in agreement with the engineer's report provided that it wasn't stable and cannot be used. We even brought the Fire Department out there, so they avoided its use as well. We were informed it was a large project since it was a condo association. We were assured in August 2021 it would be done by spring 2022. No progress made with permits or getting it done. We are now into spring of 2023. I did go visit the property again today to see any changes. There has been additional deterioration on the staircase. More rotting on the stairs. The third story has a guard rail missing altogether. This is something that can no longer be delayed. It needs to get repaired or replaced sooner than later.

Moermond: can you talk to the group and confirm; this is a 3-story set up and this stairway provides a second means of egress. That egress is required for both second and third level? How do you interpret it?

Neis: we believe it is. 100 percent for the third floor. Most likely for second. We'd need documentation from them to prove otherwise.

Moermond: I have as part of the package in front of me information that was developed as part of a bid to do the work and that—

[Seth Stevenson is called in and given brief history of conversation]

Moermond: Ms. Knutson, you were starting to talk.

Kennelly: I can update you on designs and bids. We did get a first round of designs and the bids were so incredibly high. We went back and asked the designer to design something simpler but still would pass inspection. That took time and now due to supply and building issues it took a long time to get bids. We have one bid now, and a second and third today. We've continued discussion on the loans.

Stevenson: I agree with everything stated so far. We did have the drawing redesigned to downscale the scope for sake of cost and we currently have four contractors who are in the middle of bidding. I have gone back and forth with all four vendors and had extensive communication. Vance Construction told me to anticipate their bid early this week. I haven't received it yet. Just so you are aware we have four active proposals and I've told each vendor involved about the timeliness of this.

Moermond: one thing that is confusing to me, Mr. Neis. We have orders that indicate there needs to be repair or replacement of the stairs and yet I'm not looking at an actual condemnation as unsafe for usage. Is that covered previously, or is it an oversight. I think we're all in agreement that it only be used in the case of an emergency where there is no other option.

Neis: there is a condemnation from August 21, 2021, when we originally met.

Moermond: so that wasn't restated in the current orders, but, from your perspective, it didn't go away.

Neis: Thurner is a new inspector and didn't notice when he looked at the file there was already a condemnation on it and didn't consult with his supervisor. He most likely wouldn't have written the staircase up at all and left it as the standing order from August 2021.

Moermond: when I look at this situation it seems to me the question is by when does the work need to be done and what is the enforcement if it isn't done? When I have a simple letter with a reinspection date it puts a delay on the next level. If the Council gave X months, at X if it isn't done you would elevate to a vacate? Is that how it would be handled?

Neis: the next step after would be to revoke the Certificate of Occupancy for the building, likely a partial revocation.

Moermond: this is a condemnation hanging out there quite a while. Often there is faster turnaround and expectation. It looks like the Department has made a finding it is indeed unsafe but it isn't "code red". Maybe code orange. It is called out but you haven't forced the question since it was originally brought forward.

Neis: August of 2021 when we went out, please understand, this is a Fire Certificate of Occupancy and we are in the business of occupying business and not shutting them down. This is a case where we wanted to avoid displacement. At that time the staircase was still fairly useable. I walked it at that time, albeit reluctantly. We let the Fire Department know not to use it to bring up heavy equipment. Occupants agreed to remove furniture and not use for leisurely purposes. We left the timeline open for a couple of reasons: one being it an HPC issue, and two, I can't think of another structure in the city that is this size. It is massive. We knew time and finances were involved. We were maybe a little too trusting when we were told it would be done in the sprint. We should have given a more immediate deadline. It was maybe a code yellow that August. Now we're getting into code orange, or maybe even code red now. It may not even be safe for emergency purposes at this point.

Moermond: so, we have four bids coming in. I'm sure the board is actively considering financing. I know the original proposal was daunting. They will have to pull the trigger on something or there will have to be a vacate date. Have you talked to contractors on the timeline for executing the work?

Stevenson: we've reached out to 29 contractors total to expedite this. Just to express we are doing everything we can. Yes, I can ask for a firm timeline but the association needs the opportunity to review those proposals and decide based off those bids. Once they have a vendor they can base their loan amount on that. There has been preliminary discussion with budgetary figures on expectation of costs and actions being taken from property management and the board to make sure everyone is on the same page.

Moermond: I'm not looking for submission of proposal timeline. I want to know when permits will be finalized and the situation made safe. We have HPC review, board review, demolition, and construction. That all leads to the finalized permit being the finish line. The board needs to move expeditiously with its portion of this. I'm thinking September 1 looking at the calendar. This construction season and more than

accounts for design issues with HPC. Thoughts on that?

Stevenson: it does sound like the HPC understands the situation which is beneficial. I do think that is feasible. The priority is getting a contract accepted and finances sorted, it is just the contractor's timeline. As soon as we have an accepted proposal the priority will be speaking with that selected vendor. There are some unknowns and change order possibilities. Once we remove the large structure we have the connection which is an unknown, and some flat roof membranes that need to be replaced. It is hard to put a timeline in advance. We understand the need for timeliness and that will be communicated to all parties involved to ensure it is expeditious. I would love to see a September 1 date for completion but I can get realistic feedback on timelines as soon as we have a contractor in place.

Moermond: and I get you are balancing those concerns and I am balancing exclusively the life-safety concerns. September 1 feels overly generous in terms of people not having a safe second means of egress. It isn't safe. Mr. Neis, in terms of use you did touch on whether it was safe for emergency egress. Your current orders indicate it can only be used for emergency egress. Is that the Department's position still, or has that changed?

Neis: to be honest I would say that is our current position. Obviously in an emergency there is going to be an attempt to use it. With the snow load and further deterioration, it isn't something someone would want to walk on to find out. There are boards totally rotted out and missing guard rails. I would say it shouldn't be used at all. A firefighter definitely shouldn't use it as an initial point of entry. My suggestion would be to have the original engineer give a new assessment in the interim. That puts the onus back on the management company.

Moermond: I am concerned about the one unit affected by the missing guardrail as a fall hazard. We could make a call now without a guardrail that it isn't safe for emergency egress.

Neis: we'd have to go into the units themselves unless they can tell by photos. There are multiple units that can access that area. It is one large open deck.

Moermond: the entire third floor is affected by the missing guardrail?

Neis: correct.

Moermond: let's make that call now. The threat of fall outweighs the other consideration. As far as continued use from second floor down, can that continue to be used for emergency purposes?

Neis: it is hard to say because if it is the only way out then it should be used. But if it is safe? I have to say no. Could they potentially get out safely in a fire? Sure. No way to predict it.

Moermond: September 1 deadline and within the resolution I am going to say it is conditioned on ceasing to use the staircase in the back as emergency egress from the 3rd floor and a new engineering analysis on whether it continues to be safe for emergency exiting from the second floor. Let's have that report in six weeks, March 21. We'll look for some analysis of if it continues to be safe for emergency egress. If that is contrary to where I'm at with my recommendation we'll have to update either the orders or my recommendation.

The question of what happens if the work is not done by September 1? Fire inspections staff will look to see if permits are closed and if they aren't the enforcement would be a vacate date as part of a condemnation and order to vacate. That document is also appealable.

Knutson: there have been a lot of inconsistencies in these inspection forms. The last one we received was December 30, 2022 from Frank Thurner. I know this is mainly about the deck but he listed things on this list that have already been repaired. Also mentioned he'd be out June 1 of this year. Is that June 1 date erased?

Moermond: yes. Based on where we are at with the hearing, Mr. Neis, can you issue updated orders from your department?

Knutson: some of these things, one in particular mentioned in the interior they needed to provide four-inch unit numbers, so we did that. We paid to have all of those numbers replaced, and we'd just replace in July 2022 and it wasn't the interior it was the exterior in the rear entrances. So, we spent this money to repair what was on this list and find out that wasn't even what the deficiency was. Then he mentioned a railing in unit 604—

Moermond: would you like to have an inspection to confirm things are done? I can't deal with these things here. We can have that double checked to make sure it is all square. Mr. Neis, this is your department?

Neis: it says interior was abated. The only thing the inspector has on his report are exterior issues.

Moermond: I'm going to ask you take this conversation offline. It doesn't pertain to the outcome of this hearing. I'll leave that to you folks. Mr. Neis, your contact information? We can also include that in our letter.

Referred to the City Council due back on 2/22/2023

34 [RLH FCO 23-10](#)

Appeal of Curtis Persson to a Fire Certificate of Occupancy Correction Notice at 1436 SNELLING AVENUE NORTH.

Sponsors: Jalali

Layover to LH February 14, 2023 at 2 pm for further discussion. PO to contact House Calls for assistance.

Curtis Persson, owner, appeared via phone

[Moermond gives background of appeals process]

Persson: could I just ask you something before I forget? My son was wondering if he could have more time before you come to inspect?

Moermond: that's what we'll be discussing today.

Staff report by Supervisor Leanna Shaff: January 2, 2023 we received a notification from the Fire Department they were at a home with an excessive amount of combustibles, things in the house, narrow pathways, multiple dogs, large bird cages, animal feces, resident room in the basement. Housekeeping is a life-safety hazard for

first responders and residents. Inspector Heitman had gone to the home January 5. He was unable to gain access. We also found out that the home is not owner-occupied. That means in this City if a home isn't occupied by the owner of record it requires a Fire Certificate of Occupancy. That means it must meet minimal property maintenance and fire codes, among other codes. He wrote orders to get access to the property and get the provisional Certificate of Occupancy. He gave a deadline of February 6. In the meantime, the appeal was filed which stayed those orders.

Persson: I don't charge any rent. Did you read the note I wrote? My son had no place to go and we had that home. The kids were small and my wife would go down during the week and take care of the kids and make sure they got to school and then stay up here with me on weekends. We were just trying to be good Samaritans. They grew up and got older and the kids moved out and my son probably didn't take good care of the house. We haven't been down there for 3 or 4 years, since Covid. I'm 76 and have a heart condition and cancer, so I don't drive much.

Moermond: Ms. Shaff explained it isn't whether or not rent is charged it is whether or not it is occupied by the owner.

Persson: we haven't been down for 3 or 4 years.

Moermond: did you know how bad the conditions were?

Persson: I didn't. My son isn't the greatest housekeeper.

Moermond: to say the least. They called it hoarded house and found feces throughout the house, and an illegal bedroom in the basement and a major life-safety hazard for fire-fighting operations. That's rare to see from the Fire Department. This means the house is really unhealthy. I'm glad he's willing to do some cleaning. Frankly, when I see orders this severe I was surprised that DSI didn't condemn it and order it vacated due to the conditions. But they didn't. The orders went out January 5 and here we are February 7th. It was to be reinspected on the 6th. I'm troubled that he is still working on it and wants an extension. This is the kind of thing, especially with kids involved—

Persson: the kids have moved out. He's had 4 back surgeries. He's been cleaning really well from the information I get. The kids aren't involved. They are in their 20's.

Moermond: so, no kids live there?

Persson: no.

Moermond: he has had back surgery and a lot of work to get it into a sanitary and unhoarded condition.

Persson: no one is sleeping in the basement anymore. There is a bed so I can see why they would think someone was sleeping down there. There are 2 bedrooms upstairs. He just works down there. I understand there is no way to get out if there was a fire upstairs.

Moermond: when you've been there in the past was it hoarded and unsanitary?

Persson: no because my wife would go down and she kept things up.

Moermond: I tell you what. There is a program called House Calls. I think he would

income-qualify. You said in your note he isn't working?

Persson: no, he's disabled. He gets disability.

Moermond: no question then that he'd qualify for free assistance. They may be able to even get this paid for but it has to be taken care of very quickly. You need to get them involved right away. The person who you need to contact is Lauren Ross. [Number for House Calls Given] They have people who specialize in housing crisis. They understand hoarding conditions. But he has to be willing to cooperate to get rid of stuff and get things clean. If he is fighting back trying to keep everything it won't help.

Persson: I understand. He knows how serious this is. He has hired a truck to come remove things.

Moermond: why did he hire a truck?

Persson: he didn't know what else to do. I tried to scare him about how serious it was. What else could he have done? He can't lift heavy things.

Moermond: let's get House Calls involved. I'd like you to reach out to them today or tomorrow.

Persson: can my son do it?

Moermond: we may need to get him on the phone. He'll need to get ahold of them and have a plan in place. We'll talk again in a week. I need to know you guys are all over making this a safe and sanitary place to live. When the Fire Department is worried like this, I'm worried. Call that number ASAP. Explain the orders on it and honestly, a plan needs to be in place by Tuesday of next week. This has to be taken care of or it will have to be vacated.

Persson: can you tell my son that?

Moermond: you filed the appeal so you are the one we called.

Persson: I filed the appeal to say I didn't have it as a rental. I wanted to say it wasn't. That is how this started. I understand!

Moermond: with respect to its being a rental or not, we talked about it being not owner-occupied. The other piece is even if it was owner-occupied it needs to be cleaned out to continue to be lived in.

Persson: you've made that perfectly clear.

Moermond: good. Delivering that message to your son, he didn't file the appeal. This is your property though. We can try to call him.

Persson: I know, but I can't kick my son out. If you give him a little scare. He has no place to go. He's been cleaning and has hired two trucks. He has told me he cleaned the floors and washed covers. I presume that's true. He is trying.

Moermond: your son is Peter Persson?

[Persson gives number]

[Peter Persson is called at 2:35 pm- straight to voicemail: this is Marcia Moermond from St. Paul City Council calling you about a hearing I'm conducting about the orders on the property at 1436 North Snelling. The question is about the follow-up inspection. I understand through your father you'd like more time. I'm going to schedule a hearing for next week between 2 and 3 pm and I need you and your father to reach out to a program called House Calls who work with people like yourself with hoarded, unsanitary houses. They can help with dumpsters and cleaning services. Reach out in the next day, two at most, and get a plan together we can discuss at the next hearing. You need to get them involved.]

Moermond: we'll talk to you next week Mr. Persson.

Persson: next Tuesday we'll have another meeting?

Moermond: yes, following up on whether you're working with House Calls.

Laid Over to the Legislative Hearings due back on 2/14/2023