

Mins 220 Robert St Meeting on April 22, 2024 at 2 PM

Attending:

Raj Mehta, owner

Marcia Moermond, Hearing Officer

Charles Graupman, Sergeant St. Paul Police Department

AJ Neis, Department of Safety & Inspections, Fire Safety Manager

James Perucca, Department of Safety & Inspections Fire Supervisor (Commercial)

[introductions are done]

Moermond: I'd like to talk today about what sorts of things led to the condemnation and what we can do to allow that to be lifted and allow reoccupation of both parts of the building currently condemned. I think that should be conditional, and that is what we discussed in the hallway [outside the Council meeting]. The Council asked whether the condemnation should affect other tenants of the building? They didn't necessarily want to punish tenants for the behaviors of others. We had that conversation on February 14. You arrived late, after the Council meeting.

I note the date because on February 16 one of the incidents in question happened. I'd like to walk through the conditions, hear any comments you have. I've ran them by this team but as you have questions and comments, they're the people who will be working with you. My job is to simply take this back to the City Council and say, "we have an agreement".

[draft "Affidavit Agreeing to Conditions" plan/nuisance abatement plan is passed out]

I'll be asking you to sign in saying you agree, in order for the condemnation to conditionally lifted. What I pictured is we have this agreement signed, imbedded in is the expectation you have tenants sign an addendum on their leases that would have some of these conditions in it. We'd have a police visit and will revisit the matter in January again to see if all the conditions can be lifted at that time.

You are the only owner of Act for Cause, LLC?

Mehta: yes.

Moermond: this relates to the conference space and any other space condemned. As you know, I'm not the decision-maker, I'm the recommender. If everything looks good I can put together a resolution and we'd create a record in here on what the situation was. I also wanted a fallback position in case something happens between now and January that is of concern, I wanted to have it be something that would claw back this agreement. If there's a party at 4 am then staff would tell me and we can have another hearing to discuss what they found.

The next has to do with video cameras. I understand from you, and then saw your tenants in subsequent appeal (Clubhouse Entertainment). My understanding from them is you have cameras all over the building.

Graupman: correct. We were offered to see the video, however then it wasn't available to be shown.

Moermond: which is important to note. For my purposes I was thinking we'd only concern ourselves with the cameras just in those spaces I think the St. Paul Police Department would be concerned about. That was the entrances and the meeting areas where people would be doing the dangerous behaviors that got us here to begin with. We wouldn't worry about any of the other cameras.

48-hour turnaround to get the video to Sergeant Graupman and his staff. They can request the video record immediately if they see it as necessary. Sergeant Graupman mentioned working with you ahead of time to make sure all this equipment is functional so you aren't trying to figure out what is going on. That way everyone is in agreement at the start that everything is functioning as it should be. If it isn't, then you need to get it working. You may want to check it with enough time between meeting with the Sergeant and the May 12 deadline that it is built into your schedule. I put a May 12 date because the City Council meets May 14 so I can make a recommendation that date with all this in resolution and it is all taken care of. The final four conditions are the hours for the building use and trying to think around normal office hours. Some people work early, some late. Weekends I said 6 to 8 since it has been weekend days that have gotten you into trouble.

No fireworks of any variety shall be used at the property. I wanted to specifically mention there was a definite difference in the calls the St. Paul Police Department received and what you reported to have been the issue. They received calls of gunfire. You reported in Legislative Hearing that it was a confetti cannon. I don't think it was a confetti cannon personally. Neither of us were there. We only know what we were told. I am putting no fireworks of any variety, which includes confetti cannons. What I'm not asking you to say is that if I were you it would be prudent to not allow guns on the property. I'm not making it a condition, since I don't think the government should regulate guns in this environment this way. It isn't my business to infringe on the second amendment in this case. As the owner of a property, you know you can put up signs. Since you know what has been reported to the St. Paul Police Department, you act as you see fit. Again, not a requirement.

Alcohol service. If you were a regular office building, if someone has pizza and beer after hours I would say I wouldn't break a sweat. But you are not. Alcohol can be served but there are licensed caterers that can do this legally. I want it limited to that. A birthday with 100 people, a licensed caterer with a liquor license to be able to do the service would work, but only those circumstances.

The conference rooms I am asking people to sign in. If ABC business reserves it, I want to see it noted they reserved it from 5 to 7 pm and the people sign in. You can get rid of them after 30 days.

[Manager Neis had to leave hearing due to a fire emergency. Perucca staffed balance of hearing on behalf of Fire Certificate of Occupancy staff]

Moermond: any concerns about the first section and what we've discussed?

Mehta: no.

Moermond: I don't know what kind of camera system you have. What are you thinking about that?

Mehta: I think we are on the same page now. There was no video installed on the dates of the party. I didn't have the camera. Outside camera I was able to share. I showed a couple of videos from outside. But there was no camera inside the hall. If I look at the police report dates, there was a date on the 22

and on the 17. There was no one on the 22. I showed the video to Mr. Neis. I can see quite a few things happened that are not good for publicity. I am on the same page. Everything looks great. There was no party on the 22, but I accept the fact that people came all night to the parking lot. It doesn't sound right in terms of an office building. That attracts bad publicity. Not for the party. I want to keep it as an office building, bottom line.

It is hard to micromanage businesses once they sign a lease. But it is public safety. We're in the same place now.

Moermond: two things need follow up. First, why the police were there February 22. The other has to do with whether or not you are responsible for what happens within your building. We do have a police report for February 22. I'm also 100 percent holding you accountable for what happens in your building.

Mehta: oh, definitely.

Moermond: you just said you weren't.

Mehta: I said I don't know who is responsible for micromanagement. It is hard to micromanage each tenant. I am responsible for the building's safety and public security. I'm taking responsibility.

Graupman: [reads public narrative attached to record from February 22, 2024]

The officers were out on that date, something caught their attention. It is important to note the time, 10:30 p.m. and admission of a birthday party happening, and it was large enough to get the attention of police officers. The last thing I'll note about that incident is the officer's sent it to Department of Safety & Inspections and I was the investigating Sergeant in that matter. The report was then sent to Manager Neis and that is part of the reason we're here today.

Mehta: on the 22nd you saw outside people, and they said there's a birthday party?

Graupman: this officer, on that date, February 22, 10:30 p.m.

Mehta: a number of people came into the building and that's when I showed Mr. Neis that 7 people came into the building at different times throughout the night. I have the video on my laptop. I didn't show them then because I didn't have a video of the party room. That was the only gap, I didn't have it at the time. Now I put a camera there.

Perucca: when Inspector Neis, Migdahl and I were out and requested to see the video, you attempted to pull it up but were unable to show us.

Mehta: I was able to show the front and back entrance.

Perucca: you were unable to do that.

Mehta: ah, I don't think so.

Perucca: Mr. Mehta, I was there. For the record, you were unable to provide that.

Mehta: I think maybe, I just came to the office and saw you guys there. I don't really know. I just know there was no party.

Moermond: I'm done with that because I saw photos of the room which make it look like a party. You haven't built a record of trust on this, and you told me before that the incident with the confetti cannon was a birthday parties. Your building seems to have a lot of birthday parties with a lot of bad things happening at them. I don't know of other people's birthdays having these issues.

Mehta: I am not saying that whatever you are saying—

Moermond: from this point forward, you are accountable. If Sergeant Graupman or any of his people ask for that video you can't do what you did with Mr. Perucca's people and not share it.

Mehta: I showed the video from the entrance but not inside because I didn't have a camera inside.

Moermond: I am hearing no video whatsoever.

Mehta: I am sorry if I was unable to pull it because of other things, that may be possible. But I don't really recollect right now. I have the camera footage—

Moermond: you recollected now and said you shared it. You sat here and said it not 5 minutes ago.

Mehta: I shared whatever I could see. I logged into my account. I opened it in front of you and shared whatever I could see.

Perucca: there was no video. You were unable to do it you said.

Mehta: that's fine. I do this because it's the past right now.

Moermond: you can argue all you want. I don't trust you.

Mehta: ma'am. If you just look at the thing at the end of the day, it isn't active. But you guys are doing a party. If you look at the whole thing, the document, the business hour is zero. It is a closed building. If you look it up, they keep the information for their own marketing. I removed the listing after Thanksgiving. The hours say 0. That means it is a closed business. I'm just saying, you have the document you can take it out. It is 0-0-0. I'm just saying things can happen. Whatever things happened I'm sorry for that.

Graupman: I just want to make sure you understand that at this point moving forward your cameras will be inspected and you will ensure they are working properly and if they are requested you will provide that video. When I say provide video it means working footage.

Mehta: I got it.

Moermond: any other questions?

Mehta: the business hours. I googled the Counseling service. They operate after-hours. I don't know if 8 or 9 pm. If you could make it 5 am? Sometimes they come 6 or 5:30 a.m. They have the window cleaning company and their people come 5 or 6 o'clock Monday through Friday. And instead of 8 pm make it 10 pm. That would cover all the—you know.

Moermond: it is 6 am to 10 pm Sunday through Thursday. Four days.

Mehta: I can call the owner, but I know they are there by 6 am. It is based on their appointments. If you could make it 5 am it would be ok. Then the counseling services 10 pm is fine. Monday through Friday.

Moermond: staff feedback on the 5 am time?

Graupman: no concerns based on the police reports and calls, no reason for suspicion for a problem with that. No officers responding to the business at that time in the morning.

Perucca: I agree. 5 am seems reasonable. 10 pm seems more than adequate Sunday through Friday.

Moermond: you would include Friday? Knowing we have had parties on Fridays and knowing what the police workload looks like on a Friday night. If they have an earlier closing time they are able to move on with their work lives.

Perucca: that's reasonable, earlier hours Friday and Saturday.

Graupman: I agree. 5 am isn't an issue but 10 pm on a Friday it could be an issue.

Moermond: we will change to a 5 am time but keep the 8 and 10 pm.

Mehta: Sunday through Thursday. Friday and Saturday 5 am to 8 pm?

Moermond: yes.

Mehta: can Friday be 9 pm?

Moermond: no.

Mehta: that's fine. I'll let them know. No fireworks is perfectly fine. I'll put up a notice and if I find something maybe I'll just let you know.

Moermond: the City isn't in the business of enforcing your own lease.

Mehta: I know. Number 5 is fine. Question, the current capacity of the big hall upstairs and downstairs is 11 and 12. Not even 20. But I have applied for a permit for assembly use of the hall, because the hall capacity is 200 people. For today this is fine, but if it is approved for assembly use, then the 20 people?

Moermond: maybe you are misreading my intention. I wanted to speak to rooms that I have an occupancy load of 20 people **or more**. If you have a room that can accommodate more than 100 people, then it needs a camera. 20? A camera. That's what I am looking for.

Mehta: that's fine, definitely.

Perucca: some of the issues with the rooms themselves is even if they are large enough to accommodate more people, they didn't have the proper exiting. Until that has been rectified and approved, whether the room can physically hold more people, if there's only one legal exit it cannot be over 49 people. The occupancy load also depends on how the room is configured, tables and chairs, chairs only.

Moermond: my understanding is that an architect is hired and application made so these rooms could be an assembly use, but I don't know the permit status. I asked a hold to be put on finaling the permit pending the conclusion of this conversation. I didn't want the City speaking out of both sides of its mouth, us saying you can't use the space and another department saying you can.

Perucca: I believe plans are still under review.

Moermond: next would be pulling the permit to make the necessary changes.

Mehta: I applied for the permit in December. I emailed Sebastian after the March 25 inspection and he corrected all the door stuff. All the things were corrected, whatever he asked on the original list. Then I asked about the permit. My point is it is due for inspection for assembly use. I can talk to Derek and he said it is cleared from their side and went to the Fire Inspector.

Moermond: I will look for three things: 1) this document signed; 2) for all your current and future tenants to have an addendum to their lease saying they agree to these conditions and I want to see that by May 12 for all your current tenants and 3) I need a report back from the Sergeant saying cameras are up and operational and can produce video. If Mr. Perucca has the experience he did that it wasn't there when it is requested that would be grounds for us rescinding this agreement.

Mehta: yes ma'am.

Moermond: so, the single change is in item 2 of the conditions, that the hours will be from 5 am—

Mehta: number 2, the timing. If I want to go do work at my office really late sometime, am I allowed to or not? I work all night sometimes.

Moermond: what this says use and operation. I think you being there in those hours would be use. You are the owner, and if you find something is happening there during off hours, of course I would expect you would go and investigate that. We're in a time period of less grace than more in that regard.

You aren't in St. Paul though.

Mehta: I live in Eagan, but my office is also there.

Moermond: it isn't a big imposition for you to do your business in another location after 10 pm.

Mehta: I have to go to Eagan then?

Moermond: I am saying from now through January 7 we're trying to put together conditions, and you're saying everyone except me. I'm trying to think if I am the St. Paul Police Department and trying to figure out why the light is one when I understand it should be closed, then what do I do with that information? Knock on the door?

Graupman: the issue of concern is the conditions say use or operation, if someone is in there, even if it is yourself, we would look at it as not following the conditions. We don't know who. When an officer responds to a complaint for a call, we don't have the luxury of determining who the person is or isn't. We don't know that. My concern is misunderstanding who may be using the building after 10 pm. To Ms. Moermond's point, we would have to investigate that which would use resources for us. We dispatch an officer, who has to determine whether or not it is you? Ok fine, but what happens tomorrow when someone calls again and we wonder if it is you again or not. It becomes problematic to use a building you aren't supposed to. If you are responding to something, or an extreme circumstance, that's one thing.

Mehta: I mean, I work late.

Graupman: 10 pm is reasonable. Most businesses in the City are closed then.

Mehta: how about this, is it ok to use the office at 11 pm because I have a specific meeting? I can send you an email?

Graupman: that's a great idea but in reality that isn't logistically feasible. I appreciate your understanding, but if we say something is closed after 10 pm and it is continuing to operate—whether it is you or not—creates confusion for everyone.

Moermond: for the time being, my recommendation to Council would be that condition needs to be met. Will it be true for all of 2025? Probably not, I'm expecting you to not have problems. Are you on probation right now? Yes, you are. The fact we talked on February 14 and there was an incident on February 16 the Councilmember questioned whether we should even be doing this. I said he'd made—

Mehta: can I talk? I understand things happened, and I get the responsibility, but at the same time—I don't know. Just let me open the video and prove and what you want to enforce you can, that's fine. Most of these calls happened after 6pm. It is definitely locked then. That's fine. I am trying to open my videos from the 23rd. I believe I shared them. Just give me a few minutes.

Moermond: why do I need to see that?

Mehta: because I did show the videos with the Sergeant, at least 2 exits. I did share those. I am not arguing who is right.

Moermond: that is exactly what you are doing.

Mehta: you are saying you don't trust me and all these things, that doesn't allow me—you are just blocking me everywhere. It is getting me hot. I do my work in the night. If I cannot work in the night-- How do I take care of that?

Moermond: other businesses are cleaned before 10 pm.

Mehta: I'm not talking about cleaning. If something isn't working, I go take care of it in the night. If something is leaking, I can see quite a few situations.

Graupman: one thing that is confusing—what you are saying is you're asking permission to work in the building on a regular basis. Now what you're talking about is responding for emergencies or specific maintenance issues. Those are two different things.

Mehta: but it is the same thing for you guys—you don't see.

Graupman: we're not saying that. The building isn't to be used after 10 pm. I think what you think we're saying is that you can't go to the building if there was an emergency. That isn't what we're saying. We are saying it can't be used. I just don't know if you quite understand.

Mehta: you mentioned earlier about how you would identify if I was using it or someone else.

Graupman: my point was if you are using the building on a regular schedule, every night, after 10 pm it will be a problem for us. We're talking is use of the building after 10 pm. Operations.

Mehta: got it. What is the solution for this? How do you determine if I am using it or someone else?

Graupman: that's why we are putting these on there. If we respond after 10 pm and you aren't there and someone is, it is a problem. Just you being there doesn't excuse that either. That's why we have the conditions. It is our job to determine. If we're there after 10 pm and it is occupied it is up to us to determine what is going on. What we're saying is you can't operate or use the building after 10 pm.

Mehta: got it.

Graupman: I hope so.

Mehta: we keep everything the same. But if I have to use it? If I come to the office Monday evening, for example, because my documents are at the office, at 10:30. Can I stay until 10:30? Just me?

Graupman: that's what we just talked about.

Mehta: that is considered part of a violation? Or is it okay?

Graupman: No. That's what we're talking about. After 10 pm the building isn't to be used.

Mehta: ok.

Moermond: we understand there may be emergencies that arise such as a leaking toilet causing damage. These are contingencies we couldn't list out. I think I said a moment ago that I have a hard stop at 3 pm. Here is a revised affidavit with a 5 am time for opening. You can choose to sign it now or take it and return it later. As indicated, there will be an expectation you meet with the Sergeant or his designee the cameras are working and you show us the tenant lease updates. I hope we have a meeting in January and everything is gone and taken care of. That's the best outcome.

Mehta: one last question. When do these conditions start?

Moermond: not until after the City Council votes on May 14.

Mehta: ok. I am using the business every day. This will go in front of the Council, even if I sign it—

Moermond: 3 things—that, the lease addendums, and the camera inspection. Those three things get me to modify the resolution in front of the Council and lift the condemnation based on those conditions.