



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, October 22, 2019

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 19-5](#) Ordering the rehabilitation or razing and removal of the structures at 718 ORANGE AVENUE EAST within fifteen (15) days after the March 13, 2019 City Council public hearing. (Amend to 180 days) (Public hearing continued from October 23)

Sponsors: Busuri

Public hearing continued to November 6, 2019. By November 5, PO must provide proof of financing, closing documents and a work plan.

Jay Nord, buyer, appeared
Kristine Guild, PED deputy director, appeared

Moermond: we are so close to being done with this. You know we're looking for an updated work plan. I have a letter from the bank, which isn't the same thing as a closed loan, when would you have that done?

Nord: Friday afternoon. Closing on the bank loan happens at the same time as closing on the property.

Moermond: ok. Do you have an updated plan?

Nord: I did, I emailed it yesterday, it was in the body of the email. You were copied on it. CJ and Kristin got it for sure. Attack the outside while we still have some good weather and remove the blight from the neighborhood. That means getting the exterior and landscaping concerns done before the snow falls. Turn to inside in the winter, and have it listed by March 1, we expect the code compliance to be complete around February 1.

Moermond: what happens between code compliance and MLS listing?

Nord: punch list and waiting until after the Superbowl, when the market picks up, just making it perfect.

Moermond: your Council meeting is tomorrow, I'm hesitant to lay over for 180 days,

without closing and the loan.

Nord: well I can't close, the loan is contingent on closing.

Moermond: I want to lay it over two weeks, so I can make the recommendation for 180 days until the financing closed. Then you have your title, financing and work plan.

Nord: so we'd close on the loan and transfer and then get an extension?

Moermond: just send in your closing documents Friday. We'll recommend 180 days, once you get greenlighted here, you can pull permits at DSI.

Nord: I have some concerns about that. In real estate you play the "what if" game. What happens if the extension isn't granted and the property is removed? I know there's good faith here, but your suggesting the property could be removed.

Moermond: you've been dealing with that this entire time. I've been recommending extensions to the Council this whole time.

Nord: I've never been at risk of a building I own being removed. I'm willing to move forward, but if I told my bank but the property is still subject to being removed, they wouldn't want to close on the loan.

Moermond: its subject to being torn down no matter what, it could be subject to being torn down if you don't do the project in 180 days, it could be subject to being torn down if they vote 15 days. Either way, its an order to abate a nuisance building, which means at the end of whatever time period granted, the nuisance will be abated, either by you or by the City. That, I imagine, affects the price of the building. You've entered into this, I cannot good faith as a public servant recommend the council grant you time when you don't have title or financing locked in. I'm more than happy to have this laid over 2 weeks. They are considering it prior to your closing, but I'm not willing to change my recommendation as I sit in this seat.

Nord: ok, I'll move ahead on those terms, if something does go wrong in that plan and the building is demolished, it seems that it puts both myself and the City at risk, but if that's how things are done I'll move forward. It seems unusual to me. But I've never been down this road before.

Guild: this is a new process for us as the HRA/PED so we've been learning as we go along too. It had been my understanding coming into this hearing that we could be making a decision to move forward with the recommendation for extension of the rehab period with the closing subsequent.

Moermond: I didn't have the letter, or if I did, I didn't know it was imbedded in the letter. I see these letters, but its not the same thing as secured financing. Please understand, if I recommend a layover to the Council to November 6, that means on the 6th I ask them to take action. Its also a public hearing, if things haven't gone the way you anticipated you can also address the Council at that time too. If you have all your pieces in place, I've never seen someone in your position and the Council not give a grant of time. I'm ready to go, I thought you had closed, I guess you meant with the County.

Guild: it was my understanding coming into this hearing, we could close simultaneously

with the County and Nord after this hearing, so I was misunderstanding as well.

Moermond: I see no difference except for a tiny delay. It can be as simple as Monday you get the documents, I amend the resolution, and DSI allows you to start pulling permits.

Nord: ok, lets move forward with that then.

Moermond: I will commit to reviewing them Monday morning and talk to Mr. Yannarely or Mr. Magner.

Nord: so then I can pull permits, and that will provide additional evidence of my seriousness too.

Moermond: I don't foresee an issue, I just want it all together before a Council vote.

Guild: so should Mr. Nord and I plan to attend the public hearing tomorrow? And November 6?

Moermond: you are welcome to attend any hearing, you might save yourself the time and call Scott Renstrom the aide for Councilmember Busuri and ask what he is going to do. If he's going with my recommendation, then you needn't bother. If he is going with my recommendation, it will be on consent and not discussed at all. Are you assured enough?

Nord: I live with anxiety every day, and this fits right in.

Referred to the City Council due back on 10/23/2019

2 [RLH RR 19-11](#)

Ordering the rehabilitation or razing and removal of the structures at 489 SHERBURNE AVENUE within fifteen (15) days after the March 27, 2019 City Council public hearing. (Public hearing continued from September 11)

Sponsors: Thao

If performance deposit is posted and documentation of satisfaction of mortgage is provided, refer to LH on November 26, 2019. Otherwise, recommend removal of property.

Laura Orr, SMRLS, appeared
Hassan Mohamud, potential buyer, appeared

Moermond: I don't even know where to begin. I guess I'll turn it over to you Ms. Orr, the council referred it back to Legislative Hearing, they were clear about wanting things together. There's been a lot of input.

Orr: so in the last two weeks, there's been some managing of input from different direction. I've had to identify myself as council for Stuff, I don't represent Frogtown, or the house, or Mr. Hassan. The reaffirmation that Mr. Stuff is the owner of this land, he has the ability to give the go ahead for moving forward. The progress isn't where I would have hoped to see it in two weeks. I don't see realization of City's expectations at hand, based on my interactions with Highland Bank.

Moermond: there is a question of loan satisfaction and verbal confirmation of

satisfaction but not written.

Orr: Caty Royce visited the bank with Mr. stuff this past Friday. At that time the individual who can provide more assistance is out of town. In terms of that step, what we have is verbal indication that the circumstances are cleaner than two weeks ago. That stood out to me as indicative that they had higher level of concern for Mr. Stuff, the power of attorney form used to take out the loan has been forged. I had impressions but no documents. The fact that the bank wasn't willing to move forward without Mr. Stuff's in person verification did signal to me that they had reason to have higher vigilance about this customer of theirs. What remains is that follow up with Highland Bank, we received verbal confirmation of satisfaction, but we need the bank to record that satisfaction. Larry Peterson, Mr. Hassan's investor, has been very concerned about this. I expect Highland Bank to confirm what they represented verbally, so we can move forward with the contract for deed. In the meantime, Mr. Peterson has stated he would like to see the abstract of title, which Mr. Stuff doesn't possess. I submitted an inquiry to the private bar for referrals for a title company to handle this delicate situation. I hope the investors concern about title can be allayed with Highland Bank's confirmation of the title.

Mohamud: the investor has talked about the price for investment, I emailed the construction company's estimate this morning, to show the movement we did, the amount isn't final, but this was estimated. About \$122,000, the investor will help with this amount, but we cannot move the negotiation until we make sure Mr. Stuff is owner and the title of the house is clear. That's why I emailed asking for an extension, you didn't answer.

Moermond: no, I didn't. I need to act on the record, there are many cooks stirring this pot. Its Mr. Stuff's property, we're taking the lead from him. You're buying it from him, but I need to deal wit his legal representative. I understand where you're coming from, but Ms. Orr is here too, this has been glacial in how slow its been. And we have treated it in a different manner than other similarly situated properties. So, do you have any indication from the bank about how long it will take to issue a written satisfaction.

Orr: I haven't yet but can do it this afternoon.

Moermond: you put in a request for a private sector attorney to help, how long do those communications usually take?

Orr: in seeking pro bono consolation for co-council there really can't be an expectation. I've received one response so far, when I attempted to follow up, I didn't get a response. I can follow up again. I'd like to connect with the investor regarding his request for abstract for title, and whether satisfaction of the mortgage would suffice.

Moermond: Mr. Yannarely you have an ownership and encumbrance report you would have run, back from January?

Mai Vang: there's a title report

Moermond: let's make them two copies. Let's say the title work happens, how are you situated to moving into doing the work sooner rather than later? How soon can you close on financing or hiring contractors? Can you move quickly once the title falls into place?

Mohamud: it depends, the investor is ready to continue and finalize the negotiation.

We have something in our mind. That's why we requested about 4 weeks to close everything.

Moermond: right and let's say we're at the four week point and ready to close, how quickly can you get moving on the other expectations like work plans and financing?

Mohamud: I would say right away. The investor is ready to invest, the contractor I just talked to today, so if everything went well, I would start construction right away and to finish in 90 days. That's part of the proposal between myself and the contractor, construction completed and ready to rent.

Moermond: I'm struggling because I made a commitment to get this done. I went to the Council and said I've been working on this for more than 6 months, we've treated it differently because Mr. Stuff is homeless and its more logistically difficult to handle. But there's a point where you say, six months is more than an adequate accommodation for being homeless. The logistical difficulties have been addressed by a nonprofit providing a phone, a sister giving a mailing address, and represented by council. I'm not seeing other problems as to why this is so difficult. He's been participating in conversations and knows what needs to be done.

Mohamud: he's not mentally stable.

Moermond: I don't think you can say that. You are assuming that. You're not a psychiatrist or a doctor. If that is going to be said it needs to be said by Ms. Orr and a physician.

Orr: he hasn't identified a disability or mental health disorder as related to circumstance. He did have a period between July 11 and September 11 where I had been unable to make contact with him. When I did make contact with him, one way was mailing letters to his sister's address. His sister has been in an assisted living setting. That was one variable that shifted. In terms of his response to telephone communication, since September 10th, by phone he has been consistently responding to calls or returning those calls. The main factor of delay has been the piece of him verifying at Highland Bank in person. It wasn't taken care of until Friday, I just learned of this yesterday. I can follow up with Highland this afternoon. I do indeed recognize the timeline has been glacial, my perception of the alternative of allowing time is even more lengthy process of forfeiture. We have an interested buyer, but as a neighbor who has an eye on the property, the request is to allow further opportunity for the title issues to be addressed.

Mohamud: I am not a qualified psychologist. Someone who is on and off is what I meant. He knew I was interested and accepted, and signed the purchase agreement, and then disappeared. He wasn't answering the phone. We have a mutual friend who is working with him, but we told him the title is important and essential part of the deal, and since he didn't act as quickly as expected, I'm not saying he's disabled, he's homeless. What I thought is that if we worked closely with him based on his capacity, we can make our goal together. That's what I meant by not stable.

Moermond: housing stability.

Mohamud: I don't think it hurts if you give us one last chance.

Moermond: I feel like I called last chance two weeks ago. I feel like I've ben showing up and consistently communicating, but I have to say I feel like in most of these

cases, there's been no progress whatsoever prior to me going in there saying "I think it will be different this time". What's going to be different this time? He won't even mow his own lawn. Have you got \$5,000? If a performance deposit can be put down indicating there will be performance, I can ask for a layover. If you aren't able to get time to do the rehab, the \$5,000 can be returned. That would be a sign to me of good faith to move forward. The case we just heard before yours, that investor put one down on June 21, that was a condition to get the layover to get to this time period. That would be a sign of good faith I could take to the Council. Its unheard of we got this far without one, but because of his financial situation we did.

Mohamud: I have to speak to my investor. We did already agree to that but would do it after the title was clear.

Moermond: and I want to see it sooner rather than later as evidence. It is returnable, it takes about 4 to 6 weeks. I can ask for a layover if you guys show up with that and get a written satisfaction. I'll be going to Council tomorrow, they don't meet the next week which is a problem, I'll ask them to continue this to November 6. Let's see the satisfaction and performance deposit, and then we can talk about a longer layover to transact the property. Those need to be received no later than Tuesday, November 5th so we have time to look it over.

Orr: from my notes from last hearing said the Council meeting was November 13th.

Moermond: ok, that's true. That's asking for everything to be together on November 13 for the Council. And I'm hearing you can't meet that deadline.

Orr: there's been a lot of areas of uncertainty on this process, reflecting on your earlier statement of receiving the performance deposit by November 5.

Moermond: so, we're talking about sitting there on November 13 it would be great to have the satisfaction and title work done by then. The loan satisfaction should be doable by then.

Orr: I'd propose that before the 13 the performance deposit and documentation of satisfaction of mortgage be taken care of. I understand the City's need for a workplan. Would it be reasonable to get those met, and referred to legislative hearing again for review of the work plan?

Moermond: if you have those things done on November 13, we'll send this back to legislative hearing November 26. If its not done, I'll order the building removed. It's at the 9 month mark at that point, I have to call it. He has no ability to abate the nuisance on his own, its continued to worsen, anything done has been done by outside agencies. I'm willing to work with you but that's the deadline.

Referred to the City Council due back on 11/13/2019

10:00 a.m. Hearings

Summary Abatement Orders

- 3 [RLH SAO 19-52](#) Appeal of Cedric Benjamin to a Vehicle Abatement Order at 958 REANEY AVENUE.

Sponsors: Prince

Grant to November 1, 2019 for vehicle abatement.

Cedric Benjamin, owner, appeared
Melvin Raggs Jr, friend and advocate, appeared

Staff report by Inspector Stephan Suon: received a complaint about illegal auto repairs October 3, I inspected the following days and issued orders for vehicle abatement and auto repair and salvage. Multiple vehicles with auction marks and oil stains. Mr. Benjamin called October 11 and wanted to file an appeal.

Moermond: what kind of area is this?

Suon: single family home, residential area.

Moermond: I see here there's a vehicle abatement order and a zoning enforcement letter you issued. Please describe what's in there.

Suon: violation of the home occupation, operating a business out of your home. You can repair cars, but they have to be yours and in your name. Multiple cars without front or back plates, some are on the street, some are missing vital parts, oil stains in driveway and alley.

Moermond: when I'm looking at the summary abatement order, you listed 5 vehicles, all of which lack current license and tabs. The white Chevrolet Is missing vital parts and is inoperable, so a total of 5. There weren't other violations? All parked legally?

Suon: correct

Moermond: the property is owned by SheRonda Perrie?

Benjamin: that's my wife. I'm a small car dealer, I have a dealership in Ramsey. That's how I take care of my family. I bring them down from Ramsey, I just take care of them at my house. I fix cars, that's what I do. I can't afford to stay in business and take cars to the mechanic when I can do it myself. I didn't know I was breaking the law by fixing cars from my dealership in my home. As far as the stains, I live in a high crime area, so we don't know if it was me or not. I'm not dumping anything, I'm just trying to survive. This is the only way I can continue to pay taxes.

Moermond: the part that I deal with here is the presence of vehicles on the lot that don't meet code. The tabs, open, missing parts, drivable, approved surface. What the zoning people are about is having part of your business occur at your residence. They're going to be the ones who tighten the grips on you on that, that's not something I can handle. I can give you time to address what's in front of me.

Benjamin: all my cars drive, I buy them, they have dealer plates. I put a fender on, do some work, then take them out to get sold. They are all registered for resale with the state.

Moermond: they weren't showing those plates at the time.

Benjamin: yes, because they steal the plates off my car. I've lost several plates, if I leave it on the car its not beneficial.

Moermond: your real problem is with the zoning people.

Raggs: I've worked with the zoning committee over 20 years as far as helping dealerships meet the City's requirement. It had the same situation, he did work in his home for the car repair. There weren't enough spaces in his shop. His license is in Ramsey, his lot is in Ramsey, but he pays St. Paul taxes. He's not operating the business out of his home.

Moermond: he just said he was.

Benjamin: no, I'm just fixing them.

Moermond: That's part of a business operation, I am not understanding the difference. He's doing part of the work for his business on his residential property.

Raggs: Maybe I'm confused. He got a car dealership, entitling him to sell cars. He has an LLC through the Secretary of State, that makes him a legal business entity. I didn't know if you put a light bulb or something inside of your home, on private property, in your residence or garage, that's illegal?

Moermond: you're making great leaps of logic here. Some businesses meet the code, some do not. I need to give you a deadline for removing them or having the appropriate plates on.

Benjamin: If I put my 5 dealer plates on it would be fine?

Moermond: we know the zoning piece is under its own enforcement, just as far as tabs

Suon: current tabs.

Moermond: which would include dealer plates?

Supervisor Lia Martin: valid licensed with current tabs, and is operable, it takes care of the vehicle abatement order. The other issue is done by zoning. You can't operate an auto dealership out of your property.

Moermond: zoning gave an order to cease and desist by October 15? Were you holding off while this took place?

Suon: holding off.

Moermond: the white Chevy is addressed?

Benjamin: I'm driving it today.

Moermond: November 1. All of the vehicles on your property need to be licensed and be drivable. The bigger question is the zoning piece and that I can't help you with today. You have Mr. Raggs to help you with that process. I don't know, that letter was issued October 8, did you file an appeal?

Benjamin: I did this appeal, I don't know what else I was supposed to do.

Raggs: he thought the appeal was for both.

Martin: the bottom of the letter clearly states that a separate appeal can be filed with

the BZA within 10 days of the letter.

Moermond: gave the orders and a copy to you. I think you want to hustle on over to the DSI and ask for Yaya Diatta about the appeal. He's in charge of zoning enforcement. Tell him you filed this other appeal in good faith, and thought it covered both, it's only a couple days you missed, ask Yaya if he can accept your appeal. Go play it straight and talk to him. 375 Jackson, go to the second floor. I can't help you with the home business part of it.

Benjamin: It will destroy my business if I can't work out of my garage. This is how I take care of my family, this will destroy me.

Moermond: there are other kinds of business locations where people share expenses. There are people like that out there, you want to reach out for some business assistance to do the transition. It's not something I specialize in.

Benjamin: there's a dealership across the street, and down the street, my area is commercial and residential.

Raggs: before he got a dealership in Ramsey, he wanted one in St. Paul. He couldn't there, wasn't enough licenses. He gets paid when he sells a car. He's not intentionally trying to manipulate anyone. I understand how zoning code works, there are exemptions. The law could change at any time.

Moermond: Yaya would be the one to help you process an appeal, which will go before the Board of Zoning Appeals.

Referred to the City Council due back on 11/6/2019

Correction Orders

- 4 [RLH CO 19-15](#) Appeal of Fred Sande Sr. to a Correction Notice, including Condemnation, at 1561 SCHEFFER AVENUE.

Sponsors: Tolbert

Grant to November 8, 2019 for compliance. All basement rooms must cease being used as bedrooms until they are code compliant.

Fred Sande, owner, appeared

Sande: I have my work plan and schedule.

Moermond: so, you're going item by item, I'd like to update the record. The big concerns were the 4 unrelated adults, the other was sleeping in the basement and the safety of those spaces. Ms. Martin was asked to go out and check so we can really nail down whether it was safe, looking at the basement sleeping arrangement.

Staff report by Supervisor Lisa Martin: I re-inspected October 14 along with owner and Inspector Richard Kedrowski and Senior Mechanical Inspector, Pat McCullough. The furnace and water heater area have perfect clearance, and seems to be working safely and appropriately. The laundry room is 6'9", the hallway is only 5' 10", bathroom is 6'6", room off the alley with door and window, the window is double hung measures 27" wide and 12" high, it doesn't meet egress. The ceiling height in that room is only 6' 5",

occupant is still occupying that space being rented by owner, running a space owner. I informed the property owner it's his responsibility to have the tenant out of the basement as it is condemned for sleeping purposes, and advised him to seek legal counsel. He did put down pavers on the front entrance. Back to the basement, the owner still had his bedroom set up down there, and tenant appears to still be there as well. One sleeping room is 6'5" and the room the owner is using has 6'10" ceiling but no legal egress window. So at this point, no one should be sleeping in the basement at all. Photos are attached.

Moermond: the ceiling is too low in tenant space. Comments on egress in that?

Martin: there is a double hung window, that is 27" by 12" and there is a door but this isn't considered a legal egress window. Mr. Sande from his room, doesn't have an egress window. He can go out his room up to the kitchen. If he got an egress window in that room, it's possible.

Moermond: does the path for egress for either space go through the hallway, which you described as having a height of 5' 10"

Martin: no.

Moermond: is there adequate fire separation between the mechanicals and the sleeping room?

Martin: yes

Moermond: let's talk about the room the tenant is sleeping in.

Sande: I told him he couldn't stay there. Now he found a new place, but he asked me if he could leave his things because he didn't have room. I knew some of the things, but I didn't know about the occupation permit and some of these things, I'm glad I know. I got it all done, I was hoping, I got a couple of estimates for an egress. I was wondering about the room if you could go out the door.

Moermond: the ceiling is too short there period. It's too low to be a livable space.

Sande: I talked to a construction guy about removing the ceiling

Moermond: that's not in front of me now. You may be able to fix it. There's no legal sleeping room as of now. I have no assurance the man isn't going to come back. If you're going to store his things, I'd prefer it not be in that room where he could sleep. Store it in the garage. This is a nonsleeping area. The space you're talking about wanting to make it code compliant by adding an egress window.

Sande: I asked for a couple estimates. They came out and said it was complicated, he said it would be four to five thousand. My son had another fellow look at it, and he said he would do it for two thousand. I don't have that money, I make like \$700 on social security and the rental of the rooms is my only money. I have a house payment and taxes I pay. Without this rental that's less money coming in. 2 of my grandkids were born there, and I'd like to keep the house. I figured I'd die in the house. Lisa was going to give me a phone number for home improvement loans. I can get in and out of the window no problem.

Moermond: its not just about you, its about fire fighters going in, oxygens tanks, etc.

Has the basement tenant left?

Sande: his rent is paid. Lisa told me to call the police and have them put him out. I haven't done that.

Moermond: have you actually evicted him?

Martin: he gave a 30-day notice to the tenant, but the tenant can't really find anything. He can't make his mortgage without all the renters in there.

Moermond: when did that notice happen?

Sande: it was probably the same day when Lisa came out. The rental just gets me to where me pay my bills. Maybe take the grandkids to a movie once in a while.

Moermond: I have no problem with you getting rental income from the bedrooms in your home. There are more than four unrelated adults, which is a zoning code violation, and the bedrooms in the basement aren't legal sleeping rooms. Neither the room you are sleeping in or renting, they cannot be used until they are made safe. For one, that means adding the egress window.

Sande: can I get a provisional C of O?

Moermond: you don't need one because its owner occupied.

Sande: the Fire C of O and the C of O are different things?

Moermond: Fire C of O is for a non-owner occupied property. Because you are a single family, owner-occupied home, you don't need one. However, it doesn't mean you don't need to be code compliant. You can't have someone sleeping in the basement, unless that space is safe and code compliant. If you don't take care of this you are subject to enforcement actions, which can include a criminal citation. Your rental income is governed by how many unrelated individuals you have and how many rooms you can legally rent.

Sande: so I don't need a C of O?

Moermond: no, but the requirement for four unrelated adults applies to everyone. It doesn't matter owner-occupied or not.

Martin: I have in the basement Mr. Sande and renter Tim. Main floor is son Fred and his son. Upstairs is granddaughter Beth, and then Ed, Micah, Mackey and another. There's 5 people not related to Mr. Sande and his relatives.

Moermond: you and your son are related, so that doesn't count against you, but you got to get it down to four.

Martin: so Tim in the basement has to go, and one other person upstairs has to go.

Sande: what if I move?

Moermond: the number of adults is a zoning concern. The window is a fire concern. They are two separate things.

Sande: if we removed the ceiling in that one room, with the door to the alley, would that be legal?

Moermond: the window is too small for egress but there's a door to the alley.

Martin: yes, the double hung window doesn't count as egress.

Moermond: this goes to Council November 6. No one can be sleeping in the basement at all, until and unless the rooms are code compliant. Each room has their own problems to become code compliant. November 8th is your deadline for everything. No sleeping materials in the two rooms downstairs.

Martin: two people still need to leave because you're over occupied. Have one of them move out and move into their bedroom upstairs, then you don't have to spend any money.

Referred to the City Council due back on 11/6/2019

10:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

5 [RLH VO 19-46](#) Appeal of James Sazevich to a Correction Notice at 454 SMITH AVENUE NORTH.

Sponsors: Noecker

Grant to November 8, 2019 for gas restoration, and compliance with stair and window orders. Grant to July 1, 2020 for roof and painting orders.

James Sazevich, owner, appeared

Staff report by Supervisor Lia Martin: September 11, 2019, a correction notice was issued to James Sazevich at this address, there are six items listed here by Westenhofer, compliance date of October 11.

Moermond: those issues include utility shut off. There's a note indicating the electric was restored but gas was not.

Sazevich: I wasn't home when they restored the electricity, and I had to be there for the gas. It is turned off at the house. I don't use the stove.

Moermond: I think you need to connect with Xcel, if its expected to be functioning it needs to be functioning properly.

Sazevich: I just need it turned back on inside once they turn it on.

Moermond: so you want an extension for the repairs?

Sazevich: I've been on the phone for the roof, November 11 Rick's Roof was coming out for an estimate, he said there was 30 people in front of me. I am concerned about the roof being secured, I bought tarps. I met with Mr. Humphrey and he okayed the tarps.

Moermond: I don't know that he's an inspector approved to clear tarps.

Szevich: I showed him what I have, and he said those were fine. And what I've gone to now, if I can get a roofer to secure the roof for the winter and do it in the spring, I will do that. The materials for front step repair are on site, the rain held me up or it would have been done. The storm window missing is going to a shop for repairs, he's with me here today. The painting will be done in the spring. There's just some chipped paint basically, all of the wood on the house is wood I replaced and needs to be repainted. Mostly it's where the roof and soffits will already be replaced. I have no garage, just a shed in excellent condition.

Moermond: you indicated the window is ready to be delivered to be repaired, but it hasn't been delivered yet? What's been the delay.

Szevich: he's bringing it from the house to the shop today. A week to fix.

Moermond: gas needs to be restored, cement stairs fixed, and window rehung by November 8. The roof and the painting and soffits and fascia let's put a July 1, 2020 deadline on it.

Referred to the City Council due back on 11/6/2019

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 6 [RLH FCO 19-106](#) Appeal of Girma Wolde-Michael to a Fire Inspection Correction Notice at 843 RICE STREET.

Sponsors: Thao

Appeal withdrawn by owner, and referred to building official.

No one appeared

Mai Vang: I followed up with them, and left a voicemail this am, and he called while I was in hearing. He's only appealing the permit requirement, so we have forwarded a building code appeal application to him.

Moermond: this appeal has been withdrawn, and referred to the building official.

Withdrawn

- 7 [RLH FCO 19-105](#) Appeal of Shawn and Karen Weller to a Fire Inspection Correction Notice at 1066 THOMAS AVENUE.

Sponsors: Thao

Grant to December 1, 2019 on the window and dryer vent orders. Grant to May 31, 2020 for compliance on reducing the number of unrelated individuals to four. Grant to September 20, 2020 for Landlord 101.

Karen and Shawn Weller, owners and landlords, appeared

Staff report by Supervisor Leanna Shaff: Fire C of O inspection conducted September 25, 2019 by Inspector Smith. It's the first Fire C of O. It is being appealed because Smith says that the unit is overcrowded, needs to be reduced to four unrelated adults. There are 7 adults living in the property, 2 are the property owner's children and then 5 of their friends.

Moermond: which gives us a total of 6 unrelated adults. You wrote this order under chapter 34, its underpinning is zoning, it goes with square footage than the rule that applies to all residential units. This is the first C of O inspection.

Shaff: they applied in 2016, and here we are 3 years later we are finally getting to it. Its their first as a property, it has had a C of O in the past. Also, an order for landlord 101 class.

Karen Weller: they are all college students. A few years ago, our daughter tried to find a place to live, we came upon this house that's 7 bedrooms and 3 bath and ample parking, we have four off-street spots. So we bought the house so we could have a safe place for our kids while they go to college. We didn't know there was any rule about four person, I'm confused why there is. I get people sleep in closets and there are bad landlords.

Shawn Weller: I know David said it was one of the the best houses he's ever been through. We only got called on the dryer vent and the window.

Shaff: if its owner occupied it requires a permit, but you can do the work. If its not your primary residence it requires a contractor.

Shawn Weller: I wasn't aware of that.

Moermond: its similar with electric. Since you don't live there you have to hire a contractor. I'm kind of stuck here. It would be great if it were possible for some of the people to be related other than your children. A married couple, or siblings, that could be part of the tenant group. You are in a pickle; this rule applies to all residences. Most municipalities land on 4 in their code. These requirements are kind of old in the code. There are provisions that it could be a room and boarding house. For the record, it's light weight orders, this isn't a question of not having a well-maintained property.

Shawn Weller: it used to be a triplex and then a duplex.

Moermond: when you bought it, it had been made a single family home? What is the possibility to converting it to duplex?

Shawn Weller: it has one furnace and one kitchen, 3 bathrooms on each floor.

Moermond: if you had two separate units, each of those units can have four unrelated adults and it would resolve your problem. I was trying to figure out how big a hurdle it would be, and it sounds like a big one.

Shaff: its R4 residential zoning now.

Moermond: so each adult has a bedroom.

Shawn Weller: yes, and each floor has its own living space. Large bedrooms. The neighbors love having us there.

Moermond: *this isn't a problem property question at all. You've talked with the people who live there yet?*

Karen Weller: *no, we were going to find out more.*

Moermond: *ok, understandable. Do any of them have natural deadlines?*

Karen Weller: *no. Lease is through July 31 and they all have 2 more years of school.*

Moermond: *I'm going to talk bureaucratically for a minute. This is the first set of orders, in a normal course of events, if you don't comply by the time its re-inspected, they schedule another inspection and you get charged a fee for that, and it would go for three inspections before they look at enforcement for noncompliance. It would be about 90 days before they would raise the level to revoking the C of O for noncompliance. If I'm talking to you at Christmas time about a revocation for noncompliance, I'd be putting a deadline out there trying to be respectful of the tenant situation. Because of your good history I'm inclined to go longer than I would otherwise or if I the orders were longer. I'm inclined to go through the end of May on them to give people through the end of the school year. That would give everyone reasonable notice.*

Shaff: *provided that the other items, like the window and dryer vent are taken care of.*

Moermond: *just the one item gets the extension.*

Shaff: *and to Sept 20, 2020 for Landlord 101.*

Moermond: *let's give to December 1 on the other 2 items. The dryer vent needs a permit. The window he will need to see.*

Referred to the City Council due back on 11/20/2019

8 [RLH FCO
19-108](#)

Appeal of Meherdil Dastur to a Fire Certificate of Occupancy Approval With Corrections at 255 WHEELLOCK PARKWAY WEST.

Sponsors: Brendmoen

Grant until July 1, 2020 for compliance on driveway orders.

Meherdil Dastur, owner, appeared

Staff report by Supervisor Shaff: Fire C of O approval with corrections by Efrayn Franquiz. They've been doing a lot of roadwork in the area, causing delays in getting driveway work done, etc. Its inopportune this time of year to try and put in the driveway.

Moermond: *how many units?*

Shaff: *four. We wouldn't be opposed to a spring compliance.*

Moermond: *what are you thinking Mr. Dastur?*

Dastur: I got quotes last year, and then with Wheelock construction we held it and were still hoping to get it done this year. Long story short, not knowing the timelines of the City finishing the work, but now the contractor has said we needed that commitment 2 months ago. I'm looking for early June of 2020. That gives us April and

June to get it done. I have the quotes and was planning on doing it. It was already in the works in my head, he mentioned it, now I'm asking for more time.

Moermond: I'm thinking the weather in April and May isn't reliable to make sure its dry enough. I'm going to say July 1, 2020 to make sure it gets done. There's additional enforcement for not meeting the deadline, so I want to make sure its doable.

Referred to the City Council due back on 11/20/2019

2:30 p.m. Hearings

Vacant Building Registrations

- 9 [RLH VBR 19-74](#) Appeal of Carolyn Brown, Community Stabilization Project, on behalf of RBK Management, to a Vacant Building Registration Notice at 1129 BEECH STREET.

Sponsors: Prince

Deny the appeal. VB registration must be appealed by October 29, 2019 or property must be vacated by November 1, 2019.

Carolyn Brown, Community Stabilization Project, appeared

Staff report by Supervisor Leanna Shaff: Fire C of O conducted by James Thomas, started back in June, and unable to get entry. June 5, 26th, July 15, the last was a September 9 order to comply or vacate. The information we had was Renters Warehouse was the responsible party, and they didn't show. The property owner with Ramsey County, is BP Homes LLC out of NYC, and lists them as the responsible party, which was updated on October 17, 2019 by Vicki Sheffer. We have no knowledge of a new property manager. We haven't been able to gain compliance. We have 22 orders against the property. It was referred over as a Cat 2 VB.

Moermond: was it still occupied when it was referred over?

Dornfeld: Inspector Tom Friel, per the referral, on October 15, 2019 noted they met with tenant and was unaware of the revocation. Tenant says they have done some repairs. So yes, it was occupied at the time.

Moermond: Ms. Brown, you indicated the owner is RBK management, but County indicates BP Homes is. I'm kind of over this, whoever owns it, it seems like they're playing games. We need to have the actual owner.

Brown: they reached out after they got the C of O, whoever the person at Renter's Warehouse doing the property management, they left, the ball got dropped with this property and a bunch of others. The owner did show up and we did go over there. Shai Leibobich.

Moermond: is he part of BPH homes?

Brown: part of it, he's part of both of those. I will figure out the whole BPH and RBK thing.

Moermond: if it's in MN I can go to the Secretary of State website and see who the

principle listed is for the LLC, but here I'm guessing, since its in New York who is the right person to be signing paperwork for the LLC?

Shaff: in MN a property manager is required to be a licensed real estate agent and be a licensed real estate broker or affiliated with one. So, we have some concerns. After it goes to vacant building and we've had all sorts of noncommitment, then it all of a sudden Ms. Brown comes in and takes over the file, after it goes to vacant buildings. We have done our job, to get this in compliance.

Brown: it came to me from New York, everything had been going to Renters Warehouse. We got involved to try and stop the family from being displaced. The vehicles ahe been removed, the back porch was cleaned. She said the refrigerator was repaired. The upstairs bedroom items were removed. I did sign the smoke affidavit and sent it in.

Moermond: is that acceptable?

Shaff: no, we don't have a responsible party for the property. I don't have anything in writing, and I don't believe you have the credentials to be a licensed property manager at this time.

Brown: but I can get someone to take care of that.

Shaff: I still don't have a responsible party.

Moermond: right now it's more like you're playing the role of a "handyperson". You're taking responsibility for coordinating repairs in a way that that role would be.

Shaff: it talks about management in the statute as well.

Brown: from the organization I am just trying to make sure they aren't displaced from housing.

Shaff: but when we don't have a responsible party, I don't have a legal basis for holding you responsible. The ordinance is clear that if they change things, they have to give someone new. It bothers me to have people living in a property and have no one to hold responsible to make sure they're safe.

Brown: Renter's Warehouse is still the possible party. But Matt who was there is no longer there. We don't know who is taking his place.

Shaff: we need better than that.

Moermond: we're talking about a property with issues who is now in the vacant building program and we don't have a responsible party. This is round 3 and it is becoming increasingly difficult to be flexible. We need them to show up.

Brown: I'll have Susanne Glasser get involved too.

Shaff: we can't continue to do this at the 14th hour. We need something proactive.

Moermond: is this RBK group clients of Susanne Glasser?

Brown: yes. She represents Renter's Warehouse.

Moermond: this is long term noncompliance that led to the revocation?

Shaff: yes, and having no one showing up or getting things done.

Moermond: we don't have hearings next week. Continued occupancy well past the vacate date put into place that wasn't appealed, which was September 26. The Vacant Building registration was issued October 17, there is 10 days for an appeal to be filed, and day 1 would be October 18. If I get an appeal by October 29, we will schedule it, if I don't it must be vacated November 1. I'm going to deny the appeal today.

Referred to the City Council due back on 11/20/2019

10 [RLH VBR 19-68](#) Appeal of Jesse Williams to a Vacant Building Registration Notice at 293 HARRISON AVENUE.

Sponsors: Noecker

Deny the appeal. Property must remain a Cat 2 VB, waive the VB fee for 90 days.

Susanne Glasser, attorney, appeared
Jessie Williams, Renter's Warehouse, appeared

Moermond: there was an inspection on this property, and we were asking staff to go come up with a list and gauge the depth of the problems and determine if it was Category 1 or 2 vacant building.

Staff report by Supervisor Leanna Shaff: Brian Schmidt did the inspection and created an updated list. And even the updated orders state when they happen. In summary, the observation, the utilities are back on, verified through Xcel. Updated as of October 16, smoke alarm in basement, sewer stack in basement that's leaking, water damage in bathroom, cabinet with bottom rotted out, vines growing over rescue and emergency escape. Carpeting issues, bedroom door hinges, windows boarded, concrete stairs that are cracked, screen door on porch is bent and damaged, concrete driveway is deteriorated, garage chipped and peeling paint, the house has soffits rotting, peeling paint, missing drip edge, peeling shingles. Basic sanitation issues, fire extinguisher needs to be serviced, a lot of general repairs.

Moermond: it seems some of this creeps into the area of major code violations.

Shaff: true. Especially the leaking sewer stack. Variety including multiple trades.

Williams: I've spoken with our contractor, who says he can everything except 9, 11 12 and 13 done by the end of November. Those are exterior work that needs it to be 50 degrees, or the roofing which is backed up.

Shaff: in that, would it be reasonable to require the rotted wood in soffits repaired prior to the roofing?

Williams: sure, we can paint those elsewhere and put them up.

Moermond: I'm looking at this differently. I'm thinking this is a Category 2 vacant building based on the major code violations.

Williams: besides the sewer stack what is major?

Moermond: you would have been a category 2 anyway because it was condemned. But we didn't know if it was a structural or any issues otherwise. I think the roofing is major, the sewer things are major, that tips it into Category 2 territory. You can certainly make an argument to the Council otherwise.

Glasser: I don't remember the status of the vacant building fees right now?

Moermond: yes, there was a 90 day fee waiver in place, as of the day it entered the vacant building program. It can be prorated if it is done within 6 months too. This could be a code compliance that isn't going to be a heart stopper, but under the VB definition this qualifies as a Category 2. Again, Council could look at things differently, but that's where I'm landing on it.

Referred to the City Council due back on 11/20/2019

11 [RLH VBR 19-73](#) Appeal of John J. Harrigan to a Vacant Building Registration Fee Warning Letter at 1731 IVY AVENUE EAST.

Sponsors: Busuri

Deny the appeal and waive the VB fee for 180 days.

John Harrigan and wife Sandy Harrigan, parents of owner and probate for estate, appeared

Staff report by Matt Dornfeld: we received multiple neighborhood complaints from abandon vehicles, behavioral issues, St. Paul Regional Water called and about water being shut off, this all occurred around August 12, 2019. Code enforcement did inspect and confirm the complaints. Orders were issued, not complied with, the home was condemned due to noncompliance. There are numerous violations on the condemnation report. That condemnation was made with August 29, 2019 as the vacate date. It was transferred to the vacant building department and made it a category 2 vacant building due to the condemnation. A work order was issued for the cleanup of the nuisance conditions in the yard.

Moermond: so, translating that to where you are at, there's 3 kinds of vacant building categories in St. Paul. Category 1 means its turnkey, someone could move in tomorrow. Category 2 has either some major code violations or it was condemned, and that's what the case is here. There was a condemnation. A category 3 means you need a hardhat in there. Mr. Dornfeld was talking about it being a water shut off being the condemnation, that tells me the physical things with the building weren't what triggered the condemnation. The City requires running water. This is good news for you in that it gives me something to hang my hat on in terms of the condition of the building. I think you mentioned you're looking to sell.

John Harrigan: our desire is to get it to meeting the code, or whoever would buy it knows what they need to do to rehabilitate it. The water was turned on within a couple days of the August 27 memo. I talked to my son the previous Friday and it was on, and it was on the day he was killed September 2. I don't contest the findings, when we got into the house, we saw many ourselves. I have to stress that it took a while before we could get in because it was a crime scene. We removed all the stuff from the house, four dumpsters full, and all the vehicles were gone. Fellow firefighters came help us clean out. We got the driveway empty. There were some leaks, we had a plumber come fix the leaks. We have an appointment for the building inspector to come look at

it. Jim Seeger. We cleaned up the backyard, I have a picture, we disposed of the tires, and got the mess out of the backyard. We cleaned up a lot of the complaints. There are still some problems with the heating, we have an appointment with Bonfe and they are coming next week to get the furnace in order. It does have water and electric, but it does have some issues. We don't want to take on the task of rehabilitation, we'd prefer to sell. But if we come under a Category 2, its going to compound the problem of selling it. Even if you waive the vacant building fee, the buyer would have to pay the fee. We're asking for some way to reverse the ruling and get enough time to get it done. We also don't know when probate will be. We accept the City doesn't want abandon buildings.

Moermond: I'm checking the computer, it looks like you paid for a code compliance on October 14, but none have been out yet. One ff the things that happened when you ordered the code compliance, you were sort of confirming that it was a Category 2. You rang a bell that I don't know if you know you were ringing. We haven't had inspectors go through yet, so you're telling me you've identified the problems and undertaken some basic repairs and cleaned it out. I'm wondering if we could put the code compliance inspection report off until you have a had a chance to walk through Mr. Dornfeld. Can you email Mr. Seeger and tell him that whether it's a Cat 1 or 2 is under appeal?

Mr. Dornfeld: your emails weigh a little bit higher than mine, if you could email Mr. Ubl?

John Harrigan: but you said that it must be ready to be moved into. They removed the kitchen, they attempted to make it like HGTV, there's currently no sink.

Dornfeld: you want to be a Category 1 VB, that's the best we can do. The Category 1 will allow you to make some corrections if you pull permits.

Moermond: what needs to happen in the kitchen besides the sink?

John Harrigan: probably a new stove

Moermond: does it work? Or is it just ugly?

John Harrigan: it's just ugly. But I have never tried to cook on it.

Moermond: I would like you to have a chance to crawl over that line, that means before an inspector arrives you need to address the sink. That's a significant problem. If you can do that, and Mr. Dornfeld can look at it after and see if it doesn't have major code violations. If it does, you've already applied for a code compliance inspection, your eligible list of buyers would be people who do this for a living. Your sale price would go down some. If it's a 1, anyone can buy it. You need to pull permits to get the sink installed. I would take a look at that, allow permits to be pulled. Can you hire someone to do the job quickly and straightforward? Don't worry about aesthetics. I need sinks and toilets to work, water running, furnace running.

Dornfeld: look at the condemnation list from the 29th. That's a good list to go off.

Moermond: ok you have the list now. I think the point is well taken, dive into what that list is saying. A lot of its straightforward. Exposed wires, not sure what's going on with that.

John Harrigan: where they were trying to make a bedroom in the basement, they

dangled a bunch of extension cords to connect the lights. I don't remember seeing exposed wires in the sense of a fixture.

Moermond: on the 29 when the inspector wrote these orders, there's 129 photos. We may be able to look at them for the exposed wires. I am concerned about the scope of the problems in the house. Its got issues, as you mentioned.

Dornfeld: if you are Category 2, that's going to get you the four trades to come inspect the property. They will give you a report of their findings. Once that is done, you can sell the home as is. Even being a Category 2 vacant building, once the report is completed, you don't have to fix anything. I just want to make sure that you understand that's one of your options. When she said what she said earlier, she didn't have the information she has now. I want to make sure you're aware of that if it is a Category 2 property.

Moermond: the letter you just got handed, and I just got it too, and it does change the conversation.

John Harrigan: Matt seems to be indicating I should do Category 2 and sell it.

Dornfeld: I can't give you personal advice. But if you're willing to sacrifice a little bit of profit, I wouldn't look at the category 2 designation as a negative thing. You've already got the buggy rolling, you have the inspection ordered, you're just going to put a lock box on the door, and the four trades will go through and give you a report, hire a real estate agent and you are done.

Sandy Harrigan: we have a real estate agent, he wants to sell it to an investor who will do all the work, because we aren't interested in making a lot of money, we just want enough to pay the mortgage.

Moermond: and we're talking about the fee then. You are no doubt working with an attorney on probate. You're working towards that, have you received any sense of a timeline?

Sandy Harrigan: a whole year is what he's saying.

John Harrigan: once you get into probate you can start selling assets in the first couple months, from what I understand. We are meeting with him Thursday, we aren't in formal probate yet.

Moermond: I was trying to gather how long we'd be in this situation, how long it would be sitting vacant. I'm thinking at this point, I can recommend the Council waive the vacant building fee for 180 days. If it gets redeveloped within 6 months, there's no fee whatsoever for anybody. If it takes longer than that, we'll tackle that when it happens. We can make those dividable over years, the Council may, given your circumstances, make other arrangements. If that invoice comes in 6 months, don't pay it, and then we can work with it in terms of payments. 180 days is the longest fee waiver I can give. I recommend keeping it a Category 2, but it is probably the most straightforward way to deal with the whole situation. Your realtor may know already, the code compliance from Jim Seeger, you can use that as a substitute for a TISH report.

John Harrigan: you are going to recommend the fee is waived 6 months. If we leave it as a Category 2, we don't need to mess around repairing anything. We just take the inspectors report and show it to buyers, and they can decide what they want to offer

based on that. I'm trying to limit the amount of money we spend on this, not knowing how much we'll get back.

Moermond: right. They'll go through, and you'll get a write up from each of them. We'll send you a copy of the orders electronically to you, and also the photos taken by the inspector.

Dornfeld: make sure you are maintaining the property too, mowing, if it snows it needs to be shoveled. Its probably obvious, but make sure its maintained.

Referred to the City Council due back on 11/20/2019

**12 RLH VBR
19-55**

Appeal of Angel Lawrence to a Vacant Building Registration Notice at 342 THOMAS AVENUE.

Sponsors: Thao

Laid over to LH November 5, 2019.

Laid Over to the Legislative Hearings due back on 11/5/2019