



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Mai Vang, Hearing Coordinator
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651-266-8585

Tuesday, March 5, 2024

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 24-94** Ratifying the Appealed Special Tax Assessment for property at 1003 ARCADE STREET. (File No. J2405B, Assessment No. 248104)

Sponsors: Yang

Approve the assessment.

la Ly, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: September 26 Inspector Dornfeld found the building open to entry and requested the boarding from our contractor. Total proposed assessment of \$344.

Moermond: tell me what is going on Ms. Ly?

Ly: I was not fully aware that the door was open. We've had so many issues with homeless people in the area and multiple times we go, clean up things they left, and they try to break into the building. We've been securing the best we can, but they find ways in. One of the times they tried to get in through the cellar door, but it isn't connected to the house. Even if they open those there is no way to get inside the building. I didn't see a bill for this, until someone sent it to me last month. I saw \$180 from Rest Pro. They did secure it and we did go put a better lock on there. I can pay for this one, however, what was the other fee?

Moermond: are you saying you aren't objecting to the assessment for securing the building?

Ly: yeah, if it was secured that's fine.

Referred to the City Council due back on 3/27/2024

- 2 **RLH TA 24-95** Ratifying the Appealed Special Tax Assessment for property at 1003 ARCADE STREET. (File No. VB2406, Assessment No. 248805)

Sponsors: Yang

Approve the assessment and make payable over 2 years.

la Ly, owner, appeared via phone

Staff report by Supervisor Joe Yannarely: Category 2 Vacant Building opened per the Certificate of Occupancy revocation. At the time of initial inspection, it appeared vacant and secure, but there was a homeless encampment on the property. The total assessment is \$2, 616 for the year.

Moermond: this covers September 2023 through 2024? I don't understand why there was a such a delay when it went into the program in June? Mr. Yannarely look into that please. Ms. Ly, why are you appealing?

Ly: I wasn't aware of the fee. What are the reasons it was moved to being a Category 2 Vacant Building? My goal is to take it out of that so we can occupy and work on the building. The homeless issue is a lot there, but it will just get worse because there's not much we can do. Why is it moved to vacant?

Moermond: let's get more information. I think the story begins with the fact that the Certificate of Occupancy was revoked. Mr. Yannarely?

Yannarely: I see there was a fire at one point.

Moermond: I have a revocation from June 3, 2023.

Ly: that was about the fire. People were in the building at the time, the fire started in the shed outside the building. Luckily there were people inside, and a nice neighbor next door, so he has helped keep an eye on the property. He happened to see the fire so he called, so my husband stepped outside and the shed was on fire. They did put it out but did call the St. Paul Fire Department too, who came. After that we took the shed down because we found homeless trying to break in and stay there, and they set it on fire. We see that issue a lot around the area. We don't want to get rid of the shed but unfortunately we have to because of the issues. That was summer last year.

Moermond: it looks like the fire report was written July 19, 2023, and yes they definitely found a homeless person had been living in there and that person is likely the one who started it accidentally. It seems you've had this issue of break ins regardless of whether or not you've been in the Vacant Building program. It seems like you don't have control of the property. You have a lot of nuisance activity with cleanups. All of these things plus no Certificate of Occupancy since the day you bought it, you are the definition of a registered Vacant Building. I'm all for getting this fixed and reoccupied but it has to be done safely. Having had these issues we can't rely on non-professionals to judge what is necessary to bring this into minimal compliance. We need a Code Compliance inspection done to create that list of what is needed to make it minimally code compliance. It looks like you haven't done that yet, what is delaying you in getting that report?

Ly: I am not aware of a Certificate of Occupancy. We bought it June 2022. I'm not aware of that. When did that Certificate of Occupancy expire?

Moermond: it appears you closed on a Contract for Deed June 2, 2022. The following day, June 3, 2022 the Certificate of Occupancy was revoked for the building. The seller would have known that inspection was going to be happening, certainly had

history with the Fire Certificate of Occupancy program. I don't know what the issue is, but they didn't tell you that evidently. It has been revoked almost from the minute you bought it. You couldn't put people in there legally now, and couldn't since the moment you bought it, unfortunately.

Ly: it wasn't disclosed and I'll have to talk to my realtor about reaching out. When I talked to the City last month they mentioned the Certificate and I talked to the previous owner they claimed everything that was asked they did it. I asked if they had any paperwork to show and they didn't. Unfortunately, we walked into something that was already an issue and now we have to deal with it. We didn't know it was moved to Vacant Building. I know with the homeless we go out twice a week to clean up. It is just out of control. We've secured the doors; we haven't had an issue since September when we did that. I don't want to be penalized because of the homeless issue around the building. I feel like it is unfair.

Moermond: you keep saying the Certificate of Occupancy "expired". It didn't expire, it was taken away. Revoked from the previous owner. The previous owner started getting letters from the City as early as February of 2022 to make an appointment for an inspection. They knew the City was trying to do that inspection. You should take that to your realtor as well.

Ly: February 2022 is when they were receiving letters?

Moermond: yes. It would appear the City didn't get in to do an inspection until June 3, 2022. Which again, appears to be the day after you closed. So, they let the inspector in a day after you closed and the inspector revoked the Certificate of Occupancy that day. We can get you those documents.

With respect to homeless break ins. You are responsible for making sure your property is not a public nuisance. It needs to not present a threat to neighboring properties, which it has both because there was a fire and that people are breaking in, garbage accumulating. Also, they perpetuate problems. All of those things together tell me that the building condition is different from when you bought it and it is a legitimate registered Vacant Building. We can get you those documents with your realtor. It does sound like you should have a conversation with what was disclosed with you. Lastly, you may or not be aware the County may have your name spelled wrong in the tax records. I'm going to recommend approval of this fee. We'll also send you a copy of the Code Compliance Inspection Report form. I will note there are some delinquent property tax bills you may want to look into as well.

Referred to the City Council due back on 4/17/2024

3 RLH TA 24-117 Ratifying the Appealed Special Tax Assessment for property at 1133 ARUNDEL STREET. (File No. VB2406, Assessment No. 248805)

Sponsors: Kim

Approve the assessment and make it payable over 5 years.

Biniam Ansera, owner, appeared via phone

Staff report by Supervisor Joe Yannarely: upon condemnation by Code Enforcement, we opened a Category 2 Vacant Building on August 2, 2023. There was a slight waiver of the fee to October 2, 2023. The total assessment is \$2,616. There is a Code Compliance Inspection done in September and we have an open plumbing and building

permit.

Moermond: that's great, a couple permits are pulled. A couple more need to be, but you're on your way. What are you looking for today?

Ansera: I've only worked a month since after this happened, I've been getting unemployment which is half my pay. I'm waiting for the season to start, I'm a union carpenter, so I'm waiting for my boss to call me back to work. When they hit me with the fee, they told me this would happen, and I couldn't do any work because inspectors were busy and the electrical inspectors were on vacation. It took almost six weeks [to get the Code Compliance Inspection Report]. Clint, the main guy, by the time I got it my waiver time was already over. I'm trying to keep my house, keep up with the mortgage, but all the extra things I am not able to pay.

Moermond: about getting an inspector in, the electrical inspector in particular tried to get in on August 24 and couldn't. Then on September 20th went in and did the report. What happens when they can't get in you go to the bottom of the list. The building inspector also noted after you filed for the Code Compliance Inspection Report people were living there and because of the problems with the property he wanted to consult with the Code Enforcement police before he went in. He went September 5 and couldn't find a key. What I did when I saw you was recommend the fee waiver through October 2. That meant if you finished by then there would be no fee. If you didn't there will be a fee, obviously there has been since we are talking today. That is fine. I hear you are not having much income. We need to figure out how to make this doable so you still have enough income to hire contractors, buy supplies, finish the job. What I would suggest is the Council make the assessment payable over 5 years. That would divide this up considerably so you aren't stuck with it all at once.

[Moermond explains how that payment and assessment process works]

Ansera: is there any way the \$161 can be added to that?

Moermond: right now, I'm just recommending approval of that, and the same thing would apply. It is small enough I wouldn't recommend it is made payable over a couple of years, but it is the same, you can choose to not pay the invoice and then it shows up on your 2025 taxes.

Referred to the City Council due back on 4/17/2024

4 RLH TA 24-116 Ratifying the Appealed Special Tax Assessment for property at 1133 ARUNDEL STREET. (File No. J2406E, Assessment No. 248305)

Sponsors: Kim

Approve the assessment.

Biniam Ansera, owner, appeared via phone

Moermond: we have two assessments, one for Excessive Consumption of services, and one is the annual Vacant Building fee. I know we've talked before.

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: a Summary Abatement Order was issued to provide a key to the lockbox for a Code Compliance Inspection Report. They tried a

couple of times to get access and were unable to do it, so this is an Excessive Consumption for failure to get in. Total proposed assessment of \$169.

Moermond: an application was made for a Code Compliance Inspection but the inspectors went out and couldn't get in on 2 occasions.

Ansera: the reason why is the front door got kicked in so they screwed the front door shut, we didn't have a lock for it. The only door open was the back door, we'd put it there. There was a key but they didn't understand the only entrance to the property was my backdoor. That was a misunderstanding. Once they found that out after getting ahold of me saying they couldn't get in, I said it is in the back door because the front door is secured. The only accessible door was the back, once they realized that they were able to come in and do the inspection. It was just a miscommunication; we didn't do it intentionally or not give them access.

Moermond: the notes say, "no key in lock box", that's different than not finding a lock box.

Ansera: why would I have a lock box with no key? That doesn't make sense. The only people with access were me and inspectors. They got in once they called me and I told them to use the back door. I talked to the guy in charge, but eventually they got in, so the key had to have been there.

Moermond: you're right it doesn't make sense.

Ansera: I don't know, maybe it just got stuck in there. I wasn't there, I was at work.

Moermond: I think they inspect 1,000's of Vacant Buildings, and they know whether there was a key in there. It was both the building inspector and the electrical inspector. There are notes in here about the fact the front door was screwed shut and to go around to the back. While I appreciate you have a different opinion, I'm going to recommend the Council approve the assessment.

Ansera: that's fine. I'm not here to argue. I know what I did.

Referred to the City Council due back on 4/17/2024

5 RLH TA 24-99 Ratifying the Appealed Special Tax Assessment for property at 1028 LAWSON AVENUE EAST. (File No. J2406B, Assessment No. 248105)

Sponsors: Yang

Approve the assessment.

Salim Ntambwe, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: October 18, 2023 the St. Paul Police Department, while executing a search warrant, entered the building. When they left the 5 doors were secured by the contractor for a total assessment of \$714.

Moermond: based on the police report it looks like this is still under active investigation. Tell me why you are appealing today.

Ntambwe: it says there were five doors screwed shut. The tenant mentioned it was only two doors, the front door, and the garage. The other 3, if the contractor can provide photos or video of the work done. With technology he should have evidence of the work done. I have homeowner's insurance. Whatever happens I am covered. For them to do the work with permission, they were protecting the tenant's belongings, not me. I am not liable for this fee due to the fact that house didn't cause problems. I have insurance and they were protecting the tenant's belongings, not mine. No one can take anything but a faucet or toilet. The St. Paul Police Department went in searching for whatever, they never found anything and no arrests were made. At the same time, my tenant told me the St. Paul Police Department found a stash of money from selling things on FB but the St. Paul Police Department took almost \$15,000 cash. They should be taking this money off that rather than keeping it.

I would like the contractor to come back and repair the holes, it was done without my permission. It is forced to me, I own it, they are forcing me to pay it. I didn't authorize anyone to go there. They should have called me if they could do the job. No one did that. The police told the tenant they left his car in the middle of the highway, which they couldn't tow to a safe place, but they can charge me for securing the house? When the police arrived at the premises his sister or brother or cousin were there, they should have let them live there, instead of kicking them out and boarding it. I have homeowner's insurance. They were safeguarding his belongings, not mine.

Moermond: Mr. Yannarely, it is my understanding the day after the boarding events happened, you went and inspect the property for the work the City is being billed for. What is it you do when you go?

Yannarely: the verify the best I can we had the right address and it was secured.

Moermond: would you check for 5 doors?

Yannarely: as best I can. It could have been an interior door too. Often they do take photos, we can request that. I can see the front, back and garage door are the typical egress on a single-family home. It doesn't mentioned windows, but sometimes it can be misconstrued.

Moermond: were the City to decrease the amount, each opening was a \$60 charge. You are relying on the argument on the tenant who had the search warrant executed, with an open investigation. If you are arguing the tenant's belongings were taken and not properly accounted for, that is something separate. If you are saying the City should have taken money off that to pay for the boarding, that would be criminal. With respect to whether an open building presents a public nuisance and should be secured. If the St. Paul Police Department are leaving the site of a crime, or a search warrant, that is actually creating a problem. The City is aware it is open but if a crime occurs in the house, they go in and start a fire, not only are you liable as the property owner but the City is as well as the entity aware of the circumstance and didn't secure it. It isn't a question of personal belongings; it is whether it is a dangerous condition that shouldn't be allowed to continue. It is the City's position that leaving a house unsecured is a safety hazard.

As far as wanting the contractor to come fix the holes. I have no sympathy and I have not found your case to be at all compelling nor am I convinced the openings weren't boarded. I don't personally believe your tenant. If Mr. Yannarely produces documentation that less was done, we will notify you and decrease accordingly.

Referred to the City Council due back on 4/17/2024

- 6 **RLH TA 24-120** Ratifying the Appealed Special Tax Assessment for property at 1040 SIMS AVENUE. (File No. J2401C1, Assessment No. 242002)

Sponsors: Yang

Approve and make payable over 5 years.

No one appeared

Moermond: the owner is looking for time?

Yannarely: they want the payments made over 5 years for the garage demolition.

Moermond: I will absolutely recommend that.

Referred to the City Council due back on 3/20/2024

10:00 a.m. Hearings

Special Tax Assessments

- 7 **RLH TA 24-125** Ratifying the Appealed Special Tax Assessment for property at 557 DALE STREET NORTH. (File No. J2406E, Assessment No. 248305)

Sponsors: Bowie

Continue CPH to June 5, 2024 and if property is in compliance (trailer removed OR parked on a parking surface approved by zoning), delete the assessment. If not in compliance, approve the assessment.

Mohamed Liban, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: a correction notice as issued May 17, 2023 to remove a trailer parked in the backyard by May 24. Since then, we've had six total Excessive Consumption. Two levied, two forthcoming, the sixth not assessed. One cancelled. We've had some garbage issues. February 14 photos show trash around the photos and the parking area isn't maintained very well. Total assessment on this one of \$169.

Moermond: what's going on Mr. Liban?

Liban: a drunk driver hit my home and I called 911, the police came and that's how this all started. I fixed the porch. The trailer was parked and I leg injury. I have a parking lot there. I am asking for the City to help me with the fines. The wood you see, I had a permit for work inside the house, which is now closed, and I would remove that.

Moermond: what is your plan for taking care of the trailer and parking area?

Liban: I have parking behind that. I will pull it to the parking. I have a lot of things in there, I have no other place to put it. It is barely behind my car. It used to be a driveway to my neighbor's. It used to be an alley historically. I'm trying to put class 5 in

so I can put the trailer back.

Moermond: how long have you had it there?

Liban: a long time. It only started because the police or fire department noticed it, if I hadn't called for help it wouldn't have been an issue.

Moermond: not sure I agree with that assessment. Ms. Martin, how did this come to your attention?

Martin: I think he's correct, we had orders to repair the rear porch. There's quite a history here so it is hard to figure out where to start. Vehicles going back to 2022.

Liban: all the work I did I got a permit for. I am trying to follow the rules. It should be alley there. I'm going to put class 5 there.

Moermond: how long do you need to address this?

Liban: May.

Moermond: this goes in front of the City Council April 17th. I'm going to ask them to continue the case to June 5th. If the trailer is gone OR on an approved, legal, surface. That means approved by zoning, it will be deleted. If it isn't taken care of by then, I'll recommend it is approved. We'll send an inspector June 4 to look at it. This has been a problem for 5 years according to Google images, it is time to take care of it.

Referred to the City Council due back on 4/17/2024

- 8 **RLH TA 24-109** Ratifying the Appealed Special Tax Assessment for property at 195 DUNLAP STREET SOUTH. (File No. CRT2405, Assessment No. 248204)

Sponsors: Noecker

Delete the assessment.

No one appeared

Supervisor Leanna Shaff: this is 23-unit building. We received payment at Department of Safety & Inspections. I don't know if it crossed over in the assessment process, but we received payment in our office.

Moermond: recommend deletion of assessment.

Referred to the City Council due back on 4/17/2024

- 9 **RLH TA 24-121** Ratifying the Appealed Special Tax Assessment for property at 500 LAFAYETTE ROAD. (File No. CRT2405, Assessment No. 248204)

Sponsors: Noecker

Delete the assessment.

No one appeared

Supervisor Leanna Shaff: this is a DNR building and for some reason a duplicate file was made and the inspector asked for it to get changed. It was already paid.

Moermond: due to computer error, it appeared it wasn't paid when it actually was. Recommend deletion.

Referred to the City Council due back on 4/17/2024

10 RLH TA 24-91

Ratifying the Appealed Special Tax Assessment for property at 355 GERANIUM AVENUE EAST. (File No. J2405E, Assessment No. 248304)

Sponsors: Kim

Approve the assessment.

*Dan Tran, Vietnamese interpreter, appeared
Chuong Huynh, owner, appeared via phone*

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: this is a correction notice issued April 19, 2023 to remove the class 5 from the rear yard and restore the west side of the garage. Before you can park in a yard there needs to be a site plan for the additional parking, or it needs to be restored.

Moermond: all gravel back yard, and that can't be the case. You were told that about a year ago. What is going on? It still is not done, and you keep getting bills because the inspector keeps going and it is not done.

Martin: this specific bill was a total assessment of \$169.

Moermond: and we have a second assessment for the same violation but a different time period?

Martin: yes, the other was \$303. For the record we have had a total of 10 Excessive Consumptions issued. Only 3 have been cancelled.

Huynh: when I bought the home I requested permission to put gravel on. Later when they disagreed they gave me two weeks to do it, and I thought I did it within 2 weeks.

Moermond: the entire backyard is gravel; I don't understand what you did.

Huynh: it isn't gravel. I already got rid of the gravel. It is just soil.

Moermond: so, there is no gravel anymore? It is just compacted soil?

Huynh: yes, that's true. I got rid of it a long time ago.

Moermond: the second part of the order it says to remove the class give gravel and then restore suitable ground cover to the rear yard. That means you have to control erosion, mud, dust. I'm not sure how plain old dirt does that.

Huynh: we planned on putting grass seed down, but we have to wait until summer.

Moermond: these orders were issued April of 2023. That is a lot of time to put grass seed down.

Huynh: please understand, we spent a lot of money to put the gravel down after we thought we had permission. Then we spent a lot of money to remove it. We have to save money for grass seed.

Martin: a December 7 photo still shows parking all the way up to the house. There is no parking allowed in the yard.

Huynh: we stopped doing that afterwards.

Moermond: you knew you weren't supposed to be parking there the whole time according to the orders. You're also telling me there was a bill for the gravel. Looking at aerial photos I see it was put in between 2018 and 2020. Removal would have been your only cost. I know what grass seed costs. Do you have a better argument for why you haven't taken care of this?

Huynh: I apologize for the delay. I will get it done this summer.

Moermond: what are you looking for today?

Huynh: we hope you would reduce the penalty and we promise to complete the job this summer.

Moermond: after you talked to the inspector you continued to have this situation exist. You had many opportunities to address this and you haven't. I'm struggling to give you grace given how long it has been. Are there any other Excessive Consumption bills forthcoming, Ms. Martin?

Martin: there are ten total. 3 were cancelled. So, these 3.

Mai Vang: two more are still coming.

Huynh: about what?

Moermond: the same thing.

Huynh: what else?

Moermond: each time the inspector goes out there is a cost the City incurs. The City is trying to recoup the cost of those services because the work should have been done already and the inspector shouldn't have had to be going out this many times.

Huynh: we could put the seeds down now, but it wouldn't grow. What is the purpose of the monthly inspection?

Moermond: at the very least they are finding illegally parked vehicles.

Huynh: we haven't parked there for quite a while.

Martin: December 7th was the last time they were out there, and vehicles were gone but you could see from the tire tracks in the snow they were recently moved.

Huynh: but there are many vehicles that came and then turn around and make a U-turn.

Moermond: not right up against the house.

Martin: there is also a space with snow around it that shows where the car was. So no, I don't agree with that.

Huynh: it has been a long time since a car has parked there. If each time you see tire tracks and I get assessed I won't be able to pay the assessment.

Moermond: it would go on your property taxes. I'd like to see the area prepared for seeding and actually being seeded no later than June 1, we should even see seeds sprouting. You'll need to water it. Grass will not grow without loosening that soil. It isn't enough just to scatter seeds.

Huynh: can I plant fruit trees and herbs?

Moermond: of course. My main concern is there are roots growing in the soil that keep the soil where it is and not running off or turning into dust.

Huynh: I understand.

Moermond: if you do that, I'll recommend the next two assessments are deleted. Those are for \$303 and \$169. These two would be approved, but the next two would be deleted. That's \$472 for the next two. I want the inspector to see a little grass coming up by June 1. [discussion of how assessments and billing work for property taxes]

Referred to the City Council due back on 3/27/2024

11 RLH TA 24-100 Ratifying the Appealed Special Tax Assessment for property at 355 GERANIUM AVENUE EAST. (File No. J2406E, Assessment No. 248305)

Sponsors: Kim

Approve the assessment.

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248305)

Sponsors: Yang

Layover to LH March 19, 2024 at 10 am.

*Pao Lee, owner, appeared via phone
Mai Vang interpreted*

[Moermond gives background of appeals process] If needed we will absolutely provide an interpreter at the Council Public Hearing.

Staff report by Supervisor Lisa Martin: March 16, 2023 a Correction Notice was issued regarding an accessory structure that needed to be moved away from the house. It was closer than 6 feet. Needs to be at least 3' from neighboring property. They have added electrical. Looks like they have extended the kitchen. Complaints stated that they were serving food out of it. That wasn't confirmed but it certainly looks like it is set up like that. I spoke with the owner on site.

Lee: I've been waiting 2 hours. I am at the store, and my wife wants to be part of the hearing process.

Moermond: we're happy to reschedule.

Lee: I want to reschedule to March 19 and please send a confirmation letter.

Moermond: not a problem. We'll call between 10 and 11:45. Do we need an additional number for your wife?

Lee: no, just this one. We will both be on the line.

Laid Over to the Legislative Hearings due back on 3/19/2024

- 13 RLH TA 24-80** Ratifying the Appealed Special Tax Assessment for property at 1235 MINNEHAHA AVENUE EAST. (File No. J2406E, Assessment No. 248305)

Sponsors: Yang

Approve the assessment.

No one appeared

Moermond: I previously have recommended approval of this and related assessments.

Referred to the City Council due back on 4/17/2024

- 14 RLH TA 24-106** Ratifying the Appealed Special Tax Assessment for property at 1056 SEMINARY AVENUE. (File No. J2413A, Assessment No. 248512)

Sponsors: Bowie

Delete the assessment.

Lillian Smith, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: this was a Summary Abatement Order issued September 4, 2023 for tall grass and weeds from rear of property and around garage. Compliance of September 4. Extension requested. Rechecked 9/18 and 9/20 and it was not done. Total assessment of \$322. Photos in the file.

Smith: the initial assessment I received on the same day as the Summary Abatement Order with the initial inspection. Both on September 8 with compliance dates of September 4. Based on what I saw on the paperwork I went and trimmed the material behind the garage, because I thought that was the primary issue because of the photo. As far as materials in the front yard, my partner and I have been making an effort to make our yard pollinator friendly. Plants that were mowed included goldenrod, butterfly weed, milkweed, yarrow, crown vetch, Virginia creeper, aegopodium, tansy. My peonies were also mowed. My rhubarb was also mowed, which I grow to eat. My downspout was run over with the lawnmower. I sent in a photo of that to Mai. My strawberry pot was also crushed. I called Otis Warner to request the extension and never received a message back. Having resolved the portion behind the alley, so when the rest of my yard was mowed without knowing. I was surprised and very upset. We planted those plants on purpose to make the yard more pollinator friendly.

Moermond: the letter does say the whole yard, but you're right the portion in all caps speaks to the backyard where the photo is. So, I tend to agree with you there, that it isn't clear on its face, which it should be clear what the expectation is. That is problematic in my view. I am inclined to recommend deletion for that reason. I wanted to let you know the State does have a very clear definition of what qualifies for natural prairie plantings. Some of what you are doing would meet the definition and some would not. Just mentioning that as the new season begins.

Referred to the City Council due back on 4/3/2024

- 15 RLH TA 24-123** Ratifying the Appealed Special Tax Assessment for property at 1033 and 1035 SEVENTH STREET WEST. (File No. J2404P, Assessment No. 248403)

Sponsors: Noecker

Delete the assessment (waiver on file).

No one appeared

Moermond: waiver on file. Lisa, we wanted to talk to you about process on this.

Supervisor Lisa Martin: I sent a message to Nick Fadden with Parks, so I asked him to tell us who is entering them so they can catch this.

Moermond: with all these graffiti ones, another problem came up and if you look at the photo in Stamp, you can see the date on the photo is November. When you read the materials in the folder, it is clear the graffiti removal occurred the end of September. So, the write up says that, but the photo does not.

Martin: can you shoot me an email with that so I can email a supervisor.

Moermond: I would have recommended deletion of an assessment here where the owner was arguing he paid his people to do the cleanup and provided us with a receipt

for 520 West University. Our people say they did it the same time. Our photo says November, even though there are leaves on the trees. We'll have Mai send you that information.

Referred to the City Council due back on 4/17/2024

- 16 RLH TA 24-112** Ratifying the Appealed Special Tax Assessment for property at 520 UNIVERSITY AVENUE WEST. (File No. J2404P, Assessment No. 248403)

Sponsors: Bowie

Delete the assessment (waiver on file).

No one appeared

Moermond: waiver on file. Lisa, we wanted to talk to you about process on this.

Supervisor Lisa Martin: I sent a message to Nick Fadden with Parks, so I asked him to tell us who is entering them so they can catch this.

Moermond: with all these graffiti ones, another problem came up and if you look at the photo in Stamp, you can see the date on the photo is November. When you read the materials in the folder, it is clear the graffiti removal occurred the end of September. So, the write up says that, but the photo does not.

Martin: can you shoot me an email with that so I can email a supervisor.

Moermond: I would have recommended deletion of an assessment here where the owner was arguing he paid his people to do the cleanup and provided us with a receipt for 520 West University. Our people say they did it the same time. Our photo says November, even though there are leaves on the trees. We'll have Mai send you that information.

Referred to the City Council due back on 4/17/2024

- 17 RLH TA 24-105** Ratifying the Appealed Special Tax Assessment for property at 1450 UNIVERSITY AVENUE WEST. (File No. J2404P, Assessment No. 248403)

Sponsors: Bowie

Delete the assessment (waiver on file).

No one appeared

Moermond: waiver on file. Lisa, we wanted to talk to you about process on this.

Supervisor Lisa Martin: I sent a message to Nick Fadden with Parks, so I asked him to tell us who is entering them so they can catch this.

Moermond: with all these graffiti ones, another problem came up and if you look at the photo in Stamp, you can see the date on the photo is November. When you read the materials in the folder, it is clear the graffiti removal occurred the end of September. So, the write up says that, but the photo does not.

Martin: can you shoot me an email with that so I can email a supervisor.

Moermond: I would have recommended deletion of an assessment here where the owner was arguing he paid his people to do the cleanup and provided us with a receipt for 520 West University. Our people say they did it the same time. Our photo says November, even though there are leaves on the trees. We'll have Mai send you that information.

Referred to the City Council due back on 4/17/2024

- 18 RLH TA 24-104** Ratifying the Appealed Special Tax Assessment for property at 1491 UNIVERSITY AVENUE WEST. (File No. J2404P, Assessment No. 248403)

Sponsors: Jalali

Delete the assessment (waiver on file).

No one appeared

Moermond: waiver on file. Lisa, we wanted to talk to you about process on this.

Supervisor Lisa Martin: I sent a message to Nick Fadden with Parks, so I asked him to tell us who is entering them so they can catch this.

Moermond: with all these graffiti ones, another problem came up and if you look at the photo in Stamp, you can see the date on the photo is November. When you read the materials in the folder, it is clear the graffiti removal occurred the end of September. So, the write up says that, but the photo does not.

Martin: can you shoot me an email with that so I can email a supervisor.

Moermond: I would have recommended deletion of an assessment here where the owner was arguing he paid his people to do the cleanup and provided us with a receipt for 520 West University. Our people say they did it the same time. Our photo says November, even though there are leaves on the trees. We'll have Mai send you that information.

Referred to the City Council due back on 4/17/2024

- 19 RLH TA 24-115** Ratifying the Appealed Special Tax Assessment for property at 747 WINSLOW AVENUE. (File No. J2405E, Assessment No. 248304)

Sponsors: Noecker

Reduce assessment from \$169 to \$84.50.

Sean Moore, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: a correction notice was issued July 27, 2023 stating all vehicles must have current tabs, be registered to the property, fully operational, cannot be missing any vital parts, cannot be open to entry, and must be

parked on an approved surface The gravel area in the rear yard has not been approved for parking. Compliance date of August 3, 2023. Rechecked August 3. Wasn't removed. Total assessment of \$169. November 2, 2023 bus parked in yard, but no action because site plan was approved.

They have a parking area next to the house but they keep pushing it further into the yard, so it was not on the approved parking surface.

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

Moore: I did move the vehicle onto the gravel next to the house. Then my neighbor started working on the retaining wall, during the summer when the second notice came in, which had an August 3 compliance. I did move the bus back on August 3 to give him time to remove the wall. I thought he was coming AFTER August 3. Since then, I did get approval to extend the parking area. I'm just asking for some leniency because I thought I was in compliance by having it moved August 3 and the only extenuating cause was the work being done.

Martin: you're saying there are pavers under the bus in the backyard?

Moore: yes.

Martin: pavers aren't an allowed parking surface. They're allowed to drive on into a garage.

Moore: they are 2 feet wide.

Moermond: the parking plan from zoning says, "Site plan for a new parking space comprised of stone pavers limited to two feet wide wheel tracks will be constructed that will connect to the existing gravel driveway and located 4 feet from the property line." There is a comment on it "closed with comments, see attached site plan". All of this looks like the application was processed September 14. I look at the order itself and it says, "will be inspected on or after August 3". I think the wording is quite clear it would be inspected that day. It was also found in noncompliance August 17, two weeks later. I understand work was being done on the wall, but the plan wasn't even brought in until a month after that. Looks like it is just this one pending Excessive Consumption. Given the circumstances I'm inclined to recommend approval. It was clear when the compliance was expected.

Moore: it was moved before the end of the business day on August 3. It was just to allow work on that retaining wall. They had a crew out multiple weekends, it took about four weeks.

Martin: we've been dealing with the bus since 2022.

Moore: I went to the wrong place initially. I was doing the best I could to keep it in compliance.

Moermond: I'll recommend this is decreased by half because of the site plan having been approved incorrectly having approved stone pavers for parking which may have led to some confusion.

[Note: after hearing Moermond reviewed case and changed recommendation to reduction by half]

Referred to the City Council due back on 3/27/2024

Special Tax Assessments-ROLLS

- 20 **RLH AR 24-17** Ratifying the assessments for Collection of Vacant Building Registration fees billed during April 5 to September 19, 2023. (File No. VB2406, Assessment No. 248805)

Sponsors: Jalali

Referred to the City Council due back on 4/17/2024

- 21 **RLH AR 24-18** Ratifying the assessments for Securing and/or Emergency Boarding services during October 2023. (File No. J2406B, Assessment No. 248105)

Sponsors: Jalali

Referred to the City Council due back on 4/17/2024

- 22 **RLH AR 24-19** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during September 25 to October 30, 2023. (File No. CRT2405, Assessment No. 248204)

Sponsors: Jalali

Referred to the City Council due back on 4/17/2024

- 23 **RLH AR 24-20** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during August 22 to September 20, 2023. (File No. J2406E, Assessment No. 248305)

Sponsors: Jalali

Referred to the City Council due back on 4/17/2024

- 24 **RLH AR 24-21** Ratifying the assessments for Graffiti Removal services during August 15 to October 30, 2023. (File No. J2404P, Assessment No. 248403)

Sponsors: Jalali

Referred to the City Council due back on 4/17/2024

- 25 **RLH AR 24-22** Ratifying the assessments for Tree Removal services during October to November 2023. (File No. 2404T, Assessment No. 249003)

Sponsors: Jalali

Referred to the City Council due back on 4/17/2024

11:00 a.m. Hearings

Making Finding on Nuisance Abatements

- 26 [RLH SAO 24-17](#) Making finding on the appealed nuisance abatement ordered for 1525 MARGARET STREET in Council File RLH SAO 24-15. (March 5, 2024 Legislative Hearing)
- Sponsors:** Johnson
- The nuisance is abated and the matter resolved.*
- Called at 12:19 pm – unable to leave message; voicemail full.*
- Called at 12:29 pm: unable to leave message, Voicemail full.*
- Moermond: we have reached out twice to talk to Ms. Jennifer Oliver. This was for compliance with the Summary Abatement Order for cleaning up the trailer and appliances, that appears to have been addressed. The other order, the Vehicle Abatement Order, has a deadline of next week.*
- Referred to the City Council due back on 3/6/2024**
- 27 [RLH SAO 24-16](#) Making finding on the appealed nuisance abatement ordered for 1472 SHERBURNE AVENUE in Council File RLH SAO 24-8. (March 5, 2024 Legislative Hearing)
- Sponsors:** Jalali
- Nuisance partially abated. Department authorized to take action Monday, March 11, 2024.*
- Whitney Streeter, owner, appeared via phone*
- Staff update by Supervisor Lisa Martin: he says not in compliance. Trailer and scrap wood throughout the property and around the house.*
- Streeter: the scrap wood we just took out of the house last week. That's a new pile. We got extremely sick so weren't able to deal with it. My husband is calling for a dumpster today, so we'll have it gone by Thursday or Friday. I talked to the surveyor who said he won't come out until spring. We have until June on that.*
- Moermond: yes, you do.*
- Streeter: I do have one lined up.*
- Moermond: I'm not changing that deadline. You're already operating under a set of orders to clean up it is probably not a good idea to add things to make it worse. Honestly, the orders do say to clean up. Ms. Martin, if you went today would you call it good if the dumpster is removed by a deadline?*
- Martin: if it is contained and we see a permit on file, make sure whatever is taken from the home is contained.*
- Streeter: the toilet and water heater were just left in the basement when we moved in.*

we just moved them outside. The basement had been finished years ago, so all we are doing is tearing out an old drop ceiling. It is just a lot of old plaster and whatnot.

Moermond: this goes to Council tomorrow. We'll amend the resolution to say conditions have been partially abated, and the City Council will authorize Department of Safety & Inspections to take action effective Monday, March 11. That gives you the weekend to fill the dumpster. If it is done properly then no enforcement action will be taken.

Referred to the City Council due back on 3/6/2024

1:00 p.m. Hearings

Vacant Building Registrations

- 28 RLH VBR** Appeal of Carolyn Brown, on behalf of Shai Leibovich, to a Vacant
24-14 Building Registration Notice at 1056 HATCH AVENUE.

Sponsors: Kim

Waive VB fee to April 1, 2024, make property a Cat 1 VB, and release from VB program if C of O is reinstated by April 1, 2024.

Carolyn Brown, property manager, appeared via phone

I: one unit building schedule for a Certificate of Occupancy inspection. I was out there February 7, 2024 with inspector Cheetah. We did an initial inspection and the house was unoccupied. It was vacant for a number of weeks, but not sure of the exact date. Sounded like a plan to repair and sell the house, or maybe new renters going in. Badly corroded furnace vent was the most serious issue. PM set up a call with CenterPoint Energy to come out. We were back out February 8 along with Xcel Energy and the contractor was also on site. He was unable to repair the vent, the vent was not run properly to begin with so he could not repair it. Xcel red tagged the furnace and locked out the gas meter and the condemnation was issued due to lack of heat, effective immediately since it was already vacant. Referred to Vacant Buildings as it met our definition of a registered Vacant Building.

Staff report by Supervisor Matt Dornfeld: February 12, 2024 Inspector Hoffman opened a Category 2 Vacant Building per that referral. Inspector Hoffman noted it was vacant and secure but did issue a Summary Abatement Order for trash and household items with a compliance date of February 18. February 23, 2024 he reinspected and found the yard not in compliance and issued a work order to clean up the yard.

Brown: we already paid CenterPoint to install the furnace, but they couldn't pull a permit. It could have already been installed, but they couldn't do it due to it being condemned and being unable to pull a permit.

Moermond: and its not occupied?

Brown: no, not occupied.

Moermond: the lack of heat wasn't affecting a tenant. I looked over the orders and consult with Mr. Imbertson about them and it seems like the gas shut off and gas fired appliances are the biggest issue, and the electrical issues around the stove will probably require a permit to be corrected as well. I think we can waive the Vacant

Building fee and allow you to pull permits. We can say this is a Category 1 if you get the work done by April 1. Have your Certificate of Occupancy reinstated by then and you are out of the Vacant Building program.

[Brown hangs up]

Referred to the City Council due back on 3/20/2024

**29 RLH VBR
24-19**

Appeal of Mike Runyon to a Vacant Building Registration Requirement at 1017 SEVENTH STREET WEST.

Sponsors: Noecker

Grant the appeal and release the property from the VB program.

*Ted Casper, owner, appeared
Mike Runyon, owner, appeared*

[Moermond gives background of appeals process]

Staff report by Supervisor Jim Perucca: former Hot City Pizza, 1200 square feet. Bar restaurant under 50 occupant load. The Certificate of Occupancy inspection began January 13, 2023 by Inspector Huseby. She had several attempts to set up the initial appointments. Finally, the initial inspection happened January 30, 2023. A couple reinspections in March. Another in May. Some email conversations. During this time the building was not occupied.

Runyon: it hasn't been occupied since June of 2023. It was Hot City and then the Parlor.

Perucca: another reinspection August 1 where the building was noted to be unoccupied in the orders it says if it remains unoccupied for another six months it will be referred to the Vacant Building program. In February Inspector Toeller took over the file. Still a number of deficiencies that need to be corrected. As of the contact in February he was informed there were plans that may be pending but no specific dates and hard deadlines. At that time six months had elapsed and it was referred to the Vacant Building program.

Moermond: I'm confused about item one on the February 16 orders.

Perucca: it is rather clumsy wording. It should read something like "if it is unoccupied for another six months."

Moermond: so, the order wasn't updated. He just took what he said in August without updating it to the February orders. So, it appears in the February orders we are talking about February through July rather than August 2023 through February 2024.

Perucca: last occupied as of June. The orders were from August 1, 2023 with item one being unoccupied buildings cannot have a Certificate of Occupancy after six months it will be referred to Vacant Buildings for monitoring. We're looking to work in partnership here, but without concrete dates it moved the action along.

Staff report by Supervisor Matt Dornfeld: February 22, 2024 Inspector Hoffman opened a Category 2 Vacant Building per the Certificate of Occupancy revocation referral from Fire. He noted it was vacant, secure, and maintained at time of inspection.

Moermond: this strikes me as having similarities to Savoy Pizza and its use when the building stopped operating, they used it for storage. Converted use, and a process to do that.

Runyon: we bought that property 10 years ago. When we bought it the City had a thing with restaurants you had to have so many parking spots to meet Code. That has since gone away, but we've always used it as parking. The business went out of business in June. Everything has been removed, so all the Fire issues are moot. It is an empty storage area. We can use it as that for Shamrock's. I think slapping a vacant sticker on the window is going to cause problems. We have a couple people interested it, but funding from banks is problematic. We'd love to rent it out again as much as the City would. It can be used as cold storage for restaurant equipment at Shamrocks, so the fire deficiencies haven't been revisited since August. I'm happy to go through the list and talk about each one or have someone come out to tell us what is required for cold storage. Obviously we'd talk to the City of someone rents it out again we'd be talking to the City about what goes into a new restaurant.

Moermond: tell me more about the parking.

Casper: when we bought it, we basically bought it for the value of the parking lot. Hot City was primarily takeout so we shared the lot. A former manager bought the business, and it did well until he stopped being there every day. Then our kitchen manager took over and he did the same thing. Then it closed in June.

Perucca: 421 Seventh Street East was the Red Savoy and what was allowed to be stored there was typical storage anyway for operating a restaurant, so it was allowed.

Moermond: what is the signage related to parking for your business?

Runyon: there are signs that say Shamrocks Parking on site.

Moermond: tell me about parking Mr. Perucca and any regulations around that. It is typically an accessory use; can it be an accessory use to a storage use?

Perucca: I can't think of any examples, but I also can't see any huge issues.

Moermond: according to the definition of chapter 43 doesn't make you a Vacant Building unless you've been identified as being as such for more than a year. If within that year it is open to entry, secured by other than normal means, other code issues. If it is first observed as of June of 2023, your one year is done June 2024. So, you're out of the program now, but that doesn't solve the problem long-term. I think it is worth checking into whether anything needs to be done to convert it to cold storage. In Red Savoy's case I waived the fee for 90 days so they could convert it. You want to establish a principle use and know what the timeline looks like for that. If it has another kind of use, a café or pizza, then you'd be doing the equipment checks on so on.

Runyon: we've owned the land since 2013. It hasn't changed hands.

Moermond: I would say you want to get that use established and I don't know would be involved in that, Mr. Perucca?

Perucca: it isn't a very big space; it would depend on configuration.

Moermond: who should they talk to at Department of Safety & Inspections?

Imbertson: I would suggest talking to zoning as well. That's been the biggest hurdle in the past. It may not be an allowable use without any other business use. We've had businesses close down and they attempted to get it approved as storage.

Runyon: we're B2.

Moermond: who do they call? Or form to fill out?

Imbertson: talk to zoning or call the front desk. If we want this to be a permanent change of use to go from B to S1 occupancy.

Moermond: maybe a conversation with Yaya Diatta.

Imbertson: that would be a good starting point.

Moermond: you have several months to get yourselves a cold storage use allowed.

Perucca: we can certainly come out and abate what is on the current orders.

Referred to the City Council due back on 3/20/2024

**30 RLH VBR
24-15**

Appeal of Oluwadamilola Osinubi, Krantz USA LLC, to a Vacant Building Registration Requirement at 824 WHITE BEAR AVENUE NORTH.

Sponsors: Johnson

Waive VB fee to April 15 and grant to April 15, 2024 to have an approved change in use and have Fire C of O reinstated.

Oluwadamilola Osinubi appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Jim Perucca: business occupancy 2500 square feet. S1 storage. One story building with one basement level. No sprinkler system in the building. Fire Inspections received a complaint from St. Paul Police Department that January 27, 2024 at 12:43 am officers were dispatched to the property for multiple reports of shots fired. Upon arrival multiple people were running in and out saying there was a shooting and suspects left. Officers cleared the building. This was a private event where juveniles were served alcoholic beverages. Alcoholic menus were on the tables. Officers removed bullet casings. Fire Inspections had an inspection scheduled for later that week, January 29, 2024 coincidentally. Inspector Migdal and I went to view its conditions. We did notice it was secured by boards with the front and had the back doors screwed shut, along with at least one window boarded. This was due to gunfire. It appeared to have a change in occupancy from its previous known use from an art gallery, and it had a makeshift bar set up along with lounge furniture and amplifying devices for music. At that time, we did a complete walkthrough and noted other deficiencies. There was a large amount of trash outside a dumpster in back.

Moermond: you found at that inspection was the basis for the condemnation and referral to the Vacant Building program.

Staff report by Supervisor Matt Dornfeld: we opened the file as a Category 2 Vacant Building on February 2, 2024. Inspector Hoffman noted it was vacant and secure and did issue a Summary Abatement Order to remove trash and household items from the property, but that is now in compliance.

Moermond: why are you appealing?

Osinubi: I would like to add the time of this incident I wasn't even in the Country. I found out such things were going on. I do have two case numbers against a former employee who did that. That's not my business nor what I purchased the building for. I got a call when I was in Nigeria, and I came back to devastation and my building being declared vacant when there isn't anything structurally wrong with it. I called Inspector Migdal and Hoffman to come see. I am kind of feeling upset, like I'm a victim and I keep being victimized. I welcome the opportunity to bring the City into my building. I had no clue about these activities. The substantial Vacant Building fee seems a lot like punishment. We've been there six years. I don't serve alcohol to anyone because I don't not have a liquor license. I feel upset that this happened because of an employee I already have two cases against who broke into my building. I just want to get on with my life. I welcome any and all inspections needed to try and get over this traumatic time.

Moermond: it appears there are issues over a long period of time.

Perucca: in doing a search of the property it is listed as a Lounge and Event Center. That has not been the approved use for this occupancy. This needs to conform with not only zoning but also licensing requirements for event centers, whether its private or public. I do see on one social media post where it says, "please call Fââji Lounge, we are looking forward to hosting you and your special events." [reads flyer included in record]

With those things pointed out, there are other requirements and licenses to adhere too. Food being served would be the Minnesota Department of Health's oversight, along with any other liquor sales. There was also a note on the police report that there may be hookah use by underage individuals. In doing a background check with St. Paul Police Department the calls within the last year had 3 instances of disturbance calls at the property. The first September 15 at 10:50 pm for loud party music and screaming. In the narrative it says there is a large party at 824 White Bear, advised to turn music down.

Moermond: how long were you out of the country? Who is responsible for managing your property in your absence?

Osinubi: I went out of the country by January 19, and returned February 9. During the previous year I lost my grandfather and my uncle. I went with my mother to help with the estate. This past trip we had to deal with my grandfather's primary residence in Nigeria. My mother is 65 and requested my assistance. The thing about the lounge. Nigerian lounges are different. They're just a place for you to come view the arts and vibe with people. It isn't a club. It is just part of our culture. Being loud is part of our Nigerian culture. I didn't know it was wrong. I thought it was part of what I had initially presented to the City. I will never knowingly do anything against the City, I am an upstanding citizen. I was in Nigeria for family business.

Jeffrey Weaver is my project manager to come look through my building, so he checks the place for furnace issues and integrity of the building. He is the one I have

the current case against, I don't even own hookahs. All of these things people are saying, we don't have. I don't own them. When I fired Mr. Weaver he attempted to break into the building. If you look at the police report, I have video of it after I changed the locks. I had fired him due to this recent event.

Moermond: when was this event in January, Mr. Perucca?

Perucca: January 27, 2024.

Moermond: when you have that many people coming together, it is an assembly use. There are exiting expectations around that?

Perucca: correct. The maximum occupant load would be 49 people with one exit door. Both the main level and basement level doors swing inward as well.

Moermond: you didn't file an appeal of the condemnation order itself, but rather when it came forward as a Vacant Building. The Vacant Building letter went to the owner of record, Kranz LLC, USA. Is that you?

Osinubi: yes ma'am. Initially when I landed I reached out to Inspector Migdal. He told me the reason they condemned my building was due to the egress issues. I accepted that because the police initially told me it for my sake to discourage further burglary. No one told me it was a Fire Code violation. The police told me it was for my own good, which is why I accepted them to barricade the entrances. No one explained it was a Code violation. Then I spoke to Inspector Hoffman and he said I had to appeal. No one mentioned I could appeal the Condemnation, ma'am.

Moermond: it is in the letter, as well as in the Vacant Building letter.

Osinubi: when I went to City Hall the lovely lady said that the vacancy trumps the condemnation.

Moermond: it is also timed out because it is the more important thing. The letter condemning the building went out January 30 and there are 10 days to appeal. We usually interpret that liberally, knowing mail may take longer. Either way, we really missed the window on that. I hear what you are saying about the boarding being the problem and yet this is an after-hours club with other kinds of events happening. We have it being rented as an event space. It isn't approved for that use. Whether or not you are in the country, alcohol is being served there. We have gunfire. This is extremely dangerous. I'm sorry you are in business with a bad actor but this is very dangerous to the neighbors, and obviously the occupants. It isn't safe for people to get away from the gunfire, a fire, anything. I know you aren't there but it is still your responsibility. I'm looking for a path forward where I can develop a level of trust this will be operated safely and not passed off to someone who will be bad actor while you are looking the other direction. This is incredibly important. I'm not sure what to do with the fact it was approved for one use and being used for another this entire time. These are all red flags that this isn't a safe situation. What can you do to reassure me it will be a safe situation for people who come to the space as well as the people who are nearby and may be harmed by the activity there?

Osinubi: of course, ma'am. Like I told you, I am an open book. I am not going to pull a fast one over the City. If the inspectors want to come every week I will follow any guidelines. If we cannot do such things in there, I will simply stop. My goal for that place was to be a gathering for my people to feel a little bit at home. If that goes

against City ordinances I will do everything I can to achieve what I need to do within the City's guidelines. I am not fighting, I am just trying to make the building I've worked so hard for and completely paid off, to be rotting by the wayside. I'll agree to anything, whether its direct oversight, I don't care. I am an open book.

Moermond: the City isn't saying you can't have an assembly use here, but what you are approved to have is an art gallery which is a very different use. That number of people, so on. Were you to apply officially for an assembly use there are things you can do to make it legal, and you are welcome to do that. You can't morph from the art gallery to the unsafe gathering place where young people are consuming alcohol and shooting guns.

Osinubi: that is my goal as well ma'am. If you have an inspector come visit every week, I'm willing to work with the City. I am 100% willing to do that. I just don't want it condemned. I've put my blood, sweat and tears in this.

Moermond: I hear you. You don't need an inspector coming by between 9 and 4. You need the cops coming by between 8 p.m. and 2 a.m. It is a different equation. Do the police have the ability to do proactive visits to make sure it is safely operated? That is a worry for me. I would like you to have the chance to get this approved as the kind of use you want to operate as. That is ok with me and I'm willing to give you a waiver to give you time to work with the Department on what that may look like. Occupancy, seating, doors. What needs to be done to make it safe for people? I really want this by the book because quite frankly, how do I explain to the neighbors that we've let something slide? I can't do that in good conscience. I can't just say to the neighbors "he seemed like a nice guy and was out of the country so never mind that you heard guns and your two-year-old was crying all night." That isn't ok. You are accountable. This can't be reoccupied until you have an approved use. You need to have an approved use and an approved Fire Certificate of Occupancy. I'll recommend you have until April 15 to get that taken care of. Figure that out.

Osinubi: how do I do that? Who do I speak to about that?

Perucca: we would need to have plans reviewed for any change of use. I can give you project facilitators who may be able to send you in the right direction as to what should be submitted and to which departments.

Moermond: we'll get you Mr. Perucca's information. You need to talk to an architect or a contractor who has the skills to be able to tell you if there are changes necessary to use the building the way you want. Those plans they would develop would be reviewed by the Department who could make decisions on those plans. Reach out now to that kind of person. That's your first move. Find that kind of professional if this is the way the space is going to be used.

Osinubi: my goal has always been to be a community place. Is this something I would talk to you about? Or the person whose contact information I will have?

Moermond: I'm just looking at your Vacant Building appeal today. As far as the condemnation I will say if you can get this approved for the use you want it to be used for, it is inspected and approved? Then I'm good. You have your approval for the modified use. It has been advertised as such. The Vacant Building fee I want to work with you on that to give you that opportunity before the Vacant Building fee kicks in. I think April 15 is a good date. [explains special tax assessment and possible proration of fee] I hope this is a solution that can make the users of the space safer, as well as the people surrounding the area.

Referred to the City Council due back on 3/20/2024

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

- 31 [RLH VO 24-5](#) Appeal of Occupant to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 421 THOMAS AVENUE #1.

Sponsors: Bowie

Layover to LH March 12, 2024 for further conversation, including SMRLS.

Occupant appeared via phone

Moermond: you are the occupant of unit one?

Occupant: correct.

[Moermond gives background of appeals process]

Staff report by Supervisor Mitchell Imberston: a residential two unit building in the Fire Certificate of Occupancy program. It was due for a renewal inspection, initially schedule for May 2023 and the inspector wasn't able to get in. A number of additional attempts were made in June, July and August to gain access. October we issued a noticed of pending revocation for failure to provide access. We were able to get into the property in November 2023. Insepctor Caballero issued orders on the items found, additional time was granted since we'd been given access. December was the first reinspection, nothing was done. Inspector spoke to owner who cited contractor difficulties. January 9, 2024 another reinspection and nothing was done. 19 deficiencies on the report including some major maintenance and safety items. The most serious being a failing subfloor in the lower unit bathroom.

Moermond: the failing bathroom floor wasn't sufficient to justify condemnation?

Imberston: I didn't observe the bathroom but after speaking to the inspector it was just the subfloor and the floor structure itself was still sound. It could progress to condemnable if it got worse.

Moermond: so not there yet. Ma'am, why are you appealing?

Occupant: this is a duplex with a vacant unit upstairs with access to a full bathroom. The landlord is looking for people to do the work, but so far nothing has panned out. We have lived here for 10 years. We have some extra challenges and adversities in finding housing. We are paying over 50% of our income currently. We have some issues where it takes us longer to get things done. This has been very triggering, which makes us not function the same way. It makes it harder to deal with the situation. We have a Pitbull which also reduces our housing options. We did apply to get extra help us with extra deposit or first months' rent but was told it could take up to 8 weeks, that was a month ago and I haven't heard anything back. The only resource I've come across is homeless shelters. My disabled daughter is over 18, so we couldn't stay as a family. We pay our rent. We've lived here over 10 years.

Moermond: did you talk to Southern Minnesota Regional Legal Services (SMRLS) at all?

Occupant: I haven't, no one has mentioned it.

Moermond: they have the ability; it sounds like you'd income qualify. They're legal aid and have the ability to ask the court to order the repairs done or that your rent money can be set aside so the repairs can be made out of that money. There are options. You are in danger of losing your housing because of the inaction of your landlord over more than six months. I'm happy to work with you but I need you to do that step and reach out to them. That seems to be the best option for you. They would be looking to do a tenant remedy action. Then we could add them to the call next week to participate with you in mapping out a course to get things addressed. You're the lower unit with the floor problem and mentioned the upstairs bathroom, does that mean your family is using the upstairs bathroom?

Occupant: yes, the unit upstairs is vacant.

Moermond: so, you're using that one since you can't use your own.

Occupant: yes, exactly.

Imbertson: are you aware of more deterioration in the bathroom floor since we were back in?

Occupant: it would be the same. No further damage. Whatever the water damage was I don't see any wetness at all. I don't think what caused it is still at play. I think when they fixed the tub handle last year that stopped the water damage. No active leak.

Imbertson: that's at least good news. As far as using the upstairs bathroom, do you have legal access to the unit or is there a possibility it would be secured?

Occupant: I do have the only key to it. The locks were changed after the last people moved out.

Imbertson: do you have an agreement with the owner?

Occupant: yes. He is aware.

[Moermond gives number for SMRLS]

Moermond: give them a call this afternoon.

Laid Over to the Legislative Hearings due back on 3/12/2024