



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, February 25, 2020

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 **RLH RR 20-2** Ordering the rehabilitation or razing and removal of the structures at 1286 SHERBURNE AVENUE within fifteen (15) days after the February 12, 2020 City Council public hearing. (To continue public hearing to March 25, 2020)

Sponsors: Jalali

Continue PH to March 25. If owner intends to proceed with rehab, they must submit contractor name, work plan, timeline and affidavit of funds for rehabilitation by March 23. If owner intends to proceed with demolition, they may work with DSI and submit demo contractor name and contract within 15 days of Council vote.

Erick Flyckt appeared o/b/o PHH Mortgage/Nationstar

Staff report by Steve Magner: letter sent January 17, 2020 to Erick Flyckt recommending the Council lay the matter over to today for the following conditions, if not removing the property provide a work plan, sworn construction statement, bids and the property must be maintained.

Moermond: you just provided a construction statement and schedule. Does that mean your client is rehabbing?

Flyckt: the bids include both rehab and demolition. There was quite a process in getting inspections completed, the front door was damaged so the lock box was on the back door. Right before the last inspection the back door was vandalized so we had to get the vendor back out there to repair. I don't think my client got the inspection report until last week. They haven't made a final decision yet, I'd like a short extension to give them time to do that.

Magner: with this submittal, the second to last page is an estimate for demolition of the site, and they put \$46,5769. That doesn't generally correlate with the numbers we would see.

Flyckt: I'm aware of that from previous hearings and I've informed my client of that.

Moermond: what kind of time are you looking for? This is scheduled to go before Council March 11. The REO team wants to cost benefit, how long do they think it will take?

Flyckt: I have been asking but haven't received that timeline. It is at your discretion.

Moermond: On March 11 I'll ask them to lay it over to March 25. By March 23 you need to have into my office a bid with the contractor names. We're talking about a bank asset here, but also knowing the bank has set aside the funds. Those are the things to get rehabbing. If they chose to remove it is the same as the previous case. I'd like that by the 23 so I can look at it before Council on the 25.

Referred to the City Council due back on 3/11/2020

2 RLH RR 20-1

Ordering the rehabilitation or razing and removal of the structures at 31 WINTER STREET within fifteen (15) days after the February 12, 2020 City Council public hearing. (Amend to remove within 15 days)

Sponsors: Thao

Recommend removal of the building within 15 days.

Michael Sauer, lawyer, appeared.

Staff report by Supervisor Steve Magner: January 17 a letter was sent out recommending the matter be laid over to today for the following conditions: \$5,000 performance deposit and Code Compliance inspection to be completed by February 12, and property must be maintained.

Moermond: we do have both of those things done, and your client was going to look at what they wanted to do with it.

Sauer: they got various bids including demolition, and they are leaning that way due to the expense of rehabbing it in its current condition. The bid they are planning to proceed with demolition at their own expense, the cheapest bid is \$29,639 for demo. Not sure if you think that's high or low, but that's what we've been looking at.

Moermond: does that include hazardous materials abatement?

Sauer: it was supposed to be all inclusive, from All State Company.

Magner: without looking at bid and scope of work, I can't say if that high or a bargain, but I do know a majority of our demos average less than that. Historically we've had competitive bidding and the primary driver tends to be more hazardous waste than the demo itself, depending on size and scope of project.

Sauer: is there a more commonly used contractor?

Magner: email Joe Yannarely and he can give you a list of contractors we have used in the past and your client can certainly call them up and get prices. Getting people to bid against each other can get people to sharpen pencils.

Sauer: those were the lowest of three.

Magner: the wildcard is asbestos and if there is a survey that has been done, that

typically narrows the window down quite a bit. To give an accurate bid you have to a destructive survey by sampling the property, testing the results and cataloging them and giving them to hazardous waste contractors. We don't see too many demo contractors with in-house vendors. If they are doing without doing that survey, that's when you tend to get the higher swings in numbers.

Sauer: I do know the one we're looking at closest is demo, so I'd hope they covered that. It included grading and seeding. I'll maybe reach out and contact Joe too.

Moermond: this is going to council March 11, I'm going to recommend they order the building removed within 15 days, so they have 15 days to pull the permit to get going on the activity. Mr. Magner typically allows another 30 days for the activity to commence.

Magner: as long as they submit a signed contract, it won't be the permit, to perform. Unfortunately there's a lot of pre-work that takes longer than the demo. Sometimes in the 15 days after Council, submit a signed contract that they will commence work in 30 days and we'll monitor from there.

Sauer: 15 days from March 11 you want to see a signed contract. Do road restriction get in the way in March?

Magner: not in the City. So when you're picking a contractor look for someone who won't be limited by road restrictions. There are a number of people without that problem. I recommend bringing that up.

Sauer: Last time I spoke about how we go about getting a return of the performance deposit?

Magner: submit a written request to Reid Soley. Our money return process is bureaucratic and it will take time to get the funds returned, up to 60 days.

Sauer: there is a mortgage company that hasn't been involved in the process. They weren't included in a lot of communications, we're trying to make sure they're aware of what's going on.

Moermond: will you pull the ownership and encumbrance report, so anyone with a lien in the County Records office is notified. If they've assigned that to someone else that's kind of their problem.

Magner: US Bank, Helen Bandow.

Sauer: it is Helen's family, owns a senior mortgage.

Moermond: if you have contact information forward it, we're happy to let people know. The City did its due diligence, so if they haven't recorded an interest then I'm not sure where we go from there.

Sauer: it is recorded, it is actually senior to the US Bank mortgage.

Manger: Letter from Thomas Allen December 6, 2019. City of St. Paul Department of Safety and Inspection regarding 31 Winter, stating "to whom it may concern, your office continues to send letters of various allegations to Helen Bandow, previous owner of this property. I have called your office several times and left messages that she no

longer has ownership of the property but this has not stopped your office from sending these notices and adding to her debt. Enclosed is a copy of the court order which permitted Ms. Bandow to abandon her interest in the property, please make note of this in your files and stop sending these to Ms. Bandow." Signed Cheryl Calloway, conservator for Helen Bandow.

Sauer: it is not Helen, it is people adverse to her in her family. I'm just bringing it to your attention.

Referred to the City Council due back on 3/11/2020

3 [RLH RR 20-10](#)

Ordering the rehabilitation or razing and removal of the structures at 1282 HAGUE AVENUE within fifteen (15) days after the February 26, 2020 City Council public hearing. (To be referred back to Legislative Hearing on March 10 and to continue Public Hearing to March 25, 2020)

Sponsors: Thao

Continue PH to March 25, 2020. Legislative Hearing March 10 at 9 am. By March 6 PO must submit work plan, documentation of financing, affidavit dedicating funds, contractor bids and schedule.

Mimi Hasselbalch, attorney on behalf of Forethought Life Insurance Company, appeared

Nneka Constantino, owner, appeared

John Borracci, 1316 Hauge Ave, appeared

Constantino: there's never been a placard put on the door.

Moermond: Ms. Constantino, I'm going to talk first.

Constantino: he was talking so that's why I—

Moermond: I just wanted to know who was in the room.

Borracci: I am representing the block I guess, since no one else could come. I have lived at the other end of the block---

Moermond: put a pin in it for the moment, I'm going to give some background. This is the third hearing I've had on this property and the proposed order to remove or repair, the previous two hearings have been attended by Ms. Hasselbalch on behalf of the mortgage company in Florida. We have an unusual situation in that Ms. Constantino has come forward at this point. My understanding is that from Greenfield, they reached out to Ms. Constantino and provided a packet of information that has been sent to them. We are talking about this again, I understand you have said you don't have any of the background, so we're sitting down to go over this and un-ring the bell. My job is to review this proposed order to remove 1282 Hague or order its repair and rehabilitation. The Council, in considering this, is considering a request from the Department of Safety and Inspections whose already issued an order to abate a nuisance building, which hasn't been complied with. The Council, in issuing an order, would be acting in a quasi-judicial capacity. Typically, if people want to demolish a property, like the cases before this, time is granted for this, otherwise we discuss the conditions where a rehabilitation can occur. There are some occasions where other conditions are attached, and those are property dependent. Clear title, owing property taxes. I'm going to ask Mr. Wagner to go backwards and read the staff report into the

record. After he does that we will talk to Ms. Constantino about her plans, hear from Mr. Borracci. This is scheduled for Public Hearing tomorrow in front of Council, and I will be giving them a recommendation.

Staff report by Supervisor Steve Magner: the building is a one and one-half story, wood frame, single-family dwelling, with an accessory metal shed, on a lot of 4,356 square feet. According to our files, it has been a vacant building since October 23, 2018. The current property owner is Nneka S. Morgan per AMANDA and Ramsey County Property records. On November 6, 2019, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An order to abate a nuisance building was posted on November 21, 2019 with a compliance date of December 21, 2019. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$76,800 on the land and \$33,000 on the building. Real estate taxes are current. The Vacant Building registration fees were paid by assessment on December 2, 2019. A Code Compliance Inspection was originally done on August 5, 2019. As of January 27, 2020, this is previous to this date, the \$5,000 performance deposit has not been posted.

Constantino: that's not true!

Moermond: as of January 27 is what he said. My understanding is last week. Please. Mr. Magner, continue.

Magner: There have been ten Summary Abatement Orders issued since 2018. There have been three work orders issued for garbage/rubbish and boarding/securing. Code Enforcement Officers estimate the cost to repair this structure exceeds \$30,000. The estimated cost to demolish starts around \$15,000.

Moermond: Ms. Constantino, I have to say all of the property records list you as Ms. Nneka Morgan, I'm assuming your married name is Constantino and the property records haven't been updated?

Constantino: that's correct.

Moermond: I would also ask the address of record with Ramsey County for you is 1431 Sherburne?

Constantino: I changed that.

Moermond: With Ramsey County?

Constantino: yes, it just hasn't been updated yet. They said there's a 45 day delay or something.

Moermond: When did you change it?

Constantino: I have no idea the exact date, but I went down there and changed it. I tried to do it online, I have a family homestead at that address and then I changed it to a rental.

Moermond: you don't have a Fire Certificate of Occupancy.

Constantino: I put the application in, you have to go put the application in and then

eventually you get it, so that's what I've done.

Moermond: you don't remember when you asked for an address change with the County?

Constantino: no, it was like, right after-- I had a mail hold from January 19 to February something. I came down here to bring that to you, but they said I couldn't talk to you before the Legislative Hearing. I did confirm the mail hold, which is why I didn't have the notices of all of this from anyone except from the hearing company.

Moermond: who is living there now?

Constantino: I signed up for Wilder Homeless to Home program.

Moermond: so it is not a relative homestead?

Constantino: Not anymore, it was.

Moermond: When?

Constantino: They came in January. It was a relative homestead through January 1, 2020. There was a mail hold on 1431 Sherburne until two weeks ago, so when I came here the other day to try to talk to you to make sure I had everything together. I asked the person at the front desk about documents being returned because I've gotten notice that you guys haven't gotten any documents returned. She said at the front desk it sometimes takes three weeks to a month and I did have a mail hold in place. So the post office said anything before or after the mail hold in my name would have been returned. So, I did not get any of the notices, but I do have a copy of the emails from Mr. Seeger in August asking for a code compliance—I can share this with you, I asked them if I could bring it electronically-- which I paid for in June but there was an error at DSI and wasn't put on my house until July 26, 2019 and the code compliance wasn't done until August. I told them before I was even done that if I was delayed all summer, I was complaining in July about the code compliance. I reached out to Seeger, Travis and Robert Humphrey and said "do you know what is going on with the code compliance inspection for June 14, 2019. Do you know what's going on? Why was the amount not applied to July 26, 2019? This is ridiculous. I paid for this June 14, I need it to determine what needs to be done with the property, I'm disturbed by this. Can anyone help me get this scheduled?" I'm sending the email complaint, ringing the bell, I said if it doesn't get done until August, I can't start because I had already paid for heating and plumbing and these things I couldn't get done in the middle of winter at 30 below. I could have pipes break.

Moermond: you can definitely forward that email history, the business cards are right there, those can be included in the record if that's what you want to do.

Constantino: well that's what I was trying to figure out.

Moermond: If you'd just read some emails, if you want them included I'm happy to add them to the record.

Constantino: I'm not sure because—

Moermond: I am.

Constantino: well here are the plans for the house. And I got insurance on the project in July, I just couldn't get started.

Moermond: I hear you say you didn't get notice, I hear the City say they provided notice and there's no returned mail. Don't do the hand thing, it is my turn to talk. What I would like to do is figure out where we go from here. You are saying you weren't able to start because it took until August to get the code compliance and you had plans to get the work started earlier. I have to say I hear Remove and Repair cases all the time and I haven't heard what you are saying about weather concerns, it is typically for weather dependent exterior work. I know you want to share past frustrations with me—

Constantino: I'm not. I was just trying to give you a timeline. I'll just ask the direct questions.

Moermond: I'm looking for where we go from here. Also Mr. Magner what was the date of personal service on this?

Constantino: They said it wasn't received. I looked at the notice, they said they weren't able to reach anyone.

Moermond: That's actually not what it says.

Constantino: On December 31, 2019, I reached out to Metro legal services and they said that the people did not know my previous last name and it was, and I allowed the homeless to home people to come in before Christmas even though they didn't pay me. We didn't have a least yet and I allowed them to come in before Christmas because they were in a homeless shelter. Wilder is the company I worked with. I allowed them to come in before Christmas, so they didn't know the last name Morgan, and that's what Metro Legal Services attests to in you all's documents. I called them myself.

Moermond: they said they didn't know who you were, that's what I was looking for.

Constantino: they were the Homeless to Home, they were the people who have been in my house. I let them come in well before they were on a lease because I did not want them to continue to be in a shelter.

Moermond: when did this stop being your place of residence and your homestead?

Constantino: this was a family homestead for years.

Moermond: it was never your residence?

Constantino: It was early in my career. Then it was a family homestead. I went down to the City and said my mom lives at the property, my mom and sister stayed there, and they said there's a family homestead you can have when it is a mother. It is on the City website, when your parents are living in a property. So, I always had access to the house and able to get mail typically, that didn't change until November.

Moermond: when I looked to see who the owner of record for 1431 Sherburne, your mailing address, it listed your name at 1431 Sherburne as being owner and homesteader. It does not have a Fire C of O. It did not when your mother and sister lived there. It is required to have a Fire C of O if you are not the owner-occupant of that property, whether or not it was a relative homestead.

Constantino: I didn't know that

Moermond: The rule is non-owner occupied. With respect to where homesteading information is posted on websites, the City doesn't have any control over who is granted a homestead for property tax purposes, that is something done through Ramsey County. You would have read the information on the Ramsey county website.

Constantino: it was the Ramsey County website. I went out to the County website and my sister filled out a form, so I left Hauge, when I left Hague I came back to Sherburne until I got married and I was back and forth, but as it relates to the Homeless to Home I filled out a form with DSI saying I was going to rent it out and at some point within a year they will come out and do an inspection. This is about 1431 Sherburne but it doesn't have anything to do with this but I want to answer your question.

Moermond: it does, as it relates to notice which you brought up.

Constantino: I didn't receive it. But there also wasn't a placard on the property. I spoke to Travis Bistodeau, all the pictures taken show no placards, just the permit. There's somebody that I did not know that is here that lives on the block. No one has ever seen a placard. I have a property management company doing snow removal and managing the grounds. The only letters we've received are about a shed that has been sold to a neighbor. The property is secured. There are all new windows, there's less than \$30,000 of work that needs to be done. And, I have the financing, I can show you that I have bank statements that show that I have—I put them up electronically because I didn't want my financing in public record. My employer doesn't allow me to redact my statements and I work for this place. If you scroll past you can see I have \$276,000 in one account, \$301,283 in another, another has \$30,357. So I was checking beforehand to see if I could show this electronically because I didn't want to submit it to the actual record. These are the plans I went through with Jim Seeger. It's the architectural design.

Moermond: I was asking Mr. Magner a question first.

Constantino: It's the architectural design.

Moermond: I'm not a plan reviewer, to be clear. I'll take them, the plans that I'm going to be looking for will be as I just described in terms of contractor bids.

Constantino: I've already paid for it.

Moermond: and I'm sure they provided you with specific bids or they would be happy to do that.

Constantino: that's why I was trying to come before hand so I could get you the right documents.

Moermond: We're having that conversation now.

Constantino: That's fine. I am very confused by the stuff, probably because it was a fire hose because I was getting it all at once. I have the statement about my mail hold. I also have the plans, I have also shared that with plan review. When I looked over the documents that you all sent from the last hearing it said I hadn't spoken with DSI since

2018, and that's not true. I have open permits in 2019, as late as October. I also got commercial insurance policy once I paid all my contractors, so I've paid them all for stage one, stage two construction and then I got a commercial policy, if you allow me to share that, on the construction. I didn't want it started because I was remodeling, it shows we were creating new bathrooms. When you see the code compliance is general, like it talks about making sure there's a boiler, I was confused when I got it, which is why I talked to Jim Seeger, with my contractor. Some of this seems cookie cutter, there's no boiler and it is cited in the code compliance. AC is sited, there's no AC. So, he said "well you just want to wait until you start pulling the permits", and the reason that in the code compliance it talked about the water being off. In order for the water to be on when there's no anything, there could be water shooting out, he didn't want it to be frozen. All new wiring was done and it had gotten cracked because it was below 30 below, so I had to pay for that again. I can show you the financials for that also. I don't understand why I have emails with Seeger from beginning of summer to August, saying we won't be able to start if they get delayed. We got delayed because they did not apply my payment to this particular house, I don't know what happened, they didn't state what happened in these emails, but it wasn't applied and I paid in June. It wasn't applied until I started complaining at the end of July, delayed until August. And once that was done, there is no walls so I was concerned if we turned on the water since it is all new piping and most hasn't been done, the last permit pulled was October, who I have paid in full until it passes inspection. I paid a third up front and I have a third held in reserve. They said they hadn't been speaking to me, but you can look at the permit history and see.

Moermond: Mr. Seeger would have been looking at your property as a Category 2 registered vacant building meaning it required a code compliance inspection and to become code compliant before it can be reoccupied. That would have been the requirement around a Category 2.

Constantino: yes.

Moermond: today were looking at a category 3 registered vacant building, meaning an order to abate a nuisance or dangerous structure has been issued. There are more strict rules which is why we're talking today in terms of work plans and financing. Things that wouldn't have been covered with Mr. Seeger because the building wasn't there at that point in time. When I ask for plans, I understand you've paid your contractor—

Constantino: I did and I have \$300,000 in my personal reserve.

Moermond: I would like to see the contracts with those contractors and I need to make sure they explicitly cover what is listed in the code compliance inspection report. I assume your electrical contractor said "we're going to do all these things you've asked for, we're going to do the code compliance listing, we'll charge you this." I'd like to see those statements with each of those subcontractors, and the amount you have due and owing to them set aside.

Constantino: would you like me to show you that now?

Moermond: First, my position on the money.

Constantino: ok, I have it.

Moermond: I hear you have the money, I can look at it, and I need to have it in the

record, and you don't want it in the record. I can say we can assure account numbers are redacted and it is not published with the record on the internet. However, I do need to see it, I do need to see your name connected with the money.

Constantino: I have that right here, so the thing I asked before I came when I came to the front desk—

Moermond: and this is something we talk about here, we don't talk about this at the front desk.

Constantino: I understand, so the one thing I have from the contractor, so when it went from Category 2 to Category 3, nothing had changed and nothing had happened, because I told them in August we removed the piping from the house and the rough-in inspection had already been approved. I already paid my \$5,000 in cash, just like I paid my contractor thousands of dollars. I already paid all this money for the Category 2. When I got the code compliance, I had questions because it was boilerplate and wasn't specific to my property and had a bunch of items that don't exist. I don't have an air conditioning. The contractor gave me plans from the original remodel when I'm going back and forth with Seeger in August. This is the invoice with all the subcontractors listed in the invoice, and I owe a balance of \$16,800.

Moermond: please share that with me.

Constantino: I will. And I have the financing. I don't want my name and financial statements as part of the record. Can you view it here and call and verify without putting me putting my financials to the City Council. Those were my questions. In regard to the placards, I do have, if you ask Steve, if you look at the invoices when there's weeds or something wrong you all normally send letters. Recently, you can see I've been paying someone to shovel the snow and do the lawn, I haven't been cited for any of those, I went to DSI and asked. My last meeting at DSI was in October of 2019. I posted the \$5,000 I had a lot of concerns and had a ton of questions no one could answer. My concern was it is about an inspection that was done in August and it talks about an inspection date on the form. I wanted to ask Travis about paying the \$5,000 deposit when all of the forms say that this is in regards to an inspection that has passed. The sixth month period has passed. My question was how do I pay it? It doesn't say the date of the hearing and how much time I have and what is the timeline. The project was supposed to be done last year but I couldn't be done in winter with no piping and no heat in the house, all of those things.

Moermond: this is the third time you've told me the same thing.

Constantino: So I won't say it again. The problem with the code compliance is it is not specific to my property.

Moermond: and that's the fourth time you've said that. Here's what I need to do, I've made clear what I need and I have made a commitment to redact account numbers and I do need to see your name associated with—

Constantino: it is here!

Moermond: the dollars. And I've made a commitment to not publish it on the internet, but I do need to include it in in my files.

Constantino: I would like it not to go in front of City Council. I have my full statement.

Moermond: I just told you I'm taking it off the internet and that's the record they use.

Constantino: but doesn't it still go to the Council, see I don't know that!

Moermond: I'm trying to explain.

Constantino: I don't know that, that's why I was trying to ask these questions in advance. I'll give this to you right now, but here's the thing, when you guys say that I have no idea if something is posted online, I am thinking that the whole City Council, including my colleagues who I work with on several other boards and commissions, are going to be looking at my financial statements. I'm not comfortable with that. So I was asking if you view them with the statement is that sufficient, I can log into my account so you can check. As far as the placard goes, none of the pictures that you see show any kind of placard.

Moermond: you've mentioned it already.

Constantino: the reason it is important, is the person who has been shoveling and making sure it is not a nuisance, they would have told me if there was a placard. The neighbors would have seen it as well. In addition, I did get an insurance policy specifically on the construction which I've submitted to you.

Moermond: Here's where I'm at with this right now. We've talked about me needing to look at the bids you've got. One suggestion I have about financing. One suggestion I have, is if it is – pulling a number out of the air - \$30,000 still in a balance that you owe

Constantino But I paid!

Moermond: ma'am listen to me, whatever the balance due and owing on the bids you have, you have the option to segregate the funds just to deal with this so not everything is disclosed.

Constantino: I have done that.

Moermond: Some people choose to do that and not show their retirement account, or whatever it is. No matter where the money is I need an affidavit signed by you that says the funds to do the rehabilitation have been set aside for that purpose and won't be used for another purpose until the job is done.

Constantino: oh absolutely. I would absolutely do that. I've already aggregated, like I said, I can show you this right now I'm just going to ask you not to copy it. I will give you the aggregated statement, but if you want me to show you this now I have---the reason that this is here is because of a mail issue. The job to cure the code compliance has already been paid.

Moermond: so we've talked about what I need to see to know that. I appreciate looking at the financial records you will show me. I do need something for the record. I have committed not to publish it which means no one who isn't at this desk, including City Council who can only see published information, they would see you had submitted something and they would see in the record that I had approved it.

Constantino: So they won't see what I actually submit. I'm fine with that. That was my only question. I do have a separate account that holds \$33,000 aside from the

\$300,000 in front of you.

Moermond: well nothing is in front of me to be clear.

Constantino: it is right here, you can see there was a loan taken out, that was paid to contractors already. That's why I don't have any extra that needs to be paid. The insurance policy was for the instruction and for the vacant building. I wanted it insured since it was a vacant building so it is not a nuisance. I carried an umbrella for it on top of the commercial insurance that was placed and the architectural plans are in the back.

Moermond: it looks like these are retirement accounts?

Constantino: yeah, but I have a \$33,000 account aside of that I can log in and show you. It was electronic I didn't have it in front of you, but I have it and can log in.

Moermond: I'd like to describe to what you need to get a grant of time from the Council.

Constantino: ok and I did pay the \$5,000.

Moermond: So, there are two pieces necessary, one is in code and you've addressed these pointedly: a code compliance less than a year old, check. Second, is you need to have a performance deposit posted, check. The code says that is a six month posting.

Constantino: these are non-retirement accounts, they've gone down a little bit because the market has gone down. In addition to that in my local checking account I have like \$20,000. As you can see I put it in a business account separate because—

Moermond: if you want to send us a screenshot of that. Whatever works.

Constantino: that's fine, I just did electronically so you didn't think it was fraud.

Moermond: I'm not thinking that. The \$5,000 the paperwork will say in six months' time if the project isn't done, you could potentially be subject to losing that money, however if you are more than 50% done it will possibly be continued. I will say the Council resolution will say, if you get your grant of time, which we are headed down that road, will say you have 180 days to complete the rehabilitation and it will put a date to revisit the case in that time period. If you are more than 50% there it has always been my practice to recommend the City continue the performance deposit and give a grant of time to complete the work. I would ask for updated plans to show.

Constantino: but it is there.

Moermond: these are permit plans, it is not a calendar of how you're getting from today to six months from now and be done, and that we are going to need to see. The Council will give a six month grant of time for the work to be done, if it isn't done I'll recommend the performance deposit gets continued and this is dated July 1, 2019 and it looks like a bid from Ahmad La Schapell Construction and this is exactly what I'll be looking for as a part of the plan. What it doesn't include is a schedule, and right now your schedule is not the same as the schedule you had anticipated you'd be operating with six or eight months ago. So what are we doing from right now to get it done? You need to develop that for me, a schedule of what will be done each month.

Constantino: well that was what we were confused about and I'm so sad that he's doing a project right now, that's why I went to DSI. The rough-ins are already done. I was confused by the code compliance.

Moermond: then show me a work plan that shows the rough-ins are complete. We will be having another conversation because we won't be finishing today because I don't have all the information. What the outcome today is going to be is that I'm going to ask Council to continue this case. I'm going to ask Mr. Magner for more information for the record. I'm going to hear from Mr. Borracci and Ms. Hasselbalch. Mr. Magner can you talk about the posting on the building?

Magner: as standard process the vacant building placard would have been posted at the time the file was opened, and the order to abate placard would have been posted the same date the order to abate notice went out, and the public hearing notice would have been posted on the same date or the day after the public hearing notices went out. So those would have been the three notices posted.

Moermond: do you have any other comments based on the conversation so far?

Magner: It seems like the owner is pretty far along as far as being able to get this done, maybe my suggestion would be to give them a sample work plan to give to her general, she clearly has the financing and needs to do an account or affidavit and we just need the work plan identified. She's testified she has the whole project bid out and the build out part and rough-ins are completed, identify those costs on one side and I would put the finish costs on the other side, and then we just need a timeline. I don't even know if we need another meeting, if she submits that for us to review.

Borracci: My first item is contention is Ms. Morgan's claim not to know about me. The Executive Director of Lexington Hamline Community Council sent her an email with my name and number to express my interest in this matter. I have lived in the neighborhood 43 years. My contention is to prevent the demolition of the house. We already have two problem areas on that block of Hauge Avenue, one is under the Hamline bridge and the Hamline-Hague playground. We do not need another vacant lot where who knows who will do who knows what. There are a lot of children in the neighborhood, if any came to harm due to any undesirables in the neighborhood that would not be acceptable. We'd like the property to be finished and occupied and prevent an empty lot and if there's a way I might as a possible alternative occupy the residence and finish and take possession of the house.

Moermond: you are saying you want to buy the house?

Borracci: yes.

Constantino: I have gotten about 15 offers to buy it from people in the neighborhood, because on the house all of the permits are there and it shows my phone number and no one in the neighborhood has seen a placard. I did speak to Robert Humphrey and he said the reason it was not placarded is because they didn't want it to attract homeless people and things like that so out of all the people in the neighborhood, and they watch this house like you wouldn't believe. I've received 15 offers to buy the property. It is insured for \$360,000. We're talking about less than \$30,000 that needs to be paid, I was scared that what if there is water damage, I didn't want more damage done because I'm trying to rush in the winter. I'm sure if you ask them if they've ever seen a placard other than the permits, they would say no, but outside of that this

property looks better now even with the construction than when I was an owner and there was Section 8 tenants living in there. I got rid of the people there because they were a blight to the neighborhood and I was going to take the mortgage and rehabilitate the property. I don't know where he lives but I know it looks better now than before.

Borracci: I live at the other end of the block, 1316 Hague Avenue as I have for 43 years.

Moermond: Ms. Hasselbalch, you've been here before and are listening on behalf of the mortgage company, are there any comments you'd like to put on the record?

Hasselbalch: Forethought is on the same position as Ms. Constantino. She is current with her mortgage payments, they felt she wasn't in violation of the mortgage. I tried to relay to them that as her mortgage attorney that they should reach out to her to make sure she appeared, so I'm glad she's here.

Constantino: and they did get a hold of me so I appreciate that. I found out that the commercial insurance company wasn't notified so I have to put that on the record so you have their contact information. I contacted them and they said "we were supposed to get a contact from the City" I said I don't know. They wanted me to put that on the record because they didn't even think there was a problem, but I did get the project insured which is not typical. It is not typical to get a vacant home insured for the construction a property and I did.

Moermond: they wouldn't have been noticed unless they are in the title in some way. I would suggest you keep your insurance company informed of what is going on. I would suggest that's your job to inform them of what is going on. We will send you a letter, it is going to say that this is going to Council tomorrow, and we'll ask them to continue it for four weeks unless you want it to just be two.

Constantino: I'm fine with four weeks and then it gives me a chance to get this—I have it electronically right here. I just have a few follow up questions. I want to figure out how there can also be a meeting with the City. I don't know if this is the format for that, then that's fine, but I have the thing that shows the invoice like you said he has to break it down like you said, the only thing we were concerned about which is why I was on the phone with him is he said lot of the stuff in the code compliance doesn't even have anything to do with the property. Air conditioning.

Moermond: you've mentioned this many times now so here is what I'd like to do. Let's look at the construction statement your general has given you. Your bids from your subs, and if it is not in the code compliance things like general statements about air conditioners clearly would not apply. We can look at that when we look at the actual bids.

Constantino: or water in the basement. There's no water in the basement.

Moermond: I would like to see what your contractor has written up. Not right now. I don't have time to do a review. I'd like to say that tomorrow at Council I'll ask them to continue to March 25. In between now and then I'd like for us to sit down and go through the information you have and make sure it is what we need to see. If it isn't, we have a long period of time to make sure it is. You can submit the information ahead of time, if it is all perfect we can send you an email and let you know it looks good, if there are questions, I'd like a hearing so questions get answered.

Constantino: do I only have 180 days? My goal was to have this done in August. Now my goal, my contractor believes he can finish in August, it is not in foreclosure, everything is good. If there's something that happens, are you saying I could possibly get another extension if it is more than 50% done and then on the 25 we come back here?

Moermond: I want to see plans to get it done in six months. I want to see you have the money to get it done in six months. If something happens that it takes longer, I am sympathetic, things do happen. However, I'll need updated plans and the financing—

Constantino: I do.

Moermond: if things are done because you can't pay bills it is a different discussion than weather or contractors.

Constantino: No, No, I have a line of credit in addition to this for \$70,000.

Moermond: I was giving you examples of the things under consideration for additional grants of time. You're saying that wouldn't apply to you, great. Submit what you have, I will put this on my calendar March 10.

Constantino: I thought we said the 25.

Moermond: that's when the City Council will look at again. In between now and then, we need to get these plans together so on March 25 I can give the City Council a clean recommendation and all the paperwork is in order.

Constantino: So I meet with you March 10 at 9. The only other question I had outside of this is because there's been so many people trying to buy the house why would the first thing be to demolish it when it is worth \$360,000? Finished?

Moermond: you're asking why it was declared a nuisance building?

Constantino: when there's nothing—it was more of a nuisance before it was vacant than it has ever been now. DSI has seen the plans, they never rejected them.

Moermond: we're not going to have this conversation today. It has already been declared a nuisance months ago and we are moving forward from there to get you some time to do the work you want to do and have already started.

Constantino: yeah, I want to do the work but if I didn't, which I do—

Moermond: I have two more cases that have been waiting for 45 minutes.

Constantino: oh I didn't know that. Sorry.

Moermond: they aren't here as an audience for you today.

Constantino: I didn't even see them. I didn't know, I was the last person on the sign-in sheet.

Moermond: for 9 am.

Constantino: ok well, I didn't know that.

Moermond: that's ok. I just wanted to say I'm trying to wrap up now. Get information to me no later than March 6 the financials and the bids and a schedule, we'll send you a sample of how those are done typically. You can put it forward, if it suffices, we don't need to talk on the 10th.

Referred to the City Council due back on 2/26/2020

- 4 [RLH RR 19-23](#) Ordering the rehabilitation or razing and removal of the structures at 1179 SEVENTH STREET EAST within fifteen (15) days after the September 11, 2019 City Council public hearing. (Public hearing continued from September 11) (To be referred back to Legislative Hearing on November 26)

Sponsors: Yang

Layover to LH March 10, 2020 at 9 am for PED staff to review feasibility study and PO and consultant to schedule meeting with PED.

*Dennis Kroll, architect from Kroll & Associates, appeared
Kenneth Udoibok, pastor, appeared
Olufemi Badejo, elder from church, appeared*

Staff report by Supervisor Steve Magner: at Legislative Hearing January 14, 2020 it was recommended laying it over to today provide a feasibility study and a schedule for bringing development forward and the property must be maintained.

Moermond: As to the property maintenance, can you check on that? And then we have the feasibility study which I've looked through, which included some brainstorming on financings that I have questions about. Ms. Lisa Kugler prepared this, after you received this report which is describing a lot of scenarios and a direction you want to take with this, what have you learned and what direction are you going?

Udoibok: I have to give you credit for directing us this way. This report, after we met with Ms. Kugler, and the possibilities, we realize there's more that we can do with the property. We also found out there are resources and it's a vital property beyond my narrow impression, so we have hired and assigned a contractor with a local fundraiser who has experience doing this type of project and her experience is in line with a nonprofit org. So, we are going to take direction from those who know better. We intend to follow this.

Moermond when you came in originally, the Apostolic Church of Minnesota owns it, church space on the first level and social services on second level. This feasibility plan doesn't talk about a church it talks about a community space. Is that another term for religious gathering space?

Udoibok: it's a combination. Michelle Bartlett is a music producer, we are quite music based. We think we can engage the community in that area. The church won't use that big a space 24.7 so we want to open it up to other uses. Right now, I have decided to take direction from people who know better than me. Whatever that recommendation is I will go with.

Moermond: originally you were talking about \$500,000 to rehabilitate, the figures have ballooned with the options analyzed. This is a lot more money than the half a million

originally.

Kroll: when we first did estimates we were looking at what can we do to make this building functional until they can raise the money, stabilize the envelope and to make the first floor occupiable. The second floor wouldn't have occupancy but would have a pathway forward. That added up to about \$500,000. That was before we started looking at really doing preservation work. Bringing the envelope up to scrutiny from preservation folks, we'd do it right for 100 years. It would take some rebuilding on the top parts of the parapets. It looks at putting windows back into places that are bricked up, those are additional expenses, that number would now be \$776,000. The additional in those costs are additional contingencies on top of the construction estimates, it includes soft costs for development consultants and the financing.

Moermond: a couple of thoughts, one of the things is you talked about using the feasibility report to determine whether you were the right people to move forward and if not, how to disengage and get it into someone else's hands. I wanted to talk about that a bit. Also reading the report there was reliance on tax credits, my understanding is that those aren't available to nonprofit folks. Unless the law has changed, in the past it hasn't been an option. I don't know how that influences where you will be with this and the sources of financings. She's listed out possible and probable financing options.

Kroll: I explored that last fall, and came up with some interest but they said the project was too small. To be able to sell the tax credits. They thought it wasn't worth their time. This was a national company that does that, and it is one of their affiliates who they thought may be interested. That person decided they weren't interested, I'm not sure why.

Moermond Lisa Kugler thought she had somebody?

Kroll: yes. The other piece that's missing here is the church is forming a nonprofit that will pay rent to, they will be the owner and manager and have a board of 4 to 8 people.

Moermond: I will be cold in my statement. So, we went from half a million to one and a half million dollars. We went from a church with professional space to a community space with rental single room occupancy (SRO) space and were relying on tax credits that as far as I know are only available to private owners, and you're talking about developing a nonprofit and we still don't have any money raised. I'm glad there's some analysis, but I see the hole getting bigger. This isn't getting it fixed in any timely fashion, and you know that people are frustrated. I was looking for a decision about what you wanted to do. You are intimating you want to develop a community space with SRO space yourselves, and a nonprofit own it. According to what Kugler's report says and what you're saying.

Kroll: it is that community space with housing above or we find a partner in the next short while.

Moermond: and if you don't find a partner?

Kroll: it is housing. We've set up a timeline for making decisions on that, and it is just kind of letting the dust settle right now and understanding how to move forward and the best way. We know what the church wants.

Moermond: the church wants community space with SRO above or something different?

Udoibok: her recommendation is clear and concrete. I would prefer studios over SROs, but that doesn't matter. We know affordable housing is needed generally in the City. Attracting partners won't be a difficult thing. My understanding the reason we had trouble is we didn't present the property in a way that would be financially viable to anyone who would want to partner or accommodate a private loan. But now we have direction from Ms. Kugler, who also has 30-year experience doing just this, it is best that I take her direction than me leading as I was doing before.

Moermond: in the normal course of events, I would look to see a partner here at the table sooner rather than later. The idea that LISC would be willing to provide funds, NANDC we have them showing up as able to commit money. Neighborhood STAR. The historic tax credits of \$150,000 is just gone from this list.

Kroll: you asked for a feasibility study and fundraising plan. This is what we've done and commissioned people to do. To put it on paper. To figure out whether it is feasible to go one way or another is being firmed up now. It is definitely feasible without going into the public funding option, those numbers are different. They don't depend on quite so many possible sources of funding, and the numbers are lower too, 30% on the construction.

Moermond: I did ask for this. You also committed to making a decision at this point and using this information to decide whether to go forward. I'm hearing you want to go forward, but not seeing any more concrete information, I see deadlines far in the future and big financing and fundraising. It feels like we have the same conversation about money over and over again. If the money isn't going to work, it seems in that environment you need a strong development partner. Someone who has experience pulling this kind of money and credits and sources together to carry something off. I'm going to do something unconventional from my side, what's Ms. Kugler's next task?

Udoibok: I'm meeting with her after this hearing. She's done so many of these projects. Her relationships and depth of knowledge is beyond my pay grade. She's good and capable.

Moermond: I think that we would benefit from Ms. Kugler and you talking with the professionals at PED who do housing work and getting feedback from them about feasibility of what we're doing here. I hear representations she's great, but this is still a tall order to carry off, and if you can't carry it off, who can? This study is great because it applies to whoever owns the property not just you, it's a wonderful marketing tool. Let's get you sitting with them, I would want Acting director Kristin Guild and housing Kayla Schuchman. Often this is the role of someone with the City to do some coordination. I'm going to lay this over for 2 weeks, March 10.

Kroll: I spoke to her last November or December.

Laid Over to the Legislative Hearings due back on 3/10/2020

10:00 a.m. Hearings

- 5 [RLH RR 20-11](#) Ordering the rehabilitation or razing and removal of the structures at 174 PAGE STREET WEST within fifteen (15) days after the February 26, 2020 City Council public hearing. (Refer to Legislative Hearing March 10, 2020 and continue Council Public Hearing to March 18, 2020)

Sponsors: Noecker

Layover to LH March 10, 2020 (Continue PH to March 18). By March 6, property must be cleaned out, \$5,000 performance deposit must be posted, code compliance inspection ordered and show contract with developer in order for additional layovers to be requested by Legislative Hearing Officer.

*Lauren Lightener, Ramsey County HouseCalls, appeared
Robert Bier, owner, appeared*

Moermond: the last I heard from Ms. Lightner you had run out of money for dumpsters.

Bier: Since that point I have contacted three reputable home buying organization, Twin Cities Home Buyers, We Buy Ugly Houses and one I don't remember because I was not impressed. I entered into an agreement with Twin Cities Home Buyers, that's the good side. The bad side is I was running late so I didn't bring a copy of the contract. I signed a letter of intent to sell the property, did that February 16, the representative's name is Brendan, I was under the impression he was going to be here today. I texted him while I was waiting, he said he was in New Auburn working on a property that had pipes break. I need to send a copy of the contract and applications in, that's where I'm sitting now.

Moermond: you have the contract with you today?

Bier: no, I was running late so I came hauling in here, I didn't bring it.

Staff report by Steve Magner: February 14 a letter was sent regarding 174 Page, confirming it was laid over to today for the following conditions, provide updated status of property cleanout, provide an update status on conversations with potential buyers and three property must continue to be maintained. Circling back to his comments, the documentation of a potential transfer of owner needs to be sent to Hearing Officer and it will be directed by them, and this party must represent themselves and be present and submit a plan for the cleanup and rehabilitation, which includes bids and timelines and how they will fund it, and how they will pay you, and at what point in the contract does the property change hands. Obviously, the City won't allow that until the code compliance is issued, but they need to say we talked to you in February and planned to start the cleanup first week of March, etcetera and sign off August 15. That must be submitted to the Hearing Officer in order to go forward.

Moermond: You've entered into an agreement to sell the property. We'll have to have the \$5,000 performance deposit, and code compliance ordered, the people who are taking over for you need to complete the junk out and get the code compliance inspection ordered and post the performance deposit. I want that posted no later than March 6, I would say a junk out needs to be completed by then and the code compliance ordered by then. Those need to be taken and we can hit pause for the inspection and plans to be developed and rehabilitation done. That's doable?

Bier: without Brendan being here, I can't speak for him.

Moermond: and that's what he has to do. I ask you forward that contract to my office so we know who else has an interest in this property.

Magner: have you shared the scenario you are in with the potential buyer?

Bier: oh yes.

Magner: I guess I understand everyone has emergencies, but it would have beneficial for this individual to appear today because failure to appear pretty much puts you down the course of the Hearing Officer saying we've already spent too much time with this, we'll recommend removing the property. I don't think she's going to do that, but it doesn't look good for this individual who doesn't understand the gravity of today's circumstances. He's kind of running behind he should have been here with a contract and a plan. My expectation today is that there would be a third person in that chair saying we can do this, and this is how, and we'd cut a step out because it would be laid over and then we'd be ready to go at that point. That's not happening and that's delayed.

Bier: that was my expectation as of yesterday afternoon. He said ok as of yesterday afternoon. Other than the fact they are a company in the Cities who I have never heard bad about, but obviously I'm not 100 impressed anymore.

Moermond: this is in front of Council tomorrow, we'll lay it over to March 18. By March 6 we need cleanout done, \$5,000 performance deposit posted and code compliance ordered. If those aren't done, I don't have any option except to order it removed on March 18. I'll check March 10 to touch base. Understand where I'm at gravity-wise on this one.

Bier: I understand. I'm as frustrated as you are.

Referred to the City Council due back on 2/26/2020

- 6 RLH RR 19-30** Ordering the rehabilitation or razing and removal of the structures at 1904 PRINCETON AVENUE within fifteen (15) days after the December 18, 2019 City Council public hearing.

Sponsors: Tolbert

By March 3 must have paid contract signed with cleanout company, stipulating that work is done no later than March 30, 2020.

*Lauren Lightner, Ramsey County HouseCalls, appeared
John Kattar, owner, appeared
Mary Jo Kattar, owner, appeared*

Staff report by Supervisor Steve Magner: January 17, 2020 a letter was sent out laying the matter over to today, if the following conditions are met: a \$5,000 performance bond submitted, which has been completed, and the excessive accumulation must be removed from the property and the code compliance inspection must be applied for by February 14, 2020.

Moermond: there was follow-up discussion discussing the cleanout of the property with QuickTurn, who had been involved in this conversation along with Ms. Lightner and you folks. There was a question if whether an extension would be granted, and my response was yes, I would consider it but I would need to see that there was a contract in place and that was executed and ready to go. Right now, I'm under the impression there's no contract and the house is not cleaned out, is that fair?

Mary Jo Kattar: Yeah and we were discussing the contract, as far as how much extension we'd get versus how much of a contract we'd need, so then you said at this point it wouldn't be worth signing the contract, I guess it is still an option. It is just the

degree of how much you need of the contract. It is a confusing situation because, without knowing if you have an extension of time versus how much help you'd need, put it all together it is quite confusing.

John Kattar: several companies said they would have issues getting enough resources in the time frame given. So they no bid it.

Moermond: was that after my email?

John Kattar: I was not following when your emails came in. I'm not sure. QuickTurn, we went back to them to get—they had issues too.

Mary Jo Kattar: you'd have to schedule it out a ways anyway and then it was like by the time you schedule it how much would we have done and how much would you actually need? Would you actually need as much as they were saying. I contacted another one and she wasn't able to come and bid for a few days, so I might contact her too.

John Kattar: that's from the people who could come and help. On our side we've been working every day there.

Moermond: and what I had said quite specifically was I was looking for a specific ask on an extension connected to a contract about when the work could be done, and I'm not hearing a specific ask or that you have a contract. If you would have said you can get a contractor in between March 1 and 10th and it will cost me this, can I have that extension, that's the language I was looking for. I tried to be super clear.

Mary Jo Kattar: he was vague on when he could get people. We were waiting until today to reconnect.

John Kattar: the bid was \$20,000 on one place and the other place was \$2,800 a day. That works out to about \$70 an hour if you brought in five people. That's more than I make by a long shot. I find those bids a bit excessive, because I did have a company come in before and they weren't anywhere near those bids.

Magner: doing cleanup work is not cheap. I do quite a bit of it. I don't think those numbers are out of line at all.

John Kattar: the last one I did I was getting them for about \$40 an hour and I've been told I can get it even cheaper by others.

Magner: you might have been able to do that, it is all relative to time and era and conditions and locations and availability. I think with today's economics, people don't tend to be cheap and resources are limited.

John Kattar: I gave my wife full authorization to do whatever she needed to do bring in help but I'm letting her run the show. I can only work on weekends. I work full time, five days a week, sometimes over that.

Moermond: what do you suppose the house is worth if you tried to sell it right now?

John Kattar: I'm guessing about \$300,000. In good shape.

Moermond: it is in crappy shape, what do you suppose you could sell it for?

John Kattar: \$200,000 to \$250,000.

Mary Jo Kattar: my daughter told me a vacant lot was over \$250,000.

Moermond: I don't know if she's a real estate expert. I want to say the money you're talking about needs to be looked at in the context of the value there. I get the hourly rate feels like a lot. Your back is against the wall. I specifically said "is there a specific request for an extension to clean out the house to prepare for a code compliance inspection? On January 14, a one month deadline was put in place and it appears this will not be met."

John Kattar: who was that addressed to?

Moermond: that was addressed to you, your wife, Ms. Lightner and the QuickTurn people. "Is there a contract with a company to do the cleanout which has specific near-term deadlines and payment arrangements are agreed upon, I would be willing to look at an extension. Please note February 25 is the next hearing date, which is three months after our initial hearing which identified the cleanout as the first thing that needed to be addressed." I don't think I could have been clearer that I was willing to entertain an extension request. I don't have that.

John Kattar: nope

Mary Jo Kattar: a contract versus a payment. And then the question is, if they don't allow that full payment is there a refund for the amount of work that is done.

Moermond: I can't solve that for you. I can tell you YOU haven't solved that for you. I am losing patience, I can tell you you haven't come through on the most basic requests. I'm trying to work with you.

Mary Jo Kattar: if I hadn't felt so bullied and my self-esteem was put so far under it took me several weeks to even talk to them. Lawyers won't even speak to us. I've called 20 organizations. We get nowhere with any help from anyone. My daughter has called. She gets no response.

Moermond: and Ms. Lightner is here, and QuickTurn was involved. I'm hearing black and white from you and gray from everyone else.

Magner: you had asked earlier, so Ramsey County, which isn't always spot on but is usually realistic, has placed \$145,000 on the lot and \$145,500 on the building. This is based on professional assessors. So the lots are usually spot on. These numbers are probably in the ballpark. If you put them together you're somewhere sub \$300,000. That may be a starting point, maybe you need to look at finding someone like the last appellant to sell the property too.

John Kattar: we brought this up last time.

Moermond: they had an agreement to sell. Title cannot transfer until the house is fixed, but people have come with contracts whereby the house will transfer upon completion.

John Kattar: who takes on the responsibility of bringing the house up to date?

Moermond: if you're selling it to someone and that's their business, they would put some sort of assurance they would get the property upon completion.

John Kattar: and if they don't do the job?

Moermond: then you have the problem, most places do the job, we haven't seen cases where this hasn't gotten done.

Magner: we had an individual with multiple properties who had at least two who partnered with a developer in that neighborhood, they put a mortgage back against the property and cleaned it up and rehabbed it and completed it within the 180 days and transferred the title after the code compliance. That's certainly an option to look at, where not seeming to move forward here.

John Kattar: we are from our perspective. It is not the way I want it to move forward. I'm certainly capable of taking care of paying and adding on to the house if I want, I have the financial resources to do that. I have other issues in my family to deal with to make that happen. I don't have a lot of control over there, they are human beings. I'm doing the best I can with what I have to deal with.

Moermond: you are in the position of making a financial decision about where to go with that. Not making one is working to your detriment. I'm seeing you point at your wife, but I'm hearing her say she's "at sea" in dealing with this.

John Kattar: 10 years ago I had that house emptied half way. I haven't been back in that house in a decade. It was all filled up again.

Ms. Lightner: Mary Jo has welcomed me into the home several times, I was there yesterday, there was a substantial amount of content especially in basement and upstairs, and there's a lot of fire load in the main level. The upstairs is very heavy, it is not realistic that Ms. Kattar could do that kind of work. There's a lot of content. Craig Swellcheck had done a daily rate, because where there's emotional and personal issues he gives them the option of doing a daily rate when they could be let go in the middle of the job. I know Mary Jo has been in there, and I can see the progress she's making, but it is not close to being able to be inspected. They have a big blue box on the driveway to store things. We offered and got a dumpster there, they filled one fourth of a 30 yard dumpster in 10 days. They need professional help.

Moermond: why didn't you sign the contract?

Mary Jo Kattar: we wanted us both to do it.

Moermond: why don't you do it Mr. Kattar?

Mary Jo Kattar: he had a family emergency as well.

Moermond: I get it, but we've been flexible. It has been 90 days.

John Kattar: I'd have to talk to the contractor to see how long they thought it would take.

Lightner: the only contractor that will get it done is Velyn enterprises, it has been straight forward. There's been a lot of questions asked by Craig and I don't know that he is willing to do it anymore after their questions, I think he thought they were fishing for a contract that would get them through this hearing. Both companies understand the family is not there in terms of recognizing how much work there is to get done.

Mary Jo Kattar: *the question is what are you looking for?*

Moermond: *to be broom clean. Let's think about where were going, you're not moving back in.*

Mary Jo Kattar: *you want every drawer or cupboard cleaned?*

Moermond: *you need a complete inspection. This isn't going to be your storage bin long term. You aren't living here again. If you want to keep something, keep it somewhere else. We need to get the inspector in, we aren't negotiating whether things can be moved or piled or not moved. Everything needs to be out of there.*

Lightner: *that's why I'm saying I think Veryn understands the parameters.*

Mary Jo Kattar: *we are looking for someone to tell us our rights, legally, which we have not found yet.*

John Kattar: *my wife has attachment issues that are so high that she prizes this stuff more than just about anything. She feels as if she has to touch, feel, see, remember everything about every piece in the house. I can't override that. She's half owner on the house. There are no drugs or talk therapy that's going to take care of that. I lived with it for 35 years. She will do anything to protect that stuff, like protecting a child. There's no good reason, it just is the way it is.*

Moermond: *and at this point, moving it elsewhere is fine, just not here. That attachment is going to cost you, \$130,000, the value of the building and lot and subtracting the amount of the cleanout. If the cleanout is going to cost you \$20,000, who does the cleanout for the City Mr. Magner?*

Magner: *if there was resolution to remove the house, we'd put it up for bid, specify the volume of content and the contractors would put that in bid proposal. Generally, what we see is they would resort to mechanical devices to remediate it, they can't be taken to the landfill, it is household waste, and we pay 71% tax on that, it is charged labor and volume. They would most likely do it mechanically.*

John Kattar: *I am willing to hire someone, but I can't get over my wife's stuff.*

Moermond: *what about just moving it?*

Lightner: *there's water damage in the building. One of things Veryn does well is finding things of value and setting those things aside and helping you pack up. They do that so you aren't paying as much as the end.*

Moermond: *Ms. Kattar can you do this?*

Mary Jo Kattar: *I was talking to one in Shoreview too.*

Moermond: *can you do this? Can you get the contract in place and get it done and let them do the work? Understanding if it isn't cleaned out completely what happens?*

Mary Jo Kattar: *I guess the completely part is what I don't understand.*

Moermond: *you're always welcome to have an attorney here. I don't trust your judgement at all based on past experience, so I have to draw a bright line on*

expectations. Everything. As if you are going to be marketing the property.

Mary Jo Kattar: if you are going to market the property you don't empty the drawers.

Moermond: if you are moved out you are moved out. can you do it? It's a \$130,000 gamble.

Mary Jo Kattar: I don't think I am being forced to move out. We legally own it. I don't know where I stand in that regard.

Moermond: it has been months.

Mary Jo Kattar: we've had family issues

Moermond: I'm hearing your husband say it doesn't even matter, the attachment issues are hindering you. Cleaned out means cleaned out so it is empty. Magner's guys will go in with pitchforks and claws and get things out.

John Kattar: and they won't care about anything.

Moermond: your inability to act on this is a high stakes gamble. You need legal advice? Fantastic. Right now, we have a nuisance property that is super dangerous if it is on fire. All the time people break into homes like yours. If there's a fire in that house the floors will collapse, they will get wet and collapse and will endanger whoever is in the house and the emergency personnel. It could be that the biggest ticket item is cleaning out, but we don't know that until it is empty.

Lightner: it's a beautiful home, in good shape for being vacant as long as it has been. We've talked about that. I know they have had offers.

Moermond: and I'm sure it will make a nice parcel for someone. Is that the conversation you want to be having? I don't think it is. Can you bring me a contract with Velyn or someone else?

Mary Jo Kattar: in what time frame?

Moermond: well you have one bid.

Mary Jo Kattar: the one I want to come out said five days.

Lightner: I think within 2 days. The job itself is 3 or 4 days.

Moermond: by next Tuesday March 3 I want to see a contract, paid, with specific deadlines and the work shall be done no later than March 30. The entire house cleaned up. If it is done, we'll give you additional time to get the Code Compliance Inspection. All this is hanging on you getting a contract signed and paid within one week, and that will allow the work to be done through March 30. I want it broom clean. Mr. Magner will have Mr. Yannarely go through on March 31. Council date of April 1.

Laid Over to the Legislative Hearings due back on 3/3/2020

11:00 a.m. Hearings

Summary Abatement Orders

- 7 [RLH SAO 20-2](#) Appeal of Dorothy Dufresne to a Summary Abatement Order at 1266 VAN BUREN AVENUE.

Sponsors: Jalali

Appeal withdrawn by property owner.

No one appeared

Steve Magner: I was informed by Ms. Martin, west team supervisor that the appellant, the owner of 1266 Van Buren has informed DSI that the item has been removed by their hauler and she's dropping her appeal. Ms. Dufresne and Martin both left and the appeal can be withdrawn

Withdrawn

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 8 **RLH FCO 20-16** Appeal of Neng C. Yang to a Fire Inspection Correction Notice at 507 KENNY ROAD.

Sponsors: Brendmoen

Grant to June 1, 2020 for items 5, 6, 7 (conditioned on regrading by July 1, 2020), 11, 12 (replacing stove), 17, 19, 20, 22, 23, and 25.

Grant to July 1, 2020 for item 1 (provided temporary stabilization done by March 20), 4, and 26.

Grant to March 20 for items 2, 3, 8, 9, 10, 12 (fixture), 13, 14, 15, 16, 18, 21, and 24.

*Richard Som, Fourstone Construction, appeared
Bernie Vang, o/b/o owner Neng Yang, assistant management
Chee Yang, o/b/o of owner, assistant management*

Moermond: Who is DNZ, LLC as appears on the appeal form?

Vang: DNZ is the actual company

Yang: Neng Yang owns DNZ.

Staff report by Leanna Shaff: you've had the opportunity to review the photos and orders. This is a Fire C of O correction notice for an inspection February 4 by Inspector Franquiz. It received a D rating. There are 26 items on the notice, there is kind of a mix between inside and outside. This is the first inspection of the cycle. It looks like the appellant is looking for more time. Some is weather related, but there are things in the notice that need to be taken care of more quickly than others.

Moermond: this came in as D building, so reinspect is in one year and there are some serious things going on. What are those in your opinion?

Shaff: the basement wall missing a chunk, the condition of that and lack of maintenance to mortar joints. They are turning to sand. That needs to address, it is foundation walls. There was in unit 2, a small room with no electricity, we have entry door missing, kitchen sink rotted, and doors damaged. Rodent infestation. Those are the worst of it. There's lots of cracks in walls and it needs screens, reducing water temp for heater, it all comes down to a lot of deferred maintenance.

Moermond: this is the first inspection in the cycle. What do you have in mind?

Vang: once we got the list from the inspector, we discussed with management, there are interior and exterior items, we feel that the time was given for March 9 isn't adequate to finish. We would like to get more time on the interior to May 31, 2020 and for exterior to June 30. If you approve if the reinspection date can be June 30 for both.

Moermond: I bet it would be more convenient, but we won't get there today. You brought your contractor with you today. I'd like the more serious items addressed on a quicker timetable. I would like a proposal for me to review which would show the completion of the more serious items on a more serious timeline. And then your timeline for some of the other items.

Shaff: you do have an open building permit for the roof on this.

Som: when they were contacted, they said it was too cold.

Shaff: so that will need to be finalized before the reinspection.

Vang: I want to confirm it is these four items, the basement wall, no electric unit 2, entry door missing and kitchen sink. I want to confirm so we can prepare for the proposal.

Som: before we proceed can we take into account the tenants in both units and the tenants time too?

Moermond: the length of time they have to live in less than optimal conditions also bears for moving more quickly. The first item is exterior sidewalk with a board being used for a walking platform. Can you make it more stable until the more permanent solution can be done?

Som: we discussed with the owner and he has yet to review the plan. We'll put together a solution, concrete slab.

Moermond: it is not a negotiation. There needs to be a temporary fix, I expect it fixed properly in the long term. It needs to be safe and not damaged in the interim. I want that nailed down, understanding you'll have an agreement with the owner in the long run.

Shaff: looking at the picture, it's a wooden step with three risers and a pallet laying on the ground with gas cans on it. This is something emergency responders would expect to have safe entry into the building.

Moermond: we need a safe temporary fix. Back entry to house does not open. What's going on there? Have you looked at that?

Som: we went through last week and it opened.

Vang: he didn't speak of it when I was with the inspector. It did open.

Moermond: It says it is back entry. I assume the pallet entry was the one leading to this door.

Som: it opened. It needed some manpower.

Moermond: so let's make sure it opens easily and properly so in an emergency people can get out. I'm not clear about the layout of the building. It says unit 2 doesn't have access to the panel in the basement.

Som: the access to the basement would be through the backdoor that the inspector said wasn't opening.

Moermond: so if the backdoor was working the Unit 2 tenant would have access?

Som: yes, that would be the only issue. That back door also has access to the lower unit, but the downstairs unit has a double door. So that back door accesses the basement as well as the lower unit.

Moermond: does that back door go directly into that unit?

Som: there's another door that is inside. They are safe from intrusion.

Moermond: so that will be a shorter time period too. Making sure door swings easy and tenant has a key. Chipping peeling paint and siding, we can go to July 1 on that. Provide or maintain window screens. I'm fine going to June 1 on that, but that's on screen. I have concerns about a window missing parts, casing frames that are damaged. The window seems to be compromised, it is a window that it appears to exit, but there appears to be two windows in unit two. I'm not sure what I want to do with that one. Is it a bedroom?

[pictures shown]

Moermond: I'm on the fence in terms of getting someone out in an emergency, I am concerned about someone, especially a child falling out. What's your thinking Ms. Shaff?

Shaff: that is lead paint, by the way. This window framing is pretty broken up. I do have concerns that they aren't structurally sound, and in an emergency this could easily open or couldn't be open because it is pretty kiddy-wampus.

Moermond: number 7, it describes the problem but doesn't say it needs engineering to fix it.

Shaff: doesn't necessarily need it. A good concrete mason could fix it. I would definitely have them look at it. These old walls, they weren't meant to have a covering on them.

Moermond: the skim coating?

Shaff: yes. And once they are it makes everything fall apart quicker.

Som: if we can put gutters on the home it will help, and proper drainage. We're going to do the whole wall again.

Moermond: can you fix the wall by June 1 and regrade by July 1? I will condition the first based on the second, so it doesn't happen again.

Som: sure, sure. That's why we're asking. Getting all that done is of utmost importance.

Moermond: the wall needs to be repaired by June 1 on the strength that by July 1 it is regraded, so water goes away from foundation. Reducing temperature on water heater?

Som: that's been done.

Moermond: bathroom floor rotted with soft spots. Shower wall coming lose. These aren't good things. I'm not feeling great about that. Doesn't feel safe or sanitary. Can you take care of that on a shorter timeline?

Som: as soon as the tenants are available, we can get it done.

Moermond: it is your prerogative to establish that time as the owner. So that is a shorter timeline. Number 10, water lines under bathroom sink leaking and showerhead leaking.

Som: we looked at this, one of the rings on the pipe is leaking into the floor, that's all it is. It needs to be replaced and putting a ring in there should take care of it.

Shaff: it will require a licensed plumber to do.

Moermond: who pays for the water?

Bernie: DNZ.

Moermond: so if there's a leak the tenants not paying for it. Kitchen GFIC outlet doesn't work and trip when tested. June 1 on that.

Shaff: licensed electrician, not necessarily a permit.

Moermond: the clock on the kitchen stove is popped out. I'm wondering if that's an electrical hazard?

Som: he's putting a new stove in there, it will be replaced.

Shaff: also says light fixture is missing cover.

Moermond: that can be done quickly. Stove will be replaced. June 1 on that. Back entry door of unit 1 there's a large appliance blocking path and stairway.

Som: yes they had a freezer there. We'll shift it to the other side.

Shaff: the doors need to come off if they're outside. We don't want kids to get trapped in them.

OMoermond: exterminator, have you contacted them already?

Som: yes.

Moermond: GFCI outlet in unit 2. That gives me more heartburn than the kitchen. It looks like the outlet needs to be replaced. I'm going to put that short-term deadline. The fixtures, the faucet and toilet are loose or unsecured, that's an easy fix in most cases of bolting and caulking it in in most cases. I'm comfortable going to June 1 on that.

Shaff: I'm not. That porcelain will crack eventually. That's a simple fix.

Moermond: we have someone to work on the bathroom floor in the other unit, have them look at this too. So that's a shorter timeline. Knob for heat register in bathroom is missing? Filter missing for range hood, we can go to June 1 for both of those. New CO detector.

Vang: will be taken care of as soon as possible.

Shaff: the closet door behind the TV was an inappropriate repair.

Moermond: that can be longer term. The carpeting seemed to be in bad shape, and the photograph looked to be on the threshold between a couple rooms

Som: the owner wants to replace with LVT or some sort of vinyl. That's the plan

Moermond: if you could in these two situations with the pictures, can you in some way stable the carpeting properly and trim it, I can give time to re-carpet, but I want to mitigate the trip hazard. Then we can go with June 1 on replacing the carpeting. Base of kitchen sink cabinet is rotted and missing hardware.

Shaff: it is an easy fix to pull the board.

Moermond: what does the owner want to do with the cabinetry?

Som: we haven't talked to him yet.

Moermond: it seems to me there can be a temporary fix until a more long-term plan is done. Board underneath is a short-term fix. It is not sanitary. Living room in unit 2 is being used for sleeping and is intervening with front bedroom area.

Shaff: I had some questions on that too, you said you weren't in unit 2?

Vang: it's a futon, they had blankets and pillows out there. There wasn't enough room from egress on the master.

Shaff: I'm not having heartburn on that.

Moermond: I'll put that as June 1 to confirm it is not a sleeping room. Replacing electrical fixture and ceiling fan not working.

Shaff: that's the room with no electrical at all so that explains it.

Vang: they use it as storage, I think it could be made into a secondary bedroom. It is

like 6x6' or 8x8'.

Moermond: let's have the inspector measure that on their next inspection. Not having this work concerns me.

Shaff: are there outlets?

Vang: yes

Moermond: I'm concerned about why it is not working and that it could involve a hazard. Unit 2 walls holes in wall underneath bathroom sink. This is a shorter-term thing. Walls with cracks and damage, that can be June 1. Windowsills, chipping peeling sink, window frame cracked. I'll put this out to June 1 as well. Grant to June 1, 2020 for items 5, 6, 7 (conditioned on regrading by July 1, 2020), 11, 12 (replacing stove), 17, 19, 20, 22, 23, and 25. Grant to July 1, 2020 for item 1 (provided temporary stabilization done by March 20), 4, and 26. Grant to March 20 for items 2, 3, 8, 9, 10, 12 (fixture), 13, 14, 15, 16, 18, 21, and 24. This will go to Council March 11.

Referred to the City Council due back on 3/11/2020

9 RLH VO 20-11 Appeal of Jon Oulman to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1108 PAYNE AVENUE.

Sponsors: Yang

Grant to June 1, 2020 to receive certificate of occupancy conditioned that tenants must only occupy one unit upstairs but have access to the thermostat.

Jon Oulman, owner, appeared

Moermond: I looked into this extensively with the building official, and the trades inspectors who have been out and talked to seniors and inspectors and here are the critical points: the people who live upstairs, you have the new unit added without a thermostat, does have access to electrical panel, doesn't have a separate ventilation system and we don't know yet about fire separation. They don't see it presents a hazard to have them live up there, on the condition that not both areas are lived in, only one, and the piece they don't have access to, they need to get to that. Whether you give them keys to access or move them into that space. They can't live in both spaces. I want to put a deadline on resolving this, I know you're talking about the parking variance in March?

Shaff: I was talking to Clint this morning and he relayed that due to it having a forced air heating system, and it might be cost prohibited and with that and the variance cost it might not be worth the time to make it into two units, but if you choose not to do that one of the kitchens have to go. That's my understanding is you aren't going forward.

Oulaman: I'd like to go backwards.

Moermond: I'd like to give you 90 days to let you get code compliance one way or the other, however you choose to do that. That's your own analysis. I understand the trades people will be working with your contractors to make sure the fees have been adjusted as the permits have been adjusted. So, we'll give you 90 days, to June 1, 2020. This remains on the conditions I mentioned before.

Oulman: I'd like to move them into the back one.

Moermond: whatever works as long as they have that access.

Shaff: Clint was talking about when you remove the second kitchen you'll need licensed contractors doing that work too.

Oulman: right. Those are the guys that have been in there. My code compliance for the project downstairs had two units on the second floor, that's why I thought I could do it in the first place. I wasn't trying to do anything wrong.

Referred to the City Council due back on 3/11/2020

2:30 p.m. Hearings

Vacant Building Registrations

- 10 RLH VBR 20-11** Appeal of Tamla & Derick Crockett to a Vacant Building Registration Fee Warning Letter at 181 FRONT AVENUE.

Sponsors: Brendmoen

Grant 90 day waiver.

No one appeared

Moermond: Ms. Vang got an email from Matt Dornfeld, it had a 90 day fee waiver because it is fire damaged, and they wanted to issue another 90 days. We'll handle anything else as an assessment, no more vacant building appeals. We'll send it forward to Council saying the 90 day waiver has been granted. No one has withdrawn anything that's the problem.

Referred to the City Council due back on 3/11/2020

3:00 p.m. Hearings

Special Tax Assessments - Garbage

- 11 RLH TA 20-151** Ratifying the Appealed Special Tax Assessment for property at 615 CHARLES AVENUE. (File No. CG1904E4, Assessment No. 190163)

Sponsors: Thao

Delete the assessment.

No one appeared

Staff report by Clare Pillsbury: \$307.87 for Quarter 3, 2019, appealing resident states the property is a single family home; not a duplex and that the City has verified this in the past. County records and the information sent to the hauler by the City's garbage program lists the property as 2 residential units. The resident also states he only has one trash cart and has never had a second one. Residents states he has tried to resolve this issue with Republic without success. Staff comments resident was delivered a 68-gallon and a 35-gallon cart as the property was classified as a two-family

dwelling. Hover, an e-mail sent from Republic confirms that they confirmed with the resident on 10/2/2018 that second account for the property was cancelled. This counts as an agreement for Republic stop billing for the second 64-gallon container and remove the second container. Despite the container not being removed, the agreement remains. Since the Quarter 3 2019 assessment was for back billing for the 68-gallon cart, staff recommends removing the assessment.

Moermond: so the \$301 is for 4 quarters worth of the second container

Chris Swanson: Quarter 4, 2018 and Quarters 1 and 2, 2019. The back billing for those 3 quarters

Moermond: so recommended.

Referred to the City Council due back on 3/25/2020

- 12 RLH TA 20-149** Ratifying the Appealed Special Tax Assessment for property at 222 CONGRESS STREET EAST. (File No. CG1904A4, Assessment No. 190147)

Sponsors: Noecker

Delete the assessment.

No one appeared

Staff report by Clare Pillsbury: Appealing \$110.48 for quarter 3, 2019. Tennant erroneously opened up account under address of 222 Congress Street West instead of 222 Congress Street East. They did make full payment for Quarter 3 2019 to account under 222 Congress Street West. This was transferred to account for 222 Congress St W. Republic is therefore requesting removal of the assessment. We recommend deletion.

Moermond: so recommend deletion of the assessment.

Referred to the City Council due back on 3/11/2020

- 13 RLH TA 20-135** Ratifying the Appealed Special Tax Assessment for property at 463 EDMUND AVE. (File No. CG1904C4, Assessment No. 190155)

Sponsors: Thao

Approve the assessment.

No one appeared

Staff report by Clare Pillsbury: we have not received proof of payment for that quarter, Republic has no record of payment for this period. I did speak to resident and tenant and they just paid the assessment 15 mins ago.

Moermond: approval.

Referred to the City Council due back on 3/25/2020

- 14 RLH TA 20-113** Ratifying the Appealed Special Tax Assessment for property at 882

HAGUE AVENUE (File No. CG1904A1, Assessment No. 190144)

Sponsors: Thao

Reduce the assessment from \$221.23 to \$60.27.

No one appeared

Staff report by Clare Pillsbury: we are requesting the hearing be pushed to April 2 and 9 am, the resident doesn't agree with our recommendation and wants more time to review our recommendation. We do have the timeline you requested with the contact and billing and payment. We are requesting that the assessment be reduced to \$60.83.

Moermond: I recommend approval of the assessment and we can email her.

Referred to the City Council due back on 3/11/2020

- 15 RLH TA 20-114** Ratifying the Appealed Special Tax Assessment for property at 2127 NORTONIA AVENUE. (File No. CG1904C3, Assessment No. 190154)

Sponsors: Prince

Approve the assessment.

No one appeared

Clare Pillsbury: per your request we sent a request to them, and we haven't received a response. I have a copy of that letter for the record.

Moermond: you sent a letter February 10, basically saying if you sign up for the small every week container, we'll help you with your past bill and you didn't hear anything?

Pillsbury: no.

Moermond: not a lot I can do for them then. I need to recommend approval, we tried to help.

Referred to the City Council due back on 3/25/2020

- 16 RLH TA 20-154** Ratifying the Appealed Special Tax Assessment for property at 628 PORTLAND AVENUE. (File No. CG1904A1, Assessment No. 190144)

Sponsors: Thao

Delete the assessment.

No one appeared

Staff report by Clare Pillsbury: this is for \$54.75 for Quarter 3, 2019 resident is appealing because they are being billed erroneously for this property, they submitted a vacancy request as of September 2018. Been trying to get it rectified with hauler since 2018. We confirmed there was a vacancy request submitted, therefore recommend removing

Moermond: delete the assessment.

Referred to the City Council due back on 3/11/2020

- 17 **RLH TA 20-150** Ratifying the Appealed Special Tax Assessment for property at 2119 SARGENT AVENUE. (File No. CG1904A3, Assessment No. 190146)

Sponsors: Jalali

Reduce assessment from \$115.98 to \$68.30.

No one appeared

Staff report by Clare Pillsbury: this is for \$115.98. Resident stated that they should not owe anything for Quarter 3, 2019 as the property has been vacant for seven years. The property should have been out be on vacancy list in May 2019. Records show that vacancy request was submitted to the hauler on September 2, 2019. Therefore staff recommends reducing the assessment to the cost of one large 94-gallon cart for two months, \$68.30.

Moermond: so this bill covers April and June?

Pillsbury: July to September

Moermond: they submitted the form in May?

Pillsbury: they claim they reached out to the city in May 2018, but our records show they didn't submit anything until September 1, 2019.

Moermond: so, you're saying July and August they should have paid for. \$115.98 to \$68.30.

Referred to the City Council due back on 3/11/2020

- 18 **RLH TA 20-153** Ratifying the Appealed Special Tax Assessment for property at 410 VIRGINIA STREET. (File No. CG1904E4, Assessment No. 190163)

Sponsors: Thao

Approve the assessment.

No one appeared

Staff report by Clare Pillsbury: \$445.11 for service Quarter 3, 2019. Appealing because resident again states they have commercial trash service at this place for 20 years and have a commercial dumpster and republic has never picked up any trash so they feel they shouldn't have to pay for trash. They state there was a commercial dumpster contract in place and Republic Services has never picked up any trash. Due to the property having a total of four residential dwelling units, it is required to participate in the coordinated collection program. Residence had a total of four 64 gallon carts during Quarter 3, 2019 and is therefore responsible for paying for the services provided. Staff recommends approving the assessment.

Moermond: this particular argument was heard by Council from Mr. Constantino November 20, it was filed under 346 Fuller. Fourplex with two street addresses. We're talking about the 410 Virginia address, but the same argument appears to be being presented, that he doesn't think he should be legally bound to be in the garbage

hauling program. I'm going to recommend approval, consistent with the way Council decided it earlier.

Referred to the City Council due back on 3/25/2020