



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, July 25, 2023

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Remove/Repair Orders

- 1 **RLH RR 23-8** Ordering the rehabilitation or razing and removal of the structures at 1082 LOEB STREET within fifteen (15) days after the March 22, 2023, City Council Public Hearing. (Refer to June 13, 2023 Legislative Hearing)

Sponsors: Brendmoen

Layover to LH August 8, 2023 at 9 am. PO to submit affidavit, schedule and final bids.

Edwardo Rikprashad, purchaser, appeared

Staff report by Supervisor Joe Yannarely: by close of business July 19 a signed purchase agreement was to be submitted as well as evidence of financing, affidavit dedicating the funds, work plan including schedule and bids, and must continue to be maintained.

Moermond: I have a purchase agreement at the top of the pile. Has it been maintained?

Yannarely: yes.

Rikprashad: I have bids here. Not the exact number since I'm going to renegotiate, but same contractor I use as part of my business.

Moermond: this is a hair south of \$100,000. All I can really say skimming the documents is we appear to have bids that cover the trades areas. They certainly can't be compared to the Code Compliance Inspection Report today. Was there an affidavit in there?

Rikprashad: no.

Moermond: we will get you a sample, bottom line the idea is that we would like you to agree, promise, that you will spend the funds you have shown towards this project until it is complete. It is a simple thing, otherwise it looks like bids. Mr. Zane is the building inspector for vacant buildings that manages all that work. I'm going to assume we have what we need in that pile and communicate back to you if there is something missing.

Ideally it is small and can be addressed via email. I'm going to put this on the Council's August 9th agenda. If staff agree before that all the materials are there, you can begin pulling permits, prior to the Council's vote. Are you ready to go?

Rikprashad: yes.

Moermond: so better to have this approved sooner than later so you can start swinging hammers?

Rikprashad: yes.

Moermond: we'll go through those and communicate back to you. As you update those bids, please share those. Was there a schedule

Rikprashad: no schedule in there yet.

Moermond: put that together, within a six-month timeline.

Zane: reviewing this, I notice you have skim coating and flooring and cleaning under construction schedule but there aren't other things that are included on the construction part of the Code Compliance Inspection. Work that into your cost of estimation.

Rikprashad: some of the small stuff we just included in there, not listed specifically.

Moermond: do you have any questions?

Rikprashad: no.

Referred to the City Council due back on 8/9/2023

2 RLH RR 23-33

Ordering the rehabilitation or razing and removal of the structures at 1356 REANEY AVENUE within fifteen (15) days after the August 16, 2023, City Council Public Hearing.

Sponsors: Prince

Refer back to LH August 22, 2023 at 9 am. Purchaser to pay outstanding taxes, and submit proof of financing, purchase agreement, affidavit, work plans including bids and schedule by COB August 18, 2023.

*Jodisha Darrough, purchaser, appeared
Alana Omaha, owner, appeared*

Staff update by Supervisor Joe Yannarely: the \$5,000 Performance Deposit was to be posted, the title can't transfer until rehab is complete, evidence of financing and outstanding taxes must be brought current.

Moermond: the Performance Deposit was posted. We do have a Code Compliance complete July 17th. We're moving into conversations about work plans and financing and all of that.

Darrough: I've had a few people through. I have proof of funds, but I didn't know the taxes were due this soon.

Moermond: there was a note saying you have to post the Performance Deposit that is step one. The next things we're looking for are these. We flag them because we'd look for them; I was just checking to see where it stands. This has a Council Public Hearing first on August 16th, so we are ahead of the game now having this conversation in July. One would be that work plan based on the Code Compliance Inspection Report. You haven't had it long.

Darrough: I've talked to two contractors so far. A lot wanted the Code Compliance first.

Moermond: if I was them I'd say the same thing. You've had a couple out. You ladies have had a conversation about what the purchase agreement, we've touched on the title transfer piece and the tools people have used in the past to protect everyone's interests.

Darrough: we do have a purchase agreement.

Moermond: and is there an addendum about not closing in there?

Darrough: no, not yet.

Moermond: and that closing date will have to be pushed until after the rehab is done. Figure out how to legally protect yourself. You need bids to get some final numbers. What are you contractors telling you about getting more detailed bids?

Darrough: one sent me a bid already. I have one scheduled for next week.

Moermond: are you a General Contractor?

Darrough: no, developer.

Moermond: the expectation before I ask the Council to grant time would be that work plan, including bids and schedule. The money to do the rehab and an affidavit. The taxes have to be paid. I think August 16 may be a bit ambitious given the time of year for contractors. August 16 I can ask the Council to send it back to Legislative Hearing the following week, August 22. Hopefully we'll be reviewing those documents. If we can agree at that point and you have everything together then we can greenlight permits. My inclination would be to send it back to Council September 13th.

Referred to the City Council due back on 8/16/2023

3 [RLH RR 23-32](#)

Ordering the rehabilitation or razing and removal of the structures at 792 ROSE AVENUE EAST within fifteen (15) days after the August 2, 2023, City Council Public Hearing.

Sponsors: Yang

Recommendation forthcoming based on considerations including: completion of property cleanout, engineering analysis and posting of PD no later than Friday, July 28, 2023.

*Kristina Kaluza, attorney o/b/o PHH Mortgage and HSBC Bank, appeared
Darius Husain, Executive Director of Face 2 Face Academy, appeared
Tom Gibson, Director of Programs Face 2 Face Academy, appeared
John Terr, neighbor, appeared*

Staff report by Supervisor by Joe Yannarely: by no later than close of business July 21 a Code Compliance Inspection application must be done and \$5,000 Performance Deposit posted by July 28th. The application for the Code Compliance just came in.

Moermond: I need to congratulate you on your foresight, at the June 27th Legislative Hearing you spoke to Mr. Stevens about what a nuisance the garage had been presenting and the large problem. We received an email from you the following day that the garage burned down?

Yannarely: yes. And they've cleaned it all up, which is good. Last I checked the house was secured.

Moermond: it was said in the hearing and 24 hours later it went down. Where are you at with this house? The garage is gone. It has had numerous break ins and squatters. I have the Code Compliance application which will give you basic expectations. Where is your client at?

Kaluza: the Code Compliance Inspection application was submitted; estimate is about two weeks out?

Zane: we say four to six weeks.

Moermond: can it be expedited to be around two weeks?

Zane: that's doable.

Moermond: this goes to Council Public Hearing August 2, and we want you informed. Has someone gone through?

Kaluza: we've been trying to schedule an engineer to go out along with the Code Compliance Inspection. We do have demo bids, but the decision to demo or repair is still outstanding.

Moermond: do you have the photos?

Kaluza: I know we have photos from the garage incident. I don't know if we have any interior photos.

Moermond: we do. We can make sure you have a link to the record with the photos. They do show significant cracks in the foundation from both inside and outside. That would no doubt be informative. Has the property been junked out?

Kaluza: I don't think so.

Moermond: that needs to be done before inspectors can go in. your REO should be on that sooner than later. Those are some significant foundation failures. You can also see a lot of stuff in the house. Can you get this cleaned out within the week?

Kaluza: I can put the order in today.

Moermond: if we're asking Mr. Zane's crew to expedite this, we need to make sure it is done. August 8th is ambitious, but I also have a significant neighborhood problem. I can't underscore that enough, how bad it is to have property with squatters, a garage that burns down. It is scary. We are getting neighbors emailing about the tree being

burned and concerns about the nearby electrical wires. It all shows we aren't on top of it as the City, and we need to hold the owner accountable. I see a house with physical problems, large ones. Can you get this cleaned out in a few days, so Mr. Zane's crew can go out. I want you to have this information as soon as possible. In the event the Council says no, then you at least have the Code Compliance that you have talked to a structural engineer about. That may be good enough. But I want to prepare you for that eventually because it is so bad.

Yannarely: did you see Mr. Mueller's email about the trees after the fire? He said he was going to contact ownership and under chapter 175 and is considering them to be dangerous trees.

Kaluza: I don't think we got that yet, but I did notice that Ramsey County still lists Map Homebuyers as the owner, so we may have not got it. We need to do a proceedings subsequent to remedy that.

Moermond: will your client act before that? Because if they aren't then this is done.

Darius Husain: I am the Executive Director of Face 2 Face Academy and we abut next to 792 Rose. We'd like to let Council to know part of the urgency is that there is a school right next door. Our garage that houses our outdoor program was damaged due to this fire. We have outdoor space and we work with an at-risk population and this has been a big problem. But we're also here to help with solutions. We were able to grow since we received some land between the school and 792 Rose to use for excellent purposes. We've been in the neighborhood for 40 years, a school for 20 years. If there is a way to mutually solve a problem, we are here as a player. At a bare minimum we've been dealing with this for 3 years. Large police presence. We've had to bring students inside because of activity out there. It is unacceptable to put kids in a learning environment in this situation. We've been watching to see what was happening with this. We're not here just to complain, we're here to say perhaps there is a way to work something out that is mutually beneficial for everyone.

Moermond: I am not going to land on a recommendation this week. I'd like you to get that Code Compliance Inspection report. Let Mr. Zane know when it is cleaned out so that report can get to you. Get that structural engineer in there. That may finish that.

Kaluza: I'll do everything I can to expedite.

Moermond: and we do appreciate you showing up to solve this. I would plan on you attending that hearing.

John Terr: I own the property across the alley that had fire damage. I'm concerned about this property. We've seen just about everything through the years. I would like to be kept abreast of developments. Maybe even with contact information. You call the police too much and you get to be bother probably. I'd just like to be on the record that I would like to be kept up to date on this.

Moermond: the City Council's public hearing, if you can't be there, it also streams and is on channel 18. Your information is included in the minutes so they will see your concerns. Regarding the police, keep calling so it establishes a record of what is going on. I worry that in areas where we have a higher volume of nuisance crimes, that people start to opt out of making those calls. Please pick up the phone when you can.

Terr: I've made plenty of calls.

Moermond: and it is appreciated. And I also know how overwhelming it is. This kind of record at this kind of juncture makes all the difference, especially for the decisionmakers. These actions have been taken and it has or hasn't resolved.

Terr: and it isn't finger pointing, it is frustration.

Moermond: we appreciate you coming down. We have an order on those trees.

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

- 4** **RLH RR 23-21** Ordering the razing and removal of the structures at 871 STICKNEY STREET within fifteen (15) days after the June 14, 2023, City Council Public Hearing.

Sponsors: Noecker

Grant 180 days to rehabilitate or remove.

Tried calling 10:44 am- no voicemail left.

Moermond: we'll send an email letting Mr. Naiman indicating we have reviewed their submissions and find them acceptable. His folks can begin applying for permits beginning Thursday morning. Council Public Hearing August 9.

Referred to the City Council due back on 8/9/2023

- 5** **[RLH RR 23-39](#)** Ordering the rehabilitation or razing and removal of the structures at 621 BIDWELL STREET within fifteen (15) days after the September 6, 2023, City Council Public Hearing.

Sponsors: Noecker

Layover to LH August 8, 2023 at 9 am for further discussion. \$5,000 PD posted no later than Friday, August 4, 2023.

*Janet Smith, Freedom Mortgage Director of FHA conveyance, appeared
James Burnham, neighbor of property, appeared*

[Moermond gives background of appeals process and requirements of rehabbing a Category 3 Vacant Building]

Staff report by Supervisor Joe Yannarely: the building is a one-story, wood frame, single-family dwelling with an attached, tuck under, two-stall garage and an accessory shed on a lot of 3,036 square feet. The property has been a vacant building since October 6, 2022 due to a fire. The current property owner is Freedom Mortgage Corporation, per Amanda and Ramsey County Property records.

On May 17, 2023, 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 May 22, 2023, with a compliance date of June 21, 2023. 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 \$13,500 on the land and \$161,600 on the building. Real estate taxes are current. The vacant building registration fees were paid by

assessment on December 1, 2022. A Code Compliance Inspection was done on June 5, 2023. As of July 24, the \$5,000 performance deposit has not been posted.

There have been three Summary Abatement Notices since 2022. There have been ten work orders issued for: garbage/rubbish, and boarding/securing. Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$30,000.

Moermond: we have a fire that appeared to be arson, but not enough information to arrest someone. We also have email from a neighbor attached to the record. We have some title things happening, you are a different owner than the owner at the time of the fire?

Smith: we foreclosed May 24, 2022 and we were working through the eviction process because it remained occupied. In the proceeding of that process, we were notified of the fire. November 17, 2022 was the first time it was vacant. We didn't receive a copy of the fire report. We did file insurance claim on it and there was time for freedom mortgage to obtain those funds. We do have those funds in a suspense account now. I do understand there is the \$5,000 Performance Deposit due, and we are prepared to complete the repairs and remediate issues. We are ready to start the work and believe it will be two months to complete.

Burnam: not a lot of my neighbors have the luxury to take time off to come to this. Our neighborhood is very tight knit. I have lived at 628 Bidwell for years. 621 has been the glaring dark spot in an otherwise bright neighborhood. I have keys to four different neighbor's houses, including Reverend O'Brien's, that's how tight we are. We've documented over 42 instances of negative activity. Not everything was documented or called in because we were tired of nothing happening. We've seen armed invasions with long guns and AR rifles. Fights at all hours. Stolen cars, abandoned vehicles. Multiple times we've had people passed out in vehicles and unconscious under the influence of drugs. It has been a glaring safety concern both before and after the fire. We just called the police last month about squatters. There are 16 children within one block east of that property under the age of 12. Occupied or vacant it has been a threat to the neighborhood. While it was owner occupied we were told it was challenging to deal with owner occupied properties. Understood. It has been vacant a year and it is still a challenge to deal with.

Moermond: we have a 5-year call log attached to the record. 21 calls since the fire October 6th. This year January and February we saw a lot of proactive police visits. I know that the officer who works with Code and Vacant Buildings was probably the one doing that.

Burnam: we had a neighborhood Google spreadsheet. We were so thorough, we even caught plain closed cops when we sent over that spreadsheet. 127 calls and it continues. The fire hasn't stopped the problems. It is quieter, but it is still attracting threats.

Moermond: what needs to happen now so the neighbors feel safer?

Burnam: I don't have a neighborhood poll that I'd feel comfortable speaking on their behalf.

Moermond: understood. For example, locking it down like fort Knox.

Yannarely: it has been boarded up. Neighborhood vigilance is the best thing you can do. I've talked to the neighbor on the corner. She calls me directly if things are going on, but this is progress. You have people out there, you have the bank now with an interest in, hopefully things will move on the right track.

Smith: we are ready to go. We have bids and the approval to move forward. I do understand the deposit, but we need permits to do the work and we can get it done.

Moermond: and to get through here to get the permits. The plan, bids, evidence of financing.

Smith: I'm not sure what has been submitted. I thought the plans to do the roof trusses. I know I have seen Clint's name on emails.

Zane: we sent the Code Compliance Inspection Report but no other activity as of yet.

Moermond: \$5,000, the plans, schedule, money, given you are financial institution it is almost more important to have the affidavit from the official in charge of those funds saying they would be made available until the job is done. One of the first thing that happens is that electric is restored to the site. I'm thinking once that happens it may make good sense to undertake some security measures at the property. A security system, motion detector lights, cameras, something that will enhance safety. I won't make it a requirement yet; I'm going to reflect on that. That would go a long way to building trust with the neighbors. A property with such significant police issues and Code violations together complicated problems that exacerbate one another. That stays in the memory of the neighborhood beyond when the property is rehabbed and someone new is in there. We need to break that cycle of understanding of what this property is, those nuisance measures. For so many years it has been pulling the neighborhood down. From a City Council perspective, that's where they're going to be. We'll send that follow up letter to you. I'll lay this over 2 weeks to talk again.

Laid Over to the Legislative Hearings due back on 8/8/2023

6 [RLH RR 23-40](#)

Ordering the rehabilitation or razing and removal of the structures at 401 ROSE AVENUE EAST within fifteen (15) days after the September 6, 2023, City Council Public Hearing.

Sponsors: Brendmoen

Layover to LH August 22, 2023 at 9 am to discuss bids, schedule, financing and affidavit. \$5,000 PD must be posted no later than August 18, 2023.

Jay Mitchell, o/b/o Quality Residences, appeared

Moermond: you overheard me go through the list of requirements for the previous case.

The building is a two-story, wood frame, single-family dwelling with a detached two-stall garage on a lot of 4,635 square feet. Referred by code inspector on April 18, 2018 and a preliminary folder was opened. House had a number of exterior violations: roof defects, missing screens, peeling paint, rotted siding on house and garage. Category 2 vacant building folders were opened on August 22, 2018 when the inspector found the property listed for sale. The property had previously been owned by Fannie Mae and the entity who purchased the property did not go through a sale review process. The current property owner is Quality Residences LLC, per AMANDA and Ramsey County Property records. On April 12, 2023, 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 May 24, 2023, with a compliance date of June 23, 2023. 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 \$20,000 on the land and \$125,000 on the building. Real estate taxes are current. The vacant building registration fees were paid by assessment on October 3, 2022. The current vacant building fee is due August 23, 2023. A Code Compliance Inspection was done on May 9, 2022 and has since expired. A new code compliance inspection application was submitted on July 3, 2023.

As of July 24, 2023, the \$5,000 performance deposit has not been posted. There have been twenty-two Summary Abatement Notices since 2018. There have been three work orders issued for boarding/securing. Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish exceeds \$25,000. The Code Compliance inspection was being done and two inspectors went in with no issue to do their inspections. The third inspector who went in was met with a woman and a dog, that was just last week.

Mitchell: we do go there every other day. It was secure, I was just there.

Yannarely: and two went in fine, I just wanted you to know.

Moermond: Mr. Zane, do your people call the cops?

Zane: no, not as a practice unless it's a real threat. Usually, we contact the owner.

Moermond: and 22 Summary Abatement Orders tell me you take care of things when someone tells you, but the City is playing the role of property managers. When did Quality Residences acquire this?

Mitchell: I can't speak to that. I can say I did order the Code Compliance Inspection and speak to Mr. Zane so we were working forward and review that.

Moermond: Ramsey County has the sale 2018. It is likely Quality Residences is responsible for all those Summary Abatement Orders. How are we going to work through this, Mr. Gelb sent you?

Mitchell: I'd like to submit all those items once we see that Code Compliance Inspection Report. I just don't have it to see what is on it, I don't want to make assumptions.

Moermond: the City Council looks at this September 6, so you have a cushion. If things aren't buttoned up and ready to go, I would expect the Performance Deposit posted in order for me to ask the Council to give more time to do the other things.

Mitchell: my hope would be I would get the Code Compliance and turn things into Mr. Zane and Mr. Humphrey—

Moermond: you have yourself a Category 3, I deal with those documents. We'll send you a letter, you give them to Ms. Zimny, and she pushes them to the right people. The Performance Deposit goes to Department of Safety & Inspections for them to hold. I know you know this is under the microscope, will you have people go by every single day?

Mitchell: I will go by every day.

Moermond: an inspector not being able to access the property tells me its likely she's been there before.

Mitchell: I can assure you I will go by every day. I want this to move forward.

Moermond: do you think an officer should go with?

Zane: after Paul encountered that lady, two inspectors went and didn't encounter occupants. I think if he's going once a day it is fine.

Moermond: we'll get that new Code Compliance. You'll visit once a day.

Laid Over to the Legislative Hearings due back on 8/22/2023

10:00 a.m. Hearings

Making Finding on Nuisance Abatements

- 7 [RLH RR 23-37](#) Second Making finding on the appealed substantial abatement order for 939 CHARLES AVENUE in Council File RLH RR 22-67. (Public hearing continued to August 9, 2023)

Sponsors: Balenger

Continue PH to August 9, 2023. Grant 180 days pending updated and approved bid and affidavit.

Lorrie Miller, owner, appeared via phone

Moermond: you have things on this list from January through April submitted.

Miller: did I send you the old one? I apologize about that. I will send the new one. I can do that now.

Moermond: why don't you send it and we will call you back?

Miller: sounds good.

[called back at 11:10 am]

Moermond: we got your updated plan, and have just been skimming through it. It looks like you're thinking you'll be done in August?

Miller: yes, we're almost done painting, the electrician is coming in shortly. Flooring will be next. The upper and main level have floors we're refinishing. Putting carpet in the basement won't take long. Exterior doors and deck need some work. They'll go fast. After completing 975 Hudson I moved the building contractor here and the new guy has a larger crew so I feel more confident about what we can accomplish.

Moermond: great. I'm going to accept this plan, if you can tell me, do we have paid bills for the cost of the contractors? You've shown me money in an account. What

kind of money do you owe to contractors? I also need an affidavit for the account.

Miller: HVAC has been paid in full, electric hasn't been completed, holding back half. Once they're done they will get the other half. It is right around \$10,000. My new subcontractor we have a separate bid from the original one and I owe him \$10,000 more when the work is completed. So \$20,000 total once work is completed.

Moermond: I would say it would be great to update our records with the current building bid, and then an affidavit to go with the bank statement. What kind of timeline to get those in?

Miller: I can have that in by the end of the week.

Moermond: we'll put this in front of Council August 9 and wait for those items.

Referred to the City Council due back on 7/26/2023

- 8 [RLH RR 23-42](#) First Making finding on the appealed substantial abatement ordered for 1501 CLARENCE STREET in Council File RLH RR 22-57. (Refer to August 8, 2023 Legislative Hearing)

Sponsors: Yang

Refer back to LH August 8, 2023 at 10 am (unable to reach property rep). Need progress %.

No one appeared

Voicemail left at 11:05 am: this is Marcia Moermond from St. Paul City Council calling you about 1501 Clarence. You were to reach out to Inspector Clint Zane to conduct a progress inspection. This is outlined in your letter from Mai Vang on July 11th. We will reach back to you this morning, otherwise I'll continue this for 2 weeks and you need to get that progress inspection done or it is assumed you haven't made progress and you will lose your Performance Deposit.

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

- 9 **RLH RR 23-11** Making finding on the appealed substantial abatement ordered for 733 FAIRVIEW AVENUE NORTH in Council File RLH RR 22-28. (To refer to April 25, 2023 Legislative Hearing)

Sponsors: Jalali

Grant additional 180 days to rehab; continue \$5,000 PD.

Stamate Skliris, owner, appeared via phone

Moermond: received your correspondence dated the 23rd. Have reviewed that. Any comments before I put mine on the record?

Skliris: what is the title of this hearing today?

Moermond: it is a making finding on the substantial nuisance abatement order. Any other comments?

Skloris: nothing at this moment, thank you.

Moermond: I have to say in 98% of cases where we have a difference or inconsistency on what needs to be done to get this finalized it can be facilitated during this Legislative Hearing process. What you are presenting is an unusual situation that I don't think can be handled in this process. I hear your representations in the document you provided, I'm not sure I concur with your positions. Ultimately it isn't my call. I am concerned we have an electrical permit that we talked about explicitly with an electrical contractor and there was no permit pulled by Mr. Schmidt to indicate he was the one doing the work as required under the MN electrical code. We heard follow-up with the mechanical contractor there was an unpaid bill and he wouldn't be completing any more work until that was addressed. The concern is that these kinds of things coming together in this way often indicate there aren't funds to complete the project. I'm not going to go down that path because I think arriving at that amount is dependent upon the tasks necessary to get those permits finalized. A difference in opinion about what needs to be completed under the building code.

I am prohibited under the Legislative code on making a call on that. That is a separate appeal process to the Building Official. I'm responsible for focusing on the nuisance abatement process under chapters 33 and 45 under the Legislative code. The finish line for assuring that has been abated is the issuance of the Code Compliance certificate. I have your previous work plan you submitted, the information you shared, the 2015 and 2021 Code Compliance Inspection Reports. I have a significant difference of opinion on what needs to be done which we are directing to the building official. With respecting the Council to grant additional time on what needs to be done, and I can waive the requirement of seeing the financing available to complete the work, though the statement of your mechanical contractor to the inspector does give me pause. I don't know given that, and the document you submitted before to us, your work plan attached submitted September 12, 2022. You showed financing then. One assumes that financing would have covered the HVAC work. I'm not clear on what happened and that disconnect. I'll ask the Council to give a grant of time and waive the requirement to see the money to complete the work and that the work plan be approved by the Building Official. You'll be on a separate track for that. That isn't something I've ever really had to do. I don't see I can mediate or facilitate a resolution now. I am going to ask you do not again engage in attempts to have ex parte communication. I will put this in front of the City Council in two weeks. We'll send the whole package of materials to the building official and will send you the one-page appeal document. Inspectors are clearly of the opinion work was done and covered up. You're saying no, there were inspections. I get it, I can't resolve that. You'll get 180 days from Council. The Council cannot, by law, grant the Certificate by the building official. That is outside their purview. We'll send a letter confirming this recommendation.

Skloris: there is a lot of comments there to unpack. When you use the term "building official" what do you mean?

Moermond: Steve Ubl, the official responsible for all building code matters with the City. That is a legal title.

Skloris: that's all I have at this time. We won't have any other communications for the next six months?

Moermond: I will send this to Council and ask them to grant that 180 days, and we will follow up on 180 days on whether that Code Compliance certificate is issued. I assume

it will be a parallel track with resolution sooner than later.

Skliris: so working via an appeal to the Building Official, yes?

Moermond: yes.

Skliris: and do I have to proactively do something to initiate that?

Moermond: there is an appeal form. We'll forward our documents to him.

Referred to the City Council due back on 8/9/2023

10 [RLH RR 23-43](#)

Fourth Making finding on the appealed substantial abatement ordered for 595 PARK STREET in Council File RLH RR 23-12. (Refer back to August 8, 2023 Legislative Hearing)

Sponsors: Balenger

Refer back to LH August 8, 2023 at 10 am.

Hector Flores, contractor, appeared

Tried calling Viggiano at 10:47 am: voicemail box full

Flores: he told me he was not going to be able to come because he had another appointment he had to go to.

Moermond: this goes to Council tomorrow. We'll proceed without Mr. Viggiano, get the staff update, and likely have to continue this conversation. Mr. Zane you were out there about six months ago and said they were 60% done, what were your findings most recently?

Zane: 80%.

Flores: construction is done other than the kitchen cabinets. The hold up are the subs, the plumber is coming August 15 for his final. The electrician just has to install the lights in the building. HVAC they are working on, they come almost every day to finish.

Moermond: what kind of timeline are you on?

Flores: when the plumber comes out, I want to have everything else done. Hopefully we can get the final the next day. We have enough time before then to find what we need to and get it done.

Moermond: let's get that in writing. Have the contractors been paid?

Flores: the plumber is only owed \$2,200. HVAC maybe \$4,000. The electrical, \$1,000. The money isn't the problem.

Moermond: tomorrow I'll ask them to continue this. I don't want to set this up for failure, I want this to be the last time. Let's get you and Frank getting that plan together, and any money left to be paid, show it is on hand.

Yannarely: and there have been no nuisances at the property.

Moermond: I'll ask them to refer it back to August 8. Let's please get it done. I'm inclined to ask for 90 days. It will go before the Council Public Hearing August 23, and hopefully that certificate will be issued and if not, we'll know what needs to be done.

Referred to the City Council due back on 7/26/2023

- 11 [RLH RR 23-38](#) Making finding on the appealed substantial abatement ordered for 346 SHERBURNE AVENUE in Council File RLH RR 22-65.

Sponsors: Balenger

Grant additional 180 days, continue PD.

Russ Waletski, owner, appeared via phone

Moermond: we got your email yesterday morning. Following up on that. The windows, Mr. Yannarely?

Yannarely: that was addressed, it is now secured from entry. You wanted a work plan, schedule, and updated financing.

Moermond: are you thinking the email you sent constitutes a work plan?

Waletski: yes.

Moermond: I'm going to say no. You sent one when it was originally considered that broke things down nicely into weeks. I'm looking at this with 10% complete from Mr. Zane. You saying you'll be done in a month that you said originally would take 10 weeks. You were saying 7 weeks on electric and plumbing. How does it change from that to this. it doesn't seem reasonable. I want a real work plan with concrete expectations. I also didn't see updated financing, that was explicitly asked for.

Waletski: it was not—

Moermond: it was in the letter sir.

Waletski: it should have been an attachment. I will send that.

Moermond: are you using the same contractors you indicated earlier? This goes to Council tomorrow. I'm not sure where you are at in submitting that. Especially the work plan. Can you give it more thought?

Waletski: you'll have it in your email this evening.

Moermond: that sounds great.

Waletski: and the financial statement this afternoon.

Moermond: and are you working with the same contractors?

Waletski: yes. You'll have that this evening and will be far more detailed.

Moermond: and Joanna will send it off to the team in Department of Safety & Inspections to review as well.

Waletski: I'm getting a new retaining wall bid, that isn't in the Code Compliance report. Russ Waletski, owner, appeared via phone

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Waletski: I'm getting a new retaining wall bid, that isn't in the Code Compliance report.

Referred to the City Council due back on 7/26/2023

12 [RLH RR 23-24](#)

First Making finding on the appealed substantial abatement ordered for 694 SHERBURNE AVENUE in Council File RLH RR 22-19. (Amend: nuisance is abated)

Sponsors: Balenger

The nuisance is abated and the matter resolved.

Moermond: Code Compliance certificate was issued this morning?

Zane: yes.

Moermond: and Mr. Lee was here and got that. The nuisance is abated and the matter resolved.

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

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 13 [RLH SAO 23-33](#) Making finding on the appealed nuisance abatement ordered for 1009 FULLER AVENUE in Council File RLH SAO 23-28. (July 25, 2023 Legislative Hearing)

Sponsors: Balenger

The nuisance is abated and the matter resolved.

Referred to the City Council due back on 7/26/2023

11:30 a.m. Hearings

Orders To Vacate - Code Enforcement

- 14 [RLH VO 23-31](#) Appeal of Sarah Vaile, SMRLS, o/b/o tenant Elizabeth Mekonine to a Notice of Condemnation and Order to Vacate at 1133 ARUNDEL STREET.

Sponsors: Brendmoen

Deny the appeal. Property cannot be reoccupied until condemnation is lifted and both water and electric are restored.

*Thomas Mueller, SMRLS o/b/o Elizabeth Mekonine, appeared
Elizabeth Mekonine, tenant, appeared
Biniam Ansara, owner, appeared
Rikki Taylor, tenant, appeared*

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: July 18, 2023 a notice of condemnation was issued o owner and occupants to restore electrical service or vacate by July 20th. The appeal was filed and that's what we are here to discuss.

Moermond: I notice the inspector took a photo of the outside of the house, electric meter with the face gone.

Martin: someone pulled the meter, but in St. Paul you must provide basic services to

remain in the home.

Moermond: is that typical of Xcel to do when they turn off the electric?

Martin: not unless it was required by the owner.

Moermond: just a single meter at the property?

Martin: yes, one meter.

Moermond: a correction in your staff letter from July 19th, she said January, she obviously meant July. 24-hour turnaround. I also want to revisit in the appeal there was discussion of water shut off. We reached out to SPRWS that there was no shut off but there has been no use of water since July 7th. That is notable.

Mueller: the electric shut off is the primary reason to vacate, Ms. Mekonine had reached out to us even before the vacate to assist with the loss of electric and water. I did get confirmation on the water issues indicating it is active but no use. Al Harris went out to the property and he confirmed there is no use, there was previously. I don't know.

Moermond: was it running?

Mueller: he turned on faucets, used the toilet. Nothing was moving.

Moermond: was it shut off at the meter in the basement?

Mueller: he wasn't able to determine what happened. That's an open question. The electricity was shut off when he went.

Moermond: when was this?

Mekonine: the 7th

Mueller: what did you do in response?

Mekonine: I came home and everything was off. The upstairs was on. He screwed everything so I couldn't get to it. So, my kids and I were in the dark.

Moermond: the electrical service panel in the house? What got screwed shut?

Mueller: [shows photo of panel]

Mekonine: yes. The corners, all around. I couldn't get to it.

Moermond: the door to the utility room that the electrical box was in?

Mekonine: yes.

Mueller: there have been allegations Ms. Mekonine damaged the breaker box and that was the reason things were turned off. Did you do anything to damage it or were you just trying to turn the breakers back on?

Mekonine: I unscrewed everything.

Mueller: the door.

Mekonine: yes. I turned everything on. 2:00 that same night he called Xcel and told them to come get the box. It is in his girlfriend's name, they said we had to pay out of our own pockets to see what the problem was. They took the box off, and they let him keep the box. He drove off with it.

Mueller: the girlfriend is the person here today with us?

Mekonine: yes. It is in her name.

Mueller: do you know how the water got turned off?

Mekonine: it is out of spite. That is all it is.

Mueller: in response to that narrative, we did file an ETRA with Ramsey County and got an order from them ordering the utilities be turned back on and made habitable. To my knowledge nothing has been done since that order went into place.

Moermond: when was that?

Mueller: we also have a hearing August 1 at 2:15 on the ETRA request.

Moermond: where are you staying now?

Mekonine: at night I am there. During the day I'm at the rec center with my kid. I am everywhere to wash up, you know.

Mueller: there was an eviction hearing this morning and it was expunged. Plaintiff didn't show, so they dismissed the case. It was a verbal order; I can forward to you when I have it.

Moermond: you both live here up until this point. Tell me about your perspective.

Ansara: we thought this was for the eviction. Not at 9 am. I don't know what this is.

Moermond: this is a hearing on the City's order the property is condemned as unfit for human habitation.

Ansara: he said I didn't show up. I thought I was showing up.

Moermond: sounds like there was a separate hearing.

Ansara: what do I do now?

Moermond: I can't speak to that. That is District Court. I can't give you legal advice.

Ansara: alright, we can talk about what is going on. The electricity being cut off, I didn't cut it off, it isn't under my name. It is under Ms. Taylor's name. she cut it off.

Taylor: I called Xcel because it was sparking. She broke into it and damaged it. I didn't want a fire. I called Xcel and they said it had to be shut off. They took the meter or whatever.

Moermond: you are saying she damaged it. What about the idea you turned off the breakers for her space?

Ansara: we shut everything down because something was going on, when we turned on the lights it was like something happened until we could get someone to look at it. I screwed everything down. we came back home and we hear someone banging on the electrical box with a drill. We watched her beating on the breakers, wondering what she's doing. She called the police. She told them she had the drill. The cover was ripped off. It is all in the police report. She is the one who damaged it. We weren't going to let the house go up in fire.

Moermond: this happened when? July 7th?

Ansara: everything happened the same day. Xcel came around 2 am. We don't want to deal with her period.

Taylor: she hasn't paid rent in four months. She's living there for free.

Ansara: we don't care, we just want her to move. We don't care about the rent.

Moermond: you live here, you have someplace else you are staying?

Ansara: yeah.

Moermond: what is up with the water?

Ansara: we don't know. We came home and the water wasn't working. The basement was flooded. We were wondering the same thing. Everything is on. I pay the water service. The basement was flooded and no water was running suddenly.

Moermond: when was that?

Ansara: around the same time. We have to call a plumber, an electrician. I just paid \$600 just to file an eviction, and that's what I thought this was. I don't have money like that to pay for that again. I have her 90 days' notice to leave. I don't even want the money; I just want her out. She's damaging my property, damaging my house. Enough is enough. Her kids go to a rec center my daughter works at. Enough is enough, I'm not trying to be malicious.

Moermond: what's the situation with the water?

Ansara: I have to call a plumber, but I don't have any money. I pay my mortgage, I just had to file the eviction with the little money I have. What is the point of her fixing something when she will break it again?

Taylor: and she has other people living there. It is supposed to be just her and her son.

Ansara: all types of people going in and out. My next check goes to the mortgage. Another check in 2 weeks to pay either water or electric. That's the situation I am at.

Taylor: we still want her out.

Moermond: anything else you want to talk about?

Ansara: honestly, no. we didn't damage our own house. Why would I break my own electrical box? I know how much that costs to fix. Why would I do that to my own property. Why would I shut off the water? I went down there to try and turn it down because someone took a dump and its just sitting there. It reeks.

Taylor: he took out 20 some bags of trash, there were maggots.

Ansara: I had just redone the floor. It is getting flooded. Enough is enough.

Moermond: is there water in the basement now?

Ansara: I haven't even been down there. Last time I went down there was water all over. It has to be something in the pipes. Leaking or something. That's why it doesn't make sense the water doesn't work. I don't know what they did or who did what. We gave her to June 1 and then she said she thought it was the end of June. I said fine, stay until the end of June. Now I have to take her to court to evict her. It wasn't that hard for me to let you move in, why is it so hard for her to vacate my property. You aren't paying rent; you're destroying and disrespecting my house. Why can't you just leave in peace. I don't want money, just get out of my property man.

Moermond: Ms. Martin, any comments?

Martin: an owner who is renting out a place, you do need to provide water, electric, gas, the minimum. You need to hire someone to make sure it is in working order for the tenant whether they are paying rent or not.

Ansara: she is saying I'm responsible for making sure electric and water is one whether they're paying rent? I don't have a problem with that. If I had the money to fix it I would have. If I had four months of rent I probably could have paid it. I'm not made out of money. I work 7 days a week.

Taylor: I haven't tried to have Xcel turn it back on, it is in my name, because if she is damaging things I don't want to be part of that.

Ansara: that isn't even under my name, I have nothing to do with that.

Moermond: you are still responsible as the property owner. You can delegate it to someone else, but at the end of the day it is on you when you have a tenant.

Ansara: I didn't know. If I rent out a house they put the electric in their name that's their thing.

Moermond: and if they walk away from the bill you are left with it. There is a police report out there?

Ansara: a couple of them. The police officer said she was the one drilling into the electrical box. The captain called me herself. They said I could contact them. I have some file numbers.

Moermond: anything else about conditions? Your unit?

Ansara: I don't have a problem with nay of this. I just want her out. as soon as I can fix it, I will. I'm not trying to not have running water or power. I want those things. And I

want it as soon as possible. But I don't want her living there either. I'll have to go down there and see what was missed on the eviction. I thought you scheduled the 9:30 appointment was rescheduled to 11:30 because it was the same day. I didn't even know what this was really about. This is messy. I don't understand how someone can even do this. How can they not pay for four months, and then I have to pay \$500 to serve her eviction, plus the damage to my house? It doesn't even make sense.

Moermond: and today I am about the housing condition. I am not involved in the eviction process or the ETRA. Those are distinct processes in Housing and District court. It does touch on those services being conditions for continued occupancy. The City makes on the call on whether or not it can be occupied. That's the City's police powers. That's through Appellate court. A judge order in District court turning on utilities, that's another thing.

Ansara: I don't have letter or anything for these things.

Moermond: that isn't our office. Anything else?

Ansara: no.

Moermond: water is the most important thing here. This is a significant health problem. The cases I have seen with water shut offs, with no other explanation, it isn't a plumbing problem in that we don't have a red flag from SPRWS that there is a major leak. A Bounce in water usage. They will alert the owner about a broken pipe, those types of things. I didn't hear that. In the absence of any communication, I'm faced with a water shut off that happens at the main meter, within the house or at the stub in the right-of-way. There's a tool required for accessing that. Those are the things resulting in the water not flowing. I don't know if there has been an attempt to turn it on, I just don't know. I hear no water. With the lack of water, Ms. Martin, what is your take on the water situation?

Martin: I agree 100 percent. This is a sticky situation when it comes to ETAs. Often I have seen where they would make a ruling that if things aren't fixed then this or this happens. However, with children in the home without running water or electric, which means we see more fires, it isn't safe for them to stay in. we have utilized Ramsey County House calls to find alternatives. We can certainly give that information. I don't think it is safe, ultimately.

Mueller: I'm happy to refer Ms. Mekonine to House Calls, it is possible we could find temporary shelter. Our office doesn't do that type of work.

Mekonine: they put me on the list for the shelter. I've been contacting them. 211. Trying to figure things out.

Mueller: in the ETRA we requested the landlord be required to put her into shelter until it is fixed. I don't anticipate that changing between now and next Tuesday, but I wasn't included in today's order. We would ask at least until next Tuesday for a stay on the order to vacate. In the meantime, if we can find something else, shelter or the owner putting her up elsewhere. No interest in a place in staying without utilities.

Martin: if it is true she hasn't paid rent in 4 months, perhaps she has money.

Mueller: that is in dispute. We have evidence rent has been paid every month.

Ansara: that is a lie.

Moermond: have you looked into rental assistance to help facilitate an exit strategy?

Mueller: yes and no. We are hoping to have a conversation in court this am about resolving this. We will certainly continue to explore all of our options. Both temporary and long-term solutions.

Mekonine; the whole time I have been there I have been trying to respect him. They argue all the time. He was throwing bottles of liquor at her; I was trying to help her. They are doing this out of spite. All he has to do is turn the lights on and let me pack so I can go. He's doing this out of spite. I didn't even have a stove. Too much.

Mueller: it does seem, based on my hearing, this is about trying to get her out as quickly as possible and avoiding an eviction filing fee. That being the case, there are requirements of landlords in general and a legal way to do those things. There are also the legal requirements providing those things. We can certainly try and look into it and try and work with the owner. We want that fixed immediately. As far as electricity. We heard that Xcel was called to stop it, but nothing has been done since then. 18 days when no electrician was called. The breaker isn't actually damaged. Nothing has been done and that's a requirement of the landlord.

Moermond: what kids do we have?

Mekonine: a 13-year-old, he is barely home. My 9-year-old daughter who is always with me. And a goddaughter who is always with me. She is on and off between me and her dad. He knew that when we moved in.

Moermond: how old is this goddaughter?

Mekonine: she's about to be 3. She's 2. I'm helping because her mom is out here messed up. They haven't been there since it has been off. The owners have been there. I have photos of them bringing things home. I have evidence. Ever since the shut off.

Moermond: do you have access to the water meter in the basement?

Mekonine: I don't know what it looks like.

Moermond: do you have access to the basement?

Mekonine: yes.

Moermond: if we don't have water running, no, you can't live there anymore. Until that is up again, we have issues with fire and candles. I am willing to give more latitude with electric than I am with water. That is a hard no. It is going to be over 90 degrees 4 days in a row. Can you go to the court system, use your own money to hire a plumber? Those are legal tools Mr. Mueller would be well versed in. I can't say it is ok. The fastest I can get this on the agenda is August 2. You will have had your ETRA hearing. My best recommendation is to not allow occupation pending restoration of these utilities. I have to put a temporary decision on the record until the Council can vote on it. The next 8 days, I cannot say this place can be occupied. You can be there between 8 am and 8 pm to pack, those types of things. Not for living purposes. Ms. Martin, when was this referred to the Vacant Building program?

Martin: the 19th.

Moermond: and since an appeal was filed, that was jumping the gun. We need to reverse that referral until the Council makes its decision on the order to vacate.

Mueller: your temporary decision is a vacate order? Would that change if the water can be turned back on? Or would that not change at that point?

Moermond: I am really looking at both utilities to be addressed at this point because it isn't clear what is going on with the water. The fact that standing water existed in the basement and how that impacts the electrical system. I just simply don't know, but those pieces together are enough concern to me to say—I look at them happening in tandem now. Ms. Martin, what is your take on that situation?

Martin: it is all very sticky. The tenant can be there from 8 to 8. If Mr. Harris would like to meet me there, I'd be happy to look at those items. We can look and see if there is an easy fix to get the water going, but someone has to contact Xcel about the electric. We don't know if it was removed because of damage or if it was simply because no one was living there.

Moermond: can you check with the Code Enforcement officer for the area to pull the police reports?

Martin: yes, I can get that.

Moermond: we'll push that out to everyone. I'm willing to revisit it if some facts substantially change after Ms. Martin visits.

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

1:00 p.m. Hearings

Vacant Building Registrations

- 15 [RLH VBR 23-41](#) Appeal of Chris Boylan to a Vacant Building Registration Renewal Notice at 1508 COMO AVENUE.

Sponsors: Jalali

Layover to LH August 22, 2023 at 1 pm to check status of CC certificate.

Chris Boylan, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: this was one of our longest standing Vacant Buildings. 2003. Council granted 180 days to do the rehab. All permits are on file and rehab is ongoing. I assume we're here to discuss the 4,918 Vacant Building fee due July 29, 2023.

Boylan: they've made rapid progress on the project and are expecting a Certificate of Occupancy in short order. I'm really looking for a deferral to get the Certificate of Occupancy from the buyer.

Moermond: I pulled up the work plan attached to the file and the work plan has an end date of August 20th. Your comments make me think they're on track?

Boylan: their talking about closing before that, which I think is exceptional, but they've been consistent. I checked permits online and there's only one finalized. I've got paper from the mortgage company and they seem confident.

Moermond: 2 of 3 plumbing permits have been finalized. Their work plan says August 20th. I'll lay the matter over to August 22 and if they have their certificate I will grant the appeal and there will be no bill. If it isn't I'll let it float to assessment and we can prorate it as necessary.

Boylan: that sounds fair.

Laid Over to the Legislative Hearings due back on 8/22/2023

**16 RLH VBR
23-43**

Appeal of David Vo to a Vacant Building Registration Renewal Notice at 267 BELVIDERE STREET EAST.

Sponsors: Noecker

Waive VB fee for 60 days (to October 5, 2023).

David Vo, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: this was made a Category 2 Vacant Building August 5, 2021. The appellant went through the sale review process and was approved April 28, 2023. We have a Code Compliance and all permits on file. we did have to issue a Summary Abatement Order for some scrap building materials and tall grass and weeds in May, but that was in compliance a few days later. I'd guess we're here to appeal the Vacant Building fee of 4,918 due August 5.

Vo: right now, we are finishing and expecting completion of the end of august. My heating contractor is in the process of getting an inspection, I think this week. I expect it will be fixed soon.

Moermond: you mentioned you thought you would be done by the end of August?

Vo: possibly. That's my expectation.

Moermond: I'm going to recommend a 60-day waiver, to October 5. If it takes longer we can deal with as a tax assessment, which is appealable.

Referred to the City Council due back on 8/9/2023

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

17 RLH VO 23-20

Appeal of John S. Jagiela to a Re-Inspection Fire Certificate of Occupancy With Deficiencies (which includes vacating 2 areas) at 134

MONTROSE PLACE.

Sponsors: Jalali

Grant to October 16, 2023 for compliance with temporary fix of roof with submitted statement by contractor, mold and mildew abatement throughout, and repair of ceiling of laundry room. Grant to July 1, 2024 for compliance with painting orders and permanent repair of roof.

John Jagiela, owner, appeared via phone

Moermond: reviewing the inspection results from yesterday's inspection

Staff update by Supervisor Mitch Imbertson: I went to the building yesterday to reinspect some particular items per a previous appeal. Note a complete inspection. The first-floor unit was occupied, basement and second floor were empty. The storage on stairway and hardwired smoke alarms were completed. 5 items remaining. The basement is uncertified and needs to be reinspected prior to re-occupancy. Same with second floor. Peeling paint on exterior. Patch the exterior roof as necessary. It appears to be leaking which leading to water damage inside. It sounds like a temporary patch was done of tarping the inside. I didn't have access to observe this and don't know the extent or location of the damage. You couldn't see enough from the ground, just evidence of damage inside the building. I have concerns about water being collected with the tarps being a long-term solution. We're still encouraging water to enter and have concerns about it holding up to snow. Repair laundry room ceiling, which was on the initial report. I'm not sure if that is use for all tenants including the first-floor tenant or if that is one associated with basement and is currently unused.

Moermond: so, you are recommended at this time, reading between the lines, in terms of the roof repair. This isn't a traditional repair you have seen in use, it would be great to have a roofing contract put a statement in writing that this is an acceptable way to temporarily fix a tile roof, as opposed to cement patch or another sealant. Did a contractor do this Mr. Jagiela?

Jagiela: I had this person who was working on the roof next door, he said you could tarp the whole roof but it would cost \$4,000. So, he said if you put tarp inside that can be a temporary fix. It does stop the water from entering the portions of the house below the attic as long as you don't have heavy rain. There are holes because of the hail. It also damaged the dormers. That has to be replaced, but it isn't like someone turns on a hose, some goes into the holes and it hits the tarp.

Moermond: I'd like a roof contractor to verify this is an acceptable temporary fix. I'm happy to look at that if you have one. When I see tarps used like this int eh past it is typically the beginning of the end of the situation. I am not confident in this solution. When I hear of the mold and mildew being a problem in the basement and second floor, I can only assume standing water in a tarp allows mold and mildew as well. That is a problem for the humans living there. I don't care about other things in the other units, as long as they don't impact the people living there. A Fixture not working or no toilet, it doesn't matter to me if no one lives there, but something that impacts the people, I do care. Mr. Imbertson, talking about shared air, what is your take?

Imbertson: my suggestion, which I did speak to him about yesterday, would be to take a realistic look at what areas are going to need to be opened up anyway eventually and even if he isn't ready to do the final repairs, removing the water damaged materials would go a long way to letting it dry and keeping mold and mildew from spreading and

continuing to contaminate air in the building. The basement has a lot of surface growth on the walls and without opening the walls it is hard to tell if there is ongoing water damage behind it. I would be concerned about it affecting studs and other building materials if kept encased.

Moermond: a cleaning endeavor. Making sure it is dry. Cleaning what exists there.

Imbertson: removing the material that is badly water damaged to the extent that the drywall wouldn't be reused anyway. Remove it from the building so it doesn't continue to cause problems while it sits here.

Moermond: let's get verification that the roof fix is one a contractor would say this is temporary fix that we would use in practice.

Imbertson: yes, same criteria as someone who is authorized to pull a permit for the replacement roof.

Moermond: whatever the fix, someone put their name on it. I'm supportive of a temporary fix if we can verify it is an actual fix. The mold and mildew mitigation, long term repair of roof and exterior painting, those we can push out. they don't have to be certified at all as long as no one is using them, right?

Imbertson: as long as their condition doesn't harm the occupied unit.

Moermond: windows can still be opened for a while yet. Mold and mildew abatement. Thoughts on that Mr. Jagiela?

Jagiela: I do intend to do the whole roof. I do have to order two custom windows from Marvin Windows. Once those come then a roofing contractor could install them, fix the dormers, and fix the hail damage. The other issue is the insurance company wants me to send them a satisfaction of mortgage or they won't send me a check. I'm in the process of doing that. I think it can be done on your timeline. I have to get my daughter off to college in the next 3 weeks but then I can be talking to the painters and roofing contractors.

Moermond: but you haven't ordered the windows yet?

Jagiela: I was waiting for the money from the insurance company

Moermond: this has been going on a while.

Jagiela: they came out a month ago maybe. Then they talked about that satisfaction of mortgage.

Moermond: this is not a new issue, the hail damage isn't a new issue, getting a satisfaction of mortgage shouldn't be a big deal. We've talked about your daughter being off to college. I'm in a space where done is done pretty quick. I'm going to say temporary or permanent fix by October 16 on the roof and the mold and mildew abatement on the same schedule. That's throughout so the first-floor tenants don't have that concern moving into the winter. Making sure its dry, that may mean dehumidifiers on top of what exists.

Jagiela: the fire inspector suggested removing all of the affected drywall to the studs, which I am fine with. It has to be replaced anyway.

Moermond: let's say July 1 for the painting and permanent repair of the roof. Is the laundry room usable by the tenant?

Jagiela: yes.

Moermond: so that repaired by the October deadline as well.

Referred to the City Council due back on 8/9/2023

18 RLH VO 23-30 Appeal of Megan Jacobson and Kevin Motarjemi to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 1657 MINNEHAHA AVENUE EAST.

Sponsors: Prince

Grant to August 16, 2023 for building permit to be finalized.

Megan Jacobson o/b/o Kevin Motarjemi, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Mitchell Imbertson: this is a four-unit residential building in our Certificate of Occupancy program. These correction orders started as a referral from a Form 4, which is an order we receive from the Fire Department. That came in June 13, 2022. There was a vehicle that hit the corner of the building and caused structural damage. At that time there was one unit condemn, which was later updated to two units being condemned due to that damage. There were a number of reissued and updated correction orders between June of last year and we got to July 5, 2023 letter which is a condemnation of the entire building due to noncompliance with the repair of the structural damage. Some damage appeared to be completed but the building permit wasn't completed and the work that was done wasn't inspected and they didn't have the correct documents to support the work that was allegedly done. At this time, we would be looking for that building permit to be closed with final approval and any corrections from the building inspector done. Then we would lift the condemnation upon approval of that building permit.

Moermond: you wrote Correction Orders to start out. Those original orders were issued when?

Imbertson: June 13, 2022. A number of updated orders, 10 additional reports between that date and March of 2023.

Moermond: a car hit the building in 2022? Have the conditions changed from them to the present that it merited condemnation? I get the revocation for long-term noncompliance. Why is it unfit now, not 12 months ago? Are there structural issues now there weren't then?

Imbertson: we did have 2 of the 4 units condemned shortly after the vehicle hit. One immediately, one soon after. The inspector who issued a condemnation report had the discussion with Supervisor Shaff prior to issuing the condemnation letter. I can't speak to every aspect of that conversation but part of the criteria is what we would consider illegal occupancy, signs the previously condemned units were reoccupied without approval.

Moermond: units 2 and 3 originally condemned and ordered vacated. Permits haven't been finalized to deal with the work. Because of the long-term noncompliance and issues with those units and people occupying them, revocation of the certificate?

Imbertson: that's my understanding.

Moermond: a lot going on here. Ms. Jacobson, what is your relationship to the property?

Jacobson: I am an employee of Distinguished Properties and help with property management sometimes. We are appealing and requesting a two-week extension to do the final inspection, scheduled for tomorrow. It should be closed tomorrow if all goes well.

Moermond: to be clear, you did occupy those units?

Jacobson: when they requested the tenants to be removed, he was ok to remove them, but Der said they didn't want to displace them and it was ok. That was the understanding I know of. I only know of number 3 being occupied. I'm not aware of number 2.

Imbertson: what she may have been referring to is the notice to comply or vacate, July 17 2023 and lists conditions for the condemnation. If the work is done by then, we hope the person wouldn't have to vacate.

Jacobson: that's why she had us appeal this.

Imbertson: so that didn't mean she was ok to disregard the previous condemnation notice. More that if you can comply by getting the building permit done the tenant doesn't have to be displaced.

Jacobson: I do have communication with our contractor trying to get in touch with the inspector.

Moermond: what has been holding things up?

Jacobson: I am not aware; I wasn't working here then. A drunk driver to hit the building. I was trying to get contractors out when it started but no one wanted to work in that area, and then winter came.

Moermond: I'll send this to Council August 9 and ask them to give to August 16th for the building permit to be finalized. Once that is done that addresses the last of the issues?

Imbertson: yes, we'd approve based on that finalized permit. That would lift the condemnation.

Referred to the City Council due back on 8/9/2023

2:00 p.m. Hearings

Fire Certificates of Occupancy

19 RLH FCO
23-43

Appeal of Ronald Staeheli to a Fire Inspection Correction Order at 358 ARBOR STREET.

Sponsors: Noecker

Deny the appeal. Property requires a Fire C of O.

Ronald Staeheli, owner, appeared via phone

[Moermond gives background of appeals process]

Staeheli: this is owner-occupied.

Moermond: that is indeed what you are saying.

Staeheli: the rest of this is moot if that is the case, that is all I'm saying.

Staff report by Supervisor Mitchell Imbertson: there was an inspection set for May 18, 1 pm. Went to the property for that inspection and the lower- and upper-unit tenants were both home, both stated they weren't aware of the appointment but when I explained why I needed access they allowed it. I showed them the appointment letter. There were a number of corrections noted when I went through. Correction notice issued with 33 deficiencies between the two units, exterior and garage. No working smoking or CO alarm in the lower unit. Found batteries for them and getting those working. The upper unit had no working smoke or carbon at the time of inspection, the tenant found a batter and smoke alarm to get one working by the end of the inspection. Both tenants claim to have leased the property by themselves, not sure what portion of the unit would be owner-occupied or what that would be about. It was a 2-unit property and we have it listed as two units. Both claim to be renters. We did also request access to the garage for inspection, we would need that access as well. A resident was leaving the garage when I was there, but stated he leases just the garage, but wouldn't let me in.

Moermond: you were saying this is owner occupied. And we just got some additional information in from you?

Staeheli: you have my estranged wife's license and recent mail from the City. Water bill goes to her there. She gets a lot of mail there, that's just what I have. Two Xcel bills. Water bill. To my knowledge she lives upstairs. I don't even know what I'm on here. I thought it was quit-claimed to Diane. I'm not even sure why I get this. I may be on the tax records.

Moermond: that would be why. You are both listed as owners in the tax records.

Staeheli: oh ok. I should probably talk to them about that. The statute is clear, owner occupied is exempt from the Certificate of Occupancy program. The letter that Mitchell sent said it was a renewal of a certificate, there has never been one there.

Moermond: I have a 2019 appeal of you trying to say to the Council ineffectively for the same arguments you are making today, and that was denied. Are there any factual differences between 2019 and the present?

Staeheli: no. I know she votes in that neighborhood. She occupied the unit, she lives there.

Moermond: the voting, there was information when the appeal was heard in 2019, per Ramsey County investigation she was registered to vote in Eagan since 2002. In 2014 she attempted to change her voting address to 358 Arbor. This was declined. US Mail to confirm her residence at the location was returned to the election office. She re-registered to vote in Eagan in 2018. This is inconsistent with Mr. Staeheli's testimony in the 2018 Legislative Hearing. We don't actually have her at that point being a registered voter. In fact, we have a registration being rejected. If you have different facts in place now, I'm happy to look at it. But that was examined at that point in time and was rejected

Staeheli: I will check with the County and forward it to you.

Moermond: we had an extensive hearing about this.

Staeheli: the last time she voted it was in Ramsey County. That's what I got for that. None of this looks like it is life changing. Cover plates and a chain lock is what I see. Again, I object because it isn't a Certificate of Occupancy building. There was one thing I did have an issue with. Something about venting. I know the upstairs unit—they want a cap on the metal liner in the chimney. That's been like that for 40 years. That hasn't been required for the last 20 years. And unchanged in the last 43. I have a problem with that in particular. The guard rail to the basement has passed Section 8 a number of times. On the chance I end up doing anything—oh, electric cable staples? Why is that a problem. It is a heavy-duty lattice. Is the lattice not thick enough?

Imbertson: I don't view either of those as meeting a building code standard for guard rail. It would need to meet code for whenever it was installed. Appears to have been recent with the cable staples.

Staeheli: is it the cable staples or the hardness of the lattice?

Imbertson: I had concerns with both.

Staeheli: why would the cable staples be a problem?

Imbertson: it is a very short staple, by the time you go through the lattice it leaves very little into the wood.

Staeheli: as far as the dryer venting, the downstairs tenant doesn't use it at all, does capping the electrical and gas suffice?

Imbertson: capping the gas and vent off if there is no dryer in use.

Staeheli: cap the vent as it leaves the house. None of the rest is all that interesting. It isn't a Certificate of Occupancy building. That is how I will proceed.

Moermond: if you have any facts than presented in 2020. Right now, I have the Council decision that it should be a Certificate of Occupancy building so I am operating with that unless we have different information to consider.

Staeheli: lovely to hear from you. We'll talk later. I'll call the County and ship it through "Maya".

Referred to the City Council due back on 8/9/2023

SNELLING AVENUE SOUTH.

Sponsors: Tolbert

Layover to LH August 1, 2023 at 2 pm (rescheduled by owner request).

Susan Dunlap, o/b/o Joan's in the Park, appeared via phone

[Moermond gives background of appeals process]

Dunlap: I thought this was a phone call to set up the date. I'm not prepared. Last time we came downtown.

Moermond: we do these by phone now.

Dunlap: a very nice gentleman told me I'd get a call between 2 and 4. I didn't realize this was the actual hearing.

Moermond: understood. Are you good next Tuesday? Same timeframe.

Dunlap: sure. I apologize.

Laid Over to the Legislative Hearings due back on 8/1/2023