



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

**Marcia Moermond, Legislative Hearing Officer**  
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Tuesday, October 17, 2023

9:00 AM

Room 330 City Hall & Court House/Remote

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#### 9:00 a.m. Hearings

##### Special Tax Assessments

- 1     **RLH TA 23-333**     Ratifying the Appealed Special Tax Assessment for property at 703 CASE AVENUE. (File No. J2402A, Assessment No. 248501)

Sponsors:     Yang

*Reduce assessment from \$638 to \$328.*

*Clement Marriot, owner, appeared via phone*

*Moermond: calling about your appeal we didn't get to last time, which is on me. I thought, incorrectly, we were looking at two Excessive Consumption fees last time, but that wasn't what it was. This one is for a cleanup. The other I'm recommending is deleted. Today it is for a cleanup on a couple of different orders.*

*Staff report by Supervisor Lisa Martin: orders sent to remove headboard June 9 and also one to cut and remove overhanging vegetation from the City sidewalk. It was rechecked June 16, it wasn't removed. Work was done, including videos, by the crew for a total assessment of \$638*

*Moermond: we have two work orders on two different things, and parks sent out two different crews to do that work, on a Wednesday and a Friday. It seems to me they could have done it in one visit. Mr. Marriot, why are you appealing?*

*Marriot: as far as the bed frame and materials, I spoke to the tenant who agreed. I was out of the Country so I didn't see the letter. The tenant should have taken care of it, and I'd talked to her about these issues before. I just purchased the property two years or so ago, the contract they had didn't state it and these tenants came with the property. A lawyer changed the contract, and I'm going to forward this to her. Why am I appealing? Because it is a lot of money, but I'm going to forward this to her. She was sorry about it, she asked if the fees could be removed. She makes minimum wage and has six kids. I told her if they lower the fee I'm going to charge the lower fee. I'm speaking for her on this one. I wasn't aware that trees that grow outside my land, I was responsible for. Truly. I even sent an email explaining this. I was not aware of this. They are so high; someone has to be a professional or hire a professional every time those trees grow past the pathway. I can't reach it. I don't like to consider myself*

disabled, but I am. I can't reach that. I saw this thing on TV that the State got a couple of million to help people cut trees, if I could get that assistance when they grow past the pathway I would appreciate it. It means I don't have to hire someone every summer to pay them a lot of money to come and cut the trees. The guy in the video even said they were 8 feet high.

Moermond: yes, that's the clearance you need to be providing. I look at these orders and the first comment was you didn't think you were responsible; those orders were not appealed. The responsibility is that if you have a tree growing into the public right-of-way that you trim it back. I would purchase branch cutters so you can reach high on the tree while remaining safely on the ground. There's a site at Frank and Simms to bring clippings and branches.

Martin: yes, there are multiple sites to drop off things like that.

Moermond: I'm going to ask the Council to remove the charges for the cleanup of the headboard but keep the one on trimming the branches into the right-of-way. That seems like it would be a landlord responsibility. I'll reduce this down to \$328. Both of these assessments will now be on Council agenda January 17th. We'll send an email confirmation email on that since the dates changed.

Marriot: how can I pay it?

Moermond: you can pay online. Just pay the \$328—not the full amount. We'll include how to do that in the email.

**Referred to the City Council due back on 1/17/2024**

**2 RLH TA 23-352** Ratifying the Appealed Special Tax Assessment for property at 733 THOMAS AVENUE. (File No. VB2401, Assessment No. 248800)

Sponsors: Balenger

Approve the assessment.

Inho Chang, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: Vacant Building registration April 12, 2023 went out. March 13 renewal notice went out. February 13 a building warning went out. April 13, 2022 it went into the program after a fire. Current open electrical permits from 3/10/23 and 1/10/23, open mechanical permit from 11/10/22, open building permit from 7/14/22. Pretty clean history. Total assessment of \$5,075.

Moermond: can you confirm we're not looking at any plumbing permits?

Martin: only thing is electric, mechanical and building.

Moermond: I just wanted to check because of the police report Mr. Chang submitted. Why are you appealing today Mr. Chang?

Chang: I don't know how the Vacant Building registration works. Second, as I attached in my email, I didn't receive the letter in February, March, or April. I never received those. I received a letter April 13, 2022 for a Vacant Building registration. Then I got

*the 90-day extension. Then I have a letter for May, a warning letter, and in response I sent out the Vacant Building registration from on May 25, 2022. As far as the current correspondence goes, after that I didn't have any letters received. That's a procedural matter, but my question is how does the Vacant Building registration work because I had this fire?*

*Moermond: I see two appeals in 2016 for Vacant Building registration notices for 608 Lafond. I know it is seven years ago but it was an appeal just like this.*

*Chang: I don't remember that.*

*Moermond: you participated with me. Council voted July 16. We can see the disposition on that but I granted your appeal. This isn't totally new to you.*

*Chang: you said 608?*

*Moermond: 606 LaFond, sorry my eyes failed me. The Department is saying they didn't get mail back. What is your expectation of me since you didn't say you didn't get the notices?*

*Chang: my question is, I don't know how the Vacant Building registration works because the property has been damaged by fire and I've been working on repairs. When I'm doing repairs it is considered a vacant building?*

*Moermond: yes.*

*Chang: it is? That was not clear to me. When did they stop giving me extensions? I never got a letter after May 2022.*

*Moermond: you're saying you didn't get anything; they say they didn't get mail back. I'm asking what you want me to do with that information. Do you think that means you don't owe the fee, the service charge? What is the outcome you are looking for?*

*Chang: yeah, that's why I'm asking how the fee works.*

*Moermond: you received a two-page notification letter explaining how it works, how the fire waiver works, you submitted the paperwork, all which indicates you owe the annual fee. Once you get your Code Compliance certificate you are automatically out of the Vacant Building program. That's the measure. When Ms. Martin was talking about permits, it tells me about the progress and how close you are to the finish long. I asked about the plumbing report because the police report you submitted indicated copper piping was removed so a plumber was needed.*

*Chang: that was June 2023, nothing to do with the fire.*

*Moermond: that doesn't matter. It has to be fixed before it can be occupied. Timing of damage doesn't matter. What are you looking for today, sir?*

*Chang: I don't know what you mean by 'what are you looking for?' I am working on repairs, I questioned whether it was still a Vacant Building.*

*Moermond: and I said it is until you receive a Certificate of Code Compliance. That is issued upon the final of your trades permits. That's your ticket out of the Vacant Building program.*

Chang: I know that part.

Moermond: you just asked me that question.

Chang: while I'm still working to repair the fire damages, the City is charging me the Vacant Building fee. Why is that? Vacant Building means there's no tenants?

Moermond: it is established for buildings that cannot be occupied by virtue of having major code violations and having been condemned, both of which this building qualifies under. This is under chapter 43 of the Legislative Code.

Chang: what does the extension mean? It delays the start of the Vacant Building program? The extent of the fee payment? I can pay 90 days later?

Moermond: your property went into the program April 13, 2022. The Vacant Building fee is for the entire year, April 13, 2022 through April 12, 2023. That fee can be waived for 90 days if you fill out the Vacant Building registration form. You filled out that form dated May 25. The 90-day waiver goes from April 13, forward three months, to July 13, 2022. The implication of that is if all the work is done in that period there is no Vacant Building fee forthcoming. I will tell you that you were given four additional waivers which took you into 2023 without having to pay the Vacant Building fee. So had your permits been finalized as of June 1 you wouldn't have had any fee whatsoever. I don't know why you have those waivers. I'm curious about that. But if you would have been done during that waiver time period there would have been no fee. Do you understand that?

Chang: ok, so if I did the work June I wouldn't have to pay the Vacant Building fee?

Moermond: yes. I'm assuming you must have had many conversations with Vacant Building staff to get these waivers.

Chang: I talked to them on the phone, but I didn't receive any letters. I talked to Vacant Building staff about cleaning up the yard a couple of times. I didn't receive any letters asking for the Vacant Building warning letter.

Moermond: let's say you didn't get those, what do you want me to do with that information?

Chang: can I pay starting like from June 2023 and I can pay moving forward from June to the one year? Waive me one-year Vacant Building fee. Then I can pay starting June 2023?

Moermond: I'm not in favor of doing that, no. I think you do owe the money. It was obvious in the original registration money you owed the fee and in the form you filled out that you owe an annual fee. This assessment letter says you didn't pay the fee. I'm going to ask the Department for a further report. I think you received proper legal notice. I understand you said you didn't receive notice. That is your position.

Chang: yes. It took longer than I expected too, there was no communication after my extensions. It took a long time to repair, not because I didn't want to do them but because of contractor situation and materials. When you consider that kind of circumstance on top of not receiving letters of the renewal. Then I was lost in the process, how do I hurry when my contractor isn't repairing the fire damages. What are your expectations of the time period that I should have finished the repairs? One year,

*or do you think I could have finished in 2 years? If its 2 years I still have some time left. That's why I'm asking how the fee works. Do you expect fire damaged property to be done in one year? That's what I'm looking for. What is the physical expectation. After Covid everything slowed down. No one paid rent. How come the City doesn't look out for those problems with the building owners? I put in a good faith effort to get the work done, I'm losing money also because I wasn't able to rent it. It isn't that I am neglecting the property. Vacant Building registration can be extended a little farther. That's why I'm asking how the Vacant Building registration works.*

*Moermond: I get there was a fire. I see a lot of very unfortunate circumstances. I understand contractor issues with supply chains. We have to get these buildings back on their feet. This fee is for monitoring the building. It isn't waived just because you have permits pulled. Everyone is trying to get the job done. You already received more than a year's worth of waivers. That is unheard of. It has unfortunately set up an expectation for you that waivers are indefinite. That is certainly not the case under St. Paul Legislative Code. I am dissatisfied that the Department didn't communicate clearly to you about you owing the fee, but you did get four waivers by phone and that has been to your benefit. You are asking to not pay a fee for an entire waiver. I've never made that recommendation to the Council. It isn't just you. The taxpayers of St. Paul shouldn't be subsidizing your being in the program. These fees cover about 75% of the costs in monitoring the building. They go out at least twice a month to check. Some buildings more than that. I'm going to review any additional records from the department. They may persuade a decrease in the fee. At this point, to be honest, I don't think that is likely, but I will confirm by email. Your Council Public Hearing is currently scheduled for January 10th. We'll send an email confirming that. If it ends up you have this \$5,000 fee, would it be helpful to be made payable over time at the City's interest rate? Is that a good recommendation or does it not matter?*

*Chang: I don't think that's a good option. I would rather pay with no interest. It would help if you could reduce the fee because you're saying the City gave me some kind of waiver and extension and you could consider that and the fact I didn't get the letter.*

*Moermond: we'll confirm my recommendation by email. You are always welcome to come testify to the Council about that.*

**Referred to the City Council due back on 1/17/2024**

## 10:00 a.m. Hearings

### Special Tax Assessments

- 3 RLH TA 23-351** Ratifying the Appealed Special Tax Assessment for property at 2249 NOKOMIS AVENUE. (File No. J2401E, Assessment No. 248300)

**Sponsors:** Yang

*Approve the assessment.*

*Kee Ree Thu, Karen interpreter, appeared  
Mue Ka Ka, owner, appeared via phone  
Che Hair, daughter, was on phone but did not speak*

*Moermond: I'm calling about your appealed tax assessment for 2249 Nokomis. Did you want us to call anyone else into the hearing?*

*Ka Ka: no.*

*Moermond: is that old bill paid off?*

*Ka Ka:*

*Ka Ka: yes.*

*Moermond: who?*

*Ka Ka: I have my daughter with me.*

*Moermond: is that Che Hair?*

*Ka Ka: yes.*

*Moermond: she can hear the call as well?*

*Ka Ka: yes.*

*Moermond: we also have on the line Ms. Lisa Martin representing Code Enforcement from the City of St. Paul. She will provide a staff report describing why we have this assessment. [Moermond gives background of appeals process]*

*Staff report by Supervisor Lisa Martin: March 16, 2023 a Summary Abatement Order went out to remove construction debris in a trailer. Compliance date of March 23. It was rechecked March 23, 2023.*

*Ka Ka: the place with the trailer I didn't live there yet.*

*Moermond: I know. I know that the work by the previous owner was supposed to be done by March 23, and because it wasn't the City sent a work order to a crew to take care of it. The thing is that the work was done by the time the crew arrived so the City wants to bill for the cost of the crew being deployed. They went out and there's a cost associated with that. I understand you bought the property April 11, 2023. The orders were issued 3.5 weeks earlier to the previous owner, on March 16. What I'm faced with in looking at this is that the previous owner is responsible for disclosing to you there were orders on the property at the time they sold it to you.*

*Ka Ka: on April 4 the previous owner dumped that responsibility to me and right now I cannot pay this fee. She has \$1,000 for the house, \$3,000 in garbage bills and I don't have enough to pay it.*

*Moermond: did you pay that garbage bill?*

*Ka Ka: I paid since I started living there.*

*Moermond: the past due amount on the bill, did you talk to the hauler and tell them that was the previous owner? Is it all paid off?*

*Ka Ka: no, before we moved in I didn't have to pay for the previous bills.*

*Moermond: oh, ok good. I understand you don't want to pay the \$169 assessment for*

*the crew going out because you have a lot of other expenses now. Is that your reason?*

*Ka Ka: I cannot afford it. The house bill is \$3,000, electric is \$600, Garbage \$100. I know this should go to the previous owner.*

*Moermond: \$600 a month to Xcel?*

*Ka Ka: \$200.*

*Moermond: so the same responsibilities as everyone else. I'm trying to balance the fact this is a private matter vs. why the taxpayers at large should pay it. I'm sympathetic you bought it, but you did know this needed to be taken care of. The people who owe the money are the ones who didn't take care of it, TNT Properties and Investments, LLC. They should be paying you for this. Were you represented by a real estate agent when you purchased?*

*Ka Ka: I do not know the situation, I don't understand. There was an agent helping me find the place and said I could move in.*

*Moermond: your agent should be able to send an email to the seller and say they left this business of telling you about the order not taken care of and they should have because it resulted in a \$169 bill to you. Does your agent speak Karen?*

*Ka Ka: no, it was an African American. We only met once, I don't know his name.*

*Moermond: we have information from the title company that helped with this transaction. That's Title Smart, and the agent was Pachia Thao. I'm going to recommend this is approved because the costs are legitimate. This won't be invoiced until January 2024 if approved, and you'd have all of 2024 to pay it before it went on your 2025 taxes. We'll provide you a record of what we talked about today, the orders, and we'll copy Pachia Thao on what we send you with a note so we're starting that conversation between the two of you. Maybe she can help. If she cannot help, she would know the realtors and could direct this to them. Do you have someone who reads English or we can copy Bruce Richardson who helped you file this appeal?*

*Ka Ka: I don't have an email.*

*Moermond: we'll be in touch and handle that and can hopefully help so the right people pay the bill.*

**Referred to the City Council due back on 1/17/2024**

**4**      [RLH TA 23-353](#)      Ratifying the Appealed Special Tax Assessment for property at 1348 SIXTH STREET EAST. (File No. J2401E, Assessment No. 248300)

**Sponsors:**      Prince

*Layover to LH November 7, 2023 at 10 am (appellant had not reviewed documents).*

*Jamillynn Rodriguez, occupant, appeared via phone*

*[Moermond gives background of appeals process]*

*Moermond: you should have an email from 10/4 with the snow and ice orders. Did you get that?*

Rodriguez: no.

Moermond: [email address was confirmed correct] We'll resend that and lay this over to 11/7 so you have time to view it.

**Laid Over to the Legislative Hearings due back on 11/7/2023**

### Special Tax Assessments-Rolls

- 5 **RLH AR 23-88** Ratifying the assessments for Property Clean services during July 5 to 13, 2023 . (File No. J2404A, Assessment No. 248503)

Sponsors: Brendmoen

**Referred to the City Council due back on 1/17/2024**

- 6 **RLH AR 23-89** Ratifying the assessments for Property Clean services during July 14 to 25, 2023 . (File No. J2405A, Assessment No. 248504)

Sponsors: Brendmoen

**Referred to the City Council due back on 1/17/2024**

### 1:00 p.m. Hearings

#### Vacant Building Registrations

- 7 [RLH VBR 23-61](#) Appeal of Jeff Johnson to a Vacant Building Registration Renewal Notice at 811 FOURTH STREET EAST.

Sponsors: Prince

*Layover to LH November 7, 2023 at 1 pm. Staff to follow up with building inspectors re: permits.*

*Jeff Johnson, owner, appeared*

*[Moermond gives background of appeals process]*

*Staff report by Supervisor Matt Dornfeld: has been in the Vacant Building program since October 30, 2006. We have an expired Code Compliance on file, expired in 2008. Moving forward Inspector Yannarely noted speaking to the property owner last fall around this time and told him to get moving on the Code Compliance, order a new one, and the fee is going up. It hasn't been a nuisance property, it looks good.*

*Moermond: Mr. Johnson, you said in your appeal you live next door?*

*Johnson: I bought it because I live next door on the corner and have an easement with my driveway to park. The owners before us were hard to get along with, I only have 18" to work with alongside my house. It sat vacant for a couple of years, so I bought it. I wanted to try and curb the problem. We did have ti redone and get all the permits; I just never got the Certificate of Occupancy. It didn't matter if it was used, I just wanted*



to stop the issues at that house. As you can see in the photos, we took it back to where it should have been. It's a pretty nice place.

Moermond: the permits that were pulled?

Johnson: I think 2008.

Mai Vang: electrical finalized, mechanical finalized, warm air finalized 2008, inactive building permit, another electrical finalized, plumbing finalized.

Moermond: looking at the electric work, did it say it was for Code Compliance work?

Mai Vang: 2010 just says final fee paid and finalized from a long to go. The other one from 2008 says the same basically. \$1,000 worth of work. Plumbing \$3,000.

Moermond: that sounds like Code Compliance work. I'm confirming the scope of work matches the inspection report.

Mai Vang: \$2,800 warm air.

Johnson: for the furnace.

Moermond: the last time the building inspector was out?

Johnson: Singerhouse was out there the last time I saw someone.

Moermond: and it says for Code Compliance repairs. It was assigned to Virgil Thomas, which is odd because the trades inspector would have been Jim Seeger.

Johnson: I've met him. Virgil Thomas came and inspected the footings for the steps. I do remember him.

Moermond: he would have been the inspector to the area of the City.

Johnson: before we could pour the concrete he wanted to see the sonotubes in for the depth. He came and inspected that.

Moermond: we're down to just a building permit. The list from 2008 is short, 16 items on the building list.

Johnson: some of the photos I gave you show what we did from where it was. I bought it sight unseen. It was hard to believe people actually lived there.

Moermond: did you buy it from the bank?

Johnson: yes.

Leanna Shaff: looking at the actual building permit, on November 29, 2011 the notes Todd Sutter wrote that contractor will provide photos of ice and roof deck protection.

Johnson: we had a hail storm.

Shaff: there was an inspection done, final corrections required, May 3, 2012 but doesn't say the corrections anywhere I can find. That has Seeger's sign-off on it. After

that it was closed by Nathan Bruhn April 5, 2021. There are no documents attached to it.

Johnson: was that the roofing contractor?

Shaff: New Life Contracting

Johnson: that would have been the roofer.

Shaff: HPC reroof due to hail.

Johnson: they never closed it?

Moermond: that's why you're still getting these fees. I'm a little worried since it was 10 years ago and its hard to sort it out now. Seems to be the crux of the matter.

Shaff: the building permit was closed and there's nothing in there. Same thing appears to have happened to both permits.

Moermond: I'm sure they refinanced, took the equity, and ran. That would be consistent with how things were happening back then. I think we need to talk to the building inspectors about what is going on. My only concern is how to bureaucratically get you out from underneath this. Worst case scenario is you need a Code Compliance Inspection Report like the one in 2008. Only it would just be for the building items, and it would confirm the conditions are what they are. Pull a new permit so it can be inspected and closed out. What I don't know is if the inspectors do a deeper dive they may have better information. I want to get you out of the program. You have finals on every permit except building. Let's pull the strings and see if we can figure out what happened.

Johnson: I appreciate that.

Moermond: I will make sure that happens. We'll follow up, we can do it by phone, or if you prefer in person, while we sort this out you don't have a bill. Let's talk again November 7 and if in between now and then I hear from the building inspectors what they would look for you'd have that for the follow-up conversation.

Johnson: I know the roofing contractor is still in business.

**Laid Over to the Legislative Hearings due back on 11/7/2023**

**8 RLH VBR  
23-62**

Appeal of My Lam to a Vacant Building Registration Notice at 827 AGATE STREET.

Sponsors: Balenger

Waive VB fee for 60 days (to December 4, 2023).

My Lam, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: 6/29 there was a complaint to Department of Safety & Inspections that the retaining wall along sidewalk was unsound and collapsing and it was non-owner occupied. I went out on the 30th and you can see from photos

*the retaining wall isn't in good shape. I issued orders. It didn't have a Certificate of Occupancy with an owner based in Florida. I couldn't find any information. I sent a letter to them and occupant to get some clarification. I got a call from the tenants who informed me who the alleged property owner was and gave me contact information. It was a person I'd dealt with before, but I did get access to the property July 12. Wrote an extensive repair list, required to get a Fire Certificate of Occupancy. They did apply for one. The building department did assess the block wall, I have an email to Ms. McMillan, saying it shows evidence of repairs with mixed materials. The north section of the wall has deflected up to 1' and is determined failing. It has additional cracks and some already fallen into right-of-way. I advise you this poses a danger to the public sidewalk and immediate safety precautions need to take place by Friday July 14th. She said she understood. Didn't hear a whole lot from the property owner until we received an email August 2 that says she has discussed the plans and decided to sell. I've made them aware of the extensive repair and priced accordingly. Our best option is to accept the loss and move forward. Goes on to explain they told the tenants they would be asked to vacate by end of September. July 25 I transferred all the orders to the Fire Certificate of Occupancy. July 31 no one showed for the inspection. Mailbox for property owner was full. Added photos to file. August 14, another no entry. August 28, no show for inspection. I revoked the certificate and my letter said to allow access and have repairs done, was pending revocation and I'd be back October 4 to see if things were done or it would be vacated, which I knew it would be. October 4 was a no show and appeared empty with no repairs made. I referred it to the Vacant Building program.*

*Staff report by Supervisor Matt Dornfeld: opened a Category 2 Vacant Building October 4, 2023 per that referral. I agree with her testimony. The retaining wall is in rough shape. There is fencing around it, but it needs to be addressed immediately.*

*Shaff: the fence was done with City intervention.*

*Moermond: why are you appealing Mr. Lam?*

*Lam: I'm looking for a chance to fix the deficiencies. We did buy it from Ms. McMillan. We purchased October 10, October 4 was when it was sent to the Vacant Building program and I should appeal. Here I am with that. I have a copy of the orders now. I understand the responsibility. We were prepared to fix the retaining wall but didn't know about the foundation issues. We can probably start on the weather-related issues immediately. I'd just like some time to get that accomplished. AT the end of the day we'd like to repair and bring it up to standards again.*

*Moermond: what are you looking for today?*

*Lam: time to do the repairs.*

*Moermond: what does that mean? Of course you can do the repairs, it's a question of time and when it can be reoccupied. I'm assuming you are not wanting to be a Category 2 Vacant Building because you know it will require a Code Compliance Inspection Report?*

*Lam: correct.*

*Moermond: I'm struggling with this not requiring a Code Compliance Inspection Report. We have major code violations identified. It does seem to be logical that it be in the registered Vacant Building program as a Category 2. If we're talking about the*

*difference between the items on the Certificate of Occupancy report vs. the ones in a Code Compliance Inspection Report, I would say we need that report. I appreciate that you wouldn't want that. It does sound like the seller took building conditions into account when pricing it. Based on what you wrote in your appeal, you mentioned the TISH didn't say anything about it being a Vacant Building. The TISH was generated September 20th. That was 2 weeks prior to it going into the Vacant Building program October 4. You closed October 10. It seems like the difference in cost you may be experiencing due to the Vacant Building fee is something you may have a gripe with the seller about, that it wasn't disclosed. The orders August 28 told the seller exactly what would happen. If they knew and didn't share with you at closing, that's on them. You need to resolve the matter with them, not the City. With respect to a waiver of the fee, I don't know what the justification would be. Are you thinking you'll be able to get the Code Compliance Inspection and repairs done quickly? Right now, it has required City intervention to make it safe for the public. It has languished for months. I can't imagine being disabled and navigating this sidewalk.*

*Shaff: you can't walk on the sidewalk now. Once it snows it will be the street. That retaining wall, the building code will require an engineered plan, including footings over 4' tall.*

*Moermond: it doesn't appear to be in the historic district. We can reach out to the building official. If the Council requires the Code Compliance Inspection Report that means when you go to apply for a building permit you won't get one until that inspection report is done. They would make an exception for something like this with a significant weather sensitive safety concern. We don't want you slowed up there. I'm having trouble justifying a fee waiver on this one. Even 90 days. What would the reasoning be? You can choose to not pay the fee and let it come forward as an assessment and deal with it then. I'll waive the Vacant Building fee for 60 days so it won't hold up your permits.*

**Referred to the City Council due back on 11/1/2023**

## 2:00 p.m. Hearings

### Fire Certificates of Occupancy

- 9 RLH FCO** Appeal of Viviane Vaaj to a Re-Inspection Fire Certificate of Occupancy  
**23-83** With Deficiencies at 1153 CENTRAL AVENUE WEST.

**Sponsors:** Balenger

*Grant to Feb 1, 2024 for compliance on condition Unit 1 is not reoccupied until C of O is reinstated for that unit.*

*Viviane Vaaj, owner, appeared*

*[Moermond gives background of appeals process]*

*Staff report by Supervisor Mitch Imbertson: this is a four-unit residential building in the Certificate of Occupancy program. Initial reinspection on July 13. Extensive list of repairs with many safety issues. Correction notice was sent with those items. Since that time there have been some rescheduled of reinspection due to a court case between property owner and a tenant until that was resolved. The most recent one I was aware of was October 10th, which was rescheduled for after that and put on hold*

since the appeal was filed. I've spoken with the property owner about the repairs as well as possible. The concern previously discussed was if this results in the Certificate of Occupancy because repairs aren't done then it is at risk of becoming a Vacant Building. The property owner was willing to make the repairs but was concerned that it would take some time once the remaining tenant was removed. That puts us at meeting the def of a Category 2 Vacant Building once the tenant is gone, which may complicate repairs.

Moermond: are all four units occupied?

Vaaj: 3 are vacant and the last one the tenant left just night. The next hearing is supposed to October 25, I was supposed to serve him but he left so I have to talk to them. I'm asking for an extension because I'd like it to be vacant without a penalty because I'd like to sell. I'd like to fix and resell. I was hoping for more time to fix it up and keep it vacant. I want to keep it clean.

Moermond: when you say fix it up?

Vaaj: the walls and stuff. It is just one unit.

Moermond: they are more window dressing things. Not the deeper repairs, more staging.

Vaaj: no. The repairs aren't that bad. The mechanical portion is done. That was the main thing. There was no heat. That is fixed. The rest is more doors, cosmetic things. One sewer pipe may need to be redone.

Imbertson: I did confirm that was done.

Vaaj: I had the water shut off because there was a crack. They fixed it themselves.

Imbertson: that was on the September 27 orders. I didn't have a direct photo to compare to what was new, we spoke onsite about what was done. There was a sewer pipe near the main stack repaired improperly.

Vaaj: yeah. That's the main thing. The rest was more painting, fire extinguisher. Things like that.

Moermond: have you talked to real estate people about this?

Vaaj: I am actually one.

Imbertson: now its vacant our normal process would be to allow all the time you need to do repairs and just need it recertified. The concern is it would end up on the Vacant Building list.

Vaaj: yeah, we don't want that. I'm trying to be as compliant as possible. The repairs shouldn't take long. I don't have to worry about tenant retaliation. I didn't want to evict this person so now I'm just waiting for whenever they're ready.

Moermond: the key thing is it isn't revoked yet and if some length of time were to pass without corrections while remaining vacant it would be referred to the Vacant Building program. I think that's one year under Code.

*Imbertson: potentially sooner if it was vacated through the Certificate of Occupancy process for noncompliance with orders and having multiple violations. We're coming up past the 90 days normally allowed from initial correction orders.*

*Moermond: but the letter makes it sound like if Ms. Vaaj wasn't compliant by October 16 you would be revoking the Certificate of Occupancy and that noncompliance would result in the revocation but the letter was appealed so we're still in the correction order phase of things.*

*Imbertson: yes.*

*Moermond: so since were in that phase, if something bad were to happen to the building, all bets are off. You want an extension to sell and the purchaser would be aware of the pending orders.*

*Vaaj: right. I want to make it compliant before I sell. I just don't want tenants in there because they can see it better and pick their own tenants.*

*Moermond: what does that extension look like?*

*Vaaj: what is the max?*

*Moermond: normally it is 90 days. We're off-roading now because of the court activities.*

*Vaaj: if it wasn't for that I'd have been done sooner. I would update Mitch as I progress.*

*Moermond: the only question hanging about this is if there are anything in the orders Mr. Imbertson would want to see addressed before reoccupancy. An extension conditioned on something being done before reoccupation.*

*Imbertson: there was a stove removed, we would want to see put in.*

*Vaaj: it will be different by the time we are done.*

*Moermond: I don't see anything about the stove, but I do see reoccupying.*

*Imbertson: it may be covered by 22, the uncapped gas line where the stove had been moved.*

*Moermond: I'll recommend that Council give you to February 1, 2024 noting unit 1 cannot be reoccupied.*

**Referred to the City Council due back on 11/1/2023**

**10 RLH FCO  
23-82**

**Appeal of Greg Vanwert to a Fire Inspection Correction Notice at 295 LARCH STREET.**

**Sponsors:** Balenger

*Grant to December 15 for compliance with items 2, 3, and 4 relating to exit light, installation of door, removal/moving of tires to comply with code, and removal of 12 vehicles and grant to May 1, 2024 for compliance with item 5 related to organization and re-striping. Rec forthcoming regarding item 1 related to zoning and use.*

Greg VanWert, owner, appeared  
Scott VanWert, brother, appeared

*[Moermond gives background of appeals process]*

Staff report by Supervisor Jim Perucca: S2 warehouse, 2400 square feet. The Certificate of Occupancy inspection was done August 18, 2023 by Inspector Niemeyer. He cited 5 code violations, first was the change in use of the building. It is S2 warehouse and there are several cars being worked on and appears to be in use as auto repair garage on interior. Second was access to the public way, it was noticed the fencing around the property, with exception to the gate for vehicles, there was no other egress from the interior for people to pass through without reentering the building and exiting through the single structure exit.

Moermond: this would be akin to having only a garage door, a big gate for a car, no second way to go to the street.

Perucca: a man door.

Scott VanWert: is a gate ok?

Perucca: that isn't considered a viable exit. The remedy is providing egress to the public way. Third was tire storage. We have several piles of tires on the property. This code section indicates storage piles shall be located not less than 50' from buildings and property lines. There are several piles near the property lines. Number four the shop west exit emergency exit light wasn't operational and number 5 was unapproved storage. We do have previous site plans indicating where vehicles could be stored. There are multiple vehicles on the property and on the public way and near the main entrance to the building.

Moermond: the change in use you're talking about has to do with the way the building and the fire code allow—like a restaurant has different requirements for bathrooms. Each building's use defines its requirements. There are different requirements for auto repairs.

Perucca: that is what we're asking, that it meets the requirements for that type of use or discontinue the unapproved use.

Moermond: auto repair is a licensed activity in the City. I don't see a note about licensing. Do you check that?

Perucca: we check it but we don't enforce it.

Moermond: you look but don't include in orders?

Perucca: correct.

Moermond: at some point we had a site plan.

Perucca: correct. It was based on the type of use within this district. It went through this review and gave specifics on how the property should be laid out.

Moermond: when did that happen?

*Perucca: October 2017.*

*Moermond: the site plan would have been something the owner or contractor would have brought in saying this is how it will be used and it gets approved?*

*Perucca: there were two building permits, one November 2012 for the building itself and then some remodeling in October 2013 and the only addition to the use was the secondary office space but no other change as far as approved auto repair, an S1 category.*

*Moermond: I do know every human has a different set of eyes, so different people see things differently over time? Yes. Are things different over time? Yes. Does a miss in the past mean it isn't required now? No. I'd like to sort out what you are looking for, what your plan is and seeing if you're using this as auto repair then how do we make the building and the lot consistent with what needs to happen to do that job.*

*Scott VanWert: has there been a reinspection?*

*Perucca: that's on hold during appeal.*

*Scott VanWert: emergency light, that has a battery and will be taken care of. With respect to the auto repair, my brother's intent hasn't been to engage in commercial auto repair. It is on his vehicles. In the past when that has been explained, he never had a mechanic doing any repairs. He's doing minor repair, which he could also do in his driveway. It is the same, right? I've spent a lot of time in Council chambers hearing appeal and I know auto repair is something that has limits without a license. He's willing to stop it if there's no income stream from it why would you spend \$1,000's of dollars on it.*

*Moermond: you asked about when its required.*

*Greg VanWert: I have a site plan in front of the Council in a recorded meeting with Kris Schweinler I got a permit to build and in that session it was all stated that I wanted to have this as a repair shop for my tow trucks. This was from the start.*

*Moermond: where I'm going isn't contradictory. When Kris Schweinler looked she appears to agree that's what that looked like. I look at a lot of situations where if it happens on a residential parcel, there's six cars that cycle through and they're saying not making money and is there discretion or common sense? This sounds to me like its one of those on the line since there are so many cars there. I looked at the aerial photos. There are a lot of cars there now, back to 10 years ago. I can see where a reasonable enforcement agent thinks it looks like beyond personal repair.*

*Perucca: the interior of the building has all the equipment for auto repair. A lift, tools, tire changer, etc. Working or maintaining fleet vehicles I understand but we have vehicles on the lift that don't appear to be fleet vehicles. A pickup truck. A ford ranger with hood up. Batteries pulled out. Things that aren't associated with towing. The vehicles in the lot we have a flat bed and a pickup with a plow which I would consider part of the fleet, but all the of the other vehicles, which are many and of wide variety, wouldn't seem to be part of a maintenance fleet. They're in various states of repair or disrepair. I don't want to speculate, but judging from the tire pile they must be going for recycling or resale somewhere else. Some salvage is going on. It appears in many ways there is more than just storage on the property.*



*Moermond: you touched on something important which is landing the plane about the business that operates out of here. You are saying you have a towing business. What does that look like?*

*Scott VanWert: that would have been the Council meeting Greg refers to.*

*Moermond: that wouldn't have been City Council, it would have been plan review in Department of Safety & Inspections.*

*Scott VanWert: things change so your interpretation has changed. He in good faith believed by not being a commercial location that people are coming to that his activities are on vehicles he owns and that seems to have been permissible to him. Now I'm hearing the interpretation is different. The key would be if there is a further inspection there ought not having been any work having gone on at that point. Is that the resolution. It is absolutely in the City ordinance that you can do work at home on your own vehicles. 2 cars in a three-month period. It is truly permissive. Does this fall in that or not is maybe something we are judging.*

*Moermond: that's what we need to figure out. Tell me about the towing business. Tell me more.*

*Greg VanWert: I've had a towing business for 25 years. I finally got both sides of the property. Got a permit to get the shell going before the ground froze. At that time the City knew I had HVAC, solid waste tank, handicapped bathroom, everything is up to snuff as far as I say. If getting a repair license is necessary I'll do it. It won't be an open shop. I don't want anything to do with people. My dad had a shop for 35 years, the Fire Marshall proudly shut it down.*

*Scott VanWert: he was in prominent location on Rice street. When you read the papers you get the idea the City selectively enforces things in certain areas and you can connect the dots. I don't want to say anyone here is a bad person, I'm not saying that.*

*Moermond: I am not hearing you say that. When areas start to gentrify and certain locations haven't.*

*Scott VanWert: it is true in our City. I think we just violently agreed that selective enforcement does happen.*

*Moermond: complaint-based enforcement because something happens because someone calls.*

*Scott VanWert: and we don't know that's what happened. He had intent to have an impound lot at one point. That's where the design comes from. The towing is for clients from A to B.*

*Moermond: somebody's car breaks down and can you tow me to White Bear and Margaret to the repair garage they want. You haven't brought it back to Larch, its from A and B.*

*Scott VanWert: 99% of towing involves exactly that.*

*Greg VanWert: this whole area is commercial. People don't even know this street*

exists.

Moermond: I do. We have 20 to 30 vehicles on site. You have title on 30 vehicles, plus whatever is at your own home.

Greg VanWert: yeah, I have title.

Moermond: you own all of them. None of them are vehicles you have towed in?

Greg VanWert: every once in a while I get a customer that refuses to pay and I'll bring it there. I try to work something out and I don't want to do it.

Moermond: so from A to B, you didn't get paid and—

Greg VanWert: I don't drop the car. Maybe 3 to 4 times a year I'll bring it back until they pay me. I'm done with them at that point. You wouldn't believe the things that go on in the tow business.

Moermond: we have a lot. Vehicles inside the fence. Another half a dozen on the boulevard on the street side of the fence. I have to say I was confused because I looked up your property on burgess too and saw you have orders there too. You have a lot going on.

Greg VanWert: since Covid I can't get anyone to work.

Scott VanWert: let's get back to where we are here. He says he's compliant on that.

Greg VanWert: before covid I intended on selling some of my vehicles there.

Scott VanWert: your tow trucks?

Greg VanWert: no, the ford truck and jeep. It is so hard to find any kind of worker at all. I go to Jackson and there's no one there. I tried to get it reregistered how it is supposed to be. Niemeyer never got back to me with 3 calls.

Moermond: I think when you filed the appeal enforcement was stayed and they were planning on having this conversation.

Greg VanWert: somehow my mother called and spoke to him right away, even though I was waiting 2 weeks.

Moermond: I'm not sure where you went and what conversations were had. You're wanting to talk to someone right away. Mr. Perucca, your suggestions?

Perucca: I'm available all day long.

Greg VanWert: I physically go there. No one is in. I call, ask for someone. My 82-year-old mother talks to him.

Scott VanWert: is it possible to come down, do you have office hours? How do we improve communication. I would have tried calling as well. It is frustrating. What are solutions to put people in contact with each other so we can understand each other.

Perucca: there is no negotiating if it is under appeal.

*Greg VanWert: I go down there no one is there. I've never seen it like that. The City of St. Paul on Dale Street doesn't even follow their own ordinance. They have a big corral of tires on the property line of a body shop. How can the City not follow their own rules?*

*Moermond: let's get back to your stuff. Ms. Vang, can you bring this up on the overhead so we're all looking at the same thing?*

*[aerial photo brought up on screen]*

*Moermond: that's a disorganized mess that isn't consistent with what the plan says you should have for that location. That isn't talking about personal car repair or maybe business, but it isn't what it is supposed to be. If I look backwards in time it is consistently like this. Sometimes fuller, not often less.*

*Scott VanWert: who decides?*

*Moermond: when those permits were signed there was an agreement by the property owner to keep it in a certain way. Striped and organized. It isn't done the way this team thinks you agreed to. Please meet that condition in the past.*

*Greg VanWert: it has stripes.*

*Scott VanWert: there are stripes.*

*Perucca: the cars aren't in the stripes.*

*Scott VanWert: I understand that. Is that our path forward?*

*Moermond: that deal with one of the issues.*

*Scott VanWert: does it address one of the five because then we are 40% of the way.*

*Greg VanWert: who is even coming in here? I don't allow anyone in.*

*Scott VanWert: can he apply to restripe?*

*Moermond: not like that.*

*Scott VanWert: right. Let's work to identify what the plan is.*

*Moermond: we have a plan and you aren't complying and would like a different one.*

*Scott VanWert: my point is the plan with striping has a certain number of vehicles approved, if that number were relocated back in alignment it would accomplish this. He could also restripe by applying for that?*

*Greg VanWert: who goes in there to park?*

*Perucca: you, sir.*

*Greg VanWert: it is my property. I am not open to the public. The gates aren't even open. Why does it matter where I park my car?*

*Moermond: my answer is you gave your word when you got your permit signed off that*

*you would operate in a particular way and you're saying now that because I can't see it from the street you aren't required to keep your word. That's what we're talking about. There was an agreement you want to be released from. That agreement is being enforced by these guys. Are you a man of your word or do you want to renegotiate that. That is the answer to your question to why.*

*Scott VanWert: this was for a potential impound lot you didn't do. Relocating the vehicles to conform with the stripes.*

*Moermond: and the tires too. Away from the perimeters. You spoke to the light. That's two of the things. That leaves us with exiting and the use of the property. Describe the gate that exists there now?*

*Perucca: swing gates. I can't tell which way they swing, I guess probably either way. Typically, in those application there is a man door installed on the side for human use. If you secure a gate like that for vehicles it doesn't meet requirements for people to exit, which includes you.*

*Scott VanWert: a pedestrian gate with a safety bar.*

*[street view shown]*

*Perucca: the only exit from the property is from the door to the building, dead center. The door to the left is the access to the yard itself.*

*Moermond: you're looking for what being different?*

*Perucca: a man door where a person can exit the fenced yard space without having to go through the building. In this case we need a single way out. The locked gate doesn't count.*

*Scott VanWert: a code requirement?*

*Perucca: has to be done under permit, under building code.*

*Moermond: is the brown fence yours?*

*Scott VanWert: just the gray.*

*Moermond: so someplace in the gray fenced area there needs to be a service door for a human to get out in an emergency?*

*Perucca: correct.*

*Moermond: that leaves one thing, how it is being used. You are unusual in the number of personal vehicles you own and how they're organized. I have to say I see another 6 at your house. That pushes 40. We have tab issues; we have flat tires. October 5 the inspector was out and there were still problems. They didn't write an Excessive Consumption bill, but they could have. It does say to me you are a very different circumstance. We don't see that many personal vehicles.*

*Scott VanWert: usually millionaires.*

*Moermond: the amount you must pay on title fees, tabs, and insurance every year has*

to be all of your profits. That's a lot. What do you do with the cars?

Greg VanWert: there's 10 I'm going to scrap. Sometimes they have more problems than I can tackle.

Moermond: you buy them with the purpose of fixing and keeping? Or fixing and selling?

Greg VanWert: most are scrap. There are ones I don't even buy; I get for free.

Moermond: if you got a 2010 ford escape with front end damage and you say scrap, what does that mean?

Greg VanWert: put it on the truck and bring to metro metals.

Moermond: and they would pay you by weight. You'd take the tires and dispose of them elsewhere. Somewhere here. So sometimes you make money by scrap value. I assume you don't drive that many different cars. I'm trying to thread the needle about a repair business, and I want to double check Code, where you don't have people coming and going. Fixing with the purpose of selling as part of your business operation, is that considered auto repair other code or something else? I'd want to reread the code to double check that. Of course you get to repair cars.

Perucca: it would be business by reclamation which is a regulated use.

Greg VanWert: I don't even go to this place but maybe twice a month. Normally I would have workers. I can't even tow because of my leg. I'm struggling holding on.

Moermond: when your inspector goes in and sees a ford ranger and it isn't a tow trucks, he's thinking what?

Perucca: if the use was for maintenance of fleet vehicles it would be an acceptable practice, but other vehicles that don't appear to have that type of use sends up a red flag.

Moermond: if the use and occupancy don't match you would normally say hire a contractor who knows the difference between uses and expectations, draw plans, pull permit to do changes.

Perucca: yes.

Scott VanWert: as of 2017 the building design included ventilation, a trench, he was in compliance at the point of the Certificate of Occupancy for both fleet and one would assume some car repair. That was the intent of the building design and elements so I have to imagine it would be complaint in either ruse.

Moermond: he's not a plan reviewer, so I was just asking for examples.

Perucca: looking at permits from that time the building permit is for an S2 building. So plumbing doesn't look at the total use. Just that what was there was done correctly. The change in use wasn't from storage to a repair garage. The second change in use was to add office space as secondary occupancy. S2 storage remains the main occupancy.

Greg VanWert: you're going to see permits for HVAC, boiler, the tank, I added on an

office above the first level. How far away are the permits away from you?

Scott VanWert: Greg is saying, keep in mind this is what we're doing when we took the permits out. No one here knows in 2017 if it met those requirements, and that was absolutely the intent.

Moermond: and I read it as you did these changes, people took you at your word as to how you would operate, things moved forward. The question is whether it is operating as an auto repair or not. That's the only thing I'm left with.

Scott VanWert: we allow "de minimis" in the neighborhood for car repair. He would be allowed to do "de minimis" but not beyond that.

Moermond: I want to read the code. Residential vs. industrial. Across uses. And if the police ran the plates for all the cars in the lots would they come back in Mr. VanWert's name. I haven't asked for that. I'm trying to operate in expecting the best from one another.

Greg VanWert: this building was built to the specs of someone putting up an auto max, to code, of an operation of that magnitude. They were purposely put in to meet that code. I don't know why this inspector didn't acknowledge this.

Scott VanWert: would you be the person to review the 2017 plans?

Perucca: no.

Moermond: the striping issue is with zoning. Number of vehicles is with zoning. The issue of whether or not the building is being used in the same way it was intended to be used.

Greg VanWert: is some of this out of their jurisdiction? What is installed or not? They aren't willing to look at permits.

Moermond: permits are on the computer. There are different responsibilities; people swim in their own lanes.

Scott VanWert: what Fire is doing is flagging items in a zoning area and typically enforcement of zoning because of this issue that the City can't go check everyone's home. We have a complaint-based system. Fire flagged issues in zoning that weren't based on a complaint.

You are right, this is zoning code. I have the authority to grant an extension to come into compliance with the order. They have the ability to write the order. If you want to say the striping doesn't apply to you and you can pay \$300 to talk with them. Or we can come into what it could look like logically to come into compliance. That's up to you guys. What is on the horizon is winter, and it would not be smart to give a deadline to snow and ice season for moving vehicles in a parking lot. How do we put together a deadline, setting aside the use issues, but the tires, the vehicles being organized, maybe removing some, adding the door. What kind of timeline?

Greg VanWert: April.

Moermond: I would like to see the vehicles moved around by mid-December. To have the parking lot organized and service door added. I'm comfortable kicking the can down the road on figuring out the person vs. business repair and those implications. If you need to do a change I'm comfortable to pushing that to June or July next year, I'm

*not even sure you do. I want to check code. Then you still have the option to speak to the building official. Stripes, light, tires, door, December 15.*

*Greg VanWert: the tires are my biggest thing.*

*Scott VanWert: does December 15 seem reasonable Greg?*

*Greg VanWert: I can try.*

*Moermond: I'm really conscious of the weather and knowing either it is done in the next couple of months or it isn't done until next year. Sooner is reasonable.*

*Greg VanWert: all I can do is try.*

*Moermond: I'm thinking a 1/3 reduction from the count of what it is now.*

*Perucca: that's a reasonable number.*

*Moermond: we'll assume 35 vehicles. So 12 go.*

*Greg VanWert: I was looking at 10 or 12.*

*Moermond: 12 go and tires get moved by December 15. Vehicles are in their striped lines and organized by May 1. Door and light still December 15.*

**Referred to the City Council due back on 11/1/2023**