



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
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651-266-8585

Tuesday, August 24, 2021

9:00 AM

Hearing will take place virtually

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 21-51](#) Ordering the rehabilitation or razing and removal of the structures at 134 CASE AVENUE within fifteen (15) days after the August 25, 2021, City Council Public Hearing. (Amend to remove within 30 days with no option for repair)

Sponsors: Brendmoen

Remove within 30 days with no option to repair.

Craig Barbee, attorney o/b/o Bank of America, appeared via phone

Moermond: where are we at Mr. Magner?

Manager Steve Magner: a letter was sent August 12 laying the matter over to today. By close of business August 23 a \$5,000 Performance Deposit was to be submitted to DSI and a contract with a trash- out company.

Moermond: so we don't have that Performance Deposit or clean out contract. What's going on?

Barbee: my client has determined it isn't cost feasible to do the repairs, so at this time they aren't going to oppose demolition. They want to look into the cost if they do it privately versus the City doing it.

Moermond: it is likely you'd get the same bids as us, but the City tacks on additional fee. We could send a list of contractors. What is the fee the City attaches to this?

Magner: it is usually around \$1,000, but we pay for the demolition and the cost can be put on taxes and paid in the future once the ownership issues are resolved. I don't know if they can raze without having clear title.

Barbee: good point. I think we have a foreclosure sale schedule for early October and we can reduce it to 5 weeks. Not sure what the City's timeline is?

Moermond: is your client going to walk away on the assessment?

Barbee: I think they would sell the vacant lot.

Moermond: it seems like they've invested a fair bit.

Barbee: I would hope the lot would be worth more than the assessment and that they would make something back.

Moermond: I think it could be a break-even endeavor. These are Ramsey County costs and right now land is worth more than what they attach to it because of the housing crisis.

Barbee: Mr. Magner, in your experience, do you have a rough estimate I could tell my client what you'd estimate costs at?

Magner: we stated \$25,000 on this one. That's based on the volume of items in the house and doesn't include any hazardous waste items.

Moermond: so you have a \$5,000 cleanout before the demo could even happen.

Magner: yes, clean out then survey for asbestos. Sometimes the abatement can be more than the house demolition. I see the value of the land; they list it as \$20,000.

Moermond: this is a big lot though. There could be a duplex put up, it is 7400 square feet.

Magner: it is hard to predict where we're going in the future with development. We're kind of in that time.

Moermond: the possibility of a duplex or a triplex would up the lot value considerably. That's a long way out, and I don't see a benefit in pushing this off to October. They would get it mid-October and then reevaluating, that's 2 months out. Normally I don't go further than 45 days at the very most. I can say the City does get pretty competitive demo bids. Mr. Magner, is that your experience?

Magner: generally we are getting better prices than even a mortgage company because people want to work for the City and there will be more work in the future. We have some individuals who get very competitive. On the flip side there's still the cleanout and asbestos which are unknown. Our original number is probably pretty close to where we'd be.

Barbee: \$25,000? Does that include cleanout and abatement?

Magner: I can't guarantee it, but I would guess that's where we'd end up. Most of our asbestos abatements for houses that size and vintage are under \$5,000.

Barbee: ok, thank you.

Moermond:: so tomorrow I'll recommend it is removed within 15 days with no option for rehab. If you want to testify, let us know, if you aren't we'll move forward. Either way we'll get you hooked into the meeting if you want to be.

Barbee: I think they did want me to appear. I'll double check. Is that by phone?

Moermond: it is either a Teams meeting or a phone line. There are two things, one you could be sitting in the background from 3:30 until whenever, or I could dial you in when we get closer to your item. Then you'd want to enter silently until the item is read into the record. I could call your office and say the next call is the teams meeting, don't say anything.

Barbee: let me clarify with the client what they expect. I don't know what I'd testify to except for more time to do it themselves. Would I need to testify about that?

Moermond: yes, if you want to.

Barbee: if it goes through the City wouldn't prevent us from doing that right?

Moermond: that gives 15 days in which you would have time to initiate the demolition process.

Magner: we would need a signed demo contract with a licensed contractor by the end of the period of time the Council grants. 15 days from tomorrow, you'd need to submit that. We then give about 30 days to act on the contract.

Barbee: ok. I guess, I have to look at if they can even do that pre-foreclosure. It's a little bit of a mess.

Moermond: it seems like the previous, current owner, has walked and may be willing to sign off on you guys acting.

Barbee: I do have the conservatorship case. I think we'd be ok, now I remembered that. Is the City willing to extend that date? 30 days from today for client to get bids?

Moermond: I can ask the Council to continue it for a week and if you can get a release from the owner to move forward with demo, we can about conditions.

Barbee: I have the order for abandonment. I'd just need time to get bids.

Moermond: would you look for more than the release on the record? It seems like it was for personal property.

Magner: if we raze it, it is because we are acting under our police authority. So I'm not concerned about it. If the mortgage company is going to do it pre-foreclosure, I can't speak to that. They have to be comfortable with that decision. That's based on their representative they hire to make those decisions. Whether that's Mr. Barbee or another representative.

Moermond: looking at the order and it is abandoning real property so it definitely includes the house itself and what is within it. You would have 15 days to get your bids. I'd be willing to go up to 30 to do that if that's the direction you're going. You can make some decisions.

Barbee: unless I contact you, I will plan on not appearing. So we'll have 30 days from tomorrow to get some bids?

Moermond: technically it is 30 days from when the Mayor signs it.

Referred to the City Council due back on 8/25/2021

- 2 [RLH RR 21-37](#) Ordering the rehabilitation or razing and removal of the structures at 1253 CLEVELAND AVENUE NORTH within fifteen (15) days after the June 9, 2021, City Council Public Hearing.

Sponsors: Jalali

Purchaser to post \$5,000 PD by close of business August 27, 2021. By noon on Friday, September 3 Purchaser to submit 1) detailed work plan and schedule, 2) affidavit dedicating funds to the project and 3) property must be maintained in order to receive grant of time to rehabilitate.

*Ernest Trower, owner, appeared via phone
Byron Anfinson, realtor on behalf of Mr. Trower, appeared via phone
Tom Distad, purchaser, appeared via phone*

Magner: a letter was sent August 13 laying it over to today. Post a \$5,000 Performance Deposit, work plan, schedule, affidavit, maintain the property.

Moermond: we received the bids this morning. We still don't have a Performance Deposit or a schedule for any of the work. The bids came in substantially lower, especially the building bid, for both Cleveland and Scudder. Also with no level of detail. We will need that detail. These are properties in really nice areas you'd be dropping a little money on to make it work. How is it we have such skinny amount of detail and such low numbers? Plus no schedule or Performance Deposit

Distad: that's on me. The contractor I was going to use backed out. I went to another guy I work with frequently and put it on him last Wednesday. I got the mechanical bids; those have more detail. The general contractor estimate is not detailed, which I acknowledge. He did want to do a walk through with the City inspector so he could fully understand what he means when it says, "up to code". More of the minutiae. He's done a few Category 3's over the years, and typically the City would allow him to do a walkthrough with an inspector to allow a more itemized bid.

Moermond: the fact you haven't gotten him in the property is more a concern.

Distad: he has been in there. He's done a walkthrough with me. I talked with him last Wednesday, met with him last Friday, since the other contractor dropped out. These things happen so you pivot. I brought in Chris with CNC Construction. He is building a duplex at 2219 Youngman, did one at 2222 Stewart. I know he knows what he's doing. The Performance Deposit I just got our contracts from our attorney for me and Mr. Trower to sign at 6:30 last night. Once we sign those I can post them. The issues are on me. I've been pushing as hard as I can to get it done. Certain things have been out of my control.

Moermond: how come the bid is so much lower than similarly situated properties?

Distad: neither of the bathrooms need to be gutted. There are nice claw-foot tubs, nice toilets. No reason to replace them. We're putting down linoleum, new paint, new vanity. That's not that expensive. There are nice wood cabinets in the kitchen that are period specific that we want to sand a refinish and get new appliances. Same thing at Cleveland. All this stuff is in great shape. A lot of it is plaster work, replacing a window here and there, but there isn't a full gutting of kitchens and bathrooms. A lot is property cleanup. The roofs are practically new, the stucco is in great shape. There's not material intensive investment.

Moermond: we have this headed for Council September 8. I would expect that within this week you would have the Performance Deposit posted. That was supposed to have been done.

Distad: absolutely.

Moermond: by August 27.

Distad: that was absolutely on me. It was my attorney doing the supplemental contract. I think we've got something that Mr. Trower and I can work with to get that posted by the end of the week.

Moermond: by no later than noon on Friday, September 3 I would expect we'd have the work plan, construction statement with good level of detail and a flushed-out schedule and articulate what you just walked through in terms of the bids. Let me return to September 3. My life will be miserable if you get that to me September 7. I am booked solid with hearings on the 7th and the Council Public Hearing is the 8th. So I'd really like to have all your ducks in a row in a timely fashion this time.

Distad: yes. A lot was out of my control.

Moermond: and the City Council is in my control.

Distad: I know. We're going to make this work.

Moermond: I think my ask is more than reasonable. We got one third done of what we were looking for.

Distad: I understand.

Referred to the City Council due back on 9/8/2021

3 [RLH RR 21-38](#)

Ordering the rehabilitation or razing and removal of the structures at 2062 COMO AVENUE within fifteen (15) days after the June 9, 2021, City Council Public Hearing. (Amend to remove within 15 days)

Sponsors: Jalali

Remove within 15 days with no option to repair.

Ernest Trower, owner, appeared via phone

Byron Anfinson, realtor on behalf of Mr. Trower, appeared via phone

Tom Distad, purchaser, appeared via phone

Magner: a letter was sent August 13 laying it over to today for an update on demolition.

Moermond: are we going to be demoing? Is Mr. Trower? How is this going to be done?

Distad: we'd like the City to take care of it and we'll pay the assessment.

Moermond: so my recommendation will be removal within 15 days with no option for repair. Mr. Magner, can you walk through logistics?

Magner: we'd send a request for purchases and get bids to do the demo and once the timeline is passed by the Council, we would hire a contractor and send it to them. They

would have to do a survey and check for hazardous materials, then we approve any addendums to the contract and then it is abated. That usually takes 30 to 45 days depending on circumstances and what they find. We'll try to do that, not sure if it will be back by September 8. Likely after. The building will be gone early November I would expect.

Distad: after that we get the bill?

Magner: ultimately they raze it and we pay them, then we would process the assessment. It probably wouldn't go out until January, then you would get a notice for the assessment. If you don't object, it is ratified and they would send you an invoice. I'm guessing April.

Moermond: the building can transact as soon as it is down.

Magner: yeah, we aren't too concerned about ownership change.

Moermond: once the building is flat you can conclude your transaction. It will show up as a pending transaction about the new year. Should have numbers in December. We'll send you Joe Yannarely's contact information.

Distad: is there a deadline of when it has to close?

Magner: no.

Moermond: no, we don't care.

Distad: ok, I was just curious.

Moermond: we just concern about the nuisance being abated.

Distad: alright, cool.

Moermond: any questions?

All: [none]

Moermond: we'll check the computer system Friday for those two performance deposits.

Referred to the City Council due back on 9/8/2021

4 [RLH RR 21-39](#)

Ordering the rehabilitation or razing and removal of the structures at 2075 SCUDDER STREET within fifteen (15) days after the June 9, 2021, City Council Public Hearing.

Sponsors: Jalali

Purchaser to post \$5,000 PD by close of business August 27, 2021. By noon on Friday, September 3 Purchaser to submit 1) detailed work plan and schedule, 2) affidavit dedicating funds to the project and 3) property must be maintained in order to receive grant of time to rehabilitate.

Ernest Trower, owner, appeared via phone

Byron Anfinson, realtor on behalf of Mr. Trower, appeared via phone

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Magner: a letter was sent August 13 laying it over to today. Post a \$5,000 Performance Deposit, work plan, schedule, affidavit, maintain the property.

Moermond: we received the bids this morning. We still don't have a Performance Deposit or a schedule for any of the work. The bids came in substantially lower, especially the building bid, for both Cleveland and Scudder. Also with no level of detail. We will need that detail. These are properties in really nice areas you'd be dropping a little money on to make it work. How is it we have such skinny amount of detail and such low numbers? Plus no schedule or Performance Deposit

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Moermond: the fact you haven't gotten him in the property is more a concern.

Distad: he has been in there. He's done a walkthrough with me. I talked with him last Wednesday, met with him last Friday, since the other contractor dropped out. These things happen so you pivot. I brought in Chris with CNC Construction. He is building a duplex at 2219 Youngman, did one at 2222 Stewart. I know he knows what he's doing. The Performance Deposit I just got our contracts from our attorney for me and Mr. Trower to sign at 6:30 last night. Once we sign those I can post them. The issues are on me. I've been pushing as hard as I can to get it done. Certain things have been out of my control.

Moermond: how come the bid is so much lower than similarly situated properties?

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Moermond: we have this headed for Council September 8. I would expect that within this week you would have the Performance Deposit posted. That was supposed to have been done.

Distad: absolutely.

Moermond: by August 27.

Distad: that was absolutely on me. It was my attorney doing the supplemental contract. I think we've got something that Mr. Trower and I can work with to get that posted by the end of the week.

Moermond: by no later than noon on Friday, September 3 I would expect we'd have the work plan, construction statement with good level of detail and a flushed-out schedule and articulate what you just walked through in terms of the bids. Let me return to September 3. My life will be miserable if you get that to me September 7. I am booked solid with hearings on the 7th and the Council Public Hearing is the 8th. So I'd really like to have all your ducks in a row in a timely fashion this time.

Distad: yes. A lot was out of my control.

Moermond: and the City Council is in my control.

Distad: I know. We're going to make this work.

Moermond: I think my ask is more than reasonable. We got one third done of what we were looking for.

Distad: I understand.

Referred to the City Council due back on 9/8/2021

- 5 [RLH RR 21-58](#) Ordering the rehabilitation or razing and removal of the structures at 698 DESOTO STREET within fifteen (15) days after the September 22, 2021, City Council Public Hearing.

Sponsors: Brendmoen

Layover to LH September 14, 2021 at 9 am. By 9:00 am Monday, September 13, PO to submit 1) work plan/scope of work including signed subcontractor bids and a schedule, 2) evidence of financing sufficient to complete the rehabilitation, 3) an affidavit indicating the finances will be dedicated to completing the project and not diverted until a code compliance certificate is issued, and 4) property must be maintained. (CPH September 22)

Johnathan Gutierrez Rivera, owner, appeared via phone

Jack Byers, Payne Phalen Community Council, appeared via phone

[Moermond gives background of Substantial Abatement Orders and hearing process]

Staff report by Manager Steve Magner: The building is a two-story, wood frame, duplex, with an accessory woodshed, on a lot of 3,920 square feet. According to our files, it has been a vacant building since March 2, 2012. The current property owner is Jonathan E. Gutierrez Rivera per Amanda and Ramsey County Property records. On April 29, 2021, 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 June 29, 2021 with a compliance date of July 29, 2021. 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 \$60,000 on the building. Real estate taxes are current. The vacant building registration fees were paid by assessment on April 1, 2021. A new Code Compliance Inspection was applied for on August 6, 2021 but has not been completed. The \$5,000 performance deposit was posted on August 6, 2021. There have been seventeen Summary Abatement Notices since 2012. There has been one work order issued for garbage/rubbish. Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish exceeds \$25,000.

Moermond: you said a Code Compliance Inspection was applied for August 6; did you get everything in that application you needed? Lockbox or any cleanout needed?

Magner: I'm checking.

Moermond: listening to that I would note this has been a registered Vacant Building for 9.5 years. A decade, and there has been an effort by the Department to weed out those properties that have been chronically inactive. Also with 17 Summary Abatement Orders the City has to flag things the property a couple times a year. The owners take care of it, which is good. I've seen worse, however.

Rivera: back to what you are asking about the lockbox. We have an inspection scheduled for September 1. I'm going to be there to meet with the inspectors. This has been scheduled 10 am. They are going to issue the new report and based on that we will be able to do the new plans for what needs to be redone. That was the process I needed to follow to get a permit. I already gave the deposit and everything they requested to do the Code Compliance Inspection Report. We're meeting September 1 to do that, as I said, and then we will pull permits and get things rolling.

Moermond: before permits are pulled we need to see a couple of things. I need bids for the work being done from the various contractors or subcontractors. Right now the City is saying \$75,000 or more. In addition to those bids, I need a schedule for the execution. An affidavit setting aside the funds for this purpose. You are off to a good start here, which is the Code Compliance Inspection being applied for and the Performance Deposit being posted. Those are the two things I do right away and it looks like you have "skin in the game" to get this undertaken. I'm going to turn it over to Mr. Byers.

Byers: I'm calling in because I represent the neighborhood through the District Council and conversation in the neighborhood is they would like the house repaired and used rather than demolished.

Moermond: it sounds like everyone is in agreement on that. The question is how we get it off the ground to happen instead of languishing longer. Sounds like the owner is on board. Mr. Rivera, you have the inspection coming up. Assuming they can have it written in a week before you could talk to contractors. This goes to Council September 22, but I'm thinking you won't have bids locked in by then. If you get that Code Compliance Inspection done then on September 22 I'm going to ask them to refer it back to Legislative Hearing on October 12 and we can review the scope of work, bids, timing and schedule and financing. Does that sound reasonable?

Rivera: I am a licensed contractor. 25 Elizabeth. 711 Sims. I used to work with Mr. Seeger. I'm ready to move as soon as the Code Compliance Inspection done. I have the architectural plans done. It will be brand new interior.

Moermond: and to be clear, it isn't them giving you a green light, it is the City Council. I can work with you to do it faster if you get me bids. If you have your materials together by September 22 I am happy to look at them. So I'll send this to Legislative Hearing September 14, and we can review your materials then. If it looks good, we can go ahead and allow you to pull permits before the Council Public Hearing the next week. Would you prefer that?

Rivera: yes, let's do it.

Moermond: I'm all for moving faster. I would appreciate that information in by no later than first thing Monday morning the 13th. You'll get a letter from my office confirming this conversation and the expectations, and that will have the information and how to respond back again. Any questions?

Byers: can I be copied on this information? Anything not proprietary.

Moermond: we don't deal in proprietary information, so I have no concerns with that. I will ask Mr. Rivera to respond to us and we will attach it to the record. Everything will be out there. If you don't get copied it is there as well.

Byers: ok, thank you.

Moermond: we have a plan and we will talk again September 14.

Laid Over to the Legislative Hearings due back on 9/14/2021

- 6 RLH RR 21-59** Ordering the rehabilitation or razing and removal of the structures at 830 IGLEHART AVENUE within fifteen (15) days after the September 22, 2021, City Council Public Hearing.

Sponsors: Thao

If by COB September 14, 2021 PO has posted a \$5,000 PD, refer back to LH October 12, 2021 at 9 am for further discussion.

David Schramel, Superior Equities, LLC, appeared via phone

[Moermond gives background of Substantial Abatement Orders and hearing process]

Moermond: can I confirm, I'm seeing the owner is Superior Equities, LLC and Copier Financial. Who do you represent?

Schramel: I am the Chief Manager of Superior Equities.

Staff report by Manager Steve Magner: the building is a two-story, wood frame, duplex on a lot of 4,792 square feet. According to our files, it has been a vacant building since March 22, 2011. The current property owner is Superior Equities LLC per AMANDA and Ramsey County Property records. On May 26, 2021, 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 June 29, 2021 with a compliance date of July 29, 2021. 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 \$58,200 on the land and \$206,400 on the building. Real estate taxes for 2020 are delinquent in the amount of \$214.02. Taxes for the first half of 2021 are due and owing in the amount of \$4,194.30, which includes penalty and interest. The property is scheduled for tax forfeiture in 2024. The vacant building registration fees were paid by assessment on May 3, 2021. A Code Compliance Inspection was done on August 28, 2012 and has since expired. As of August 23, 2021, the \$5,000 performance deposit has not been posted. There have been ten Summary Abatement notices since 2011. There have been six work orders issued for Garbage/rubbish and tall grass/weeds. We did receive a Code Compliance Inspection application on August 23. Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to

demolish exceeds \$20,000.

Moermond: so a Code Compliance Inspection application yesterday. What are your intentions, Mr. Schramel?

Schramel: I'm sure everyone is aware of the history. What wasn't touched on was the inspection that was made under the permit I did have. I guess I'm at a point where the building is near completion. Mr. Magner, you posted the letter for the Legislative Hearing on the building?

Moermond: I have a Code Compliance Inspection Report from August of 2012. A 9-year-old report.

Schramel: I'm getting that the letter I got was posted on the building, and that was signed by Mr. Magner. I assume he was the one who posted. I'm getting at the building is near completion. I just want to finish it off after that Code Compliance Inspection Report.

Moermond: fantastic. So you have that applied for. Where are you at with the Performance Deposit?

Schramel: I was under the impression I didn't put that down until I got a permit.

Moermond: you need to put it down to get time from the City Council. You will get it back when the building permits are finalized. It hangs out there and waits for you to finish. I'm thinking it is probably going to be how long, Mr. Magner?

Magner: they are about 3 weeks out.

Moermond: we can get it moved up. The Council Public Hearing is September 22. I don't think it will be logistically possible to get that report and then you have a chance to get contractors in. I'd like to work with you to put a pin in it so you can show you're undertaking these activities and can get you more time. I'm going to look for that Code Compliance Inspection to be done and the Performance Deposit be posted. Once you have that inspection report, you can go to contractors and get bids and give some sort of schedule of how you will approach the work. Bids and a schedule, and then I look to see you have the money to execute the plan. If the work costs \$50,000, I need to see you have \$50,000 to dedicate to the project. I don't want to see someone starting and running out of money. My proposal would be that by Friday, September 17 you have the Performance Deposit posted and we'll get the Code Compliance Inspection report issued hopefully no later than that week. Then we'll give you a few weeks to work on that with contractors.

Schramel: the bond be posted by then; the Code Compliance Inspection would be completed?

Moermond: I'm going to ask the Building Official to expedite it. It should be no later than that. Then you'd have a chance to get bids based on that Code Compliance Inspection Report.

Schramel: you want something more than a bid?

Moermond: nope, a current bid is what I'm looking for. We will email you a letter confirming these details. If things move more quickly that's fantastic, otherwise on the

22nd we'll ask for more time to do those plans.

Schramel: I can put that down before I pull the permit? To clarify?

Moermond: you cannot pull a permit without a Performance Deposit, nor will you get a grant of time from City Council to do the work without it. Right now, you also can't pull a permit without the Council greenlighting it. You have to deal with the Council first, and the Building Official second in terms of approvals. I'm also wondering, you have the taxes due and owing, it is kind of a red flag for me about financing issues.

Schramel: no, it can be settled, not an issue.

Moermond: this has been a Vacant Building for 10 years, I'm excited to get this healthy and occupied again.

Schramel: you and me both. How did it become a category 3?

Moermond: if it has been in the Vacant Building program more than a couple years it can be declared a nuisance building, and it has been in there a decade. By virtue of the length of time and unclosed permits. Mr. Magner, can you elaborate?

Magner: most of these situations with the properties that drag on this long, we've been asked by administration to get some resolved. The easiest way to get them resolved is declare it a nuisance. This is no different than a lot of cases where it isn't dangerous but it has been languishing a long time. We do know that Vacant Buildings create problems and drive down taxes. We like to see it solved.

Schramel: fair enough.

Moermond: let's talk again October 12. Council Public Hearing September 22, we'll ask for more time if that Performance Deposit is posted.

Referred to the City Council due back on 9/22/2021

7 RLH RR 21-60

Ordering the rehabilitation or razing and removal of the structures at 1941 UNIVERSITY AVENUE WEST (STORAGE/GARAGE) within fifteen (15) days after the September 22, 2021, City Council Public Hearing.

Sponsors: Jalali

If by COB September 15, 2021 PO has posted a \$5,000 PD, refer back to LH September 28, 2021 at 9 am for further discussion.

Mr. Dawit Solomon, President Eritrean Community Center of MN, appeared via phone
Mr. Essey Asbu, Secretary Eritrean Community Center of MN, appeared via phone
Ms. Ruth Ogbaselassie, treasurer Eritrean Community Center of MN, appeared via phone
Ms. Belainesh Tekle, PR Eritrean Community Center of MN, appeared via phone

[Moermond gives background of Substantial Abatement Orders and hearing process]

Staff report by Manager Steve Magner: the building is a one-story, wood frame, commercial warehouse/storage facility on a lot of 30,928 square feet (square footage includes all buildings on this parcel: 1933-1941 University Avenue W). According to our files, it has been a vacant building since June 7, 2018. The current property owner

is Eritrean Community Center of MN c/o Dawit Solomon per AMANDA and Ramsey County Property records. On April 7, 2021, 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 April 15, 2021 with a compliance date of June 15, 2021. 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 \$775,000 on the land and \$656,500 on the buildings (value includes all buildings on this parcel: 1933-1941 University Avenue W). Real estate taxes are current. The vacant building registration fees were paid by assessment on July 1, 2021. A Code Compliance Inspection was done on May 12, 2021. As of August 23, 2021, the \$5,000 performance deposit has not been posted. There have been ten Summary Abatement Notices since 2018. There have been two work orders issued for garbage/rubbish and tall grass/weeds. Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$30,000.

Moermond: I am looking at photographs of the building, it would appear the roof of this structure is in a state of collapse?

Magner: yes that is correct.

Moermond: would you say this is not only a nuisance, but also dangerous?

Magner: yes, both based on its current condition.

Moermond: I'll turn it over first to Mr. Solomon.

Solomon: we understand the building is in a bad situation. Our plan is to repair it. The desire I should say, we wanted to repair it a few years back, but we are a nonprofit and our resources were stalled by Covid. We became impaired to do so. Covid has limited our resources, but our desire is to repair it. We understand the west side of the building, the siding where it meets the roof is collapsing but we had an engineer come and look at it. We have estimates from builders to get it repaired. The structure is sound and is able to be repaired. We'd remove the roof and put a new one on and new siding. We would like to repair it, but we are hindered because of limited resources imposed by virtue of Covid. We are in the process of raising funds. I wanted to express that our interest is in repairing. We just need time.

Moermond: in the normal course of events, which I'm going to treat this in, there are a couple of thing I would look for right away. That would be a \$5,000 Performance Deposit to have this put on hold to develop plans for the rehab. I would need to see that posted by September 15.

Solomon: what is that?

Moermond: it is \$5,000 to ensure that you are acting in good faith to engage this. That you are willing to put money on the line committing to the work. If the Council doesn't give you time, you get it back. If you get it done in the time given, you get the money back. If you get more than 50% done in that time, you get it back. If you aren't, we'll talk about forfeiting that deposit or posting an additional one. It sounds like you've taken a couple good steps in terms of talking to an engineer and looking at bids. I'm concerned about financing. Particularly because it is dangerous, I'd look for the work to be done sooner rather than later. How your organization deals with that is an internal conversation, but that is also in play. It isn't just a nuisance; people could be hurt. If

you have that Performance Deposit posted before Council on September 22, I can ask them to give you few more weeks to pull together plans for the building's rehab. That includes bids, a schedule, proof of financing to do the work. To give you background on what will happen if we don't have that all together, the City may move forward with demo of the structure to make it safe. If that happens, the cost of the demo becomes an assessment on the property taxes. If it is an assessment it can be made payable over 10 years, so that would be a financing mechanism for dealing with the demolition if that's the path this goes down. I wanted you to know that this is the other fork in the road. Any other comments?

Asbu: I want to reiterate a lot of problems were exasperated by Covid. We do agree, we don't want to injure our members. We tried to fix this back in 2018 but we had other priorities in the community. We did do repairs in the main building; it hasn't just been sitting idle. Financially we are in a bad situation because of Covid, like many others. If there are any means the City can help financially, because it is not we don't want to do this it is just exasperated by Covid. It is a valuable asset for us.

Moermond: I'm in the enforcement end but let me give you the name of someone who can give some thoughts and assistance. Her name is Nicolle Goodman, director of the City's Planning and Economic Development Department and her number is 651-266-6658. We'll include her information in the follow up letter to this hearing. While she personally wouldn't do it, she's in charge of staff engaging that. We are looking at a cost to repair of at least \$50,000 and a cost of demolishing around \$30,000. These are just estimates from Mr. Magner's staff based on similar buildings.

Magner: yes, that is correct.

Moermond: so it may not be the true cost once bids are received, but it is what similar buildings have cost in the past. Let's get that Performance Deposit posted and then I can ask for more time to help you sort this out. I would suggest reaching out to Ms. Goodman right away. We can continue this conversation September 28 if that Performance Deposit is posted. If it isn't we'll be worried about your ability to do the work.

Tekle: I want to echo Mr. Asbu, our desire is to repair it. Is there a way to waive that deposit?

Moermond: no, it hasn't been done in 30 years. The reason being if you can't find \$5,000, you certainly can't find \$50,000.

Tekle: can you give us a long time instead of September 15?

Moermond: no, September 15 is the Wednesday before the Council Public Hearing September 22. It is my practice to say if you post that you're acting in good faith to work with me. I can slow down other things, but I need that posted to make that statement.

Tekle: we are for real.

Moermond: I ask this of everyone so we all have the same expectations, no matter what or where the building is.

Solomon: the Performance Deposit, if we don't come up with the repairs, is it forfeited? Or does it go to the demo?

Moermond: typically they'd apply to get it back again, the demo would be an assessment on the property.

Again the assessment can be made payable over 10 years.

Solomon: again, it is our strong desire is to repair it. I want to reiterate that again.

Ogbaselassie: the building we are talking about, it has been storage since 1935. It isn't the main building to our building. It is just strange.

Moermond: yes, and we've talked about that.

Ogbaselassie: we'll try to find the money to do the \$5,000. We have a mortgage and garbage, but we'll try.

Tekle: we'll come up with it.

Ogbaselassie: that's the only thing I'm worried about. We're ready to work with you.

Moermond: reach out to Ms. Goodman, and she may have some assistance, I just don't know.

Solomon: I want to thank your team and DSI, you've been very patient with us.

Referred to the City Council due back on 9/22/2021

10:00 a.m. Hearings

- 8 [RLH RR 21-56](#) Making finding on the appealed substantial abatement ordered for 1313 SEMINARY AVENUE in Council File RLH RR 20-53.

Sponsors: Jalali

The nuisance is abated and the matter resolved.

No one appeared

Moermond: as of this morning the Code Compliance Certificate has been issued and the nuisance is abated and matter resolved. Mr. Wilson probably doesn't have a copy of that certificate yet, but we can email it. He should get it in the mail prior to the Public Hearing on September 8.

Referred to the City Council due back on 9/8/2021

- 9 [RLH RR 21-57](#) Making finding on the appealed substantial abatement ordered for 901 YORK AVENUE in Council File RLH RR 20-32. (Public Hearing continued to September 15, 2021; Legislative Hearing on September 14, 2021)

Sponsors: Yang

Refer back to LH September 14, 2021 at 10 am. (CPH September 15, 2021). PO to submit updated proof of financing for balance of work and an updated schedule for completing the rehab. Additionally, the owner must either 1) post an additional \$5,000 performance deposit by September 14, 2021 or 2) have building inspector confirm

work is more than 50% complete

Scott Redinger, owner, appeared via phone

Moermond: calling again about 901 York. When we spoke last we had a couple of things to do. Mr. Magner is on the line and I am going to ask him to update the record.

Staff update by Manager Steve Magner: a letter was sent August 13 laying the matter over to today. Contact Nathan Bruhn to have him determine the percentage completed. Nathan won't inspect until a building permit is pulled. Mr. Bruhn sent an email this morning saying he couldn't gain entrance to verify, owner said it was ready for rough-ins. Exterior work was completed and he'd put it between 40 and 45% completed.

Moermond: that's not great. Where are things at? No finals and you didn't meet the 50% mark. What's going on?

Redinger: I would suggest you give him another week to get in. I do have a lock box on there now. Without him gaining access he couldn't evaluate plumbing and electrical being done.

Moermond: you didn't have your building permit applied for until recently. It is a problem. What is your schedule for finishing?

Redinger: well, the interior work is going to take another few months.

Moermond: mhmm. Are you continuing to use the same contractors?

Redinger: yes. They have just been a lot slower than they promised to be. Their workload is way up from what they expected.

Moermond: that's really common to hear right now. I get you would like more time for him to have access. Mr. Magner, does the Department charge for multiple inspections like this?

Magner: the Vacant Building permit covers rough in and a couple other inspections. We'd have to ask Mr. Bruhn in this case if he wants to go back out or charge again. I can't answer that.

Moermond: this goes to Council Public Hearing tomorrow, which has been the case for six and a half months. At that point I need to make a recommendation on how we move forward. I'm going to ask them to continue the matter to September 15. I want to see either Mr. Bruhn tell me you are past the 50% mark OR I'm going to require an additional \$5,000 Performance Deposit posted. Additionally, I'll need to see an update work plan and financials you can complete the work. By asking the Council to continue 3 weeks it gives you a chance to get your ducks in a row. If in the next few days he says you are past the 50% mark you won't have to post that \$5,000. I need to see this no later than September 14 and we'll talk that day. Mr. Magner, anything else to add?

Magner: I think everything is covered.

Referred to the City Council due back on 8/25/2021

11:00 a.m. Hearings

Orders To Vacate, Condemnations and Revocations-Code Enforcement

- 10 [RLH VO 21-34](#) Appealing a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate by Salina Amey to at 283 CURTICE STREET EAST.

Sponsors: Noecker

Deny the appeal. The property cannot be reoccupied effective Friday, August 27, 2021 until either the sewer line is repaired under permit or property owner submits video evidence that the line is not in failure.

Salina Amey, owner, appeared via phone

Moermond: we have Lisa Martin on the phone line--

Amey: I am trying to deal with my mother's medical care I thought it was being delayed—

Moermond: no, but we can be quick about our business here. I understand you are not going to allow the City to run a camera from the street connection into your property. I also have Mr. Elder and Mr. Ekobena on the line.

Amey: I cannot do this. I can't do it today. I have been dealing with my mother's illness.

Moermond: we don't have another time to offer since it is a condemnation as unfit for human habitation. I will note we have a contractor's statement the sewer is in a state of failure. The City made an offer to review the situation by way of video. That did not happen and you withdrew your permission and given that I feel I have no option but to deny your appeal.

Amey: I'm asking you to deal with me. Why are you hassling me when I need to deal with other things?

Moermond: because it is a life safety matter.

Amey: it is not a life safety matter and you haven't given me the opportunity to look at your evidence. Who is stating what? I have a legal right to know who is accusing me of what and why this happened. I haven't been given any documents. This is not a normal procedure. This is harassment.

Moermond: We have gone over this territory. I am recommending denial of your appeal. In order to continue habitation as of Friday you will need to be vacated. Simply providing evidence the sewer is repaired or is not in a state of failure you can continue habitation of this property. I will rely on Mr. Ekobena and Mr. Elder's expertise to make that determination. This will go to Council September 1 and you can submit additional testimony and the Council could look at it differently than I do. We will send you a letter confirming this.

Amey: are you ordering me out of my house on Friday?

Moermond: I am telling you I am denying your appeal and the extension is granted through close of business Thursday and inspection staff will come out Friday to

determine whether you continue to occupy a house with a failed sewer. That's my interim decision. The Council can go with that--

Amey: how do I appeal that Order to Vacate?

Moermond: it goes in front of Council September 1 and you can provide additional information to them and they may look at the matter differently. We'll be sending a letter--

Amey: I don't think you have the right to order me out without proof there is something wrong with the sewer.

Moermond: we have discussed the evidence provided by the contractor.

Amey: WHAT EVIDENCE? YOU HAVEN'T DISCUSSED ANYTHING WITH ME.

Moermond: we spent an hour and a half talking about this last week.

Amey: what evidence do you have? Because the contractor wasn't let in my house? I have nothing in writing!

Moermond: we are not going to rehash this.

Amey: I refute your evidence. This is a violation of my constitutional rights. I have no evidence for why you are doing what you are doing.

Moermond: there is a dispute over the facts in the record. May I suggest you hire a representative to manage this issue for you given its importance.

Amey: hire an attorney?

Moermond: I would suggest that is a possibility.

Amey: this is a violation of my constitutional rights and it is reprisal and discrimination based on my status as somebody who doesn't have enough money for an attorney.

Moermond: ma'am I'm saying based on the evidence I have in front of me--

Amey: YOU'RE SAYING MY HOUSE IS A DANGER AND YOU HAVE GIVEN ME NO EVIDENCE! WHERE IS YOUR EVIDENCE MY LIFE IS IN DANGER?! You said my basement was going to fill with sewer. You said there was bacteria in my house.

Moermond: no I said it was a possibility—

Amey: no one has given me any evidence for why you are going about this process other than harassment.

Moermond: Ms. Amey, we have gone through this. I understand you have a difference of opinion.

Amey: you are giving me nothing in writing. Where is your evidence? I have a right to cross examine and if Steve Ubl sends a letter, I have a right to see it. Where is my copy of the letter he sent?

Moermond: Ms. Amey, I do not have a letter from Mr. Ubl.

Amey: then WHO! Who is saying WHAT? Why haven't I received any evidence. You are saying you have overwhelming evidence that allows you to force me out of my house even though I have no money to go anywhere. GIVE ME THE EVIDENCE! GIVE IT TO ME! GIVE ME THE EVIDENCE AND DON'T TELL ME YOU TOLD ME SOMETHING. Give me written evidence you are making your decisions on. You are violating my rights. Give me the evidence you are violating my rights with.

Moermond: we will share with you every piece of paper associated with your file. That isn't a problem. Based on my review of the record and your own testimony in the matter, as well as Mr. Ekobena's and Ms. Martin's testimony—

Amey: you didn't get the testimony of the Water Department. I told you the Water Department official know it's a lie. You ignored that testimony. You ignored my testimony that three City of Saint Paul employees were in my house.

Moermond: it is my job to weigh the testimony, again the Council could look at the matter differently.

Amey: you didn't get testimony! You refused to review the information from the City Water Department.

Moermond: I made no such refusal.

Amey: you did refuse! You told me you were inviting City Water Department to the hearing on Tuesday afternoon and you didn't do it! You didn't do it! You didn't get the experts who were in the house. The only people who know anything, who were in the house, you refused to include their information.

Moermond: there was no one available and the primary information was from the Sewer Department, not the Water Department.

Amey: that's not the information you needed.

Moermond: I'm not going to continue—

Amey: no one was in my house but them! You refused to allow me to have evidence presented in my favor. You are abusing my constitutional right!

Moermond: may I suggest you bring that to the attention of the City Council and they could look at it differently.

Amey: PUT IT IN WRITING! THIS IS A KANGAROO COURT! OVER THE PHONE WITH NO OPPORTUNITY TO SEE EVIDENCE, PROTECT MYSELF, HAVE WITNESSES! THIS IS A KANGAROO COURT. THIS IS ILLEGAL. WHAT YOU ARE DOING IS ILLEGAL. It is a violation! It is immoral! It is unethical! It is kind akin to Nazi Germany. Hitler and his evil people who did anything he ordered them to do. You are just like a Brown-shirt. You know? Kicking the Jews out of their houses. Taking their property. Harassing them. Doing evil. That's you Marcia. That's you—

Moermond: ma'am you have a path forward—

Amey: take a look in the mirror! See what you are. Look in the mirror and see the face

of evil coming back at you! Because that's what you are.

Moermond: Ms. Amey, I would suggest that you follow through with providing additional information to the Council if you wish to dispute my recommendation. You may wish to seek representation in this matter. You have a path forward in terms of demonstrating how the sewer is functional. Mr. Ekobena—

Amey: NO! YOU HAVE A PATH FORWARD! DEMONSTRATING I AM AT RISK. THAT THERE IS A PUBLIC HEALTH HAZARD! YOU HAVE FAILED TO PROVE THERE IS A PUBLIC HEALTH HAZARD!

Moermond: Ms. Amey, if you do not stop yelling at me we will discontinue this call.

Amey: YOU HAVE FAILED! YOU HAVE FAILED TO PROVE YOUR CASE! YOU HAVE FAILED! THERE IS NO PROOF OF A HEALTH HAZARD AND IT IS ILLEGAL FOR YOU TO SEARCH MY HOME ILLEGALLY. TO HARASS ME. There is no health hazard in this house and you know it! I am using a composting toilet.

Moermond: and may I suggest again you provide that information to the Council.

Amey: IT IS NOT A PATH FORWARD TO BE FORCED OUT OF YOUR HOUSE!!!!!!

Moermond: this is an interim decision through September 1, and this is where I'm at with this.

Amey: THIS IS NOT AN INTERIM DECISION! YOU HAVE VIOLATED MY RIGHTS! YOU HAVE ORDERED ME OUT OF MY HOUSE WITH OUT EVIDENCE.

Moermond: may I suggest you do have options available to you and you pursue them.

Amey: YEAH, I HAVE OPTIONS TO GIVE YOU THE TRUTH and you REFUSED TO GIVE ME AN OPPORTUNITY! YOU DIDN'T HAVE THE DECENCY TO GIVE ME TIME TO DEAL WITH MY DYING MOTHER. THAT'S WHAT YOU ARE! YOU ARE THE FACE OF EVIL AND ANYONE ON THIS PHONE. THERE IS SUCH A THING AS A WHISTLEBLOWER'S LAWSUIT! You get millions of dollars for reporting these ethical violations to the Federal Government. ANY EMPLOYEE OF THE City of Saint Paul who reports is entitled whistleblower money under law. And you'll get it. Marcia Moermond you ought to be ashamed of yourself.

Moermond: and yet I am not. I do wish you--

Amey: well that's because you don't have a decent conscience.

Moermond: alright, we'll send you a letter confirming all of this as soon as possible and again—

Amey: you'll meet your maker and when you meet your maker you can explain your behavior. If you're granted an audience.

Moermond: I wish you a good rest of your day, ma'am.

Amey: no, you don't.

Referred to the City Council due back on 9/1/2021

11:30 a.m. Hearings**Orders To Vacate, Condemnations and Revocations-Fire Inspections**

- 11 [RLH VO 21-35](#) Appeal of Carolyn Brown, Community Stabilization Project on behalf of Shai Leibovich dba BPH 1 LLC, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 936 DUCHESS STREET.

Sponsors: Yang

Grant to September 14, 2021 for compliance.

Carolyn Brown appeared via phone

Staff report by Supervisor AJ Neis: this is a revocation for a Certificate of Occupancy and Order to Vacate that was issued on August 3, with a vacate of August 17. As you will note there are multiple code violations on the property. It was revoked due to long-term noncompliance.

Moermond: how long have you been inspecting at the property? How many times?

Neis: this has been going on since March 2021. Several no entries, and then just noncompliance. We're looking about 5 months.

Moermond: have you had a chance to look at the work plan she submitted as part of her appeal?

Neis: I have not.

Moermond: it looks like we have an extension request, we will put it in front of Council September 8 and give you to September 10 to finish things up. Does that work?

Brown: yes. We're working on the exterior now.

Moermond: so you say week of August 30, you say it is going to occur that week?

Brown: yes. They did start working that time frame. They did do some interior stuff. Now I'm trying to come up with a plan to get that window and stairs done and get the permits.

Moermond: let me push it out then, to September 14. No later than September 14 I should hear everything is taken care of. Make an appointment with an inspector for that prior to the 14th.

Brown: I will email Efrayn and get that done.

Referred to the City Council due back on 9/8/2021

- 12 [RLH VO 21-37](#) Appeal of Kenneth Ostlie to a Notice of Condemnation-Unfit for Human Habitation and Order to Vacate at 402 MINNEHAHA AVENUE WEST.

Sponsors: Thao

Grant to November 1, 2021 to have Fire C of O reinstated, conditioned on the property remaining unoccupied in the interim.

Ken Ostlie appeared via phone

[Moermond gives background of appeals process]

Ostlie: the tenants in the upstairs unit have vacated.

Staff report by Supervisor AJ Neis: condemnation revocation of the Fire Certificate of Occupancy and order to vacate issued by myself. Just to give some background. It got its Certificate of Occupancy with approval March 2020. So 18 months ago and would not have been due again until 2022. I had received a complaint back in May 2021 about the lower unit having excessive content and that there was some negligent burning at the property. I went out there and found multiple code violations. I contacted the owner who met me out there quickly. Explained the situation to me that the tenant had a mental health crisis and had been taken to the hospital. He allowed me into the lower unit where we found multiple code violations. It was evident that 100 percent of the orders written were tenant caused violations. Scheduled a resinspection for May 27. The owner had been in contact because either the previous tenant or acquaintances were breaking back in. He asked I re-placard the building as condemned. It kept getting broken into. We set up a full inspection to look at the upstairs, unit 2. The lower unit remained vacant. The owner set up security cameras to deter nefarious activities. We did a full inspection August 12, including the upper unit, and found those conditions just as bad. I made the determination the entire building be condemned and advised the occupants I was doing a condemnation with a 10 day vacate. They said they understood. I drove by yesterday; it appears he has secured the building including upstairs windows to avoid entry. That is where we stand.

Moermond: I'm going to jump in and take a stab at what I bet Mr. Ostlie is looking for, which is to not be sent to the Vacant Building program.

Ostlie: I haven't experienced that side of the issues. But having met code conditions on a couple other condemnations related to tenant hoarding but you are correct that is what I would like to do. In the brief summary I sent you I gave you a snapshot of where we are in terms of repairs. It is important to realize in the current construction climate nothing is happening as fast as you would like. We are experiencing delays in getting materials and also availability of contractors. We have fortunately a neighbor who is a contractor and he has been able to work some of his people in to give estimates. We filed insurance claims and are waiting on word back from them. We aren't more advanced because I wanted to wait until insurance had all the information they needed. If you have any other questions I'm happy to answer them.

Moermond: it seems that while this has been difficult it is a straightforward path forward. I'm going to refer you to the Rental Rehab program in case there are City dollars to help you. I'm thinking that you are giving me 8 to 10 weeks in your notes you submitted. That takes us to November 1 basically. Does that sound about right?

Ostlie: it would be helpful

Moermond: you have until November 1 to get your Certificate of Occupancy reinstated or they would move forward to sending it to the Vacant Building program. That is appealable as well. I think that's enough time to get your Certificate of Occupancy back again looking at your notes. This is conditioned on the property remaining

unoccupied until you have that Certificate of Occupancy.

Ostlie: I understand that. Great, I just wanted to make a couple quick points. We ran into an unfortunate situation with the client from Catholic Charities with the psychotic break. After being there nearly a year in acceptable standing. Literally almost all of the police call to the premises that earned us the nuisance property designation originated from her or about her. With Covid interfering with Catholic Charities ability to work with her and our ability to routinely maintain like we would normally do. It created a situation that got totally out of hand. She was even observing faces in the walls and hearing voices. She literally took a Sawzall to every room. So every room has damage in the ceiling, walls, floors. She would pull wiring out of the ceiling. She tried to paint the cabinetry and then later blamed someone else. We were dealing with a situation where the police advised me not to go in because they were concerned it would trigger another episode. It created a frustration with the system where they don't handle mentally ill well. We also entered a phase of targeted attacks from her family members and homeless people associated with her. We endured over a month of nightly break-ins. The police would catch them inside, but because of the George Floyd repercussions they wouldn't make any arrests. So they were free to break in again and again.

Moermond: I'm sorry you experienced this. Point well taken.

Ostlie: personally we believe in fair rental housing for people. We never went along with upward trend in rental prices. When we bought it in 1998 it was for the purpose of housing my mother in law and her daughter. The reason we were able to pick up the unit was because it was a drug house with the kitchen gutted. Why would a kitchen be gutted? Cooking meth. I don't know. The point was that we have been able to rent it at an affordable rate after her death. It's a catch-22. We want to be helpful but it works against us sometimes.

Moermond: I appreciate your efforts.

Referred to the City Council due back on 9/8/2021

13 [SR 21-136](#)

Review Request of Extension to an Appeal of Zaw Wai to a Fire Inspection Correction Notice (which includes condemnation) at 933 FIFTH STREET EAST adopted by Council on July 14, 2021.

Sponsors: Prince

Grant an extension to October 1, 2021 for items 2, 3, 4, and 7 related to dryer venting, the PVC duct work, water heater, and gas lines. Grant to November 1, 2021 for balance of orders.

*Zaw Wai, owner, appeared via phone
Mon Mon, daughter of owner, appeared via phone*

Moermond: Mr. Neis and I were just reviewing your orders from August 9. I'm going to ask him to summarize them, and then let's talk about what you are looking for.

Wai: I would like to extend the inspection date to November 1 for garage siding. At the same time we will finish up all our deficiency list. After my surgery I cannot stand in too much sunlight. That's why I need more time to establish our repairs. That's why I would like to appeal.

Staff report by Supervisor AJ Neis: inspector Huseby conducted a resinspection on August 5. Found that there were still deficiencies remaining, including a new one for the PVC duct in the basement. There are currently 9 violations remaining from the previous list. November was already granted for the garage. We do have some important violations that need to be dealt with, especially with some gas and water lines to be corrected. The gas dryer duct needs to be fixed; we ask that for any extension that dryer isn't used until it is fixed.

Moermond: it seems like a long time for some of these items. For others I'm ok. Especially with heating season coming up. For the duct work and gas work I'll give until October 1, on the condition the dryer is not used. Those are items 2, 3, 4, and 7. Then the rest of the items can go to November 1 along with the garage siding. So part of what you want but not all of it.

Mon Mon: the gas dryer, we need to finish fast. How long for the heater?

Moermond: for the venting, the PVC duct work in the basement, the water heater, the gas lines, to October 1. Everything else to November 1. We will send you a letter confirming this.

Received and Filed

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 14 [RLH FCO 21-133](#) Appeal of Michael J. Ricci to a Correction Notice-Reinspection Complaint at 1118 PACIFIC STREET.

Sponsors: Prince

Grant an extension to June 1, 2022 for compliance (new siding or painted).

Michael Ricci, son of owner, appeared via phone

[Moermond gives background of appeals process]

Moermond: looks like it is just painting on the accessory structure and house and you're looking for an extension. What's going on?

Ricci: we are in the process of selling to my niece who was renting. My mom is really old so I'm taking care of everything. She turned in her final paperwork last week. I told her to push the closing. They're giving it to her for a good price so she can afford to replace the siding. We tried to find a painter this spring. We've been trying to scrape and prime. It is a big 2 story house. Probably hasn't been painted for years. It could take forever. We've been trying to cover the really bad areas. He did the whole garage this spring. It would take the average person forever, you know?

Moermond: what are you thinking in terms of an extension?

Ricci: a month and a half? I'm hoping she will close in a few weeks but we don't have a date yet. She submitted the paperwork to the bank last Thursday. Anything would help, it is almost there. I keep telling her to get it done with because my parents are not doing well.

Moermond: so is she going to have the painting done same time as closing?

Ricci: no, my niece is ready to buy, I wanted to get the extension for that. My brother is over there priming. She's almost ready to buy it and she wants a home equity loan to have it sided. I've been pushing her to get going.

Neis: once your sister closes, she will live there? Not renting it?

Ricci: nope.

Neis: it would no longer be part of the program.

Moermond: and the orders would transfer to Code Enforcement.

Ricci: I told her that, but my parents aren't going to put more money into it because she's buying it. Once it is hers it is up to her. She got it cheap enough, she could get a loan to get it sided and still be ahead.

Moermond: I'm going to go with new siding. I'm not sure where siding contractors are at right now.

Ricci: right, she said she can probably get going. I told her to have someone out to get bids prior to it being in her name. She's lived there over 15 years. She has been there a long time and now they're damn-near giving it to her.

Moermond: one way I am looking at this as it may take a while for a contractor to get her on their schedule. The other is home equity loan, that takes time to process too. In current Covid climate it may be ambitious to get this done before the snow flies.

Neis: siding especially. The vinyl siding when it gets extremely cold it gets much more fragile. If she lives there long-term it may lead to other financing avenues too.

Ricci: I told her about programs, but she's just trying to get it into her name. I told her she would probably be able to refinance.

Moermond: I'm going to recommend she gets an extension to June 1, 2022 for either new siding to be properly painted.

Referred to the City Council due back on 9/8/2021

15 [RLH FCO
21-135](#)

Appeal of Enrique Monjarrez and Erin Delaney (Monjarrez), Trustees, to a Reinspection Fire Certificate of Occupancy With Deficiencies at 785 STRYKER AVENUE.

Sponsors: Noecker

Layover to LH September 7, 2021 at 1:30 p.m. for update on sale/transfer of title.

Laid Over to the Legislative Hearings due back on 9/7/2021

2:30 p.m. Hearings

Vacant Building Registrations

- 16 [RLH VBR 21-55](#) Appeal of Stephanie Powers to a Vacant Building Registration Fee at 914 COOK AVENUE EAST.

Sponsors: Yang

Deny the appeal, noting the fee has already been paid.

Stephanie Powers, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: 915 Cooke Avenue East was a made a Category 2 Vacant Building August 11, 2020. Per a condemnation referral from Fire Inspector Franquiz. We do have a Code Compliance Inspection on file as of February 11, 2021, however I don't see any permits pulled. Looks like the Vacant Building fee was paid on August 18, 2021. Last, it looks like we had to issue a Summary Abatement Order for some tall grass in July and had a work order on it July 28.

Moermond: why are you appealing? I'm puzzled about why you paid the fee?

Powers: because the letter said I wouldn't be able to get any permits if I didn't pay it.

Moermond: when you file the appeal it stays enforcement of the fee until it is resolved.

Powers: I didn't know that.

Moermond: you filed the appeal one day and then the next you paid it. Tell me what's going on?

Powers: I was actually appealing having my decorative grass mowed and someone called me back and said I could appeal the other thing. I'm nervous, can I read the letter I wrote?

Moermond: it is just us, please don't stress.

Powers: the system doesn't serve the citizens of St. Paul. It serves to make the poorest of the poor even poorer. If you would have sent someone to the house to fix the light fixture in the front hall that caused of the fire, you wouldn't have made a homeless person. The person living there lost all of her possessions since she was unable to retrieve them. How much money would you have saved the citizens if you would have just fixed the house? You also could have sent a social worker because the person living there was literally not capable of taking care of herself and needed help. The letter was so threatening I dug up my dead sister's urn and told her she'd be going to jail at any time. After receiving the letter I didn't sleep for three days. To me it basically read "pay us now, or we will destroy your life." This may seem overly dramatic but as someone who has never had any previous dealings with the City of St. Paul, that is how I read it. I would be more than happy to re-write this letter for you. The first sentence would read "we see that your property is in a condemned status. We would like to let you know we are currently monitoring your property for 'whatever it is you monitor it for.'" I would also suggest the property owner list their intentions for the property so it is clear for everyone. I would also offer some resources such as Habitat

for Humanity or other charities that are willing to help with repairs. I have put every dime I have into repairing the house to make it a livable home. It took the City four months to do the inspection so I could start getting bids. That cost me \$500. It took me another six months to get all the bids I needed to apply for a mortgage. I should have the mortgage in the next couple weeks, then I will do a full restoration of the house including electrical, plumbing, insulation, and siding. I don't know what I get for the money. If you are only monitoring the house for Code violations, I am more than happy to upload pictures to a website every two weeks after I mow the lawn. I will clearly mark the decorative grass so you don't come in and mow it like you did the beginning of August. If you are monitoring for other things, I can tell you that everything of value left in the yard has been stolen. Last week they stole the metal railing for the steps. They stole bags of grass seed out of the garage a couple of months ago. It has been very difficult for me to deal with the Inspections department. It has been too long to remember the details, but I gave up calling the Department pretty early in the process because everyone I talked to gave me a different story. One guy told me it was fine to go in and clean it out and repair the broken windows. When I came back the next week with a guy to give me a quote on replacing the glass, there was a huge screw through the front door and we were unable to access the property. I went to the hardware store and bought a grinder and carefully cut through the screw so the head of the screw was still there and it looked like it was screwed shut. I left that screw there until my father in law took the screen door off and we put in a new front door. I had the same experience with the side door to the garage. When I arrived with a carpenter to give me a quote, there was a huge board screwed over the entrance and I had no idea if I was allowed to remove the board or not. That's everything I have, I got it down to one page.

Moermond: we have an email address for you, we'll send a follow up letter to your email and if you want to email your statement back we can attach it to the record, otherwise we are taking notes about what you said. Just so you know that's an option. Let's tackle the fee in front of me now. It sounds to me like there was some confusion about this. I have a couple tools in my toolbox I can help you with. First, you said you're talking to contractors, where are you at in terms of getting things ready to go?

Powers: I completed that step and turned in my bids to mortgage company and they sent a guy last weekend to take pictures. They're working on getting my mortgage.

Moermond: so you have someone hired and are finishing up financing. Do you have a time period in which to get it done?

Powers: one year.

Moermond: oh shoot, that is a long time.

Powers: yes, Covid has slowed everyone down. They are all backed up.

Moermond: I can do waivers but I can't do that long. That's beyond my ability. How much damage was done by this fire?

Powers: very little. Just a tiny bit in the front hall.

Moermond: what's the estimate of the damage?

Powers: \$200,000 to get it fixed. It was a result of the inspection. All the electrical and plumbing has to be replaced. I took out all the inside walls and new siding and roof

and drywall. New kitchen.

Moermond: but the cause of the fire was a City inspection?

Powers: no. There was a fire in the front hall with very little damage.

Moermond: are the orders going to you? Looks like they're going to a Michelle Schism.

Powers: that's my sister, she died in 2009.

Moermond: have you probated?

Powers: yes, I did in 2019.

Moermond: oh, ok.

Powers: There was a squatter living there, and she never bought it like she said.

Moermond: it looks like the County has it in her name with attention to you at an Oak Grove address.

Powers: I don't live there anymore.

Moermond: we need to get Ramsey County taxation understanding where you are. The City uses that system to get the name and address of the party since it could be an assessment. Let's get it squared away with them so you get information as soon as possible. 651-266-2000, call them. We can put this in the letter too. Give them a ring and make sure they have current information for you. That could help us maybe not have this happen in the future. For example, the decorative grass should grow back, but if you get the notice timely next time you can deal with it and talk about it. We do that all the time. Where are you at with immediate expenses at the property? Are you strapped right now?

Powers: the electric bill is \$40; water and gas are off. I pay the property taxes, other than that I'm good.

Moermond: one of my other options would be to say we can make this payable over a period of 5 years, which is better if you're squeezing out money to do the rehab. If you have insurance and mortgage stepping forward it may not be an issue or helpful.

Powers: I really just wanted you to hear my opinion of what was going on.

Moermond: I do, I do. It is not the first time I've heard that about those letters. There are lovely people like you in the community who are taking care of things, and then there are people you can jump in front of asking to mow their lawn and so I know the right balance is never quite struck with those. At the same time, have you ever received a Vacant Building registration form? Because on that form there is a spot to put intentions of the building. I'm not sure what was going on with the securing of your house and garage. I know Mr. Dornfeld's team checks to make sure the buildings are secure and not open to entry. Mr. Dornfeld, any info?

Dornfeld: it wasn't done by Hoffman; he has no notes.

Moermond: I have a screen full of assessments in front of me. I'm seeing some

garbage assessments that we could delete because if you had a fire you are not getting service at the building. Let's look at why you had the boarding. I'm sure you didn't learn about that because of the mailing issues. We can put together a hearing for you, how does September 21 at 10 am look for you?

Powers: sure, yeah.

Moermond: we're going to have half a dozen assessments for different things. That way we can unpack that and deal with it this tax year. Please call Ramsey County as soon as you can to get that squared away. I'm pretty sure that's where the misunderstandings are coming from. Honest mistake on both parts. If you would have been able to get out of the Vacant Building program in less than a year I could maybe have reduced. Right now it doesn't sound like a possibility, but we'll work on the other ones.

Referred to the City Council due back on 9/8/2021

17 [RLH VBR 21-54](#) Appeal of Bonnie Barlage to a Vacant Building Registration Requirement at 679 COTTAGE AVENUE EAST.

Sponsors: Brendmoen

Grant the appeal of the VB registration, noting the Fire C of O will be approved with corrections.

Mitch Burmis Renovations Manager, appeared via phone

*Voicemail for Barlage left at 3:04 pm: I can tell you I just reviewed the file with staff. I'll recommend the Council grants your appeal and that Fire will reinstate your Fire Certificate of Occupancy with a couple corrections with a date out into the spring. We'll call Mr. Burmis as well and confirm via letter in a couple of days.
[Mitch Burmis is called]*

Moermond: following up about your appeal. we just left a message for Ms. Barlage. The appeal is going to be granted. The Fire Certificate of Occupancy is going to be reinstated with a couple conditions that they will have an early spring deadline on. That letter will come from the Fire Certificate of Occupancy program. Good progress, we'll send you a letter.

Burmis: it was just a misunderstanding. Once we got told where to go we were able to take care of it.

Moermond: we appreciate it. Have a good rest of your day.

Referred to the City Council due back on 9/8/2021

3:00 p.m. Hearings

Water Bill Appeals

18 **RLH WB 21-1** Appeal of Thomas Semple to a Water Service Bill at 1380 DESOTO STREET.

Recommendation forthcoming.

Thomas Semple, owner, appeared via phone

[Moermond gives background of the Water Board's Appeal process]

Staff report by Derek Olson, Saint Paul Regional Water: July 3 one of our Water supervisors was in his personal vehicles after visiting the State park nearby. He saw a hose hooked to the hydrant. He contacted the couple out watering their lawn, explained it was illegal and they could be fined. He also explained the legal way to go about using the hydrant. From there he left. July 4 we had another employee, on work time, observing they were still hooked to the hydrant and running the sprinkler system for the neighborhood kids. He took the hose and hydrant wrench. July 6 Mr. Semple came into the office, and I spoke with him and he confirmed everything we said. He said it was hot and needed something for the kids to play in and was trying to do something good for the neighborhood. I explained it looked like we were going to give him a \$1,000 fine. I took his contact information and he left at that time. We sent the bill with the fine and \$22 worth of water usage, and that is what he is appealing.

Moermond: why are you appealing Mr. Semple?

Semple: it all happened July 4. Nothing on July 3. First, I have to apologize to the two guys for not respecting the authority figures. He told me about the \$1,000 fine. I thought well, ok. It was 94 degrees on the 4th, I spoke to the kids' mom and dad. The car was broken down. I had all the hoses I have acquired in my walks of life, so I thought I would make a special day for them and cook hot dogs and watermelon. Then the guy came with his truck, he was a nice kid and started to wind up the hoses and that's kind of my thing. I was just kind of helping the neighborhood kids. Half of them are probably on welfare. There were 5 or 6 of them. They have good fireworks across the street. I thought it would be a nice thing to do. I was wrong. I will take full responsibility. The first guy was really nice, and so was the second, I didn't listen and I should have.

Moermond: so what are you looking for today?

Semple: just a reduction because it has been a pretty sad year for me around here. I'm about two-thirds down in my workload. I just happened to be home the 4th because I have nothing going on. The \$1,000 hit would kind of kill me right now. I know I'm guilty as charged.

Moermond: you don't happen to be Semple Excavating?

Semple: that's my brother.

Moermond: is that how you came to be in possession of this equipment that turns on hydrants?

Semple: no. I was in house moving for 45 years. Everyone leaves everything. I just acquired it that way probably 15 years ago out of a garage.

Moermond: you are the kind of contractor who knows a permit needs to be pulled to operate a hydrant.

Semple: yes.

Moermond: so it is not news to you.

Semple: I know I needed one. I thought for an hour or so I could help the kids out. But it didn't work out.

Moermond: and your equipment? Right now the letter from July 7 says you need to surrender the equipment used in taking the water?

Olson: we have the hose and the hydrant wrench. He remained in possession of the adapter.

Semple: yes.

Moermond: are you going to surrender the adapter?

Semple: sure. I can even drop it off in the morning.

Moermond: I'm going to read the code on this more carefully. This isn't the type of fine that's been reduced in the past. Is this the first violation for Mr. Semple, Mr. Olson? A few violations but first actual fine?

Olson: yes, that is correct. First fine.

Moermond: let me take it into consideration. If there's anything you want to add reach out to Mai Vang. You'll hear from me by way of letter.

Referred to the Board of Water Commissioners due back on 9/14/2021