



Minutes - Final

Legislative Hearings

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Tuesday, January 9, 2024

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 23-387](#) Ratifying the Appealed Special Tax Assessment for property at 344 WABASHA STREET NORTH. (File No. J2402B, Assessment No. 248101)

Sponsors: Noecker

Reduce assessment from \$968 to \$824.

Mikeal Tekeste, business owner & tenant, appeared via phone

Moermond: we're following up for your assessment for the two boardings at the property. I did some homework on this and have a couple thoughts. We talked last time about decreasing one of the service charges off the bill, down to \$824. That we've got taken care of. I spoke with the police to find out more about their procedure in an instance like this. I was wondering why they didn't go to ramp management since obviously the ramp is open. They told me they don't know who owns the business building, just who owns the business. They try to contact the business owner, not the ramp owner. That happened in both cases. The police report didn't say anything, but that's that. I tracked down the person you talked to, Senior Commander Thomas Mollner, I think you thought it was someone named Mueller. He thinks he spoke with you at a community meeting. Does that sound right?

Tekeste: yes.

Moermond: he remembered the situation and remembered the information the police reviewed with the attorney and they found it not conclusive enough to file charges, and that's why the guy was let out again. I'm not involved with either of those offices, so I can't speak to that finding, but that's what happened. I heard you when you said how much it cost to fix the window. What I can suggest to you to fill out a claim form for the cost. I don't know if that would be successful, I really don't, in terms of recouping money but that would be the way to do it. I can recommend also if it is useful that what we have is made payable over a couple of years, but that isn't making it go away.

[pause for owner to conduct business]

Moermond: I'll recommend the Council approve the assessment as reduced, and my

question is would it be useful to be made payable over 2 years?

Tekeste: it doesn't matter.

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

2 [RLH TA 24-5](#)

Ratifying the Appealed Special Tax Assessment for property at 895 AURORA AVENUE. (File No. J2401A, Assessment No. 248500)

Sponsors: Bowie

Reduce assessment from \$478 to \$350 payable over two years.

Hina Hawa, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: May 11, 2023 a Summary Abatement Order was issued to remove and dispose of the furniture from the driveway. Compliance date was May 18, rechecked May 22 and found in noncompliance. Parks did the abatement June 1, 2023 for at total assessment of \$478. Two previous complaints on the property, both abated by owner.

Hawa: I was traveling to West Africa, but before I left I had someone come pick it up, I can give you his number. To remove the bed frame that was left on my property in the back, my driveway. It wasn't even on the street. I paid him to come pick it up since I was leaving for Liberia for four months. I came back June 2, and there was no way to pick it up. This was in my driveway, my parking spot.

Moermond: looking at the photo in the order sent and the video the crew took. There is no bed or mattress, the order is about furniture. The photo shows some type of cabinet.

Hawa: that's it. It is a broken bed. I was leaving.

Moermond: did you watch the videos the City sent?

Hawa: yes.

Moermond: so you saw the crew take it away?

Hawa: the way it was, I put it in my driveway. There was no other trash. The junk guy's pickup broke down, that's why he didn't pick it up. I was traveling.

Moermond: I'm struggling with what the City can do, the City wrote orders, gave a photo. They gave a week to get it cleaned up, but the crew didn't come for almost 3 weeks. I get you were out of the country but you still have a responsibility to maintain your property. 3 weeks is a long time to not fix his truck or make other arrangements.

Hawa: I didn't know and he didn't say anything, I wasn't here. Trash was picked up every week. If I was here I would have found a way to get it clean.

Moermond: did you try working with the garbage hauler to see if they would pick it up? You get a couple of bulky items every year.

Hawa: again ma'am, I wasn't here. If I was I would have found a way to get it picked up. Again, I wasn't here.

Moermond: when you pay for garbage service, part of what you are paying for is having a couple of bulky items picked up. Removing larger things.

Hawa: they don't pick up anything, if I have extra bags I have to pick it up.

Moermond: extra bags are different. But if you call them and tell them you have a large item to remove, and there's no charge on top of your regular bill. It is included in your regular bill. What I have here is a bill for service given to your property and you're saying you shouldn't have to pay for it. The question then becomes whether the taxpayers in the City of St. Paul should have to. That's who pays if you don't. I'm sympathetic that you didn't understand your bill covers this, but it has been in place a few years.

Hawa: I wish I knew. I would have called them.

Moermond: in the past things have been taken care of by you.

Hawa: never did I receive anything about picking up a mattress. I've lived here since 1997. This is the first time I've received a letter from the City.

Moermond: where was going with that is there was a letter in 2020 about a recliner and box spring and 2018 snow. You had it taken care of in those cases, which is what is important to me. That tells me you are being responsible. It isn't a negative thing for me. In this case you weren't because you were out of the country, you thought you made arrangements. I'm going to give a small credit for good faith effort, but the failure if the arrangement isn't on the other taxpayers. We'll reduce it to \$350 payable over two years. The Council could look at this differently than I am. There's information about how to testify at Council on the letter you received. You also got the materials from our office; you can reply to that with any questions.

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

3 RLH TA 24-3

Ratifying the Appealed Special Tax Assessment for property at 2185 FORD PARKWAY. (File No. J2403B, Assessment No. 248102)

Sponsors: Jost

Approve the assessment.

Tom Laird, owner, appeared via phone

Laird: you provided information, which I'm grateful, because while I'm the owner, I'm not always in the loop with the tenant. We've had some challenges with them and getting information. The information from you now, we're following up with the tenant on the topics. There was some confusion on our end, we followed up on the May 1 and addressed it with the tenant, I wasn't aware of the July 1. I thought I was getting billed twice, basically. It seems yes there were two separate calls. We paid for the first one. We are now aware of the second, and we'll follow up on the details and just pay it. I'd rather pay it than have it assessed.

Moermond: there's no interest if you pay immediately now, or until you're invoiced again. There's some cushion before accruing interest.

Laird: can someone send the invoice again, but you can just go online to pay, right?

Moermond: right now, if you wanted to search property tax assessment, you'll end up

on a page where you can search by address and pay there. That information should be in the letter informing you of the hearing, the other thing is the City Council doesn't see this until February 14. It can't be re-invoiced until that vote because it isn't ratified until then. If you pay it, you agree with it. Otherwise, the actual invoice will go out within a week of that Council Public Hearing.

Laird: can you give me your name again?

Moermond: Marcia Moermond, you should have gotten an email from Joanna Zimny and if you reply to that she can handle any questions that come up.

Referred to the City Council due back on 2/14/2024

10:00 a.m. Hearings

Special Tax Assessments

- 4 [RLH TA 24-4](#) Ratifying the Appealed Special Tax Assessment for property at 463 IGLEHART AVENUE. (File No. 2402T, Assessment No. 249001)

Sponsors: Bowie

Layover to LH January 23, 2024 at 10 am (put first). Unable to conduct LH due to missing info from Forestry.

Marceline Wade, owner, appeared via phone

Moermond: we have an assessment appeal for you scheduled and I'm going to beg your indulgence, but I don't have a complete file on it this morning. I have billing information and we'd made a request to get the letter that was sent to you and I don't have it yet. I need to have that before I conduct a hearing. I'd like to reschedule. Does January 23 or February 6th work?

Wade: January 23.

Moermond: we'll confirm with an email and attach the letter I've asked for to that email. We'll get you close to 10.

Laid Over to the Legislative Hearings due back on 1/23/2024

- 5 **RLH TA 23-404** Ratifying the Appealed Special Tax Assessment for property at 522 AURORA AVENUE. (File No. J2402E, Assessment No. 248301)

Sponsors: Balenger

Approve the assessment.

Hussein Usman, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: a Vehicle Abatement Order went to the owner and Arthur Blakey on Concordia for a semi being parked in the driveway. We don't allow commercial vehicles in residential neighborhoods. Order was sent April 10, 2023, compliance date of April 17. Rechecked April 17, not in compliance and an Excessive Consumption was sent. May 1 not in compliance and another Excessive

Consumption was sent. May 15 not in compliance and another Excessive Consumption sent. We did take a photo and send an Excessive Consumption fine. There has been a total of four Excessive Consumptions. No returned mail. Finally in compliance on October 2, 2023. Total proposed assessment of \$303.

Usman: I had no idea that was not permitted, first. The year before I parked the same way and nothing happened. I was out of the state for an emergency, I came back around May or June. Then I moved it. What I'm asking is if I can get any waiver because I didn't know and wasn't able to move it. I just need some kind of help.

Moermond: you did get notice it was a problem April 10th. Sounds like you were out of town then, which I understand, but you are still responsible for maintaining the property. Not being in town isn't a reason to not maintain the property. What did you do to manage the property in your absence?

Usman: this is a commercial vehicle. I just had someone mow, but they couldn't move the semi. I didn't know, I was not there. I'm just asking for a break.

Moermond: there was another complaint in October, Ms. Martin?

Martin: I actually went out June 27, 2023 and closed it because the truck was removed but was parked on Mackubin and University, so I referred to the police.

Moermond: I'm not finding a reason I can use to reduce this assessment. The Council may see it differently, but the things I can look at don't include being out of the country. I'm sorry about that.

Usman: alright, have a good day.

Referred to the City Council due back on 1/24/2024

6 RLH TA 23-397 Ratifying the Appealed Special Tax Assessment for property at 1135 DALE STREET NORTH. (File No. J2403E, Assessment No. 248302)

Sponsors: Brendmoen

Continue PH to September 13, 2024 and if no same or similar violations, delete the assessment.

Greg Murphy, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: a correction notice was issued September 8, 2022 about the eaves on the alley side by October 10th. It didn't happen. Two Excessive Consumptions were sent. There are notes in the file. Sounds like the owner had some complications as to why it wasn't completed, otherwise a very clean history.

Murphy: I've lived here 15 years. 3 feet of the eave was down and I have medical issues and limited income. Sean Westenhofer is such a nice guy, he actually came over and helped me fix it, and said he was satisfied. Somewhere around August 2023 and somewhere around the time we took care of this. It was very nice and I'm very grateful. I can't do these things. I am a Vietnam Vet and very low on income. Sean helps me with the problem property next door and I'm very frustrated with it. I can't get anything done. It has been on and off for 15 years. Continuous. I called the City; it has been a real issue. I think Sean may have gotten some hate from Steve, his

supervisor, since I called him up to remind him not too long ago.

Moermond: and I have to deal with what's in front of me today. Ms. Martin, as a supervisor, has a handle on that. It sounds like Mr. Westenhofer helped you out last summer?

Murphy: He said I'm going to let his boss know that I'm excusing this. He's the hero here.

Moermond: looks like one was June 7, which would have been before he helped you.

Martin: second was July 12. Finally repaired August 11. Inspector Westenhofer had a vacation during that time, I would guess he wanted these removed.

Moermond: we can look into deferments until point of sale for you and get back to you on that. Right now, the least I can do is make this payable over several years, but the other option is deferral paperwork. That would mean you don't owe it until it is sold.

Murphy: doesn't sound that good. I'm on a limited income.

Moermond: I can't reduce assessments because of limited income.

Murphy: but the officer can remove them.

Moermond: not once it is processed. There are very specific tools I have to use. The officer would have authority to reduce because you addressed it, but not because of your income.

Murphy: we did address it.

Moermond: yes, exactly. What we'll do is some homework to see if you qualify for deferment.

Murphy: it is two \$169 fines.

Moermond: but you may have other assessments this may be helpful for. I just wanted to see if it had further application for you.

Murphy: I'd have to check. I was behind on the taxes. I am now free and clear on anything on that. The guy next door is a social misfit. It can't be forgiven? Or lowered?

Moermond: not because of your income.

Murphy: if someone could address the problem with the house next door I'd be more than happy about it. No one listens to anyone in this City. The mayor is terrible.

Moermond: what I'm looking at for you is if you have no same or similar violations through September 13th, these will be deleted. Keep your nose clean, lawn mowed, walk shoveled, then these go away.

Murphy: that sounds excellent. I'm on your side there.

Referred to the City Council due back on 2/28/2024

DALE STREET NORTH. (File No. J2404E, Assessment No. 248303)

Sponsors: Brendmoen

Continue PH to September 13, 2024 and if no same or similar violations, delete the assessment.

Greg Murphy, owner, appeared via phone

[Moermond gives background of appeals process]

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Moermond: and I have to deal with what's in front of me today. Ms. Martin, as a supervisor, has a handle on that. It sounds like Mr. Westenhofer helped you out last summer?

Murphy: He said I'm going to let his boss know that I'm excusing this. He's the hero here.

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Moermond: what I'm looking at for you is if you have no same or similar violations through September 13th, these will be deleted. Keep your nose clean, lawn mowed, walk shoveled, then these go away.

Murphy: that sounds excellent. I'm on your side there.

Referred to the City Council due back on 2/28/2024

8 [RLH TA 23-407](#)

Ratifying the Appealed Special Tax Assessment for property at 1643-1645 DIETER STREET. (File No. J2401E, Assessment No. 248300) (Refer to February 20, 2024 Legislative Hearing)

Sponsors: Yang

Refer back to LH February 20, 2024 at 10 am.

*Jose Vargas, owner, appeared
Christian Vargas, son of owner, appeared
Sonia Romero, interpreter, appeared*

Moermond: we have four assessments on the agenda today.

Jose Vargas: I only know of one for \$3,000.

Moermond: we have a handful of assessments for Excessive Consumption of Code Enforcement services. I can also see that there are four on the agenda but six were charged. The other two weren't appealed.

Jose Vargas: those assessment bills were sent to the owner of the house and she never sent them directly to the house.

Moermond: it looks like someone paid the majority of these already.

Jose Vargas: what is the amount?

Moermond: we can get that to you.

Jose Vargas: it was probably the owner, because when we went upstairs to pay they told me if they didn't get paid they'd go directly to the owner of the house.

Moermond: right, the process for assessments like this would be that first a letter

goes out with the bill. That goes to the owner of the property. If the bill goes unpaid it gets processed as a special assessment to go onto the property taxes. All of those are appealable and can be discussed, which is what we're doing today.

Jose Vargas: the two we didn't appeal we didn't know anything about either.

Moermond: what it looks like is that the owner got ahead of your appeal by paying the assessments online. The conversations are happening out of order.

Jose Vargas: there's a lot of miscommunication because she doesn't send me stuff right away. We aren't aware of what needs to get paid.

Moermond: whatever the result of our conversation, it looks like we'd be making an adjustment to the tax bill she's already paid in part and you would be responsible for paying her. Her bill would be reduced. But we can't give you money from her bill, that is going to have to be between you guys if the conversation ends in a reduction. It is obvious that you are a Spanish speaker and reader. What language does your landlord speak?

Jose Vargas: Hmong.

Moermond: can they read English?

Jose Vargas: yes.

Moermond: that speaks to how people are receiving information coming to them. How do they communicate with you? Through your son?

Jose Vargas: some with them, some with my son.

Moermond: how old are you Christian?

Christian Vargas: I just turned 20.

Moermond: not a professional interpreter, but Ms. Romero has done a lot of interpreting. We do have Ms. Martin on the phone line.

Staff report by Supervisor Lisa Martin: we've had many notices going out. March 14, 2023 a Correction Notice went out to JY Investments in Minnetonka, all of these notices are for the same thing. Vehicle related. They found trucks parked by the garage that appeared inoperable, had missing plates.

Jose Vargas: everything is in my name and has plates. I bought it in North Dakota.

Moermond: Ms. Martin, the multiple notices to fix, and then multiple bills having to do with it not having been addressed.

Jose Vargas: someone came and talked to me about vehicles and told me they needed plates, and I did it within a week.

Martin: there are notes that say Inspector Westenhofer spoke with them in July, "spoke with tenant at the property. States vehicles do run and they do work on them after they go to their regular job. Does understand they can't be doing auto repair on the property."

Moermond: one is a correction notice, one is a Summary Abatement Order for cleaning up the property June 1, and the third is a Vehicle Abatement Order issued

July 13. I'm not clear which one or ones there was noncompliance with that led to the bills. Maybe we know that today, or maybe we need to figure that out.

Martin: the one from November 9, 2022 came in as vehicles in an unimproved surface impeding alleyway. Then working as an auto garage. The garbage one in June was closed July 10, 2023.

Moermond: there was a correction notice June 30, 2022?

Martin: yes. The owner should be notifying the tenant of these too. It does look like everything is in compliance.

Moermond: tell me more about the history of this and the charges. There must have been some on last year's tax bill as well.

Martin: 21 Excessive Consumptions issued, 6 pending, the rest already levied. This goes back to August of 2022.

Jose Vargas: I came to pay everything because I don't want to owe and could affect my record.

Moermond: to put your mind at ease it has nothing to do at all with any criminal or civil proceeding. Nothing like that. This is simply recovering costs of inspector services. The discussion would be between you and the landlord about how the responsibility is dealt with. We have lots of notices going to the landlord, but not copying you, the tenant, with what needs to be corrected. The bills for the inspector coming out and observing things haven't yet been corrected, those also only go to the landlord. You did speak to the inspector directly in July of last year. Ms. Martin was saying after that things started to improve?

Martin: they did, but they also had another vehicle they brought back from auction. Slowly being resolved.

Jose Vargas: I did communicate with them, but it was just a couple of times. My question now, were the bills sent only to the owner?

Moermond: all the bills went to her.

Jose Vargas: I do talk to her but she tells me really late, so it is late when I figured out we were receiving these types of bills from the City.

Moermond: how does she communicate with you about these? Texts? Calls to your son?

Christian Vargas: she just sent all the bills in one packet. Before she sent it, Jack [property owner/landlord] had called and said we have a week to fix it.

Jose Vargas: Jack's business was looking over the houses, they have multiple businesses. When this was getting to be too much, he passed it on to his wife and his wife made everything a mess.

Moermond: the City sends the Correction Notice explaining the problem and what needs to be fixed. Every time it sends out a bill charging for the inspector visit, it is supposed to be an incentive to encourage compliance. If you aren't getting that, you aren't getting that message. The owners are.

Jose Vargas: this is why everything just happened, they just sent this packet.

Moermond: there would be fewer bills had you had better information along the way because you would have understood there were financial implications for not meeting the requirements of the order. I'm not even sure you got the order.

Jose Vargas: I was surprised about this, because there would have been fewer bills. She sent this packet and it was a lot of money.

Moermond: do you save text messages from your landlord?

Jose Vargas: I'm not sure.

Moermond: I'm wondering if you have a record of when they communicated with you about these orders and bills. Something documenting that.

Jose Vargas: I don't know if I have that.

Moermond: I'm going to look for additional information on what you have received from the landlord and to the best of your ability when you received it. I need a sense of when you became aware of things. I can use that to help me figure out some of this. The landlord is ultimately the responsible party, but I may be able to help figure out how much responsibility lies with you in my estimation, and how much with the landlord. We'll try to sort that out, thinking about the conversation with the inspector last summer.

If you received something in writing in Spanish, would that be useful? Would phone calls be more useful?

Jose Vargas: both a letter and phone call in Spanish would be great.

Moermond: the last piece is, if you got this letter from the City there is a statement on the top about calling for translation, are you likely to see that and call for the Spanish?

Jose Vargas: yes.

Moermond: I'm not seeing that, and I know we've had that conversation with Department of Safety & Inspections but it has been pretty recent. Putting that kind of statement on the Excessive Consumption bills. The main point being the Excessive Consumption bill lack the statement in Spanish to call if you need it in Spanish.

This is screwed up enough that I'm going to do a couple of things. First, I'm going to try and review the assessments—a lot, not just the ones in front of me today. Second, I think we need to notify the property owner that these are being examined so they know what is going on and the bill may be adjusted. The responsibility for making sure there is compliance rests with the landlord. You may have your own private legal agreement with the landlord in the form of the lease that makes you responsible, partially or fully.

Christian Vargas: the landlord told us if we paid it we could slowly pay it off to her with our rent.

Moermond: yeah, I bet she did.

Christian Vargas: she was nice about that.

Moermond: if the landlord is actually responsible for paying the bill because she didn't meet the terms of the lease saying she should notify you, then is she being nice? Or is it something else. I don't know but because of the language issue I would like to figure out a bit more.

If you and the landlord end up disputing this, you may wish to seek representation. I'm getting ahead of myself though; everything may work out fine. Of the four assessments in front of me today, the first one has a Council Public Hearing on January 17 and the last February 28. I'm going to put them on February 28 to give us time to sort through this. In the meantime, Ms. Vang will reach out to the property owner to talk. We'll figure out the other assessments in play, some of which have been paid. Some are still coming forward. We'll try to have a more complete conversation on February 20th. No answer, no bill today. We'll reach out to the property owner and hopefully make some headway on this.

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

- 9 RLH TA 23-408** Ratifying the Appealed Special Tax Assessment for property at 1643-1645 DIETER STREET. (File No. J2402E, Assessment No. 248301)

Sponsors: Yang

Refer back to LH February 20, 2024 at 10 am.

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Jose Vargas: I was surprised about this, because there would have been fewer bills. She sent this packet and it was a lot of money.

Moermond: do you save text messages from your landlord?

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Moermond: I'm wondering if you have a record of when they communicated with you about these orders and bills. Something documenting that.

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Moermond: I'm going to look for additional information on what you have received from the landlord and to the best of your ability when you received it. I need a sense of when you became aware of things. I can use that to help me figure out some of this. The landlord is ultimately the responsible party, but I may be able to help figure out how much responsibility lies with you in my estimation, and how much with the landlord. We'll try to sort that out, thinking about the conversation with the inspector last summer.

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Moermond: the last piece is, if you got this letter from the City there is a statement on the top about calling for translation, are you likely to see that and call for the Spanish?

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Moermond: I'm not seeing that, and I know we've had that conversation with Department of Safety & Inspections but it has been pretty recent. Putting that kind of statement on the Excessive Consumption bills. The main point being the Excessive Consumption bill lack the statement in Spanish to call if you need it in Spanish.

This is screwed up enough that I'm going to do a couple of things. First, I'm going to try and review the assessments—a lot, not just the ones in front of me today. Second, I think we need to notify the property owner that these are being examined so they know what is going on and the bill may be adjusted. The responsibility for making sure there is compliance rests with the landlord. You may have your own private legal agreement with the landlord in the form of the lease that makes you responsible, partially or fully.

Christian Vargas: the landlord told us if we paid it we could slowly pay it off to her with our rent.

Moermond: yeah, I bet she did.

Christian Vargas: she was nice about that.

Moermond: if the landlord is actually responsible for paying the bill because she didn't meet the terms of the lease saying she should notify you, then is she being nice? Or is it something else. I don't know but because of the language issue I would like to figure out a bit more.

If you and the landlord end up disputing this, you may wish to seek representation. I'm getting ahead of myself though; everything may work out fine. Of the four assessments in front of me today, the first one has a Council Public Hearing on January 17 and the last February 28. I'm going to put them on February 28 to give us time to sort through this. In the meantime, Ms. Vang will reach out to the property owner to talk. We'll figure out the other assessments in play, some of which have been paid. Some are still coming forward. We'll try to have a more complete conversation on February 20th. No answer, no bill today. We'll reach out to the property owner and hopefully make some headway on this.

Referred to the City Council due back on 1/24/2024

- 10 RLH TA 23-409** Ratifying the Appealed Special Tax Assessment for property at 1643-1645 DIETER STREET. (File No. J2403E, Assessment No. 248302)

Sponsors: Yang

Refer back to LH February 20, 2024 at 10 am.

*Jose Vargas, owner, appeared
Christian Vargas, son of owner, appeared
Sonia Romero, interpreter, appeared*

Moermond: we have four assessments on the agenda today.

Jose Vargas: I only know of one for \$3,000.

Moermond: we have a handful of assessments for Excessive Consumption of Code Enforcement services. I can also see that there are four on the agenda but six were charged. The other two weren't appealed.

Jose Vargas: those assessment bills were sent to the owner of the house and she never sent them directly to the house.

Moermond: it looks like someone paid the majority of these already.

Jose Vargas: what is the amount?

Moermond: we can get that to you.

Jose Vargas: it was probably the owner, because when we went upstairs to pay they told me if they didn't get paid they'd go directly to the owner of the house.

Moermond: right, the process for assessments like this would be that first a letter goes out with the bill. That goes to the owner of the property. If the bill goes unpaid it gets processed as a special assessment to go onto the property taxes. All of those are appealable and can be discussed, which is what we're doing today.

Jose Vargas: the two we didn't appeal we didn't know anything about either.

Moermond: what it looks like is that the owner got ahead of your appeal by paying the assessments online. The conversations are happening out of order.

Jose Vargas: there's a lot of miscommunication because she doesn't send me stuff right away. We aren't aware of what needs to get paid.

Moermond: whatever the result of our conversation, it looks like we'd be making an adjustment to the tax bill she's already paid in part and you would be responsible for paying her. Her bill would be reduced. But we can't give you money from her bill, that is going to have to be between you guys if the conversation ends in a reduction. It is obvious that you are a Spanish speaker and reader. What language does your landlord speak?

Jose Vargas: Hmong.

Moermond: can they read English?

Jose Vargas: yes.

Moermond: that speaks to how people are receiving information coming to them. How do they communicate with you? Through your son?

Jose Vargas: some with them, some with my son.

Moermond: how old are you Christian?

Christian Vargas: I just turned 20.

Moermond: not a professional interpreter, but Ms. Romero has done a lot of interpreting. We do have Ms. Martin on the phone line.

Staff report by Supervisor Lisa Martin: we've had many notices going out. March 14, 2023 a Correction Notice went out to JY Investments in Minnetonka, all of these notices are for the same thing. Vehicle related. They found trucks parked by the garage that appeared inoperable, had missing plates.

Jose Vargas: everything is in my name and has plates. I bought it in North Dakota.

Moermond: Ms. Martin, the multiple notices to fix, and then multiple bills having to do with it not having been addressed.

Jose Vargas: someone came and talked to me about vehicles and told me they needed plates, and I did it within a week.

Martin: there are notes that say Inspector Westenhofer spoke with them in July, "spoke with tenant at the property. States vehicles do run and they do work on them after they go to their regular job. Does understand they can't be doing auto repair on the property."

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Referred to the City Council due back on 2/14/2024

11 [RLH TA 23-413](#)

Ratifying the Appealed Special Tax Assessment for property at 1643-1645 DIETER STREET. (File No. J2404E, Assessment No. 248303)

Sponsors: Yang

Layover to LH February 20, 2024 at 10 am. (CPH 2/28)

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Sonia Romero, interpreter, appeared*

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Laid Over to the Legislative Hearings due back on 2/20/2024

MOUNDS BOULEVARD. (File No. J2404E, Assessment No. 248303)

Sponsors: Prince

Layover to LH January 23, 2024 (PO unable to be reached).

No one appeared

Called at 11:45 am -- Mailbox full.

Laid Over to the Legislative Hearings due back on 1/23/2024

- 13 [RLH TA 24-40](#) Deleting the Appealed Special Tax Assessment for property at 1726 PINEHURST AVENUE. (File No. J2402A, Assessment No. 248501)

Sponsors: Jost

Delete the assessment. Summary abatement order was (inadvertently) not mailed.

No one appeared

Moermond: to be deleted because no Summary Abatement Order was sent.

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

- 14 [RLH TA 24-41](#) Deleting the Appealed Special Tax Assessment for property at 259 UNIVERSITY AVENUE WEST. (File No. J2401P, Assessment No. 248400)

Sponsors: Bowie

Delete the assessment (waiver on file).

No one appeared

Moermond: this is a deletion because it is a graffiti cleanup and a waiver is on file.

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

Special Tax Assessments-Rolls

- 15 **RLH AR 23-110** Ratifying the assessments for Collection of Vacant Building Registration fees billed during April 7 to July 21, 2023. (File No. VB2404, Assessment No. 248803)

Sponsors: Brendmoen

Referred to the City Council due back on 2/28/2024

- 16 **RLH AR 23-111** Ratifying the assessments for Securing and/or Emergency Boarding services during August 2023. (File No. J2404B, Assessment No. 248103)

Sponsors: Brendmoen

Referred to the City Council due back on 2/28/2024

- 17 **RLH AR 23-112** Ratifying the assessments for Demolition services from June to July 2023. (File No. J2401C, Assessment No. 242000)
Sponsors: Brendmoen
Referred to the City Council due back on 2/28/2024
- 18 **RLH AR 23-113** Ratifying the assessments for Demolition services from August to September 2023 (C.D.B.G .Funds). (File No. J2401C, Assessment No. 242000)
Sponsors: Brendmoen
Referred to the City Council due back on 2/28/2024
- 19 **RLH AR 23-114** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during July 26 to August 25, 2023. (File No. CRT2403, Assessment No. 248202)
Sponsors: Brendmoen
Referred to the City Council due back on 2/28/2024
- 20 **RLH AR 23-115** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during June 22 to July 21, 2023. (File No. J2404E, Assessment No. 248303)
Sponsors: Brendmoen
Referred to the City Council due back on 2/28/2024
- 21 **RLH AR 23-116** Ratifying the assessments for Removal of Diseased and/or Dangerous Tree(s) services during September 2023. (File No. 2402T, Assessment No. 249001)
Sponsors: Brendmoen
Referred to the City Council due back on 2/28/2024

11:00 a.m. Hearings

Emergency Summary Abatement Orders

- 22 [RLH SAO 24-2](#) Appeal of Darin Dallin to an Emergency Summary Abatement Order at 1062 MINNEHAHA AVENUE EAST.
Sponsors: Johnson

Deny the appeal and authorize the Department to take action after City Council Public Hearing.

Darin Dallin, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: our office issued an emergency Summary Abatement Order December 29, 2023 to owner to repair defective sewer by 10 am January 12. 10-20k was estimated cost. We did drop off a copy of the letter from Richard Ekobena along with the sewer assessment program packet. December 8 we issued orders to repair a private sewer service and did have a conversation with the owner who stated it was not going to be fixed. We issued orders and on January 11th he'll be posted with a notice of the final 24 hours—

Moermond: you actually can't do that while it is under appeal. Cool the contractor until at least the 18th, after the Council Public Hearing. I have no intention of slowing the Council Public Hearing due to the emergency. Mr. Dallin, tell me what is going on. I've reviewed your appeal and you talked about construction. You don't want to the repair, tell me more.

Dallin: there was construction going on in front of my house and when they were doing it they told me they weren't doing any construction on Earl, which they did. They said they were only doing it on Minnehaha and looking at lines and replacing as needed. They came into my house, the first time, and they did an inspection of my line and said everything was good to go, no damage. Then they did construction. During construction they came and had to look at my line again in the middle of construction because they thought they hit something. They said everything was good to go again. Then they came a third time and looked and the guy said "I got everything I need" then he left. When they were doing the construction they left two giant holes in front of my house that were probably 20 feet long and 8 feet wide, however deep to get to the lines and left it there for 3 weeks when it was raining, freezing snow, ground was thawing and unthawing and let it sit. After they patched it, it started to rain and then we have this issue.

Moermond: what are you looking for today?

Dallin: I'm not really sure. I don't feel like I'm responsible for paying for this because the City construction obviously did something and now they're trying to put it on me and saying my line was the cause of the damage when there was no damage before construction. Now they're saying I have to pay for it.

Moermond: a few things to unpack here. The order I'm looking at isn't one that talks about the cause of what happened, it says the condition exists. That sounds like it needs dispute resolution of some kind, which can't be done prior to getting the emergency situation addressed. There are ways for it to be resolved, so I want to share what I think are two different ways to deal with that. What I saw was the camera footage that was run from a camera recently showing soil and sediment got into your line and the line was broken/compromised. The soil was washing away and I'm told that was likely to increase the issue.

Martin: it does need to be repaired before the snow fall.

Dallin: and none of this would have happened if they didn't leave holes there for 3 weeks. They said it was fine before construction.

Moermond: and that part of the conversation I cannot handle in this setting. We need to deal with the emergency in getting the line repaired. Separately there is discussion around the cost and payment for that work. I'm not hearing an argument the emergency doesn't exist. I'm hearing the payment for fixing the problem, which is a

legit discussion.

[Richard Ekobena, Sewer Division Manager, was called into hearing]

Moermond: we received a staff report, and Mr. Dallin says he believes the construction work caused the issue. What I was just saying was I wanted to pull the threads apart on the emergency condition of repair versus paying the bill for it. If you could summarize what why this constitutes an emergency, then we could talk about payment options and also dispute resolution options in terms of responsibility for paying for this.

Staff report by Supervisor Richard Ekobena: at this point in time, with the snow we have, we pull away all our protective devices from the street. Things to prevent bigger sink holes so the plows don't hit them. That's why we have to pull them. Another issue is whenever there is a hole on a busy street it will just get worse and potentially cause a hazard to the public.

Moermond: so, the first thing is there is some sort of a cone or thing in the street that provides a mark a sinkhole exists and that needs to be removed so you have a sink hole that doesn't warn traffic of it.

Ekobena: we put a steel plate over it, to protect it. If they are covered by snow, they cause damage to the plow trucks, that's why they can't be out there. They can't see them under the snow.

Moermond: jumping to dispute resolution about responsibility for the problem. To the best of my knowledge there are two ways. One would be filing a claim against the City, and that claim would be for the amount of the work that needs to be done. We can provide that form. That form would say the exact things Mr. Dallin has been saying.

Another is to sue the City and taking the City to District Court. There is a filing fee for that. The third thing is an appeal route that results from one of the three ways this can be paid for. You're staring down the barrel on three ways: you write a check yourself and then pursue whatever resolution you thought was right. Two, if the City does the emergency work then the cost of the work becomes a special assessment on your property taxes. That is also appealable. If you were to not prevail those payments can be divided up to 10 years. The third route would be using Public Works' 20-year payment program. Then, if you were to not prevail, or prevail in part you'd have a 20-year plan to pay for it. I'm suggesting you can hedge your bet on it at this point. What will happen is one of those three things and you're in the driver seat about picking which one. One will happen in relatively short order. Whatever that cost is, unless you hire someone, that bill is still forthcoming and still be disputed with the City.

Is there a statement in there about signing away liability Mr. Ekobena? I just don't want him signing away his rights. Mr. Dallin are you willing to take a list of contractors to work quickly, or would you like the City to do it on its own and that would be an assessment on the taxes.

Dallin: that's where I'm confused. If I hire someone from the list, how am I supposed to pay them?

Ekobena: it provides the property owner a list of contractors who agreed to participate in the sewer's sewer loan program with the City. They pull a permit, after the work is done, the property owner sends us the signed form saying it was done

and it is ok to pay the contractor. We send it to Council and about 1 year after the work is done the property starts paying back the money over a 20-year period at around a 5% interest rate.

Dallin: I want to work with everyone to get the work done, I understand the urgency, but I still would like to appeal it because I don't feel like I have to pay. I'd rather do another appeal. If the urgency is getting it fixed then what he just stated that I give away my right to appeal that isn't going to work out.

Moermond: if you don't pick a path, we have Ms. Martin's team with a contractor ready to go and they will do the work and the payments can be divided up to 10 years. If you pick the contractor and there's the issue on you waiving your right to appeal, we'd have to check with the City Attorney's office on what exactly that entails. Ms. Martin do you have an estimate?

Martin: I do.

Moermond: you check on that.

Martin: around \$12,000.

Moermond: so, the lower end, and contingent upon any problems. Why don't we have a quick conversation around 1:30?

Dallin: I'm available.

Ekobena: I have something at 2.

[recess from 12:45 to 1:17 pm]

Moermond: I think your options are these based on my conversations. As ever, you can go write a check on your own and get it done with whatever deadline we decide today. There is the option of doing the emergency abatement with Department of Safety & Inspections overseeing the contract with the outfit doing the work. That would turn into an assessment, which for this type of assessment it is dividable up to 10 years. I've confirmed that with the assessment office. The third route is having you hire a contractor off Mr. Ekobena's list and going through the program where it can be funded over 20 years. We observed in the paperwork for that program that there was language about waiving the right to appeal. I have checked two things, one having to do with the waiver of the right to appeal if disputed and the answer is the City attorney's office would argue it would be waived and couldn't be disputed. That doesn't mean that you couldn't hire an attorney and try to do it. It means that is what the City's approach would be. If the City does the work it is dividable over 10 years, at an interest rate around 4.48%. I guess the question is, do you want to seek out your own contractor using the City's program or have the City do it? The work needs to be done no later than close of business January 22. I need to know how you would like to proceed. You can tell me now or think about it. If your answer is greenlighting the City they will proceed and I won't give a timeline on them. If you want to hire someone or hire someone and waive your right to appeal then we would try and figure out what would work for that. Mr. Ekobena, you're looking for 3 bids from the homeowner?

Ekobena: we can waive that if we know the property owner knows that we highly recommend 3 bids.

Moermond: Mr. Dallin would you like to have time to think about it?

Dallin: so I can't appeal this?

Moermond: if you go with the Public Works' program that would be an assessment for 20 years and you would be signing paperwork that you can't appeal. If you have Department of Safety & Inspections do the work, which is the default, they can do it up to 10 years. That is appealable and doesn't impact your ability to pursue other action. If you pay for it out of your own pocket, that doesn't impact your ability to pursue other action. I'm of course, not your lawyer.

Dallin: the City can just fix it then, and I'll appeal it once again.

Moermond: we'll recommend the Council deny the appeal and authorizing the Department to take action. We'll note in the letter that the Legislative Hearing Officer understood you wanted to forgo hiring your own contractor and proceed with the City's contractor doing the demolition.

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

1:00 p.m. Hearings

Summary & Vehicle Abatement Orders (Vacant Building)

- 23 [RLH SAO 23-55](#) Making finding on the appealed nuisance abatement ordered for 494 EDMUND AVENUE in Council File RLH VBR 23-72.

Sponsors: Balenger

The nuisance is abated and the matter resolved.

Shai Leibovich, owner, appeared

Moermond: did you want us to call in Carolyn Brown?

Leibovich: I'm actually at the property right now with Carolyn, she's here with me.

Moermond: I understand there's action there from Mr. Dornfeld.

Staff report by Supervisor Matt Dornfeld: the garage at 494 Edmund, I was down there yesterday and there were workers on site and demolition permit pulled. Process of being torn down, I anticipate it done soon if it isn't already.

Leibovich: the garage is down. The electricity was disconnected by a licensed electrician who pulled a permit. We are working on the Code Compliance now.

Moermond: and Vacant Building registration was waived for 60 days as a Category 2. This is simply a making finding on the garage. Garage is taken care of. We'll consider the matter resolved and close the file.

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

Vacant Building Registrations

- 24 [RLH VBR 24-1](#) Appeal of Mike Reimann to a Vacant Building Registration Renewal Notice at 1247 FIFTH STREET EAST.

Sponsors: Johnson

Deny the appeal and waive the VB fee for 90 days (to April 24, 2024) and allow permits to be pulled (once CCIR is issued).

(note: upon follow up staff discovered that sale review was not complete, additional 30 days given on waiver)

Mike Reimann, owner, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: this does have a lengthy history, but I don't know any of it matters because the new property owner, the appellant, has gone through our sale review process. The Code Compliance inspection fee was paid by check, doesn't appear to be done yet. My assumption here is we're here to discuss the Vacant Building fee that's due January 25, 2024 of \$4,918. The file goes back to May 20, 2020. Right now, it is a Category 2 with an approved sale review, and a pending Code Compliance inspection.

Moermond: looks like you picked it up in May?

Reimann: I don't argue the fact there's a Vacant Building fee, I wasn't aware of it. I'm just asking to not pay it because I was never informed of it, or I probably would have never bought the house.

Moermond: they didn't disclose it was a Vacant Building?

Reimann: no, and it wasn't found by the title company either.

Moermond: it was likely not a pending assessment at that time. The last Vacant Building fee was referred to assessment March 2, 2023.

Reimann: another thing, is it is due January 25. We would have had it done before then, they stopped us. If we kept working and got it done, and we applied for permits and let us continue it would have been done before then.

Moermond: not quite right, you wouldn't have been allowed to pull permits. The fee is half the story. The other half of the story is you bought a Category 2 Vacant Building and that means a Code Compliance inspection report has to be done before permits can be pulled. That should have been done before you even bought it. That's what local code says. The seller didn't provide that to you, if you had that you would have a punch list of things to be done and talked to contractors and would have informed your bid. It is the communication between you and the seller.

Reimann: aren't there steps to prevent it from slipping through the cracks?

Moermond: it didn't slip through the City's cracks. A TISH report should have been done, at minimum and that would have said that. It is a private agreement between you and the seller.

Reimann: it sounds like it is something the City has their stuff in place, I guess I'm asking. I was ok with paying part of it. Half of it. I just don't want to pay the whole thing.

Dornfeld: how long to complete?

Reimann: two months.

Moermond: don't pay that fee. Let it go to assessment. You can then appeal and we can look at prorating it. Mr. Dornfeld can you waive the fee for 60 days? Allow permits to be pulled.

Referred to the City Council due back on 1/24/2024