



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Meeting Minutes - Action Only

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Joanna Zimny, Executive Assistant
legislativehearings@ci.stpaul.mn.us
651-266-8585

Tuesday, January 21, 2020

8:30 AM

Room 330 City Hall & Court House

Special Tax Assessments

8:30 a.m. Hearings (These 3 appeals will be held in Room 310S Conference Room)

- 1 [RLH TA 20-46](#) Ratifying the Appealed Special Tax Assessment for property at 876 LAWSON AVENUE EAST (File No. J2001E1, Assessment No. 208308)

Sponsors: Yang

Layover to LH February 4, 2020 at 3 PM

Nathanael Jenkins, owner, appeared
Sara House, partner, appeared

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Laid Over to the Legislative Hearings due back on 2/4/2020

2 [RLH TA 20-65](#)

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Jenkins: that's not right.

House: that's why we watch.

Jenkins: that's why we have Council meetings. What am I going to do with it, its not mine!

House: I know, its already gone.

Jenkins: but I didn't do it.

House: they aren't saying you did it, they're saying because its on your property you are responsible for all your property. This whole sheet of paper is your property.

Jenkins: so if I drop a damn fridge in front of this building right now, then you guys are responsible for it?

Moermond: yes.

Jenkins: so that's so wrong.

House: they are also saying that's why you need to pay attention to your property and take care of it and watch it.

Jenkins: you are asking me of doing something I'm not capable of doing all the time, and I have multiple people try and help me and these places don't do their jobs and then I am behind on bills and this and that and I don't pay attention to what is going on, yeah forget it. That's not fair at all.

Moermond: one of the things I want as a takeaway is whether or not you put it on your property, if the City sends you a letter—

Jenkins: if someone drops garbage in my yard, all the time, which they do, its not fair that you guys are doing that.

House: that's why you need to yell at the people that are dropping it.

Jenkins: how am I going to catch these people?

Moermond: if you can't catch them, then you need to ask Sarah and your Mom and call the Inspector and ask them how to get rid of the refrigerator. They will give you the options and advice. Each letter that gets sent out has a number for the Inspector. Now, Mr. Westenhofer is working with you and you have his business card, so for any orders like this that happen now, call him.

Moermond: Another takeaway, these are recycling containers and they have garbage in them. The recycling people will not take it, so you're stuck with it.

House: its an ongoing battle, so we double check everything now, so it doesn't look like this. I saw in previous, there are pictures, I try to keep this from happening. Sometimes when that is overloaded, but wind hits it, I go out once a day if its windy. We are trying to keep on top of this.

Moermond: did you want to see the video of the crew coming?

Jenkins: I trust you took a fridge off my property, but it had nothing to do with us.

[video shown]

Jenkins: we put so much effort in, we can't control everyone. That's not possible. Yes, I don't have the money to do it. But with what I'm doing, the community is better off. I'm not going to say anything more than that.

Moermond: one of the laws that's really going to come into play here for you is that you have to be control of your own property.

Jenkins: I'm trying.

Moermond: I know, and you've got some help with the Power of Attorney and Sarah sitting here with you, those things are important. I'm concerned people are taking

advantage. When I hear that someone dumped a refrigerator, someone filled this with garbage, someone is doing XYZ, and you can't control it, that tells me someone is taking advantage. If its happening all the time, and it's the same people and the same dynamic, its becoming almost abusive.

Jenkins: it is.

House: a lot of those people have been cleared out and it's a process. Because they get mail there and 30 day notice and all that, for the most part his house is controlled and manageable, its just now there's a lot of damage and in the spring I'd like to get a dumpster and throw 90% of the stuff.

Moermond: I don't know that you need to wait until spring. Have you had House Calls out there?

Westenhofer: no, we just had mental health out. We can call Lauren and ask them, they will want to visit.

Moermond: you guys can qualify for a free dumpster, income wise.

Westenhofer: here's thing with the dumpster though, they might provide it, but its up to you to fill it.

Moermond: you need to move fast to fill it, because neighbors will see a dumpster and try and get rid of their stuff too.

Jenkins: yes this is east St. Paul. The house gets almost burned down right, but the air conditioner is never touched. But in east St. Paul, in one day they steal your air conditioner. This is our town. I can do it in a day.

Moermond: Mr. Westenhofer will be talking to you after we're done and her name is Lauren Lightner from Ramsey County House Calls. A lot of people end up with too much junk that affects your ability to live safely in their house.

House: that would be a blessing.

Jenkins: why didn't they tell us about that before?

Westenhofer: if you had talked to the guys who were out there Wednesday, did you meet with them Friday?

House: yes.

Jenkins: I don't remember a lot of stuff like that.

Westenhofer: they would also help you get in contact with them. But I will give you the number and I will call Lauren and we will come out there.

Moermond: ok, I have four other cases on at 9 am. And you have more assessments coming down the pike and I don't know where you're going to be at with the orders that Mr. Westenhofer gives you, you will get them. I'd like to set up a time for us to talk again.

Jenkins: I'd like to see what kind of funding I can get to help these people.

House: one thing at a time. He has court in Bariboo, WI at 1:00 today.

Moermond: so you're heading out, what time a day works?

House: afternoon is better.

Moermond: can you make a 3 PM? I'm looking at February 4.

House: he has another court date at 10 AM that day.

Moermond: alright, so lets finish this conversation about the three assessments today then. I'd like you to bring your mother along if she's power of attorney.

Jenkins: its been like two or three years but then she lost it and we haven't found it, its been hard to get it back. I'm trying to get another document notarized.

Moermond: that will tell me who I can legally talk to about this property, I will always talk to you and copy you on any letter.

Laid Over to the Legislative Hearings due back on 2/4/2020

9:00 a.m. Hearings

- 4 [RLH TA 19-929](#) Ratifying the Appealed Special Tax Assessment for property at 1240 BURR STREET. (File No. J2008A, Assessment No. 208507)
- Sponsors:** Brendmoen
- Approve the assessment.
- Ilya Baranov, owner, appeared
- Staff report from Supervisor Paula Seeley: Summary Abatement orders sent September 4, compliance date of September 12, rechecked September 13, work order done September 17 for a cost of \$590. No mail returned. Some history, sent to occupant and Ilya Baranov at 5238 W. 143rd St. Savage MN and also Burr St. Trash overflowing, debris in yard and driveway and front yard. Two orders sent on this too.
- Moermond: two orders, the September 4 order?
- Seeley: yes, that one shows the photos. And then I rechecked and noticed more trash in the backyard.
- Moermond: what was the date of those?
- Seeley: August 23 and September 4.
- Moermond: and only cleanup was September 17.
- [video shown]
- Moermond: doesn't look like it has seen a lawnmower in a while either. Why are you appealing?

Baranov: I'm looking for passing the cost on to my past tenants. They left the property before the lease ended, and they left the house how it was. They didn't clean and it was a complete disaster and a headache. I have the lease agreement and their social security number and driver's license. I feel like it is their responsibility, because it is in the lease they take care of it. I gave them multiple reminders both verbal and written. They were aware of it. As a private party I can't legally go after for them for any type of thing.

Moermond: why not?

Baranov: I don't have the tools to pursue them. They left over \$2,000 in damage, I tried small claims court but I don't have their current address, so they vacated and I couldn't find their current residence. I would put this into my claim as well. I spent over \$2,000 and time remedying the system.

Moermond: you are making yourself more whole after they left. It is not the job of the public sector to maintain your property. You have a private contract with the tenant. The City isn't a party to that contract. Enforcing those terms of the contract falls to you. The City sent you, as the property owner, the letter. You're saying you told them to do it, that's your thing, that's not the City's thing.

Baranov: that makes sense. It's more than he said, she said, they said. I just didn't have the right tools as a landlord.

Moermond: well you had access to renting a trailer to go throw the things away and take them to a junk yard. I don't know why you couldn't take care of it yourself. It would have saved you \$590.

Baranov: but how could I have passed the cost on to them?

Moermond: I'm going to recommend approval to the Council. It is not the City's responsibility to enforce the terms of you private lease. You had notices twice to fix it, the work wasn't done for fully two weeks. That's more than adequate time to figure out how to address it. If you want to address the Council, you can on February 5.

Baranov: I was never told how much it would cost.

Moermond: the letter tells you the rate per hour plus the abatement expense. So you know it is at least \$260/hour plus expenses. Again, I don't know how I can turn to other taxpayers and say they are responsible for cleaning up your property.

Baranov: I'm not saying the tax payers should pay for it, I am saying it should be passed onto Trista Holmes

Moermond: you're saying the taxpayers are responsible for tracking her down.

Baranov: I'm not saying the taxpayers should, I'm saying the government should.

Moermond: There is no other money for local government, that is it. It is our tax dollars. That's who pays to track down people that you're proposing happens.

Baranov: the government has resources to track people that I don't have.

Moermond: even if the government had those resources, they couldn't use that for

private information. If I was a police officer I can't look it up so you can enforce on the lease, that would get me fired. You can hire someone to do that, the City will not seek out your tenant to hold them accountable. You have that job. You had the job to take care of the property and you have the job to take care of the assessment if it is not taken care of. You need to weigh the costs and benefits of pursuing it yourself, I can't give you legal advice.

Seeley: a phone call would have been helpful, I could have told him he has the rights to go clean it up. We also have a complaint from August 22, 2019.

Baranov: I guess the only other request is if it can be reduced in any way.

Moermond: I can't see a reason to reduce it, that was a lot of things taken off the property. No.

Referred to the City Council due back on 2/5/2020

5 [RLH TA 19-932](#) Ratifying the Appealed Special Tax Assessment for property at 1418 GALTIER STREET. (File No. J2007A, Assessment No. 208506)

Sponsors: Brendmoen

Reduce assessment from \$478 to \$239. Continue PH to August 5, 2020, if no same or similar reduce from \$239 to \$100.

Lisa Williams, owner, appeared

Staff report from Supervisor Paula Seeley: Summary Abatement order sent August 22, compliance date August 29, rechecked September 4, work order sent and done September 6 for \$478. Orders sent to occupant and Lisa Williams at 1418 Galtier. Please cut and remove plant growth and vegetation hanging into alley.

[video shown]

Moermond: why are you appealing?

Williams: I actually called a little too late to see if I could get an extension to clean it up, I'd done it before and they honored it. I had issues going on at the time, but by the time I called in it was too late. They had already done the work.

Moermond: in 2017 there was an order, was it done by owner?

Seeley: yes, it was.

Moermond: the City did the work, in the past you did take care of it yourself. You had a good two weeks between the orders being mailed and when the work was done. I'm impressed there's no history here, so I'm going to recommend that this gets cut down to \$200 and make it payable over 2 years. It would be about \$100 a year on your mortgage.

Williams: what if I just pay it?

Moermond: you can pay it between now and November. It goes on 2021 taxes, so if you pay it in 2020 it won't show up on your taxes. It's a lot less, it is not nothing, but it's less. I was thinking spreading it over a couple years would be helpful. Would you just

rather get it done at once?

Williams: I just want it over with.

Moermond: ok, we can do it that way. If you want, you can speak to the Council about it. The hearing is February 5 at 3:30, your letter also says that. You just show up.

Williams: I'm not coming here to make excuses. Stuff happens.

Moermond: and I'm not hearing excuses at all. Let me do it this way. I'm going to reduce this by half to \$239 and we'll ask them to continue this until August 5, 2020. If you have no same or similar by August 5, 2020 I will recommend its reduced to \$100. That will be what I propose to Council February 5.

Referred to the City Council due back on 2/5/2020

- 6 RLH TA 20-44** Ratifying the Appealed Special Tax Assessment for property at 595 LAWSON AVENUE EAST. (File No. J2009A, Assessment No. 208508)

Sponsors: Yang

No one appeared. Approve the assessment.

Referred to the City Council due back on 3/4/2020

- 7 RLH TA 20-61** Ratifying the Appealed Special Tax Assessment for property at 1826 ROBLYN AVENUE. (File No. J2009A, Assessment No. 208508)

Sponsors: Jalali

No one appeared. Approve the assessment.

Referred to the City Council due back on 3/4/2020

10:00 a.m. Hearings

- 8 RLH TA 20-45** Ratifying the Appealed Special Tax Assessment for property at 1879 AMES AVENUE. (File No. J2010A, Assessment No. 208509)

Sponsors: Yang

Approve the assessment.

Ivan Ferrara, Venture Capital LLC, appeared

Staff report by Supervisor Paula Seeley: Summary Abatement order sent October 10 with a compliance date October 17, rechecked October 22, work was done October 23 , for a cost of \$508. Orders went to occupant and Latasha Wilson at Ames for mattresses and broken furniture next to garage.

Moermond: why are you appealing?

Ferrara: I was under the impression there was only a hearing for 1021 Fuller. I'm suspecting we never got the notice at 301 Concord place in Burnsville.

Moermond: when did you get the property on Ames?

Ferrara: years ago, as far as I know.

Seeley: it is Concord place now.

Mai Vang: Ramsey County has Concord Place. They say October 29, 2019.

Moermond: so it hasn't been years. These orders were issued early October 2019 and executed in late October. The person who sold it to you, got it in the mail. The assessment for the work stays with the property, it went to the seller, they have a legal obligation to disclose this happened and would be an assessment. It doesn't look like that happened.

Ferrara: I guess I'm not sure.

Moermond: Because you don't have the file with you.

Mai Vang: he did return the gold card.

Moermond: so you did know.

Ferrara: last time you told me send immediately.

Vang: we got these late, last Thursday or so.

Moermond: so work was ordered and conducted under previous owner. I'm going to recommend approval. You are of course welcome to reach out to the previous owner.

Supervisor Lisa Martin: we don't have a C of O on file. Is it a rental?

Moermond: why don't you send an email to the Fire people so they know.

Referred to the City Council due back on 3/4/2020

9 [RLH TA 20-62](#)

Ratifying the Appealed Special Tax Assessment for property at 1021 FULLER AVENUE. (File No. J2009A, Assessment No. 208508)

Sponsors: Thao

Approve the assessment.

Ivan Ferrara, Venture Capital LLC, appeared

Staff report by Paula Seeley: This is a Summary Abatement ordre, sent September 13, September 27 compliance date, rechecked October 7 and work was done October 10 for a cost of \$478. this is a vacant building category 2, opened August 6, 2018. Was sent to David Nina on Seventh Street and occupant. Piles of toys and household debris on ground west of garage.

Mai Vang: Ramsey County has 301 Concord Place, it doesn't have sale information.

Moermond: we have a sale review form October 15, 2019. So it's a recent acquisition. Do you have a date?

Ferrara: I don't have a date but I can investigate.

Moermond: since it wasn't even going through sale review until the 15th, it looks like the same situation as your previous case, where notice went to the owner of record at the time they owned it, and the work was performed while they still owned it. If the sale date is inside of that window, I may be able to decrease it, but that would be on you to show me the work happened and when that happened and I don't think legally that's possible if the sale review isn't until October 15. Crew showed up October 10, five days later your folks asked DSI to do a sale review to buy it. If you had the property in your possession before October 10, I would say maybe we could eliminate, but right now I'm recommending approval. Again, the City has documentation to go after the previous owner who should have disclosed.

Referred to the City Council due back on 3/4/2020

10 RLH TA 20-63

Ratiofing the Appealed Special Tax Assessment for property at 930 JESSAMINE AVENUE EAST. (File No. J2010A, Assessment No. 208509)

Sponsors: Yang

Approve the assessment.

Ivan Ferrara, Venture Capital LLC, appeared

Staff report by Paula Seeley: Summary Abatement Order sent October 11, compliance date October 15, rechecked October 17, work was done October 18 for a cost of \$616. Category 2 Vacant Building. Orders sent to occupant and to Yu Xang Thao and S&C Holdings LLC. Paint cans and general refuse.

Ferrara: I'm going to have to check.

Mai Vang: sale was Nov 21, 2019.

Ferrara: so same deal?

Moermond: looks like. Work all happened in October, so same deal.

Ferrara: I will speak to the owner and once we dig that out, what's the next step? Council?

Moermond: if you want to argue whether the assessment should go on taxes, then yes go to Council. If you are going after the previous owner that's not through the City, that's up to you privately, I can't give legal advice. It doesn't look possible that you owned any of these during the process. If you find out differently, you can let us know.

Referred to the City Council due back on 3/4/2020

Special Tax Assessments-ROLLS

11 RLH AR 20-20

Ratiofing the assessments for Property Clean Up services during October 1 to 11, 2019. (File No. J2009A, Assessment No. 208508)

Sponsors: Brendmoen

Referred to the City Council due back on 3/4/2020

- 12 **RLH AR 20-21** Ratifying the assessments for Property Clean Up services during October 14 to 31, 2019. (File No. J2009A, Assessment No. 208508)

Sponsors: Brendmoen

Referred to the City Council due back on 3/4/2020

Staff Reports

11:30 a.m. Hearings

- 13 [SR 20-2](#) Request additional extension to an Appeal of Anthony Cruz and Maria Baez o/b/o Alina Cruz to a Fire Inspection Correction Notice at 1818 FIFTH STREET EAST.

Sponsors: Prince

Layover to LH January 28, 2020 at 11:30 AM. Vacate order on hold. NeDA staff to work with owner on work plan and financing plan and owner to address reoccupation of property.

*Magnolia Zuluaga, interpreter, appeared
Anthony Suero, son of owner, appeared
Duane Carlson, C of O responsible party, relation, appeared
Alina Cruz, owner, appeared
Maria Baez, sister of owner, appeared
Graciela Mendez, housing counselor with NeDa, appeared
Jim Carlson, contractor with Advanced roofing and siding, appeared*

Moermond: Ms. Baez filed the appeal, and Ms. Cruz is your sister?

Baez: yes. Anthony can speak.

Duane Carlson: I'd like a copy of the last transcript.

Moermond: Mr. Carlson you are still listed as the Fire C of o responsible party.

Duane Carlson: that was supposed to get changed at the last hearing. I would like the transcript in both English and Spanish. I think there's a misunderstanding and that's causing problems.

Moermond: who do you want being the responsible person for the property when the City needs to do inspections?

Cruz: My son.

Moermond: before you leave fill out that form and sign in, so the City can reach out to him when they need to do inspections. When we left the conversation last time, we had deadlines to take care of things, and the first deadline wasn't met.

Cruz (through translator): the problem is the City always sends the letters under Duane

Carlson's name, and he always says that the court date will be this date, and the court date I was working. When the inspector came, Duane said everything was ok. And I thought it was true, since he was in charge. It was about 2 years and the court date and they said they aren't going to do something else, because it was a long time.

Moermond: when you say court date, you mean coming here? Or other legal things?

Cruz: the problem is I had people living at my house with me. I was helping them, and they were paying \$500 and that helps me, and I couldn't understand why she got mad at me, and she was the one who called the city.

Moermond: and Mr. Cruz [Suero] wanted to add something.

Suero: back when we came for the hearing, we couldn't get anything done because we went to [unknown] to help us, and said we had to do that before we start with the contractor.

Moermond: who is living there right now?

Duane Carlson: I'd like to clarify things. I managed property in South St. Paul for 15 years, professional. I came on when the first order came in through the City. Upstairs is cleared as habitable. The downstairs was never inspected. That's where the problem came in. The work done previously, I don't know who did it, the wiring and plumbing was found to be not suitable. There's been some misinformation from the City, my son said the City wants my son out on the 17th, he's being forced out onto the street. George said that was a lie.

Moermond: the order under appeal was a revocation of the certificate and an order to vacate. There was an extension to deal with the things in the orders and because this is an order to vacate, not doing the things that were expected on deadline will get the house vacated, and that already was already written notice to your son and family that those things happened.

Duane Carlson: he never got that notice.

Moermond: sir, that's your responsibility as the Fire C of O responsible party to make sure that communication happens. That is not on the City to make sure your tenant gets notified. You are no longer in that role, we're talking about the repairs.

Duane Carlson: I need the transcript, they are accusing me of stealing her house.

Moermond: and that's not what I'm dealing with today at all. I'd like Mr. Neis to describe what's currently the expectation for getting things done. The reason why people can still be living there is because we didn't have a specific date in the letter. We're un-ringing the bell.

Supervisor AJ Neis: the Fire C of O, they were given a deadline of the 17th to comply. There were a few steps that need to be completed for the house to remain habitable. Extension was given to January 17 to get a Power of Attorney and for plumbing and electrical order compliance by a licensed contractor. Inspector Niemeyer did the inspection on the 17th and nothing had been done. He revoked the Fire C of O and took enforcement action.

Moermond: before you leave today lets get your Power of Attorney scanned and you fill

out the C of O responsible party form and sign it. The first set of deadlines included plumbing and electrical.

Mendez: we met with the homeowner at the end of December. It's a mess. We got this order by the 17th to be gone, so as a housing counselor our job is to protect the community and help them stay on their home. We contacted a couple places we needed to put together an application to see if she qualifies for the City funding or MN housing. When I went through the report, our job is to make sure we have an estimate and then submit an application.

Moermond: have you had a rehab advisor look at the home?

Mendez: I haven't, due to the holidays. We'd prefer someone who spoke Spanish. That's how we got in contact with Jim Carlson. He's bene out there twice.

Jim Carlson: I called George last Monday, and he informed me everything had to be done and inspected by Friday, which as you know that wasn't going to happen. I informed Ms. Mendez and Alina that it wasn't going to happen. They haven't even applied for the loan, and I'm doing this as a favor that right now.

Moermond: I just want to be clear on the record that this was issued November 5. It's a new problem for you, but its not new.

Suero: Friday I explained to George that I'm new and I don't know anything about the house and that we were in that mess. Whatever Duane was telling me, he said it was fine. I didn't know anything, so when Maria jumped in and helped us and explained, that's why we went to NeDA to help us.

Moermond: did Ms. Cruz qualify for financial assistance to help get these repairs done?

Mendez: I'm collecting as much information as I can to get her qualified. Its in the process.

Neis: does she have to live in the property to qualify?

Mendez: she does.

Neis: rental rehab might be an avenue that might work since she doesn't live in the property.

Mendez: they may make an exception for this.

Neis: I only brought it up as it might be an option to make it work. Looking at all programs possible.

Mendez: we're doing our best, we cannot proceed until we know. She has a lot of equity in the property.

Jim Carlson: we're roughly at \$9,000 to put it back the way it was.

Baez: the reason why I got into this is because I called my sister, to see how she was and she said "I am homeless now, I am bouncing form house to house. Duane kicked me out and told me I can't live here." I asked "why is his son still living there?". This is

your house, why is he kicking you out, so I called Duane and asked him, he said because the City is coming and she can't live there. I asked about his son, he said by the 17th he has to move out. I don't know why he's saying he didn't know anything. I called Anthony, we need to do something. I contacted NeDA, December 18. I explained to her the situation, she said we have no time. I said ok, if they have to move out, they have to move out. I told Duane's son he needs to be out by the 17th. I don't know if he moved out or not, did he Duane?

Duane Carlson: I'm not allowed to speak.

Baez: so I don't know if he moved or not.

Duane Carlson: the inspector came on Friday, and he said no one is making you move.

Moermond: after I spoke with the inspector I said we're going to have this conversation. That's why you heard that, and she was acting based on the letter. Everyone is on the level with this thing. Ms. Cruz what do you want to do with this property?

Cruz: I want my house, I want to live there.

Moermond: who do you want living with you?

Cruz: I'd like to live there by myself.

Moermond: I think you need to contact SMRLS and get some advice about any legal steps you need to take because you have tenants in the property, they might just leave if you ask them, but you should understand the legal process or removing a tenant and get it rolling correctly. I think you qualify for SMRLS because you are unemployed. This is about getting you back into your own home. That should be your next stop today, do an intake with them and explain your situation with the orders. We can let you use the phone if you need to make an appointment to have an interpreter. Now I'm curious, we have these problems in the basement, those are the worst things.

Neis: yes, absolutely.

Moermond: I need to hear from NeDA about how you can help finance. I'd like to see a work plan from you guys, showing how you will address it. My concern is, honestly, allowing the property to continue to be occupied with such scary problems going on that she didn't create.

Cruz: when I bought the house that's the way it was.

Moermond: it is hazardous, having electric in the shower and so on.

Neis: if she moves back into the house, it says she also owns 726 Wilson

Suero: my sister lives there. They are both on the title together.

Neis: that's fine, it just shows her.

Cruz: he changed my address without her authorization. Duane changed it, from the 1818 address to the 726 address.

Neis: Rosa is the sister?

Suero: yes, Rosa Cruz.

Moermond: what's going on with where you are living right now?

Cruz: I'm with Anthony right now until I can go back with my house.

Moermond: I just wanted to make sure she is stable, I hate to hear someone is unstable when they own the property. Is there a lease in place right now?

Cruz: I signed one and gave it to Duane, but don't know where it is.

Suero: supposedly it was a lease. Now I hear there's no lease about it. I don't know what is going on, there's too many lies.

Moermond: I'm uncomfortable with this continuing to be a rental problem with these big code violations going on. I'm more comfortable with an owner living there acting in their own best interest. They would be more careful in a way that a renter wouldn't be. There's a higher expectation that a rental property has all these items addressed. I think you need to sort out what you're going to do to get back in. Mendez needs to sort out what financing needs to be done. The next deadline is March 1 for everything. I don't know what's going on with the rest of this stuff.

Suero: what's the legal way to boot my cousin out of the house?

Moermond: you privately go to evict him and his family as tenants. The City has an order to vacate hanging over it, and if they do that they have to be out because of the safety concerns and we'd have a date certain on that. That is what was in place, without a date. I'm hesitating because it may affect her ability to finance the repairs if it has been condemned and ordered vacated. Right now, the certificate has been revoked, I don't think it was an actual condemnation.

Neis: yes.

Moermond: that December 29 letter says there are significant repairs that haven't been overtaken for a long period of time, which is better than things like hoarding or no gas or electric.

Jim Carlson: George said if it gets condemned and they vacate, the process to uncondemn is now more difficult, they will have to move the rest of the house to code. There would have to be things done to today's code, so my estimate would be higher.

Moermond: right. How long would it take you to figure out the financing Ms. Mendez?

Mendez: as long as we have the letter of contribution from the son, I would say a couple weeks, to know for sure if she will qualify and call a contractor.

Moermond: that is presuming she is an owner occupant?

Mendez: yes

Moermond: does that have to be at the time of application of the loan, or can it be in the near future?

Mendez: I think there might be an exception, but I haven't spoken to Karen Reed about it.

Moermond: I'd like to let this sit for one week, and in that time, I'd like you to talk with SMRLS about what you need to do legally to get yourself back in the home. In that same time, Ms. Mendez can work on guidelines for financing repairs. The house won't be condemned in a way that takes care of having the tenant move out, I'm struggling with that if we're working with you on rehab.

Cruz: I want you to take the tenant out as soon as possible.

Moermond: we can't, you guys will need to do it. We'll give you a conference room and a telephone with the interpreter to call SMRLS. That's your next step, you may have to go to the office, but I want you to call in case they need an interpreter.

Baez: I spoke with Duane about his son and Duane said he was going to move by Friday, he has his truck over there trying to move out and because of the snow. I don't want to go legal. This is family. If we can do this without legal.

Duane Carlson: but for the misrepresentation I'm thinking of filing a lien. I spent 2 years of my life trying to help her.

Moermond: this isn't the place for that conversation. We'll continue this conversation next week. The vacate is on hold until that happens.

Laid Over to the Legislative Hearings due back on 1/28/2020

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 14 [RLH FCO 19-127](#) Appeal of Ron Staeheli to a Correction Notice-Reinspection Complaint at 358 ARBOR STREET.

Sponsors: Noecker

No one appeared. Deny the appeal.

No one appeared

Moermond: neither Ron Staeheli or Diane Steaheli are present. Diane did send an email saying they wouldn't be attending any future hearing. It seemed to be largely expanding on what Mr. Staeheli had said on his wife's behalf. We also have an email from Mr. Neis with notes from Inspector HerVang about the tenant saying Diane didn't live there. That coupled with the Ramsey County information means I am denying the appeal. Lets put this in front of Council on February 12.

Referred to the City Council due back on 2/12/2020

Staff Reports

2:30 p.m. Hearings

Vacant Building Registrations

- 15 **RLH VBR 20-4** Appeal of Ariana Pierre to a Vacant Building Registration Notice at 846 ASHLAND AVENUE.

Sponsors: Thao

Grant appeal to be released from the vacant building program if the interior repairs outlined in the workplan are completed by March 1, 2020 and the exterior repairs by July 1 2020. Waive VB fee for 90 days.

*Ariana Pierre, owner, appeared
Carolyn Brown, Community Stabilization Project, appeared*

Moermond: I think the goal here is to keep you out of the vacant building program. My goal is to keep you out of the house until its safe to move in and make that happen as quickly as possible, looking at this work plan. You said the Fire Marshall is coming out tomorrow to deal with the smoke and fires, that's great. If they're coming out tomorrow, you don't need a month. Lets say one week. The heating and water issues, some of these we found permits have been pulled, that's great, but it looks like that's for the boiler more than the water heater.

Pierre: he told me a number for a plumber. He will install the stove and gas shut off valve, we'll pull the permits. We're going got ReStore and picking up a stove after this. He will come this week and install the stove and do everything in one day. He's also looking for the radiator.

Moermond: so the guy dealing with stove is the same one dealing with the water heater and radiator and will pull appropriate permits for that?

Pierre: yes

Moermond: the extension cord for the water heater, is that something the mechanical contractor said the plumber would work on? It feels like maybe its an electrical issue.

Pierre: he said sent the plumber a picture, he's going to see what he says about the cord. He's for sure doing the tubes or whatever.

Moermond: I just wanted to come back to that. My guess is that will be different trades person. The heating and water list I want addressed before you move back into it. You're asking for a month to deal with that, I have no problem with that. The new stove is in the same group. The doors, locks and windows, I'm going to say on this list, I'm making two critical before you can move back in. Repairing the doors is critical, and then fixing the sash cords is also critical. That's getting in and out in case of emergency, and it is also a personal safety issue in terms of the doors. The garage and exterior items, I don't have concerns giving a longer extension given the weather, I was thinking July 1 with that and the retaining wall. The other items I'm fine with your deadline. If it takes longer, I'm going to push it out, four weeks takes us to February 18, lets go to March 1 and I want it to be you can get this accomplished and there's no question about staying out of the vacant building program. If you can stick to the work plan, then we can do that, if you can't were talking again with Mr. Dornfeld. As soon as you get these things taken care of, contact Mr. Dornfeld for the reinspection. We'll just put it in front of Council, and if they call you before then then we're good. I appreciate

you doing such a nice thorough job with the work plan.

Referred to the City Council due back on 2/5/2020

2:45 p.m. Hearings

- 16 [RLH VBR 20-5](#) Appeal of Selena Peou to a Vacant Building Registration Renewal Notice at 885 MARGARET STREET.

Sponsors: Prince

Waive the VB fee for 90 days.

No one appeared

Supervisor Matt Dornfeld: I recommend holding the VB fee for another 90 days, this was an accidental fire that's just taking longer than normal due to insurance. They have permits and are working, its just not done yet.

Moermond: when did it go in the program?

Dornfeld: one year from February.

Moermond: so its been in the program a year?

Dornfeld: yes, it went again as an accidental fire.

Moermond: so is this year two of registration?

Dornfeld: correct.

Moermond: so they already had one vacant building fee? Because if they have been waived for a year I can't see my way clear to waiving another 3 months.

Dornfeld: Fire and insurance companies are tricky but I do understand. Last year's fee went to assessment just a few days ago, January 2, 2020. Immediately it becomes the new fee is due.

Moermond: so the fire was presumably January 2019?

Dornfeld: yes

Moermond: sure, a 90-day waiver makes sense then.

Referred to the City Council due back on 2/5/2020

3:00 p.m. Hearings

Other-Fence

- 17 [RLH OA 20-4](#) Appeal of Greg Houle, Flannery Construction, to a Fence Variance at 237 FOURTH STREET EAST.

Sponsors: Noecker

Grant the appeal.

Dan Novak, contractor, appeared

Greg Houle, Flannery Construction, appeared

Moermond: in this case there is professional development training at this time, so we don't have a Building Official. Staff did look it over and I spoke with both the Building Official and James Williamette, the plan reviewer. What I was gathering from them was they were looking at this as being a residential decision about the fence height. We are looking at a fence in a parking ramp, going from a decorative wrought iron to more of a security fence, tall with pickets on the top.

Novak: it's mainly a visual deterrent. These types of fences are pretty standard.

Moermond: when were you thinking of doing the installation? Is it weather sensitive?

Houle: there's no concrete work, it is all mounted to the face of the parking ramp or to the decks on the parking ramp.

Moermond: I'm reading it as I would consider this a downtown district rather than residential, even though it abuts buildings used for residential purposes. In that case you get the taller fence. It could be that the Building Official wanted to say he'd rather have a formal decision made in front of the Council granting the variance, he has a very narrow list of things he can grant exceptions on.

Houle: that's the way he explained it to me.

Moermond: I would recommend granting the appeal in this case.

Novak: do you want any background info from the owner as to why they are doing this?

Moermond: I understand there's a concern of car break-ins and safety concerns.

Houle: John Fearing, representative of owner, said they have vagrants using the ramp for shelter during all seasons, they are having biozard cleanup done by a vendor daily, it is costing them \$500 a week, securing for vehicle theft and for safety of residents, and resident retention, people are moving out because of it.

Novak: it also affects the safety of the residential building attached to it. It is not really a viable shelter anyways.

HPC signed off on it too.

Referred to the City Council due back on 2/5/2020

Water Bill Appeals

- 18 RLH WB 20-1** Appeal of Lavern Veit, Southtown Plumbing, Inc. to a Water Service Bill at 565 JEFFERSON AVENUE.
Recommendation forthcoming.

Lavern Veit, Southtown Plumbing, appeared

Staff report by Jerry Ludden, St. Paul Regional Water Service: we're looking at a \$1,000 fine. It sounds like there was a fire at the property a year ago, and at the time the usage went to zero. There was some conversation with the owners asking the status of the property, they said there was a fire and they were working on it, which explained why it was at zero. At some point, around April, the building became occupied again. The owner called and asked about a bill. At that time, we asked when it became occupied. Both times they said it was vacant, then later they said we have people in there why don't we have bill? We did a meter investigation around November 26 and he found the meter was on the floor and a spacer had been installed, a 3/4" pipe that takes the meter out of the equation.

Moermond: water passes directly from the pipe into the house, not through a meter.

Ludden: and that wasn't issued by SPRWS. Sometimes the plumber can call, and we have a 24 hour 7 days a week dispatch for emergency to assist the plumber, or if the plumber says this is an emergency can I drop the meter? There's info on that on every meter. It lets them know about the number. When we do find a meter is taken out without contacting dispatch, we issue a fine for theft of water and not contacting.

Moermond: the fine is issued to the property owner?

Ludden: yes.

Moermond: and if its not paid it goes on the bill?

Ludden: yes, and then the taxes at some point. The meter was brought into the shop and stays for 6 months, so someone can look at it and we can produce it for the hearing.

Moermond: were there permits pulled?

Ludden: no permits.

Moermond: would there typically be?

Ludden: I don't know what the work done. We don't know why the meter was dropped, it could have been there's a frozen meter which means a frozen meter charge on top of it.

Moermond: was the meter damaged?

Ludden: looking at the pictures it looks like it was replumbed. It looks like they put new plumbing in throughout.

Veit: permits were taken out, yes.

Mai Vang: April 3, 2019 the vacant building file was closed. Plumbing permit for stand pipe pulled November 5, 2018, finalized December 4, 2018 by Troy McManus. There was another plumbing permit in addition to the other one, alter main gas line to existing equipment, that was finalized December 18, 2018.

Ludden: when was the fire?

Vang: November 20, 2017.

Moermond: did you say this was owner occupied?

Vang: it has a pending Fire Certificate of Occupancy. There was a TISH done February 2019.

Moermond: it lists the owner at this particular address.

Vang: has the owner as Osterbauer, LLC.

Ludden: I think Tenesha West is the tenant. Osterbauer, LLC is listed as the owner.

Veit: it was a fire, we went in and remodeled, it took a period of time to get it done. When we called for our final inspection, we went to meet the plumbing inspector, we found the breakplate on the meter was leaking. So we put a jumper in to get the final inspection with the plumbing inspector. Our procedure is, he takes it out, sets the broken meter on the floor, and we call the meter department and they come out and replace it. We forgot to call the City and we goofed up, it didn't happen this time. We weren't trying to steal any water, there wasn't anyone living there.

Moermond: is it normal for a plumbing inspector to look at the plumbing permit and see the bypass at the meter and say its ok?

Ludden: yeah maybe its in the records for replumbing, the standpipe would have been on the sewer pipe, but do we have a permit for replumbing the house? I didn't hear that.

Veit: it was partially replumbed. Not all of it. The fire was on the second floor, so a lot of the first floor wasn't damaged. To be honest I couldn't tell you if we put that pex in downstairs or not, it could have already been in. I can't say.

Ludden: for the water utility, the plumbing afterwards needs to be inspected, it could be DSI inspectors, but the water inspectors do the meter setting going out. If they had a permit for that it would be on the record.

Vang: they had one 2011.

Ludden: which is when it could have been done. It is not the crux of the issue anyways. Putting the pipe in and pulling the meter is the issue.

Moermond: how was the spacer not fixed after the inspection?

Veit: it was just an oversight. It should have been. The meter was left on the floor, because it was damaged and frozen, with the broken plate on the bottom.

Moermond: you laid it on the floor, you normally would contact the water utility?

Veit: Brent should have called the office, and we call the City and tell them we need a meter replacement. The charge went onto the meter bill, because we usually make a phone call. We made the mistake of not pulling that, he forgot to call the office, so it was basically the plumber not telling the office so they can do their job.

Ludden: if they call and you turn the water on, the meter is leaking, that's that 24/7

call. The dispatch vehicles all have the spacer on the truck, and would make a note, so they would notify us in the morning about the spacer being installed, we get about 300 over the winter, we would have installed our spacer and noted it. It would have been on us to get it replaced.

Moermond: so you recorded no water usage through November of 2019.

Ludden: yes, the old meter stopped at that point, we'll still get a reading and it shows up at zero. That's where the two conversations with the owner happened, but even the owner may not have known the spacer was installed.

Moermond: did you create any sort of estimated bill?

Ludden: yes, I don't have it here. They do a good job on that. Once the meter is installed they will do a reread.

Moermond: I'll put this in front of Water February 11, and I'll write this up and get a letter out to you. Do we have your email?

Veit: yes, I signed in.

Referred to the Board of Water Commissioners due back on 2/11/2020