



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

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

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Tuesday, February 14, 2023

9:00 AM

Room 330 City Hall & Court House/Remote

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

##### Remove/Repair Orders

- 1 [RLH RR 22-55](#) Ordering the rehabilitation or razing and removal of the structures at 1366 FREMONT AVENUE within fifteen (15) days after the October 26, 2022, City Council Public Hearing.

**Sponsors:** Prince

*Layover to LH March 28, 2023 at 9 am for update on bank's demo vs. rehab decision based on completed CCI. CPH April 5, 2023.*

*Sam Coleman, Trott Law o/b/o Wells Fargo, appeared via phone*

*Moermond: you'd said in our last hearing you anticipated another hearing the end of January issuing that foreclosure.*

*Coleman: we got a default judgment several months ago and there was a problem with title work and we had to name a new defendant. The amended complaint was served. The default hearing is March 1. At that point all defendants will be in default and we can proceed with the foreclosure. We could schedule a sale for early May, maybe even late April. With the 5-week redemption period the property would belong to Wells Fargo mid-June.*

*The other thing I would point out is Wells Fargo did remove 20,000 cubic yards of garbage a few weeks ago and we did file our Code Compliance Inspection application. Clint Zane did a preliminary inspection February 6 and indicated there is still too much stuff inside. Now I have gone back to Wells Fargo to have another crew go out and remove more junk, hopefully next week. That's what I've been working on since the last hearing.*

*Moermond: when that junk is out we have a very tiny house, a cottage is a gracious description. It was completely full along with the several accessory structures. I would say it has limited value as a rehab. However, the parcel is nearly 15,000 square feet. I would say the value for the bank lies there, not in the structure. After the cleanout is done and rehab and Code Compliance Inspection complete I would look for them for how they want to proceed based on the information in front of me. Send in a contractor to evaluate the cost of a rehab vs the sale price. I'm reasonably sure the juice is not*

worth the squeeze on this one. It is in their interest to demolish. I don't think realistically we're looking at this as a sale of a house that will be rehabbed. We need to get it cleaned up by virtue of cleaning up the tiny house and several accessory sheds. I leave it to Wells Fargo to make those assessments on their behalf, but that's where I come out on it. I'm ready to go to Council to say that. If Wells Fargo isn't even in a position to talk to someone about potentially rehabbing it for 5 weeks and then six months after that, it doesn't seem to be in the public's interest. Once it is cleaned out you can make that assessment. Mr. Yannarely, you look at this and what do you think?

Yannarely: the value is in the parcel and its location, not in the structure. Wells Fargo will have to come to their conclusion in a timely fashion.

Moermond: exactly. A timely fashion. You said the next crew is going in for the cleanout?

Coleman: they should be able to go out next week. I'll push them to get that done. I'll certainly pass along what you just said, that the City really wants the contractor out to make that assessment of rehab vs. fair market value after the rehab is done. I don't disagree. I don't want to keep working on this file. I'd like to know too if the juice is worth the squeeze.

Moermond: this went to Council last October 26 and I've been pulling it along slowly. I'm not interested in carrying it anymore myself. If Wells Fargo wants to send a contractor in that's likely financially responsible but for me I need to look at abating the nuisance condition. Hopefully they decide and can bring that to a Public Hearing. I'm going to send this to Council in six weeks. We can talk again March 28 with a Council Public Hearing April 5. If there are no changes I'll recommend the buildings be removed. Wells Fargo should have a conclusion at that point on what its interests are.

Coleman: understood.

Moermond: any questions?

Coleman: no, I think it is fairly clear. My hope would be if we could get a crew to move the remaining things next week I would hope we could have a contractor out early March. I think your deadlines are realistic.

Moermond: your contractor will need to take note this was a significantly hoarded house with the floors bearing a lot of weight. You know that just in the yardage of material removed.

Coleman: if we get a contractor out there and they say it will cost X amount. We think it is worth X amount of money after rehab. If it would be worthwhile to rehab and we present that to you the end of march, at that point are you expecting bids for the work? What's the City's position if that is the case?

Moermond: you just said they would want to divest itself from the property and have someone else do the rehab?

Coleman: if they do decide it is worth rehabbing and I present that to you the end of March, would we be allowed additional time to move forward with that process? Like I said, they couldn't start until June at the earliest after the sale.

Moermond: what sale?

Coleman: the sheriff's sale. If indeed Wells Fargo decides it is worth it, for whatever reason, I just don't want to be in a position where we've invested all this time but we can't start the work until June or July. Is the City going to say no, I'm sorry, your time is up. Would we be able to get additional time to do the rehab work?

Moermond: I would look for a plan with a schedule about when the work would be initiated and completed. That could take into account work not starting until June. The City Council would be granting 180 days so I would look for the work to be done within the time granted by the Council. If the work is initiated and not done at the end of 180 days but is at more than 50% we would continue the Performance Deposit and talk about getting revised schedule and financing. I think it is possible due to the size of the building for rehab to be done expeditiously. Other questions?

Coleman: no, that will do it.

**Laid Over to the Legislative Hearings due back on 3/28/2023**

**2**      [RLH RR 23-1](#)

Ordering the rehabilitation or razing and removal of the structures at 46 FRONT AVENUE within fifteen (15) days after the February 8, 2023, City Council Public Hearing.

**Sponsors:**      Balenger

Full purchase agreement submitted and \$5,000 PD to be posted by COB Feb 24, 2023.

Lenna Gnatyk, daughter of owner, appeared  
Petr Gnatyk, owner, appeared

Moermond: you indicated you had a buyer and you had an addendum to the purchase agreement which described how title wouldn't transfer and we were hoping we would be talking to your purchaser about plans. What are the plans, they aren't here. Are we calling them in?

Petr Gnatyk: I spoke with him yesterday. I emailed him the papers—

Lenna Gnatyk: the Performance Deposit form and the plans and bids. I sent that to him and specifically stated if he could get it done within a week he could start getting permits. Right now, we're just waiting on him. He had agreed to the Performance Deposit and everything. We're not sure what is keeping him. We've reached out a couple of times, including this morning.

Moermond: do you have the whole purchase agreement?

Lenna Gnatyk: we don't. the most recent one we have is the one from last time. I had the initial purchase agreement and its just us adding addendums you wanted.

Moermond: I don't think we have the whole purchase agreement, just the addendum.

Lenna Gnatyk: we can get you the whole thing

Moermond: I'm wanting to know more deeply about any sort of timeline the purchaser agreed too. When does it expire and you could be looking at a new person if this

person doesn't follow through. What next steps are and we are informed.

*Petr Gnatyk: I spoke with him yesterday and he said he is working on it with his team. He's from out of state. He said they would send everything to you guys. I called him this morning about the status and got no response.*

*Moermond: can you get us the contact information for him?*

*[contact information given]*

*Moermond: the name you gave last time is Heriberto Parra.*

*Lenna Gnatyk: he goes by Eddie*

*Moermond: got it.*

*[Mr. Parra is dialed in at 9:15 am – Voicemail left: this is Marcia Moermond from St. Paul City Council trying to reach Eddie Parra calling you about 46 Front. Hoping to add you into this conversation. If you are available if you could call 651-266-8585 and let them know they can let us know to add you into the conversation.]*

*Moermond: what I am thinking was this went to Council originally February 8. I'm not feeling like there's a big fire but want to keep it moving forward. We need that Performance Deposit posted and needing to talk to him about his plans. I don't have any sense, without talking to him, about how quickly he wants to start the rehab. I gather he is a flipper and will be turning it over to sell and may be targeting the spring market. I can work with him on that but we need him to show up and produce those documents and the Performance Deposit. That will allow me to go to the Council with that recommendation. I'll continue this for two weeks to see if he produces and that will inform what kind of recommendation I give Council. In the meantime, if you could submit the entire purchase agreement for the record. In order to get any continuance, you will have to get that Performance Deposit posted. That's required and treats you as I would anyone else in this position. That is an article of good faith and shows they're invested.*

*Lenna Gnatyk: we are kind of in the same boat as you with playing the waiting game. The best we can do is keep trying to contact him. We're going to let him know the Performance Deposit needs to be posted.*

*Moermond: he also can't pull permits without that.*

*Lenna Gnatyk: that is why we aren't really sure what is going on. We aren't really being kept in the loop. I literally sent an email with everything. He did want to get it done by summer and get it sold. I'm not sure what is keeping him tied up.*

*Moermond: we will give that a try and reach out to him specifically and say we need you to be in a hearing February 28th. We will call him in and have this conversation with him.*

*Lenna: I'd love that.*

*Moermond: I'll also ask him, and this can go in the letter, what his relationship is to Inklings, LLC. Is he the legal signature for the LLC, and he will have that paperwork? We need that in our records.*

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**Laid Over to the Legislative Hearings due back on 2/28/2023**

- 3 [RLH RR 23-7](#) Ordering the rehabilitation or razing and removal of the structures at 901 FULLER AVENUE within fifteen (15) days after the March 22, 2023, City Council Public Hearing.

**Sponsors:** Balenger

*Layover to LH March 14, 2023 for further discussion. (CPH 3/22/23)*

*Craig Cooper, potential purchaser, appeared  
Marco Landoni, o/b/o Center for Energy & Environment who holds second position in lien, appeared*

*[Moermond gives background of appeals process]*

*Staff report by Supervisor Joe Yannarely: The building is a two-story, wood frame, single-family dwelling with a detached two-stall garage on a lot of 3,998 square feet. A fire occurred at the property on October 25, 2021 and the building was deemed uninhabitable. According to our files, it has been a vacant building since October 27, 2021. The current property owner is Joseph P. Ray and Tauriette Ray, per AMANDA and Ramsey County Property records. On November 9, 2022, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on November 28, 2022, with a compliance date of December 23, 2022. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$23,000 on the land and \$148,800 on the building. Real estate taxes are current. The vacant building registration fees were paid by check on November 4, 2022. As of February 13, 2023, a Code Compliance Inspection has not been done. As of February 13, 2023, the \$5,000 performance deposit has not been posted. There have been eighteen Summary Abatement notices since 2021. There have been eight work orders issued for: Garbage/rubbish, Boarding/securing, Tall grass/weeds and Snow/ice. Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$35,000.*

*Moermond: it looks like what triggered it entering the Vacant Building program was a fire that occurred in October 2021 that resulted in the building's condemnation?*

*Yannarely: yes.*

*Moermond: and the fire reports are attached to the record and indicate that we have a pre-fire value of \$52,200 and structural loss of \$45,000. That's where we begin. I'm not sure what is going on with the owner. Mr. Cooper, you've talked to the owner?*

*Cooper: I have spoken with Mr. Ray.*

*Moermond: he isn't here. What is the situation with him, has he indicated why he isn't here?*

*Cooper: he didn't say he was going to come. I said I would show up and see how it worked. We're in the process of talking and trying to figure out how to move forward.*

*Moermond: was this a rental property?*

Cooper: they owned the property forever.

Moermond: is this an older couple who has moved on to a smaller residence?

Cooper: the parents passed away already, so it is the kids.

Moermond: Joseph and Tauriette are the parents?

Cooper: there are two Josephs. Property is in Senior's name, the parent's name.

Moermond: is Joseph Senior still around?

Cooper: no, both parents are gone.

Moermond: I take it that it hasn't been probated? Had there been a will title would have been changed by this point.

Cooper: I'm not 100 percent sure.

Moermond: job one with this is establishing ownership of the parties who want to sell. Without that we don't have traction to get the property. Job one is getting them to get title in their name. I need them showing up and taking responsibility. I assume they would come out financially ahead by doing that. Similarly, I don't know the amount of money on the US Bank mortgage.

Cooper: they don't have any interest in showing

Moermond: is the mortgage paid off?

Cooper: no, it is like \$200,000.

Moermond: what would make you say they don't have an interest? They're at a loss mitigation point.

Landoni: we have a second lien in the property for \$6,500 for Energy Smart Homes funded by the City. We have to protect the interest of the city and report on a possible loss. If they are going to relinquish the property our lien becomes due in full the minute it transfers. If there is a loss because of demolition we have to report that to the City and let them know there's no proceeds on this.

Moermond: do you have contact information for Joseph Ray, junior?

Cooper: I don't have it with me. I can ask him. He lived there with his parents until the fire.

Moermond: I'd like him to be part of this conversation.

Cooper: may be tough.

Moermond: the thing that is making this really hard is the real estate taxes are current. That means the title won't be cleared through a forfeiture for nonpayment of taxes. I'm guessing that US Bank as their normal business practice is writing the checks and they don't want to lose their property for nonpayment either. It does look fixable to me.

*The problem is the title. That is what is tripping this up big time. If Joseph Ray, Jr. has siblings?*

*Cooper: there are siblings.*

*Moermond: it is a big lift to get that done. We're left with a big cloud on this title. Mr. Landoni, even with a \$6,500 mortgage you could file for foreclosure.*

*Landoni: we are aware*

*Moermond: it is expensive to do that. If you went with a six month it's a couple thousand, if you asked for shortened its likely closer to \$4,000. That's based off figures I hear in this room. I'm thinking Planning and Economic Development would be a great place in terms of starting that conversation about the larger public interest in this property beyond the mortgage you hold I can reach out to the DD or Director and explain what is going on. If the City were to pursue helping you all to foreclosure upon your lien it would bring US Bank out of the woods if anything is going too. They would show up then. Is it reasonable for me to tell you for your \$6,500 you should spend that entire amount pursuing legal action instead of writing it off? That's a big lift.*

*Landoni: yes. That is why I'm here. What route to recommend to the City. Either way is on the table now. We know US Bank holds the first lien in case of foreclosure and sale. We know there is a chance of losing all their money even if we foreclose.*

*Moermond: who is your contact with Planning and Economic Development? Kurt Schultz?*

*Landoni: yes.*

*Moermond: I'll loop him into this conversation and explore this more deeply. The City does have an interest in getting this fixed but it is going to be a lift. If the city did ask you to do that could the city provide you with any technical assistance on that. It would be up to you how you wanted to dispose of the property.*

*Landoni: correct.*

*Moermond: there are a lot of things that could happen here. I think they do need to be explored. I don't think we should fast track this. We'll copy them on the letter following up this hearing so they are aware of what is going on. I'll continue this to March 14 to have some of these conversations. I don't anticipate Planning and Economic Development would be ready to commit funds instantly. But we'll maybe be able to identify what that looks like.*

**Laid Over to the Legislative Hearings due back on 3/14/2023**

**4**      [RLH RR 23-8](#)

Ordering the rehabilitation or razing and removal of the structures at 1082 LOEB STREET within fifteen (15) days after the March 22, 2023, City Council Public Hearing.

**Sponsors:**            Brendmoen

*Layover to LH March 14, 2023 at 9 am (CPH 3/22/23) for further discussion with potential purchaser.*

*Heidi Hovis, attorney o/b/o MN Department of Housing, appeared*

*[Moermond gives background of appeals process]*

*Staff report by Supervisor Joe Yannarely: The building is a one-and-one-half story, wood frame, single-family dwelling with a detached one-stall garage on a lot of 14,239 square feet. The property was condemned on October 2, 2019 due to a water shut off and has been a vacant building since October 3, 2019. The current property owner is Darlene I. Helen, per Amanda and Ramsey County Property records. On December 1, 2022, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on December 12, 2022, with a compliance date of January 11, 2023. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$26,000 on the land and \$109,300 on the building. Real estate taxes are current. The vacant building registration fees were paid by assessment on November 1, 2022. A Code Compliance Inspection was applied for on January 23, 2023 and was just completed today. As of February 13, 2023, the \$5,000 performance deposit has not been posted. There have been five Summary Abatement notices since 2019. There have been seven work orders issued for: garbage/rubbish and boarding/securing. Code Enforcement Officers estimate the cost to repair this structure exceeds \$65,000. The estimated cost to demolish exceeds \$25,000.*

*Moermond: I take it they have a mortgage on the property?*

*Hovis: yes.*

*Moermond: how much and what position?*

*Hovis: MN Department of housing is asking for 2 things. St. Paul City code says that Category II or III buildings shall be exempt from the provisions limiting transfer of ownership where the acquisition of such buildings or structures is transacted by the Housing and Redevelopment Authority for the City of Saint Paul. St. Paul Code Sect. 33.03 Sect. 6.*

*We believe MN Housing Finance Agency, a state agency akin to the City HRA, has a similar exempt status due to its similar structure, purpose and governmental function when compared to the City.*

*In the alternative, MN Housing requests a six-month extension on the Categorization of Category II.*

*We ask that the property receive a one-time six-month extension on the categorization of a Category II. St. Paul City Code allows for this extension if there are unforeseen conditions which have had a significant schedule impact on the completion of the work. St. Paul Code Sec. 33.03 (f)(2). MN Housing argues that the unforeseen conditions include: 1) Property was not owned by MN Housing during time it could reasonably be sold as a Category 2. 2) As a housing finance agency, MN Housing does not have the legislative authority necessary to restore the building to a habitable condition prior to sale.*

*3) It is in the public interest to grant additional time.*

*The Loeb property was purchased by homeowner Darlene Helen in September 1994. At the time of purchase, MN Housing had an interest in the property. Ms. Helen's mortgage was assigned to MN Housing. During Ms. Helen's homeownership, MN Housing continued to have an interest in the property as we serviced the mortgage. At some point in 2020, Ms. Helen stopped making mortgage payments. MN Housing later*



*learned she had passed away. Due to the pandemic, MN Housing did not immediately take any action on the delinquent mortgage. There were policy restrictions due to the pandemic. When foreclosure restrictions were lifted, MN Housing did initiate an administrative foreclosure.*

*MN Housing began the judicial foreclosure in early 2022. We retained outside counsel. That attorney handled the judicial process including publishing notice of the foreclosure on Feb. 12 and May 6, as required by statute.*

*A sheriff sale held for the Loeb property on June 7, 2022. MN Housing was the purchaser at the sheriff sale. MN Housing was aware of the condition of the property at the time of the sheriff sale. We had concerns which is why we asked to shorten the redemption period. We were able to shorten it to the minimum- six months. MN Housing was not able to immediately take control of the property following the sheriff sale. The redemption period of 6 months. Again, that was the shortest period allowed by law to allow for any heirs or probate claims. The redemption period ended on December 7, 2022. MN Housing became the owner of the Loeb property on the same date, December 7, 2022.*

*As soon as able, MN Housing took the following steps: MN Housing hired a realtor and listed the property for sale. The realtor requested a Code Compliance and submitted a check for \$500 to the City. It is MN Housing's understanding that an inspector was at the property on January 15, 2023, and a compliance report was just given to me today.*

*We acknowledge that no cash deposit has been made. However, there is No Cash Deposit if property is being rehabbed by the City department of planning and economic development. St. Paul Code Sect. 33.03 (5). MN Housing again asks to have a similar exempt status due to the similar nature, purpose and governmental function of our state agency and the City. On the Order to Abate, the City gave until January 11, 2023 to address the code concerns. As I stated before, MN Housing became owners on December 7, 2022. This gave MN Housing about a month as the property owner to address the concerns. As a state finance agency, MN Housing does not have the legislative authority necessary to restore the building to a habitable condition prior to sale. MN Housing is a state agency and does not have a program that provides rehab for properties the agency owns due to foreclosure. The rehab programs funded by MN Housing are for individual, low-income homeowners to receive forgivable loans to hire contractors to complete the rehab work - this is our Fix Up program. Since we are an agency and not an individual, we couldn't access the Fix Up program for Loeb - we can't loan to ourselves as we don't qualify as an eligible homeowner.*

*After a foreclosure, MN Housing will retain ownership only as long as it takes to sell the property. Our goal is to get properties back out in the market for other low-income homeowners. We have a wide array of first time and low-income programs lenders can access for the benefit of the homebuyer. MN Housing is not in the business of flipping and does not repair homes in preparation for sale. MN Housing does not do any rehab work prior to selling- we don't have the capacity or the enabling legislation to do such. Everything we do must be authorized by statute or rule- we can't function outside that authority. MN Housing listed the Loeb for sale on January 19, 2023. MN Housing retained a realtor to list the property. MN Housing had a lot of interest from the community including several buyers could wanted to rehab it for re-sale. However, when we disclosed the sale limitations of a Category III, the buyers backed out.*

*I did contact the City regarding a sale addendums. However, the typically used by private owners are not within MN housing's scope of practice. The sample addendums*

*provided by the City create a lease- a landlord/tenant relationship- that allows use of the property for improvement without ownership. MN Housing does not have the capacity, resources or enabling legislation to become a landlord and oversee the rehab of a property.*

*Moermond: I can give you a few answers right away. I agree that MN Housing could be considered to have a similar mission and be a partner org to the HRA. If the HRA did the rehab they have been subject in their interactions with purchasers that they have to post the \$5,000 Performance Deposit. That part of the code applies here too. If you did the rehab, you wouldn't have to do post it. If they transfer to anyone else, that entity or person must post it and do all the conditions I spoke about earlier.*

*Moermond: I agree that MN Housing has a similar mission as the Housing and Redevelopment Authority. That is clear. If the HRA were to be undertaking a rehabilitation they have been subject in their interactions with purchasers that the purchaser has to post the \$5,000 Performance Deposit. Any requirement in the Code that applies to anyone else, applies here. You, if you were to do the rehab would not have to post it. If the HRA itself does the rehab they would not have to post it. If they transfer to anyone else, that entity or person has to post it and do all the other conditions associated that I described earlier.*

*With respect to making it a Category 2, no. That has never happened. Once we are at this stage, we move forward with it as such. Am I willing to look at time? Yes, a reasonably shorter window of time than six months. I'm concerned about one of the things you said. I understand your mission is to sell to low-income owners. However, I don't know that someone who is a low-income owner will have the financial capacity to undertake the rehab. We have seen HUD sell properties as Category 3 with no Code Compliance Inspection, no TISH, subject to demolition to unsuspecting buyers. These buyers had no financial capacity to be able to address the problems. I wouldn't want to see MN Housing enter into that kind of thing—and I'm not hearing you want to do that, but when I hear low-income purchaser that triggers that concern for me.*

*Hovis: I'm sorry if I misstated. We would like to sell to an investor who would do the rehab and sell. Most of our investors are familiar with the program we have and build to the sale level that a homeowner would be able to access our programs. We would sell to someone who would rehab the property and then that person would turn around and sell most likely, with a \$300,000 property, to someone who could access that. It may or may not be a low-income person but it would be more likely to be someone who could afford it.*

*Moermond: so at a price point that would be more accessible to someone at 60 or 80% of AMI.*

*Hovis: we do have rehab programs but they are capped at \$37,000 for a fix-up program. That level won't fix this property, and as you said the level of repair needed here is not for the typical homeowner. We were not planning to sell to a first-time home buyer and give them that type of fund. We want to sell to a known entity who has done this type of work before, understands the level and scope, and do it in a timely fashion.*

*Moermond: no proviso in the closing documents that say it must be sold to someone below area median income. It would just be because the price point is what it is it that is accessible for someone to bid on the property.*

*Hovis: unless you were considering it.*

*Moermond: I'm not. I'm more considering that the house is fixed and in use again. I agree that an accessible price point may take care of itself. If it is sold to someone who earns more money but has a huge student loan debt, then it is still in someone's hands who is spending an appropriate percentage of their income towards that.*

*Hovis: we didn't anticipate any sort of buyer restriction. Simply just that it would be rehabbed to a level that would allow someone to access who may not be able to access a higher-level property.*

*Moermond: that's great. I just wanted to make sure nothing that would trip us up along the way. It is already an unattractive prospect since it is a Category 3 with bureaucratic hoops. There are a lot of people who know how to jump through those hoops, but it isn't everyone. That does bring the price point down.*

*Hovis: my understanding if this was private homeowner they could enter into that sales agreement with that addendum to provide the work and do the repair. The alternative of keeping it as a Category 3 is demolition.*

*Moermond: and I am ok with the sale. I'm not contemplating demolition. I am contemplating you have someone with the ability to do those things and you would be vetting them. I'm thinking right now is a point when transactions are happening because they want to hit the spring market. You're more likely to sell quicker now than you would be in August. I don't foresee you needing six months unless the bureaucracy would make it happen that slowly at MHA.*

*Hovis: we are motivated to get it out into the market. I think we're getting tripped up on is that addendum puts us in a place---*

*Moermond: and we won't require you have that addendum. We'll modify the resolution so it says you are considered a partner of the HRA, in the same way we have with local community development corporations and Habitat for Humanity and other such entities would be considered "partner" organization. That is true with your mission as well. We haven't had that question posed before with the State of Minnesota but, yes, I think that is clear from my perspective.*

*Hovis: so we can sell as a Category 3 without that provision?*

*Moermond: yes, exactly.*

*Hovis: perfect. That was our goal and what we were hoping for.*

*Moermond: we can include that in the letter we send that confirms that, and it will also include the results of today's hearing.*

*Yannarely: the potential purchaser would post the Performance Deposit?*

*Moermond: yes, and work plans, financing, etcetera.*

*Yannarely: we've just been getting a lot of calls about this one so I just want to make sure to tell that to anyone who calls.*

*Moermond: it ends up sometimes that people start to call the City as if the City is the realtor of the property. We of course are not. We aren't a referral service either. I don't*

*know how you want to approach that.*

*Hovis: it is my understanding we've had 40 showings and the realtor has indicated a lot of interest in the property. It is how as a state agency we sell.*

*Moermond: you are doing the sale as a regular sale with the provision that all of those things have to happen. But that will be on the buyer. Otherwise, the buyer is buying a house that is subject to demolition if they aren't forthcoming with those things. That is definitely a big disclosure you want to make. That would be how I view it. I think we're probably well served to revisit this conversation in 30 to 60 days.*

*Hovis: I think 30 days would help our agency know it is a priority.*

*Moermond: you have the Code Compliance Inspection Report which is required as a Category 2 or 3.*

*Yannarely: and that works in lieu of a TISH.*

*Moermond: you have title free and clear. This goes in front of Council March 22. 30-day layover puts us back here March 14. I would anticipate your buyer wouldn't be able to show all of those documents at that point. I would think on March 22 I'd be asking them to send it back into hearing to wrap up those details.*

**Laid Over to the Legislative Hearings due back on 3/14/2023**

## 10:00 a.m. Hearings

### Making Finding on Nuisance Abatements

- 5 [RLH RR 22-39](#) Second Making finding on the appealed substantial abatement ordered for 575 PARK STREET in Council File RLH RR 21-71.

**Sponsors:** Balenger

*Layover to LH February 28, 2023 at 10 am to have building permit finalized.*

*Frank Viggiano, owner, appeared via phone*

*Moermond: calling about 575 Park. I have Joe Yannarely on the line. I understand Clint Zane was out a couple of weeks ago with some corrections. Where are you at with those?*

*Viggiano: they are major corrections. He said he wanted a gutter system on the house. I'm doing the best I can. I didn't expect something major like that. I don't know why they didn't say that a year ago. I thought he was just checking everyone else's work.*

*Moermond: let's check that Code Compliance Inspection Report. Items 19 and 20 in the Code Compliance Inspection report is what I'd guess he is basing that on. I'm not sure where the gutter issue is coming from because it isn't in his notes. His email this morning gave a list and it doesn't include gutters.*

*Viggiano: maybe I was misinformed then.*

*Moermond: it says, "575 Park 99% done, just needed to fix a broken window (vandals),*

*add smoke and CO detectors and remove a non-compliant light in the crawlspace.” That’s the report he gave. He doesn’t say anything at all about gutters. Maybe it is about 595? I don’t know. But are those other items done on 575?*

*Viggiano: I’ll have to call the contractor; I gave him the list the day Clint gave it to me. I’ll call him now.*

*Moermond: are you still working with Hector and John?*

*Viggiano: yes, they won’t return my calls. They know I’m upset because I’ve paid them and they aren’t doing it.*

*Moermond: we have items on this list that frankly I could take care of.*

*Viggiano: the window is a frame, but the other items you are right, they could be done.*

*Moermond: and if they won’t do the window hire someone else. It isn’t worth it to keep this file open for something that small. Let’s get Clint out there in the next week to final that permit. We’ll follow up with Clint to make sure he goes out ASAP. You need to make that appointment though.*

**Laid Over to the Legislative Hearings due back on 2/28/2023**

**6**      [RLH RR 23-6](#)

**Making finding on the appealed substantial abatement ordered for 1941 UNIVERSITY AVENUE WEST in Council File RLH RR 21-60.**

**Sponsors:**            Jalali

*Layover to LH February 28, 2022 at 10 am for further discussion. PO to submit updated scope of work and schedule from contractor including specific information on demolition timeline. (City Building official will determine if updated structural engineering analysis is necessary) 2) affidavit and 3) new bid from D&J Steele.*

*Dawit Solomon, President Eritrean Community Center of MN, appeared via phone Essey Asbu, Secretary Eritrean Community Center of MN, appeared via phone Ruth Ogbaselassie, treasurer Eritrean Community Center of MN, appeared via phone Claudia Klinkhammer, Planning and Economic Development, appear*

*Moermond: today we have Claudia Klinkhammer from Planning and Economic Development and Joe Yannarely from DSI. We’re going to talk about where we go from here. Last time we spoke we didn’t have any progress in the rehab of the building, the contractor who you’d had a contract with walked in the project in October when they learned they had to follow City regulation on hiring workers. Right now, you need to be about the business of hiring a new contractor. My concern at this moment has to do with hiring that contractor, the speed with which that happens, and other things with the building’s conditions.*

*Staff update by Supervisor Joe Yannarely: Clint Zane indicated there should be a new Code Compliance report done and then the building permits have to be issued after that with the required fees. He also indicated structural concerns with the building, perhaps indicating we should have a structural analysis.*

*Moermond: I tend to agree given the holes are the size of a semi. I think we’re looking at a Code analysis, not a Code Compliance Inspection and we’re talking about replacement of all systems. This is completely redone, not fixing existing systems.*

*You are still wanting to fix the property?*

*Solomon: yes, our goal was to be done by now but the contractor backed out and we have since found another contractor, D&J Construction. They've done projects with the STAR program before. I think we've completed all the requirements. In terms of the structural analysis, we had an engineer look at it and we are gutting it aside from the brick walls. Our project is based on rebuilding everything except the brick walls. We have the permit pulled and all the necessary requirements. We are as ready as we can be to go. They can start demolition and preparing as soon as possible. We apologize for the delay, but we ask for an extension to complete the work in the spring.*

*Moermond: it looks like it wasn't your contractor who pulled the building permit, it looks like it was the Eritrean Community Center pulled it which is a concern with me. It needs to be done by the person doing the work. The scope of the work indicates minor repair and no structural work. I will require a new building permit be pulled. You cannot work under that current permit. Those conditions don't exist and I think was actually issued in error since it was issued directly to you. You also indicated in the permit that the value of the work is \$98,000. You represented to me in your bid that it wouldn't exceed \$65,000 and that was the money demonstrated to be present. The Council hasn't approved a plan with close to \$100,000 worth of work being done. As I look at this building permit I am not confident in it. It needs to be redone by the actual contractor doing the work. Any structural analysis you have the City needs to see. If it is more than 2 months old it needs to be updated and we can have the City's structural engineer evaluate it. I'm very concern about the building being dangerous. The holes get bigger with snow. I'm super concerned. If the engineers say differently and say it is fine I'll defer to them. But the building inspector has indicated structural concerns. I know it is fenced, but they can be breached relatively easily. It is a dangerous structure in my view. I'm glad to hear you are moving along with the STAR program. I actively wonder about the end goal of the ECC and what kind of building you are looking for and to serve what purpose. Is it necessary to rehab or is demolition and building a new structure a better purpose. Has that analysis happened? Or have you only looked at rehab as an option. It seems like the final goal is to have a useful large space and there may be couple of ways to get at that. Not sure if you have bids on that.*

*Solomon: the rebuilding is based on the structural analysis. D&J Construction had the same permit as to how we pulled the permit. They will be pulling a new permit based on the structural analysis and the architectural drawing. The \$65,000 is from the STAR program, plus we have that additional \$35,000 so it is actually a \$99,000 build for the rebuilding.*

*Moermond: there will be no permits issued unless the council gives time for it to be rehabilitated. It sounds like you are describing a partial demolition permit and subsequently other permits.*

*[Ruth Ogbaselassie is dialed into the hearing at 11:05 am]*

*Moermond: we were discussing the existing building permits and what the plan is for the partial demolition and rebuilding. We'd want to see documentation of that \$35,000. We need that engineering report, and we need a current one.*

*Klinkhammer: they did send in a bank account and an affidavit.*

*Moermond: we'd need to see the money is still there.*

*Solomon: we do have a contract with D&J and they would be ready to get that permit. Would we know in terms of the extension soon?*

*Moermond: I won't recommend the Council grant any extension until we have a proper assessment of the condition of the building and whether it is safe to allow it to continue to exist pending its rehabilitation and what that timeline is. We need to see some specific plans and also when some demo would occur that would maybe make the building safe. And whether our staff agrees with your structural engineer's analysis.*

*You're coming at it from the perspective of rebuilding and I'm coming from the perspective of making it safe for the public. I recognize those are a little bit different goals. Did your contractor's statement give any sort of step-by-step statement or a schedule?*

*Solomon: I believe the demolition is included. It isn't specific but an overall listing of items*

*Moermond: so it is included in the bid but we don't have a timetable as of right now.*

*Solomon: he did say maybe 2 months, no longer.*

*Moermond: Ms. Klinkhammer, in terms of STAR funds being released, what timeline do you operate with?*

*Klinkhammer: we are almost through the approval process for the contract. I expect final approvals this week and circulated next week. Once we have the contractor signed they have 2 years to spend it technically. Given our conversation we'll work with them to make sure it happens fast. It is kind of driven by these hearings, but we're happy to work as quickly as we need to get those funds dispersed. Can I ask; you mentioned doing a code analysis before a building permit to be issued?*

*Moermond: I think they will require that. The building permit review would be conducted differently than if there were a Code Compliance Inspection Report. Traditionally we would see a Code Compliance Inspection Report and the contractor's bid would talk about how they hit all those items on the punch list. There isn't that list. It is all new. A structural analysis is a piece of this and I don't know DSI will look at what they need to issue a building permit. I imagine that the contractor or designer of record would be bringing forward plans consistent with current codes. But that is basically what a code analysis would provide, how we meet current codes with the intended use since it is a "gut job". Has your engineer worked with D&J?*

*Solomon: yes, he has worked with D&J and it is gutting out everything except the brick wall. At this point I understand you are saying the building review has to be done first. If that is done by the same office as issuing the permit, could D&J initiate the code review?*

*Moermond: contractors bring forward those plans, some are talented at developing those. In this case they would have to be addressing the engineering analysis. How old is that analysis?*

*Solomon: April I believe.*

*Moermond: so that is super old for a building like this. We'd want that really quickly on*

this.

*Asbu: I have to step out because of a work emergency. [leaves call]*

*Moermond: I assume you'd call the same company to come look at it again. I'd look that within a couple of weeks ideally so our engineer can confirm we can wait for that demolition piece. We want this made safe as quickly as possible.*

*Solomon: I don't know what value having another engineering out, both time and expense-wise. Since we are gutting it anyways, could by virtue of applying for the permit and doing the code review suffice? I don't know what value another structural report would add, both time and expense-wise.*

*Moermond: that would tell me whether or not we need to establish a collapse zone around the property so if it falls down there is a legal collapse zone and proper notification. I'm concerned about it falling down and someone being inside and being hurt. If you can bring forward a plan that has those components of the building demolished in a timely fashion. If you don't have a plan to get it down quickly then absolutely we would need that analysis. It doesn't have to do with pulling the permit it has to do with the safety of it continuing to stand.*

*Solomon: I understand. The contractor is ready to start working. As soon as he pulls the permit and goes through the code review, which the permit office engineer also looks at, because he will start working immediately I was hoping that would suffice. Because, as Claudia mentioned, we have the grant program he is pulling the permit and satisfying the code review also. I'm hoping that would eliminate any safety concerns.*

*Moermond: I would hope that too. I need assurance this is safe or have it demoed. Maybe your contractor is ready to show the necessary documents to the Building Official and have it reviewed. That is great, the permit won't be issued until the Council green-lights it. You can definitely have conversations with DSI. That is probably a wise conversation to have. I'm looking for a time-certain on the demolition and if it isn't happening within a reasonable period of time then I need a structural engineer to tell me this is safe to continue standing in its current form until you are ready to get around to it. I am concerned about timeliness given we are at the six-month mark and no work was undertaken, no follow-up happened on the canceled contract and here we are with a dangerous condition continuing to exist. I need a higher level of assurance than we needed when we originally spoke. The building is in worse condition and we didn't have progress that we needed. That's where I'm coming from. Let's involve the building official, the structural engineer and if you want to keep it standing you can bring me a work plan that has it down in a timely fashion with a schedule that will probably suffice. Let's get a plan and a schedule associated with it. Let's talk again February 28th. Have that information in no later than February 24.*

**Laid Over to the Legislative Hearings due back on 2/28/2023**

## 11:00 a.m. Hearings

### Correction Orders

- 7      **RLH CO 23-4**      Appeal of Chuong Huynh to a Correction Order at 355 GERANIUM AVENUE EAST.



**Sponsors:** Brendmoen

*Grant to March 24, 2023 for compliance.*

*Chuong Huynh, owner, appeared*

*[Moermond gives background of appeals process noting that appealing further to Council and this being a 'recommendation' wasn't discussed]*

*Staff report by Supervisor Richard Kedrowski: January 27 orders were issued for numerous vehicles parked in the rear yard. It was determined that a majority of the rear yard was covered in gravel. There was some research done to see if a site plan was ever filed for a site plan in that area. None was found. In 2018 we noticed that area was grass. So sometime between then and 2020 that gravel was added but there was never an approval from the City for that. Order was written to remove the vehicles.*

*Moermond: so, we have a new circumstance with gravel being added to the yard? How long have you owned the property?*

*Huynh: 3 or 4 years. I wondered why I can't park my car in the backyard?*

*Moermond: are you saying when you bought the property there was gravel there, and not grass?*

*Huynh: no, I put it in.*

*Moermond: the inspector is saying the gravel was put in but you aren't allowed to do that and create a parking surface without approval from the City. You're covering the entire lot and creating a parking lot but that isn't legal according to the zoning code. You would need approval to do that. That is why they are considering the surface "unapproved" because that gravel shouldn't have been there. There is a certain percentage of your property that can have buildings and parking on it, but it has to be under a certain percentage. How many vehicles are back there?*

*Huynh: two for me, my brother-in-law has one.*

*Moermond: it looks like you have a two-car garage?*

*Huynh: I have four cars in the back now, and the garage. I don't put a car in there.*

*Moermond: but if you were, would it hold one or 2?*

*Huynh: two.*

*Moermond: is there storage in there? Why don't you use it?*

*Huynh: I wanted to fix some things. Now there's too much snow, so I can't do anything. Can I have until the summer to move it all out?*

*Moermond: the rain today may help. No, you can't have until the summer. Do the cars work?*

*Huynh: yes, but they have been there a couple months. I may have to have them towed.*

*Moermond: Mr. Kedrowski, will Code Enforcement be issuing orders about the gravel covering the back yard?*

*Kedrowski: yes, now that we are aware what is back there. Photos show a total of six vehicles at the time. Upon removal of the vehicles, we'll issuing orders to remove gravel and restore ground cover. It would have to go through site plan review and be paved.*

*Moermond: and the Department chose to issue a Correction Notice. You could have done a Vehicle Abatement Order or the Correction notice. I explain that is more a "would you please fix this by a deadline" and the Vehicle Abatement Order says fix it or we will tow the vehicles. Either way, one of the choices is to issue a bill for an inspector's trip when the work isn't done. That's an Excessive Consumption bill. That's the tool with the Correction notice, or you could increase the level of enforcement to the Vehicle Abatement Order.*

*Kedrowski: that is correct, we try to go with a friendly reminder before we do the more stringent order.*

*Moermond: six vehicles, not three.*

*Huynh: four.*

*Moermond: and a trailer*

*Huynh: five.*

*Moermond: that's a lot.*

*Huynh: my brother is going to help me tow.*

*Moermond: where would they get towed to?*

*Huynh: I have to speak to him about it, this week or next.*

*Moermond: where will they be going?*

*Huynh: he will move them to a garage. I need to make an appointment with him. I don't know what day.*

*Moermond: these orders were issued January 27 and gave you until February 3. Have you talked to your brother?*

*Huynh: not yet. I wanted to talk to you first. I wondered spring or summer when it is easier. But if you say no I can call him today. I saw a lot of snow.*

*Moermond: I think it is reasonable to say you have until March 24. That way the snow is going to be a lot less hopefully. You have six weeks of whether to judge when the best time to remove it is. If it isn't done by then Mr. Kedrowski's team would give you additional orders or a bill. You could definitely call them and talk to them.*

*Huynh: you are saying I have to move everything? Can I leave one?*

*Moermond: in the aerial photo from 2018 it looks like there isn't a legal parking surface*

*beside the garage, just grass. Is that your assessment?*

*Kedrowski: that is correct.*

*Moermond: the answer is yes all of them. You probably want to move them to the garage if you want to keep them.*

*[Ms. Moermond shows the aerial photo and what areas are legal to park in]*

**Referred to the City Council due back on 3/1/2023**

### Summary & Vehicle Abatement Orders

**8 RLH SAO** Appeal of Steve Gorg to a Summary Abatement Order at 1947 LINCOLN  
**23-16** AVENUE.

**Sponsors:** Jalali

*Grant to March 10, 2023 for compliance.*

*Steve Gorg, owner, appeared via phone*

*Moermond: how do you pronounce your last name?*

*Gorg: it is short for gorgeous.*

*[Moermond gives background of appeals process]*

*Staff report by Supervisor Richard Kedrowski: a Summary Abatement Order was issued January 25 to remove a dryer, some window covers, and miscellaneous debris from the rear yard. Compliance date was Feb 3 and appeal was filed Feb 1. There is a typo in the complaint, it says "remember", it should be "remove."*

*Moermond: why are you appealing?*

*Gorg: I heard the gentleman say this was the January 25 but I didn't get the letter until Feb 1 so I only had one evening to resolve and file the appeal. I was in a tough spot because typically I would work with the inspector and figure it out. I never could get ahold of the inspector so I was forced to go through this process. There wasn't much notice for a homeowner to respond, and even so there are 3 or 4 apartment buildings behind my place and my backyard becomes a spot for people moving out. The appliance was removed that Thursday the 2nd. The debris was also removed. The window coverings are not debris they are raised garden beds and have been stored there the last 20 years.*

*Moermond: is that the items stacked up against the wall, probably a garage?*

*Gorg: yes. There's a compost bin there and where our gardening supplies are stored. I did find some items like a bed frame and other storage things, but the gardening items are still there.*

*Moermond: I'm imagining the snow is considerably diminished by now. The inspector should have more visibility of what the items actually are and could confirm it is a raised bed being stored. As such that is ok as an exterior item and not raw lumber.*

*That's what he'd be looking at. Mr. Kedrowski, am I correct about being able to ok that item as an exterior storage item?*

*Kedrowski: my only concern is stacking them flat to prevent rodent harborage.*

*Gorg: I can do that in the future. They're probably frozen now, which is my concern. I start using them typically mid-May.*

*Kedrowski: if I can determine they are raised beds we'd be satisfied the condition they are in now with the understanding that in the future they should be stored in a way to prevent rodents.*

*Moermond: I'm going to, just in case of any glitch. This will go to Council March 1 with a recommendation of giving until March 10th. If it is done already fantastic. Mr. Kedrowski would you folks be willing to schedule a time to meet? How is that handled? Just a drive-by?*

*Kedrowski: I have a number I can call, but typically we'd just drive by and check.*

*Gorg: that sounds great. The windows are there for cold-frames, to extend the growing season.*

*Moermond: understood. In general, you'd want that weather-proofed so it is clearly not an interior item being used outside. I imagine you've done that.*

*Gorg: yes.*

**Referred to the City Council due back on 3/1/2023**

### **Making Finding on Nuisance Abatements**

- 9**     [RLH SAO 23-6](#)     Making finding on the appealed nuisance abatement ordered for 308 SUPERIOR STREET in Council File RLH SAO 22-53.

**Sponsors:**     Noecker

*The nuisance is abated and the matter resolved.*

*No one appeared*

*Moermond: we have a making-finding and Mr. Kedrowski, you indicate the structure has been removed?*

*Supervisor Kedrowski: yes, that is correct. I went out yesterday. Fabric and frame are both removed.*

*Moermond: the nuisance abated and matter resolved.*

**Referred to the City Council due back on 2/15/2023**

### **1:00 p.m. Hearings (None)**

### **Vacant Building Registrations**

**1:30 p.m. Hearings (None)****Orders To Vacate - Fire Certificate of Occupancy****2:00 p.m. Hearings****Fire Certificates of Occupancy**

- 10 RLH FCO 23-10** Appeal of Curtis Persson to a Fire Certificate of Occupancy Correction Notice at 1436 SNELLING AVENUE NORTH.

**Sponsors:** Jalali

*Layover to LH February 21, 2023 at 2 pm for further discussion. Property to be inspected Friday 2/17 at 2 pm.*

*Curt Persson, owner, appeared via phone  
Peter Persson, occupant, and son of owner, appeared via phone*

*Moermond: we also have Mitch Imbertson, a supervisor with Fire Safety & Inspections on the line. When we last spoke we left things with the strong recommendation you reach out to the House Calls program for assistance in cleaning out houses and maintaining them in the long term. I'm hopeful you've contacted them and have developed a plan. I'd also like to talk about getting an inspector in there sooner than later. Peter Persson, did you reach out to house calls?*

*Peter Persson: we both did. I tried calling her again yesterday and she was out of the office.*

*Curt Persson: she was supposed to come out yesterday, she tried the day before and we couldn't connect and then she told me to try Monday.*

*Moermond: that's disappointing. Tell me, Peter, your father indicated you had removed some material from the house. Can you tell me more?*

*Peter: we've removed more than some. I removed stuff from every floor. Wide open spaces now.*

*Moermond: that's good to hear. House Calls does have the ability, if you income qualify, to provide free dumpsters to work to get more things out. When you removed those things, did you remove them as in they went to a dump?*

*Peter Persson: 1-800-got-junk*

*Moermond: and there are more affordable options out there.*

*Peter Persson: we did not know about them unfortunately.*

*Moermond: we need to get an inspector in there in the next week. We'll have someone from Lauren's team coordinate with the inspector so everyone can be there at the same time. Does that work?*

*Imbertson: I'm available Friday.*

*Peter Persson: I have a doctor appointment. What time?*

*Imbertson: anything except for 1 pm.*

*Peter Persson: 2:00 would work.*

*Moermond: the staff person who wrote the orders no longer works with the City so Supervisor Imbertson will be taking over the file. Usually with conditions like this the Fire Department would have referred this to either Code or Fire inspectors. [Reads the Form 4 from fire]*

*Peter Persson: I wasn't living in the basement; I just want that clear.*

*Moermond: I'm going to have Mr. Imbertson talk quickly about the ability for first responders to get in and out quickly. Especially with a lot of things in the house.*

*Imbertson: as mentioned, a serious concern for a medical call is not just coming in and being able to walk through as a normal person, but a firefighter with gear and carrying a stretcher, you can't move around corners. Restricted walkways mean they don't have room to work and get equipment in and out and that is sometimes the difference in a successful call or not.*

*Peter Persson: that makes total sense. It is completely different now.*

*Imbertson: that's good to hear. In a fire the amount of contents in the house can make a tremendous difference in how quickly a fire spreads and the ability for you or other occupants to evacuate. Once something gets started in a high content house the whole house can be a complete loss in something they would otherwise be able to extinguish in another situation. The amount of time it takes to light drywall on fire gives more time before it spreads but if there is boxes and stuff all around that can light on fire the house can be a complete loss and a hazard for something that would otherwise be able to be extinguished.*

*Moermond: we worry because it will burn longer, it takes more water to put out a fire, that water makes everything in the house really heavy and floors fail under that much weight. If a person is sleeping in there it gets scary. I'm glad to hear you have some things out. House Calls can definitely help you get additional things out. I'm going to put this out for another week and I will talk to House Calls myself to make sure someone from that team can accompany Mr. Imbertson out there so they can happen at the same time. I assume you've also been working on the cleaning of the house and making sure the dog and bird feces are taken care of as well*

*Peter Persson: of course.*

**Laid Over to the Legislative Hearings due back on 2/21/2023**

**11 RLH FCO  
23-13**

Appeal of Peter Salazar to a Fire Certificate of Occupancy Correction Notice at 1738 HAWTHORNE AVENUE EAST.

Sponsors: Yang

Grant to May 1, 2023 for compliance.

*Peter Salazar, owner, appeared*

*[Moermond gives background of appeals process]*

*Staff report by Supervisor Mitch Imbertson: residential duplex with a current Fire Certificate of Occupancy. This was made based on a complaint on November 1, 2022 alleging some maintenance issues. In response to that complaint one of our inspectors went out and issued a report with a number of corrections. That was November 14, 2022. Reinspection done in December and December 21 an updated letter was sent down to 3 remaining items. The next and final reinspection was made January 23 and we are down to one remaining item, the lower-level bathroom hole in the shower wall. The inspector saw a silicone patch covering the hole. I do see in your appeal information stating it was a fiberglass patch. I'm not sure how close the inspector inspected the material but based on notes the inspector seemed to think it was only a temporary patch. I don't know she knew it was meant to be permanent. The question would be if you are intended to replace that shower panel? If you were intending that patch to be permanent we would need agreement that that meets code as a permanent and waterproof patch.*

*Salazar: it is fiberglass with fiberglass reinforced mesh, it is a permanent fix. That hole was put there by a tenant, and we are going through an eviction process and she will be leaving March 31. It is a permanent fix but isn't up to my standard. That shower surround will come out and either a new surround put in or tiling. I'm here not to dispute the fix, it is temporary and waterproof, but the permanent solution will be that surround or tile. The City wants me to have that done by March 31, but she won't leave until then. I don't want to go in while I'm still there. She's the one who made the hole and then called the City on the hole. I do have the file from the court stating she is to be out by March 31. I'd just like longer than March 31 to get the permanent fix in.*

*Moermond: seems like April 1 may be too early for a new tenant with that question mark hanging over you of whether she will actually leave. I'm thinking you won't have a new lease in place by then?*

*Salazar: yes, my hope is she will be gone. There is a court order to vacate her forcibly which takes about 2 weeks if she doesn't leave. Hopefully they won't go sideways. Another week or so to do the repairs and then hopefully rented by May 1. If I could get maybe to June 1, or even the end of May. Then there's less pressure on me to perform all this if things go sideways.*

*Moermond: is there a reason you can't do it the last 2 weeks of April before the new tenant moves in?*

*Salazar: yes, that makes sense.*

*Moermond: that makes the most sense with a new tenant.*

*Salazar: I agree. I am motivated to get it fixed.*

*Moermond: I'm comfortable with this temporary fix preventing water going into the wall. Let's say May 1 and then the new person is there you're ready to go. You can arrange an appointment before then with Fire inspections.*

*Salazar: I'm fine with that.*

*Moermond: reach out to Inspector Vue that you want an appointment the very end of April to clear this one item*

*Salazar: do I call her?*

*Moermond: that's usually what happens.*

*Imbertson: if you have a preference for date or time it is best to call her directly.*

**Referred to the City Council due back on 3/1/2023**