



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
Joanna Zimny, Executive Assistant
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651-266-8585

Tuesday, January 7, 2020

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 20-3** Ratifying the Appealed Special Tax Assessment for property at 1519 MARSHALL AVENUE. (File No. VB2004, Assessment No. 208803)

Sponsors: Thao

Delete the assessment, 2 months into second year in Vacant Building program.

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

- 2 **RLH TA 20-29** Ratifying the Appealed Special Tax Assessment for property at 1802 ROSS AVENUE. (File No. VB2005, Assessment No. 208804)

Sponsors: Prince

Approve the assessment.

Vincent Carlson, property manager, appeared

Moermond: there are two assessments on Ross today, one is for the vacant building fee, and one is for some cleanup in the yard. Do you want to speak to the vacant building fee too?

Carlson: yes.

Moermond: lets talk about the summary abatement order first.

Supervisor Matt Dornfeld: cost of \$344, service charge of \$162, for a total assessment of \$506. The nuisance was for brush pile between house and fence to east and large dead tree limb in back yard. Received neighborhood complaint mid-September 2019. Issued orders September 24 to remove, noncompliance as of September 27, 2019. Work order was September 30 and the work was done September 30.

[video shown]

Dornfeld: this has been a chronic problem property, there's over 25 neighborhood

complaints with more than 20 work orders since 2010. We're not being proactive, there is sensitivity in the neighborhood and we're responding to those calls.

Moermond: why are you appealing on behalf of the owner?

Carlson: we had rain for two weeks, we weren't able to get out there to mow because of the rain.

Moermond: but this wasn't for mowing, it was picking up brush.

Carlson: there were storms those previous two weeks, I'm guessing all the stuff between the fence and the house the neighbors threw the sticks over, we hadn't been out there to clean up. We hadn't even seen the limb until you cleaned it up.

Moermond: so the letter went out and Mr. Daminia would have gotten that letter. Is he Imperial Valley Properties or he 3PacketCom?

Carlson: I think he's Imperial Properties, but I'm not quite sure.

Moermond: Is he in El Centro California or in Anaheim?

Carlson: I'm not sure, he travels a lot for work.

Moermond: Because those are the two addresses that it got sent to. I guess even though it was raining, if a letter gets sent out, I'm hearing you guys didn't happen to be by there, that's different than responding to the letter and taking care of it.

Carlson: I had never seen the letter.

Moermond: you wouldn't, because the owner gets the letters. It's a communication thing between you two.

Carlson: I know he flies in and out of the country for work a lot.

Moermond: he should probably have someone checking his mail then, this is \$506 "I wish I would have had someone open my mail and told me" mistake.

Carlson: agreed

Moermond: That's not the responsibility of the taxpayers. I'm going to recommend approval on that, the letter went out, it seemed like the brush pile had been there quite a while. Those are very dry branches as far as a brush pile goes. The limb looked more recent, some dead and living leaves. It could have fallen down in the recent storm.

Carlson: I guarantee that's what happened, we were out there two weeks before to mow, it wasn't there. At the beginning of the year he had us remove all the brush that was there. I have the bill for that, I can bring it in.

Moermond: I respect you have a bill but you have no idea how many people show me those things and I can look at a video and see differently. I recommend approval on that. The vacant fee itself, lets talk about that.

Dornfeld: it has been a vacant building since September 2010. The cost is \$2,127,

service charge of \$157, so total assessment of \$2,284. There is a code compliance on file but permits were never pulled and now it is expired. It has been a problem property with numerous issues.

Moermond: the vacant building assessment covers September 2019 to September 2020?

Dornfeld: yes, correct.

Moermond: what are the plans for the property?

Carlson: the roof collapsed on the backside so its uninhabitable.

Dornfeld: did that happen in 2010?

Carlson: I am not sure, he just had me go in to asses it last month.

Moermond: number 14 on code compliance speaks to the roof. That may be it.

Dornfeld: I haven't been out there, but likely.

Carlson: he's already put a down payment on the roof.

Moermond: so he's hired a contractor?

Carlson: yes. He's looking for more time to get it done.

Moermond: the vacant building fee stops when he has it done. Sometimes when a property is in the vacant building program this long, the City may ask for it to be removed or repaired. He probably wants to avoid that and get on top of those fixes so the department doesn't pursue that action for long term vacancy. The code compliance list is long. Are you familiar with that?

Carlson: I'm not.

Moermond: the City requires a code compliance inspection, which is a listing of all the items by each of the major trades to bring it into minimum code compliance. There's a list like that he ordered in September 2018. He has that in his hands, he knows what needs to be done. But this list expires after a year, so my guess is that the department wouldn't issue a building permit for him to repair the roof until he gets an updated code compliance inspection. Things happen to vacant buildings when they sit empty. If the vacant building file was opened September 1, we're already 4 months into a 12 month bill. I'm not sure he's moving quickly to have it done right away, I'm hearing he might get it started.

Carlson: he's put down a \$7,200 down payment on the roof. We ran behind on a kitchen remodel.

Dornfeld: they need to call Nathan as their first move. They may have the horse before the trailer here.

Moermond: I've written his number on this copy of the code compliance inspection. The gentleman in charge at that time has retired, Nathan Bruhn is in charge of that now. Reach out to him and find out what you need to do to pull permits to do the work

on this place. If you need a fresh inspection or a partial, he will provide some guidance. I'm looking at the vacant building fee, this is the 9th or 10th one on this property and it hasn't inspired him to take action so far, but I look at a list like this and I see its going to take a lot of money and work to get there. This goes in front of Council February 19, if he is done with the work and has his certificate by then, I'll cut it in half, since it would be 6 months of the program. I'm seeing that he's not taking care of things.

Carlson: I think the complaints are coming from the neighbors. I went there one day and they had a kiddie pool and a family of ducks. I think that's where the complaints are coming from.

Moermond: From the ducks?

Dornfeld: I think their goal is to avoid the 2021 vacant building fee. Their goal should be September 2021. Its an annual fee, if you're not done by next September you owe us again.

Moermond: this is a fee that covers the next year. He'll get a bill August 1 for the 2021 year, if he appeals that we would routinely give a 90 day waiver to get his code compliance certificate to get out from his next vacant building fee. I'd like to give him that. But we'll approve this year's assessment.

Dornfeld: make sure you tell him its not your fault, it is his.

Moermond: he's not getting the mail.

Carlson: I can only do so much.

Moermond: reach out to Matt Dornfeld as well about the vacant building aspect.

Referred to the City Council due back on 2/19/2020

3 RLH TA 19-939 Ratifying the Appealed Special Tax Assessment for property at 1802 ROSS AVENUE. (File No. J2008A, Assessment No. 208507)

Sponsors: Prince

Approve the assessment.

Vincent Carlson, property manager, appeared

Moermond: there are two assessments on Ross today, one is for the vacant building fee, and one is for some cleanup in the yard. Do you want to speak to the vacant building fee too?

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Moermond: but this wasn't for mowing, it was picking up brush.

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Moermond: I've written his number on this copy of the code compliance inspection. The gentleman in charge at that time has retired, Nathan Bruhn is in charge of that now. Reach out to him and find out what you need to do to pull permits to do the work on this place. If you need a fresh inspection or a partial, he will provide some guidance. I'm looking at the vacant building fee, this is the 9th or 10th one on this property and it hasn't inspired him to take action so far, but I look at a list like this and I see its going to take a lot of money and work to get there. This goes in front of Council February 19, if he is done with the work and has his certificate by then, I'll cut it in half, since it would be 6 months of the program. I'm seeing that he's not taking care of things.

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Dornfeld: make sure you tell him its not your fault, it is his.

Moermond: he's not getting the mail.

Carlson: I can only do so much.

Moermond: reach out to Matt Dornfeld as well about the vacant building aspect.

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

- 4 RLH TA 20-25** Ratifying the Appealed Special Tax Assessment for property at 1630 UNIVERSITY AVENUE WEST. (File No. VB2005, Assessment No. 208804)

Sponsors: Jalali

1/7/20: No one appeared. Approve the assessment.

Owner came in late to hearing and wants to reschedule. Rescheduled to February 18 LH with PH on Feb. 19.

Referred to the City Council due back on 2/19/2020

- 5 RLH TA 20-1** Ratifying the Appealed Special Tax Assessment for property at 903 YORK AVENUE. (File No. J2004B, Assessment No. 208103)

Sponsors: Busuri

No one appeared. Recommendation forthcoming.

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

10:00 a.m. Hearings

- 6 **RLH TA 20-18** Ratifying the Appealed Special Tax Assessment for property at 687 CHARLES AVENUE . (File No. J2005E, Assessment No. 208304)

Sponsors: Thao

Delete the assessment, orders never sent.

Referred to the City Council due back on 2/19/2020

- 7 **RLH TA 20-28** Ratifying the Appealed Special Tax Assessment for property at 734 DELAWARE AVENUE. File No. J2005E, Assessment No. 208304)

Sponsors: Noecker

No one appeared. Approve the assessment.

Referred to the City Council due back on 2/19/2020

- 8 **RLH TA 20-2** Ratifying the Appealed Special Tax Assessment for property at 1063 FRONT AVENUE. (File No. J2004E, Assessment No. 208303)

Sponsors: Brendmoen

No one appeared. Approve the assessment.

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

- 9 **RLH TA 20-6** Ratifying the Appealed Special Tax Assessment for property at 112 HYACINTH AVENUE WEST. (File No. J2005E, Assessment No. 208304)

Sponsors: Brendmoen

Continue to July 8, 2020. If no same or similar reduce assessment from \$157 to \$78.

Sandra Horvath appeared

Moermond: are you Virginia?

Horvath: no that's my mother she is deceased.

Moermond: when did your mother pass?

Horvath: it's been five years.

Staff report by Supervisor Paula Seeley: Summary Abatement Order for tall weeds along alley and garage. Orders sent August 8, compliance date of August 15, rechecked the 15 and work order was sent. \$157 for a PAEC fine for truck having to go out there, no history on the property.

Moermond: so the grass was cut, but not by the deadline.

Horvath: I'm on a strict budget right now, I have a new expensive Toro lawnmower, my neighbor and I tried 10 times to get it started, it needed a tune up but I couldn't afford it. Finally, we got a man to come, he has a full time job and kids so it wasn't right away.

Moermond: the main question is, you are living here?

Horvath: I am, we will be selling by no later than August.

Moermond: the orders are going to your mother, are you still receiving that mail in her name?

Horvath: yes.

Moermond: and its going to occupant. So, you're doing fine with probate and title issues?

Horvath: yes. The house is paid for. We're just figuring out selling it to my sister and her two sons.

Seeley: April this year, we had to send orders on some debris and two tall grass and weeds in April and June, and then this one.

Moermond: so this is the fourth violation in the last 12 months?

Seeley: third. The summary abatement order was done by owner, June done by owner. August we had to send the work order.

Moermond: you're selling it to a relative?

Horvath: the man next door is buying it. The property taxes will be paid up by then, my sister and I can't afford it right now.

Moermond: and you're setting that up by no later than August?

Horvath: I have to, I couldn't find a place to live last year.

Moermond: I like to say if we have no other violations in a certain period of time, I'll cut in half or delete it. That's why I'm asking about how long until you sell, I'm trying to figure out a reasonable amount of time you are accountable.

Mai Vang: it would tax forfeit in 2021.

Moermond: you probably want to follow up with the County and find out what's going on there. I'm going to say if you have no other violations by July 8, 2020 I'll cut this in half. If you do have a violation, we'll approve it. So that will reduce it to \$76. You'll get an invoice in the mail, you can pay it or let it roll to the taxes, so it would be dealt with when you sell then. I would double check with the County to make sure you're on the same timeline.

Referred to the City Council due back on 2/19/2020

JUNO AVENUE. (File No. J2005E, Assessment No. 208304)

Sponsors: Noecker

Continue PH to July 8, 2020. If no same or similar reduce from \$157 to \$78.

Carrie Schwandt, property owner, appeared

Moermond: this is an excessive consumption related to a vehicle abatement order.

Staff report by Supervisor Paula Seeley: orders sent July 19, 2019, compliance date of July 26, rechecked on July 29. Excessive consumption sent for car being parked on the grass. Gold ford parked in backyard on the grass. Orders sent to Carrie Schwandt, Carrie Martin and Thomas Schwandt and occupant at 823 June Avenue. March 21, 2019 there were garbage orders.

Moermond: order went out July 19, deadline was the 26, rechecked on the 29 and the car was gone?

Seeley: no, no tow order was sent, just an excessive consumption. After the excessive consumption order was sent the Inspector spoke to the adult son and he told him the car didn't work and his brother was working on it. I agreed to extend to August 9 for removal, and then it was gone. But this order was sent in the meantime.

Moermond: what's tripping me up on this one is that normally I'd see an Excessive Consumption if there'd been more than four violations in 12 months, and noncompliance by the deadline. This is a summary abatement order, not orders saying we're going to tow it. This is allowable under the code?

Seeley: yes, it's a cheaper way to gain compliance. We use it as a tool. We can always delete it if they take care of it.

Moermond: I am satisfied at the small print at the bottom of the order about that. What are you looking for today?

Schwandt: it should be removed totally. I have lived in the house for 21 years. It is dirt, not grass where the car was parked. It was a car port when we first moved in, and later we decided to fence in the backyard, and we fenced in the dirt area too. There are many neighbors on the block that park on grass and dirt, I just don't understand why I was subject to this when there's other people who do it too right next door.

Moermond: and I don't know that they did or didn't receive orders. Was this a field find?

Seeley: yes, he was out there because of the mattress and box spring in the yard and noted the car.

Martin: we dealt with that a couple of weeks ago when she was here.

Moermond: ok that makes sense.

Schwandt: that's why I was confused at the last hearing, because the orders were on the same day. I didn't know they were two separate instances in itself.

Moermond: you did get an order saying not to park on the dirt.

Schwandt: and now I don't park there. I was away when all this happened when I got home and opened the mail, I immediately took care of it.

Moermond: I only see March 2019 as the other orders.

Seeley: March 2018 is what I see.

Moermond: ok that needs to be fixed on the worksheet then. What happened at the last hearing?

Mai Vang: you continued to April 15, 2020 if no same or similar you would reduce by half. It goes to Council January 15.

Moermond: and besides these instances that's it?

Seeley: yes.

Moermond: I'm going to put this out to July 8, 2020 and if you don't have another violation we will cut it in half. The bigger reduction was in the previous case. So, this is less but not gone.

Referred to the City Council due back on 2/19/2020

11 RLH TA 20-13

Ratifying the Appealed Special Tax Assessment for property at 1710 MARYLAND AVENU EAST. (File No. J2005E Assessment No. 208404)

Continue PH to July 8, 2020. If no same or similar delete the assessment.

*Pra Xiong, owner, appeared
Mai Vang interpreted Hmong*

Staff report by Paula Seeley: Tall grass and weed orders, sent July 16, compliance date of July 20, rechecked July 23. Cost of \$157, its for a PAEC, it was cut by the time the crew went out but not by the compliance date.

Xiong: I may go on vacations and things and I may be late on cutting the grass, but I did cut it.

Moermond: who is responsible for the mail for the house? And is that person able to read these orders?

Xiong: we will ask the daughter to read the letter and translate sometimes.

Moermond: how old is she?

Xiong: she is a niece, she doesn't live with us.

Moermond: is there a way of making a note in the file that they don't speak English?

Seeley: no.

Xiong: it doesn't help to translate into Hmong because I don't read it. My brother lives there with me.

Moermond: Does Jeng Xiong speak English?

Xiong: he knows a little.

Moermond: does he live at the house on Maryland?

Xiong: yes

Moermond: you have no history of problems at the property, you were slow to mow but it did get mowed. I'm sure you've learned a bill comes in the mail either way. Moving forward, if we have 6 months of time with nothing happening, I'll recommend this gets deleted. This means you must pick up any trash, mow in a timely manner, but then the bill will go away.

Xiong: ok. We just bought the house 8 months ago, when the letter came, we didn't know what was going on.

Moermond: goes to Council July 8th and we will check for any issues, if not we will delete.

Referred to the City Council due back on 2/19/2020

- 12 RLH TA 20-20** Ratifying the Appealed Special Tax Assessment for property at 1171 MINNEHAHA AVENUE WEST. (File No. J2005E, Assessment No. 208304)

Sponsors: Jalali

No one appeared. Approve the assessment.

Referred to the City Council due back on 2/19/2020

- 13 RLH TA 20-21** Ratifying the Appealed Special Tax Assessment for property at 746 SMITH AVENUE SOUTH. (File No. 2002T, Assessment No. 209001)

Sponsors: Noecker

Delete the assessment, assessed to wrong property.

Referred to the City Council due back on 2/19/2020

- 14 RLH TA 20-26** Ratifying the Appealed Special Tax Assessment for property at 272 WINIFRED STREET WEST. (File No. J2005E, Assessment No. 208304)

Sponsors: Noecker

Reduce assessment from \$157 to \$78. Continue PH to July 8, 2020. If no same or similar delete the assessment.

Sheila Johnson appeared

Staff report by Paula Seeley: this is a PAEC. Tall grass and weeds, orders went out July 22, 2019, compliance date of July 26, rechecked on July 29 and work was done by owner. Cost is \$122, service charge of \$35, for a total assessment of \$157. Orders sent to occupant and Sheila Rae Johnson at this address, no mail returned. No history since 2016.

Moermond: it looks like the grass was getting pretty tall, but you took care of it before the crew got there. Why are you appealing today?

Johnson: I didn't get this letter in the mail. I didn't know there was a fee or a bill, otherwise I would have called about why it exists. I actually just think the fee for excessive consumption and administration is excessive. I work with handicap people and I don't even make this in a day, which is why I pick up extra shifts and work so I'm not home cutting grass. I'm not home for days at a time. I also don't pick up mail for days at a time. That's why I didn't hear about this.

Moermond: how are you able to handle snow shoveling if you aren't home for days?

Johnson: someone helps me with that.

Moermond: you have no history to speak of, lets try and keep it that way. Don't have a same or similar, walk shoveled, trash out of yard, mow the yard. I'll reduce by half to \$76 today, if you don't have anything else by July 8, 2020 I'll recommend it gets deleted.

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Special Tax Assessments-ROLLS

- 15 RLH AR 20-1** Ratifying the assessments for Securing and/or Emergency Boarding services during September 2019. (File No. J2005B, Assessment No. 208104)
Sponsors: Brendmoen
Referred to the City Council due back on 2/19/2020
- 16 RLH AR 20-7** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during July 23 to August 21, 2019. (File No. J2005E, Assessment No. 208304)
Sponsors: Brendmoen
Referred to the City Council due back on 2/19/2020
- 17 RLH AR 20-8** Ratifying the assessments for Removal of Dangerous Tree(s) from January to September 2019. (File No. 2002T, Assessment No. 209001)
Sponsors: Brendmoen
Referred to the City Council due back on 2/19/2020
- 18 RLH AR 20-10** Ratifying the assessments for Demolition service from August 2019 at 1018 Jenks Ave. (File No. J2003C, Assessment No. 202002)
Sponsors: Brendmoen
Referred to the City Council due back on 2/19/2020

- 19 **RLH AR 20-9** Ratifying the assessments for Collection of Vacant Building Registration fees billed during January 18 to August 19, 2019. (File No. VB2005, Assessment No. 208804)
- Sponsors: Brendmoen
- Referred to the City Council due back on 2/19/2020**
- 20 **RLH AR 20-11** Ratifying the assessments for Demolition services from September 2019 (C.D.B.G. Funds). (File No. J2004C, Assessment No. 202003)
- Sponsors: Brendmoen
- Referred to the City Council due back on 2/19/2020**
- 21 **RLH AR 20-12** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during July 17 to August 23, 2019. (File No. CRT2005, Assessment No. 208204)
- Sponsors: Brendmoen
- Referred to the City Council due back on 2/19/2020**
- 22 **RLH AR 20-13** Ratifying the assessments for Graffiti Removal services during September 23 to October 27, 2019. (File No. J2004P, Assessment No. 208403)
- Sponsors: Brendmoen
- Referred to the City Council due back on 2/19/2020**

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 23 **RLH FCO 20-3** Appeal of Bryan Voyda, on behalf of Allen Kremer, to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 1138 RICE STREET.
- Sponsors: Brendmoen
- Grant to February 21, 2020 for compliance.*
- Bryan Voyda, contractor, appeared*
 Lori McKinney, employee of contractor, appeared
- Staff report by Supervisor AJ Neis: Fire C of O correction notice issued by Efrayn Franquiz. Dated November 21, letter sent December 2, reinspection scheduled for January 2, 2020. It looks like they are just looking for additional time from our conversation before the hearing. This has been going on longer than we would normally allow, however the list went from 21 items to 44 items on a recheck, so I can understand his frustration in trying to get ahead.*
- Moermond: was there a reason for that? Part of the building wasn't accessible?*

Neis: *that's what I was looking at. It doesn't look like it, they should have been called the first time.*

Voyda: *I have the permit in hand, I just need to call for an inspection. I got it yesterday.*

Moermond: *will an electrical permit be needed for item 1?*

Voyda: *that was an Xcel problem. I pulled a permit for the interior fire doors. I replaced all 8 fire doors. It was 2 months to get the doors in stock. He gave me the next letter December 2, reinspection January 2, which is one month with 2 holidays when no one is in my apartment. He told me I could appeal, so here we are. We own 16 properties, I always go above and beyond, this has never happened before.*

Moermond: *we'll put this in front of Council January 22, and ask them to give you until February 21, 2020 to finish the items. Will Inspector Franquiz send out a new letter with an appointment time?*

Neis: *I'm emailing now. I'm going to do the follow up and do the reinspection. I'll send an appointment letter.*

Referred to the City Council due back on 1/22/2020

24 RLH FCO 20-5

Appeal of Lao Vue, Thai Cafe, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 371 UNIVERSITY AVENUE WEST.

Sponsors: Thao

Grant to April 1, 2020 for fire protection system replacement under permit.

Lao Vue appeared

Staff report by Supervisor AJ Neis: reinspection by Fire inspector Migdal. He received a report from Summit that the fire protection system over the hood needs to be updated, issued orders under the Certificate of Occupancy for that to be completed.

Moermond: could you explain in item 1, we're talking about a contractor red tagging, and that would have been for the hood and duct fire suppression system and item 2 talks about cleaning?

Neis: Correct. The inspection started on November 7, 2019, with the reinspection to occur on or after December 19. One of the items on that inspection, which is routine, which is documentation from a qualified hood/duct contractor that the system is safe and in good working condition. It appears when the contractor went out, they attached a red tag and said a new compliant system needs to be installed and that there was excessive grease buildup in the hood system as well. Based on that report, we issued the orders for that to be corrected.

Moermond: you got the report from the company when?

Neis: December 9, 2019 the report was done.

Moermond: so, when you are looking at Summit companies giving this kind of assessment, and the red tag, I'm wondering, has the kitchen continued to be

operational with the red tagged system?

Neis: its not your typical red tag, where you see its dangerous and you can't use it, its more of an "orange tag", its noncompliant system, an old R102 system which was allowed, but it isn't compliant anymore. You have to update it.

Moermond: so it doesn't mean the same thing as other red tags. That's good to note. You said in your appeal you have an appointment with Summit?

Vue: they gave me a proposal, they are booked until the end of February. We have a plan in motion we just need to set a date and time. The cleaning part has been taken care of already.

Moermond: I am not having heartburn about waiting on this. So, they said end of February or beginning of March?

Vue: yes

Moermond: are you doing a system replacement?

Vue: replacement.

Moermond: April 1, 2020 for the system to be completely replaced under permit. That gives time to get the permit signed off by the city which is the finish line.

Referred to the City Council due back on 1/22/2020

25 RLH FCO 20-1 Appeal of Patrick McMahon to a Correction Notice-Complaint Inspection at 1478 VAN BUREN AVENUE.

Sponsors: Jalali

Grant to June 1, 2020 to comply with orders to reduce the number of unrelated individuals living at property.

Patrick McMahon appeared

Staff report by Supervisor AJ Neis: is a complaint inspection received on December 9, 2019 regarding overcrowding at the property. They are appealing for an extension to allow the occupants to stay until the end of the school year. Looking at the property, this has had a history of overoccupancy complaints. There was one in 2017 unfounded. One in 2008. That was found to be over occupied.

Moermond: this isn't a student area, so we don't have those housing guidelines?

Neis: it isn't in the overlay district, but a lot of Hamline students live in the area. This is something that property owners are well aware of what the rules are, we don't take the overoccupancies lightly in regard to this. We get a lot of neighborhood complaints, and it was found valid. I have no idea why our office would even consider granting an extension on this property.

Moermond: are you P and C Holdings then?

McMahon: yes, me and my wife.

Moermond: *it had a Fire C of O in good standing?*

Neis: *yes, it was issued in June of 2017. It was given a class B grade by Huseby. Its due to be inspected again in 2021.*

Moermond: *you're saying you want it to be until the end of the school year. Are these Hamline students?*

McMahon: *I didn't own the house back during 2008. I wasn't aware of a complaint of 2017. I'm renting to some girls from Hamline on the hockey team. The City is huge on affordable housing, I'm trying to make it affordable for these girls. I don't want to make excuses.*

Moermond: *you are a landlord in the business of renting a house, and that's ok. You have students in there, and it appears they each have their own bedroom. Zoning wise you have a problem. Moving forward I would say absolutely not, with respect to the situation here. Will June 1 get them to the end of the school year?*

Neis: *we are setting up bad precedent with landlords saying they didn't know, and they will continuously repetitively violate the law. How will it change when they put 7, 8, or 9 in there to make it affordable?*

Moermond: *when I balance this sort of thing, I would look at the past and how many people and those kinds of considerations with the request to extend, then if you were to report we found 7 sleepers and they don't shovel the walk, and this has been complained about for years. I'm not hearing you say those things.*

Neis: *you're right. And how long have you owned properties?*

McMahon: *for about 10 years. I have 2. I bought the house for my son when he went to Hamline. I didn't mean to get into the business.*

Neis: *typically, when this happens its someone who is new to the business and doesn't know. You knew.*

Moermond: *when does the semester start?*

McMahon: *it just started. Final exams go through the third week of May.*

Moermond: *in the normal course of events a couple things strike me. You received a complaint on December 9, and issued a correction order on December 16, if there were noncompliance with that order on the January 10 reinspection there would be a reinspection letter giving another month for compliance with that. That puts us in mid-February, in mid-February there may or may not be a pending revocation which would be effective mid or late March. Am I tracking on this correctly procedurally?*

Neis: *when it comes to overoccupancy we don't do it like normal code violations with 30, 60 or 90 days compliance. We do take into account things like the first of the month.*

Moermond: *So for noncompliance on January 10 you would give a February first deadline to have it vacated? And you would use revocation tool to enforce the vacate?*

Neis: *we would pull an early Certificate of Occupancy and/or look at revocation, yes.*

Moermond: which would give it another month at least because you would have to do pending revocation. You'd be revoking for the zoning violation.

Neis: correct.

Moermond: if we're looking at late March or April as being an effective date for a revocation, we're not looking at that much more time to put it out to June 1. Mr. McMahan, this is a one-time deal. You're aware of this and this is your opportunity.

McMahan: is there a chance for me to go before the Council and talk about this? I went and spoke to CM Noecker about the ordinance, I have a 5-bedroom house, why can't it be 1 adult per bedroom. That's not overcrowding.

Moermond: it's a question of how many unrelated adults and when do you cross the line from a single-family home to having a boarding house. This isn't a question of square footage per person, it's a question of what you are using the property for. When you start renting out to more than four unrelated adults, most cities have that as a borderline between single family occupancies and rooming houses, hotels, bed and breakfasts, which would need a different inspection process.

Neis: we are under huge scrutiny when it comes to student housing. The neighbors complain. It boils down to parking---

Moermond: it goes back to the zoning in 1920's. But it is connected.

Neis: so you get too many people and suddenly the neighbors have to park 3 blocks away.

Moermond: but it's a different deal when they are unrelated adults. That's the flashpoint on this discussion. Are there ways the City should look at allowing more than 4 unrelated adults to live together? Maybe it should change. You'd have to split the house into a duplex or do an accessory dwelling unit, so you had 2 residential uses instead of the one. What's the zoning here?

Mai Vang: R4

Moermond: so, if you wanted to make it a duplex you'd have to get an exception to do that and talk to DSI. You can certainly testify at Council about this issue. Right now, what I'll say is that he can have up to four, he has five and five bedrooms, but allow him to have until June 1 to resolve it. You can speak to them or put a letter on the record about it. Think about how you want to do that, you are more than welcome to come to the Public Hearing to do that. This will have a February 5 Council date.

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

2:30 p.m. Hearings

Vacant Building Registrations

26 **RLH VBR 20-2** Appeal of James Morelli to a Vacant Building Registration Renewal Notice at 421 SEVENTH STREET EAST.

Sponsors: Noecker

Waive the vacant building fee for 90 days. PO to contact building official regarding change in use for building.

James Morelli, building owner, appeared

Staff report by Supervisor AJ Neis: C of O was revoked September 21, 2017 from Imbertson. Wasn't met, no answer at door, lights off, no activity. Business has permanently closed per sign on the door and news articles. He put it into an uncopied status. In December, he switched it from revoked unoccupied after 90 days, to Inspector Dornfeld as a revoked Vacant building as a Cat 1. It was made a Cat 1 VB and the fee was paid and we transferred it to his staff.

Supervisor Matt Dornfeld: I have nothing to add other than we opened it per the revocation and transfer, January 11, 2019. The building has been vacant and secure, no nuisance problems.

Moermond: I understand this a category 1 registered vacant building?

Dornfeld: I am currently not monitoring the building, from what I can tell that is what it remains.

Moermond: so to be out of the program they just need a Fire Certificate of Occupancy.

Neis: if it was a same ore similar use. If it is storage it likely needs a change in use, which may or may or may not be easy depending on zoning.

Dornfeld: or we could do it as a preliminary vacant building and get rid of the fee.

Moermond: tell me some background and what your plans are.

Morelli: we've owned it since the 30's. I purchased the 2 parking lots nearby recently and its up for sale. I own a couple businesses in St. Paul and I have been using that building as storage for things from that building. I am using it for spices in bulk, and some old records of the business from Morellis and the Little Oven. Ir I get a buy on something like, 100 cases of mushrooms, I would take them down to savoy and store them there. That's what I've been using it for. I paid the fee last year, since I wasn't using it for storage. That was just my question when I did the appeal, because I was using it, I don't know zoning rules, now that I'm using it for something and people going in and out on a regular basis if that would change things. See if its possible to avoid the fee.

Moermond: you have a letter right now?

Morelli: its just an offer.

Moermond: the use the buyer wants to put the building to is it for restaurant use?

Morelli: no. something else. If the new purchaser would even keep the building, it would be a different use.

Moermond: its being used for storage. What did Red leave there?

Morelli: just the booths. The bar, the back bar. The permanent fixtures. All the barstools and tables and chairs are gone. Basement is swept clean. Other than what I

have the first floor, that's all that is in there.

Neis: Are you conditioning the space currently?

Morelli: yes

Neis: coolers are on?

Morelli: no, those are disconnected.

Moermond: this will be transitioning to something else, you will probably have an idea of what is going on in 90 days?

Morelli: for the people I'm dealing with right now it may be ambitious, and I'm guessing the building may be gone.

Moermond: I'm just trying to think through how long this can go on, and at what point it would be best for the City to change the use and then get it out of the program. If you sell it within 90 days and someone buys it, that's fine, but otherwise we'll talk to Steve Ubl.

Neis: from a code perspective the change from an A3 to storage is going to be minimal if any, it's just a change in use. This is downgrading the use, exiting won't be an issue. Realistically the changes will be nil if any. Maybe some commentary about how storage is organized.

Moermond: let's have a vacant building waiver for 90 days, and if, during that time, you can get ahold of Mr. Ubl about the change in use, and a Fire Inspector will do a basic walkthrough. They aren't anticipating problems. I imagine it will be cheaper than the vacant building fee.

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