



Minutes - Final

Legislative Hearings

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Tuesday, August 9, 2022

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [SR 22-132](#) Review Request for a potential stay of enforcement of demolition of Jerry Krippner, for property at 587 COOK AVENUE EAST.

Sponsors: Yang

Layover to LH August 23, 2022 at 9 am (CPH August 24). PO to submit 1) PA agreement with 3rd party purchaser, 2) construction statement with timeline, 3) proof of finances to complete the rehab, 4) affidavit dedicating funds to the project and 5) property must continue to be maintained.

No one appeared

Moermond: this is Mr. Gerald Krippner's property. The Council voted to remove and based on a plea and a potential purchaser sent it back to get time to pull the deal tog. That deal fell through, he says he has another deal but he isn't ready. So if he actually had a deal today I'd be sending it to Council August 24. We're still going to do that and either he has everything done with a bow August 23, or August 24 I recommend no stay be granted in the demo and we close the book. He knows he has that two weeks to get his things together.

Received and Filed

- 2 [RLH RR 22-33](#) Ordering the rehabilitation or razing and removal of the structures at 781 COOK AVENUE EAST within fifteen (15) days after the July 13, 2022, City Council Public Hearing. (Amend to remove within 15 days with no option for repair)

Sponsors: Yang

Layover to LH August 23, 2022 at 9 am. PO to submit work plan and schedule, evidence of financing, and affidavit based on completed CCI.

No one appeared

Moermond: when we did our pre-meeting it looked like the Code Compliance Inspection Report wasn't issued yet and the remaining piece was the plumbing inspection.

Because that plumbing has been delayed it makes sense to lay it over two weeks.

Yannarely: looks like the plumber was out there yesterday.

Moermond: so he should have that quickly.

Laid Over to the Legislative Hearings due back on 8/23/2022

- 3** **RLH RR 22-28** Ordering the rehabilitation or razing and removal of the structures at 733 FAIRVIEW AVENUE NORTH within fifteen (15) days after the June 22, 2022, City Council Public Hearing. (To refer to July 26, 2022 Legislative Hearing)

Sponsors: Jalali

Remove within 15 days with no option to repair.

No one appeared

Moermond: we haven't heard anything at all from the owner. The last letter we sent we told him he needs to have an agreement with a third party into us, bring his taxes current, submit evidence of financing, affidavit and work plan. All the usual things after someone has the Code Compliance Inspection and posts that Performance Deposit. Our office has received nothing. Let's send this to Council August 24 with recommendation to remove with no option to rehab. Let's see if he starts taking some steps.

Referred to the City Council due back on 8/24/2022

- 4** [RLH RR 22-42](#) Ordering the rehabilitation or razing and removal of the structures at 1803 IVY AVENUE EAST within fifteen (15) days after the August 10, 2022, City Council Public Hearing. (To refer to August 23, 2022 Legislative Hearing)

Sponsors: Yang

Refer back to LH August 23, 2022 at 9 am. PO to provide update on clearing title and any potential purchaser.

Timothy Hay, owner, appeared

Moermond: when last we talked we had a little list of things you were going to work on, have you done that?

[Hay shows application]

Hay: I just did it yesterday, I didn't have the funds until then.

Moermond: does it have a lock box on it?

Hay: I'm doing it today.

Moermond: so you have to call that in.

Hay: I will do that.

Moermond: we'd normally expect at this point that someone has posted a Performance Deposit and I know that is a reach for you and you were going to work to find a partner on that. You were going to look at the title issues. I know 90 days has elapsed.

Hay: Title Smart dropped everything. Executive Builders dropped out.

Moermond: did you find another title company yet?

Hay: no.

Moermond: have you spoken to Joe Steinmaus?

Hay: no, I've been busy packing the stuff in the house because it had to be free of all debris. That's going to take me a few days. The gal at the front desk told me they're running behind and it will be at least a week before they come. A buddy of mine has a lock box he's giving me to use. I'll get everything I can out.

Moermond: it might help you to reach out to a potential purchaser and they may be able to help you do some of it.

Hay: I'm just going to take it to Goodwill.

Moermond: and someone you partner with may be used to ordering a dumpster to help speed things along for you and save you some trouble. This goes to Council tomorrow. I would love it if you could reach out to your potential purchaser, or a realtor to find another potential purchaser. Did you talk to Rondo Land Trust? Maybe reach out to them. Use this time to start trying to find a partner to do the work. We're all pulling for that to happen but the title work is going to take some time and you need grace for that. That's the nature of doing that. We want to go on two tracks at once, one with the house and getting bids and inspections, and the other getting yourself legally squared away with title and someone who will do the fix. I would talk to your purchaser sooner rather than later. If there's someone in your life who you can rely on for financial or legal advice—

Hay: myself.

Moermond: if you have equity you probably won't get all of it out. You want as much out as you possibly can. To that end, if you can get a realtor in to help be your advocate and your representative it would be helpful. It is a cat 3 Vacant Building which is putting the price down, but hopefully the condition of the building makes the offer better. Hopefully that Code Compliance Inspection Report shows that value. I'd be in the business of trying to find someone who does that kind of work? I would call someone local, who knows the neighborhood, and ask if they don't do this type of work if they know someone who does. Legal advice your realtor could advise you for the purchase agreement. The last thing is that in real estate transactions, it is legal for the person who represents the buyer to represent the seller. That may or may not be the right choice for you. They'll get a commission, but if they're working in your best interest, it may be worth it. In the next two weeks let's get that house cleaned out, get that Code Compliance Inspection started. I'm going to ask the Council to send this back for us to talk again. You'll get it cleaned out and Nathan Bruhn will be informed of that and have the lock box combination. Start poking around for a realtor that can give you advice that is just for you. In the City of St Paul a TISH report is required to sell a house. You won't have to do that since you have a Code Compliance Inspection

Report. That is a substitution for a TISH. Don't spend money on that or let a realtor tell you that you have to do that. You're also not going to need a normal buyer; you need someone who knows what they're doing anyways and would probably send their own contractors through.

Yannarely: unless you wanted to look through previous transcripts to find names of people who are good at these types of things, names do come up who do these on a regular basis.

Moermond: look around and start finding your way. We'll talk in two weeks. Keep working on the title stuff if you can. I'm pulling for you. I know it was a pull to get the Code Compliance Inspection done, I know it was a pull to do it.

Referred to the City Council due back on 8/10/2022

- 5 [RLH RR 22-24](#) Ordering the rehabilitation or razing and removal of the structures at 1457 THIRD STREET EAST within fifteen (15) days after the June 8, 2022, City Council Public Hearing.

Sponsors: Prince

Lay over to LH September 13, 2022 at 9 am. PO to provide preliminary bids and update on clearing title.

Carl Berger, interested party, appeared

Berger: I was waiting for the inspection; without that I was waiting for that. I'm trying my best and have people helping me.

Moermond: before we go to much further. This was scheduled to be heard today but because your niece is working with you and the house is now cleaned out--

Berger: it is. And I've paid all the taxes. I'm doing everything on the list.

Moermond: so while that Code Compliance Inspection Report is being prepared, to continue this conversation to September 13. By that point you should have that Code Compliance in your hands and your niece should have helped you get some bids. You could be getting people in to do preliminary bids.

Berger: her husband has a contractor's license so they're kind of handling it.

Moermond: and this will be in the letter to you, she is welcome to participate in person or we can bring her in via phone. That will be in the letter. I'm sorry you've had a struggle parking, and your niece did reach out and Ms. Zimny has been talking with her regularly. You're in good shape.

Berger: in June I was progressing. I've got a sick wife too. It has been a disastrous 2 years.

Moermond: I understand. Hopefully things come together. We'll talk again in one month. Your niece is welcome to reach out but start getting those bids and get that Code Compliance done.

Berger: when can I inspect that Code Compliance Inspection report?

Moermond: the house still had enough things in it when he went out he couldn't do the inspection. So he called you or your niece and let you know that. That has finally happened.

Berger: its cleaned now, along with my tools.

Moermond: any questions?

Berger: no. I was here 40 minutes early. It was impossible to find parking.

Laid Over to the Legislative Hearings due back on 9/13/2022

- 6** [RLH RR 22-38](#) Ordering the rehabilitation or razing and removal of the structures at 132 WESTERN AVENUE SOUTH within fifteen (15) days after the July 27, 2022, City Council Public Hearing. (To be referred back to August 9, 2022 Legislative Hearing)

Sponsors: Noecker

Layover to LH August 23, 2022 at 9 am. PO to provide information on clearing title, work plan and schedule, proof of financing and affidavit. (CPH 9/7).

No one appeared

Moermond: the requirement was they have the Code Compliance Inspection applied for and Performance Deposit posted before the July 27 Council Public Hearing in order to refer back to today. They met that deadline on Wednesday July 27. The Code Compliance was completed July 25 so now it is about letting them develop work plans.

Mai Vang: I talked with Ms. Louismet about the posting of the Performance Deposit right before the Council. I did say in order to refer it back to August 9 those need to be done. August 9 was indicated in Ms. Zimny's letter.

Moermond: We need a clear title, work plan, financing, and affidavit. I was referred back to Legislative Hearing August 9. Have we heard from them?

Vang: no.

Moermond: but they've paid the taxes. Let's send a letter indicating they missed today's hearing and continue it to August 23 at which point we need to have the items here they haven't completed. August 23 we will look for those items to be done or discuss demo proceedings with them. We'll send it to Council September 7.

Laid Over to the Legislative Hearings due back on 8/23/2022

10:00 a.m. Hearings

Making Finding on Nuisance Abatements

- 7** [RLH RR 22-39](#) Second Making finding on the appealed substantial abatement ordered for 575 PARK STREET in Council File RLH RR 21-71. (To refer back to August 9, 2022 Legislative Hearing)

Sponsors: Thao

Property must have received CC Certificate by September 7, 2022.

John Flores, contractor, appeared

Moermond: Mr. Yannarely, has there been any change in the progress on this?

Supervisor Joe Yannarely: it doesn't appear so. The last email I got on August 4 said not much progress has been made. 575 is close, and 595 is at the same status.

Moermond: so no Code Compliance certificate for 575?

Yannarely: correct.

Moermond: Mr. Yannarely said the building inspector said there hasn't been progress at 575. Ms. Zimny had just said a plumbing permit was pulled yesterday?

Flores: yes, that was our last thing before the final. It is sanded and painted and the only thing left is to clean up the trash. If Nathan came later this week we'd probably find it done.

Moermond: what was the permit for?

Flores: changing out a water heater, and maybe gas. They had to pull that permit to get it cleared out. I believe that was done.

Moermond: so the plumbing work is done it just needs a sign off on the permit. So you should be calling to get that sign off on the permit ASAP.

Flores: we had to settle on electricians. He made a mess and we're cleaning it up. 595 if the same. He's obligated to replace the old wiring and switches. I told them they have to be more professional because we're looking terrible. Hector ordered drywall.

Moermond: so I'm going to put this in front of Council September 7 and everything should be done or I'm going to "go bananas."

Referred to the City Council due back on 9/7/2022

- 8 RLH RR 22-40** Second Making finding on the appealed substantial abatement ordered for 595 PARK STREET in Council File RLH RR 21-72. (To refer back to August 9, 2022 Legislative Hearing)

Sponsors: Thao

PO must have additional \$5,000 PD posted (done 8/11/22), submitted updated financials (approved 8/11/22), affidavit, and work plan. by COB September 2, 2022.

John Flores, contractor, appeared

Moermond: I'm going to look for a better plan; we have two items on it. If you could flesh that out. We can send your old work plan that was approved so you can refer to that and update it. That's probably easiest. If you have halfway to go we need a fresh plan. The other thing about 595 is that I'm requiring that additional Performance Deposit. I offered it could be transferred from 575. I actually don't care where it comes from. I'm going to send this to Council the same day and if he doesn't get to transfer

that money with a bow I want an additional \$5,000 posted with DSI or I'm going to ask Council to remove it because I'm kind of over it. Mr. Yannarely, let's let the front desk know about that additional \$5,000. That needs to be done no later than September 2.

Referred to the City Council due back on 9/7/2022

11:00 a.m. Hearings

Correction Orders

9 RLH CO 22-7 Appeal of Catherine Fah to a Correction Notice at 1379 SHERBURNE AVENUE.

Sponsors: Jalali

Grant to October 31, 2022 for compliance.

Catherine Fah, owner, appeared via phone

Moermond: the correction notice goes to the name on the taxes which is Catherine Peltzer, that is you?

Fah: yes, that is me. That is my maiden name. I've been married 29 years.

Moermond: we can send you that number to get that updated.

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: a correction notice was mailed June 28, 2022 to owner re: chapter 34.08 regarding stored materials asking to remove storage container and other stored materials from rear yard. Compliance date was July 6. Photos are in the file.

Moermond: tell me what is going on here?

Fah: my father had to go into a nursing home and he had 2 estates with a lot of different "stuff". I know we have a lot of stuff in our back yard from him. He has since passed away. We have worked on getting rid of it, but we had a lot. We remove the materials around the yard. We have containers, Rubbermaid, we got rid of. We do have a large storage unit that we use as a shed. That is our most secure structure. It is the only one that hasn't been burglarized, including our vehicles. We also have an older wooden shed which we were going to pull down this year. I have a fairy garden which we built up because people kept stealing things. So that's what we have left, and a picnic table. The rest of the items have been removed. As far as our metal shed, that is what my issue is. We were planning on cleaning it out anyways, but it was a lot after dealing with my dad. Now he's passed away I can work on donating stuff. My concern is about losing my shed that is secure and we put our more valuable things in, like the snowblower and lawn mower, into.

Moermond: I have to tell you that according to the building code and the City code that isn't actually a shed, it is an intermodal storage container and it isn't allowed on residential property for use like this. You've had the benefit of it being present, but it isn't actually a shed and can't be used as such. When you say you cleaned out the yard, I have a photo that has material that looks to be about 6 or 7 feet in height

covered by a tarp. Is that still there?

Fah: we have a tarp on it because it has a plastic roof. When we had that really bad hail it got holes on the top.

Moermond: what is it?

Fah: it is like a plant box, but deeper. About 8 feet long and maybe 5 feet deep. I have some plastic rock thing where I put in fairy houses and stuff like that. They light up. A gazing ball. That sort of thing. When we built it, it was open and people stole out of it. Then we put sides on it and a top to help prevent that. That's what that structure is. After we put the roof on it I have things that shouldn't get wet. When the hail came and wrecked the light plastic roof we put the tarp over it temporarily.

Moermond: so you're saying the balance of the yard has been picked up since the inspector was there?

Fah: yes.

Moermond: and I gather you store your lawnmower and snowblower in the intermodal container. Are you father's things in there?

Fah: no, we've removed those items and gotten rid of most of them. We had a storage unit so we started cleaning that out and put items in the container. There's a ladder in there. I took out the wheel barrel. Rakes and things like that. We've been using the woodshed to store those now. A trimmer, a weed whipper.

Moermond: so yard care items. The code is clear that intermodal containers aren't allowed. So I need a deadline for this to be removed. I'm hearing you are interested in getting rid of the existing shed and I see also you have a garage. I'm trying to figure out, we have those different things and what would be involved in getting that container out of there and what kind of timeline. DSI gave you a quick turnaround on that, I'm fine giving a further extension I just want to talk about what is involved on your end.

Fah: is there any way the container can stay? I didn't know that was what it was called. Can it be modified or resided or put a roof on to make it into a different structure?

Moermond: not to the best of my knowledge. Ms. Martin?

Martin: I have never heard of that. Also, you're only allowed so many structures on your property. So it would involve zoning. You're at more than capacity at this point.

Moermond: you're going to need a plan for relocating the items and getting rid of it, and maybe replacing your shed with maybe a more secure building. I need a rope in terms of how long before it needs to be taken care of. I can see it isn't a small thing to undertake but it does need to be done. I'm comfortable going through October to deal with it.

Fah: ok, thank you. We've had it here many years. I don't know how we're going to get it out.

Moermond: I don't know either. I'll say October 31, 2022. That gives you time but it is done before the snow flies. If you want to object to that recommendation, we'll send a letter that says how to do so. We'll put this in front of Council August 24. I do wish you

well in figuring this out. You can only have so much of your lot covered by buildings, as you figure out where you go from here and what you will do with the garage and shed remember the lot coverage issue and you may want to call DSI to speak to them about it. We can include a number for that.

Fah: Ms. Martin, has this code been in place for a long time?

Martin: many, many years.

Moermond: you could ask the City Clerk's office but I can tell you it has been decades.

Referred to the City Council due back on 8/24/2022

1:00 p.m. Hearings

Vacant Building Registrations

- 10 RLH VBR** Appeal of Zoe Zhi, American Medical Research, to a Vacant Building
22-38 Registration Notice at 1082 EUCLID STREET.

Sponsors: Prince

Waive the VB fee to October 1, 2022. Property must have Fire C of O reinstated by October 1, 2022 or will remain a Cat 1 VB.

Zoe Zhi, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Mitch Imbertson: had a number of inspection done in 2021 which resulted in revocation of the Certificate of Occupancy and then it was ultimately approved with corrections June 2021. The next renewal due to those revocations it's a one year inspection cycle. Hence trying to get back in in a relatively short time. That started with inspector Thomas requesting access a number of times with multiple appointment letters starting in February 2022 through June 2022. The Certificate of Occupancy was revoked and it was referred to the Vacant Building based on us not being able to access to inspect and recertify.

Staff report by Supervisor Matt Dornfeld: We opened a Category 1 Vacant Building on that referral on July 17, 2022. Normally in this case to monitor as a Vacant Building we would prefer and hope the property would be vacant, maintained and secured.

Moermond: additional enforcement measures. Referring to the Vacant Building program is one thing, but it is also a non-owner occupied property that lacks a Certificate of Occupancy which is a violation in its own right.

Imbertson: yes, that is why we were requesting access. We had it as non-owner occupied on our Certificate of Occupancy list and it needs to maintain that certification.

Moermond: as a Category 1 it wouldn't be vacated on that basis because that's a turnkey property. Ms. Zhi, why are you appealing? Sounds like you have a lot going on in terms of your court interactions with the tenant?

Zhi: these tenants aren't the same tenants. During their stay that have close to 20 complaints from the City. Almost 25 Summary Abatement Order. We tried everything to comply with the City. Unfortunately when Covid started, they didn't pay rent. They got until June 1 to pay rent. February to June is 4 months so we filed another eviction since we terminated their lease and they didn't move out. They said they didn't get the notice. We emailed, mailed, texted them. Based on that execute the same Ramsey County Referee Catherine Bergstrom said they didn't get notice so we have to go through trial. We thought since June was coming up, they didn't pay the rent, we can go that route. May 31 I got a letter from Community partnership they had rent assistance. We went to court saying even if rent is approved they don't pay. The same referee said we had to come back in another month to figure out how much they owe. We came in July. The referee said they had to pay their July rent. They didn't pay by July 14. Then the community action person said she paid July 1. Because of this mistake, the same referee said we have to come back another month. That's on the 20th of August. We're trying to get rid of these tenants. I know some tenants don't have means to pay rent. These people don't do anything, not even throwing the trash into the can we provide and pay for. They are the worst tenants, not just for me but for the City. They are still living there. The people who signed the lease are parents in their 50's and it is their children living there. We told the court about this situation and Ms. Bergstrom disregarded it. It is basically a squatter's house.

Moermond: so we have the six appointment letters and you didn't provide access?

Zhi: we gave notice to the tenants. I went there and they locked and said I couldn't come in. One time I was there and they had a gun out on the table once and they have dogs. I am scared to go by myself. I called the police to go with me. We knocked on the door, they locked it, and I do have a key and I tried to open it and there were dogs barking and loose. I just don't want anyone to be hurt. It is a sensitive environment. I called it off, I don't want anyone hurt. That was the last one. I called James to explain. These tenants threatened me, as well as the neighbors when they complain.

Moermond: did you call the police?

Zhi: I did for the last inspection.

Moermond: so when the neighbor called you and told you they felt threatened did you tell them to call the police?

Zhi: I didn't have that knowledge.

Moermond: that seems basic.

Zhi: I felt so bad for them. Someone from the City should talk to Catherine Bergstrom and tell them some renters, because of their difficulties—

Moermond: I'm going to cut you off there. The district court proceedings with evictions have nothing to do with us today. My sole focus has to do with the Fire Correction order on the dryer vent not having compliance on deadline, the Department sending multiple letters to check for compliance, not getting it and referring it to the Vacant Building program. Providing access is a landlord's responsibility. I understand you've had problems with the tenant. One of the things that happens when you don't have control of your property you end up in this type of situation. This was a City Council vote that gave you the extension, and that was based on the tenant's appeal. I didn't see you

intervening to step in. I don't want to be used as tool in your trying to get the tenants evicted. That is your own process in court. You've been placed in the Vacant Building program. Two things important with that. One is having to do with the building being vacated for lack of a Fire Certificate of Occupancy and the other is the Vacant Building fee. I assume you are concerned about that fee?

Zhi: yes, very concerned. We've spent so much on lawyers trying to get hold of our own property. We've worked with the City but the tenants and court don't allow us to take possession. I don't know what to do. We've suffered so much financial loss already, now this Vacant Building registration fee. This system is so unfair to homeowners like us. We depend on the rent.

Moermond: the owner here in Ramsey County property taxes that American Medical Research Inc is the owner. Are you that company?

Zhi: yes, my husband and I own a small company.

Moermond: and that company owns this property?

Zhi: yes, it is under a corporation owned by us. It isn't a large corporation. We've had five hearings already and now we're going to trial just to try and take possession. After that we can work with the City. Right now I can't even walk into that house. I'm scared to go there.

Moermond: I don't know if you filed police reports on these incidents, but it sounds like an inspector was present who said he didn't feel comfortable. I don't know for the other five appointments what the situation was. You mentioned 3 appointments you were interacting with. I'm going to give you a waiver of the Vacant Building fee and if you have your Fire Certificate of Occupancy reinstated during that time the fee is waived. If you don't have it reinstated, you will have a Vacant Building fee that needs to be paid. I can't create a bigger carrot for you. That is something you can take to court saying there are financial implications. The court can also order there be access allowed. You could have been talking to them about that. Finally, I need to tell you, you are responsible for keeping the property maintained. If there is a problem with it being kept up the City hold you accountable. A contract with someone else to do is your contract to enforce. It has nothing to do with the City. All of that is on you. You should make sure that is taken care of or understand that there are assessments if the City has to undertake that property maintenance. The neighbors are experiencing a problem property and that is due equally in part to the landlord, as well as the tenants. This is a management issue as well as a tenant issue. I'm recommending you need to have your Fire Certificate of Occupancy reinstated by October 1. Your Vacant Building fee is waived through then. If you have the Certificate of Occupancy by then you've saved yourself \$2,500.

Zhi: the dryer vent is fixed.

Moermond: and the inspector hasn't been able to see that in a year and a half. we'll send you a follow-up up letter. This goes to Council August 24. You are welcome to provide testimony to ask for a different outcome.

Zhi: if it goes to Vacant Building does the City escort them out?

Moermond: the City won't do a vacate on a Category 1 Vacant Building but I believe they will pursue administrative measures. The biggest one is that Vacant Building fee.

That is hanging over your head.

Zhi: I understand.

Dornfeld: this is a Category 1 with minimal code violations. The appellant should be able to make necessary arrangements for the inspector to come in rather than us evicting the tenants for them.

Referred to the City Council due back on 8/24/2022

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

- 11 **RLH VO 22-21** Appeal of Maradee Miller to a Fire Inspection Correction Notice (which includes condemnation) at 1145 HUDSON ROAD #317.

Sponsors: Prince

Deny the appeal.

No one appeared

Moermond: we don't have anyone here. Lacking someone being here, I'm going to recommend this be denied and come into compliance by August 31. If they wish to contest, we'll send it Council August 24. Maybe referral to House Calls.

Referred to the City Council due back on 8/24/2022

- 12 **RLH VO 22-22** Appeal of Benjamin Kaufman, Southern Minnesota Regional Legal Services, on half of tenant, Marilyn Dunsmore, to a Fire Inspection Correction Notice (which includes condemnation) at 1145 HUDSON ROAD #410.

Sponsors: Prince

Tenant must have 50% reduction in excess materials by August 31. If confirmed, then lift condemnation and convert to correction orders for remaining 30% reduction by September 30, 2022. If 50% reduction is not met by August 31 (as confirmed by inspector), then property must be in compliance or vacated by September 30, 2022.

Benjamin Kaufmann, SMRLS o/b/o tenant, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Mitch Imbertson: this is a residential unit of 160 units. It was due for its Fire Certificate of Occupancy for the building as a whole. This wasn't specific to this unit. Correction orders were noted for a number of units, including unit 410. Inspector Thomas issued two corrections, one is the unit was condemned as unfit for occupancy and the second was the accumulation of combustible materials had to be reduced significantly for fire load and safe access. At this time that is the correction needed to lift the condemnation. This is based on conditions at the time of inspection, not the difficulty of getting it approved again. It could take an afternoon of heavy cleaning, or more work. We can grant the Certificate of Occupancy again as

soon as those conditions are taken care of. We did have some previous issues with this same unit from the last inspection cycle. I'm not sure how long this tenant has been there. That was 2015.

Moermond: and the vacate date on item 15 says it must be vacated, I assume if its not in compliance with item 14. When you show up on the 31st, that's when you would expect it in compliance or no one living there?

Imbertson: yes, if there's no specific vacate date lifted, the expectation is by the August 31 reinspection.

Moermond: this is along time for an item of this nature. This is 80% reduction in volume, which is about as high as I've ever seen.

Imbertson: it is certainly on the longer end. I haven't personally be in there. I'm not sure how well the pictures represent the issue. If we are allowing the whole month to take care of it, it is something where we're not having immediate life safety issues with.

Moermond: how do you have a condemnation that's not based on life safety issues?

Imbertson: concern is noted and it is hard to speculate, but there is a fine line the inspectors have to use discretion on when it is a case where the storage needs to be reduced but not an immediate vacate for the unit vs. actually issuing the condemnation.

Moermond: and you did issue one here with an effective date of August 31.

Imbertson: yes. It met that threshold on July 29.

Moermond: so it was unfit for human habitation and time I was given to work with organizations without being displaced.

Imbertson: that likely factored into the decision, connecting tenant with resources. If we can get it safe for occupancy that is preferred to actually having the unit vacated.

Moermond: and this wasn't deemed unsanitary. So that is a distinction here. This order goes out, the door gets placarded and someone talks to the tenant July 29. Tenant reached out to SMRLS, perhaps on a referral. Tell me, it happened quickly. What are you looking for? Are you working with House Calls? Housekeeping assistance?

Kaufmann: we were contacted the day she received the order. As soon as we got involved we contacted House Calls on her behalf. Diana Carey has been in contact with the tenant. She has visited the unit and brought along Quick Turn staff. They said they couldn't schedule the assistance for at least 2 weeks. In addition, Ms. Dunsmore has physical ailments, which is part of the contribution to the situation. [Tenant's medical ailments and treatment are outline and redacted for this record] She has great difficulty moving items out herself.

Moermond: is she cooperating? Sometimes people say they want all their stuff.

Kaufmann: as far as I'm aware, House Calls said they believed it would work and Quick Turn would be able to remove belongings. Ms. Dunsmore also has a surgery this weekend. Then she will be bedridden so can't do anything prior to this appointment. We are hoping to recognize that a month is a lengthy period of time, but

she isn't able to do anything herself. She can't help, as much as she wants too. She needs reasonable accommodation for more time.

Moermond: that isn't a concept that applies here, you understand that?

Kaufmann: yes. She has a disability and is doing as much as she can in spite of her physical limitations.

Moermond: is she willing to turn over that responsibility to House Calls? Her physical involvement would be her moving the things. But it sounds like before and after this surgery she has been equally unable to engage in resolution of the problem. Quick Turn can step in and deal with this in short order if given the latitude to do so. Have you been in there?

Kaufmann: I haven't, but I saw the photos. My understanding from her is the situation when the inspector visited is the way it gets worse before it gets better. This was her going through storage containers. She wants them sold or donated, not just thrown away. I've been counseling her that may not be possible. In our calls she has expressed her willingness to do so. There are issues with furniture being arranged that may help

Moermond: so there are some cooperation issues here.

Kaufmann: my understanding is that she would cooperate.

Moermond: when we're talking about things being kept, donated. That is someone who is attached to all of this stuff, which spells hoarder. I understand the factors that contributed to this being a hoarded unit. I look at these photos and I'm not seeing safe egress. It wasn't called out in the inspection report.

Imbertson: it is a related concern when we call out excessive storage.

Moermond: if Quick Turn went in, would she allow them to do that work?

Kaufmann: I believe so. I'm elder advocate with SMRLS. I'm trying to connect her with credits for PCA time. In my conversations she has given indication she is taking things out. She still has things, but she is doing as much as she can to get rid of things. I said what happens if they tell you we cant dispose of things as she wants. She has indicated she is willing to get rid of it so she can stay housed in this unit.

Moermond: let's tackle this in steps. By August 31, rather than an 80 percent reduction, let's look for a 50 percent reduction so that Quick Turn can do that and then another 30 days we'd look for the return to normalcy and the balance of the material in excess to be removed. She will have to let go of at least half, but it is a lot less than 80%. I'm going to say if she does get rid of half to the satisfaction of the inspector that the condemnation can be lifted and it would become a correction order. If she doesn't get rid of half, the condemnation remains hanging over her head, and we'd put a vacate date at the end of September. So half cleaned out by reinspection, if that happens the condemnation is lifted and the other 30% needs to be done by a follow up inspection end of September. If she doesn't meet that goal and it isn't taken care of by the end of September, it will be reinspection on an order to vacate or compliance. That way she is forced to engage with assistance to get it started. Her disabilities make me more concerned about the ability to egress in a compromised unit. It is already bad for anybody. We'll send this to Council August 24.

Referred to the City Council due back on 8/24/2022

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 13 [RLH FCO 22-74](#) Appeal of Mary Callander to a Fire Inspection Correction Notice at 1378 LINCOLN AVENUE.

Sponsors: Tolbert

Layover to LH September 6, 2022 at 2 pm for update on fire inspection and building inspector on beams.

Mary Callander, owner, appeared via phone.

[Moermond gives background of appeals process]

Staff report by Supervisor Mitch Imbertson: this is a Fire Certificate of Occupancy schedule for inspection with Jack Toeller. It was inspected and given an A rating, just a few issues noted still on the report. There were 4 items, and one is for a permit related to electric to a new boiler. That has since been closed. So item one is abated. That leaves a dryer vent correction, ceiling beams that were cosmetic that were being requested to be reattached or removed, and the smoke alarm affidavit. Reading the appeal letter it sounds like the appellant is saying the affidavit was sent in, but that hasn't been confirmed by the inspector.

Moermond: what are you looking for today?

Callander: the other things have all been taken care of. The guy came and okayed the furnace and vent. I sent in the thing for the affidavit. The only thing left are the beams which had already been done a few years ago and I know when you look at it there is a cap between the beam and the ceiling. They were fixed and there is no sense in having them fixed again.

Moermond: so there is a spacer between the ceiling and the beam which leaves a space. Looking at the photos there may be something going on because the spacing is not even.

Callander: it never was. This is my home that I was born and raised in, I bought it when my sister died. I live in a small bungalow that is four level. I'm moving back in here when I need one level. I take person care of it. I want it in order for me to move back into.

Moermond: you don't live now and you have it rented, so it is a clean decision that you belong in the program and subject to its orders. I hear you disagree on the order on the beams and believe the spacers are what is separating the beams from the ceiling and they have never been flush and it is safe. I'd like another set of eyes on this, maybe we can have a building inspector look at it and give a second opinion about it. That would give me some assurance and also you. Are you willing to do that?

Callander: I don't think its necessary. It has already been fixed. I know what it looked like before it was fixed, and after.

Moermond: I respect you have a difference of opinion but you aren't an engineer, are you? I have to deal with the safety of the resident. I am willing to work with you on this. I just want confirmation that what you are telling me is true, because that's the responsible thing to do. I won't grant your appeal without those eyes on that.

Callander: that means you have to disturb my renters again. He's been disturbed four times since the furnace was put in. They have to take off work.

Moermond: you are the owner; you could meet the inspector.

Callander: right, I have been there each time. They want to be there. They've been through a lot. I'm comfortable with that situation. It isn't rental property.

Moermond: if you have tenants it is rental property. You are not living there. I know the building inspectors can be flexible in scheduling. If someone could get away for lunch, I know they would work with your tenant on that. For anyone who lives in a dwelling this is something that has to happen. We all have to take time away to deal with things like this.

Callander: I understand what you are saying. The guy is already scheduled to come out on reinspection on August 22.

Moermond: so to make it easier, let's have a building inspector come at the same time. Does that work?

Callander: it has all been done. I'll have to check with her.

Moermond: so when you go the letter for August 22 did you arrange for the tenant to be there with you?

Callander: not at this point because it was changed for another date. I'll call them today and see.

Moermond: it can be moved. We can be flexible about that. If there is a day that works better we can deal with that. This isn't trying to jam an inconvenient time down their throat. I'm going to continue our conversation to September 6. Between now and then, you work with Inspector Toeller and we'll find a building inspector to come out at the same time so there aren't two different appointments.

Callander: that would be fine.

Moermond: call your tenants and see if there are times that are more convenient. Inspectors are in the field between 9 am and 3 pm. We would look for a time period in that slot. That needs to happen before September 6.

Laid Over to the Legislative Hearings due back on 9/6/2022