



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Meeting Minutes - Action Only

Legislative Hearings

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651-266-8585

Tuesday, December 12, 2023

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Remove/Repair Orders

1 [RLH RR 23-50](#) Ordering the razing and removal of the structures at 594 BRUNSON STREET within fifteen (15) days after the November 1, 2023, City Council Public Hearing. (To refer back to December 12, 2023 Legislative Hearing)

Sponsors: Noecker

Layover to December 19 at 3 pm

Laid Over to the Legislative Hearings due back on 12/19/2023

2 [RLH RR 23-56](#) Ordering the rehabilitation or razing and removal of the structures at 1058 JESSIE STREET within fifteen (15) days after the December 8, 2023, City Council Public Hearing.

Sponsors: Brendmoen

Layover to December 19 at 3 pm

Laid Over to the Legislative Hearings due back on 12/19/2023

3 [RLH RR 23-61](#) Ordering the rehabilitation or razing and removal of the structures at 975 REANEY AVENUE within fifteen (15) days after the January 17, 2024, City Council Public Hearing.

Sponsors: Yang

Remove or repair within 180 days.

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

4 [RLH RR 23-62](#) Ordering the rehabilitation or razing and removal of the structures at 188 ACKER STREET EAST within fifteen (15) days after the January 17, 2024, City Council Public Hearing.

Sponsors: Balenger

Layover to January 16, 2024 Legislative Hearing. PH Jan 17.

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

5 [RLH RR 23-63](#)

Ordering the rehabilitation or razing and removal of the structures at 195 GOODRICH AVENUE within fifteen (15) days after the January 17, 2024, City Council Public Hearing.

Sponsors: Noecker

Laid over to December 28 Legislative Hearing at 9 am for progress check on inspection report and status of legal and real estate advisors.

Dennis Faust, property owner, appeared in-person

David Marks, neighbor, appeared in-person

Rebecca Marks, neighbor, appeared in-person

[Moermond gives background on the appeals process]

Faust: I would like to keep the house. I've had OCD since I was a child. I've had hoarding problems for a while, and these 2 (referring to David and Rebecca Marks) have helped me and expressed interest in buying it.

Moermond: According to City Code, all properties that are going to be rehabilitated first need a Code Compliance Inspection Report and a \$5,000 Performance Deposit. For the inspection, four trades inspectors will go through the property and create a list of what needs to be brought up to code. This does not always mean it needs to be brought up to 2024 code for something like electrical. If the wall is open, then yes. If the wall is not opened already, only in exceptional circumstances like a flood would you be required to do so. The goal of the list is to bring the property back into compliance and make it habitable again. All permits associated with it need to be closed. That is the finish line to getting out of the vacant building program.

To ask the Council for a grant of time, I also need a work plan to show that whoever is going to do the work has bids to do the work, and indicates that contractors have a schedule. We then need to see evidence of financing to do the work. Once we have that, I can ask Council for a grant of time. We don't have an inspection report because it was a hoarded property. Inspectors can't see the walls and the floors well. The property needs to be cleared before an inspector can get through. I also look at whether there is a clear title, or is it possibly clouded. I look at whether taxes are owed also. These are things that are potential impediments to a clear pathway towards success. If you are working with a third party to do the work, I would need to see a contract between you all that shows how that's going to look, and how you are paying them. This could be by virtue of a mortgage on the property or a purchase agreement with a rider saying that it will not transfer until it's out of the vacant building program. Those are some examples and are happy to provide others.

Staff report by Supervisor Joe Yannarely: The building is a one and one-half story, wood frame, single-family dwelling on a lot of 8,843 square feet. The property was condemned by Code Enforcement on October 6, 2021 due to excessive storage,

unsanitary conditions with a vacate date of October 13, 2021. The property owner was given an extension and upon re-inspection, was found to be noncompliant. The property was referred to Vacant Buildings with files opened on October 25, 2021. The current property owner is Dennis J Faust, per AMANDA and Ramsey County Property records.

On September 13, 2023, 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 September 20, 2023, with a compliance date of October 20, 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 \$44,000 on the land and \$124,900 on the building. Real estate taxes for 2023 have not been paid. The current amount due is \$6,277.11, which includes penalty and interest.

The vacant building registration fees were paid by assessment on December 3, 2023. As of December 11, 2023, a Code Compliance Inspection has not been done. As of December 11, 2023, the \$5,000 performance deposit has not been posted. There have been seventeen Summary Abatement Notices since 2021. There have been nine work orders issued for: Garbage/rubbish, Boarding/securing, 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: I think I dealt with this condemnation back in 2021.

Faust: I can't hear you, and I only heard about a third of what Yannarelly said.

Moermond: We will print copies of Yannarelly's summary for you, and I will talk louder. Can you hear me now?

Faust: Yes.

Moermond: I've had a lot of practice doing exactly this. You're not the first person who's had difficulty hearing. The highlights that I'm taking away from that report are: We have a condemnation back in 2021, we've had a fair number of clean up orders from the photographs that I've seen, and we have a really bad hoarded condition. I'm happy that you've had help and gotten it cleaned out. From the record, it looks like you were going back there and living as best you could initially in 2021 and a bit into 2022.

Faust: The reason for that was that when the house was boarded up, they put one board on the front door. The rest of the house had no boarding and a few of the windows had screws put in. People stole thousands and thousands of dollars of stuff, including sets of sterling silver and sterling candelabras. I had two beautiful civil war rifles also.

Moermond: What I want to be clear about is that the house shall not be lived in until that certificate is issued. I'm sorry about the break-ins. Securing the property isn't the city responsibility unless city staff like Police or Fire are there and find it to be open. Wherever the opening they saw is, they get it closed. They won't do property maintenance to make sure all openings are secure. You will have to keep the property maintained. We're looking at past-due taxes for the year, and I would like to see that caught up. I understand the Code Compliance Inspection was applied for and the house has been cleaned out. Did the application come with lock box combinations?

D. Marks: Yes.

Moermond: Good, that can often slow things down when inspectors don't have that. I will now turn it over to you all to talk about your intentions for the property.

Faust: Is there a program for a loan I could take against the house to have it repaired?

MM: The City does not have that. The two things working against you are that the building is a Category 3 Vacant Building and that there is a demolition order hanging over it. Those are red flags for financial institutions and can make getting financing from them difficult. The current demo order is for 15 days, and it could be extended to 180 days to rehabilitate or remove. If you are at the 50% mark after 180 days, you could get another extension of 180 days and your permits could be extended as well. What I would look for at that halfway mark in making a recommendation like that to the City Council is an updated work plan and evidence that you didn't run out of money. To your question though, there is a mechanism for this through a financial institution, but I am not aware of a City program like that. I'm also not aware of any program to help you pay past-due taxes. In fact, loans from financial institutions would likely require that taxes are taken care of. So, you have people with you today and I would like to understand their interest here. I also understand you have an application for a living situation.

Faust: It's for Central Towers, downtown. Right now, I'm in my car.

D. Marks: Dennis has applied for and been accepted into Central Towers. I spoke with them by email yesterday and they have the last pieces of information they need. They are just scheduling a move-in date. Our interest is primarily about getting Dennis to a place where he can get something out of the house and use that money to live the rest of his life. We do have an interest in buying the property but have no formal agreement with him to do so. We have not yet committed, and it depends on coming to an agreement with Dennis. Right now, we are just helping him out to get to that point where he has a place to live, can sell the property, and get the money for it to live the best he can.

Moermond: I know this may be a big pill to swallow for the property owner. My concern is that Dennis has somewhere safe to live. That may mean taking money from the property you own to pay for somewhere else you can live in, assuming on my part that you don't have funds otherwise. Since you own the property outright, it is kind of a savings account to pay for other housing. You have an asset but are effectively homeless, and this asset can help provide a safe place for you to live. I want you to think hard about the pros and cons of your options. I have seen situations like this before. You could go to a real estate office and get an estimate of the property from a broker. You could also get an attorney. I am assuming you don't have money for an attorney, and I would like to get you contact info for Southern Minnesota Regional Legal Services. They don't usually handle your kind of case. They usually work with threats of evictions, but I have seen on some occasions where an attorney in their office can find a pro bono lawyer through the state bar association. I did work recently with a property owner in a similar situation who was living on the green line. The pro bono attorney was able to help get him a place to live in an apartment and had had money in a savings account by selling the property. It's a hard thing to do. Time is money right now though.

Yannarely: And if it gets demolished it gets worse.

Moermond: That's correct. If nothing is done and the house gets demolished, your asset loses value and you could walk away with nothing if the back taxes are equal to the value of what's left after demolition. Time is not your friend. I'm sorry to be so plain in my language. I know this is going to be hard as you sort through this in the next few days. I know there are realtors out there who know your neighborhood well. I can't make specific referrals. It sounds like Rebecca and David Marks may know someone.

D. Marks: I believe a real estate agent has been in contact with you already. One of those people that goes around.

Moermond: There may be neighborhood folks who take greater care and concern with understanding the property and your situation than someone like "We Buy Ugly Homes." They could be more in your corner.

Faust: The only person I can think of is a neighbor who I have not gotten along with over 25 years.

Moermond: Regardless of whoever is making offers, you can step back and work through someone who represents you, who will understand the process and be at the table with you.

Faust: If I do not wish to have that person, is it not possible to go to another?

Moermond: If you wish. You don't need to go through anyone, but I strongly advise that you get your own broker and your own financial and legal advice. The time to find those people is now.

D. Marks: We've had these conversations. There is a person in the neighborhood who is a realtor, that we were going to enlist. Dennis wasn't comfortable with her doing that. So, I have reached out towards somebody from Edina Realty to do exactly what you've said: come in and give us an appraisal of what the property is worth, as a starting point. Regardless of if he's selling it to me or anybody else, he then knows what the property is worth. That's what we talked about earlier this week, Dennis, correct?

Faust: Is that the same as me getting someone?

Moermond: You can go through the person from Edina Realty that he mentioned. You can go through the Fort Road Federation. They are local and can help you find people. You need to think about this and we need to talk in a couple weeks. I would like if you could reach out and we see if we can get you an attorney and some better real estate advice. The inspection has already been applied for. We'll see if we can get that inspection report and then we'll be operating with better information. I'm going to keep pushing on this. I'm not going to ask the Council to vote on this in January because I know that if you get the inspection report in two weeks, that doesn't give contractors a realistic amount of time over the holidays to provide decent estimates. My job is to make sure this is taken care, to make the building productive. If it's you in the building, that's great. In my experience, that is very difficult given your circumstance. I'm going to get you the information for legal assistance. I will put in a phone call to them so that they know that your circumstance is unique. They're going to want to sit down and talk this through with you. They will then be able to give you advice. That's part one. Part two is the real estate piece. Your best bet is probably people with neighborhood context. That may be a neighborhood realtor who knows somebody two cities away that wants to move into town. What matters is that we keep this moving.

That we get you into housing with money and you can take care of yourself comfortably. You are coughing and not feeling well, and I'm very concerned about your living situation. Have you worked with St. Paul's Homeless Assistance Response Team?

Faust: Yes

D. Marks: Her name is Andrea.

Moermond: Is she the one helping with Central Towers?

D. Marks: We expect that if not within days, then within a week or so Dennis should be into Central Towers.

Moermond: Do you have somewhere warm tonight?

Faust: Yes.

Moermond: For real?

Faust: For real.

Moermond: If you said no or inkled no, I would pull on this to make sure you do, but you say you do. I have business cards on the table. You are all invited to take one. We will follow up with a letter to you. Do you have a mailing address besides the property, like a PO Box? How do you get mail?

Faust: I won't get mail. They told me mail can't be delivered to a vacant house.

Moermond: Here's what we will do. Yannarelly will get a paper copy of the letter and tape it to the door so you can see the follow-up letter.

D. Marks: All his mail is sent to the post office for general delivery.

Moermond: We have you covered on this. It will be delivered. It will be there on the door Friday or Monday. This will be a follow-up on today's conversation, what we talked about, and what next steps are. Yannarelly, are you here December 28, 2023?

Yannarelly: I will be in that morning.

Moermond: We will also email the letter to you to confirm the next hearing, summarize what we talked about today.

D. Marks: December 28 is the next hearing?

Moermond: I think that is best. We will check in on progress on the inspection report and have you talked to people. We can talk about if you need a push.

Laid Over to the Legislative Hearings due back on 12/28/2023

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

6 **RLH VO 23-36** Appeal of Nickolas Gerr to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 36 FRONT AVENUE.

Sponsors: Balenger

Deny the appeal and grant an extension to June 6, 2024 for the December 11, 2023 orders.

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

7 **RLH VO 23-39** Appeal of Ted Wagon, Attorney from Felhaber Larson, on behalf of 1596 Hewitt Avenue LLC, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1596 HEWITT AVENUE.

Sponsors: Jalali

Layover to Jan. 16, 2024 at 1:30 p.m.

Laid Over to the Legislative Hearings due back on 1/16/2024