



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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651-266-8585

Tuesday, March 19, 2024

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 24-82** Ratifying the Appealed Special Tax Assessment for property at 571 VAN BUREN AVENUE. (File No. VB2401A, Assessment No. 248808)

Sponsors: Bowie

Approve the assessment.

Property owner unable to attend and sent in written statement (rescheduled 2x)

Moermond: things to note: first is this was originally scheduled for Legislative Hearing February 6, per owner's request it was rescheduled to February 20, at the last minute he let us know he couldn't attend, so it was rescheduled to today, March 19. It did require us to send back from Council. Third Legislative Hearing.

Second, the assessment today is a Vacant Building for \$5,075 with the cost and service charge together. For the time period of May 19, 2023 through May 18, 2024. As of today, we are 10 months into the billable period. This is a Vacant Building fee for the second year in the Vacant Building program as a Category 2 Vacant Building, hence the higher fee level. The owner has yet to get a Code Compliance Inspection Report so there is no punch list created yet on what is necessary for this owner to be reoccupied. The owner indicated yesterday he was unable to attend today's hearing and we only typically have 2 opportunities, today is the third. It was offered he could provide a written statement, which he has done. He is looking to have a meeting with City representatives and people offering financial assistance to create a list of what can be done to fix the property. The Code Compliance Inspection Report is articulated in the Vacant Building registration notices, 4 of them. We're going to send the application for the Code Compliance Inspection Report to him so he has clear understanding as the expectation. Let's send this to Council Public Hearing April 3 and my recommendation will be to approve the assessment in whole. He will have been in the Vacant Building program for just about two years without that most basic inspection done.

Referred to the City Council due back on 4/3/2024

- 2 **RLH TA 24-134** Ratifying the Appealed Special Tax Assessment for property at 686 EDMUND AVENUE. (File No. VB2406, Assessment No. 248805)

Sponsors: Bowie

Approve the assessment.

Somdy Kong, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this is the annual Vacant Building fee for the property, it was condemned by the Fire Certificate of Occupancy program in October of 2020. No permits pulled. Total assessment of \$5,075.

Moermond: this is the fourth Vacant Building fee, October 5, 2023 to October 4, 2024. Tell me why you are appealing.

Kong: when I went before the Council they said they were going to work something out, but then I didn't hear anything about it. I thought I got it waived. I was going to use those funds to demolish the garage.

Moermond: no one was trying to give anything back to you. You went in front of Council April 19, 2023. They made the assessment payable over 5 years, with the intention of freeing up money now so you can reinvest those dollars into the property. The invoice you received after that should have confirmed that. I don't know what you were waiting for, but the invoice would have given you the answer.

Kong: that wasn't how I understood it. They're going to give me a plan or something. I wasn't aware of that. Why wasn't I aware? How come I didn't know that?

Moermond: I am not sure.

Kong: why I didn't know about a five-year plan? They said they would figure something out and get back to me.

Moermond: we can send you a link to the video of it. I would say the testimony doesn't say that. The invoice around May 1, 2023 would have been for one-fifth of the Vacant Building fee. That would have been a big clue.

Kong: I'll look at the video and go from there. That wasn't how I understood it.

Moermond: we'll send that. My question today will be the same as before, what are you looking for today? You haven't gotten the Code Compliance Inspection Report required since 2020. You need to do that so you can begin pulling permits. Tell me what is going on.

Kong: I'd like to get it up and running. I want to know the next step to do that. I want to start pulling permits and go from there. It has been a while and I understand that. I had a misunderstanding.

Moermond: March 15 of 2023 you actually got one. They expire after a year. That report is what you use to share with your contractors and the expectations to get your Code Compliance certificate. Given how close you are to the expiration, I'd give the Department of Safety & Inspections a call to see if you can get an extension.

Kong: there's nothing wrong with my house.

Moermond: your Code Compliance Inspection Report has four pages. The City won't allow reoccupancy until the Code Compliance certificate is issued. The only thing I can offer is making this payable over a number of years. I don't have any reason to recommend any reduction. I don't know that dividing the payments has been successful in getting you to pull permits so far. You of course can testify at Council and they may look at it differently than I do.

Kong: that's fine. I'll talk to the Council then.

Referred to the City Council due back on 4/17/2024

- 3 **RLH TA 24-126** Ratifying the Appealed Special Tax Assessment for property at 2330 LONG AVENUE. (File No. J2414A, Assessment No. 248513)

Sponsors: Jalali

Delete the assessment.

No one appeared

Moermond: this is a deletion. There were five months between issuance of the orders for tall grass and weeds and the parks crew going out to mow it. Who knows if it was the same tall grass and weeds or not between the two dates.

Referred to the City Council due back on 5/1/2024

- 4 **RLH TA 24-127** Ratifying the Appealed Special Tax Assessment for property at 2112 REANEY AVENUE. (File No. 2404T, Assessment No. 249003)

Sponsors: Johnson

Approve the assessment (PO no longer contesting).

*Kong Meng Vang, owner, appeared via phone
Grace Benson, St. Paul Forestry, appeared via phone*

Moermond: looks like we have an assessment for the removal of the bulk of the oak tree in the front of the property. [Moermond gives background of appeals process]

Vang: Mai Vang told me if I wasn't contesting I didn't have to attend.

Moermond: so you aren't contesting. Your insurance is helping I assume?

Vang: yes.

Referred to the City Council due back on 4/17/2024

- 5 [RLH TA 24-128](#) Ratifying the Appealed Special Tax Assessment for property at 1672 TAYLOR AVENUE. (File No. 2404T, Assessment No. 249003)

Sponsors: Jalali

Layover to LH April 2, 2024 at 9 am (unable to reach appellant).

Voicemail left at 10:10 am: this is Marcia Moermond from St. Paul City Council calling you about two appealed assessments for 1672 Taylor, one for a tree and one for a

Vacant Building fee. We'll try you back in a little bit.

Voicemail left at 10:16 am: this is Marcia Moermond from St. Paul City Council calling you again about your two appealed tax assessments for 1672 Taylor Avenue. Since we've been unable to reach you this morning, we'll continue it from today to Tuesday, April 2, between 9 and 10:30.

Laid Over to the Legislative Hearings due back on 4/2/2024

- 6 [RLH TA 24-133](#) Ratifying the Appealed Special Tax Assessment for property at 1672 TAYLOR AVENUE. (File No. VB2405, Assessment No. 248804)

Sponsors: Jalali

Layover to LH April 2, 2024 at 9 am (unable to reach appellant).

Voicemail left at 10:10 am: this is Marcia Moermond from St. Paul City Council calling you about two appealed assessments for 1672 Taylor, one for a tree and one for a Vacant Building fee. We'll try you back in a little bit.

Voicemail left at 10:16 am: this is Marcia Moermond from St. Paul City Council calling you again about your two appealed tax assessments for 1672 Taylor Avenue. Since we've been unable to reach you this morning, we'll continue it from today to Tuesday, April 2, between 9 and 10:30.

Laid Over to the Legislative Hearings due back on 4/2/2024

- 7 [RLH TA 24-135](#) Ratifying the Appealed Special Tax Assessment for property at 817 PARK STREET. (File No. J2406B, Assessment No. 248105)

Sponsors: Bowie

Approve the assessment.

Jay Mitchell o/b/o Quality Residences, appeared via phone

[Moermond skips process as Mr. Mitchell has done this many times]

Staff report by Supervisor Joe Yannarely: responding to a phone call from a neighbor saying someone breached the property October 5. Inspector Gavin went out, confirmed it was open to entry, and called in a non-emergency work order to have it secured. Total proposed assessment of \$224.

Moermond: why are you appealing?

Mitchell: we had appealed previously before. The board removed and reboarded, they removed the board off the bottom, a 2-foot piece. That's the only piece they put there and they put a board over my door. At the same time, we got an abatement order, and that's when I noticed it. 90% of the door was boarded, it seemed extreme to charge me all that money for 2 feet of the door.

Moermond: can someone get through that size opening?

Yannarely: yes, I'd argue a 2-foot opening is enough to get through. Inspector notes says front door board was pulled off and found open to entry. It was called in by a neighbor saying someone was in the building and the front door was pulled off.

Moermond: a neighbor called, people inside, City called, City verified it was open to entry, contractor reseals with another board on top. Mr. Mitchell you are saying it should have been handled differently?

Mitchell: yes.

Moermond: what would that have looked like?

Mitchell: they typically send a citation. There was no one in the building, the entire board wasn't removed.

Moermond: there's also a public safety issue. There isn't an emergency call out fee on this one. That \$250 fee isn't attached.

Yannarely: that would have happened if the police were involved.

Moermond: I am going to recommend this is approved.

Referred to the City Council due back on 4/17/2024

8 RLH TA 24-136 Ratifying the Appealed Special Tax Assessment for property at 701 SURREY AVENUE. (File No. VB2406, Assessment No. 248805)

Sponsors: Johnson

Approve the assessment.

Jay Mitchell, o/b/o Plaza I Inc, appeared via phone

Staff report by Supervisor Joe Yannarely: this has been in the Vacant Building program since October 2013. Total proposed assessment of \$5,075. No open permits or activity.

Mitchell: I've ordered a Code Compliance Inspection as of last Thursday, then we'll start plowing through it. I thought the fee was \$2,500. I didn't understand why it was \$5,000.

Moermond: for the first year, everyone pays the lower \$2,500 amount, but for year two and beyond, if you're a Category 1 you stay at that lower level, but for Category 2 and Category 3 they move up to the \$5,000 level. That code change went into effect January 2023. There's still a lot of catch up because of how these work through the system. This has been in the Vacant Building program for a while.

Mitchell: now I understand.

Moermond: you've ordered the new Code Compliance. For this case I'm going to recommend approval of the assessment.

Referred to the City Council due back on 4/17/2024

10:00 a.m. Hearings

Special Tax Assessments

9 **RLH TA 24-124** Ratifying the Appealed Special Tax Assessment for property at 1096 JESSAMINE AVENUE EAST. (File No. J2406E, Assessment No. 248305)

Sponsors: Yang

Delete the assessment.

Pao Lee, owner, appeared via phone

Lee's wife was also on the phone

Mai Vang interpreted

[Moermond gives background of appeals process]

Staff report by Supervisor Richard Kedrowski: March 16, 2023 a correction notice was issued for a shed built too close to the house that had electricity and no permit for installation of electricity. We believe there is cooking of commercial food occurring. April 15 a resinspection was done and the shed was not removed and no permits pulled. And Excessive Consumption fee was sent out for noncompliance. Total assessment of \$169.

Moermond: you are appealing, but at the same time I have a note that the Department of Safety & Inspections is interested in deleting so they can be present with an interpreter and not charge this fee at this time. Tell me what is going on Mr. & Ms. Lee? Can you can make yourself available for an inspection.

Lee: I told Inspector Williams that there is snow on the ground and I cannot remove the shed. Why did they already come and take photos when the snow hasn't melted? When they came and took the photos, I wasn't aware, why did they come and take photos secretly.

Moermond: when are you talking about?

Lee: the May photos, the ones Ms. Vang sent to me.

Moermond: I have a note from the Department of Safety & Inspections that they came by, thought they were meeting someone, was rescheduled to have an interpreter available. We want to schedule that appointment today.

Lee: the first time they came I did speak with them. I made it clear there was still a lot of snow on the ground and I couldn't remove the shed. Then in May they came and took photos I wasn't aware of. I feel like they are secretly coming by.

Moermond: thank you for sharing that. I believe they would have spoken someone to establish that they needed an interpreter with them. Are there times of day you are open so we can schedule an inspection with an interpreter and you present?

Lee: I only want to talk about the issues, not the future.

Moermond: there is no issue if they are proposing to delete the assessment. We need to move on.

Lee: ok. I'm fine with it being deleted.

Moermond: of course you are. Please tell me, Monday through Friday between 9 and 3.

Lee: yes, now I understand the fee is deleted. We have moved the shed.

Mai Vang: I told him if the shed is removed we still need confirmation with an inspection and an interpreter.

Moermond: and we need the inspectors to have some general times you are available to meet with inspectors.

Wife: yes we spoke to the inspector and told them the situation. We did remove the shed but they still took photos and said we weren't in compliance, that's why they sent us the Excessive Consumption letters and fees. I don't understand why we get the fee when we already moved the shed.

Mai Vang: I asked when that conversation was, about moving the shed.

Moermond: I understand there are different understandings. I need to close the book on a tax assessment. The Department of Safety & Inspections is asking for deletion, but I won't do that recommendation until I have confirmation that this is moving forward and will be resolved.

Wife: Monday through Friday between 11 and 12. I am home all the time. Available anytime.

Moermond: is this the best number to reach you to confirm an appointment time?

Wife: yes.

Moermond: Mr. Kedrowski will speak with two other inspectors about visiting and one of them speaks Hmong, Der Vue.

Wife: ok.

[they hang up]

Moermond: I will recommend this is deleted.

Referred to the City Council due back on 4/17/2024

10 [RLH TA 24-137](#)

Ratifying the Appealed Special Tax Assessment for property at 1157 HERBERT STREET. (File No. J2405E, Assessment No. 248304) (Public hearing continued to October 16, 2024)

Sponsors: Yang

Continue CPH to October 16, 2024 and if there are no same or similar violations, delete the assessment. If there are violations, reduce assessment from \$169 to \$50.

Waygner Cordon, tenant and brother of owner, appeared via phone
Spanish Language Line interpreter 38106 appeared via phone

Moermond: I'm calling about your appealed special tax assessment for 1157 Herbert Street. My understanding is you have appealed the \$169 assessment. I am the hearing officer reviewing this appeal. [Moermond gives background of appeals process] If you

choose to attend the Council Public Hearing we will have an interpreter for you.

Staff report by Supervisor Richard Kedrowski: July 26, 2023 a Summary Abatement Order was sent to the property for a couch on the property. Compliance date of August 2, 2023, it was rechecked on August 9, 2023 and found in noncompliance. The work was done on August 23, 2023 by Parks for a total assessment of \$169.

Cordon: we didn't see the first notice and we didn't know the laws and City rules. I put the couch there. I didn't see the first notification and wasn't aware of the rules. That's what happened.

Moermond: how long have you lived in the property?

Cordon: almost three years.

Moermond: there is no history of the City having to write orders on this property to clean up. This weighs in your favor. I also want to say when orders do come in an envelope from Department of Safety & Inspections you need to open it. You can call in to get them interpreted or translated to Spanish. If you get mail, get it translated immediately. There's no charge for that, of course. I would like to suggest this: if there are no same or similar violations between now and October 15, I'll recommend this assessment is deleted in its entirety. [Moermond explains what "same or similar" items are]

Cordon: it won't happen again.

Moermond: if you do have bulky items that need to be picked up, the garbage bill you pay covers at least 2 bulky items a year. You just have to call them ahead of time. If there is a founded violation I will recommend the assessment is decreased from \$169 to \$50.

Referred to the City Council due back on 3/27/2024

Special Tax Assessments-ROLLS

- 11 RLH AR 24-23** Ratifying the assessments for Property Clean Up services during November 6 to 7, 2023. (File No. J2414A, Assessment No. 248513)

Sponsors: Jalali

Referred to the City Council due back on 5/1/2024

- 12 RLH AR 24-24** Ratifying the assessments for Equipment and Labor for Clean Up services during November to December 2023. (File No. J2415A, Assessment No. 248514)

Sponsors: Jalali

Referred to the City Council due back on 5/1/2024

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

13 [RLH SAO 24-20](#) Making finding on the appealed nuisance abatement ordered for 1341 CASE AVENUE in Council File RLH SAO 24-9.

Sponsors: Yang

The nuisance is not abated.

Augustine Sylvester, owner, appeared via phone

Moermond: we're doing follow up on that first set of items. The first deadline was for removal of items around the property and the pickup.

Staff update by Supervisor Richard Kedrowski: current status, photos taken today, there are still items in the back of the flatbed truck, covered with a tarp. Also trash on the ground. There's a pile of debris and brush by the fence near the rear of the property.

Moermond: so in your view, the orders don't have full compliance. Outside of the fence sections, how would you treat this? Excessive Consumption? Deploy a crew?

Kedrowski: because of the way the orders were written it only addresses the items in the truck, not on the ground. Only enforceable stuff are the items in the flatbed covered by the tarp. I can issue new orders on the rest.

Moermond: I feel like it is covered under the original orders, but that is fine if your interpretation is more liberal. That's to the benefit of the property owner. So the items in the brush and the trailers you'd look to have addressed.

Kedrowski: the items in the flatbed truck covered by a tarp.

Moermond: that's not new.

Sylvester: the original was on two flatbeds. We have taken all the items into the truck and will finish removing it today. We haven't got a chance to do that. the dump truck with all the stuff on the back, I'm hauling out of there. Some of the stuff the neighbor put there.

Moermond: the neighbor put it there? Or it isn't on your property?

Sylvester: the guy I talked to said they were going to remove trees. I don't know if it makes a difference. Yesterday they hauled a bunch of stuff to the dump, and today they're supposed to do more. On top of that they're trying to start cleaning up the area to make a fence.

Moermond: the deadline was yesterday, sounds like the only thing was the flatbed truck. You're already removing those items today; the Department of Safety & Inspections won't go back to the property until Thursday of this week. I would say today or tomorrow make sure it is off the property, then the first thing is done. It sounds like Mr. Kedrowski identified some other issues besides the fence sections, and those included brush beside the garage. If he wrote a 7 day order on Thursday, what timeline do you need to get that brush removed?

Sylvester: I'll have to talk to him and see.

Moermond: if he writes an order it would have a March 22 deadline, I'll push it to April 1. That gives you a couple of weeks to deal with it.

Referred to the City Council due back on 3/20/2024

1:00 p.m. Hearings

Vacant Building Registrations

- 14 [RLH VBR 24-13](#) Appeal of Roger and Lana Cheatham to a Vacant Building Registration Notice at 1769 SAINT ANTHONY AVENUE.

Sponsors: Jalali

Layover to LH March 26, 2024 at 1 pm for further discussion. PO to submit work plan by noon on Monday, March 25th. Units 2 and 4 to remain unoccupied until C of O is issued for those areas of the building.

Roger Cheatham, owner, appeared via phone

Moermond: calling you back about your property at 1769 St. Anthony. Walking into today's hearing you were to provide a work plan. We don't have one.

Cheatham: I wasn't even sure what time the hearing was. I guess you'd emailed a form. I did go through the list and checked off 10 or 11 things on it.

Moermond: I really don't want to go item by item, that's me creating a plan for you. When we spoke, we needed a plan to discuss clearly the priorities, we gave them to you in the hearing. What's your ability to do one in short order.

Cheatham: apparently I'll have to hire some contractors. I appreciate the fact Mr. Imbertson pointed out the water heater has a poor connection to the chimney.

Moermond: quite a few connections in the list appear to be problematic. When can you have an actual plan to me?

Cheatham: I can put one together this week, but some of the stucco people are still in Florida or Arizona for the winter. It is worse than I thought it was.

Moermond: the letter we sent and what we laid out in the hearing gave you a list of priorities. I'll give you one more week, otherwise I'll pick the deadline and you can't reoccupy until your Certificate of Occupancy is reinstated.

We'd like that plan no later than noon on Monday. Otherwise, I'll recommend the appeal is denied and it cannot be reoccupied, remains a registered Vacant Building.

Laid Over to the Legislative Hearings due back on 3/26/2024

- 15 **RLH VBR 24-17** Appeal of Kevin Christ to a Vacant Building Registration Notice at 1391 ENGLEWOOD AVENUE.

Sponsors: Jalali

Waive the VB fee through April 15, 2024 to allow Fire C of O to be reinstated.

Kevin Christ, owner, appeared via phone

Moermond: are you CBW Properties, LLC?

Christ: yes, that is correct.

[Moermond gives background of appeals process]

Staff report by Supervisor Mitch Imbertson: this is a residential duplex in the Fire Certificate of Occupancy program. There was an initial inspection for renewal on January 8, 2024. At that time the inspector had condemned 1393 as unfit for habitation due to no water. A report was issued with a number of other items, with a February 8th reinspection date. The February 8 reinspection was cancelled based on a discussion that repairs would take until summer, and not under our normal timeline and the property had already been vacant for up to a year. It was referred to the Vacant Building program. It does look to fairly meet the definition of being a Vacant Building being unoccupied with multiple code violations.

Staff report by Supervisor Matt Dornfeld: this was made a Category 2 Vacant Building per that referral, February 12, 2024. The house was found to be vacant, secured, and maintained at time of inspection.

Moermond: Mr. Christ, what is going on?

Christ: I have an app for a provisional Fire Certificate of Occupancy, I don't know if that was every filed or received.

Moermond: since you had your Fire Certificate of Occupancy inspection, I'd say it is a moot point, and was likely the trigger for the most recent inspections.

Christ: January 8 was the first inspection and my maintenance guy for my rentals was working on replacing the kitchen floor at the time. I was aware there would be issues on the inspection report. We're working on upgrades and a facelift before renting it again. I asked for an extension until summer in order to have enough time. I own quite a few properties and just needed more time to get it done. January 8 to February 8 it went from being worked on to condemned. I did ask for that extension January 25 to see if I could get a couple more months, and it was sent to Vacant Building before I got any response or reinspection. I just want more time to get things done. The reason the water was off was because we had a frozen pipe, I took care of that with the water department. There is running water to both properties.

It was described as being filthy, well obviously it was under construction. We did have some debris and tools and materials to get the renovation done. I would just like more time to get things done, obviously I will schedule a new inspection before any new occupants and make sure everything is up to code.

Moermond: the house is considered to be uninhabitable right now, I think we're in agreement on that?

Christ: just because of water? Obviously when its under construction it is uninhabitable.

Moermond: it is condemned, no one is living there. It wasn't discretionary. You met the definition. An assessment needs to happen, for a condemned property you would

normally need a full Code Compliance Inspection. It appears most of the items were building related, but I'd like to see a building permit pulled.

Imbertson: I agree, based on the extent of the work.

Christ: one hole in the ceiling under the upstairs toilet. Is there a way for us to do one more walk through? I think there's confusion caused by the words filthy and no utilities. It is a stretch. Water was turned off to half the unit for a repair. Plaster and paint are extent of repairs. I can have a furnace guy come for the furnace. It isn't an extensive repair job by my definition. How do we come to a consensus on that?

Moermond: this isn't about consensus. We're trying to assure that minimum safety standards are met while trying to make it the least onerous on you. If I say you don't need a full Code Compliance Inspection, which I don't think the list in front of me merits four trades going through, what would be a compromise as it were. Is it getting your Fire Certificate of Occupancy reinstated, or does the scope of the issues being addressed exceed \$500. I'm looking at things like holes in walls in ceilings throughout. Holes in flooring and cabinets. Basic building items. I'm not dying over the number but I do think there is a lot going on here. Are you going to get out of all of it? No building permit, we could talk about and get Mr. Imbertson's input. The other thing is the Vacant Building fee and where we go with that. Mr. Imbertson, what are your thoughts on the building permit and the nature of the violations? Where would you put that?

Imbertson: there are a number of violations that fall under general building repair work that aren't items that would automatically require a permit by themselves, but they aren't exempt items so they would fall under the general \$500 rule for valuation.

Moermond: so general repair permit.

Imbertson: that's what I see, unless we can be shown the extent of the repairs truly doesn't cross over the valuation triggering a building permit.

Moermond: seems the cost of the flooring alone would exceed that amount.

Christ: so every time you tear up 100 square feet of flooring, that would exceed \$500. So that is for a full-blown rehab or what? Even replacing carpet would exceed \$500. Is it more for extensive repairs versus normal wear and tear? Even some of the cabinet doors, a front falls off under normal wear and tear and replacing carpet every few years. This has been rented for 15 years and I'm giving it a facelift. I'm not doing anything major. Clean it up, new paint, bright and shiny and clean again. Making sure furnaces are safe, obviously would be repaired under permit. All the utilities are on.

Imbertson: it may be helpful to read the definition for the permit in the legislative code. Section 33.03 for building permits. [code is read]

Moermond: I do think it meets the definition of a Vacant Building, but I can see a way where we can waive the fee for a narrow length of time, through April 15, and we can skip the requirement it have a Code Compliance Inspection or a building permit, but the Certificate of Occupancy needs to be reinstated by then in order to not have any Vacant Building fee at all. If it isn't reinstated by then, the fee comes back into play, and moves to assessments and can be prorated then potentially.

Referred to the City Council due back on 4/3/2024

Warning Letter at 1056 BEECH STREET.

Sponsors: Johnson

Layover to LH April 9, 2024 at 1 pm for further discussion after building inspector visit.

*Cecilia Resendiz, owner, appeared
Spanish Interpreter appeared*

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: Department of Safety & Inspections received a form 4 notification from the St. Paul Fire Department January 24, 2024 at 8:20 pm. That form 4 report states: this is a vacant house and family members checked on it today and found the heat not working and a water pipe had burst. Water had leaked on the furnace and it wasn't operational. The gas was shut off at the meter and Xcel was requested to ensure it was safe to turn it back on.

Moermond: can you explain what a Form 4 is?

Supervisor Mitch Imbertson: a form 4 is the name for a form used by the St. Paul Fire Department when they are on an emergency scene and need to refer an issue to us for follow up after the emergency has been cleared. If there are issues with the property that can't be resolved on the call to the property, it gets sent to the Department of Safety & Inspections for additional follow up.

Moermond: we have a burst water pipe, gas was shut off, no one was living there. Family members indicated the house was empty when they went to check on it that day. Why are you appealing?

Resendiz: I never abandoned my house. I live there with my daughter. I have here my monthly bills I pay every month, in full, including my house. I received something from the insurance company [shows phone with a screenshot saying 'log in to see status of your claim'] I don't want to sell it, that's where I live with my daughter.

Moermond: what was going on in January?

Resendiz: my daughter called me saying there was a lot of water and flooding. She was calling fire department and police because she was scared. I have a new furnace and the water pipes are fixed. The only thing missing is the insurance.

Moermond: you had a handful of paperwork indicating you are paying bills and your mortgage. I take that at face value you are doing that, you don't need to show me any paperwork. Second, I'm glad you've taken steps to get the furnace fixed and the water is back on, but I am concerned I don't see any permits for that work being done. Replacing a furnace and broken pipes would require permits. I don't know if that will impact your claim and they've talked to you about this, but it is concerning to me.

Resendiz: the insurance didn't want to cover it, so I found contractors to do the work.

Moermond: what is the situation when you contacted the insurance?

Resendiz: I contacted them to see if they could help me. They said they would investigate and see if it was the water heater leaking or cold weather. They sent a lot of people, so I think they did it, but they thought it was just too old so they couldn't help

me so I had to find a company to fix my own problems.

Moermond: did the insurance company provide interpreting services?

Resendiz: yes. That was the lady that was talking.

Moermond: typically, when these things happen, it is first the heat fails and then the pipes burst.

Dornfeld: I agree with your assessment. A pipe bursting like that would come from a furnace failure, but we have had unconditionally warmer weather so maybe something else happened.

Moermond: January 11 through the 21st it appears to have not gotten above freezing, which is a good long period for a house to freeze if the heat isn't working. The question is how we move forward from here. My first concern is the lack of permits. That's a problem for the City and I'm guessing also the insurance company and getting compensation from them.

Resendiz: now what can I do?

Moermond: they will have to go back and pull permits for the work they've done if they have the right licensing to do work in the City. I'm afraid the message I need to give you is that not only the work you had done problematic for lack of permits, but there needs to be a more general inspection to determine the scope of damage in the house and what else may need to be done to determine if it is safe.

Resendiz: that's what the insurance company did. The removed flooring and drywall in the basement. Even in one bedroom. The insurance company is paying me for a hotel while they are working on that.

Dornfeld: I think English as a second language has played a significant role in how things went down.

Moermond: I think so too. One of the things that may have tripped you up is you got to work right away before you had gone through the whole process with the insurance company and City permits. That may in large part due to English being your second language, and you inadvertently undermined your own interest. What I would like to do is have an adjuster who looked at your house talk to the head of inspections for this area, who deals with Vacant Buildings. His name is Clint Zane.

I would like to continue this a couple of weeks so an inspector can go out either on their own or meet an inspector at the property. I'm going to ask for a Code Compliance Inspection Report form to be filled out. I'm going to ask Department of Safety & Inspections to hold the fee for a moment.

If you didn't have insurance covering this, the City would be requiring a Code Compliance Inspection Report. If you had a fire the City wouldn't require that, since they would be trusting that insurance was supervising and making sure things were done that needed to be. You find yourself in the middle of those situations.

I'm going to ask the Department to waive the fee due to your unusual circumstance, but I would like you to fill out that Code Compliance Inspection application. You will need a lock box.

Resendiz: when the insurance company needs to go in, they call and I meet them there.

Moermond: this still leaves the Vacant Building fee. It seems to me you do meet the legal definition of being a registered Vacant Building. That is because the house isn't considered to be habitable if it doesn't have gas, heat, or water. Sounds like some of that has been fixed, but without permits we don't know it was done safely. Often insurance companies will cover this fee as part of your claim, and if not we have options as well.

Resendiz: but it isn't vacant, we live there. We're always there. Only when I'm visiting my sisters for holidays, but my daughter checks the house all the time. I never leave the house alone.

Moermond: but you were gone in January. How long were you in a hotel?

Resendiz: it has been five or six weeks.

Moermond: are you still in a hotel?

Resendiz: yes.

Moermond: you are meeting the definition then.

Resendiz: even if I'm in the hotel because of the insurance company?

Moermond: yes, it still applies. If you had a fire and your house was unlivable it is the same kind of circumstance. I want to focus on the money part of this, one is the Vacant Building fee you've appealed and two is the money involved in inspections and contractors.

Resendiz: how am I going to pay if I am not working?

Moermond: I understand. [Moermond explains tax assessment process]

[Recess while Moermond calls Nathan Bruhn]

Moermond: I just spoke with the assistant building official. We're going to send one guy through. They will want to talk to the insurance company to see what has been done. I'm going to continue this for 3 weeks. Right now, no Vacant Building fee for the moment, and we'll slow down in figuring out how to move forward until the inspector has taken a look at it. We'll talk again Tuesday, April 9 at 1 p.m.

Laid Over to the Legislative Hearings due back on 4/9/2024

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

- 17 **RLH VO 24-5** Appeal of Occupant to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 421 THOMAS AVENUE #1.

Sponsors: Bowie

Deny the appeal and grant to May 1, 2024 for Fire C of O to be reinstated, or property must be vacated.

*Maleeha Rizwy, SMRLS, appeared via phone
Occupant, 421 Thomas Ave #1, appeared via phone*

Moermond: when we last spoke we talked about a couple of things. The City's concern primarily around the bathroom, and you covered concerns about the difficulty of being rehoused. I'd like to have the inspector summarize those key concerns again.

Staff report by Supervisor Mitch Imbertson: a residential two unit building in the Fire Certificate of Occupancy program, though only one is occupied at this time. It was due for a renewal inspection, initially schedule for May 2023 and the inspector wasn't able to get in. A number of additional attempts were made in June, July and August to gain access. October we issued a noticed of pending revocation for failure to provide access. We were able to get into the property in November 2023. Inspector Caballero issued orders on the items found, additional time was granted since we'd been given access. December was the first reinspection, nothing was done. Inspector spoke to owner who cited contractor difficulties. January 9, 2024 another reinspection and nothing was done. 19 deficiencies on the report including some major maintenance and safety items. The most serious being a failing subfloor in the lower unit bathroom.

At the last hearing it was indicated they are using the bathroom in the upper unit, where we would have concerns about continued access. We've had continuing long-term noncompliance, and especially without a work plan from the owner who ultimately has responsibility for the unit.

Moermond: it looks like it is borderline in terms of condemning due to state of the bathrooms. A floor in a state of failure.

Imbertson: the inspector was aware the tenant was using the upper unit bathroom, which may have made it less of an immediate concern. The bathroom floor is what would bring this to a condemnation level without a bathroom in the unit safe to use.

Moermond: Initially inspected in May of 2023, but not revoked for long-term noncompliance.

Imbertson: we didn't get in for an inspection until November. The repairs on this report should have been similar to what was on the November inspection.

Moermond: tell me where things are at with you two and ability to move forward? It isn't a sustainable situation to continue to use a bathroom in another unit without legal control of that unit. I'm struggling with this.

Rizwy: we have heard from the landlord. My client does have a key to the other unit. They are able to freely access it. My client shares all of those concerns and does wish to vacate, as you indicated it is a matter of time and hardships hindering her search.

Moermond: though she does have a key the landlord was actively marketing the unit.

Rizwy: she is actively looking. She and her daughter have numerous disabilities that slows the process. No places available for April 1, a couple May 1. A few August 1, but she has no desire to stay that long. She's hoping to remain for 2 months to find a safe place for herself and her daughter to go.

Moermond: so the ask is for a push for time, I'm not hearing you'll try to get repairs done with an Emergency Tenant Remedy Action (ETRA) or rent withholding?

Rizwy: that's not the client's focus at this time, she just wants to go.

Moermond: I'm willing to go to May 1, and do an extension on the revocation until that time.

Rizwy: thank you. That will be a big relief.

Occupant: as far as I know the upstairs unit isn't being marketed. It wasn't turned over when the last people moved out and they have left quite a mess. Someone did come by yesterday, a carpenter of some sort, to look at the issues. I'm not sure the conversations he had with the landlord. That's the second person that's been out in the last couple weeks.

Moermond: the Certificate of Occupancy is revoked and unit 1 doesn't need to be vacated until May 1. No one can move into either space until that Certificate of Occupancy is reinstated.

Referred to the City Council due back on 4/3/2024