



Minutes - Final

Legislative Hearings

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Tuesday, December 10, 2024

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Remove/Repair Orders

- 1 **RLH RR 24-34** Ordering the rehabilitation or razing and removal of the structures at 674 MAGNOLIA AVENUE EAST within fifteen (15) days after the November 6, 2024, City Council Public Hearing. (Amend to remove within 15 days)

Sponsors: Yang

Grant 180 days to rehab pending submission and approval of 1) transfer docs, 2) proof of financing, 3) affidavit dedicating funds, 4) sworn construction statement/work plan and 5) bids and schedule

Referred to the City Council due back on 1/22/2025

- 2 **RLH RR 24-52** Ordering the rehabilitation or razing and removal of the structures at 1784 NORFOLK AVENUE within fifteen (15) days after the January 15, 2025, City Council Public Hearing.

Sponsors: Jost

Remove within 15 days with no option to repair.

No one appeared

Moermond: no one is present to testify. There was personal service alerting the owner to the hearing today. They signed for it. That being said we'll get the report from Department of Safety & Inspections on the record.

Staff report by Supervisor James Hoffman: the building is a one story, wood frame, single-family dwelling with a detached one-stall garage on a lot of 5,097 square feet. The Fire C of O was revoked on September 20, 2013; however, the revocation order was never issued. The property was referred to Vacant Buildings with files opened on September 24, 2013. The current property owner is Stonebridge Land Acquisition LLC, per Amanda and Ramsey County Property records.

On October 3, 2024, 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 October 9, 2024, with a compliance

date of November 8, 2024. 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 \$34,000 on the land and \$166,200 on the building. Real estate taxes are current.

The vacant building registration fees were paid by check on September 9, 2024. As of December 9, 2024, a Code Compliance Inspection has not been done. As of December 9, 2024, the \$5,000 performance deposit has not been posted. There have been thirty-five Summary Abatement notices since 2013. There have been eight work orders issued for: boarding/securing, tall grass/weeds & snow/ice. Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish exceeds \$30,000.

Moermond: looking at the Certificate of Occupancy revocation piece. You opened the file September 23, they found it vacant, secure, garage opened and issued a Summary Abatement Order. It was clearly empty. From the Fire perspective, it says revocation order was never issued. That's puzzling. Looks like two different correction notices went out, both similar. I'm not seeing a revocation was generated.

Yannarely: September 20, 20213 revoked vacant by Mike Cassidy.

Moermond: whatever happened they didn't object to it being a Vacant Building. No appeal filed. It consistently was vacant. All the things they noticed were legit. I just wanted that clear. I've got nothing to hang my hat on except for a property in the Vacant Building program for 11 years. I'll recommend the Council order it removed within 15 days with no option to repair.

Referred to the City Council due back on 1/15/2025

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 3 RLH SAO** Appeal of Thomas Grant to a Vehicle Abatement Order at 1449 BRED
24-80 AVENUE.

Sponsors: Jalali

Refer back to LH January 14, 2025 at 11 am for further discussion after decision from County on lot consolidation and status of site plan if possible.

Thomas Grant, owner, appeared

Moermond: last time we spoke in November we were in a place where you had your truck parked on the vacant parcel you own, living in the house next door. You'd ultimately like to build something long-term. In the parcel you live on you have a garage and driveway where you keep your camper. You were going to look into combining the two parcels and logistics.

Grant: currently I live on 1455. I was parking on 1449. 1443 is the house my grandson lives in. After our last meeting, because the lot is considered an empty lot it was suggested I combined the two lots and I contacted the County and started that paperwork. Submitted that December 5. Waiting to hear back on that. It is my understanding then that I can submit a proposal for a parking space on that empty lot.

I understand if that is accepted I can park there. As soon as I hear back from the County I'll submit a plan with the City on the parking spot or two.

Moermond: did they give you a timeline on that?

Grant: it was fairly quick. It didn't cost me anything. They were really concerned I paid my property taxes, which I do.

Moermond: you can't change things on land with back taxes due.

Grant: I submitted the paperwork, waiting to hear back.

Moermond: you keep working on that. What I'm going to do is give this a window and then we can figure out where to go from here. If they say yes then we figure out a deadline for approval from the City. If they say no we have to figure out if you appeal that, do we move it in interim, figuring out those pieces. We need that initial decision and keep the vehicle there.

Grant: right now, it is on the street because it's the easiest way for me to get in and out. But I'll have to figure out something for the winter.

Martin: we're fine, that sounds like a great plan. We can't do much until spring anyway.

Grant: all 3 properties I'm going to have plowed so I may be parking in that space this winter on that empty lot. I'm thinking the County will accept the lots combined. Do I have to have a pad there before I can park there, I guess is the question. Or I have to have the plan submitted and approved?

Moermond: the law is the law with the parking pad and lines and however if the appeal is still open we haven't landed the plane on deadlines. I want to keep that window open while these answers come in. At the moment you have no deadline to come into compliance. That may change depending on how things develop. I want to take into account the County action. Today is December 10th. January 8 I'll ask the City Council to refer this matter back to Legislative Hearing January 28th. You'll have had a chance to get the decision from the County and making plans on next steps. Something firmer to work with.

Grant: my partner and I are going to Spain, earlier in January would be better.

Moermond: 14 or 21?

Grant: 14th, please.

Moermond: ok, we'll ask them to refer it back to January 14th to review process for combining parcels and having a parking area there and what kind of deadline.

Grant: let's say I hear back from the County today, they combine them, then I submit a plan to the City for the parking. Can I go ahead and do that?

Moermond: yes.

Grant: I can't put down a slab in the winter. Can I still use it as parking in the winter?

Moermond: that's what I want to work through with you.

Grant: got it.

Referred to the City Council due back on 1/8/2025

- 4 [RLH SAO 24-82](#) Appeal of Joseph Richardson to a Summary Abatement Order and a Vehicle Abatement Order at 1875 NORTH PARK DRIVE. (December 17, 2024 Legislative Hearing)

Sponsors: Johnson

Layover to LH Tuesday, December 17, 2024 at 11 am (unable to reach PO). CPH 12/18.

Voicemail left at 11:14 am: this is Marcia Moermond from St. Paul City Council calling Joseph Richardson about your two appeals for 1875 North Park Drive. We will try you back in a few minutes.

Voicemail left at 11:27 am: Mr. Richardson, this is Marcia Moermond from St. Paul City Council calling you again about your appeals. We'll continue this discussion to next Tuesday and try and call you closer to the 11 timeframe, like we did today. If you aren't available we'll put a deadline in the record.

Referred to the City Council due back on 12/18/2024

1:00 p.m. Hearings

Vacant Building Registrations

- 5 [RLH VBR 24-68](#) Appeal of Heather Mendiola, SMRLS (Southern Minnesota Regional Legal Services), representing Kyaw Die, owner, to a Vacant Building Registration Renewal Notice and Summary Abatement Order at 729 HAWTHORNE AVENUE EAST.

Sponsors: Yang

Layover to LH December 17, 2024 at 1 pm for further discussion after attorney speaks to client re: timeline of rehab. Current recommendation is to waive VB fee for 90 days (to March 7, 2025)

*Heather Mendiola, SMRLS, appeared via phone
Unable to reach owner*

Moermond: I have read the appeal and it sounds like the house is being worked on. Can you work on this without him being part of the hearing?

Mendiola: if there's information I can't answer we can come back together, but otherwise yes.

Staff report by Supervisor Matt Dornfeld: the Summary Abatement Order is now in compliance and no longer an issue. This was made a Category 1 Vacant Building Fire file by James Hoffman 12/7 2022, referred by St. Paul Fire Department. January 3, 2023 you gave a 90-day waiver, then again January 17, 2023 extended that to April 7, 2024. That did go to assessment. We do have a building permit on file. We have had

some nuisance conditions at the property since the file was opened. 14 Summary Abatement Orders issued for garbage, tall grass and weeds and snow and ice, but only 2 work orders. As for the Vacant Building fee, the 2022 – 2023 and 2023 – 2024 fees both went to assessment. I assume we are here to discuss the 2024 – 2025 fee.

Moermond: we had a hearing after finally getting an interpreter January 17, my recommendation was to waive the Vacant Building fee through April 7, 2023. The second year was not appealed. This third year is under appeal now.

Mendiola: I am glad we don't have to talk about the Summary Abatement Order, my understanding too were that those items were removed. I'm glad that's resolved. So, the City has context to the layers here. This fire was catastrophic. They are homeowners, low income. They do not speak, read, or write English. They've had tremendous barriers in getting this fixed up. I believe the City referred them to our office. They've had significant challenges in working with their homeowner's insurance. We had to connect them to a volunteer attorney. There has been work done, contractor has begun receiving payment. Roof and walls are up. Plumbing, heating things of that nature still to be done. These are things they rely on insurance and a contract for. They have physical health issues. One thing after another impacting this family. I wasn't aware one fee wasn't appealed. But for the one today we'd like to request another exemption, I think it does qualify for one. The homeowner does intend to repair and reoccupy. Given this where things are due to no fault of their own I think it would be appropriate to not apply that to them at this time.

Moermond: there is no such thing as an exemption. It is the fee. They're already in the Vacant Building program. Now it is how we can work with them. I know there's a language barrier but that previous fee would have been assessed last summer. Do you have an idea of when they may be done with the work?

Mendiola: I can try to get it. It has been challenging to nail that done, especially when there's been all these insurance issues. That's been really the reason for the delay. I'll do my best to get that answer and even try and talk to the contractor myself.

Moermond: it just comes down to whether or not a waiver makes sense. If they'll be done in the next 3 months, a waiver makes sense. If it isn't, it makes more sense to let it roll to be assessed and then that gives a longer period of time to manage the insurance company. They should really be picking this up and paying this. The fact it is on the insurance company it has gone on long enough to cause a third year of fees. I'm leaning towards letting it go to assessment. There's no charge to appeal an assessment.

I think we could recommend this is waived for 90 days, which takes us to March 2025. I think that realistically it will take longer than that. Just be aware there's a tax assessment that comes after this. Would you like to discuss this with your client and let us know? We can discuss this again next week if needed.

Laid Over to the Legislative Hearings due back on 12/17/2024

2:00 p.m. Hearings

Fire Certificates of Occupancy

6 RLH FCO
24-113

Appeal of Nikki Knapp, on behalf of Al Conard, to a Fire Inspection
Correction Notice at 1743 SHERWOOD AVENUE.

Sponsors: Yang

Deny the appeal and grant to February 14, 2025 for compliance or variance granted by building official.

Nikki Knapp, property manager, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: the inspection was done by Jack Harrington. On November 12 he found the upstairs bedroom, attic conversion. The code requires at least half the floor space is over 7 feet in ceiling height. We start measuring at the 5-foot mark.

Moermond: a room has a particular number of feet at the floor. You measure the base floor area as only the portions above 5 feet. It could be lower, but isn't measured as part of the room.

Shaff: yes, anything below five feet doesn't count in square footage. We get a room with 191.5 square feet.

Unfortunately, the max ceiling height in this room is only 6'8". 134 square feet at that point, but at no point do we reach the 7-foot height requirement. A 4" deficit. We wouldn't consider that as a sleeping area.

Moermond: the orders reference legislative code 34.13. This isn't just City code though; it is also a provision in the State building code. Can you talk about that?

Shaff: building code has required for many years that the ceiling be over 7 feet for over half the floor area. Part of that is for smoke and heat. Smoke rises and fills down, so shorter the ceiling the less time you have.

Moermond: because it is a violation in the City code AND the MN building code, the State building code takes precedent. Even if the City Council granted your appeal, the building code is enforced separately and is actually the more important piece of the two. That's why I was saying this case is complicated. I look at this and say 6' 8" is adequate in a basement recently, but no such change for other levels. I can't do a variance of State law. The process first would be an appeal to the City's building official and then if you disagreed with that it would go to the State. That would be the next step if you needed it. We can send you the building code appeal form. To give you time for that, I'd like to give you an extension to come into compliance. Let's push this to February 14, 2025, to be in compliance or have a variance granted. That means fire inspectors would have to enforce their orders unless the building official has granted that waiver. If you end up taking it to the State let us know and we can amend that resolution to give a longer deadline.

Knapp: it is just frustrating since Al has had it as a rental since 2008.

Moermond: right, and you've had the ability to collect rent on in despite a missed call, and a missed call in the past doesn't negate a correct call now.

Referred to the City Council due back on 1/8/2025