



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Joanna Zimny, Executive Assistant
legislativehearings@ci.stpaul.mn.us
651-266-8585

Tuesday, June 14, 2022

9:00 AM

Room 330 City Hall & Court House and Remote

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 22-19](#) Ordering the rehabilitation or razing and removal of the structures at 694 SHERBURNE AVENUE within fifteen (15) days after the May 25, 2022, City Council Public Hearing. (To refer to June 14, 2022 Legislative Hearing)

Sponsors: Thao

Layover to LH July 12, 2022. PO to continue working on petition signatures, and begin putting together bids, work plan, financing.

Tia Lee, owner, appeared
Mai Vang acted as interpreter

Moermond: I understand you've been working with the District Council? Are you ok with Ms. Vang interpreting today?

Lee: yes.

Moermond: we'd left this with you wanting to rehab this as a duplex and getting that legal nonconforming use again. You've been working with District Council on the petition requirement. It looks like you have five?

Lee: four. It includes mine, which is 5. One is out of town but will sign when he gets back. The neighbor at 507 Van Buren's son indicated he would give it to his father.

Moermond: is that the gentleman out of town? Or in addition to the one out of town?

Lee: a separate one.

Moermond: so you have 7 signatures, and you need one more beyond that. I want to confirm you know that 2 properties in there are owned by the City and HRA are automatic from the City.

Lee: I'm still waiting for Caty to give me the names on the list.

Moermond: Paul Dubruiel sent it straight to you.

Lee: I only found 2 pages.

Moermond: we'll print and give you a copy. I'd like to get this done as quickly as possible. You clearly have the support of the City in reverting this back for the zoning change. That is step one in putting this plan together. I'm willing to give grace for this process but I need to keep pressure on you to get those signatures. Simultaneously you need to be working on a plan for the rehab and financing to execute that plan. When we spoke a few weeks ago we talked about financing and how it may not be fully adequate. Any questions?

Lee: no, I will work with Caty.

Moermond: we'll copy her and encourage this to move along as speedily as possible. We will lay this over to Legislative Hearing July 12 and we'll have another conversation. In the meantime I'll follow up with the City Attorney's office to see if there's any possibility or procedure for waiving a signature requirement.

Laid Over to the Legislative Hearings due back on 7/12/2022

2 RLH RR 20-22

Ordering the rehabilitation or razing and removal of the structures at 678 SNELLING AVENUE NORTH within fifteen (15) days after the May 27, 2020 City Council public hearing. (To Refer to October 26, 2021 Legislative Hearings)

Sponsors: Jalali

If permit is pulled and finalized for roof repair by July 20, 2022, refer matter back to LH October 25, 2022 for update on financing and plans.

*Lisa Kugler, consultant, appeared via phone
Gene Gelgelu, AEDS, appeared via phone*

Moermond: I do have an update on progress from Ms. Kugler it looks like the date is May 14, we received it June 6. The engineering information I did ask our structural engineer to review and wanted to put that on the record. Any highlights you want to cover about the update report?

Kugler: sorry about the date, it should be June 14. Importantly we did get the roof repaired, so we can now clean out the building. That is important. It took a while to get someone qualified to do it. I guess we're just in the process of waiting to see what happens with the federal funds and a legislative special session. Going ahead with design development, so we aren't standing still.

Moermond: for the record, comments from Brian Karpen's review. He concurs there is no need for bracing, trusses can carry the load with compression in bottom and top cord. Fair bit of technical information, holes in the roof but is largely intact and can provide proper bracing in top cord. He was concerned large portion of the roof open would create water infiltration and cause degradation. Now I know the roof is repaired, I assume a permit was pulled?

Kugler: I didn't get a copy, but yes.

Moermond: there is no current building permit.

Kugler: for the roof?

Moermond: right, a permit wasn't pulled. That needs to be done and inspected.

Kugler: ok, this is not my area. Would he have thought of it as repair?

Moermond: it doesn't matter. It exceeds the value needed for a building permit and it is a Category 3 Vacant Building.

Kugler: what is that dollar amount?

Moermond: \$500.

Kugler: we'll do that.

Moermond: so you'll take care of that soon. I have shared what our structural engineer said. This hasn't gone to Council since October 2021. I need to send this to Council so they are aware you're working on this and have these status reports in the record. I will put this in front of Council July 20 and if you have the building permit pulled and finalized by then I'll ask them to send it back to Legislative Hearing October 25. So you'll have several months to deal with financing, what happened with the Legislature, etc.

Kugler: that makes sense.

Referred to the City Council due back on 7/20/2022

- 3** [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. (To refer to June 14, 2022 Legislative Hearing)

Sponsors: Prince

Layover to LH June 28, 2022 at 9 am for update on quit-claim deed status/ownership.

Carl Berger, interested party, appeared via phone

Moermond: when last we spoke you talked about having purchased it but not having title. The people who were in control of the property weren't in control weren't paying taxes. It has all the earmarks of you being ripped off, is the bottom line. You can't find the people, title didn't change. You were going to do some follow up and hire an attorney?

Berger: I have talked to an attorney. They are looking at quit-claim deed. My dad died and I settled the estate and the people doing things for me. I paid the taxes and the \$5,000 retainer. I got the Code Compliance Inspection done. I talked to the realtor and closer and they are going to have the information I paid for it and that it was a quit-claim deed. Six issues on the list, I have 5 done. The attorney is dealing with and approaching the quit-claim deed.

Moermond: who is your attorney?

Berger: Brad Hammond

Moermond: is he local?

Berger: my neighbor grew up with him and knows him. Hastings I think. I'm trying to get everything done because I could be clobbered in this whole situation.

Moermond: and I am confirming your outstanding \$26,000 taxes were paid. Looks like you are current on that, which is great. We love to see that. I'm looking for something process-wise about where your attorney is at on filing that quit-claim deed. We'd like your attorney's contact information.

Berger: this is my priority. I have a bank statement and stuff in here showing funds are available to finish it. I'll have to deal with the attorney.

Moermond: I'm hoping your attorney can participate in a conversation?

Berger: yes.

Moermond: I can contact DSI and ask them to expedite that Code Compliance Inspection report. I'm glad to hear you have financing. They're estimating it is in excess of \$50,000. That's just from their experience. Your bids may be higher or lower, that's why we look for a construction statement, bids, etc.

Berger: the other thing is the windows, the furnace, the doors, have been all completed and the inspection will give you a good idea of that.

Moermond: were permits pulled?

Berger: the people doing it were certified. I'm looking for the paperwork so I can show that. I'm gathering some of that was not permitted and I will say there is a licensed contractor that can approach and do everything and will get those permits so it is 100%.

Moermond: I'll make the department aware of that. They will check the dates on the equipment. Getting it permitted will be tricky, some contractors don't want to take responsibility for someone else's work. There may be a double fee. Just so you know that is an issue.

Berger: yes. A lot that was done, the windows, doors and flooring is stuff that I could do and did that.

Moermond: once it reaches a certain value, and because it was a Category 2, and now a Category 3 it would require a general repair permit.

Berger: I didn't know that.

Moermond: if plumbing, electrical, HVAC work was inside the wall then the wall may need to be opened up.

Berger: I totally expect that.

Moermond: I'm going to continue this for 2 weeks. This is all to the good. You've taken more steps than I thought were possible and I was really concerned you were going to be losing a lot of money. I'm glad it appears you are getting control. I hope that

continues. I hope you didn't pay the back taxes without title, but hopefully with the attorney in this you'll be in a good position.

Berger: with the realtor and the closer, if I show the cashier check and who the closer was, those things should be a good step in showing the property name is right. Is there something else I should do?

Moermond: I can't think if you have an attorney pursuing that, it sounds like the last preliminary thing from you. The next steps were probably glossed over in the first hearing because of those other issues. The next step will be the scope of work, work plan, timeline, and financing.

Laid Over to the Legislative Hearings due back on 6/28/2022

4 [RLH RR 21-60](#)

Ordering the rehabilitation or razing and removal of the structures at 1941 UNIVERSITY AVENUE WEST (STORAGE/GARAGE) within fifteen (15) days after the September 22, 2021, City Council Public Hearing.

Sponsors: Jalali

Layover to LH June 28, 2022. Property Reps to provide proof of financing in excess of \$60,000 STAR grant (approx \$40,000), and affidavit dedicating those funds to the project.

*Dawit Solomon, President Eritrean Community Center of MN, appeared via phone
Essey Asbu, Secretary Eritrean Community Center of MN, appeared via phone
Ruth Ogbaselassie, treasurer Eritrean Community Center of MN, appeared via phone
Belainesh Tekle, PR Eritrean Community Center of MN, appeared via phone
Alec Armon, District 11 Community Council, appeared via phone*

Moermond: I did review the plans you submitted for today. Was Ms. Klinkhammer included on this?

Solomon: I did send it to her. We were hoping we'd complete our contract with D&J and submit to Claudia, but that did not materialize so we had to scramble to find this builder. Essey worked with him at Minneapolis Community College. The bid I sent yesterday to Claudia was the one I just got. I also want to say, the last meeting we were all on our phones waiting.

Moermond: a voicemail was left at 11:12 am is what the notes say. I think we are keeping up and did that follow up letter. I'd like to focus on the plan you gave. This does look like an acceptable work plan.

Asbu: we had been working since January with Done Steele from D&J and for whatever reason we had loss of communication. We hope he's ok. When we couldn't get in touch we decided to move forward with a different contractor.

Moermond: you no doubt recall in our conversation from the City engineer and Building Official we are looking for a building or demo permit pulled by July 1 given the condition. With the rehab bid it is obvious you are going with rehab not demo, but you have a \$60,000 STAR grant. So I know you have that money towards the \$98,670 the bid is. That means you have a shortfall of \$39,000. Is that something the organization has?

Solomon: we have the balance we have secured from the community.

Moermond: I'll need to see an account statement showing those funds and an affidavit showing it will be exclusively used for this. We'll review this June 28; I would be able to say you can start work then before it goes to Council for a vote on July 13.

Solomon: the one question I have, we are now scheduled to meet them at 6:30 p.m. and sign the contract. We have let them know we have a time crunch; the understanding is ASAP he will pull permits. Any help to expedite the permit process?

Moermond: you need to show the money before I make a recommendation to Council to give you that grant of time. I feel strongly we need documentation of those funds before this can be green-lighted. You can sign the contract, that is up to you, if you submit the information and there is time today we could review that in the next couple of days. Permits cannot be pulled until you get green-lighted here. That will require money.

Solomon: we will do that this week.

Asbu: we paid \$5,000 at one point. Can we put that \$5,000 towards the project or not?

Moermond: the \$5,000 Performance Deposit is for performance of the nuisance is abatement. That means when the building is completely rehabbed and signed off on. You cannot expect that to be part of the financing package you put towards the City. The City holds that money. That isn't part of what you can use.

Asbu: I would appreciate any assistance from the City in this.

Moermond: City has stepped up to provide \$60,000, a majority of the funds. I'm telling you the building is sufficiently derelict and in danger of collapse that the structural engineer is saying it needs to be dealt with. You are on a rigorous clock right now.

Laid Over to the Legislative Hearings due back on 6/28/2022

5 [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.

Sponsors: Yang

Layover to LH June 28, 2022 9 am for update on foreclosure status and plans.

Craig Barbee, attorney o/b/o City Mortgage, appeared

Barbee: City Mortgage has foreclosed and now hold the sheriff's certificate. Cenlar is the servicer.

Moermond: have you expedited the foreclosure?

Barbee: this started February 2020, prior to Covid. It got postponed until we could publish that postponement and serve it by mail. That happened multiple times during Covid. Once that was lifted it went to sale September 30, 2021 but due to the balance on the mortgage. It was a 2007 mortgage taken out by the former owners, Pamela and Christopher Arndt. The balance threshold it was a 12 month redemption period. So my client won't have title until September 30, 2022. We didn't reduce the redemption

period because people were served during foreclosure as occupants. It got flagged as occupied. I don't know the timing of vacancy. Normally being vacant is what triggers the 5 week court redemption.

Moermond: it became a registered Vacant Building in November 2020 and was referred by the St. Paul Fire Department. [Moermond gives background appeals process]. How much was the outstanding mortgage?

Barbee: our bid at the sale was \$44,538. I did pull a property report from the County Recorder and the former owner transferred to his interest via quitclaim deed September 21, 2021 to Premier Properties LLC. They have a junior mortgage to Metro Holdings for \$30,000. There is a mechanics lien as well. There are other interested parties, and redemption with being \$44,000. I have to imagine this is going to be redeemed either by the current owner or a junior creditor. That puts my client in a tough situation. Zillow has a property value of \$250,000 and with the redemption amount being \$40,000 to \$50,000, it is likely it would be redeemed.

Moermond: there is no way this thing is worth that much. Ramsey County doesn't reflect the condition of the structure.

Staff report by Supervisor Joe Yannarely: the building is a two-story, wood frame, single-family dwelling with a detached one-stall garage on a lot of 4,792 square feet. According to our files, it has been a vacant building since November 23, 2020. The current property owner is Minnesota Premier Properties LLC, per AMANDA and Ramsey County Property records. On February 23, 2022, 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 March 10, 2022, with a compliance date of April 9, 2022. 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 \$20,000 on the land and \$189,00 on the building. Real estate taxes for the first half of 2022 have not been paid; total due to date is \$4,370.09 (includes penalty and interest). The vacant building registration fees were paid by check on November 17, 2021. As of June 13, 2022, a Code Compliance Inspection has not been done. As of June 13, 2022, the \$5,000 performance deposit has not been posted. There have been three Summary Abatement notices since 2020. There have been two work orders issued for Boarding/securing and Tall grass/weeds. Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$30,000. There's another work order pending for tall grass.

Moermond: looks like it was a Form 4 by the St. Paul Fire Department.

Yannarely: they identified hoarding conditions, flies, inaccessible bedrooms. Having been out there I can say that the property has been trashed, occupied by squatters. We've had to secure it.

Moermond: we have a low building value right now. With rehab if it is a decent prospect the added value may be there to be worth an investment. The conditions are very bad now. In order for an inspection to occur a junk out would need to happen and I don't know who has authority to do that. Those conditions were identified in July 2020 and if it has continued to be occupied by squatters it has sat through 2 summers.

Barbee: my client isn't the owner and we don't have possession. We can't do a trash out until the redemption period expires. We can't do a Code Compliance Inspection

which is what they'd want to see to decide if it was worth investing money in repair. If it gets torn down then they'll see a total loss on the loan. We're in a tough position until we become owner September 30. Even with the low value, I still think with the low redemption amount, I think it would be a candidate for redemption. I don't know MN Premier Properties, but I assume they are an investor.

Moermond: the current tax value is \$20,000 on the land and \$189,000 on the building.

Barbee: even with \$100,000 in repairs there will be some equity. There's little my client can do until that eviction is done.

Moermond: why can't you seek expedited for feature? Policy?

Barbee: because it was served as occupied. I don't know if it was tenants or squatters but we have that affidavit it was served occupied so it didn't get flagged as vacant.

Moermond: and yet it has been since July of 2020.

Barbee: if they are squatters during their BPO inspection they may think someone is living there.

Moermond: and here we are left with an extremely derelict structure, an active nuisance to the neighbors and in hoarded condition. That makes me say we need to move more quickly on this. I wouldn't want to live next door to this building.

Barbee: my client was subject to the foreclosure moratorium. February 24, 2020 is when the first legal step was filed. They want to save it if it is worth it but we're not going to know. They didn't cause the conditions and they're trying to save their investment. So we delay a month for them to get more information. We've been contacted by investors with offers on it. Is the assignment of sheriff's certificate subject to those deed transfer issues? We don't want to lose our investment.

Moermond: it seems to me most mortgage have provisions to take steps to prevent further loss in the value of the building. I don't know if you could ask the court to grant permission to do that junk out and get the Code Compliance Inspection done. This isn't just a building with structural problems. This has obvious problems complicated by gross unsanitary conditions complicated by behavioral issues which all pressure me to say the City should be stepping in to address this. It doesn't go to Council until July 13, so let's talk again on June 28. Give you an opportunity to think this through. I can't wait in good conscience for 3 months for even the beginning discussion of problem resolution.

Yannarely: can they cut the grass?

Moermond: are you in communication with the REO?

Barbee B: I did inform them of the condition to maintain the exterior. I will follow up with them again on that. I know your process. Could you point me where the transfer restrictions in the deed are? Are those City Code?

Moermond: chapter 33 regarding work on dangerous structures, and also a stray statement under 45, and possibly 43. 33 is the most likely, that's the City's Building Code that augments the State's code.

Barbee: what type of property transfer triggers those? Deed?

Moermond: if you are a lienholder, if someone who currently has a lien were to assume full ownership through court, I don't consider that title transfer because there is interest property already. Being sold to a private rehabber who result in that transfer of title naturally, but we'd want to see a contract that says title wont transfer until the nuisance is abated. It is usually handled through a Contract for deed, a mortgage, or an addendum in a purchase agreement.

Barbee: is there a difference between where if my client, who has the sheriff's certificate interest, if they transfer that interest via assignment of sheriff's certificate. Would that trigger those restrictions?

Moermond: I would want to talk to the City Attorney about that. I haven't had a circumstance with that.

Laid Over to the Legislative Hearings due back on 6/28/2022

Staff Reports

- 6 [SR 22-91](#) Review Request for a potential stay of enforcement of demolition for Joe Steinmaus, on behalf of Michael Murray, for property at 1628 DARLENE STREET.

Sponsors: Yang

Grant 180 day to rehab the property (CPH June 22, 2022).

Joe Steinmaus, purchaser, appeared via phone

Moermond: I'm ready to go on this one. it seems we were looking for 2 things yesterday, one was that affidavit of financing. We have that now. The other is the Code Compliance Inspection Report and any modifications you make based on that. I called Steve Ubl yesterday and spoke with him about expediting this Code Compliance Inspection Report.

Steinmaus: I got it this morning.

Moermond: I love to hear that. I'm going to send this to Council next Wednesday June 22. Any revisions based on that Code Compliance please send me.

Steinmaus: it was simple, it was in good shape. We looked at it this morning.

Moermond: can you affirm it addresses everything in the Code Compliance? You're indicating no changes to work plan?

Steinmaus: no, it is in great shape.

Moermond: I'll take you at your word, and Mr. Yannarely can you let the Department know he can begin pulling permits?

Yannarely: yes.

Moermond: so permits tomorrow.

Received and Filed

10:00 a.m. Hearings

Making Finding on Nuisance Abatements

- 7 [RLH RR 22-9](#) Third Making finding on the appealed substantial abatement ordered for 1013 JAMESON STREET in Council File RLH RR 21-79.

Sponsors: Brendmoen

The nuisance is abated and the matter resolved.

Referred to the City Council due back on 6/22/2022

- 8 [RLH RR 22-25](#) Third Making finding on the appealed substantial abatement ordered for 864 MARION STREET in Council File RLH RR 21-41.

Sponsors: Thao

Layover to LH July 12, 2022 at 10 am (CPH July 20, 2022). PO to provide proof of financing for completing the rehab & affidavit dedicating funds to the project.

Robert Shilling, owner, appeared via phone

Brian Wolff, contractor, appeared via phone

Moermond: I have received a letter from Mr. Wolff indicating that you're waiting for disbursements and you have a loan. I looked at this twice before and you were at 20% complete and there's been no change in six months according to our staff. Tell me what is going on.

Staff update by Joe Yannarely: 20%, nothing has happened. No issues at the property, it is being maintained.

Schilling: there are two tenants that claimed Covid, I didn't get rent for a year. I just got their rent money 2 weeks ago. I live on SS and been working part time just to make my mortgage payments on this duplex. With that hardship added to the fact the financier didn't come through as promised. I believe he's talked to you people more than me. The contractor was afraid to initiate deals with plumbers and electricians until he saw some cash. That was not happening. I don't know if I'm the only one who got hoodwinked on this, or if he scammed the City also?

Moermond: what role could the City have in the financing of your rehab?

Schilling: this guy was approved is all I'm saying. He promised a check for \$20,000, and it turned out to be \$10,000. I have an \$80,000 mortgage against my property. Something isn't right. I haven't been dragging my feet on it.

Moermond: I opened this file November 26, 2019. I worked with you through August of 2020 to get your initial grant of time. The length of a pregnancy to get that initial 180 days which was more than generous. Since that time we've followed up six months and got 20% done through the last year. I said at our last hearing I'd give you time to figure out financing but I need a complete package by today. I did state then the last time I

stood in front of Council was to recommend the grant of time, after the prior week when I recommended they remove it the previous week because you wouldn't post the additional Performance Deposit. I stuck my neck out for you. I was clear I won't do that again. I'm not seeing you have any change in your financial ability to execute this rehab. You need to make your argument to the City Council how you get that additional money. \$3,600 being dispersed is not a viable financing option.

Wolff: it was actually \$10,000. I completely understand your side, it has been a long dragged out mess. I mentioned last time about an investor interested in helping. The lender called me last week and said he wouldn't pay the money until it was done. I told Bob he needed to work it out because I won't finance the project. The investor was working on doing a loan amount. Bob just got a \$20,000 deposit for past due rent. I have the receipt here from June 7. That's just for you to consider. That's about all I can offer. I don't know if you can do a 10 day extension, but I thought I'd add that.

Moermond: right now the information you submitted indicated \$76,500, taking into the account the \$10,000, is that \$8,6000 or you've paid down to \$66,000?

Wolff: it is down to \$66,000. We've worked out some savings on the job. I've been under budget up until now so I left the price the same even though the plumbing bid went up. It isn't a difficult job in my realm of work, we just need to order those subcontractors.

Moermond: so you're \$46,000 short if that entire \$20,000 is spent on the rehab, correct?

Wolff: yes. It is enough to pay the downs for the subcontractors for their rough-ins and it would buy him time with the financing.

Moermond: I don't know I want to participate in a process that involves spending good money after bad. The City's way of abating is to knock it down. You have 20% done is less of a loss to you than if it is going down when its 40% done. I need to see that financing to finish. I cannot, after we've been talking about this for 2.5 years, take it as faith that you'll have financing magically appear. I need to see it there.

Wolff: is there the possibility of more time for that?

Moermond: this goes to Council July 20. I will check on July 12 if you have financing. If you do, then we have a plan. If you don't I'm recommending demolition.

Wolff: money in an account? The agreement? That hasn't worked in the past?

Moermond: I'm not going to count this loan agreement. We're happy to provide feedback. I'm looking for an actual bank account, a construction loan for the project, those types of things. Cash is fine but I need to see a loan agreement for the balance; that you have the money in hand. Decent documentation. We can give you feedback if you submit something in case it needs to be rectified.

Wolff: that would be great.

Laid Over to the Legislative Hearings due back on 7/12/2022

refer back to July 12, 2022 Legislative Hearing)

Sponsors: Yang

Refer back to LH July 12, 2022 at 10 am to see if property has received its CC Certificate. (CPH July 20)

*Quintus Pillai, contractor, appeared via phone
Rashad Kennedy, contractor, appeared via phone*

Moermond: this is the second making finding and looking at where we go from here.

Staff update by Supervisor Joe Yannarely: we were informed it is 95% complete and no issues at the property.

Moermond: you've made tremendous progress. We're up from 20% last time. What does it look like to get it across the finish line?

Kennedy: I just left form meeting with Nathan. There are a couple things he's requiring. He's going to come back out Friday I hope.

Pillai: we plan on having the entire thing done by Friday.

Moermond: I'll continue this 4 weeks and if he issues you your certificate between now and then, great. My preference is to say at the hearing the nuisance is abated and we can close the file. If we can't, I'm going to ask for a written statement of where you are at and your estimated timeline so I can have a plan for Council. We will talk July 12, and we'll put it in front of Council July 20.

Referred to the City Council due back on 6/22/2022

- 10 [RLH RR 22-34](#) Making finding on the appealed substantial abatement ordered for 1514 VAN BUREN AVENUE in Council File RLH 21-62.

Sponsors: Jalali

The nuisance is abated and the matter resolved.

Referred to the City Council due back on 6/22/2022

- 11 [RLH RR 22-35](#) Second Making finding on the appealed substantial abatement ordered for 521 YORK AVENUE in Council Files RLH RR 21-43. (To refer back to June 28, 2022 Legislative Hearing)

Sponsors: Brendmoen

Refer to LH June 28, 2022 at 10 am. PO to provide updated work plan and financing to complete the project by COB June 27.

Maurice Griffin, owner, appeared via phone

Moermond: we'll be talking about your progress on 521 York. This is the second hearing we've had on this and what its trajectory is.

Staff update by Supervisor Joe Yannarely: Nathan has indicated it is 85% complete

and no issues.

Moermond: what does the next 15% look like Mr. Griffin?

Griffin: finishing the kitchen and touching up some windows, a few other miscellaneous items.

Moermond: what kind of timeline on that?

Griffin: 3 months.

Moermond: can you put together a new work plan to getting from here to done. Have you paid for that work? or is it half down, half on completion?

Griffin: I'm not sure what you're asking?

Moermond: I'm wondering if you have the money to finish the work.

Griffin: ok, yes.

Moermond: why don't we talk in 2 weeks, is that enough time to get the plan and financing in?

Griffin: yes.

Referred to the City Council due back on 6/22/2022

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 12 RLH SAO** Appeal of Rebecca & Lucas Pelton to a Summary Abatement Order at
22-26 1696 JULIET AVENUE.

Sponsors: Tolbert

Appeal is granted as conditions required by LHO (removing items from public right of way, providing information on mosquito prevention design of rain barrel, and submission of a work plan and diagram of the property) were met.

Rebecca Pelton, owner, appeared via phone

Moermond: I received your packet of information and Mr. Kedrowski and I reviewed it and determined you are in compliance with the Summary Abatement Order as we discussed it. So the resolution going before Council say the conditions of the extension were met and you are now in compliance. You produced nice materials; I appreciate that.

Rebecca Pelton: we received an Excessive Consumption fee because we hadn't met the deadline. Is there a way to make that go away?

Moermond: it was sent May 25. Mr. Kedrowski can you manage on your end, or is it in process?

Kedrowski: when I went for the reinspection and nothing was done you can only assume they didn't intend to change anything, but obviously after our conversation that was not true. I had intended to remove that fee last week.

Moermond: he will remove the fee.

Pelton: thank so much.

Referred to the City Council due back on 7/13/2022

- 13 [RLH SAO 22-21](#) First Making finding on the appealed nuisance abatement ordered for 607 TOPPING STREET in Council File RLH SAO 22-14.

Sponsors: Thao

The nuisance is abated and the matter resolved.

Minutes pending

Referred to the City Council due back on 6/22/2022

1:00 p.m. Hearings

Vacant Building Registrations

- 14 **RLH VBR
22-28** Appeal of Macy Anderson o/b/o Charles Bastel to a Vacant Building Registration Requirement at 1372 VICTORIA STREET NORTH.

Sponsors: Brendmoen

Waive the VB fee for 90 days (to August 12, 2022).

Deanna Westphall, o/b/o Macy Anderson, conservator for Charles Bastel, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: has approximately a 20 year history of being a problem property/Vacant Building. I'll summarize that history quickly, Back in 2001 are when complaints started on Mr. Bastel's property. We have over 100 neighborhood complaints. Done over 25 Summary Abatement Order. Over 25 Excessive Consumption fines. We have deployed every City service we have to assist Mr. Bastel, police, social workers, public works, FD, St. Paul Police Department, emergency workers. I have spent over 100 hours at Mr. Bastel's property over the last 20 years. His home entered the Vacant Building program in 2016. During that time Mr. Bastel did a lot of sleeping in his truck and he was illegally occupying during cold weather. He paid a contractor over 20,000 to bring the home up to code and the contractor did some work but reneged on most of the exterior work and those issues still stand today. Due to Mr. Bastel's health and physical and mental condition, we gave him a Code Compliance Inspection approval with corrections. Those corrections were the garage, fence, front steps, and the contractor skipped town and never did the work. He moved back into the home in November 2019 with those issues outstanding. At that time he proceeded to continue to live like he did previously, in a hoarding and gross unsanitary state. The interior was not maintained since November 25, 2019 until this

point when we made it a Category 2. We made it Category 2 because it is vacant and never received its full Code Compliance approval due to the outstanding exterior violations.

Moermond: since the time the Certificate with corrections was issued have conditions deteriorated further?

Dornfeld: the house is vacant and the exterior violations remain. It is my understanding the conservator has completely cleaned out the interior. I don't know if they've gutted it, but the interior has been cleaned out. My last concern is this: there is no way Chuck can go back in this house. He cannot maintain a single-family home at this stage in his life.

Moermond: it sounds like Ms. Anderson is interested in selling the property and had a hearing set for May 31 to discuss this in court. Tell me what the plans are currently.

Westphall: we did clean out the inside who threw everything in a dumpster and then bleached the inside. No construction. Maci went to Ramsey County May 31 to ask if we could sell the house and we are waiting for the judge to sign the order and send it back but I believe we can start the process of selling. Ramsey County court will send out 2 appraisers and once we get those appraisals submitted to the court we'll put it on the market "as is". We would tell the buyer, most likely a contractor, about the things that need to be met before someone can live in it.

Moermond: what are you looking for today?

Westphall: it looks like Mr. Bastel is going to keep being charged for the stairs not being fixed. We emailed Matt who said to appeal. Is there a way to suspend until the house is sold?

Moermond: I think we can backtrack. It is more than just the stairs, there are other exterior corrections. The conditions are major code violations. The house is empty. The question is whether or not it should be in the Vacant Building program as a Category 2. Given its history and that it didn't have its Code Compliance certificate, I'm going to say yes it needs to be a Category 2. That means you'll need a Code Compliance Inspection report application in which will detail for you and the buyer the City's requirements before it can be reoccupied. It likely isn't the longest punch list but it has been six years since that happened last. A lot of strange things have happened since then. With respect to the fees. We can definitely do a couple of things. One is, do not pay the bill. I'm going to recommend the Council give a 90 day waiver, May 12 to August 12, 2022 with no fee whatsoever. I don't think it will be sold by then; if it goes unpaid which is fine to do it is processed as an assessment that would go onto the property taxes and would be dealt with at closing. So you still wouldn't have to pay it up front. For the buyer, it is common for me, if it is reoccupied in a timely fashion, to prorate that assessment since it paid prospectively. I would say it is in your interest to get that done. You don't have to do the things on that list. I'll ask that report is expedited so you can get that property offloaded.

Referred to the City Council due back on 7/13/2022

2:00 p.m. Hearings

Fire Certificates of Occupancy

**15 RLH FCO
22-16**

Appeal of Curtis Burroughs to a Fire Certificate of Occupancy Correction Notice at 1606 HEWITT AVENUE. (To refer to June 14, 2022 Legislative Hearing)

Sponsors: Jalali

Grant to January 1, 2023 for compliance with change in use orders, noting all other items in compliance.

Curtis Burroughs, owner, appeared via phone

Moermond: we are following up on the Fire inspection orders for this property. I heard zoning gave you approval for a triplex at this location, congratulations.

Burroughs: thank you.

Moermond: we just wanted to walk through the last step in the process with you, which is applying for a building permit to do any final changes to make it compliant with building code. you'd want to hire someone to make sure it is compliant with Code to be a triplex, not just zoning. I think we talked about that before but wanted to revisit it.

Burroughs: I'm glad you did; I don't recall that.

Moermond: so anything code-wise that needs to happen, for example necessary venting or fire separation. You'd need an architect or someone like that to look at the space and confirm it doesn't need changes or it does and what they are. Then apply for a building permit to do those changes.

Burroughs: got it. What does "someone like that" mean?

Moermond: they use the term "designer of record". I'm not crazy about that term. Mr. Imbertson, any comments?

Imbertson: depending on the scope of the project they may allow a contractor to pull the permit and submit a code analysis or they may require a licensed architect. Some projects are clear cut and for some smaller projects I'm not sure what the determination is by plan review. If you aren't using a licensed architect I'd refer you to the plan review department to initiate that conversation. Explain the scope of project and your contractor to see if it is something they would consider. A licensed architect would always be ok, but anything else you would want to ok them before going too far.

Burroughs: I'm assuming if you are calling an architect they are licensed, is that fair?

Imbertson: typically, yes.

Moermond: so this will be in plan review, so we can get you a contact for that.

Imbertson: the code analysis with your building code application would be reviewed by the plan reviewers. I wouldn't want to speculate on what does or doesn't need to happen. Part of that is figuring out what needs to be done with the building, other cases may need major changes, some small. It depends on that analysis.

Moermond: we'll get a name for you in plan review as a contact and will put that in our follow-up letter. We'll copy them on that letter so they know we've made that referral.

I'm going to recommend the Council give you to January 1, 2023 to make this a legal triplex, both through zoning as well as Building or Fire codes. So any changes need permit sign offs by end of year.

Burroughs: that seems reasonable, thank you.

Referred to the City Council due back on 7/13/2022

3:00 p.m. Hearings

Other - Water & Fence Permit Issue

16 [RLH WB 22-1](#) Appeal of Bettie Lewis to a Water Service Bill at 543 CENTRAL AVENUE WEST.

Layover to LH June 28, 2022 at 3 pm for further discussion.

Bettie Lewis, owner, appeared via phone

Moermond: touching base with you again. I have Derek Olson from Water on the line as well. You were going to make an application for the Community Action Partnership to help pay for this. Have you done that? Mr. Olson checked and they didn't have anything as of last week.

Lewis: that cannot be so because I got a letter saying my income is too high. I'm not eligible for that program.

Moermond: that's unfortunate.

Lewis: I still don't think we should have to pay for it. What are your suggestions so it doesn't get shut off and doesn't go on our taxes?

Olson: originally we talked about a payment arrangement but that was when she wanted to do the hearing. That wasn't because she was unwilling; we just haven't talked more.

Moermond: is there a fund for extra-large bills?

Olson: with Water Works.

Moermond: does she qualify for that?

Lewis: I don't know the income parameters. I don't have anything to do with applications for that, we refer customers to Community Action. I don't know the rules. We pay them to administer it. We have no say in it.

Moermond: I'm struggling with your memory deficit you mentioned last time and the water being left on and how that fits together. Do you live alone?

Lewis: no, I live with my daughter. She is my caretaker. At the time the water, according to the meter, was running, we had no reason to be outside. We don't use the back deck where the spigot is.

Moermond: did we talk about the possibility that it froze and then leaked?

Lewis: it should have frozen if it was January.

Moermond: if you don't turn it off inside the house it can freeze the fixture itself and damage it which could have triggered the leak. I don't know. It does have those earmarks. I know that this was not purposeful. I'm going to look at water board policies on this. Last I checked a person was responsible for situations like that but I want to check and see if there's any wiggle room. It would have been great if you would have qualified. We'll try and get an answer to you within the week.

Lewis: can I get more information about Water Works?

Moermond: sure. Let's lay this over 2 weeks.

Laid Over to the Legislative Hearings due back on 6/28/2022

17 RLH OA 22-5

Appeal of Amy Peterson, CoBeck Construction Company, to a denial of a Fence Plan Review/Permit Application at 273 LAFAYETTE FRONTAGE ROAD WEST.

Sponsors: Noecker

Grant variance conditioned upon fence being 7' in height (excluding height of barbed wire in measurement).

Amy Peterson, o/b/o CoBeck Construction, appeared via phone

Moermond: I have your application in front of me. You're the builder, right?

Peterson: owner and builder. General contractor by profession. Midwest fence would install, but we are general contractor.

Moermond: a couple of things, it looks like you're proposing a 7 foot black chain-link fence around property and on top 3 strands of barbed wire.

Peterson: yes. it is actually 6 foot chain link, and then the 3 strands totaling 7 feet.

Moermond: can you go 7 feet on the fence?

Peterson: is that what you would like?

Moermond: it's a minimum 6' if barbed wire is allowed. I can reach it at 6'. If it's a little higher I'd have to be a taller stupid person. The barbed wire has a tilt in the diagram. Will it tilt inward?

Peterson: straight up.

Moermond: ok. the main thing is it cannot project outward onto the right-of-way. The last thing that concerned me was the diagram of where the fence would go, does it accurately lay out the right-of-way. You have a dashed line indicating easement on the diagram. It's a public right-of-way and you can't fence that into your property. You can fence along it. But you cannot encapsulate the right-of-way into your property. Not sure your intention there, it looks like it from the diagram. How does the dashed line fit together with the dashed dot line?

Peterson: I see what you're saying.

[had to disconnect due to accidental security issue]

Moermond: I did look at the overhead aerial. The City has a map with different layers and looking at the right-of-way layer I was trying to suss out where that was. Using that parking area on the Lafayette side, the small one with 6 sides, so it does look like the fence is on the right-of-way line. It took some studying. I believe you have it right. I'm happy to recommend the Council grant you a variance allowing for the barbed wire if the fence is 7' and barbed wire on top of that.

Peterson: there is a dashed line showing the perimeter. There is a line with fencing on the back, that's the only place we are doing fencing. I see looking at this how it is confusing.

Moermond: so it is only going across the back of the lot. Not the full circumference, just the back west side. That's fine, I'll recommend that variance with 7 feet. Other properties on the west side have done it at 8 feet. Are you ok with that?

Peterson: yes, I'm good with that.

Referred to the City Council due back on 7/13/2022