



Minutes - Final

Legislative Hearings

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Thursday, December 28, 2023

9:00 AM

Room 330 City Hall & Court House

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9:00 a.m. Hearings

Remove/Repair Orders

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

**Sponsors:** Noecker

*Elizabeth Klimmek, owner, emailed that she was sick and did not attend.*

*Layover to January 16, 2024 for revised financial plan and affidavit.*

*Moermond: Are there any maintenance issues at the property?*

*Yannarely: It's all been taken care of. The \$80,000 bid with details from the Code Compliance Inspection Report (CCIR) looks reasonable.*

*Moermond: I agree. She has paid the property taxes, which is good. The first half won't be due until May, so we're not going to sweat that yet. The schedule looks better than the last one we saw. It does have them starting work on January 15, which may be optimistic depending on the financing. I see \$25,000 in a checking account. That is not acceptable. The owner needs to demonstrate full financing for the bid before any grant of time is made for the work to happen. She can't show us along the way that she's getting more money. We have an ongoing concern that someone starts the project, doesn't have money to finish it, and then we end up knocking down a house. No one wins there. We need to see the full \$80,000. I'm going to lay this over to January 16. Hopefully she has the full amount then, and we can then ask Council for a grant of time and greenlight for permits.*

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

- /1/2 [RLH RR 23-63](#) Ordering the rehabilitation or razing and removal of the structures at 195 GOODRICH AVENUE within fifteen (15) days after the January 17, 2024, City Council Public Hearing.

**Sponsors:** Noecker

*Refer back to March 12, 2024 Legislative Hearing for discussion.*

*Dennis Faust, property owner, appeared in-person*

*David Marks, neighbor, appeared in-person*

*Rebecca Marks, neighbor, appeared in-person*

*Staff report by Supervisor Joe Yannarely: Progress has been made. Inspector Clint Zane says it is over 50% cleared out. The attic and basement are cleared, and the main level is where most of the items remain. Faust has made an agreement with an antiques dealer to liquidate everything in the house. There have been no maintenance problems at the property since the last hearing.*

*Moermond: Mr. Faust, I understand you have a contract to sell the antiques. Tell me about that.*

*Faust: Inspector Clint Zane came and told me it wasn't cleared out enough. We were talking and he said he had come from an antiques dealer and asked him about buying the stuff. I'm only keeping 4 or 5 pieces and he is taking the rest.*

*Moermond: Except for a few items, you sold the antiques. What's left are non-antique personal possessions like fans?*

*Faust: The agreement is to clean out the entire house and I'm only keeping 4 or 5 of the antiques. That's the deal. He has a shop on Payne Ave and is renting a place next door to store all the stuff. He's had crews there every day with two big trucks.*

*Moermond: You have a contract?*

*Faust: Yes.*

*Moermond: What is the timeline?*

*Faust: We will be completed by the end of February and make final payment then, but he's moving faster than that.*

*Yannarely: Can Zane do the inspection sooner?*

*D. Marks: The upstairs and basement are ready for inspection. I asked when the dealer could have the main level ready, and he said he could have that done by the end of January.*

*Faust: The end of February is when he said he would take everything.*

*Moermond: Is he doing the cleaning and sweeping?*

*Faust: I assume yes.*

*Yannarely: Anything he doesn't take, he will dispose of?*

*Faust: Yes. He said he would clean out everything.*

*Moermond: I just want to make sure there still aren't stray things left behind when contractors go through. Have you talked with an attorney or realty professional?*

*Faust: I talked to attorney, and they said they would help me if I had any questions.*

*Moermond: You talked to them about the demolition order?*

*Faust: Yes.*

*Moermond: Did he want to be copied on correspondence?*

*Faust: No. I will keep him informed. He didn't see any reason why the house could be demolished with me being on-track.*

*Moermond: There's that piece, but there are also contracts being signed with a lot of money involved, and I want to make sure you are getting sound advice.*

*Faust: I have had a lot of support. 3 neighbors have come to me with concern about me getting taken advantage of as well.*

*D. Marks: Dennis is now moved into his apartment. I did introduce Faust to a realtor, and we are having a market analysis done. We have a timeline printed here. The way it's looking now if we were to purchase the property, the sale wouldn't be completed until the end of March. Faust asked to get it done sooner, but we need to do our due diligence. We just need more information. We have to wait for the City inspection and would like to expedite that if possible.*

*R. Marks: Mr. Faust mentioned that he wants it done.*

*Yannarely: Nothing can be done until Clint Zane can go through to get the CCIR done.*

*Moermond: Have you had contractors look at it?*

*D. Marks: I have had a contractor look at it. Is there anything else from the City's perspective that we can do?*

*Moermond: One thing you can do that might expedite things is that your contractor could put together a preliminary work plan before the CCIR and then tweak it after they have the report.*

*D. Marks: That has already started.*

*Moermond: Good. In terms of rehab, the City will not make a grant of time until we have a signed purchase agreement or other contract indicating who will be responsible for the rehabilitation. We will give you samples of that if we haven't already. I'm thinking you won't want to sign that until after looking at the CCIR.*

*D. Marks: We would put some contingencies in.*

*Moermond: What would you do for financing?*

*D. Marks: We'd do it in cash.*

*Moermond: If you have a start on the financing and the work plan, next is an affidavit that you will spend those funds on the rehab the posting of a \$5,000 performance deposit. I would then ask Council for a grant of six months to complete the work. At that time, we would check on the status. If it's more than 50% completed, we would*

likely grant another 6 months. If it's less than 50%, we would talk about what next steps would be. If you were close to 0%, you might lose the deposit and I may recommend an additional \$5,000 be posted. The property would need to keep being maintained as well. Once Mr. Yannarely and I see things like the performance deposit, work plan, evidence of financing, and an affidavit, we can greenlight you for permits before a Council vote to grant time. We don't want to delay you. It sounds like Mr. Zane is working with Mr. Faust to get in there as soon as he can. Do you all have his contact info?

Faust: Yes.

D. Marks: Yes. I met him yesterday.

Moermond: Great. Let him know as soon as the place is ready to inspect. I just want to keep things moving forward and make sure there aren't any roadblocks. It sounds like things are moving on all fronts.

Faust: I have had wonderful help after living in that neighborhood for 70 years. It's going well.

D. Marks: When I talked with the antiques dealer, he said the place will be clear enough to inspect on January 30. 2 weeks later, we could have the CCIR by February 16. By March 1, we would have estimates from the contractor updated based on the CCIR. By March 8, Rebecca and I will have our decision made. I then allowed a month for completing the sale on my timeline, and then we could start the rehab.

Moermond: So, you are making your decision by March 8, it looks like. Is there a fallback plan if you decide not to buy? What is the plan for an alternative purchaser for Faust? He will need to work quickly on that. Will the realtor who's been consulting Faust be available to help with that?

Faust: I've had people express interest in the property, and even offer me cash on the same day.

Moermond: Right now, you can't sell it outright. Anyone you sell it to would need to go through this process to buy the house. Could Zane do the inspection within a couple weeks?

D. Marks: I asked the same thing, but the best guess is end of January. We've offered to help and want it done sooner, but that's what Jim, the antiques dealer, said was doable.

Moermond: On February 27, could you be close to a decision on buying? I just want to schedule earlier, if possible, to not slow you down. We could check in and see how things are looking before your timeline date of March 8.

D. Marks: That works.

Faust: That works.

Moermond: A decision doesn't necessarily need to be made then. We could wait until March 12 for that.

Yannarely: March 12 may be better for the next hearing because they will have

*decided by then.*

*Moermond: If the decision is no, I will be looking for Faust to initiate a relationship with a realtor to develop a new plan. That's a question for March.*

*Faust: I would like to see them get the house because they have done so much already.*

*D. Marks: Even if we don't buy the property, we will continue to help Mr. Faust. We have an agreement that he'll reimburse us for the dumpster. Other than that, we're not expecting any compensation on the price for the work we've done.*

*Moermond: Let's go with March 12 for our next hearing. We can figure out what things look like if you're not ready on March 8.*

*D. Marks: Will someone send me the list of items we need to get done?*

*Moermond: Yes. Would you like sample contracts too?*

*D. Marks: Yes.*

*Moermond: We will send a follow-up letter with all that information and confirming the outcome of today's hearing. Mr. Faust, we do need your address to send you the letter, including the unit number, written on the sign-in sheet.*

*D. Marks: About the Vacant Building Fee, does Dennis still owe that?*

*Moermond: Yes.*

*D. Marks: Can anything be done?*

*Moermond: No.*

*Yannarely: The renewal is in October. It went to assessment for October 2023 – October 2024.*

*Moermond: It wasn't paid, which is fine because the City can put it onto the property taxes as a special assessment. It will accrue interest at a modest rate along the way. The finish line is the Certificate of Code Compliance. There isn't an allowance for it being worked on. You're either done or not. If you finished within 6 months of the renewal, we could maybe pro-rate the fee, but that likely won't happen here. We could also look at dividing the payment over 5 years. That can be considered for a bid on the house as an outstanding fee.*

*D. Marks: I just want to make sure we have a clear picture. Who is responsible for making sure everything on the CCIR list is done? I assume it is our responsibility if we sign the purchase agreement.*

*Moermond: It depends on the contract. Do you think you could be done by the 6-month (of the annual vacant building fee) mark of April 25?*

*D. Marks: No.*

*Moermond: That would be very fast for getting a Category 3 Vacant Building rehabbed.*

*The vacant building assessment does have an opportunity to appeal and have a hearing with me to talk about the assessment, which will then go to the City Council for ratification. It sounds like you may have one more vacant building fee coming up to cover October 2024 – October 2025.*

*D. Marks: These become our problem, not Dennis's, correct?*

*Moermond: The property tax bill would go to the owner of record at the time that the bill is sent out.*

*D. Marks: We just want to figure out what is outstanding, and then buy them as part of the sale.*

*Moermond: That would also include any assessments for cleanups or boardings. Mr. Faust, you will want to update your living address with Ramsey County Taxation, so that communication on the property for things like assessments can get to you.*

*Faust: I will be doing a change of address with the post office.*

*Moermond: You also need to do that with Ramsey County Taxation. We use their information for automatically generating letters about things like abatement orders and assessments. We will include info on that in the follow-up letter.*

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

### **Making Finding on Nuisance Abatements**

- 3**     [RLH RR 23-69](#)     Making finding on the appealed substantial abatement ordered for 792 ROSE AVENUE EAST in Council File RLH RR 23-32.

**Sponsors:**     Yang

*Nuisance is abated and matter resolved.*

*Moermond: My finding is that the nuisance condition has been abated and the matter is resolved.*

**Referred to the City Council due back on 1/10/2024**

### **10:00 a.m. Hearings**

#### **Summary & Vehicle Abatement Orders**

- 4**     [RLH SAO 23-54](#)     Appeal of Nancy Ness to a Summary Abatement Order at 265 PAGE STREET WEST.

**Sponsors:**     Noecker

*Grant an extension until May 10, 2024 for removal of the rocks on the boulevard.*

*Nancy Ness, owner, appeared by phone*

*[Moermond reviewed the hearing process]*

*Staff report from Supervisor Lisa Martin: On December 11, a Summary Abatement Order was issued to remove and properly dispose of rocks, decorations, a trellis, planters, and other debris on the boulevard. A compliance date of December 18 was set. Photos are attached. As of today, most of the items are removed, besides the brick, stone, and signs.*

*Ness: The signs can go in a nanosecond.*

*Moermond: What are you looking for?*

*Ness: The rocks are frozen into the ground. I would like until Spring to get them out.*

*Moermond: How deep are they? They look like they're sitting on the top of the ground.*

*Ness: Some are. They would be much easier to move if they weren't frozen in.*

*Moermond: They appear to be sitting on top of the ground. I am willing to wait on it, but I think it is a public safety concern because of the tripping hazard. The fact that signage went in makes me question how frozen the ground is. Political signage isn't allowed on the boulevard. That needs to be on the private side of the sidewalk. Looking into late spring, do you plan on looking at this at the beginning of May?*

*Ness: Yes, if the weather is good.*

*Moermond: A May 10 deadline works then for the rocks. It sounds like the signs won't be a problem.*

*Ness: I will do that immediately.*

*Moermond: We will send a letter to confirm my recommendation. It will go before Council on January 17. Any questions or do you need anything different?*

*Ness: That works. Can I have two minutes to vent?*

*Moermond: Go ahead.*

*Ness: I've counted 47 boulevard gardens nearby. I feel targeted.*

*Moermond: We operate on a complaint-based system. Ms. Martin, what triggered the inspection?*

*Martin: A complaint was called in. Most of our orders are complaint-based, though sometimes an inspector will find something in the field next to a property they are checking on and write orders on that as well. If she wants to send us addresses for the 47 other properties, she can do so, and we can investigate them.*

*Ness: No, I don't want to do that. I bet it was a neighbor I filed a restraining order against who complained on me.*

*Moermond: Council did recently adopt a boulevard planting ordinance for things like raised beds. I don't think it allows for rocks and boulders. I'm sure you'll want to look at that in the spring. I don't know what precipitated the complaint, but this is a violation.*

Ness: I know who.

Moermond: That is an assumption. We have no way of knowing on our end.

Martin: The inspector doesn't know where the complaint came from when they investigate something. It simply says what was alleged to have existed.

Moermond: This does get abused, and I am sorry about that.

Ness: Many houses have a cement walk going from the house to the street. Is that allowed. Do I have to take mine out?

Moermond: That is a carriage walk and is allowed. I don't see that path in the photos. There's a lot of leaf cover.

Ness: I made it to be a walkway for people getting out of cars.

Moermond: Traditionally, a walkway from the street to the sidewalk is allowed. Martin, would you be investigating that in the spring?

Martin: The walkway should be cleared. If so, then it is allowed.

Ness: I didn't want to make it straight to avoid damage to the tree.

Moermond: I appreciate that. Sounds like we have a plan for moving forward.

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

## 11:00 a.m. Hearings

### Summary & Vehicle Abatement Orders

- 5 [RLH SAO 23-49](#) Appeal of Steve Gorg to a Summary Abatement Order at 1947 LINCOLN AVENUE.

**Sponsors:** Jalali

*Deny the appeal, noting the condition existed but nuisance is abated and matter resolved.*

*Steve Gorg, owner, appeared by phone*

*[Moermond reviewed the hearing process]*

*Staff report from Supervisor Lisa Martin: On December 1, a Summary Abatement Order was issued to remove and properly dispose of wood debris, windows, and other construction debris from the property along the garage and throughout the backyard. A compliance date of December 8 was set. Upon reinspection on December 15, the items were removed from the garage and backyard.*

*Moermond: Is there anything you're looking for today?*

*Gorg: I filed the appeal because I needed more time to get it done. I had just gotten back from out of town on the deadline to appeal.*



*Moermond: My recommendation then will be to deny the appeal, as the nuisance has been abated.*

**Referred to the City Council due back on 1/24/2024**

**6**      [RLH SAO 23-53](#)      Appeal of Thomas Nelson and Ranettia Alexander-Nelson to a Vehicle Abatement Order at 493 VAN BUREN AVENUE.

**Sponsors:**      Balenger

*Layover to LH on February 6, 2024. Owners to apply to DSI-Zoning for approval of site plan with existing parking surface. Note, parking may continue on alley side of driveway for up to 6, otherwise code compliant vehicles by February 1, 2024.*

*Thomas Nelson, owner, appeared by phone*

*Ranettia Alexander-Nelson, owner, appeared by phone*

*[Moermond reviewed the hearing process]*

*Staff report from Supervisor Lisa Martin: On December 7, a Vehicle Abatement Order was issued to remove 5 vehicles for issues ranging from lacking license/tabs, appearing undrivable, and parking on an unapproved surface. A compliance date of December 14 was set. Upon reinspection on December 14, orders were written on 6 vehicles for the same issues. One was removed and two were added. A compliance date of December 21 was set. There's a space next to the garage where most of the vehicles were parked.*

*Moermond: What are you looking for today?*

*Nelson: About 10 years ago, we put Class 5 rock on what those vehicles are sitting on now. Maybe we need some time to upgrade and repair that.*

*Moermond: Did you go through Zoning to approve that installation?*

*Alexander-Nelson: Yes. That was why we put the rocks there. I was with Nelson when he was speaking with someone from the City.*

*Moermond: I'm seeing past violations for parking on the side. It looks like something was called out back in 2015.*

*Nelson: That's when we put the rocks in.*

*Moermond: I'm seeing orders being written on May 6, 2015, and then on May 20 the inspector said vehicles were removed from the grass. I'm not seeing any other notes. Do you know who you talked to?*

*Alexander-Nelson: It was in 2015 when we talked to someone from the City. We were told we needed Class 5 rock to park cars there, so we moved the cars to put it in.*

*Martin: On October 7 of 2016, another order was issued for vehicles being parked on an unapproved surface.*

*Nelson: They didn't see the Class 5 rock though. We put it in on both sides of the driveway, and parked vehicles horizontally.*

*Moermond: Class 5 rock has not been allowed for installation of new parking if cement was allowed for the adjacent area. Cement is adjacent to this rock surface, and you would need to go through Zoning to get that approved. I'm not seeing a note in the system to reflect your conversation with someone from the City. I'm seeing something else in May of this year.*

*Martin: Orders were issued in 2018 and again in May of 2023 for parking on the grass. There's also a complaint that a fence was being built with no plan review. They need to have site plan approval before any corrections are made to the property, or it must be restored to original status as a grass yard.*

*Moermond: 5 of the December 14 cars have that issue of an unapproved surface. I also see one called out for not having tabs and another appearing undrivable.*

*Alexander-Nelson: We got tabs now.*

*Nelson: I don't know how they could say the Jaguar is inoperable. It's a classic car. Tires are not flat.*

*Martin: Inoperable issues can be flat tires or other things.*

*Nelson: They aren't flat.*

*Martin: You can call the inspector. They can come out and you can show them that it's operable. Are they all registered to you?*

*Nelson: Yes.*

*Moermond: Is the Jaguar a collector car with collector plates?*

*Nelson: Yes.*

*Alexander-Nelson: Do we need to put cement there now?*

*Moermond: That's the decision of the City Zoning officials. You would apply to add the parking and they would decide. Their decision is also appealable. I need to sort out what we do between now and you applying for that. How did all those cars get there?*

*Nelson: We have 5 kids. We got rid of the trailer.*

*Moermond: Martin, could the inspector give some feedback about what made them think the Jaguar is not operable?*

*Alexander-Nelson: We got that letter in May as well about it being inoperable. It's only driven occasionally, but we don't want to put mileage on it because it's a classic. It is operable though. I don't understand it. About the rocks, we moved the cars so the inspector could see the rocks. It's going to cost \$700 to put down more rocks and we need more time to do that with winter being here.*

*Moermond: I'm not seeing any previous appeals. I am seeing a 2018 letter that said you should go to Zoning for approval on the parking plan.*

*Alexander-Nelson: I don't remember seeing that letter.*

*Moermond: You will need time to talk to them and get this sorted. I want to be sympathetic to your circumstance. Let's do this in stages. First, get an application to Zoning to allow the parking, and ask about the Class 5 rock. If we get started there, we can give an extension on this, and then extend it again once they tell us how long they need to review it. At some point I may need to enforce a "no" from Zoning. Let's come back on February 1. You need to get that application sent to Zoning in January, then. February 6 we can have a conversation to see where things are at and see how long Zoning needs to review the application. Martin, would you want an inspector to connect with the Nelsons and make an appointment with them?*

*Martin: The inspector assigned to this is going to be out for some time, so I will give you Inspector Richard Kedrowski's phone number. You can give him a call and he'd be happy to meet you on-site to look at it.*

*Nelson: We did apply to Zoning for a 30' x 50' pole barn, and they gave approval.*

*Moermond: That's not the same as for the parking surface. I see a reroofing permit in 2016. I'm not seeing another one for a pole barn.*

*Nelson: I gave them the plans for it.*

*Moermond: I don't think you filled out a building permit to do that.*

*Nelson: No, I did not.*

*Moermond: Back to the Zoning application for the parking, I know they may need additional time if the surface needs to be changed.*

*Alexander-Nelson: So, the cars can be there while this is extended?*

*Moermond: Let's keep all the cars that are runnable and with tabs on the one side of the driveway in the spot you are applying for during this extension. We will send you a follow-up letter with what you need to do. The responsibility is yours to get that application to Zoning.*

**Laid Over to the Legislative Hearings due back on 2/6/2024**

**7**      [RLH SAO 23-51](#)      Appeal of Royce Sistad to a Summary Abatement Order at 183 WYOMING STREET EAST.

**Sponsors:**              Noecker

*Grant to May 17, 2024 for compliance with the removal or proper storage of the wood/firewood.*

*Royce Sistad, owner, appeared by phone*

*[Moermond reviewed the hearing process]*

*Staff report from Supervisor Lisa Martin: On December 7, a Summary Abatement Order was issued to remove and properly dispose of a refrigerator from the side of the house. The general order also said to remove other things like wood in the yard. A compliance date of December 14 was set. The fridge is gone but the tree parts are still there.*

*Moermond: The stump is okay, right?*

*Martin: Yes.*

*Moermond: What are you looking for?*

*Sistad: I had a tree cut down and put the wood on Facebook Marketplace for free. What remains are the bigger logs that need to be cut up. I have a disability which hinders my ability to do that. I have a firepit and those should be mine to burn as I need.*

*Moermond: You are allowed to have firewood, but there are rules about how it needs to be stored. It sounds like you aren't physically in a place where you can do the work to get the wood organized properly.*

*Sistad: Correct.*

*Martin: Firewood needs to be off the ground, to avoid rot, and stacked.*

*Sistad: I see everyone stacking wood on the ground.*

*Moermond: I'm hearing that you want to give the wood away and keep the wood for yourself. Are both things true?*

*Sistad: Yes.*

*Moermond: We can send you the code citations on storing firewood if you like. What triggered the inspection?*

*Martin: This was a complaint-based inspection about the fridge, which was removed. The firewood was covered under the general language of the order. We can give more time on the firewood,*

*Sistad: The fridge was only out there for a short period of time.*

*Moermond: I know neighbors can be sensitive about those. Glad to see it's not there anymore. The wood is only generally covered in the order. I'm comfortable giving you additional time to deal with this and have a friend or relative help you out. With winter being here, I'm looking at May 1 to get this sorted out. Is that enough time to get it stored properly or have it picked up?*

*Sistad: I don't know if that's doable. It only gives me a month after April.*

**Referred to the City Council due back on 1/24/2024**