



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

**Marcia Moermond, Legislative Hearing Officer**  
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**651-266-8585**

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Tuesday, November 1, 2022

9:00 AM

Room 330 City Hall & Court House/Remote

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#### 9:00 a.m. Hearings

##### Special Tax Assessments

- 1     **RLH TA 22-399**     Deleting the Appealed Special Tax Assessment for property at 1051 ARKWRIGHT STREET. (File No. J2302B, Assessment No. 238101)

**Sponsors:**     Brendmoen

*Delete the assessment.*

*Randy Yeary, owner, appeared via phone*

*[Moermond gives background of appeals process]*

*Staff report by Supervisor Joe Yannarely: this is an emergency boarding requested by the St. Paul Police Department at 2:31 am on July 19 to board a broken window. Total proposed assessment of \$534.*

*Moermond: what did your tenant tell you about this?*

*Yeary: she told me absolutely nothing. That's part of my issue and concern. Reading through the police report it looked like officers came twice, once at 11 am and two windows were broken. I noticed the officer offered to board and she declined. On the second occurrence there isn't language where it was offered, it just says a crew was contacted for the windows. Doesn't sound like the same consideration was given to my tenant. The biggest issue I have is as the owner why wasn't I contacted to have first right of refusal to get myself out of bed at 2:30 in the morning to do it myself. The tenant has my number. She lied to me months later when I found out about what happened. She no longer lives there. It was quite a mess.*

*Moermond: I too saw the disconnect. It isn't incumbent on the police in an emergency to reach out to you. They can't leave a site unsecured, and they have to close it up and move on to the next call. In the case where the tenant was asked about securing, it is unusual. The tenant said they didn't want it and services weren't provided, rather on the other occasion. In the normal course of events, I would say you are stuck with the assessment. The tenant may not have been acting with full information. It isn't 100 percent clear so I don't feel comfortable recommending approval. You are very close to the line though; the police don't have to call you. They can just say it is open and not*

safe and need to be secured. It sounds like there was a violent exchange going on and public safety was in play. I'm going to recommend deletion but it is one of those where it isn't a great circumstance for the people who live there or for the neighborhood. I'm glad to hear you have got new tenants and hopefully things have calmed down. Any questions?

Yeary: I removed the 2 sheets of plywood. \$370 to put up 2 pieces of plywood and 8 screws?

Moermond: that is easily answered.

Yannarely: it is \$250 just to get them out of the bed in the middle of the night, and then it is \$60 per board. It is like having an emergency plumber out in the night.

Yeary: and my other questions—

Moermond: and you understand this is being deleted? These questions would be for future reference. Let's be expeditious.

Yeary: I didn't understand, I do now. I'm fine. Let's end this call.

**Referred to the City Council due back on 1/25/2023**

**2 RLH TA 22-398** Deleting the Appealed Special Tax Assessment for property at 1370 CARLING DRIVE. (File No. J2302B, Assessment No. 238101)

**Sponsors:** Jalali

Delete the assessment.

No one appeared

Moermond: we have a \$474 total assessment. This is pretty straightforward deletion, can you describe why?

Staff report by Supervisor Joe Yannarely: this was emergency abatement to break down a door to render aide to a victim of a medical emergency in an apartment building.

Moermond: it is our practice to delete assessments on welfare checks.

**Referred to the City Council due back on 1/25/2023**

**3 RLH TA 22-395** Ratifying the Appealed Special Tax Assessment for property at 284 MAPLE STREET. (File No. VB2302, Assessment No. 238801)

**Sponsors:** Prince

Reduce assessment from \$2,284 to \$1,142.

Ty Lawrence, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this is a Vacant Building fee. The house entered the program February 7, 2020 on condemnation. It has been rehabbed as of

October 21, 2022. This was the prospective fee from Feb 2022 to Feb 2023. Been in the program 8 months of this year. Total proposed assessment of \$2,284.

Moermond: tell me about what has been going on since we spoke last Mr. Lawrence?

Lawrence: it has continued to be a complete nightmare, mainly due to inability to access materials. I had to terminate a previous contractor because they were taking too long. The inspector even told me they weren't getting communication from the HVAC contractor. I went to another contractor. They too had issues with materials. I tried to work it out as much as I could with the inspector and team so everyone was in communication. I don't mind paying the fee but I am double paying fees due to vandalism. We finally reached the finish line. I'm just looking for some type of support, but if the City decides to go another way I'm all ears.

Moermond: it does look like we have a late pull on the mechanical and warm air, August of 2022 while the rest of your permits were pulled in large during 2021. That is a real difference and matches what you said. In most cases I would say the fee we are talking about applies from February 2022 to February 2023. You've been in the program 8 and a half months because the file was closed October 21. I understand contractor and supply problems. If it would have been six months or less I'd look at prorating. Given the issues and that the other permits were pulled in a timely fashion I'm going to recommend this is cut in half and treated as if it was in the program for half a year. If you want to look for more we can get you that information, it is also on the back of your assessment letter.

Lawrence: I totally understand. Any relief is appreciated. I'm grateful for the time you are taking.

Moermond: so it will be \$1,142 less than it would have been.

**Referred to the City Council due back on 1/25/2023**

**4**      [RLH TA 22-370](#)      Ratifying the Appealed Special Tax Assessment for property at 779 RAYMOND AVENUE. (File No. VB2301, Assessment No. 238800)

**Sponsors:**      Jalali

Layover to LH January 3, 2023 at 9 am to see permit status for possible proration of fee. (CPH Jan 11, 2023)

Angie Peirach, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this is a Vacant Building fee that covers the period from March 31, 2022 to March 31, 2023. A 90-day waiver was given March 22 to June 30 by the Hearing Officer to allow for completion, which hasn't happened. This is for an assessment of \$2,616.

Moermond: when last we spoke at the end of March I recommended a 90-day waiver knowing you wouldn't finish but that would have smoothed things over with permits. We knew we'd be talking about potentially prorating the fee if you could get the work done more quickly. I looked at your permits, but I'd like to hear about how the project is going and your timeline.

*Pierach: I couldn't recall if I had paid the previous year. I feel like this is the second go around.*

*Moermond: it is.*

*Pierach: so, I've already paid the full \$2,000? I wanted to clarify that.*

*Moermond: yes, it is an annual fee.*

*Pierach: we had a delay with getting our permits pulled. I have been in touch with our City Council person this summer. We had 3 rounds of revisions for plan review. Some were minor, but every time we had to go back it was another 4 weeks of waiting. So a 30-day process took 3 and a half months before we could even start. We were hopeful in March that we would be open this fall. That's why the 90-day waiver made sense then. We had everything to the City in early May. 3.5 months of delays. We finally got permits after I contacted the City Council. Then another month to get utility permits. I had to go to the office myself and deliver the check, and then follow up. The application was lost. That was another month delay. The good news is we've made a lot of progress in the last 2 months. We have utilities in, great weather to do the demo. We've had good luck with contractors. Racing the clock to get everything in shape so we don't have to do much in the winter. Our projected opening is the end of month, with a soft opening for a month. If you would have told me wouldn't be open this fall I would have said no way. We had such a hard time getting permits. I know they were short staffed. As a small business owner trying to get this going, I'm getting penalized for something I had no control over. Every dollar is critical right now because we're paying for over 2 years to get this going.*

*Moermond: and I would note that I'm sympathetic that I know DSI has been slammed. I just want to note you went in the Vacant Building program in March of 2021. But you didn't apply for your first permits until January 2022. You've kind of done a self-imposed delay of 10 months before you even started knocking on the City's door. I know you applied for site plan originally in February. I see you pulled an interior demo permit in March. Alarm permits in May. Then we have plumbing and warm air in rapid succession in June and July. Then water sewer in September. I assume that's when the Council office was involved. I don't know what the Department's hold up was or what the contractor's put in their application and that interaction. What I can tell you is that I'm looking at, as of today, you being in the program for 7 out of 12 months. By the time this goes to Council in January it will be 10 and a half months out of 12. I would like to look at this the beginning of January, right before City Council. I can find out more from the Department on what the delays were. Then the Council could give some consideration for prorating it, but I will tell you that 10 and a half months rarely would have the fee prorated. It also involves you having your Certificate of Occupancy in hand at that point. If you were to be credited with 3 months in January, that may get it cut in half. That's the most I'd be looking for at this point. I'll revisit this January 3 at 9 am we will look at this, it goes to Council Public Hearing January 11.*

*Pierach: that sounds great, thank you.*

**Laid Over to the Legislative Hearings due back on 1/3/2023**

**5**      [RLH TA 22-390](#)

Ratifying the Appealed Special Tax Assessment for property at 984 TUSCARORA AVENUE. (File No. VB2302, Assessment No. 238801)

**Sponsors:**            Noecker

*Layover to LH January 17, 2023 at 9 am to check on permit status for possible proration of fee. (CPH Jan 25)*

*Grace De Jong, owner, appeared via phone*

*[Moermond gives background of appeals process]*

*Staff Report by Supervisor Joe Yannarely: this is a Category 1 fire Vacant Building opened March 15, 2022. Given an automatic 90-day waiver. Total proposed assessment of 2,616 has kicked in. Four active permits pulled recently.*

*Moermond: what is going on?*

*De Jong: it was an electrical fire that destroyed the whole house and made it uninhabitable. It was boarded that day so it has been secure since. I have been working with my insurance company ever since. I also secured a mitigation company within the first few weeks. It hasn't gone as fast as I would have liked. The mitigation process just finished a month ago. They were doing the work to make sure to see how much they had to get rid of to make it habitable. As they got deeper they found out they needed to gut the entire inside. Exterior walls were ok but everything inside needed to be gutted. After they determined that and they did all the oxygenation and things to make sure the space was ready for repair they started to work on those repairs. I've been checking on it regularly and been in different air Airbnb's. Most recently just a few blocks away. I'm checking in weekly and in contact with the contractors frequently. Contractors are in there most days due to the work being done. It is secured by locks but people are in most days. The neighbors have my contact information to reach me. They say work should be done by the end of the year. I'm hoping that is true. I was initially told end of September. Permits have been pulled and seem to be moving along better. I feel like with all the costs with me having to be out of my home this fee is a burden on top of everything else.*

*Moermond: have you talked to your insurance company about paying this fee?*

*De Jong: I haven't.*

*Moermond: they typically would cover this. I know things are moving as fast as they can when insurance companies are involved. That slows things down. That's why there is that automatic 90-day waiver, to give credit for that. Normally with fire damaged structures I see them in the program for a bit over a year. They usually end o with one year's worth of fee and we can almost always get them out from the second year's fee. If you're out by end of year that's super positive. What I see now, you'll have been in the program for 7.5 months out of the billable year as of today. This has a Public Hearing in January at which point it will be 10 months out of 12. If you are able to get out of the Vacant Building program by end of year we're still 9 months in. If I were you I'd bring the fee to my insurance company and see if they will cover it. I'm willing to look at this again but I would only be able to help in the slightest bit, if at all. Know we could work on not having a fee at all if there are any delays, for next year. Let's see if you can get things done and we can talk again the beginning of January and see where things are. Then we can talk about current information. Let's talk again January 17. We'll email confirming this. In the meantime, definitely talk to your insurance company. I can't get you out from being in the Vacant Building program.*

*De Jong: I know we're maxing out my coverage. I did submit the boarding fees, but it is all part of one lump sum.*

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Laid Over to the Legislative Hearings due back on 1/17/2023

- 6      **RLH TA 22-385**      Deleting the Appealed Special Tax Assessment for property at 120 WINONA STREET EAST. (File No. VB2302, Assessment No. 238801)

Sponsors:      Noecker

*Delete the assessment.*

*No one appeared*

*Moermond: in reviewing this, we saw that the property was only in the program for 2 out of the 12 months before it got its Code Compliance certificate. We called the owner and let him know, we had our Spanish speaking staff call him. He's been notified it is going to be deleted.*

**Referred to the City Council due back on 1/25/2023**

## 10:00 a.m. Hearings

### Special Tax Assessments

- 7      **RLH TA 22-369**      Ratifying the Appealed Special Tax Assessment for property at 277 AURORA AVENUE. (File No. J2301E, Assessment No. 238300)

Sponsors:      Balenger

*Approve the assessment.*

*Joe Prescott, owner, appeared via phone*

*[Moermond gives background of appeals process]*

*Moermond: we have two assessments, one for activity in May up to May 23, and May 23 through June 21. We'll talk about the first one and then the second. The first assessment includes four separate bills.*

*Staff report by Supervisor Lisa Martin: the date of the orders was April 13, 2022, noncompliance with Excessive Consumption's issued April 28, May 4, May 6, and May 17 2022. Work was done September 21 by owner. Several work orders at the issues. Literally too many orders to list, 10 or so a year since 2018. Total proposed assessment of \$531. Photos are attached to the file.*

*Moermond: so we have a vehicle order and a Summary Abatement Order? The vehicle order was April 13. When was the cleanup issued?*

*Martin: April 13, for cleanup of garbage.*

*Moermond: the inspector to clean up the garbage revisited April 28 and it wasn't done, so we issued a bill instead of sending a crew, for \$122 vs. the larger cost of cleanup. Went back May 4. Another bill. We have 2 other bills in that period and those two Excessive Consumption bills. A bill May 6 for not having the vehicle dealt with and May 17 for not having garbage done with. That's what leads to this large assessment. It sounds like you may be the tenant?*

*Prescott: these are all in my name to pay now, I didn't own the property at this point. I bought it the end of April. I wasn't able to enter the property until May. All of these, I kept putting my name on the mailbox and the Post man kept putting vacant. I started getting them in July and did have the vehicle moved. It is a tenant's vehicle and I'd frankly like some advice on dealing with that situation. That car is moved now. I guess in the tenant's defense he says there are current tabs paid on it. I don't want it there and tried to get it off in a timely fashion once I received the assessments. There is \$1,200 worth of assessments for this car alone.*

*Moermond: you closed April 19, and original orders went out April 13.*

*Prescott: that's probably right. I wasn't able to physically go to the property until early May. I immediately cleaned up the trash. I didn't realize the car was an issue until July.*

*Moermond: I take it these weren't disclosed at the closing in April?*

*Prescott: they were not. As I took possession things really hit the fan it seems like. I'm doing the best I can to deal with it to make things run smoother.*

*Moermond: we have a fourplex here. It was incumbent upon the seller to disclose any pending orders on the property. They probably checked a box indicating they disclosed pending orders. These did exist at that time. That part of it is definitely a private matter between you and the seller and getting the seller to own the responsibility for this.*

*Prescott: in my defense, you don't have much communication with the seller. It is November now; he was an out of state landlord who clearly had issues with the property.*

*Moermond: were you represented by a realtor?*

*Prescott: I was.*

*Moermond: we can send you these orders issued to the previous owner. That is something you and your realtor can communicate.*

*Prescott: there are a couple more coming up. I'm trying to do my part. I wish I would have received notification sooner than July regarding that. Then I have these tenant issues.*

*Martin: this place has been there for some time without plates, in operable. We didn't get this closed out until September 21. It was there since April. I'm glad he's taken control. Our inspectors have spent a lot of time on this*

*Moermond: the City sent notice to the proper legal owner when orders were issued. As soon as the address was updated with the County you began to get notification as well. That takes a couple of months. Again, the responsible party for disclosing these orders lies with the seller and that is a private matter between the two of you. The condition existed, notice was provided to correct legal party, and they continued to exist for a long time. I hate to say it, but you bought a property with some history of Code issues and this is part of the cleanup on it. I have notes from staff that since 2018 it has had more than 10 orders every single year.*

*Prescott: I'm not surprised.*

Moermond: that's 40 orders in 4 years. The seller should have been hyper aware of things going on and been disclosing them. I'm thinking you, as the owner, are responsible for the assessment. The extent to which the assessments happened prior to you receiving notification to the bills you would have to work out with the seller. Assessments prior to the bills lie with you. I'm inclined to recommend approval of these assessments. I encourage you to reach back with the tools you have to have the seller accountable.

Prescott: ok. That's fine. All I can say is you probably won't hear from me in the future.

Moermond: I am glad to hear that. I'm sorry I couldn't be more helpful today.

**Referred to the City Council due back on 1/11/2023**

**8 RLH TA 22-380** Ratifying the Appealed Special Tax Assessment for property at 277 AURORA AVENUE. (File No. J2302E, Assessment No. 238301)

Sponsors: Balenger

Approve the assessment.

Joe Prescott, owner, appeared via phone

[Moermond gives background of appeals process]

Moermond: we have two assessments, one for activity in May up to May 23, and May 23 through June 21. We'll talk about the first one and then the second. The first assessment includes four separate bills.

Staff report by Supervisor Lisa Martin: the date of the orders was April 13, 2022, noncompliance with Excessive Consumption's issued April 28, May 4, May 6, and May 17 2022. Work was done September 21 by owner. Several work orders at the issues. Literally too many orders to list, 10 or so a year since 2018. Total proposed assessment of \$531. Photos are attached to the file.

Moermond: so we have a vehicle order and a Summary Abatement Order? The vehicle order was April 13. When was the cleanup issued?

Martin: April 13, for cleanup of garbage.

Moermond: the inspector to clean up the garbage revisited April 28 and it wasn't done, so we issued a bill instead of sending a crew, for \$122 vs. the larger cost of cleanup. Went back May 4. Another bill. We have 2 other bills in that period and those two Excessive Consumption bills. A bill May 6 for not having the vehicle dealt with and May 17 for not having garbage done with. That's what leads to this large assessment. It sounds like you may be the tenant?

Prescott: these are all in my name to pay now, I didn't own the property at this point. I bought it the end of April. I wasn't able to enter the property until May. All of these, I kept putting my name on the mailbox and the Post man kept putting vacant. I started getting them in July and did have the vehicle moved. It is a tenant's vehicle and I'd frankly like some advice on dealing with that situation. That car is moved now. I guess in the tenant's defense he says there are current tabs paid on it. I don't want it there and tried to get it off in a timely fashion once I received the assessments. There is



\$1,200 worth of assessments for this car alone.

Moermond: you closed April 19, and original orders went out April 13.

Prescott: that's probably right. I wasn't able to physically go to the property until early May. I immediately cleaned up the trash. I didn't realize the car was an issue until July.

Moermond: I take it these weren't disclosed at the closing in April?

Prescott: they were not. As I took possession things really hit the fan it seems like. I'm doing the best I can to deal with it to make things run smoother.

Moermond: we have a fourplex here. It was incumbent upon the seller to disclose any pending orders on the property. They probably checked a box indicating they disclosed pending orders. These did exist at that time. That part of it is definitely a private matter between you and the seller and getting the seller to own the responsibility for this.

Prescott: in my defense, you don't have much communication with the seller. It is November now; he was an out of state landlord who clearly had issues with the property.

Moermond: were you represented by a realtor?

Prescott: I was.

Moermond: we can send you these orders issued to the previous owner. That is something you and your realtor can communicate.

Prescott: there are a couple more coming up. I'm trying to do my part. I wish I would have received notification sooner than July regarding that. Then I have these tenant issues.

Martin: this place has been there for some time without plates, in operable. We didn't get this closed out until September 21. It was there since April. I'm glad he's taken control. Our inspectors have spent a lot of time on this

Moermond: the City sent notice to the proper legal owner when orders were issued. As soon as the address was updated with the County you began to get notification as well. That takes a couple of months. Again, the responsible party for disclosing these orders lies with the seller and that is a private matter between the two of you. The condition existed, notice was provided to correct legal party, and they continued to exist for a long time. I hate to say it, but you bought a property with some history of Code issues and this is part of the cleanup on it. I have notes from staff that since 2018 it has had more than 10 orders every single year.

Prescott: I'm not surprised.

Moermond: that's 40 orders in 4 years. The seller should have been hyper aware of things going on and been disclosing them. I'm thinking you, as the owner, are responsible for the assessment. The extent to which the assessments happened prior to you receiving notification to the bills you would have to work out with the seller. Assessments prior to the bills lie with you. I'm inclined to recommend approval of these assessments. I encourage you to reach back with the tools you have to have the seller accountable.

Prescott: ok. That's fine. All I can say is you probably won't hear from me in the future.

Moermond: I am glad to hear that. I'm sorry I couldn't be more helpful today.

**Referred to the City Council due back on 1/25/2023**

**9 RLH TA 22-366** Ratifying the Appealed Special Tax Assessment for property at 928 FLANDRAU STREET. (File No. J2301E, Assessment No. 238300)

Sponsors: Yang

Approve the assessment.

Zamzam Anshur, owner, appeared via phone  
Interpreter from Language Line appeared via phone

[Moermond gives background of appeals process]

Anshur: I just got the paper and I don't know what it is, I just want you to tell me what it is.

Moermond gave staff report: April 29, 2022 a Summary Abatement Order was issued to remove a door that was propped against the garage that looked like garbage. You were given to May 9th to remove it and it wasn't removed by deadline. At that point the inspector can decide whether to issue a bill to pay for the trip or call out a work crew to remove the door. The inspector decided to issue a bill for his trip versus the larger cost of calling out a crew. It was gone when rechecked May 24. I see there have been 3 letters sent, do you understand the orders sent by the City? I'm wondering since you have had several orders the last few years and I don't know why. I'm wondering if you have someone to read the orders to you since you don't understand English?

Anshur: I got the paper but I didn't understand why and how much it would cost.

Moermond: the cost was originally \$124. When it was processed as an assessment a \$35 service charge was added so the total assessment today was \$139.

Anshur: I saw the \$159. I would have paid it off, but when I called they said it was \$700. I'm confused.

Moermond: we'll check to see about other pending assessments. It looks like there was an assessment levied on the property September 7, 2022 for \$586. That was for a cleanup. That assessment wasn't appealed like the one today was.

Anshur: what is that for exactly?

Moermond: a property cleanup that would have happened in the first two weeks of March, 2022.

Anshur: I bought the property in March but didn't move in until May.

Moermond: for the cleanup that was done April 12, there was a large pile of garbage outside the garage. That letter was addressed to you at this address. It was sent April 1, and the crew did the work April 12. That's why the expense for this cleanup. I understand you may not have moved in at this point. I see you closed on the property

February 22. The notice did go to you at your address of record.

Anshur: so the \$500 is for the large garbage pile?

Moermond: that is correct. Because the work wasn't done on time and it was the second violation in such a short period of time, I'm going to recommend the Council approve this assessment.

Anshur: how much do I owe? Because I can pay this one but the other one is a lot of money.

Moermond: I can ask the Council to make that payable over 3 years if that is helpful. You would pay one-third every year for 3 years.

Anshur: ok. How do I pay it?

Moermond: we can send a link to your email.

[Note: no follow - up email sent as assessment had already been paid prior to sending the email - JZ 11/17/22]

**Referred to the City Council due back on 1/11/2023**

**10 RLH TA 22-382** Ratifying the Appealed Special Tax Assessment for property at 1374 ARLINGTON AVENUE WEST/ 1437 SHELDON STREET. (File No. J2304A, Assessment No. 238503)

Sponsors: Jalali

Approve the assessment.

Alex McLane, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: this was a Summary Abatement Order notice to cut tall grass and weeds issued July 13, 2022 to owner and occupant. We did a reinspection on July 17; it was not done. It was done July 21, 2022. We do have before and after videos. Total assessment of \$322.

McLane: that seems quite expensive to cut tall grass with a trimmer.

Moermond: so the first thing is it is expensive. Tell me more.

McLane: I don't think this was carried out properly. The grass was around 8 inches on the boulevard and side hill. We had a drought this summer so I was growing it out so the turf grass would be deeper and have a better chance of surviving. Unfortunately, this was shaved down to the bare minimum. Much lower than a healthy grass length. Choosing to cut the grass was a mistake and was not helpful for the turf grass health in general. Right now I am dealing with dead grass.

Moermond: I would disagree when I see the videos and photos, it is easily a foot tall and has definitely gone to seed. It is largely yellow. I think if you would have made an effort to reduce it that may have helped. I think lawn care professionals I do think agree it is better to keep grass taller in dry weather. I don't think they mean this tall. I

usually hear 4 to 6 inches. I didn't get an appeal of this order--

McLane: can I ask a question about the length? When you say over a foot tall are you describing the longest of the blades or just the average of all the turf grass combined?

Moermond: I am looking at a photo of a clip board being held on the ground and the grass being several inches taller than the clip board. The clip board is 12 inches tall. The grass exceeds that. That area appears to include about 2 square yards. Then there are photos of a larger area that mirror that.

McLane: I'm not sure if the picture is showing the average of all grass blades within the clip board? Or just the tallest?

Moermond: they don't measure all the individual grass blades. Are you asking them to measure all the individual grass blades, sir?

McLane: are you describing it is over 8 inches tall based on a couple of grass blades among the average of the turf? Or just because you see one grass blade over 8 inches so you are describing "the grass", as in all the blades are over 8 inches?

Moermond: without counting I see hundreds of grass blades over the height of the clip board.

McLane: is that over the average of grass blades cut during this visit?

Moermond: this area I am looking at was cut during the visit. The hundreds are in the 2 square yard area where I have high level of focus in the photo.

McLane: I'm just not sure if the code enforcement was based on the average of grass blades or the number of blades over the 8" limit.

Moermond: I see the grass at the property being well over a foot tall for the entire front area that was mowed. Certainly, the Council could look at this differently. In my assessment the order was correctly issued and the action taken was appropriate to reduce the grass height. You had the opportunity to decrease the height of the grass or water it to keep it healthy. I know it hasn't rained in September and October.

Martin: I just want to note there is an open file with 6 pending Excessive Consumptions for excavation with no explanation. We've issued orders for noncompliance. We have quite a bit coming forward.

McLane: I'm sorry but where is the explanation needed for excavation? Is there an amount of dirt that is needed to inform the City of an excavation? What if the excavation is related to the structural integrity of the property? This is only 10 years I've had this lawn and property, and the house is over 100 years old. I believe what I am doing is for the benefit of the property long-term. This "extensive consumption" is based on unclarified bias being implemented on the City code.

Moermond: the answer to your question is embedded in your statement you just made pertaining the excavation related to structural stability of the building which would automatically require a building permit. Additional questions on when permits are required I would direct you to the City's senior building inspector Nathan Bruhn.

McLane: I have a private building inspector who told me the grade of the building was

wrong. You are telling me I need to have a permit to correct it rather than correcting it before winter and the massive snow melts and rainstorms that will flood the basement and make the entire building moldy and must. You are telling me I need a City permit to correct that?

Moermond: when you said it had to do with the foundation and you've dug out areas of the foundation that appears to be the case. I was referring you to the senior building inspector for his professional advice. This was not in front of me this morning. I gather Ms. Martin brought it up as an informational point.

McLane: I have a private sector inspector. I don't know why I would need a City inspector to tell me what a private inspector told me in October of 2020.

Moermond: your private inspector should know that if they need a permit. You may have double fees unless you proactively approach this. I am not going to give the final answer on whether you need one. I do believe you do. The person to answer that best is Nathan Bruhn. We have your email and we will send you his contact information so you can confirm what is required for the work you are doing.

McLane: in the meantime, can I structurally improve—

Moermond: this is not in front of me this morning. It makes sense to do follow up on it. I've given you contact information. With respect to what is in front of me I will recommend approval of that assessment. You can testify in front of Council or provide additional information. Information is how to do so on the notification of this hearing you receive.

McLane: can the City Council issue me a credit for the damage done to the turf grass this summer?

Moermond: no, you would have to file a claim against the City for damage you believe done by City action. What is in front of Council is the charge for the nuisance abatement. You can find that claim form on the City Clerk's website. Other questions?

McLane: I don't have questions at this time. I do know that the City Code requires an 8-inch grass limit. I'm wondering if that applies to every grass blade, the average, or individual blades that exceed the 8-inch limit.

Moermond: my recommendation to the Council is that you are substantially out of compliance. They may interpret the evidence differently. That is the next level. Anything else?

McLane: I do not have anything else at this time and I am not going to pay this invoice because I do not believe that the average number of grass blades exceeded 8 inches.

Moermond: so that you are clear, this will become an assessment onto your taxes if it is approved by the Council. That is how that works. Your public hearing is January 18. Have a good rest of the day.

McLane: I think it is an unfortunate recommendation that you have come to today.

**Referred to the City Council due back on 1/18/2023**

PROSPERITY AVENUE. (File No. J2304A, Assessment No. 238503)

Sponsors: Yang

Approve the assessment.

Hussein Abdullahi, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: June 27 orders were issued to occupant and owner to remove couch and refuse from behind building. Compliance date of July 5. Rechecked July 7. Work was done July 11. There is a large history here. Photos and videos showing the cleanup.

Moermond: why are you appealing?

Abdullahi: I have this history with Summary Abatement Order and I do take them seriously. I knew the gravity of the situation when we were getting those letters. I know why the City does what they do. The issue is the tenant was moving into the unit and they couldn't get the black couch in. I was communicating with them even before the letter was sent. I told them the City would clean it up and it would cost a lot. I also know they can put it on the curb and I can get Aspen to pick it up. The tenant was insisting that their family was going to take it and that they had recently purchased it. I genuinely was proactively trying to mitigate and handle the issue. The tenant wasn't aware of the gravity of the situation even though I constantly reminded them of it. I'm not asking for the fee to be deleted, just reduced. We could have done something differently, I know. I know the City did it and did reminders.

Moermond: you live there?

Abdullahi: we recently moved out.

Moermond: I have to say that there have been so many orders on the property that you would have understood exactly what the order required and didn't comply with it. The deadline was a 10-day window between orders and compliance date, and work wasn't done until 4 days after that. A full 2 weeks. I'm not incline for it to be reduced. There was a cost and it isn't the first time. I'll recommend approval but the Council may look at it differently.

Abdullahi: that's ok. I understand. It is what it is.

Moermond: we'll send you the form to update for the Certificate of Occupancy program so they have your contact information.

**Referred to the City Council due back on 1/18/2023**

12 RLH TA 22-396 Deleting the Appealed Special Tax Assessment for property at 981 UNIVERSITY AVENUE WEST. (File No. J2301P, Assessment No. 238400)

Sponsors: Balenger

Delete the assessment (waiver on file).

No one appeared

Moermond: we are deleting the assessment for graffiti cleanup because a waiver is one file for this but assessment was processed anyway.

**Referred to the City Council due back on 1/25/2023**

**13**     [RLH TA 22-368](#)     Ratifying the Appealed Special Tax Assessment for property at 615 REANEY AVENUE. (File No. VB2301, Assessment No. 238800)

**Sponsors:**     Brendmoen

Layover to LH January 3, 2023 at 9 am to see permit status for possible proration of fee. (CPH Jan 11, 2023)

John Schoenfelder, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: this was the cost of the Vacant Building registration. Revoked in 2019. Total proposed assessment of \$2,616. Letter sent May 6, warning letter June 6.

Moermond: I have the file being opened May 5, 2022. I think the one you mentioned was prior and closed.

Schoenfelder: I am not a professional landlord. I bought this many years ago now. I had it for a while, moved out when I married, rented it since 2004 or 2005. 3 years ago, I had Renter's Warehouse take over. We had a Section 8 gal in the lower level. I managed the apartment upstairs. I have never been through this process before. We've had inspectors in, do the repairs, and move forward. This process of not getting in and losing the Certificate of Occupancy. This is new for me and I didn't know the options. Back in May we were trying to get in and due to Covid we didn't have a lot of access. Both lower and upstairs were hoarders. Completely full. It took two and a half dumpsters. It's a 700 square foot apartment upstairs. No way to do the inspections or repairs. It was limited during Covid and we couldn't evict. All I could do was send letters and requests. I think we lost the Certificate because the inspector couldn't get in upstairs. These people finally left in July and we were able to clean out the upstairs and do the repairs. That's where things are at. I didn't know I had the option to appeal in June. Just unaware and I'm sorry about that. I have a job I go to every day and I this is very much a part time thing. I'm asking the Council to un-revoke the Certificate of Occupancy so I can rent it again.

Moermond: why didn't you appeal that then? I am not sure you are interpreting Covid restrictions appropriately, but that is kind of water under the bridge

Schoenfelder: is it though? Because I'm still dealing with it.

Moermond: what I have in front of me is the fee for being a registered Vacant Building since May 2022 which is well after those restrictions expired. You could have gotten advice on how to deal with it but you knew you had a hoarder upstairs. The appointment letters were over a course of six months. It started November 2021 and it wasn't revoked until May 3, 2022. That ordered the property vacated. That is quite a long time to be in that process. It does appear the revocation facilitated getting the tenants out. At this point the main question is whether or not you are required to have

*the full Code Compliance Inspection or whether a Certificate of Occupancy inspection would suffice to make it rentable again. Under the Code orders as they were written you are a Category 2 Vacant Building which means you need the Code Compliance Inspection Report generated. It appears that hasn't been done?*

*Schoenfelder: I called for that and was told by Inspector Thomas that he wasn't involved in that and that Matt Dornfeld would get it. Dornfeld said Thomas was the inspector. I kept getting transferred back and forth. It isn't a simple process for someone who doesn't deal with it every day. I've tried multiple times to get the paperwork to do the inspection.*

*Martin: back in 2004 we had a complaint the owner never lived at the property. The first Certificate of Occupancy was in 2007. There is a huge history and tons of letter. He's had since 2004 dealing with Fire Inspections. This is a Category 2 Vacant Building.*

*Moermond: it sounds like you've been working on it to address the issues in the Fire Certificate of Occupancy letter. It looks like a couple of these orders would need a permit.*

*Schoenfelder: that was done under permit. I confirmed with the inspection office that was done.*

*Moermond: there is the dryer issue.*

*Schoenfelder: they aren't usable. The tenant's destroyed them. Easiest fix is to remove it but the coin operator doesn't work.*

*Moermond: the Vacant Building fee is in play and appropriate. Nothing was appealed. So here we are six months into the billable year. May 2022 through 2023. I'm struggling with you not understanding the process. Usually, the Vacant Building registration is a catalyst for action because of the fee.*

*Schoenfelder: again. I don't have a lot of background in this. I didn't know you could appeal. To me appealing means I could remedy it and we could forgo it, which I wasn't able to do.*

*Moermond: it says you may file an appeal to this fee. It doesn't say anything about having taken care of the Code issues. The question of whether a Code Compliance Inspection is required, I don't have Fire Certificate of Occupancy people on the line which I would look for.*

*Martin: because of its long history I would recommend that it needs a Code Compliance Inspection.*

*Moermond: I am inclined to agree especially since an inspector hasn't even laid eyes on the upstairs unit. I would look at prorating this if you have your Code Compliance Certificate issued by that date. I'll look at this January 3 so we have current information on it. Get on top of these inspections you've known about since May.*

**Laid Over to the Legislative Hearings due back on 1/3/2023**

- 14 RLH TA 22-406** Ratifying the Appealed Special Tax Assessment for property at 1671 UNIVERSITY AVENUE WEST. (File No. J2301P, Assessment No. 238400)



**Sponsors:** Jalali

*Delete the assessment (waiver on file).*

*No one appeared*

*Moermond: we are deleting the assessment for graffiti cleanup because a waiver is one file for this but an assessment was processed anyways.*

**Referred to the City Council due back on 1/25/2023**

### Special Tax Assessments-ROLLS

- 15 RLH AR 22-99** Ratifying the assessments for Collection of Vacant Building Registration fees billed during January 10 to June 20, 2022. (File No. VB2302, Assessment No. 238801)
- Sponsors:** Brendmoen
- Referred to the City Council due back on 1/25/2023**
- 16 RLH AR 22-100** Ratifying the assessments for Securing and/or Emergency Boarding services during July 2022. (File No. J2302B, Assessment No. 238101)
- Sponsors:** Brendmoen
- Referred to the City Council due back on 1/25/2023**
- 17 RLH AR 22-101** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during August 6, 2021 to June 20, 2022. (File No. CRT2302, Assessment No. 238201)
- Sponsors:** Brendmoen
- Referred to the City Council due back on 1/25/2023**
- 18 RLH AR 22-102** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during May 23 to June 21, 2022. (File No. J2302E, Assessment No. 238301)
- Sponsors:** Brendmoen
- Referred to the City Council due back on 1/25/2023**
- 19 RLH AR 22-103** Ratifying the assessments for Graffiti Removal services during June 23 to August 10, 2022. (File No. J2301P, Assessment No. 238400)
- Sponsors:** Brendmoen
- Referred to the City Council due back on 1/25/2023**

**11:00 a.m. Hearings**

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**Summary & Vehicle Abatement Orders****20**    [RLH SAO 22-48](#)    Appeal of Daniel Feess to a Vehicle Abatement Order at 952 EUCLID STREET.

**Sponsors:**        Prince

*Layover to LH Nov 8, 2023 at 11 am. Staff to measure vehicle/trailer and distance from buildings/ROW/lot lines.*

*Daniel Feess, owner, appeared*

*[Moermond gives background of appeals process]*

*Staff report by Supervisor Lisa Martin: October 10, 2022 a Vehicle Abatement Order was issued to owner and occupant at this address. Trailer with no plates. It looks more like a job site trailer. It is on wheels. No plates. A rolling office.*

*Moermond: tell me about what is going on?*

*Feess: I purchased it with the intent to convert it into a fish house to use up north. I need time to condition it. Then I will be moving it. I don't know if I need to get it plated as an RV. I haven't looked into that process yet.*

*Moermond: in terms of this being a vehicle, tell me about your conclusion. I guess I may have called it as mobile home, trailer home.*

*Martin: it does look like a trailer home but because it is on wheels we listed it as a vehicle. It is oversized and wouldn't be allowed in a residential neighborhood.*

*Feess: it isn't permanent. My goal was to have it done by May 30, my wife's birthday. I just need time to convert it and then I'll be moving it in the spring. Is there a variance or something available to me? It would help me out tremendously.*

*Moermond: are we in code section 167?*

*Martin: 151.02.*

*Feess: I don't know it is overweight.*

*Moermond: commercial vehicle shall include any bus or commercial truck, as herein defined, or any vehicle designed or modified to serve purposes other than the transportation of persons or as licensed under Chapter 158. A commercial vehicle shall not include public utility vehicles, authorized emergency vehicles and/or those vehicles currently owned and operated by federal, state, and local governmental subdivisions.*

*Feess: it isn't a bus. I want to make it into an RV and tag it as such.*

*Moermond: do you have measurements on this Ms. Martin?*

*Martin: I do not.*

*Feess: my neighbors are ok with it and understand my plans.*

*Moermond: it does qualify as an overweight vehicle. Any vehicle, with or without load, which weighs more than six thousand (6,000) pounds or is registered for a gross weight of more than nine thousand (9,000) pounds or is greater than twenty-two (22) feet in length and/or seven and one-half (7½) feet in height. This definition includes but is not limited to semi-trailers, tow trucks, buses, limousines, tractors, construction equipment or similar vehicles. This definition excludes licensed, operable recreational vehicles (RV's).*

*Feess: so shorter RV's can be on residential properties*

*Moermond: storage of RV's are ok as long as they're on a legal parking surface. I am a little concerned that this isn't mentioned, but it looks like it may encroach on the public right-of-way.*

*Feess: that is incorrect.*

*Moermond: just from the photos it appears the asphalt is dry under the trailer. The asphalt is wet. So the trailer is covering part of the alley.*

*Feess: the inspector didn't have an issue with its positioning.*

*Moermond: he didn't write orders.*

*Feess: is there a possibility to grant me some time?*

*Moermond: you want all the way to May and that isn't going to happen. I'm not crazy about the positioning of it.*

*Feess: my neighbors are ok with it and it doesn't impede the alley.*

*Moermond: you can't encroach on the alley either. The photo shows that it does.*

*Feess: it is an optical illusion ma'am. I'm not lying to you.*

*Moermond: I understand.*

*Martin: no vehicle should be parked in an alley within 5 feet from any driveway or garage entrance.*

*Moermond: ok.*

*Feess: I just need some time and I don't see it as a kind of hindrance. My neighbors have all checked in. It would really help me and my family to do this. It is hard for me to impart the importance of me being able to do this as part of running my life. It will allow me to get some stuff out of my house and go up north. I never intended it to be permanent.*

*Moermond: can you get staff out to take photos of where it exactly is positioned and its distances from structures and property lines and I'd like measurements of the length, height, and width. I'll lay this over for a week to get that information before giving a recommendation.*

*Feess: as far as working with me on this what is your initial thought?*

*Moermond: I don't want to say anything without all of the facts and information in front of me. I don't want to give a preliminary conclusion based on new facts.*

**Laid Over to the Legislative Hearings due back on 11/8/2022**

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

- 21**     [RLH SAO 22-49](#)     Making finding on the appealed nuisance abatement ordered for 913 JOHNSON PARKWAY in Council File RLH SAO 22-47.

**Sponsors:**     Yang

*The nuisance is not abated.*

*Joseph Dalbec, owner, appeared via phone*

*Moermond: as you know the purpose of today's hearing was to determine whether or not the property was cleaned up and get that information to the Council for their consideration next Wednesday. It was to be cleaned up by October 25. Inspectors went by to check on in.*

*Staff update by Supervisor Lisa Martin: they have made a small attempt to get things done. It is still quite a mess. Someone working on a vehicle. Not in compliance*

*Dalbec: the vehicle is gone now. I've cleaned up the alley. I'm picking up the back yard.*

*Moermond: the answer to whether it was done by October 25. You are saying it is close now. They will look at this November 9. I will tell them no it wasn't done so they can authorize a crew to go out November 10 to clean up what remains. If it is done by then that means there is no work for the crew to do, which is good for you. You are getting a couple extra weeks beyond your deadline. Ms. Martin, can you send an inspector out the morning of November 9.*

*Dalbec: everything should be done; it is nice weather.*

*Moermond: that sounds good. Ms. Martin?*

*Martin: yes, we will go take a look.*

*Moermond: then the Council will have up to date information on whether to send a crew out or not.*

*Dalbec: as long as we keep at it I don't see why there should be a problem*

*Moermond: well, you have until close of business November 8, or the City will finish the job.*

*Dalbec: I don't want that to happen.*

*Moermond: this goes to Council next Wednesday at 3:30. We will send you a follow-up letter.*

*Dalbec: yes, so I know what is going on.*

**Referred to the City Council due back on 11/9/2022**

## 1:00 p.m. Hearings

### Vacant Building Registrations

- 22 [RLH VBR 22-48](#) Appeal of Elizabeth Klimmek (Sibet), representing Sibet Renovations LLC, to a Vacant Building Registration Notice at 227 FULLER AVENUE.

**Sponsors:** Balenger

*Grant the appeal and release the property from the VB program.*

*Elizabeth Klimmek (Sibet), owner of Sibet Renovations, LLC, appeared via phone*

*Moermond: we're following up on the materials you provided to demonstrate you are an owner occupant of the property. I've seen your emails and I will ask staff for feedback and we'll talk to you about anything of concern and come to a conclusion today.*

*Supervisor Mitch Imbertson: based on the documentation provided I think we are seeing evidence the appellant does live at the property and claiming it as a primary residence. The concern is that the property is still owned by the LLC. I don't know the ownership of the LLC itself, but we wouldn't typically consider property as owner-occupied when it is owned by a company, even if the resident of the property is associated with the same company.*

*Moermond: I am satisfied you have moved in there. What Mr. Imbertson was talking about, how the property is owned by an LLC rather than specifically by you. The question then being can you be an owner occupant of a property owned by an LLC, even if it is your LLC. That's a distinct entity owning the property. The Fire Certificate of Occupancy program normally requires there be a change in ownership registered with the County Recorder's office to reflect you are the owner rather than the corporation. Are there any outstanding Fire Orders that would be transferred to code or would the file be closed? Mr. Imbertson perhaps you can be of assistance in this?*

*Imbertson: I do not see anything we would be referring to Code.*

*Moermond: so, the file would be closed. I will grant the appeal, and give that recommendation to the City Council, of the Vacant Building registration and with respect to the Fire Certificate of Occupancy program, that can be effectuated by getting the building ownership transferred from the LLC to your name. A 90-day window should suffice. Is that doable?*

*Sibet: I'm sorry, I've been in a long divorce process for 2.5 years so I owned 2 more properties under the LLC. I live in Minneapolis and Maple grove. I forgot that causes those issues. The trial is scheduled for February, but could still be extended another six months. That's my only concern. Within 90 days is ambitious because the trial isn't within 90 days. With the City employee that went there when John lived there, my cousin I understood I can I be renter under Sibet, LLC, even though I am the exclusive president?*

*Moermond: of course, yes. You would become the Fire CFO responsible party on*

behalf of the corporation. You'd have to schedule a follow up inspection. That isn't a problem. We will get you out if the Vacant Building program.

Moermond: How would you like them to make a connection, Ms. Klimmek and the inspector?

Imbertson: if we can reach you at this same contact information that we have for the appeal, I will pass this along to the area inspector.

Moermond: Who Would that be?

Imbertson: Grant Heitman

Moermond: You would be hearing from Grant Heitman. Who is the fire inspector in that area. Your appeal is granted on the Vacant Building registration. Anything else we can help with today?

Sibet: take care.

**Referred to the City Council due back on 11/16/2022**

**23**     [RLH VBR 22-55](#)     Appeal of Desta Foghe, Longano Housing LLC, to a Vacant Building Registration Renewal Notice at 373 NEBRASKA AVENUE WEST.

**Sponsors:**     Brendmoen

Waive VB fee for 90 days (to January 29, 2023).

Desta Foghe, owner Longano Housing, LLC, appeared via phone  
Matt Dornfeld, Vacant Building Program Supervisor, DSI  
Mitch Imbertson, Fire Certificate of Occupancy Program Supervisor, DSI

[Moermond provided background on appeals process]

Staff report by Supervisor Matt Dornfeld: made a Category 2 Vacant Building back in October of 2018. As of this April 13, 2022 a Langdano Housing LLC went through sale review and was approved. We do have a Code Compliance Inspection and all trades permits on file. As of yesterday one note that according to Inspector Whisker he noted a kitchen hood duct was installed to the outside of the house by an unlicensed HVAC contractor. May be some penalties or double fees there.

Moermond: sounds like you are close to being done?

Foghe: HVAC inspections, mechanical and hot air need to finish. There was an old kitchen hood in the house. I didn't understand, I thought I had to buy another one and use the same hole and openings. I didn't know it was a want, not a need. No HVAC company is coming to fix that little thing the HVAC inspector was demanding. I tried everyone, 5 or 6 companies. They were not willing to do such a small job for me. I could have even avoided it but I didn't know I could do that. I am almost done. That is what is holding me up from finishing. I'm going to remove the hood to finish the inspection.

Moermond: people in your circumstance, who have done with an unlicensed contractor, and then seek out another contractor to do the work under permit sometimes have problems. That does happen from time to time. I'm hearing that it won't take very long

to get this taken care of?

*Foghe: one month is what I'm looking for. It won't take that long to do the work but it takes time to find a contractor.*

*Moermond: of course. The renewal date of your Vacant Building fee is October 29, so this is October 29 2022 through 2023. I'll put a 90-day fee waiver in place, through January 29, 2023, and by that point you should have found a contractor and gotten your permits sign offs. If done by then, there will be no Vacant Building fee on the property. Will that be sufficient?*

*Foghe: that would be unbelievable.*

*Moermond: if he has any questions about the permitting for this vent, who is the senior inspector he should talk to in the trades area?*

*Imbertson: Chris Whisker is who noted it, one of our ventilation inspectors but if he cannot speak to Chris directly he can speak to Gary Reinsberg.*

*Moermond: We'll send an email including the recommendation from today and contact information for those people so you can follow up with them about specifics.*

*Foghe: I spoke to him this morning and he gave me two options. We are in agreement.*

**Referred to the City Council due back on 11/16/2022**

## 1:30 p.m. Hearings

### Orders To Vacate - Fire Certificate of Occupancy

- 24**    [RLH VO 22-30](#)    Appeal of Atnafu Yeshidagne to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 510 SNELLING AVENUE NORTH.

**Sponsors:**        Jalali

*Layover Dec 6, 2022 at 1:30 p.m. to discuss preliminary work plan. (Rescheduled to Dec 13 at 2:00 p.m.)*

*Atnafu Yeshidagne appeared*

*Menderen Gebreisadik appeared but did not speak*

*Abay Gebre appeared but did not speak*

*Ben Johnson, NDC, appeared*

*Sarah O'Brien, Hamline Midway Coalition, appeared via phone*

*Moermond: we had a hearing last week and talked a lot about the repairs at the property, a lot of which had permits that weren't pulled. What was necessary to right the ship there. We talked about the restaurant being closed for long-term noncompliance with the Fire Certificate of Occupancy orders. The idea of the hearing today was to begin a plan to right the ship and get the corrections made within a schedule we agree on so the restaurant can remain open, become code compliant, get the money to do so. I made the recommendation the restaurant be allowed to operate for a month while we put together this plan. My expectation is not that the repairs get done in this month, but that we have a plan in place so we have a way to wrap our arms*

around expectations and can follow up on specifics. That's the goal of this conversation. I don't think we will conclude a plan today, but that we would be trying to set parameters around which that plan would be built. We have a conversation about what that plan could and should include and that gets developed and put in writing by you so you have a written proposal the Council can react to. Staff will review it and give feedback and we put together something that makes sense. We agreed we were operating in good faith last week. I know these aren't cheap repairs and also understanding how Covid has impacted the restaurant industry.

Staff update by Supervisor James Perucca: following up from last week, inspector Huseby was going to collect invoices from past work done to help determine whether or not permits were needed for the work pointed out in the revocation orders. Whether permits and inspections were still needed. She did receive two invoices for the property. One from Paul Bunyan plumbing for installation of gas commercial equipment. It doesn't appear all orders were complete. The cable restraints are still needed. We still need a permit. There was a gas plumbing permit pulled but it shows as abandoned for the same time of work.

Moermond: pulled by the same party?

Perucca: yes. Same contractor.

Moermond: so they went online, tried to pull it, and it ended up as abandoned.

Perucca: still needs permit, still needs inspection. This was done October 27. The second invoice is a proposal from Empire Door and Glass regarding exterior front glass door. Proposal for labor and materials dated October 25. No permit for that, it would require one for the building inspector to confirm glass and installation are correct.

Moermond: what is the cost of the Paul Bunyan work and then Empire?

Perucca: Paul Bunyan is for \$297. The glass is \$293.72. Those are the two received by Inspector Huseby. In reviewing the revocation orders, we do have a building permit under the 506 Snelling address or replacing sheetrock and repairing floor in grocery unit. This is active and goes back to October 12. One of the deficiencies is that some electrical work was covered by the wall repair and still needs to be inspected.

Moermond: it needs a rough in, so sheetrock may need to come down.

Perucca: yes.

Moermond: the big-ticket items?

Perucca: the ventilation system, I didn't get any paperwork on that. It all would require permits for repairs.

Moermond: I know you've been wrestling with the big items. Sounds like smaller things are started. Where are you at with what it will cost? Any funding sources? Those are big questions.

Yeshidagne: the door was broken by someone; you have the receipt to fix it and we have brand new glass.

Perucca: you still need permit. It is an assembly, and being an exit door, it requires



*the tempered glass. It does require a permit.*

*Johnson: if the invoice says it is tempered?*

*Perucca: no, someone has to put eyes on it.*

*Johnson: I thought if a door was replaced it needs a permit but didn't know glass did.*

*Perucca: yes, and it varies. This type of installation and where it is located it must meet certain standards under the building code. The contractor should pull the permit. I'd reach back to Empire Door and Glass to see if they will do that.*

*Johnson: we will do that.*

*Perucca: you can pull it online. That is what is required to get a building inspector out.*

*Yeshidagne: the other thing was the gas connected to the oven. I got a professional guy to come and look and I emailed you that.*

*Perucca: yes, we have that from Paul Bunyan. It is addressed to Jimmy Love but under the 510 address. They may have attempted to pull the permit online but the status shows it as abandoned. I don't know what the issue is. It hasn't been inspected or approved.*

*Moermond: Paul Bunyan needs to reapply, or even call and ask what happened to that permit?*

*Perucca: I agree. Call 266-8989 and ask for assistance in permitting.*

*Johnson: but that is routine permit that they should be able to figure out. Just some weird glitch.*

*Perucca: yes.*

*Moermond: right, and I count that as a good faith effort to resolve. It is fixable.*

*Yeshidagne: we tried to get a permit and the City asked me who the contractor is. I have a contractor I didn't send you yet. The biggest issue is vent and the hood. I went to Olson Sheet and Metal out of Minneapolis. He came by and looked and he didn't think it was a big deal.*

*Moermond: I'm wondering if it would be prudent to have him write up a bid for the work that is detailed and that the bid could be reviewed by the inspector to see if it addresses what is in the orders adequately before you begin doing work and pulling permits. So everything is in alignment. Is that something that would work?*

*Yeshidagne: I did ask him that. He called the inspector to ask what to do but he couldn't get in touch with her. He said he called 2 or 3 times.*

*Moermond: I think the detailed bid is the best, and that way if Laura Huseby doesn't feel like she can handle the specific mechanical improvements in the bid, it can be shared with the plan reviewers who does this type of work. Do that before you spend any money. Did this contractor give you a bid?*

*Yeshidagne: not yet. He said he was out of state for a week, and then he will do it. He didn't think it was big deal.*

*Johnson: we'll make sure he understands.*

*Perucca: Inspector Huseby does give out the basic requirements in her orders, repairing damaged and disconnected duct supports on vertical run, penetrations into the duct work, and is leaking grease from the penetrations. Seal penetrations and repair duct work to the building. Provide grease collection at the base of the duct work.*

*Moermond: with the cleaning of the duct work where grease has accumulated. Last week Mr. Zewdie said he did that work himself. Does cleaning require a permit?*

*Perucca: it doesn't. It needs a follow up inspection but doesn't need to be included in the bid. Other items are a cracked PVC drain going into a plastic bucket of grease and oil. The ground area around this is saturated with grease. I do believe there was a temporary fix done last week. Not sure if that was with approved materials but they indicated a hose attached to the overflow which went into a bucket. Whether that is an approved method I leave up to the HVAC people.*

*Yeshidagne: the exhaust fan I see a few loose bolts attached to the wall. My biggest problem was I didn't clean the exhaust system during Covid. When you wash it, it goes all over the floor. I think that's what the inspector saw. I cleaned it twice this year. The second guy just went up to the roof, cleaned with hot water down the hood and cleaned the container. Took a photo and the beginning and end. I didn't see any leaking oil right now. I wish eh inspector would come back again, she wouldn't see any leaking oil. If you make me change it I have no choice. The metal guy will change the hood, maybe that is a good idea. The electric, I haven't touched. I always call an electrician. I saw it mentioned a few times. I fixed the place because I didn't know I needed a permit. I don't get close to electric, trust me. No individual touched the electric part of it.*

*Moermond: plans for unused part of the building?*

*Yeshidagne: all we have to do is the contractor will call the inspectors to check the materials and then it can be approved. If they want us to fix something we will fix it.*

*Moermond: if it is unused parts, the Certificate of Occupancy could be issued for the parts being used and leave the other parts uncertified until it is fixed.*

*Perucca: as far as the electric work, it is noted that in the interior of 506/508 they have applied gypsum board to walls and wired heating units without plans or permits. Sounds like there may be new heating units that need inspection.*

*Yeshidagne: no. the heaters were there when we bought it. Same with electric. We haven't touched it. We bought it five years ago.*

*Johnson: we can look again at that.*

*Perucca: that is the second deficiency listed in the revocation.*

*Moermond: Mr. Johnson, last week it was said you had come up with an estimate for the work. I want to say that was \$40,000?*

*Johnson: to replace the entire hood system from scratch. He is suggesting he hire the original contractor to bring it up to 100 percent code compliant with this order.*

*Moermond: so this is a repair, not a replacement proposal, and you have a "to replace" bid. Understood. So, unless this bid comes in and is outrageous it makes more sense to do the repair. I know there's a tipping point with these where replacement outweighs repair. What kinds of financial assistance would there be for a business like this?*

*Johnson: NDC has emergency grants around \$2,500. We do small business loans. There is a deed program which covers 30% of costs. I understand the local neighborhood group has access to emergency funding.*

*O'Brien: Ben mentioned funding and neighbors united funding collaborative opportunity. That is a fund that exists specifically to support business and nonprofits in the Midway. There is a pocket of money, an application was sent to Atnafu and Ben so that would be a good opportunity. If you can move swiftly on that application to get it in front of Advisory committee that's a great opportunity. I have spoken to the fund administrator and the Chair of Neighbors United Funding Collaborative (NUFC).*

*Moermond: sounds like some of this is more manageable. You said your contractor won't be back in town for a week. So maybe a 2-to-3-week timeline to get that bid. Could we have a written plan, in draft form, by November 28?*

*Yeshidagne: yes.*

*Moermond: I'd like to have a hearing again December 6 so we can review that and lock it in. That could be cancelled if we don't need it but we'll have it in case we need to discuss matters. We'll put it in front of Council December 16. On the strength of our conversation today and the involvement of the organizations, I'll recommend the business be allowed to remain open through the end of the year. I'll say a timely fashion but I want to see timeline from contractors plus timelines related to financial applications. Be sure to include those in your draft.*

**Laid Over to the Legislative Hearings due back on 12/13/2022**

## 2:00 p.m. Hearings (None)

### Fire Certificates of Occupancy

- 25 [RLH FCO 22-108](#) Appeal of Alena Carl, Southern Minnesota Regional Legal Services, on behalf of Tanisha McCloud to a Fire Certificate of Occupancy Correction Notice at 1548 REANEY AVENUE #2.

**Sponsors:** Prince

*Grant extension to December 1, 2022 for compliance (unless emergency conditions arise). Property to have interim inspection November 16, 2022.*

*Alena Carl, SMRLS o/b/o tenant Tanisha McCloud, appeared  
Tanisha McCloud, tenant, appeared via phone*

*[Moermond gives background of appeals process]*

*Staff report by Supervisor Mitch Imbertson: the property appears to be a duplex. It was not in our Certificate of Occupancy program at the time of this process starting. It previously had a Certificate of Occupancy that was closed in 2007 as owner occupied. As of October 17, 2022 we received a complaint to our office regarding no heat in the property, boilers being removed, no Certificate of Occupancy file.*

*Moermond: when was the no heat complaint?*

*Imbertson: October 17. Water leaking from tub into basement and downstairs neighbor. Tenant using stove for heat and multiple extension cords. The inspector went out to investigate on October 17. Found tenants had space heaters and the temp was adequate at that time. We were told the owner had contracted someone to install two boilers on November 5. He issued orders and was out October 28 to follow up. Didn't gain entry. And a note from October 31 that the inspector spoke with the building owner who was sending a copy of the information for the new heating system installation and a fire Certificate of Occupancy application. I don't see that certificate application has been processed. Not sure the timeline on that. I also don't see any permits pulled yet for the heating system. Not sure if application was made and permits are pending or if that hasn't been submitted yet.*

*Moermond: regarding the permits. In the normal course of events would it be pulled closer to the time of the work being done?*

*Imbertson: ideally if they are hired and they have a date scheduled to come out to install they would submit the application as soon as they can so the permit can be issued before work starts. Sometimes if it is done as an emergency repair they can start and issue permit after the fact. This appears to have been scheduled some time in advance so I don't see a reason for the permit application to be delayed.*

*Moermond: what is the timeline on paperwork process for provisional Certificate of Occupancy application.*

*Imbertson: it is up to two weeks delay depending on who received it and how many other permits and application were received.*

*Moermond: does Ramsey County show a recent sale of the property? August 8 2021 ad October 28, 2021. There are also delinquent property taxes on it for just under \$2,000, scheduled to forfeit in 2023. The property owner didn't pay taxes last year. So, we have that to be aware of. And then the immediate no heat situation, the biggest concern. What is going on with the space heaters?*

*Carl: the landlord provided some space heaters and the client provided her own*

*McCloud: he did bring one space heater. I bought 2 and then Xcel bought 2 more.*

*Moermond: so you have five?*

*McCloud: due to the plumbing issue the power is going out because it is too much power (sic-should be draw on the electric). The water is running through the walls and cutting off electricity. 2 of the heaters have already burned out. So now I only have 3.*

*Moermond: is that water leaking from the upstairs toilet? The shower?*

*McCloud: the neighbor did say it was leaking. I tried to find something to stop the leak*

but I have 3 children. It is hard to maintain it. It is damaging the flooring and making it leak. A shower curtain isn't helping. That causes the electricity to go out.

Moermond: without a photo it is hard for me to picture and help see what kind of solutions could be put into place. Do you pay the water bill? The landlord indicated he hired a contractor to deal with that. Does he have someone to deal with the plumbing.

McCloud: yes, he had someone come out and look at the plumbing and he said it needs to be repaired as it is unsafe for the children with the electrical stuff. It is a hazard. The plumbing is all wrong. I don't know how to explain it. It makes everything wet.

Moermond: the landlord had someone look at it but he didn't give you a date for the work to be done?

Carl: not for plumbing. I spoke with him this morning so the 3 and 4 they will install boilers to have the heating going and hot water. It was hard to reach the landlord but he is in communication now. We're trying to get a hotel room for Tanisha and her family until the boilers are put in place.

Moermond: this is not an order to vacate.

Imbertson: there isn't one now. That is a possibility in the future if the heating isn't addressed. At the time the inspector was in there was adequate heat and no conditions that ordered it immediately vacated. So an order to repair but that could be amended if temps make a drastic swing.

McCloud: he said we were having carbon monoxide coming through which is why he said he had to have the boilers replaced. He did replace the stove but I started to smell like carbon monoxide and the inspector was concerned and wanted it shut off immediately. That was why the boiler was removed.

Moermond: what are you looking for today?

Carl: she would like a bit more time to relocate. We need more time to talk to the landlord, come to a settlement agreement of some kind, and have it be amicable with the landlord.

Moermond: right now the inspector was last out on Friday, with no access.

Imbertson: a letter was sent to reschedule for November 16 at 10 am. That was set prior to the appeal.

Moermond: so we have the no heat situation under control. The housing condition with respect to the leaking wasn't enough to rise to the level of ordering it vacated. You are looking for time. The November 16 appointment was for a full Certificate of Occupancy?

Imbertson: yes, now that an application was received.

Moermond: I'm struggling. We want to keep the landlord actively working towards repair on deadline, noting the impact to the tenant of being displacement if it isn't done on deadline. It could be failure to complete the work would result in revocation for long-term noncompliance, especially if there is a failure with respect to restoring heat.

*McCloud: why do I have an order to vacate when I'm just trying to have a safe place for my kid? I just got settled in here. I don't have a reason to vacate. I'm current on my rent.*

*Carl: she was given a notice to vacate by the landlord because they are selling the end of the month. So she does have to leave the end of the month. If we could get an extension to the 30th I think it would essentially sort itself out without having to do anything more with the notice.*

*McCloud: I really don't want to move. I don't want an eviction on my name. I have a disabled child. I don't want to be displaced since I called inspection about a safety issue. I want to try to work with the landlord, maybe he still has a place to go to. My rent is up to date.*

*Moermond: it sounds like more of a Housing Court issue?*

*Carl: our main concern was the Certificate of Occupancy. If he didn't have it at time of reinspection we were concerned the City would ask the client to leave because of illegal occupancy. That was our main concern at the moment. In 30 days she will have to move out and we'll have it sorted because she will be living elsewhere.*

*McCloud: I can go stay with family if it gets cold. It hasn't really been an issue. I don't want to have to pay rent and still move and get an eviction. I need the return our deposit.*

*Carl: we're working with the landlord. After I sent the 24-hour notice about filing an emergency tenant remedy action (ETRA) he finally reached out to me about getting her in a hotel and getting things fixed.*

*Moermond: so you've filed an ETRA?*

*Carl: we just sent out the 24 notice of intent to file. We would file it tomorrow morning. So now he is in communication which changes things in a good way.*

*Moermond: in terms of the safety of the occupants in the house. We have heat issues and leaking plumbing. Has the extension cord issue been dealt with? Especially of concern when used with space heaters. Those need to be plugged directly into a wall.*

*McCloud: that's another thing too. We have to use extension cords in some parts of the house because we don't have many outlets. There is one in the living room. One in 2 other rooms. One doesn't work. So we have to have extension cords for heat to work.*

*Moermond: in order for you to be there, I need to be assured that basic safety requirements are met. That means any space heater must be plugged directly into the outlet. It cannot be using an extension cord. I would suggest for other kinds of things you can often use a power panel and that may be a solution for lamps, televisions and so on without the same kind of electrical draw. I am serious. Those cords have got to go. That considers both the heat and the water. Water and extension cords is a recipe for disaster. You need to address that. Is that something you will commit to?*

*McCloud: yes.*

*Moermond: I'm going to ask the November 16 inspection needs to occur to make sure*

*no new hazards have developed related to the plumbing and a follow up the heating issues have been addressed. I don't like long term use of space heaters. We have a nice window where you aren't using them intensely but there's no guarantee of that*

*McCloud: I don't use them until the night.*

*Moermond: we have a correction notice that doesn't require the unit be vacated. We'll do a follow up inspection November 16 to make sure the items we've discussed are addressed. We know a new Fire Certificate of Occupancy list will be put together then. If for any reason DSI finds it necessary to take action to order the unit vacated, I'm going to ask that unless it is emergency, they delay the vacate to at least December 1. I do think we need that interim check though. I also get you need time to work something out. We'll put this in front of Council November 16.*

**Referred to the City Council due back on 11/16/2022**

### 3:00 p.m. Hearings

#### Special Assessments - Garbage Hauling

- 26 [RLH TA 22-341](#) Ratifying the Appealed Special Tax Assessment for property at 1016 IGLEHART AVENUE. (File No. CG2202A3-1, Assessment No. 220112)

**Sponsors:** Balenger

*Appeal withdrawn by owner (approve the assessment).*

*Douglas Coppess, owner, appeared via phone*

*Coppess: let me try and save you some time. I'm still not prepared so I'll accept it the way it is and it's the best I can do. I don't have my documentation. I guess I don't have the time to fight City Hall. I concede on the issue.*

*Moermond: shall I consider your appeal withdrawn or do you want me to enter in that I recommend Council ratify the assessment?*

*Coppess: I would just say, I appreciate the time but I haven't been able to get to it. But I can get a straight answer from the Hauler about automatic billing or missed payment. I am so frustrated. I would just say withdrawn, what's the difference, Marcia?*

*Moermond: in both cases the assessment would be ratified.*

*Coppess: just say I'm withdrawing my appeal.*

*Moermond: we will do that.*

**Referred to the City Council due back on 11/16/2022**

- 27 [RLH TA 22-401](#) Ratifying the Appealed Special Tax Assessment for property at 1016 IGLEHART AVENUE. (File No. CG2203A3, Assessment No. 220111)

**Sponsors:** Balenger

*Appeal withdrawn by owner (approve the assessment).*

*Douglas Coppess, owner, appeared via phone*

*Coppess: let me try and save you some time. I'm still not prepared so I'll accept it the way it is and it's the best I can do. I don't have my documentation. I guess I don't have the time to fight City hall. I concede on the issue.*

*Moermond: shall I consider your appeal withdrawn or do you want me to enter in that I recommend Council ratify the assessment?*

*Coppess: I would just say, I appreciate the time but I haven't been able to get to it. But I can get a straight answer from the Hauler about automatic billing or missed payment. I am so frustrated. I would just say withdrawn, what's the difference, Marcia?*

*Moermond: in both cases the assessment would be ratified.*

*Coppess: just say I'm withdrawing my appeal.*

*Moermond: we will do that.*

**Referred to the City Council due back on 11/16/2022**

- 28**     [RLH TA 22-400](#)     Deleting the Appealed Special Tax Assessment for property at 1621 ARCADE STREET. (File No. CG2203A1, Assessment No. 220109)

**Sponsors:**     Yang

*Delete the assessment.*

*No one attended.*

*Staff report by Clare Pillsbury: this is for Quarter 2, 2022 for the amount of \$102.71. The former property owner's son called and reported that the former property owner passed away on January 14, 2022 and is still receiving bills. They are currently living in the property and are responsible for the bills. However, they were in the hospital with a broken back for three months and were not aware of the payment that was required for Quarter 2, 2022. Staff recommends removing the assessment as a courtesy.*

*Moermond: so recommended.*

**Referred to the City Council due back on 11/16/2022**

- 29**     [RLH TA 22-402](#)     Deleting the Appealed Special Tax Assessment for property at 956 DUCHESS STREET. (File No. CG2203A2, Assessment No. 220110)

**Sponsors:**     Yang

*Delete the assessment.*

*No one attended.*

*Staff report by Clare Pillsbury: this is for Quarter 2, 2022 for \$122.78. Hauler requested removing the assessment since it was from the previous property owner's account that was never cancelled. Staff recommends removing the assessment since the property owner was being double-billed.*



*Moermond: so recommended.*

**Referred to the City Council due back on 11/16/2022**

- 30**     [RLH TA 22-408](#)     Deleting the Appealed Special Tax Assessment for property at 1315 WESTMINSTER STREET. (File No. CG2203A1, Assessment No. 220109)

**Sponsors:**     Brendmoen

*Delete the assessment.*

*No one appeared.*

*Staff report by Clare Pillsbury: this is for Quarter 2, 2022 for \$122.78. Hauler records show that the assessments for Quarter 1 - Quarter 3, 2022 that were sent for this property should have been assessed to 1313 Westminster Street. Therefore, staff recommends removing the Quarter 2 2022 assessment inquiry. We've submitted a file to remove the Quarter 1 assessment as well as the Quarter 3 assessment.*

*Moermond: so recommended.*

**Referred to the City Council due back on 11/16/2022**