



Minutes - Final

Legislative Hearings

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Tuesday, March 11, 2025

10:00 AM

Room 330 City Hall & Court House/Remote

10:00 a.m. Hearings

Remove/Repair Orders

- 1 [SR 25-9](#) Review of a potential stay of enforcement of demolition for Tom Radio, representing Allstate BK Real Estate Holdings, Ltd. at 455 ROBERT STREET SOUTH.

Sponsors: Noecker

Lift stay and proceed with demolition within 15 days.

Tom Radio, attorney o/b/o owner, appeared
Matt Kim, brother of potential buyer, appeared

Moermond: today we are about the business of doing a review of where things are at with a mind it is going to Council Public Hearing March 19. Reviewing plans to see where they are at before next Wednesday if needed.

Hoffman: no issues at the property. Shoveled after the snow this last week. No changes.

Moermond: tell me where things are at. We got some paperwork from your sister.

Kim: she told me to stop in and give her an update. I don't have anything more to report. She is in Korea and is coming back the 23rd of this month. She sent some paperwork you were requesting. I'm not sure what she sent in. Some you asked her to do stuff she couldn't do because she wasn't here. She was hoping maybe this meeting would be delayed. So, I'm here to listen and update her. She hasn't done anything but send in paperwork.

Moermond: the expectations are the same as last year and they aren't met. The same list, exactly the same. Beginning with the Code Compliance Inspection, or team inspection, which hasn't been ordered or conducted. Based on that a work plan would be provided. It appears the spec was done before the electrical was pulled from the building, and the nuisance abatement plan after that. I also got bank information that was from last year as well, it is very dated. I'm feeling uncomfortable because I got call from Planning and Economic Development asking me what was going on because there was a bank inquiring giving a loan for this week. Which means that is different than the financing information provided to me both last fall, and again this spring. The bank is being asked to help finance it. I know nothing about this. Also I

heard from your sister that an application in to the City for this project and that also wasn't in this information. I'm not at all convinced there is sufficient money or any intention of using that money towards this purpose, nor that it is in any way connected to a realistic bid for the work.

Kim: prior to the issues we were facing, she wanted to purchase. That's the steps she was taking. She paid some out of pocket to finance through the bank, and the bank told her about potential grants with the City to help improve the building. That's the step she was taking but it was stopped because we told the bank it was ordered removed.

Moermond: I heard from Planning and Economic Development you were seeking funds after the building was ordered removed by Council.

Kim I think there's confusion. Nothing has happened between bank and my sister. I've been communicating every three months. She did that prior to this issue. She hasn't tried to get anything from the bank after that. I can have the bank verify that.

Moermond: I need funds to see the rehab through. And that is based on a Code Compliance Inspection.

Kim: we agreed on splitting the cost of the rehab. We signed the paperwork and I assume they sent it back to you.

Moermond: the expectation was not that you would tell me you were splitting it, I needed it done and it wasn't done. Not my business who pays for what. That's up to you all. The work wasn't done, that's my issue.

Kim: that's how I understood it last year, and the same issues are still going on.

Moermond: you're right. We can knock it down now because this is a second chance put together for an alternative buyer. She can't meet the basic requirements that have been laid out for no less than six months.

Kim: she is potential buyer only she can't do anything unless they give her power of attorney or something. She is willing to do it but she can't because she isn't even the owner.

Moermond: that's between you guys. This could be sold, there's nothing from the City prohibiting the sale.

Kim: but she doesn't want to take over all this responsibility.

Moermond: well, that would be what is required in order to do this.

Kim: correct, that's where we're starting from.

Moermond: how is that changing? That's a discussion between you and the seller about when the property is closed.

Kim: she is really interested in buying this building. But, she likes to have control, so once she does she is probably willing to do what the City is asking quicker than the seller, because she wants to get it ready and open it quickly for her own good. Yet, she has no control.

Moermond: so what does she want?

Kim: she needs assurance that once she buys the building, give her some...I don't know. She is willing to do almost anything to satisfy the City to continue the business.

Moermond: you are evidentially confused about the order of events. The City is not going to give you a guarantee that the building won't be demolished ABSENT the required documentation. She wants to wait to provide that documentation and share her commitments after the City says they'll give time. Why on earth would the City do that? It has asked for some basic things from her and I'm hearing those won't be done until she is in control of the building. I don't care who does what. I was looking for them to be done, they are not done.

Kim: oh, yeah, ok. As a City I understand. But technically, she's a potential buyer dragged into this. She wants to buy it, kind of stepped in with one foot. She paid a lot of money out of pocket even though she has no control. The environmental survey. Then the City issues came in that she's dragged into again. Another second issue.

Moermond: if she wants to buy the building she has to address this. The building she negotiated a purchase agreement on had a pending order of demolition on it.

Kim: uh—we didn't hear that right away. She kind of didn't, I mean, that's the thing.

Moermond: was she represented by a broker in this transaction?

Kim: yes.

Moermond: it seems like that's something they should have alerted you too, and that's a private matter. It was an existing order. Mr. Radio, where are things at from the seller's perspective?

Radio: there was a purchase agreement and a signed sixth amendment to it that said the nuisance abatement plan and those three items would all be completed, and then they would share that cost 50/50 with purchaser. We put that on hold because the City said to the seller we need financing and do a new Code Compliance Inspection Report and a few other things. Those haven't happened and I don't know why. The Code Compliance application, two years ago, the question became who can sign it? It says owner or Responsible Party. So that got stymied on this side. It was my understanding it was on their thing to do; under their list. We would have signed off on it if they asked. This has obviously been complicated transaction and dealing with a lot of moving parts and deadlines. I believe we as a seller have complied with what was expected of us. We kind of need to move forward on a parallel track so we're equally in the game. We didn't want to spend \$35,000 and have it torn down.

We needed their side to move forward with getting the Code Compliance, with was \$728. That should have been done last year, and we'd know the budget and they can get financing. We can only do so much on our side; I try to work with the broker and their attorney and the broker was less than helpful. The attorney said he was only retained to do the sixth amendment [to the purchase agreement] and nothing else. We can't do this for them. We need their investment of time and money. We are good to go, the sixth amendment, including the nuisance abatement plan as specified by the City, but we need them to catch up with information. This recent trip has slowed everything down. between now and the Council meeting I would suggest Ms. Shin engage her attorney. We're happy to provide our signature for the Code Compliance Inspection Report. How soon can that report be done?

Hoffman: we can obviously ask it to be expedited once it is received. But we need to

receive it.

Kim: we have a legal advisor and he mentioned the application said it has to be signed by seller or seller's attorney. Why can't they do it? It doesn't make sense.

Moermond: and that's a YOU thing. The question for me is whether we should knock it down. I don't care who owns it; I don't. I care about whether these things are taken care of. I don't care who. It hasn't been done and that is going to affect whether the building is demolished or not. I'm not hearing that there's been forward movement in the transaction to move these things along. I'm hearing we don't want to put more money down until we have a guarantee it won't be demolished, and apparently you aren't clear, though there's been many letters, saying these things have to be taken care of before the City gives a grant of time.

Kim: the City doesn't care who does what, right? My sister is thinking why does she have to care? She's the buyer.

Moermond: if I was your sister, I'd say I've dumped thousands of dollars into this, am I going to say I no longer want to have this building, or am I going to negotiate and do the things necessary to have not flushed thousands down the toilet that have been spent. Does she have an incentive to do those things? If she wants the building she does.

Kim: that's why she's been showing up by herself. I will tell her that she has to do it if she wants the building and she can decide.

Moermond: the Council Public Hearing is next Wednesday. Right now, I don't have anything I'm looking for. My recommendation to the Council will be to lift the stay of the demolition and authorize the Department to proceed with demolition. Your interest would be convincing the Council to do something else. I don't care who does it, it is whether or not it is done. That's between you guys. I haven't received anything and what has been delivered is dated and incomplete.

Kim: she won't be back until the end of the month.

Moermond: well, she could have an attorney or someone else represent her in this. The date was explicitly discussed. The City Council has already granted grace in this by giving a second chance. What I heard was she is leaving the Country and can't work on this now. While I appreciate she has other things going on, I'm not holding up a City Council process on a demolition because she has other business. She needs to stand and deliver.

Kim: not she, both of us.

Moermond: I don't care. I haven't seen any of these things done and the City won't give the time without having those things.

Kim: the final decision next Wednesday?

Moermond: that's my recommendation, if someone convinces them to continue the conversation then they may. She should probably have someone represent her at the Council Public Hearing then. If she doesn't, I would say they're going to have no testimony to support what she is looking for. I don't want to see this demolished or rehabbed, I only want to see it not be a problem property. That is fix it, or knock it down.

Kim: she just needs the opportunity to get there. There are so many roadblocks in front of her.

Moermond: I have done so many of these cases and she has no more roadblocks than any other case.

Kim: even her broker is saying this has never happened. I disagree.

Moermond: you actually don't know. You're trying to buy a building with a pending demolition. I imagine your broker hasn't handled that before—your broker should learn about this because it is about to cost your sister a lot of money.

Kim: it is unfortunate. I will let her know, otherwise it might be final decision next week.

Radio: we stand ready to sign the Code Compliance Inspection Report. We aren't going to apply for it. It can be done today. I can't represent them. You have to authorize your attorney to speak with me about this. It is a logical process. It can all be done in a week if you actually start doing things. We will help the best we can.

Moermond: and doing these things is the only way to get me to look at it another time.

Kim: she isn't here. What can be done without her here?

Moermond: I don't know, that's up to her.

Radio: she can do video calls, send documents electronically.

Kim: some meetings are set up months ahead of time.

Moermond: no.

Kim: a month in between these last meetings. Can your letters let her know when the meetings are?

Moermond: it was in the last one.

Kim: the last one we didn't know until we called and found out she has a meeting set up.

Moermond: it isn't hers. If we go back, there was an alternate purchaser looking at the building.

Kim: there was an alternate purchaser?

Moermond: yes, they can entertain anything they want to.

Radio: we never entered into an agreement, but someone was looking at the building.

Kim: huh.

Moermond: should that plan be looked at because I have no other plan? Yes, if the building is going to be saved. They didn't want to proceed and Council had already rejected the plans that were on the books from your sister. What came about was she wanted to be a part of the hearing since Council stayed demolition. I don't have

any problem with anyone being part of a hearing, but if you want to fix the building and purchase it you have to go through this. That is the same for anyone. I've done many commercial buildings, including the BK on West Seventh. Complex financing. I don't know what the problem is in this transaction. Things aren't being addressed over an extended period of time. We'll send yet another letter and will we need to schedule an interpreter for next week?

Kim: no, no one will be here.

Moermond: ok, I didn't know if she wanted to testify by phone. If she does, we need a couple of days' notice to schedule an interpreter.

Kim: ok. I will let her know. This is the first I'm hearing about another buyer. Interesting.

Moermond: it wasn't a requirement you be notified about that hearing.

Kim: I was too naive.

Received and Filed

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

2 [RLH SAO 25-17](#) Appeal of Shein Yang to a Vehicle Abatement Order at 724 CASE AVENUE.

Sponsors: Yang

Grant to April 14, 2025 for compliance via removal or site plan approval.

Kong Vang, friend of appellant, appeared via phone

Voicemail for Vang at 11:25 am: this is Marcia Moermond from St. Paul City Council calling Kong Vang about a Legislative Hearing for 724 Case Avenue. We'll try back in just a moment.

Shein Yang, owner, appeared via phone

Kong Vang, friend of appellant, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: Vehicle Abatement Order issued February 18, 2025 to three vehicles and boat and trailer parked in yard. Most of the vehicles appear inoperable, have expired tabs and are parked on an unapproved surface. There is an area behind the garage that appears to have been a parking area but not maintained. We also don't allow parking in a yard, and the boat and trailer are in the back yard. Compliance date of February 24, 2025.

Moermond: the other are marked as unapproved surface, is that for where the vehicles are because the whole back of property is being used and its not approved parking surface?

Martin: correct.

Vang: I totally disagree with the approved parking. There is gravel there and they have been parking there the last 30 years. We never had this problem until now. Defined unapproved. Is it totally dirt she's talking about it? It has gravel underneath.

Yang: I've lived in this house for 30 years. It has been like until now. Now you're saying we need to put gravel on. There is gravel, but most of it is spaced out because the vehicles we've been parking there has sunk into the dirt.

Moermond: a gravel parking surface needs to be maintained in the same way paint on a house needs to be maintained. If its dirt, if you need to mow it, it isn't a class 5 parking surface. I have an aerial map here and I'm not sure the original plan for the lot included the entire back of the property outside the path to the garage. It doesn't appear properly surfaced OR approved. I think the solution is getting new class 5 down and getting the entire back area approved for parking. It is doable.

Vang: why didn't we get this information first so we could work out something and maintenance the property then?

Moermond: that's what we're doing today. Ms. Yang got the order telling you exactly this. That's the conversation we having now.

Vang: ok but we didn't get the order to repair the property. We just got the order saying the vehicle and boat can't park there and we have to remove it or you'll tow it and destroy it. That's what the order was for.

Moermond: the orders include the violations include specifics for each vehicle and their violations. All three have the same problems named. The boat in the yard is clearly not okay. I'd like to figure out a pathway forward that takes into account circumstances and reasonable expectations.

You started out saying it hasn't been a problem for 30 years, we noted it was deteriorated, then you said we need an opportunity to be able to fix it. Let's put together that plan.

Vang: I have no problems with it as long as we receive something from the City saying we needed to fix it first; we never did. It was just the issue that we can't park cars there anymore.

Moermond: That's not true. I just told you the February 18 order specifically says it is an unimproved parking surface. That is specific from the City telling you that.

Vang: why couldn't inspectors come talk to us? I used to do construction; the inspector would come out say the roof needs repair or paint does and the inspector would talk to the landowner and they would hire us as a subcontractor to fix it. In this situation there was never anything like that; a rush---it is like a judge just said ok get the cars out. What's the situation what's the problem. I understand they lack tabs because it is her late brother's vehicles and he passed away. He was a victim of police brutality. We just need time to remove them and brin them to get repaired but I'm more concerned about the parking surfaces because I don't want the situation to come back.

Moermond: that's a good plan. You'd like a knock on the door but the legal requirement is it be provided in writing via first-class mail. It is always nice if someone can knock on the door if there's time but that isn't the job. In writing means we all have the same information and understanding. I'm looking to hear from you both

about what kind of timing to get the area resurfaced and talk to the site plan people about expanding the parking area the full width of the parcel.

Vang: right now, we just want to know what is going on as far as parking is concerned. My understanding is as long as there is approved crush gravel you can park in the area. The house does have crushed gravel. It is just covered in dirt and snow. Do they want us to fix that?

Moermond: I see a lot of dirt. Yes, they want it fixed. That's the law.

Vang: ok. Then can I have it in writing?

Moermond: sir, you've asked this six different times and honestly the answer has not changed. The February 18 order says move the vehicle and because its on an unapproved surface, along with a couple of other things. If you want to IMPROVE the surface you go this route. If you don't want to improve it, then you have to move the vehicles. The order is what is wrong with the situation. Two ways to fix it. It is up to you on how you go about fixing it. We aren't going to tell you how to do it. If no action is taken to move vehicles or put in a proper surface then the City CAN move forward to remove the vehicles. That's the other way to solve it.

Vang: approval as in a permit?

Moermond: approval as in going to talk to the site plan people at Department of Safety & Inspections and telling them the proposal. They will tell you what is necessary. I don't know if they need a permit or something else. But to expand a parking surface you need to have that.

Vang: what about just maintenance?

Moermond: for the area already legally approved it needs to be maintained and class 5 gravel. Not "crushed" anything. It needs to be durable and dustless. And dirt is not that.

Vang: let me "consultate" this with Ms. Yang. Her parents own the property. I just want to resolve this as far as parking. The vehicles are no problem, we can tow them to a repair shop. They're drivable. I want to resolve the parking situation first, that's what we're trying to resolve here.

Moermond: that's one of the concerns yes. It is also noticeable to me that the most recent tabs are from 2011. Those have been expired 13 years.

Vang: I understand that ma'am. Her brother is the owner and he passed away. 2011. They were at someone else's property and moved there for storage for the winter.

Moermond: huh. The aerial photos show they've been there quite a while.

Vang: less than a year. For the winter. I have no problem with the vehicles, we just need more time to find a place for them. The home owner is most concerned about the parking area because it was never an issue until now. That's the reason we appealed, to find out what we need to do and what needs to be done.

Moermond: what aren't you understanding from what I'm saying?

Vang: I understand you want me to move the vehicles or fix it and I understand what you're trying to say. I'm just saying we need time to move the vehicles.

Moermond: yes, I brought that up right away about what would be a reasonable deadline.

Vang: I have to talk to the homeowner and tell them the Legislative Hearing officer wants us to do this so they can set up a time with contractors to fix it. With the snow just melting, they could start but we don't know when. We need time. What do you think is a reasonable time?

Moermond: I'm giving you an opportunity to make a proposal. The orders were written February 18 and we are now several weeks out. I'm going to recommend the Council give you until April 14, 2025 for compliance. That's another month to come into compliance with the orders.

Vang: when is the Council date? It was originally tomorrow but Ms. Vang emailed me something about it being next Wednesday? Can you give me more information about that then?

Mai Vang: to restate my email, the initial Council Public Hearing was tomorrow but I mentioned Ms. Moermond will be out of town so it was rescheduled to March 19. That email was sent March 3.

Moermond: so, 10 days ago saying it was rescheduled. There's an extra week, which is to your benefit.

Vang: is there certain gravel the City wants?

Moermond: at least class 5. If you're expanding beyond what's by the garage, which it appears you have, you need approval to use the section we talked about.

Vang: so, you're saying we have until the 14th?

Moermond: that's my recommendation, yes.

Referred to the City Council due back on 3/19/2025

3 [RLH SAO 25-23](#) Appeal of David West to a Summary Abatement Order at 145
LAWSON AVENUE EAST.

Sponsors: Bowie

Grant to June 1, 2025 for compliance.

David West, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: February 25, 2025 a Summary Abatement Order was issued with standard language re: accumulated refuse and specifically the scrap wood from the rear off property. Compliance date of March 4.

Moermond: looks like we have a number of things in the back yard. Concrete rubble, logs, and scrap wood.

West: I'm only appealing the date. I'm going to build a short retaining wall at the end of the area where it slopes to the alley. The concrete rubble will be buried underground behind the retaining wall. The "Scrap wood" is actually for my

City-approved fire pit. I'll remove the green wood. The long pile of lumber will be turned into 3 raised bed gardens on the same area. It will be gone; I just need into the summer to get it done. Then there will be a short retaining wall and 3 raised beds and a tree. 90 days, 120 days to get it done.

Moermond: I'll recommend the Council give you until June 1, The other thing is I wanted to alert you about where the truck is parked, it looks like mud and I wanted to let you know you need to have a proper parking surface if you're going to have vehicles there. Asphalt or class 5. Something durable and dustless. Any parking more than just up to the garage will need approval.

West: yes, the approach up to the garage will be gravel. It is part of my backyard renovation.

Moermond: I encourage you to talk to site plan and make sure you're putting it down in the right place.

Referred to the City Council due back on 3/26/2025

1:00 p.m. Hearings

Vacant Building Registrations

- 4 [RLH VBR 25-4](#) Appeal of Ozzy Zachran, O.I.G. Holdings, to a Vacant Building Registration Notice at 383 TORONTO STREET.

Sponsors: Noecker

Deny the appeal. Property to remain a Cat 2 VB and requires CCI.

Ozzy Zahran, owner, appeared via phone

Moermond: we were looking to have that follow up inspection written up properly and we have that now. That was emailed to you?

Zahran: yes.

Supervisor Der Vue: in working with our trade inspectors, I shared photos with warm air, mechanical and electrical inspectors and they reviewed them. Based on those conversations the violations have a lot to do with all of these trades. That's in your hands in these updated orders.

Moermond: so, the question is then, what is required before the building can be reoccupied? That's what I wanted to find out from this inspection report. Because there was no access we needed more information. There are 2 ways this can go: 1) going with the Code Compliance Inspection Report requirement, and a team inspection is put together or 2) or if the items in the correction notice and Fire Certificate of Occupancy reinstated you could get out of the Vacant Building program. Based on what I'm looking at it definitely should be in the program. There are major violations. Your thoughts?

Zahran: these are really overkill. This went into Category 2 because the inspector couldn't get in. The only pressing thing seems to be HVAC, which we've never touched. This is how it existed when we purchased the property. I understand you guys are going to want some changes, which is fine, but water is running. Permits

were pulled. The electric, 99% has been covers which is not an "exuberant" safety issue. That's also been taken care of and permits pulled. The rest has been addressed and we're done. The reality is the only logical thing is having an HVAC tech pull a permit, close it out and be done. It is habitable, that system was in there long before we bought it.

Moermond: looks like someone tried to pull a plumbing permit a couple of days ago. There's an electrical permit.

Zahran: the plumber replaced some stuff in the basement, the galvanized pipes. The electrician is doing the work.

Moermond: these plumbing items could use a permit. There was an attempt to pull one and it was rejected.

Vue: it is a permit they need through St. Paul Regional Water Service, not the Department of Safety & Inspections.

Moermond: got it, that makes sense. It says work being done without permits.

Vue: I believe that was from the original orders. There are no current permits on file.

Zahran: we haven't touched the HVAC yet.

Moermond: I understand you think its overkill and said as much when we talked a week ago. I guess I'm not feeling that way myself. This has been empty. It has these issues. This is what a fire inspector saw. This kind of problem makes me wary of minimum code compliance issues. Was there a complex eviction going on, yes?

Zahran: sure.

Moermond: I'll recommend the Council waive your Vacant Building fee for a period of time to get things addressed. I'm sure if things are the way you say they are the Code Compliance Inspection Report wouldn't have much on it. I'll recommend the Vacant Building fee is waived.

Zahran: Marcia, can we just have HVAC pull the last permit and have it closed out? The only other thing trade related is HVAC and then Department of Safety & Inspections can com inspect everything else. All that stuff is done. Can we do it that way?

Moermond: yes it is a possibility? Yes. I am not going to recommend that to the Council. We have multiple trades and likely more serious problems. We've really tried hard to get in here, I know you had that eviction which kept you from allowing City staff in. December 3 when you went into the program. The standard 90-day waiver only takes you to March 3 which isn't helpful. Mr. Hoffman, can you set this up so he can pull permits without the Vacant Building fee being paid and then we can look at prorating the fee. Your next stop is City Council.

Referred to the City Council due back on 3/26/2025

5 [RLH VBR 25-14](#) Appeal of Ali Ahmed to a Vacant Building Registration Requirement at 219 BELVIDERE STREET EAST.

Sponsors: Noecker

Deny the appeal and waive the VB fee for 90 days (to May 19, 2025).

Ali Ahmed, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor James Hoffman: complaint came in as possible vacant due to water leak. Water running down road causing safety concerns. St. Paul Regional Water Service cut the water and it was referred to the Vacant Building program February 18. Opened as a Category 2 based on the water shut off. No interior inspection done. Noted ice crystals were forming on the windows from the inside. Since the last meter reading October 2023 there has been no water usage.

Ahmed: I am turning it into an assisted living facility. I'm doing renovation work and I just got it completed and was just about to move clients in. I just got approved by the City for my license. In 2010 the house was foreclosed and my parents bought it. They gave me the house last May. The company that bought the house was New Resolution who foreclosed and they got bought out by another company so they bought it on foreclosure and I went to the City and the house is free and clear. They came to the house and turned off the water and electric without my knowledge. I came February 5 and they'd changed the locks. Then I saw the water leak from the house. I'm currently in a lawsuit with them so I can't live there. I was just done renovating and going to move in. I sleep there in the weekends, I've dealt with this before so every weekend I'd sleep there to avoid the Vacant Building notice but with what happened I wasn't able to stay there since February.

Moermond: there hasn't been water there since 2023. What's the deal with that?

Ahmed: I'd just go and sleep there. I have a mattress and some clothes there. I'd just sleep, I had heat, but I wasn't using any water or anything like that. I would clean and mow the lawn and stuff like that. It wasn't completely empty.

Moermond: I'm not sure what happened in March, but March 11 2024 it appears something happened. If that was them turning off the water or what, but water is a basic service in order to live someplace. You have to be able to flush the toilet and do basic cleanup. That's the bottom line.

I'm not sure what your plan is for this. Sounds like you're struggling with the bank?

Ahmed: the house is owned free and clear. A company foreclosed on the property in 2010. My parents bought the house from the bank from New Resolutions and they had their writing messed up on their side and assumed the house was foreclosed. I'm in legal action with them at the moment. They caused a lot of damage to the house, over \$160,000 in damages and I'm in a lawsuit with them.

Today I was looking to get it removed off the Vacant properties list. It isn't vacant, I take care of it. I'm trying to have clients in there in the next couple months. I already got approved for my license.

Moermond: you probably need to replace the batteries on the smoke detector that's been chirping, for your own safety. This meets the definition of a Vacant Building in a couple of ways, because for all intents and purposes it has been vacant. Zero water usage and your address is not here, it is in Woodbury. That tells me it isn't owner-occupied. I think your father shows up as the homesteader and tax payer on the 2024 property tax statement. I'm thinking that this does belong in the Vacant Building program. Empty for more than a year and more importantly it is condemnable due to lack of water. You cannot stay there until the City says you can. I'll recommend the Council deny your appeal but put a 90-day waiver on the fee.

Referred to the City Council due back on 3/26/2025

- 6 [RLH VBR 25-15](#) Appeal of Lori Moseng-Wegner, on behalf of owner Steven G Moseng, to a Vacant Building Registration Requirement at 1577 6TH STREET EAST.

Sponsors: Johnson

Make property a Cat 1 VB and waive fee for 90 days (to June 1, 2025).

Lori Moseng Wegner, o/b/o owner Steven Moseng, appeared via phone

Lori Moseng Wegner: I'm his sister. His house flooded and he's a little overwhelmed so I'm helping out.

[Moermond gives background of appeals process]

Staff report by Supervisor James Hoffman: this was a referral from St. Paul Fire Department Form 4. Water in basement, no heat and gas. Condemnation was sent based on the lack of utilities. That was February 25. Opened as a Category 2 Vacant Building based on the condemnation on February 26. There was an inspection done February 27 Paul Davis restoration was on site removing the water from the house. That was the last update in our system.

Moermond: standing water in basement and emergency shut off of electric and gas.

Moseng Wegner: he lives there by himself. It would be a hardship for him to have to pay \$2,500 when he's making every effort to resolve this. What happened was the water was shut off on February 23. Then the Xcel turned off the electric and when he was standing in the yard a different company came to offer to pump the water out. That crew started removing the water. The main floor was affected, all the rooms plus standing water in the basement. It wouldn't drain. Within hours of the St. Paul Fire Department being called they worked on resolving it. They found out when the St. Paul Fire Department went to the basement they didn't shut off all the water. When I try and call 24 Restoration for a detailed report, there was still water running, the person taking the water out showed my brother a video of the water still pouring into the basement. They couldn't do anything so they were going to call a plumber, who came out, cut the main line and plugged it. Then when my brother went over Monday morning the basement was drained. I know 24 Restoration also said 70-80% of the house was winterized due to no heat and water. Because I was having such a hard time getting a hold of them Monday and Tuesday, Weds I called Paul Davis who immediately came out. We hired them to do the rest of the work. They're going through room by room to do the mitigation. They're still doing that process. Someone is out there Monday through Friday between 8 and 4 working on this. I just feel he's doing everything he can to resolve this as quickly as possible. I did talk to Paul Davis yesterday and showed them the Vacant Building notification and the fee and they said they hadn't filed for a permit yet because they usually do that after the mitigation, after they find out what's wrong, then they file for the permit since they have the estimate. When I told them about this fee they went and filed for a permit to do the construction, but they're still processing the mitigation. The person from Paul Davis said it takes a couple of weeks to get the permit approved. We're trying to resolve this as quickly as possible so my brother can get back into the home. This is all confusing for him which is why I jumped in to support him.

Moermond: are you working with insurance on this?

Moseng Wegner: he has liberty mutual. Anything damaged by the water they are going to pay for. The plumbing may or may not be covered depending on what they determine the cause of the leak was.

Moermond: we have water, gas and electric off. If this were a fire, instead of water problem, the City would have the Corrections required by insurance and they don't need a comprehensive inspection by the City. They just follow up on permits. I'm sure Liberty Mutual would require permits as well. Why is that important? Because it means you wouldn't be required to have a Code Compliance Inspection Report. I'm going to recommend this becomes a Category 1 Vacant Building and treat it as if it were in a fire. Second, I'm going to ask the Council to waive the Vacant Building fee for 90 days, to June 1. No fee at all if it is done by June 1. If it goes beyond that let it go to assessment and we can have a conversation about prorating it if it is done not too long after that, typically up to six months.

Referred to the City Council due back on 3/26/2025

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 7 [RLH FCO 25-13](#) Appeal of Gary Blair to a Correction Notice-Reinspection Complaint at 1771 REANEY AVENUE.

Sponsors: Johnson

Layover to LH March 25, 2025 at 2 pm for further discussion after City engineer review. Current recommendation is to grant to September 1, 2025 for compliance with orders for retaining wall.

Gary Blair, owner, appeared

Robert Blair, son, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a four unit building but my research shows a 3 unit building and needs a separate Certificate of Occupancy for the unit over the garage. We received a referral November 7, 2024 that nails were popping from the steps. I inspected that with Inspector Harrington November 15. We took some photos. Sent orders to the Responsible Party, Mr. Blair. December 16 Mr. Blair had to reschedule due to illness. December 24 spoke with Responsible Party and the nails had been nailed down and steps cleaned. I found that deck permit was from September 25, 1991 for 2 decks and 2 stairs and finalized August 1, 1992. I found the wood is quite old and deteriorating, you can see in the photos. Part of the nail popping is because the wood is shrinking due to deferred maintenance. On the rear deck, the one corner going up two floors you see a post that starts out ok and starts twisting as it goes up. You can see the upper deck corner isn't sitting fully on the 2x4. Considerable concern about stability of the upper deck. Mr. Blair, that third-floor unit is that the only entrance?

Gary: no.

Shaff: there is an interior, that's good news. Also saw the retaining walls haven't been repaired. They're starting to bulge. Building code is going to require that a retaining wall over 4' including footings and depending on slope of soil its holding is going to

require engineered design and permit. There are sections over 4 feet and there's a second retaining wall farther back and I question how deep that goes. We are requiring permits for that. In the meantime, we have received documentation from a contractor who inspected the staircase and I disagree with his assessment saying the post doesn't need to be changed.

This was a contractor, not a structural engineer. He says he secured rear handrail, inspected northeast corner of post, not necessary to replace, all good condition. Some surface rust he treated to prevent corrosion as needed. During this time period of the deck being built he treated the wood with arsenate which reacted badly with the hangers, so I don't know how you say they are still ok looking at the deterioration of the other wood members of the structure.

Gary Blair: I don't totally agree obviously. The structure was built 30 years ago and they didn't have the nails we have today so it's been that way since day 1 that the nails pop out. That's only the sides, not the main area. So, each winter with expansion and contraction, it has never been an issue because we have to keep them down for shoveling. As far as wood deterioration I'd like to see photos, it is green treated and has nothing rotted. The photos of the corner post. It is totally supported by the beam. The only difference is rather than being perpendicular it is at an angle. That happened the first year it was put in. It has been that way for the last 40 years. When it happened, the contractor came out and assured us it was fine. It has been this way literally for 30 or 40 years. My first concern is always safety. I don't want anyone getting hurt. I live next door, so I've watched it for years. If you look closely you can see it is totally supported, not partial. I had the contractor come out and added more fasteners and anchored it down but said it was fine. As far as the deck itself and its safety, they thought it was slippery but I power wash them every year but I don't feel there was any hazard. I use them myself, living right next door.

On the retaining wall, I don't believe any part is above 4 feet. When it was built it was one of the concerns they had for the permit. The landscaping company specifically said they would keep it under 4 feet. It is made with railroad ties. I need to replace them. To replace the entire wall, it would run into the thousands. I haven't been able to firm up a price, but they're saying \$50,000 to \$60,000 plus removal. I can get the wall taken care of for \$500 by doing maintenance on the damaged ones. The replacement parts I can get for nothing. I can get that done quite reasonably. No safety issues there whatsoever. It isn't going to fall over or fall on someone.

Robert Blair: I lived there when I was much younger and I can attest that the post has always been like that. For the retaining wall we've talked about that. I did take a look at the referenced codes. 34.9 and 34.33 are really talking about buildings, not retaining walls. Taking that aside we want to maintain the wall. We'd already talked about me taking over that. There are a handful that need replacement. Most of it wouldn't be much at all, a simple repair.

The other thing Ms. Shaff didn't bring up was 34.8 referencing hardwired lighting to the steps. The code doesn't require that. My father put in solar lights in that location that are motion activated. That seems sufficient. It is a large lighting system.

Gary Blair: we did send photos of that. There is hardwiring on the staircase already. When the staircase was put in we had hardwired a large reflector for the staircase but we felt we could improve on that. It does a nice job and they requested it be working 24 hours; I don't know why you'd want a light working during the daytime. I was puzzled by that. But it lights up when you use it. I know the City even uses solar lighting for a lot of their stuff now too.

Robert Blair: as far as code I think we've covered the majority of that. I did look at some details for different construction sites and it talks about the twist of the post and what they observed and as long as it is properly made it can twist as they dry. It is a common occurrence. It doesn't compromise integrity as long as properly anchored and maintains contact at the base it carries expected vertical load as long as there are no signs of distress. That's what they were saying, but that isn't code.

Moermond: or an engineer's assessment of your particular circumstances.

Robert Blair: I did some of the math myself too on it and the axis load capacity is 34,787 pounds. Compression buckling capacity is 9,786. Safety factor is 3,262 pounds. Based on a load of 110 pounds per square foot, that brings you to about 8,800 pounds. The post load capacity after you break down the wall capacity is 2,200 pounds. This particular post has 10,000 of capacity.

Moermond: if its properly installed and functioning as intended. When you were reading those numbers it was based on?

Robert Blair: the actual structure there and amount of support the post itself—

Moermond: what references are you using for that?

Robert Blair: the references are the distances—

Moermond: not the math. Who is telling you the math to use?

Robert Blair: that is off of code.

Moermond: building code?

Robert Blair: International Residential Code (IRC).

Shaff: not applicable on a 3-unit apartment.

Moermond: the photographs you used to make a determination about the decking, can you talk about that?

Shaff: when I look at the November 13 photos, there are many photos of cracking and weathering of the deck. When looking down from the top of the stairs, you can see a section that has completely pulled away and that at one time helped hold up the stringers. More photos where you can see the nosing of the stairs is splitting away, more nail heads popping. Looking at the decking, same deterioration in the top rails and handrails. The photo that shows the full back of the structure, on the one right hand corner at base of the stairs you can see that's the one that turns and in looking at that toward the top you can see how twisted it is. It appears at one time there was a strap across going to the other tall 4x4, evidently it isn't there now.

Moermond: arguably 33-year-old wood at this point.

Gary Blair: I totally disagree with what is being said. If you are asking me the reason you see the graining is because it IS well maintained. I pressure wash it, and when you do that it brings the grain out. I do that every year for the last 30 year as part of regular maintenance. The reason it has lasted that long is because I DO take care of it. Those issues you're talking about would be a lot worse than that if it was neglected. It hasn't been neglected. I cannot tell you I can think of any spot on that deck that has rotten wood. I would have to go through with a toothbrush and comb.

I'd like to see the photos we are talking about because I have no concept whatsoever about anything rotten. As far as the stringers, that is what was available back then and they are secure. There's no severe rust. I don't understand why this is so rigid because it has held up, it looks good. When it was constructed the City inspectors couldn't tell me how to build it. They said I needed a staircase from the back for fire reasons but couldn't design it.

Moermond: they aren't supposed too. You're supposed to bring a design to get the permit.

Gary Blair: I went to contractors and got a plan and they were very impressed at the time and received lots of compliments. It was inspected the last 30 to 40 years, every 3 or 4 years, this is the first time ever and it looks the same as it did 10 years ago. 20 years ago. 30 years ago. The lumber is weathered because of the sandblasting and age. It isn't rotting or splitting.

Robert Blair: from what I've observed you do have some use on wood when you step on it. She mentions the nosing, so there's some rub. It is well within safety tolerances from what I've observed. As far as things rotting, I've got through it and haven't seen anything personally. It is certainly used, but he's taken care of it well throughout the years.

Moermond: the simpler item, the retaining wall, I'm gathering you would like an extension?

Gary Blair: yes, they say the ground has to thaw.

Moermond: that's what I'm thinking too. I'm comfortable going to September 1, 2025 for the retaining wall. With respect to the orders on the decking and steps. I'm going to ask our City engineer to take a look and see if in his opinion you need to get a structural engineer to say its ok. Let's talk again March 25 after he has time to do that.

Laid Over to the Legislative Hearings due back on 3/25/2025