

# **City of Saint Paul**

15 West Kellogg Blvd. Saint Paul, MN 55102

# Minutes - Final

# **Legislative Hearings**

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

Tuesday, September 3, 2024

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

**Special Tax Assessments** 

**1** RLH TA 24-301

Ratifying the Appealed Special Tax Assessment for property at 1020 and 1022 AURORA AVENUE. (File No. VB2410B, Assessment No. 248827) (Amend to reduce)

**Sponsors:** Bowie

Reduce assessment from \$2616 to \$875.

Tamiko Trott-Binns, owner, appeared by phone

[Moermond reviewed the hearing process]

Staff report from Vacant Building Supervisor Joe Yannarelly: This entered the Vacant Building Program on November 2, 2023. The revocation of its Fire Certificate of Occupancy (FCO) was appealed and it was granted a 90-day waiver on December 6, 2023. The FCO was reinstated on March 27, 2024. It was in the program for 4.5 months. The cost of the program for the year is \$2,459 with a service charge of \$157 for a total of \$2,616.

Moermond: What are you looking for?

Trott-Binns: The person I was speaking to about this was not the person I should have been speaking to, and by the time I got to the right person it was too late and the assessments were added. I know the building was in disarray when we bought it. The Code Compliance Inspection Report (CCIR) list has all been corrected. It no longer fits the description of a vacant building since it is habitable.

Moermond: I can't see who you spoke to.

Trott-Binns: Hector something I think.

Moermond: Hector Caballero?

Yannarelly: There is a note from him in the system with the initials HMC stating that the owner did not meet the deadline set by the hearing officer and that a message was

left for the owner.

Moermond: Since this went past the waiver period, I'm going to recommend pro-rating the fee to cover 4.5 months in the program for a cost of about \$875.

Referred to the City Council due back on 9/18/2024

## 2 RLH TA 24-302

Ratifying the Appealed Special Tax Assessment for property at 1020 (1022) AURORA AVENUE. (File No. J2401V, Assessment No. 248000)

**Sponsors:** Bowie

Approve assessment.

Tamiko Trott-Binns, owner, appeared by phone

[Hearing continued from previous item, RLH TA 24-301]

Staff report from Vacant Building Supervisor Joe Yannarelly: A Summary Abatement Order was issued on May 16, 2023 with a compliance date of May 23. During a recheck on May 24, it was found to be in noncompliance and a work order was sent to tow the vehicle, which occurred on May 31. At the time it was open to entry, missing vital pieces, had broken windows and flat tires, and had no license. The cost of the abatement was \$495 with a service charge of \$164 for a total of \$659

Moermond: What are you looking for?

Trott-Binns: The vehicle was already there when we bought the property. Notices on this vehicle went back to the previous owner. This bill should be placed on the previous owner, not me.

Moermond: You bought the property on July 12, 2023, correct?

Trott-Binns: Correct

Moermond: The previous owner had notice and chance to abate the nuisance prior to sale and it sounds like they didn't notify you during the sale. City assessments attach to the property and not to people. I recommend seeking recompense from the previous owner. You buy the debt of a property when you buy the property.

Trott-Binns: I spoke to them months ago about this. They said that because it didn't show up until after closing, they won't pay for it.

Moermond: I'm not sure if it's covered based on your contract with title company or if there is some kind of exception in your contract. The owner had notice and the work occurred prior to the at point of sale and they are accountable in my view. St. Paul taxpayers are not responsible.

Trott-Binns: I reached out to the realtor, who unfortunately was a dual realtor, and his name is listed on these documents. I understand your position.

Moermond: What documents?

Trott-Binns: The ones on the website where you can look at the meeting agendas and outcomes.

Moermond: I see 3 appeals: One in July 2023 appealing the condemnation, the appeal we have here today, and the vacant building registration appeal from 2023.

Trott-Binns: I was only aware of the vacant building stuff, not the abandoned vehicle one.

[Moermond reviewed the assessment payment process]

Referred to the City Council due back on 9/18/2024

## **3** RLH TA 24-313

Ratifying the Appealed Special Tax Assessment for property at 574 SHERBURNE AVENUE (AKA 572 SHERBURNE AVENUE). (File No. VB2411A, Assessment No. 248828) (Public hearing continued to November 6, 2024)

**Sponsors:** Bowie

Recommendation forthcoming. Public hearing continued to November 6, 2024.

Raeisha Williams, owner, appeared by phone

Moermond: I've look at this further. Have you reached out to Rondo Land Trust or a local community development center?

Williams: No. I've looked into refinancing the home and taking out an equity loan.

Moermond: This has been in the Vacant Building Program since 2013, and it was registered when you bought it in 2019. You have been paying these fees since then. I don't see how it could be released when the work isn't complete.

Williams: The work is being done.

Moermond: I then look to see how close you are to being done to consider possibly prorating the assessments. Are you close?

Williams: We've gutted the space and have started the electrical work. We still need to do plumbing and cosmetics. I am also a first-time home buyer and did not know I had the option to fight this. Councilmember Bowie was the one who told me I could, and her assistant Polly told me about the appeal process, but I was never told about this in prior years. With regular taxes I can't afford to continue paying this. It's hard for me to hear that you don't have a clearer understanding of how things are harder now due to COVID. I'm not clear about the law on this. Is this City or County law?

Moermond: This fee is charged by the City to manage Vacant Building Program. Notice went to you on February 19, 2024 and indicated how to file an appeal. These letters arrived each year. I'm glad we're talking now and hope we can get some forward motion on this. I don't see permits pulled or a Code Compliance Inspection Report (CCIR), which the Department of Safety and Inspections (DSI) will likely require before issuing permits. All past permits are expired.

Williams: Where is the law on what defines a vacant building? Does it even count if it's not the main building of the property? It's not blighted.

Moermond: Chapter 43 of City Legislative Code describes the Vacant Building Program

and what falls within this definition.

Williams: Can you email that to me?

Moermond: Yes. The conditions in 2013, when it went into the program, fit the legal definition. When you bought it, things hadn't changed. It looks like water was shut off in January 2023, which typically means it was empty already.

Williams: Could you do a site visit?

Moermond: I can't issue permits or schedule that for you. You do need that site visit by trades inspectors to get your list of what needs to be fixed. An updated list is needed. This fee covers March 18, 2024-2025. September 18 is you 6-month mark. If you get it done by then I could prorate the assessment by half. I'm willing to say that if you can get your Certificate of Code Compliance by November 1, I can recommend a 50% reduction, but after that I will recommend a full assessment. You need to reach out to schedule that Code Compliance Inspection. The Ward 1 office was correct in telling you how to appeal, but this has been too many years for me to unring this bell. I will ask Council to continue this to November 6, 2024. If you have a certificate of code compliance by then, I will cut the fee in half. Either way, I can recommend to them that it be paid over 5 years. Would you like that?

Williams: You can recommend what you want, but I will appeal to the City Council anyway. What department do I go through to schedule that inspection?

Moermond: DSI. There is information in the Vacant Building Registration letter you received. We will send you the application for that inspection. Make sure that even though you have a duplex in front and this is a carriage house, call it a single family home on the application. It will make the application cheaper. Would you like my recommendation to include a 5-year payment over time?

Williams: I don't want to make a request of you. You do you and then I will follow up with my action. You will send me the info I need?

Moermond: We will send the application for the inspection

Williams: By email?

Moermond: Whichever method you prefer.

Williams: Email is preferred.

Moermond: We will also send the Vacant Building definition in City Code.

Williams: So, you are making your recommendation now?

Moermond: Yes. I am recommending that when Council meets on September 18 that they continue the public hearing to November 6, 2024. If you have your certificate of code compliance by then, I will be recommending a 50% reduction of the assessment. I can't recommend reduction on September 18 so I want to give this more time.

Williams: November 6 is when you put out a recommendation based on my actions?

Moermond: Yes.

Williams: After you make your recommendation on November 6, then I can look at it and determine if I want to appeal that to the Council?

Moermond: If you don't agree with my recommendation, you can be heard by Council on September 18. You could also wait until November 6, so we have more time to see how things look.

Williams: I prefer to wait until November.

Moermond: I wanted to give you time. We will also send you the outdated CCIR, to give you a bit of an idea of what was noted in the past.

Williams: Could you send a current one?

Moermond: You need to apply for and schedule an inspection to get a current one.

Williams: I meant the current law.

Moermond: We will send that.

Referred to the City Council due back on 9/18/2024

# 4 RLH TA 24-305

Ratifying the Appealed Special Tax Assessment for property at 284 MAPLE STREET. (File No. VB2411, Assessment No. 248817) (Amend to delete)

<u>Sponsors:</u> Johnson

Recommendation forthcoming, pending additional ownership documentation.

9/18/24 FOLLOW-UP: ownership documentation received and recommends deletion of assessment.

Ty Lawrence, o/b/o owner Jared Gillespie, appeared by phone

Lawrence: Could we add Jared Gillespie to the call?

Moermond: Sure thing. Do you have a number?

Lawrence: Yes.

Moermond: We will try now.

[Moermond left a voicemail for Gillespie, stating she would try again in 10-15 minutes.]

Moermond: Lawrence, we will hang up and resume this call in 10-15 minutes. We will try Gillespie first with that call.

[Moermond left an additional voicemail saying the hearing would move forward with just Lawrence.]

Moermond: We just tried calling Gillespie and they didn't pick up so we will move ahead now. Focusing on the Vacant Building Fee first, it appears that 284 Maple Street Trust owns the property, which is registered at 250 6th St E, Apt 828. However,

Ramsey County also has a PO box in Minneapolis. I'm trying to see how it can be owner-occupied if that's what we have.

Lawrence: I represent a group of investors and owners in situations like Gillespie's. I'm not familiar with the 6th St address. It might have been a place he previously lived. Maybe it's still there due to a lack of updating data and I'm not sure how to correct that.

Moermond: I might see what's going on. When the deed was originally recorded with county, it recorded him at 284 Maple St, and then there were two additional \$0 filings June 2024 and May 2024, which might have been when it was registered with the trust.

Lawrence: That happened because of a situation with the mortgage. Gillespie is now working out of state and that's why I'm involved. Those transactions had to happen to restore the mortgage back to its current position.

Moermond: I would have thought him living in the property would show vested interest, rather than it being transferred to a trust.

Lawrence: The trust is so that I can have control of the property and keep it in good standing and help him resolve the situation while he works on the financial aspect of it. His vested interest is that he does live at that property. He's just letting his aunt live there with him while he travels for work and stays in hotels to afford paying the rest of it for his aunt.

Moermond: Is he the sole owner of the trust?

Lawrence: Yes.

Moermond: Can you provide documentation of that?

Lawrence: Yes. I can get you a certificate of trust.

Moermond: That would help, because I'm trying to figure out if this should be in the Fire Certificate of Occupancy program.

Lawrence: Happy to help with that.

Moermond: This is Category 2 Vacant Building right now, meaning that it would require a code compliance inspection and certificate. This building seems to meet the definition of only Category 1 Vacant Building. Inspectors were assuming that it was condemned and illegally occupied, but I think that it was unoccupied and unsecure and later it would have been secured by other than normal means. Both things fall within that Category 1 definition. We're not closing out the Vacant Building file though. We need ownership clarified first but we will change it to Category 1. There is no issue I think with Aunt living there in meantime. Hopefully the trust papers resolve things.

Referred to the City Council due back on 9/18/2024

**5** RLH TA 24-306

Ratifying the Appealed Special Tax Assessment for property at 284 MAPLE STREET. (File No. J2410E1, Assessment No. 248323)

<u>Sponsors:</u> Johnson

Approve assessment.

Ty Lawrence, o/b/o owner Jared Gillespie, appeared by phone

[Hearing continued from previous item, RLH TA 24-305]

Moermond: Moving on to the excessive consumption issue for landscaping rocks. You said you had people going to take care of that?

Lawrence: Yes. Gillespie put me in contact with some assistant coaches that he knows very well. As a support fundraiser, they're going to help gather those rocks and reposition them because there is Class 5 rock underneath. The original inspector said the Class 5 wasn't good enough and that's why the landscape rock was added, because they thought they needed something bigger. This was a miscommunication, and now the landscape rock is being moved to be more aesthetically pleasing and this will expose the Class 5 rock underneath.

Moermond: Is that done yet?

Lawrence: Not sure. I can get photos and updates to include when I send you the certificate of trust.

Moermond: The issue is that it wasn't in compliance when inspectors went out on Dec 27, 2023, following up on orders from June 7, 2023. I will be recommending approval of the assessment. Inspectors can work with you going forward on it.

Lawrence: Does it matter if he was in touch with inspectors about this? We aren't sure who needs to be contacted. Things seem convoluted.

Moermond: The inspector who issued the order was Willie Williams on June 7, 2023. It was reinspected 4 times and excessive consumption bills were issued. Those bills went to both the Maple and 6th St addresses. Those are all times that you would get phone numbers. The supervisor to refer to would be Lisa Martin.

Yannarelly: I don't see logged contacts with him.

Lawrence: Gillespie said he talked to someone. There was someone from Fire enforcement. We really need to know who we talk to about these things.

Moermond: It would help if you got copied on the mail, which we can do. This is the 5th of 5 excessive consumptions fees. The previous 4 have already gone to assessment. There has been a lot of mail generated. The original order and all 4 excessive consumption bills were all appealable but weren't appealed. If there is ever a problem with these things, you can call the inspections main line at 651-266-8989. We can also send you the info for Williams' supervisor.

Lawrence: How will it be sent? Could it be sent by email?

Moermond: Yes. It will be sent by Mai Vang.

Referred to the City Council due back on 9/18/2024

6 RLH TA 24-343 Deleting the Appealed Special Tax Assessment for property at 1063 MINNEHAHA AVENUE WEST. (File No. J2411B, Assessment No. 248110)

Sponsors:

Bowie

Delete assessment.

Rachael Lawton, property owner, did not answer phone call

Moermond via voicemail: I am recommending that the City Council delete this assessment, since it resulted from a welfare check. Let me know if you need written confirmation by replying to Mai Vang's email to you or by calling us.

Referred to the City Council due back on 9/18/2024

## 11:00 a.m. Hearings

#### **Correction Orders**

# **7** RLH CO 24-7

Appeal of Ray Krueger to a Correction Notice, Summary Abatement Order, and Vehicle Abatement Order at 327 MAPLE STREET.

## Sponsors: Johnson

Laid over to September 10, 2024 to recheck abatement items after September 5 meeting with inspector.

- -Grant extension to October 1, 2024 for compliance with tall grass and weeds order.
- -Grant extension to October 11, 2024 for front and rear step items from correction order.
- -Grant extension to November 26, 2024 for non-porch window screen items from correction order.
- -Grant extension to April 1, 2025 for porch window screen items from correction order.
- -Grant extension to October 1, 2025 for exterior painting items from correction order.
- -Recommendation forthcoming for vehicle order.

Raymond Edward Krueger, owner, appeared in person Raymond Lawrence Krueger, occupant, appeared in person

[Moermond reviewed the hearing process]

Raymond Edward Krueger: Is Inspector Anthony Munos here?

Moermond: His supervisor, Lisa Martin, is here.

R.E. Kueger: I asked him to be here because he made promises to us that Martin ignored. I had a conversation with her that was unproductive.

Raymond Lawrence Krueger: Are we getting charged twice?

Moermond: We will sort this out.

Staff Report by Supervisor Lisa Martin: A Correction Notice was sent on August 15 on 4 items: The deck on the back of the house, the eaves, exterior walls with peeling paint, and torn screens/missing windows. We also included the contact info for Ramsey County House Calls in that order. The compliance date was September 27. Next was a Summary Abatement Order issued August 16 to remove tree trimmings, car parts and tires, buckets, wood, paint cans, trash, and debris. It also called for the

removal of rocks, bricks, and pots from the boulevard and parking pad area, and for removal of tall grass and weeds. There were boulevard plantings that exceeded the allowable height. The compliance date for that order was August 23. Thirdly, there was a Vehicle Abatement Order issued August 15 for a silver Ford lacking tabs and appearing inoperable.

R.L Krueger: We got rid of it.

Martin: There was also a silver Honda with no plates parked in the yard and appearing inoperable. The compliance date for that order was September 23.

Moermond: What are you looking for? I will let you start with whichever order you would like to take first.

R.E. Krueger: The cars. One is gone. It belonged to someone else and we were storing it for her. The next car is my son's. It does run. Munos said if I turned it around in the driveway to evidence that it was running, it would be fine. In the time that he was gone, Martin stepped in and had not talked to Munos and was not aware of our arrangement and wrote up all these issues.

Moermond: Is that car running?

R.E. Krueger: The car is running.

Moermond: What item next?

R.E. Krueger: The planting. My son likes flower gardens. Lots of homeowners nearby do similar things. I brought photos. This house is at the top of a hill. The retaining wall there is higher than the garden that you're concerned about obstructing a view. I talked with Councilmember Cheniqua Johnson about this, and had a meeting scheduled with her.

Moermond: You two can't have a meeting between now and this being resolved due to ex-parte communication laws. She must abide by that.

R.E. Krueger: Munos told me to talk to her.

Moermond: If you aren't filing an appeal, that would be correct. At the time, he didn't know you would be appealing.

R.E. Krueger: I told him to be here.

Moermond: Let's keep going.

R.E. Krueger: [Described medical issues] Life has gotten in the way of routine things. This spring my son helped me out, but some things got out of hand. My son lives in the upper unit, and I live downstairs with my wife. We had projects we were working on, and I brought items to show you, which security took away. I made some of these things myself.

Moermond: We were talking about the garden and now we're talking about the house. Tell me more about the house.

R.E. Krueger: It's a monumental project, but medical issues have gotten in the way

[Described son's medical issues]. These orders list a lot of things, and we were in the process of dealing with them. Some are already corrected. Some items are moved to the front porch but shouldn't be too obnoxious.

Moermond: I'm seeing boards that need to be replaced and painting needed, but that doesn't need to be done this year. One thing I would like to see dealt with urgently is the unsafe stairway issue.

R.E. Krueger: The front steps are complete.

Moermond: Since August 15?

R.L. Krueger: Yes.

Moermond: So, after orders were issued then.

R.E. Krueger: Yes. The back steps aren't even used. I can take off the existing tread and give attention to the handrail.

Moermond: Emergency responders need to be able to use that back exit just as much as the front. Those steps are the biggest concern.

Martin: If we have a plan on the other items, those steps are the priority.

Moermond: Is one month enough to deal with the stairs?

R.E. Krueger: More than enough.

Moermond: Let's grant to October 11 for the stairs. For the missing windows and torn screens...

R.E. Krueger: The only things missing are the screens. I made the screens myself. The design was flimsy, so I will be redesigning them better.

Moermond: Loose screens are a weak point for children and pets to fall through.

R.E. Krueger: I can't buy them in stores unfortunately.

Moermond: Are there any kids in house?

R.E. Krueger: Just 2 cats.

Moermond: Just keep the windows closed in the meantime if the cats aren't getting out. When will the new screens be done?

R.E. Krueger: Not sure.

Moermond: Is November 26 a good compliance date for those?

R.E. Krueger: I have dozen on the back porch to replace and some others. I can get some of them done by then.

Moermond: How many are upstairs vs downstairs?

R.E. Krueger: November 26 is no trouble if you exclude the back porch.

Moermond: Let's focus on higher levels first. I'll recommend granting to November 26 for non-porch window screens and then April 1, 2025 for the porch window screens. For painting, I'm inclined to give until the end of next year's construction season. Any issue with that. Martin?

Martin: No.

Moermond: We'll grant until Oct 1, 2025 for the painting. Moving on then to the Summary Abatement Order.

R.E. Krueger: I have pictures to show. There's a lilac tree that has a branch hanging over the sidewalk that doesn't even hit me at 6'2". The orders talked about overhanging vegetation.

Martin: They can't be lower than 7 feet off the ground.

Moermond: Also, for the boulevard plantings, the maximum height allowed is 36 inches, unless they are within 30 feet of a corner or within 5 feet of an alley, in which case the maximum height is 18 inches.

R.E. Krueger: Are these rules or laws?

Moermond: Laws. We can send you a link. It's Chapter 105 of our Legislative Code.

R.L. Krueger: Neighbors will be angry to lose their raingardens. There are programs for them and everything.

Moermond: Yes, but there are height restrictions.

Martin: I can go out this week to look and potentially close this out.

R.E. Krueger: Here are photos of other gardens. Will they have a problem?

Moermond: If there's a complaint, yes.

R.E. Krueger: I think I know which neighbor complained but I guess I don't get to know for sure.

Moermond: Even I don't get to know who complained. The City does not retain that data. I'm seeing that the highest vegetation is on the corner. It can't be more than 18 inches there.

R.E. Krueger: It's a nonsense rule.

Moermond: It's a tricycle rule. It's about safety for using the sidewalk. This vegetation needs to come down. It's a hard limit. 18 inches within 30 feet of a corner or 5 feet of a driveway. 36 inches for the rest. I can recommend granting until October 1 on that. Could staff explain Item 2 on the Summary Abatement Order, relating to the parking pad?

Martin: There's a bunch of plant growth in the parking pad area. The car that was sitting there was pretty much buried by tall grass and weeds.

Moermond: I can see that in the picture with the silver Honda.

R.L. Krueger: It's all cut now.

Moermond: Good to hear. Regarding the tree trimmings, car parts, tires, buckets, wood, paint cans, trash, and debris...

R.E. Krueger: We had a flat tire on the car and were in the process of swapping it out but ran into difficulties.

Moermond: What about the other items?

R.L. Krueger: They are car parts. The buckets are for collecting stuff around the yard and for construction materials.

R.E. Krueger: There were limitations on what we could get in the trash.

Martin: The issue is that buckets without lids can pool stagnant water.

Moermond: Are they gone now?

R.E. Krueger: Yes

Moermond: What about the rocks?

R.L. Krueger: I can't have those? They've been there for years. They're decorative.

Moermond: Where exactly are the rocks?

R.E. Krueger: The sidewalk going up to the house is lined with rocks, gnomes, and broken pieces of pottery. There are grape vines in the back off to the side. The backyard is overgrown with them.

Moermond: It looks like the parking pad is too.

R.E. Krueger: They're all around that edge but I didn't see it as doing harm, but thought it was more agreeable than limestone walls.

Moermond: The vines need to be removed from the boulevard and parking pad. The bricks and pots might be okay as a border for your walkway. I would like to have a picture of how the cinder blocks are used.

R.L. Krueger: Those are gone. They were dumped on our property.

Moermond: I know illegal dumping happens.

R.E. Krueger: I told my son to call Waste Management to remove them.

Moermond: They will take it.

R.L. Krueger: The trash guy told me he wasn't interested.

Moermond: They have a separate truck for bulky items.

[R.E. Krueger showed additional photos of the yard]

Moermond: My concern is the height between the sidewalk and the street.

R.E. Krueger: I would appreciate a call when Martin is coming next.

Moermond: We can schedule a meeting. Everything up to this point has been an inspection, not a meeting.

Martin: Would you like me to call on your cell to schedule a time?

[R.L. Krueger provided his cell number as well]

Moermond: It is most important for R.E. Krueger to be there because of tax implications as the property owner.

R.E. Krueger: Thursdays are the easiest to make work.

Martin: Does this Thursday at 10am work?

R.E. Krueger: September 5? That works.

Moermond: I want there to be clarity on the items remaining, and if there isn't we can have another conversation. Let's check back in on September 10 in another hearing, either in person or by phone.

R.E. Krueger: That may work.

Moermond: If we have a hearing it will be between 11am and 12pm. We will send you a letter on Friday. What is your preferred method of receiving that letter?

R.E. Krueger: Paper mail is preferred.

Moermond: That works. Same for you R.L. Krueger?

R.L. Krueger: Yes.

Laid Over to the Legislative Hearings due back on 9/10/2024

**8** RLH CO 24-8

Appeal of Thomas Nelson & Ranettia Alexander-Nelson to a Correction Notice at 493 VAN BUREN AVENUE.

**Sponsors:** Bowie

Need to confirm if property is grandfathered for Class 5 surface and other site plan issues.

Thomas Nelson and Ranettia Alexander-Nelson, owners, appeared in person

[Moermond reviewed the hearing process]

Staff report by Supervisor Lisa Martin: On August 23, 2024, a correction notice was issued regarding parking. Earlier on May 2, 2024, a notice was sent to you explaining that the site plan approved for your property had been issued in error and was

rescinded. The letter informed you that you would need to submit a new site plan. The City has not yet received one, and vehicles can no longer park there. All vehicles must be removed from the yard and parked in the driveway, garage, or on the street. Parking is not allowed in the yard without an approved site plan. There was also a letter to them on May 2 from Zoning Administrator YaYa Diatta which had info on the parking site plan and asked them to resubmit it.

Moermond: Looking at the site plan, it says approved on February 15, 2024. What is the approval for?

Martin: This site plan was approved in error. Whoever approved it at that time did not go back to 2017 to look at the aerial image showing that there was not Class 5 rock at that time, and would not have been grandfathered in. It has not been maintained either.

Moermond: The letter doesn't say the plan they had submitted needs to be revised.

Martin: I have that letter.

Moermond: I don't see the one from Diatta in our records.

Martin: You can have my copy.

Moermond: What are you looking for?

Thomas Nelson: Aerial photos show Class 5 rock in 2017. In 2014 we put Class 5 rocks in, then in 2017 they said it wasn't enough. It was as all down in 2018 but wasn't down yet in 2017 for that photo because we did it in late 2017 or 2018. We have photos to show that. We didn't know we had to get a site plan at the time though.

Alexander Nelson: There has been a lot of confusion. Diatta came by and said we didn't exceed the allowable square footage that can be used for parking.

Thomas Nelson: We were then told recently that the rocks didn't used to be there, but they did used to be there. It was there in 2017 and we covered the whole area in late 2017/2018.

Moermond: I hear you coming at this earnestly with good intentions. I hear that you've had a lot of voices coming at you.

Thomas Nelson: They said we lied.

Moermond: I may not give you an answer today, and we need to untangle this to give you a fair and honest review. It may go your way. If it doesn't or goes partially your way, you will understand why. We don't want to keep going down this road.

Ranettia Alexander-Nelson: There was never just grass there.

Moermond: We will get clarity on this. In the meantime, don't park on the grass. Let's look back at this on September 24.

Ranettia Alexander-Nelson: We will get rid of the extra weeds before then, just in case.

Laid Over to the Legislative Hearings due back on 9/24/2024

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

9 RLH SAO 24-51 Appeal of Michael E. Corcoran to a Summary Abatement Order and two Correction Notices at 1478 AMES AVENUE.

Sponsors: Yang

Grant to:

- -August 1, 2024 for orders related to roof repair.
- -November 1, 2024 for 1/3 progress on all items (excluding roof), including vehicles.
- -April 1, 2025 for additional 1/3 progress on all items.
- -July 1, 2025 for balance of orders.

Michael and Angelique Corcoran, property owners, appeared in person

Supervisor Lisa Martin: We met them at the property and there's a lot to take care of. The good news is I found the original permits showing that everything was signed off back in 2002 and 2003. You still have the active permit for what's being worked on now. We met with Building Inspector Jason Brash at the property. He walked through the building and put together a deficiency list, largely regarding the roof. The yard has a lot of cars and wood. No garbage. Just stuff. The biggest thing was the safety issue but now we know all those permits were signed, so that's a big relief.

Moermond: So, there are orders on what Brash looked at...

Martin: Yes. On August 27, 2024, he issued a stop work order, saying they needed permit to continue work. We have the permits now for doing that work. There isn't really a hazard now that we know the electrical and everything is taken care of.

Moermond: And you talked to Brash as well?

Michael Corcoran: Yes.

Moermond: How did that go?

M. Corcoran: It went well. I took down all the deck railings and will reinstall them. He wanted some railings on a stairway up to the deck, and I can do that. On the interior, he wanted some handrails hooked to wall on two stairways. We got new smoke detectors as well. We also discussed the roof. We aren't sure we want the deck to be for multiple seasons or just have screening. We need to check on the required slope of the roof.

Moermond: The roof seems like the most complicated piece.

M. Corcoran: Yes. The deck is overbuilt and sturdy.

Moermond: Let's separate the roof from everything else. For the non-roof items like rails and smaller things, how long do you think you need?

M. Corcoran: A couple weeks.

Moermond: And the roof? Will you be doing it yourself?

M. Corcoran: I will likely be looking at doing it next year.

Moermond: I just need confirmation that it won't be a dangerous situation until then. It doesn't seem like it is.

Angelique Corcoran: The current roof has been there for years.

Moermond: In the absence of concerns about it, I can give until August 1, 2025, for the roof. I will grant to November 1, 2024 for everything else building-related. Does that work?

M. Corcoran: Yes.

Martin: Now we just have the vehicles and the summary abatement.

M. Corcoran: All vehicles are running. Four have been removed from the grass: the 1997 Honda Civic, the 1996 Buick, the 1989 Shevan, and the 2000 Toyota pickup. I will put license tabs on them this month. I will be giving away the Buick and maybe the Civic. There's a 1998 Blazer that is still on the grass. The boat, paddleboat, and 4-wheeler is gone. The landscape trailer is gone. There was a green tarp in the backyard covering 19 roof trusses and those are gone too. There were boulders underneath as well. I'm not sure if those are illegal. The 1996 green Honda and a 1969 Mercedes still on the grass. I have 3 spots on the west area for 3 vehicles and then a 2-car garage I can use once it's cleaned out. Is recycled asphalt an approved surface for the cars?

Deputy Director David Hoban: It depends on if it's continuous or granular.

Corcoran: Is granular not allowed?

Hoban: Not anymore.

Corcoran: Can I park under the deck if the surface is approved?

Hoban: I would have to defer to Brash. I'm not sure.

Corcoran: That would mean two more spots.

Martin: What's the progress on the wood?

A. Corcoran: The wood is going quickly. We are giving all 114 panels to someone who is building a fence. They can't take it until September 12. She doesn't have a trailer so we will bring the items to her.

Martin: Let's check in on this on November 1, since progress is being made.

Moermond: Let's set an actual deadline of November 1 on the vehicles.

Martin: The other things may not be gone until next spring.

M. Corcoran: Could you take a look on November 1 then?

Martin: Yes.

M. Corcoran: The wasp nest is gone as well.

A. Corcoran: There are some yellowjackets still.

Moermond: I'd like to set a deadline for some of the non-car items.

Martin: I think we will need 3 deadlines.

Moermond: How about November 1, 2024 for a one-third progress check, April 1, 2025 for a remaining two-thirds, and then July 1, 2025 for full compliance with orders?

Martin: That works.

M. Corcoran: That works.

A. Corcoran: That works.

Referred to the City Council due back on 9/18/2024

## **10** RLH SAO 24-52

Appeal of Edward Albrecht to three Summary Abatement Orders and one Vehicle Abatement Order at 1529 GRANTHAM STREET.

## Sponsors: Jalali

Grant appeal on tall grass and weeds order, nuisance abated. Grant extension to October 1, 2024 for summary and vehicle abatement orders. Grant extension to November 1, 2024 on garden tractor. Grant appeal and allow contractor toolbox and lidded garbage cans.

Edward and Tammy Albrecht, property owners, appeared in person

Edward Albrecht: I know the overhanging foliage was an issue. We've since trimmed them back, mowed down the yard and boulevard, and cleaned things up.

Staff report from Supervisor Lisa Martin: A Summary Abatement Order was issued July 31, 2024 dealing with outside storage of auto parts, a garden tractor, a contractor toolbox, a tarp and items underneath, loose bricks, water-filled buckets, unapproved plastic and metal trash cans, oil bottles, and miscellaneous debris. The compliance date was set for August 8. There is also an order on tall grass and weeds and overhanging vegetation.

Moermond: So, the issues are plant growth and stuff in the yard. You said the growth is taken care of?

E. Albrecht: Yes. It's now trimmed along the edge of the alley. We have photos to share as well.

Martin: The photos look 100% better for the vegetation issue.

Moermond: Garbage trucks going through makes that overhanging vegetation concern important. Let's move on to the outside storage.

E. Albrecht: We removed the oil cannisters. I didn't know the old metal garbage cans needed to be removed. We used them to store yard supplies.

Moermond: They just need to have lids on them. I'm seeing water-filled buckets and tarp.

E. Albrecht: There are two buckets with old fish tank rock that we removed. We dumped them out and removed them, understanding the mosquito issue. For the tarp, can we keep firewood underneath it? I could take the tarp off if that's preferred. The car got aired up, is functioning, and moved. We still need to get license plates and tabs. It's for our 15-year-old kid.

Moermond: What is your timeline for doing that.

E. Albrecht: November, when I have to do my tabs as well. I understand it was not an approved surface where the blue Chevy and the trailer with the lawn tractor on it were. I trimmed a lot of that overgrowth down.

Moermond: I can see why you'd want to be working on the blue chevy. Where is it now?

E. Albrecht: In the driveway. For the lawn tractor, I like to do hands-on learning with my kids. I want to let them disassemble and assemble the motor to learn how they work. Is that allowed outside?

Moermond: You can do the fixing on your own vehicle in your own yard, like a lawn tractor. The issue is how long things lay around outside. Usually, those repair projects are done within 24 hours. If it can be stored in a garage if it takes longer, that is preferred.

E. Albrecht: It's currently on a trailer.

Moermond: I don't see a problem with it being there. For the car, license plates and tabs need to be done as soon as possible. I know you wanted to wait until November, but I will recommend a deadline of October 1 to get that done right away. For the firewood, I will let Ms. Martin describe City requirements.

Martin: Under the tarp is fine but it needs to be off the ground and no higher than 5 feet.

Moermond: For the tractor, is that going to be finished this fall?

E. Albrecht: The intention is to finish it before snow comes.

Tammy Albrecht: The issue with the trailer is that it wasn't on approved surface, right?

Moermond: Yes, and it sounds like that's done. I'm ok with the mower parts taking a bit longer or being stored. I will set a second deadline on the lawn mower of November 1.

E. Albrecht: Is there an issue with the contractor toolbox? I thought it was okay for outdoor equipment since I see it at ballfields.

Moermond: Residential uses have different requirements.

E. Albrecht: I figured plastic containers for lawn furniture are okay, so my metal container would be fine.

Martin: Is it waterproof?

E. Albrecht: Yes. It's used for outdoor tools and toys like scooters.

Martin: That sounds reasonable.

Moermond: That argument works. That is suitable.

E. Albrecht: Does the color matter?

Moermond: Beautification doesn't matter. The issue is the rust and the effect on the metal's waterproofing.

Martin: We usually see these in commercial uses for auto repair. These are not an issue in your case.

Moermond: Back to the metal garbage cans, they just need lids.

Martin: And they should be kept away from where you keep your garbage so as not to confuse haulers.

Moermond: I will recommend an October 1, 2024 deadline for everything we aren't granting the appeal on then, besides the trailer which has a deadline of November 1, 2024.

E. Albrecht: How did this inspection come about?

Moermond: Complaints are the most common. Inspectors can also do a "field find" when they happen to be in the neighborhood. Sometimes inspectors can just be going by and report something, but that is rare.

E. Albrecht: Our neighbors just had a roof redone. Maybe it was that.

Moermond: Those are different inspectors.

Martin: We don't even know the origin. We just get the info from the call center.

E. Albrecht: Is there a website to see open inspections on a property?

Moermond: We will send that link in a follow-up letter.

Referred to the City Council due back on 9/18/2024

# **11** RLH SAO 24-58

Appeal of Philip Johnston to a Summary Abatement Order at 470 GOODRICH AVENUE.

**Sponsors:** Noecker

Grant extension to December 1, 2024.

Phillip Johnston, property owner, appeared in person

[Moermond reviewed the hearing process]

Staff report by Supervisor Lisa Martin: A Summary Abatement Order was issued on

August 15, 2024, for a fallen tree, with August 22 set as the compliance date. An extension seems acceptable, given all the trees downed from the recent storm.

Johnston: I'm working on it. I got a tree trimmer, electric chainsaw, and a wood chipper.

Moermond: I can see you've been working on it.

Johnston: The neighbor behind me does tree service and has a trailer with 4 cubic yards of space. I probably have 3 or 4 loads total to remove, aside from the main trunks. I may need a bigger chainsaw to get through the trunk. Paying for tree removal service is beyond my pocketbook. I'm looking to see the cost of having a bobcat remove the big log and the trunk.

Moermond: I'm hearing that you need some additional tools.

Johnston: I'm not as far along as I'd want to be. I may be taking some time off work and get everything done by the beginning of October.

Moermond: We are also looking at winter coming.

Johnston: I don't want it taking until then.

Moermond: I can recommend until December 1, 2024.

Johnston: You're a saint.

Referred to the City Council due back on 9/18/2024

# **12** RLH SAO 24-61

Appeal of Mark Puchala II to a Notice to Cut Tall Grass and/or Weeds at 2016 FREMONT AVENUE.

**Sponsors:** Johnson

Rescheduled to September 10, 2024.

Mark Puchala, property owner, appeared by phone

Puchala: Mai Vang asked if I wanted to reschedule, and I have a master gardener coming soon. Would you prefer to reschedule?

Moermond: We can wait a week on this. We will meet on September 10, 2024.

Puchala: Is there somewhere I should send notes I've been making?

Moermond: Mai Vang will send you an email and you can reply to that with your notes. PDF or Word documents both work.

Laid Over to the City Council due back on 9/10/2024

## 1:00 p.m. Hearings

Vacant Building Registrations

## 13 RLH VBR 24-54

Appeal of Chad Chahov to a Vacant Building Registration Notice and Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 1546 WILSON AVENUE.

**Sponsors:** Johnson

Grant extension to September 13, 2024 for condemnation to be lifted or vacate property by October 1, 2024.

Chad Chahov, Property Manager/Responsible Party, appeared in person

Staff report from Fire Inspector Der Vue: Last Friday, Fire Safety Inspector Daryl Chute and Building Inspector Clint Zane inspected the property as per orders that before today's hearing, the property owner must clean the sump pump and confer with the building inspector regarding a vapor barrier. It was also recommended to have permits closed, if possible. The property owner was told he would need to remove the flooring in the basement from one side of the home to the stairs, roughly the middle, and a small patch on the other end of the home as well. These areas have been subject to flooding. The larger area is of most concern as there is a deep stench of sewage that comes from the sump pump area. This told the inspector that the flooding would have seeped sewage water into the basement. Some paneling removal would also be required to inspect behind water damaged panels for further mold or rotting issues. There's also some drywall near the sump pump that will need to be removed because it was not inspected prior to the cover-up. Additional drywall removal would be required for repairs that were done in the bathroom without a permit or inspection. It still is undetermined how the water is coming into the House with the sewage smell. Chute said to confer with utilities located on the property to try to find the source. It was also noted that bleach was poured into the sump pump to alleviate the smell. I understand that the tenants were required to leave by the property owner but do not have a place to go.

Moermond: So, the owner would want to talk to Zane about potentially adding the bathroom to the current building permit?

Vue: Correct. There are two permits open: plumbing and building. The building permit is just for removal of the wall of the southeast bedroom in the basement.

Chahov: All the work we have done is permitted. Since the appeal, we closed the permit for the deck. Building Inspector Steve Maki said we had to dig the footing down to show it was correct. When Zane and Chute came last Friday, they added stuff to the list Maki gave me. For the bathroom, I cleaned the pump with bleach, and it worked for a day, but then smelled again. We aren't sure what to do now. I was told to remove flooring and bleach the cement. Zane told me not to remove any sheetrock until after our meeting today. We think we know where the smell is coming from. We think it's an old sump pump that is tied to the newer one. I may need to replace the pipe underneath it, which would mean getting though the sheetrock. I'm going to have a plumber come out to snake it but that may not work.

Moermond: Vue said the tenants are out. Is that correct?

Chahov: They are still there because they don't have a place to go. I told them they can stay. I need the inspector to come and tell me how to proceed.

Moermond: Did the issue of a plumbing permit come up? I know snaking a drain

doesn't need one, but replacing a pipe or parts of one does.

Vue: There is a plumbing permit to install a sump pump on August 20, but doesn't include these repairs.

Chahov: If it doesn't snake, I will have to do that. I have a plumber coming in today to try snake it.

Moermond: Could someone from Fire Inspections go with Zane to address the condemnation when he goes out there next? Zane can handle building permit things, but someone from Fire Inspections is who can lift the condemnation.

Vue: Yes.

Moermond: For the Vacant Building Fee, let's waive that for 90 days from the registration date until November 19. For the sanitation issue, I'm glad that we're still in a season where windows can remain open for fresh air.

Chahov: When they tenant doesn't use the sink, there's no smell. We found the additional sump pump from it. The timeline for finishing the work depends on what the inspector says is needed. It can be done in 2-3 days if I can crack the sheetrock to replace the pipe.

Moermond: I see a small list of things that relate directly to the condemnation and another list of corrections that need to be addressed after those higher priority things are taken care of.

Vue: I agree. Things to lift the condemnation are fixing that sink and others. I appreciate the clarification that the tenants are still there.

Moermond: Those lower priority issues are the screen door and electrical cover plates.

Chahov: Those are done.

Moermond: Everything else looks related to the condemnation being lifted. We need a deadline around the water-related things. I can give a week to complete the plumbing work and have the fire and building inspectors go out.

Vue: That works.

Chahov: Can we crack the floor without the inspector being there?

Moermond: Why?

Chahov: We want to get this done as soon as possible if snaking doesn't work.

Moermond: I would wait for the building inspector to make that call. Would you want a plumbing contractor to do that?

Chahov: I think I will crack the floor.

Moermond: You will also need to put it back together in a code compliant fashion. Getting to the pipe is just one thing.

Vue: This may require a permit if they are doing that. Anything beyond snaking will require a permit.

Chahov: If snaking doesn't work, I will need to cut the cement. It's not that complicated.

Moermond: We have the plumbing inspector contact info for you as well, so you can reach out to them. We can look at Friday September 13 for condemnation issues to be resolved. Inspectors will stop by after that to see about lifting the condemnation.

Referred to the City Council due back on 9/11/2024

## **14** RLH VBR 24-56

Appeal of Ia Ong Ly to a Vacant Building Registration Renewal Notice at 1003 ARCADE STREET.

**Sponsors:** Yang

Waive the vacant building fee for 90 days to November 7, 2024.

Ia Ong Ly, property owner, appeared by phone

[Moermond reviewed the hearing process]

Staff report from Vacant Building Supervisor Matt Dornfeld: This property entered the Vacant Building Program on September 6, 2023, per a Fire Certificate of Occupancy referral. There have been issues with homeless people entering the property over the past few months and we had to do some securing of a cellar door on September 27, 2023. It is otherwise vacant and secure.

Moermond: What would you like?

Ly: I would like the fee waived. We are working on it and Fire gave us a deficiency list and we are working on it. We applied for a remodel license in June 2024 and were told 2 weeks ago that the license is approved. We have a contractor as well.

Moermond: What is the timeline for completing the work?

Ly: The contractor doesn't have a timeline because a lot of work needs to be done. It might be 2 months.

Moermond: If we put in place a 90-day waiver, that would take you to November 7. If it's done by then, you won't have a vacant building fee. If it's not done then, it will go to assessment, which is also appealable. If you appeal that assessment, I could look at prorating it if it's done within 6 months. I do want to be clear though that the whole fee will go to assessment after those 90 days if the work isn't done.

Ly: I will let our contractor know that. Can we push the waiver to 120 days?

Moermond: No. If it takes 120 days, we can talk about that as part of the assessment conversation. We will send a letter with all this information, including when this item goes to the City Council, which will be September 18, 2024.

Referred to the City Council due back on 9/18/2024

15 RLH VBR 24-57 Appeal of Rashad Kennedy to a Vacant Building Registration Notice at

## 741 CASE AVENUE.

**Sponsors:** Yang

Grant appeal pending inspector confirmation of compliance with August 13, 2024 Fire Certificate of Occupancy Orders. Vacant Building recommendation forthcoming.

Rashad Kennedy, property owner, appeared in person

Staff report from Fire Inspector Der Vue: 4: This is a 2-unit dwelling with reports of broken windows, some exterior chipped and peeling paint, deteriorated bricks and mortar on the chimney, and vehicles parked on an unapproved surface. The report was submitted on March 25, 2024. Orders were issued in March, April, and May with no repairs completed. It then had its Fire Certificate of Occupancy (FCO) revoked for long-term noncompliance. A reinspection on June 14 showed that the front corner glass window issue was corrected, but other deficiencies remained. A full FCO inspection was conducted with the property owner and Supervisor Mitch Imbertson on July 1. It looks like an extension was granted to July 31 and then a reinspection took place on August 15.

Moermond: So, the outstanding issues are the basement, gas-powered equipment, and the chimney. The chimney seems like the heaviest lift.

Kennedy: The equipment is removed, and the chimney is done. I appealed because I only knew about one chimney at the time. The second chimney is now done.

Moermond: Has no one been out there since the last inspection?

Vue: Not since August 15.

Moermond: Can this be looked at from the exterior?

Vue: It would require going inside to confirm compliance with orders. I recommend an inspection.

Moermond: Could someone get out within 2 weeks?

Vue: Yes. Someone will need to meet Inspector Schute there.

Moermond: I will put this on council agenda for September 18. We will grant the appeal if the inspection says everything is taken care of.

Referred to the City Council due back on 9/18/2024

## **16** RLH VBR 24-52

Appeal of Geoffrey Lindback to a Vacant Building Registration Notice at 1980 STANFORD AVENUE.

Sponsors: Jost

Waive the vacant building fee for 90 days to December 8, 2024.

Geoffrey Lindback, property owner, appeared in person

Staff report from Fire Inspector Der Vue: This is a single family dwelling. On July 27, 2024, there was a fire. It was condemned on August 6 and sent to the Vacant Building Program. The fire appeared to be from the process of moving in.

Staff report from Vacant Building Supervisor Matt Dornfeld: The vacant building file was opened on August 8, 2024.

Moermond: This was the result of a kitchen fire?

Vue: Correct

Moermond: What is the scope of rehab?

Lindback: My insurance is going through it right now. For the main floor, we will be removing all the exterior walls and ceiling. We will also clean out the attic and clean up ceiling tiles to make the space ready to repair. We also need to fix door frames that were water damaged from putting the fire out.

Moermond: Did your insurance give you a timeline for releasing funds and bringing in contractors?

Lindback: I'm working with a contractor and am waiting for them to put together estimates. They said they were having a backlog of fire claims lately and it would take 45 days for them to put that together, instead of their usual 30 days.

Moermond: Do we have a vacant building registration filed?

Dornfeld: I didn't see one, but sometimes they don't get attached. Maybe that's a better question for the appellant. Did he fill out the vacant building registration form and check the box requesting a 90-day fee waiver?

Moermond: Do you have the form?

Lindback: I'm not sure.

Moermond: We will get you that form right now for you to fill out. This is less a question of registration and more about the fee. City code provides you a 90-day waiver. If the repairs are finished by then, you have no fee. If work still remains, it would then go to assessment, and we could look at prorating the assessment if it's in the program for less than 6 months. If it takes longer, we can divide payments over several years. The fee will come in November or December. You can pay it or go through the appeal process. I would suggest going through the appeal process and we would be talking about this bill in front of the City Council in 2025. Let's meet back in December and waive the Vacant Building Fee through December 8, 2024.

Dornfeld: Sounds good.

Lindback: Is there a point that we can live in it before rehab is finished?

Moermond: All permits need to be finaled.

Lindback: If insurance says it needs to be rebuilt from scratch, does that change this?

Moermond: We will cross that bridge when we come to it. I don't expect it will end up there. If it does, we will sort it out. We will send you a letter to confirm all of this recommendation.

[Moermond reviewed the hearing process]

Lindback: Do you want the form handed directly to you?

Moermond: You can fill out the form here, give it to us, and Mai will scan it and send to the Department of Safety and Inspections.

Referred to the City Council due back on 9/18/2024

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