



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, January 23, 2024

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 24-1](#) Ratifying the Appealed Special Tax Assessment for property at 172 MOUNDS BOULEVARD. (File No. J2404E, Assessment No. 248303)

Sponsors: Prince

Approve the assessment.

Colleen Duncan, owner, appeared by phone

Moermond: We had an appeal hearing scheduled for two weeks ago. We tried reaching you, but no one picked up and your voice mailbox was full, so we couldn't leave a message then. Did you still want to appeal the assessment?

Duncan: I didn't see a photo of the couch, so I was checking to see if it belonged to one of my tenants, and I didn't get a letter.

Moermond: Notice of the hearing went via email on Dec 29, which included the orders and photos. It was sent to the email you provided to us.

[Moermond reviewed the hearing process]

Duncan: I'm trying to see a photo of the couch, to see if it's my responsibility from belonging to a tenant.

Moermond: You are responsible either way, as the property owner, even if something is dumped illegally. Included in your garbage bill, though, is pickup for bulky items, which you could use for situations like this.

Duncan: I did not know that. If you're going to make me pay it, I'll pay it. I have to get back to my patient, since I'm at work. I'm not getting your emails for some reason. It sounds like I'm going to have to pay no matter what. Can I pay now?

Moermond: No. We can't take money during a hearing.

Vang: I advise you to change your mailing address with Ramsey County, and to also fill out the Fire Certificate of Occupancy (FCO) change of mailing address form. That

hasn't happened, so you may want to do that. That way you will get the mail in circumstances like this.

Duncan left the call.

Moermond: We will send an email to her after the hearing with the following items:

- Documentation of the email sent on December 29 with the order and photos.
- A link to City website on bulky item garbage pickup.
- Information on how to update her mailing address with Ramsey County.
- Information on changing her mailing address with the FCO program.

Lacking other info, I don't have an option other than recommending approval.

Referred to the City Council due back on 2/28/2024

2 [RLH TA 24-4](#)

Ratifying the Appealed Special Tax Assessment for property at 463 IGLEHART AVENUE. (File No. 2402T, Assessment No. 249001)

Sponsors: Bowie

Approve and payable in 10 years.

Marceline Wade, owner, appeared by phone

Moermond: Based on your conversations with Forestry Arborist Karl Mueller, are you looking for payments to be spread over 10 years?

Wade: That's what I would like.

Moermond: I am comfortable asking the City Council for that.

[Moermond detailed the Council public hearing and assessment processes]

Referred to the City Council due back on 2/28/2024

10:00 a.m. Hearings

Special Tax Assessments

3 [RLH TA 24-52](#)

Ratifying the Appealed Special Tax Assessment for property at 380 EARL STREET. (File No. J2402A, Assessment No. 248501)

Sponsors: Johnson

Approve the assessment.

Vincent Tran, owner, appeared by phone

[Moermond reviewed the hearing process]

Staff report from Supervisor Lisa Martin: A summary abatement order was issued on May 8, 2023 to remove a TV, scrap wood, and miscellaneous debris. A compliance date of May 15 was set. Upon reinspection, the nuisance was not abated and a work order was issued. The work was completed on June 7. There was no returned mail. The cost was \$288 plus a \$162 service charge for a total of \$450. This is a provisional Fire Certificate of Occupancy (FCO) property. This property does have history. There

was a substantial abatement issued for garbage on June 5, 2023, where the nuisance was abated by the owner. There was a collapsed retaining wall on November 22, 2023. There were also garbage abatements on May 1, 2022 and October 21, 2021, which were resolved by the owner.

Moermond: What are you looking for?

Tran: We called the tenant when we got this notice, and the tenant said they removed it. The tenant was recently evicted in August or September for nonpayment of rent. This fee is a financial hardship and we would appreciate if it could be removed.

Moermond: What could I tell the City Council as the reason for the fee being removed?

Tran: First, is that the tenant said they got rid of the stuff. The second reason is the financial hardship of it.

Moermond: I looked at the photos from the inspector and the video from the cleanup crew, and the items are the same. Regarding your financial issues with your tenant, that is a private matter between the two of you. I can't recommend the assessment be decreased because of that.

Tran: Is it possible for the City to help financially?

Moermond: This is about recovering costs for sending a cleanup crew. This isn't a subsidy program for assisting landlords with the costs of being landlords. There may be that kind of program. I know there are City programs for repairing, but not for cleanup. I have to follow very specific laws on this. The work was done. I can't use the fact that you aren't making money on the property as a reason for subsidizing.

Tran: So, the City can't help?

Moermond: Not on this assessment.

Referred to the City Council due back on 2/21/2024

4 [RLH TA 24-53](#)

Ratifying the Appealed Special Tax Assessment for property at 132 MAGNOLIA AVENUE EAST. (File No. J2402A, Assessment No. 248501)

Sponsors: Kim

Approve and payable over 5 years.

Virginia Kimker, owner, appeared by phone

[Moermond reviewed the hearing process]

Staff report from Supervisor Lisa Martin: A summary abatement order was issued on May 5, 2023 to remove a couch. The deadline for compliance was May 12. It looks like there was an order that had also gone out in April on the same couch. Upon reinspection, it was still there. A work order was sent and the work was done on June 9, 2023. The cost was \$316 with a service charge of \$162 for a total of \$478. There is history with this property listed in our system. We also had some garbage on March 3, 2021, and then in 2020 there was dumping and overhanging vegetation blocking the public right of way, which was resolved by the owner.

Moermond: What are you looking for?

Kimker: This is either the 3rd or 4th thing that has been dumped on my property. I always suspected the house behind me that's a rental. Every time someone moves out, the owner dumps the furniture on my property. I'm disabled. There is no way I could have put the furniture there.

Moermond: Looking at the aerial map, there are 3 addresses nearby across the alley, 127, 133, and 137 Cook Ave. 133 is the rental. Is that the one you are referring to?

Kimker: Yes.

Moermond: I can't do much for you in this regard. I have an address if you would like to write to this owner and ask him for more information and tell him about your concern. It may help you work together to prevent future instances.

Kimker: The problem is that I think it's the owner putting it there on purpose.

Moermond: It could be a mixed bag. It could be renters or the owner. Ultimately, maintaining the property is up to the landlord. There are 2 pathways to deal with this. One is to reach out to the owner and resolve the issue with a conversation. The other thing you can do is have bulky items picked up by your garbage hauler. It's already included in your garbage bill. This would not add any financial burden for you. If you need to ask for more pickups than you're allotted based on your garbage plan, paying for an extra bulky pickup from them would still cost less than it would cost you to have the City do it. If you see illegal dumping, you can call the inspector and let them know you have your hauler coming to pick it up.

Martin: That's been done before, and our inspectors know to hold off on putting in a work order when that happens.

Moermond: You can also put up motion detector lights, and having a sign saying the area is under video surveillance can deter dumping, even if there isn't actually a camera. There are also programs for deferring payment for a number of years or until point of sale. I'm stuck with the fact that this wasn't taken care of and the City did the work. We will send you a letter with the neighbor's contact information and details on deferring payment. I'm going to recommend the assessment be divided over 5 years, just to be safe. I think you will qualify for a deferral, but this is just in case you don't. For your information, the neighbor's name is Taylor Swartwood, and we will send you his address. Martin, are there other deterrents you suggest for illegal dumping?

Martin: The sign and motion detector light really work well.

Referred to the City Council due back on 2/7/2024

Special Tax Assessments-ROLLS

- 5** **RLH AR 24-1** Ratifying the assessments for Property Clean Up services during October 5 to 13, 2023. (File No. J2411A, Assessment No. 248510)

Sponsors: Jalali

Referred to the City Council due back on 3/13/2024

11:00 a.m. Hearings

Making Finding on Nuisance Abatements

- 6 [RLH SAO 24-1](#) Making finding on the appealed nuisance abatement ordered for 763 WEIDE STREET in Council File RLH SAO 23-52. (Legislative Hearing on January 23, 2024)

Sponsors: Yang

Public hearing continued to February 14, 2024. Grant extension to February 10, 2024 to come into compliance with the remaining items on property; grant to May 12, 2024 for compliance with the metal shelving.

Marie Eggers, owner, appeared by phone

Moermond: I have photos from January 22 with me, and you have them as well. I will let Martin go through them.

Eggers: All the wood is gone now. I was up until 1:00 AM in the morning working on it. The shelving is all out of the driveway also. The stuff there now, we are working on getting the money together to take to the dump.

Staff report from Supervisor Lisa Martin: Just to review, the summary abatement order was to remove and dispose of the pallets, scrap wood, building materials, tarps, scrap metal, and all other debris from the property. Looking at the photos, as of yesterday, I see a lot of boxes, scrap wood (which you said was removed), possible paint cans, buckets, ladders...

Eggers: I can't have ladders outside?

Moermond: You can, but let her finish, please.

Martin: I see building materials, which can't be stored outside. Ladders can be outside if they are stored properly.

Eggers: The ladder laying in the driveway is to take to the dump.

Martin: I also see a car, which wasn't part of the orders, that may have a low tire. The pallets are all gone though, which is great.

Moermond: So, in working on the wood late into the night, does that include the lumber/risers that we talked about last week?

Eggers: The metal shelving is out there but has no wood on it. The wood is all gone. The shelving is frozen into the ground and can't be moved. I know you're talking about the spare plywood laying around, and we are getting rid of that. We built a shed on the deck, and I'm not sure if you're referring to the plywood leaning up against it. We plan to use that for siding it, but it's just been so cold recently. We got the plywood out of the driveway. The pile with the ladder is all going to the dump.

Moermond: What's the plan for the cinder blocks?

Eggers: We were trying to have it be low a wall there.

Moermond: I just wanted to check. I don't see a low wall like that as a problem. That's not against code. Could you tell me about the shed?

Eggers: It's almost done. I'm hoping to finish it up this weekend. I have one wall left, the frame on the door, and then I'm going to run the stringers across. It's not attached to the garage or anything. It's free-standing.

Moermond: I don't know if you need a building permit for that. I see more than a good faith effort to take care of this. I want to break it into two parts. One is the weather-sensitive piece. Anything frozen into the ground is something that we will separate out. Everything else can be done sooner. I hear you're planning to take some items to the dump.

Eggers: The stuff frozen to the ground is just the shelving. There's no wood left on it either. The scaffolding in the driveway is all gone.

Moermond: What's frozen to the ground?

Eggers: Just the shelving by the fence.

Moermond: I think the frost should be gone by May 1. Let's set a deadline for that of May 12. Anything else frozen into the ground?

Eggers: No. We will have the ladders put up on hangers on the side of the shed, once it's completed.

Moermond: That works. If the shed is smaller than 200 square feet, a permit is not required as long as it's safely constructed.

Eggers: I did it myself. It's pretty sturdy

Martin: That sounds good.

Moermond: Regarding the other items, I will set a deadline of Friday, February 10, given your good faith effort and the cost associated with taking items to the dump. We will discuss this again on Tuesday, February 13 in a Legislative Hearing to make sure that half is resolved. This will go to Council on Wednesday, February 14. If there's anything left besides the shelving, I will ask them to send a crew to clean up everything left besides the metal shelving.

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

Summary & Vehicle Abatement Orders

- 7 [RLH SAO 24-6](#) Appeal of Jeremy Plesha to a Summary Abatement Order at 1708 MARSHALL AVENUE.

Sponsors: Jalali

Layover to LH February 6 Legislative Hearing for inspector confirmation of abatement.

Jeremy Plesha, owner, appeared by phone

[Moermond reviewed the hearing process]

Plesha: I didn't check my mail for a few days and I got this almost on the day of the deadline.

Staff report from Supervisor Lisa Martin: The summary abatement order was issued on January 11 to remove a TV, scrap wood, and miscellaneous debris. The photo shows some large tree stumps, from what might be a tree that was cut down.

Moermond: What are you looking for from your appeal?

Plesha: The TV is gone. Regarding the wood, the neighbors know I like having firewood and thought they were helping me by giving me scrap wood for burning, but that is gone now. Everything else there is firewood and it's elevated and has been there for 4 years. I've been splitting and burning wood recreationally. There are about 10 logs there.

Moermond: Some of these logs look pretty heavy and don't look cut and stacked.

Plesha: They're rounds. When the tree people came out I had to pay to have them cut into smaller rounds so they can be split. They take time to dry though, and the ones in the photo are actually all now dry enough to split. Maybe 10 rounds are left now.

Moermond: I know firewood is allowed outside. I know we have elevation requirements. What are other requirements?

Martin: Under section 45.03 of the Legislative Code, it must be piled and stored in an elevated area without harboring vermin. The pile can't be more than 5 feet high and can't be closer than 10 feet to a habitable building.

Moermond: Is there a setback requirement from the property line?

Martin: Only when there is a neighboring building.

Plesha: I assume the TV is what brought the inspector out. The wood is piled on old fencing that I cut to elevate the wood 3-4 inches off the ground. The stack is definitely not 5 feet high or near any habitable properties.

Moermond: I just got confirmation of the exact position. It's hard to tell if there is elevation, though. With the removal of the scrap wood and TV, it looks like we are seeking better organization of the logs.

Plesha: It's all stacked now. It must have gotten knocked over. I don't know who complained.

Martin: It needs to be organized. I can drive by to look at it to make sure it meets code.

Moermond: I can't tell you who complained, but I can tell you the nature of the complaint.

Plesha: The TV is my fault, and I accept that. My property isn't a nuisance though.

Moermond: Yes, the TV definitely makes it a nuisance situation. The complaint was

about the TV, scrapwood, and debris. It sounds like you took care of a lot of this. I will lay this over and ask Martin to drive by to give it a look for confirmation of abatement. We will report back on February 6 in Legislative Hearing to see where things are at.

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

8 [RLH SAO 24-5](#) Appeal of Jacob Lucas to a Vehicle Abatement Order at 29 ACKER STREET WEST.

Sponsors: Bowie

Grant to February 15, 2024 for compliance. (Making Finding on February 20 LH)

Jacob Lucas, owner, appeared by phone

[Moermond reviewed the hearing process]

Staff report from Supervisor Richard Kudrowski: This property has been on our radar for a few years, and has had a few different orders during that time. This one is for violations for having building materials, storage, vehicles, and general debris on the property and in the driveway area.

Moermond: For this address, I see a vehicle abatement for a black Ford and a trailer being on an unapproved surface. You said there were additional violations?

Kudrowski: Correct. When the orders were written, one trailer was missed. There were actually 2 trailers on this property at the time of the orders. They have since been moved around between the three properties this person owns. I noticed a couple of them are now at 28 Sycamore St. All three properties (29 Acker St W, 28 Sycamore St W, 760 Sylvan St) have violations and things are moving around between them.

Lucas: Two of the trailers on 28 Sycamore St W belong to my neighbors.

Moermond: Focusing on Acker, what would you like?

Lucas: I need more time. I pick up my messes. I don't just leave it there.

Moermond: Is that a gravel or dust surface that the vehicles are parked on?

Lucas: 29 Acker is a dirt surface. I just put the truck there for a little bit. There is a concrete slab on Sycamore.

Moermond: How do you access that slab?

Lucas: Through the driveway running through the Sylvan property.

Moermond: Is there anything under the dirt and sand?

Lucas: No. I will move the cars that are there.

Moermond: If an inspector goes out, there shouldn't be anything to write an order on in terms of debris, and you will have the car and trailer moved?

Lucas: Yes.

Moermond: Is there another trailer?

Lucas: On the Sycamore property. I buy and sell cars, which is why this is there.

[Conversation continued on the orders for 760 Sylvan St (RLH SAO 24-4) and 28 Sycamore St W (RLH SAO 24-3)]

Lucas: I will empty both vacant lots and clean up my property. If it gets cold again, I may need even more time.

Moermond: We have a thaw right now that might continue for a week or so. I will recommend to Council that we grant an extension through Thursday, February 15. There aren't orders right now beyond the vehicles, but the inspector is authorized include any non-vehicle items when they recheck on February 16. Your council public hearing will be on Wednesday, February 7, and then you will have another week after that to get the work done. We will then check back on Tuesday, February 20 in a Legislative Hearing to see where things are at.

Kudrowski: Works for me. Regarding personal vehicle repair, that is limited to minor things like brakes or oil changes. No engine, transmission, or body work is allowed.

Moermond: We will send a letter to follow up on today's hearing.

Referred to the City Council due back on 2/7/2024

9 [RLH SAO 24-3](#)

Appeal of Jacob Lucas to a Vehicle Abatement Order at 28 SYCAMORE STREET WEST.

Sponsors: Bowie

Grant to February 15, 2024 for compliance. (Making Finding on February 20 LH)

Jacob Lucas, owner, appeared by phone

[Conversation continued from 760 Sylvan St (RLH SAO 24-4)]

Staff report from Supervisor Richard Kudrowski: This property had a freight truck, a second vehicle, and a trailer with items stored on it. The items on the trailer were covered by a tarp and are unidentified. There may be a concrete slab there, but storage on a vacant lot is not allowed.

Moermond: These are three contiguous parcels, but they are all individual right now. Can they be joined?

Kudrowski: Yes.

Moermond: That would eliminate the vacant parcel problem, correct?

Kudrowski: Partially. There would need to be an approved site plan for parking, with an approved surface. Storage would have to be organized consistent with that.

Moermond: So the vacant parcel is just part of the problem. Any storage would also have to be in some kind of shed.

Lucas: Is Class 5 Gravel an approved surface?

Kudrowksi: Not for any new improvements. It would have to be asphalt or concrete.

Moermond: The resource for planning that would be site plan staff, correct?

Kudrowski: Yes, with Zoning staff in the Department of Safety and Inspections.

Lucas: I just plan on emptying both lots and keeping everything on my own driveway, covered with a tarp. I plan to empty both vacant lots and then talk to Zoning about building a garage there. I will clean it up, now that I know I can't park there, since it's vacant.

Kudrowski: I should also note that vehicle repair is not allowed on this residentially zoned parcel.

Lucas: Can I get it rezoned?

Moermond: You can try.

Lucas: Someone at zoning told me to use my own empty parcels instead of buying a shop.

Moermond: That is not correct information, for as long as they are zoned as residential parcels. You can repair your own vehicles, but you cannot repair or sell other vehicles from there. For the vacant parcels, they cannot have anything done on them. If the vacancy is resolved, they are still residential parcels. All 3 parcels are zoned H1 Residential and have residential uses assigned to them.

Lucas: I'm not looking at using them all and rezoning them right now. This is a plan for the future. This would be my own personal use to fix and sell cars.

Moermond: That is a business. Right now, you can't do any of that here.

Lucas: Right. I just figured it might be easy to rezone because of some similar nearby buildings.

Moermond: You're looking for some additional time. I can help, within reason.

Lucas: I will empty both vacant lots and clean up my property. If it gets cold again, I may need even more time.

Moermond: We have a thaw right now that might continue for a week or so. I will recommend to Council that we grant an extension through Thursday, February 15. There aren't orders right now beyond the vehicles, but the inspector is authorized include any non-vehicle items when they recheck on February 16. Your council public hearing will be on Wednesday, February 7, and then you will have another week after that to get the work done. We will then check back on Tuesday, February 20 in a Legislative Hearing to see where things are at.

Kudrowski: Works for me. Regarding personal vehicle repair, that is limited to minor things like brakes or oil changes. No engine, transmission, or body work is allowed.

Moermond: We will send a letter to follow up on today's hearing.

Referred to the City Council due back on 2/7/2024

10 [RLH SAO 24-4](#) Appeal of Jacob Lucas to a Summary Abatement Order and Vehicle Abatement Order at 760 SYLVAN STREET.

Sponsors: Bowie

Grant to February 15, 2024 for compliance with both vehicle and summary abatement orders. (Making Finding on February 20 LH)

Jacob Lucas, owner, appeared by phone

[Conversation continued from 29 Acker St W (RLH SAO 24-5)]

Staff report from Supervisor Richard Kudrowski: This property has had building materials and debris regularly stacked there, and now there's an antique black truck there with its chassis and body separated. There is also some additional outside storage happening. There were two trailers out there when the orders were written, but I think they have now been removed.

Moermond: The "tarp covered trucks" on the order refers to the truck chassis and the body?

Kudrowski: Yes.

Moermond: The trailers were gone on reinspection?

Kudrowski: No trailers were there. Just debris and storage.

Lucas: There wasn't a trailer there. That was the truck chassis. I was cutting it up to take to the scrap yard. I don't want to scrap the 1948 truck body yet. I want to see if I can sell it online. I want to see if I can put it on the trailer, make it nice, and then cover it up or something. I don't want a big pile of garbage. The chassis and other things are being taken to the scrap yard.

Moermond: Let's talk about the scrap yard and building materials first.

Lucas: The building materials are all gone.

Moermond: So, the wood and miscellaneous debris are all cleaned up? What are you looking for on the chassis?

Lucas: I'm in the middle of cutting up the other chassis and putting it on the other one that the body was on, to then roll both down to the scrapyard. The problem is I can't get it all done in a week. I just need an additional week.

[Conversation continued, dealing with the orders for 28 Sycamore St W (RLH SAO 24-3)]

Lucas: I will empty both vacant lots and clean up my property. If it gets cold again, I may need even more time.

Moermond: We have a thaw right now that might continue for a week or so. I will recommend to Council that we grant an extension through Thursday, February 15. There aren't orders right now beyond the vehicles, but the inspector is authorized include any non-vehicle items when they recheck on February 16. Your council public

hearing will be on Wednesday, February 7, and then you will have another week after that to get the work done. We will then check back on Tuesday, February 20 in a Legislative Hearing to see where things are at.

Kudrowski: Works for me. Regarding personal vehicle repair, that is limited to minor things like brakes or oil changes. No engine, transmission, or body work is allowed.

Moermond: We will send a letter to follow up on today's hearing.

Referred to the City Council due back on 2/7/2024

1:00 p.m. Hearings

Vacant Building Registrations

- 11 [RLH VBR 24-5](#) Appeal of Rob Yang to a Vacant Building Registration Renewal Notice at 1573 UNIVERSITY AVENUE WEST.

Sponsors: Jalali

Waive the vacant building fee for 90 days to April 19, 2024.

Rob Yang, owner, appeared by phone

[Moermond reviewed the hearing process]

Yang: Did you get my email with updated photos of the building?

Moermond: Yes.

Staff report from Vacant Building Supervisor Matt Dornfeld: This was referred to the Vacant Building Program from Fire Inspections in January 2023. The building was vacant and secure and has had no nuisance complaints. Building permits still show being open. I think we are here today to deal with the fee and the vacant building status.

Moermond: It looks like we heard an appeal on this last January as well. What is the status here?

Yang: We pulled permits last year. We already had them pulled when we entered the Vacant Building Program. No one from the City ever contacted me to see the status of what was going on inside. The building is going to be a total rehab. Everything inside needed demolishing. We are doing new HVAC, plumbing, insulation, roofing, and electrical. We had some supply issues though, which slowed things down 6-12 months with building materials. My contractors are also a small family business and needed to take on other projects while we were delayed, so we got pushed back even further. I've had a project loan on this building, so it's in my own interest to get this done sooner. It's not that I don't want to get this done.

Moermond: Much of this was said last year. What is the endgame here, and what is the ask today?

Yang: I would like the fee postponed for 90 days. I should be able to get a certificate of occupancy by then. This is not a nuisance or a danger to the public.

Moermond: We can do the same thing we did last time. I will recommend a 90-day waiver, which begins on January 19, your vacant building anniversary date. April 19, 2024 is the deadline for that. If you have all permits finalized and have your Fire Certificate of Occupancy by then, you won't have a vacant building fee. If you don't have that done, you will have a vacant building fee go to assessment, and we could talk about pro-rating it if this gets done quickly. We will send an email to follow-up on this. This will go before Council on February 21.

Referred to the City Council due back on 2/21/2024

12 [RLH VBR 24-6](#) Appeal of Jake Johnson to a Vacant Building Registration Notice at 880 YORK AVENUE.

Sponsors: Yang

Waive the vacant building fee for 30 days to February 23, 2024 to get Fire Certificate of Occupancy reinstated.

Jake Johnson, Property Manager o/b/o owner Jim Dennis Meintz, appeared by phone

[Moermond reviewed the hearing process]

Staff report from Fire Safety Supervisor Leanna Shaff: The first Fire Certificate of Occupancy (FCO) inspection was to happen on Sept 7 2023. That didn't happen due to a report of COVID in the building. We were in the building on August 8, 2023 and wrote correction orders. Since then, it's been all reschedules and no-shows. The FCO was then revoked for long-term noncompliance. On the last Fire last inspection where we sent it to the Vacant Building Program, no one met us at the building. The inspector was told over the phone that he could go in by himself, but he said we needed someone with us to go inside. So, August 8 was the last time we got into the building. That is when these orders were written. The only thing added since then was a phone call from the Responsible Party about a bedbug infestation.

Moermond: This is a single-family use?

Shaff: Yes.

Staff report from Vacant Building Supervisor Matt Dornfeld: This became a Category 2 Vacant Building on January 12, 2024, per the Fire Inspection referral. It did appear occupied, and there was a summary abatement on file for trash in the yard. I don't know if or how that has been resolved.

Moermond: There is some significant garbage all around the property. Johnson, what are you looking for?

Johnson: I apologize for the no-show. My maintenance coordinator told me he misunderstood that we were having an inspection scheduled for that day. I've addressed it with him, stating that we always need to make sure we have people set up for these inspections. These tenants have been under a nonpayment eviction and used a lot of reasons to not have to vacate, and that was why they self-reported bedbugs but opted not to treat them. It was my misunderstanding that Inspector Daryl Chute didn't want to enter a bedbug-infested place. We weren't going to treat it while they were under eviction. They still chose not to self-treat, so we waited for them to voluntarily surrender the property or be evicted before treating the bedbugs. All

correction items have been handled with my in-house maintenance team. We were just unable to get inspectors in there to verify, which we can reschedule. Pest control has been through and told us there are no signs of bedbugs. We got the tenants out on January 12. The trash on the exterior is gone, which consisted of everything left when the tenants vacated. If you were to drive by tomorrow, it would be all cleared up.

Moermond: If it's not, the City has the authority to clean it up at a cost of \$260 per hour, plus charges for the volume of items cleaned up. I imagine you're also looking at an excessive consumption fee. I'm surprised that with 5 appointment letters, your maintenance person had such a consistent misunderstanding.

Johnson: I'm not aware of there being that many. I will need to discuss that with him.

Moermond: I'm addressing it with you because you're the property manager who filed the appeal. Mail is going to Wits Management, 1153 16th Ave. Are you not getting your mail or not checking your mail?

Johnson: I wasn't trying to pass the buck.

Moermond: Well, you were passing the buck.

Shaff: I'm concerned because Inspector Chute notes that he spoke on Jan 10 with a person named Stewart, who told him the tenants had just moved out the day before. I heard that Inspector James Hoffman with Vacant Buildings believes it's occupied, though.

Johnson: Stewart is my maintenance coordinator who has been working with Inspector Chute. I hear everything secondhand and have never spoken with Chute. Stewart assured me that he was in direct communication with Chute the whole time, especially after there was trouble getting in because of the bed bugs, and then after the last missed inspection. The tenants vacated on the date of that last missed inspection. I'm not sure where it's coming from that someone has moved back in. That would be news to me. It's empty as far as I'm aware.

Moermond: When was it revoked and ordered vacated?

Shaff: The FCO was pending revocation on December 11, 2023. It was revoked on December 28, 2023. It was to be emptied by January 10, 2024. That was when Inspector Chute arrived. I don't know if a Vacant Building inspector was also there. Chute tried to perform a reinspection, but the Responsible Party was not present. Chute called Stewart, the Maintenance Coordinator, who told him that the tenants just moved out the day prior and that everything was abated except for the bedbugs. Chute told him that if no one showed, the property would be sent to the Vacant Building Program. We told them that back on December 27, 2023 as well, when they didn't show for an inspection. They've known about this for quite some time.

Johnson: I'm not trying to pass the buck, but everything was explained to me completely differently. I'm not trying to pass the blame. I was unaware of so many missed reinspections. How many no-shows have there been?

Shaff: July 10, 2023; August 8, 2023; On September 5, 2023 there was a request to reschedule to September 18; 2023...

Moermond: Perhaps Johnson can get in touch with Inspector Chute to get

documentation of the past no-shows. I want to know what your ask is, Mr. Johnson.

Johnson: We were instructed to file the appeal to get it removed from the Vacant Building Program. Pest control went through and said there were no bedbugs, and all corrections are made. We are ready to get someone back in and living there, resuming it as a rental.

Moermond: Confirmation of the work being done came from the same maintenance coordinator who wasn't showing up for inspections?

Johnson: It came from my counterpart with our preferred maintenance company.

Moermond: I will recommend that you have 30 days to get you FCO reinstated. Several line items on your FCO bill will be for no-entry fees. If those bills go unpaid, they will be sent to assessment. These are normally removed when sent for assessment in cases like this, but I would like to keep them there, to hold you accountable rather than letting you use the assessment process as a way to game the bill. We will give you until February 23.

Johnson: How should we get this process started?

Shaff: You should reach out to Inspector Chute. He's been trying to get a hold of you.

Referred to the City Council due back on 2/7/2024

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

- 13 [RLH VO 23-39](#) Appeal of Ted Wagor, Attorney from Felhaber Larson, on behalf of 1596 Hewitt Avenue LLC, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1596 HEWITT AVENUE.

Sponsors: Jalali

Grant an extension to July 1, 2024 for compliance by 1) change in use established by permit application and approval with code analysis; or 2) change in the CUP or new CUP allowing continuing use as a rooming house.

Ted Wagor, attorney o/b/o owner, appeared in-person

Update from Fire Safety Supervisor Mitch Imbertson: I don't have much of an update. No reinspections have been made on our end. We did have a phone conversation with Wagor to give him the correct code references and how they would impact the property, depending on a Conditional Use Permit (CUP) and occupancy. We discussed that if it was converted to single-family dwelling, the back exit would not be needed. If the back stairway does stay though, it needs to be safe.

Moermond: We said to reach out to Kari Hilleson in Plan Review. What update do you have?

Wagor: I took the pictures back to the owner, Jim Eischens. I don't think he directly made the repairs. I don't think he had ever even seen the repairs. I told him that it was permit-required work to either repair or demolish the stairs. Last I heard, they were

assembling quotes from licensed contractors. I don't know if they plan on rebuilding the stairs or tearing them down. His goal is to use it as a rooming house. I told him that if that was his goal, they would need the stairs. I told him that not needing the stairs for a rooming house would require a code analysis confirming that they were no longer needed with today's Fire Code. From talking to them, they want the CUP changed to not require it to have a sorority to be a rooming house, and they want the stairs back in so they can resume having 8 tenants. Right now they only have 6 and the top bedrooms are not allowed to be used.

Moermond: CUP changes or new CUPs begin at Planning Commission.

Imbertson: Yeah, I don't think this can happen at the staff level.

Moermond: Modification of this will likely require a Planning Commission modification, but you should check with staff on that. We will get you contacts to do so. It looks like you need time. When will Eischens be applying for the CUP modification?

Wagor: I'm not sure. We want to get the stairway rebuilt first, and then apply for the CUP change. I think Spring might be the soonest a contractor could get the work done.

Moermond: With 6 people in it now, it is in code compliance?

Wagor: Yes. Access to the 3rd floor is closed off until we get this resolved.

Moermond: I see two components. First, the stairway needs to be repaired or removed. Second is the CUP issue and zoning compliance. I don't think the CUP is required for just 6 occupants, so we can set that aside for now. I don't think they need to kick the 6 people out by a certain date.

Imbertson: No, but I don't know about that being a permanent solution though. The permanent solution with 6 occupants would be a building permit to classify it as an R3 single family dwelling. This is fine to do temporarily, if they are looking to go back to 8 occupants after completing a CUP change. If they don't get the CUP change though, and remain at 6 occupants, they would need to convert to a single-family dwelling.

Moermond: We are just looking at deadlines then. What is the thinking about the code analysis being done. Has someone been hired to do this?

Wagor: I was under the assumption that making it a rooming house would require the stairs, though Imbertson told me that may be different now than when the code was in 1987. I told Eischens that but did not hear back. The easiest thing to do might be just to rebuild the stairs, since the code analysis might still require the stairs anyway.

Imbertson: A building permit for the stairs is different from a code analysis. Code analysis would be for attempting to change the use to a single-family dwelling or wanting to keep current use without the stairs.

Moermond: I don't know how weather-dependent this work is. It is possible to use ground warmers for the footings, if work there is needed.

Imbertson: Existing footings might be able to be used. I'm not sure.

Moermond: The permit you pulled January 24, 2023 to work on the stairs is expired. A

new building permit application is needed. This needs to be more accurate than the \$500 one that was submitted a year ago. If you aren't using the 3rd floor and don't exceed 6 occupants, I will give through July 1 to either get the change in use to single family or get the CUP change. We can use that as a deadline for the stairs as well.

Wagor: Is the process for modifying a CUP the same as for a new one?

Moermond: I would approach it that way. We will get you the name of the person to talk to about that. One place to start may be with YaYa Diatta in DSI Zoning, though I think the expert in this situation would be the Zoning staffer with the Planning Commission. Diatta could point you in their direction. We will send you Diatta's information.

Referred to the City Council due back on 2/14/2024

14 [RLH VO 24-4](#)

Appeal of Raj Mehta to a Correction Notice-Complaint Inspection (which includes condemnation) at 220 ROBERT STREET SOUTH.

Sponsors: Noecker

Deny the appeal.

Raj Mehta, owner of Act for Cause, appeared in-person

[Moermond reviewed the hearing process]

Staff report from Fire Safety Supervisor Jim Perucca: This is a 2-story no-basement business occupancy building. It has no fire alarm, sprinkler, or elevator. Inspector Sebastian Migdal was responding to a referral from the Police Department (SPPD) on a complaint about a 250 person party. Inspector Migdal did a follow-up inspection, where a couple business suites appeared to have been used in a manner not consistent with the building's approved occupancy type. Because of that, it was condemned for improper and unsafe use. I believe that is what Mehta is appealing today. I have particulars of the police report, if you would like.

Moermond: The approved use is office space?

Perucca: Yes. There isn't anything approved as an assembly use in the building, due to things like improper exiting or the lack of necessary fire prevention measures.

Moermond: According to the SPPD call log, a call came in on Jan 1, 2024 at 12:19. Police arrived shortly after. It looks like we had 200+ people listed out here. Was there alcohol listed at all, or just the fireworks?

Fire Safety Supervisor Leanna Shaff: There were some loud bangs inside the premises when officers were there.

Moermond: Mehta mentioned confetti cannons, but not fireworks.

Perucca: There are different classes of fireworks.

Shaff: Smoke and gunpowder was observed inside.

Perucca: No fire alarms or smoke detectors existed to be set off. Another issue like this was responded to back on October 29, including violations of live bands and liquor

sales without a license. There were also allegations of Molly (ecstasy) and cocaine being sold. At the time, there was a plan for another event on December 2, 2023. This information came from the referral to Fire Certificate of Occupancy (FCO) inspections. Inspector Migdal went there at the end of November and into December. At that time we had condemned those same rooms for that similar use, but on reinspection it met our approval for business occupancy and the FCO was reinstated. I believe it was being used for some tenants as a collaborating space.

Mehta: Yes. It can be rented out for group meetings. If groups want to donate something, we also put items in there that are open for the public to take.

Perucca: The building has no sprinklers or fire alarms or smoke detectors. None are needed for business occupancy. The concern is that this type of event is a different use and would need fire protections and proper space for exiting.

Moermond: Mehta, what is your relationship to the ownership company?

Mehta: I am the founder and director of Act for Cause. We use a PO box because it's a multi-tenant building. I have an office there as well.

Moermond: How many tenants do you have?

Mehta: 6 or 7.

Moermond: So, what is going on?

Mehta: For the Halloween weekend event, my son asked to use it for an event to promote his shoe business. His contact was someone in the Mall of America. They asked if they could use the space for an event, and I said yes. They went over capacity and were supposed to be done and cleaned up by midnight, which they weren't. We were condemned for 2 weeks and got the FCO back on November 14. I'm sorry this instance happened on January 1.

Perucca: That party did have windows shot out and alleged gunfire.

Mehta: There was no gunfire.

Perucca: I know on that reinspection with Inspector Migdal, we noticed blood at various places on the exterior steps and...

Mehta: There was no gunfire. Some windows were broken, but that was taken care of before the second inspection. On the more recent incident, a tenant rented one of the suites for friend's birthday on December 31.

Moermond: Halloween was the son's event, correct? That was on social media and had people from the shoe business attending. So, you rented the room for a family event that first time?

Mehta: Yes.

Perucca: I do also see a document from SPPD that shows a social media post for an event on Friday, October 13.

Moermond: The complaint made to the City says the building was holding events until

6:00 AM, having live bands, making liquor sales without a license, and there was selling of Molly (ecstasy) and cocaine.

Mehta: I'm not aware of that. I put cameras everywhere. On Dec 31, I have the camera footage showing it was fireworks. There was no shooting. It was used by the tenant. I have 2 permits in process to use the space as an assembly hall.

Perucca: It has not been approved, though.

Mehta: I submitted them on January 12, 2024. There was no alcohol or gunpowder on the New Year event.

Moermond: No alcohol or drug use was mentioned on the New Year's party?

Shaff: No.

Moermond: And this was over 200 people?

Mehta: It was not.

Moermond: SPPD counted over 200 people by a bunch of different officers. I'm going to go with them.

Mehta: The room is the size of this hearing room. Maybe smaller. You can't fit 200 people in there.

Moermond: Who orchestrated the NYE event?

Mehta: A new tenant rented one of the suites from me, not the hall.

Moermond: Does their lease explain how the room can be used?

Mehta: No. I have my phone number on there for them to call me. Right now, there is a condemnation notice on the room. The tenant near there has mostly Department of Human Services licensees. They think the condemnation means there is something wrong environmentally. That's negatively affecting the business. This will not happen in the future. I did what I needed to do, and it is not accessible by tenants until I have the assembly permit.

Perucca: We took your word in good faith after the Halloween event.

Moermond: This room looks much bigger than the one we are currently in.

Mehta: It's not. It's 1,800 square feet.

Perucca: It's bigger than this room.

Mehta: I don't think so. There was a crowd of 50+, I'm not sure how many. I should have restricted occupancy more though. I put a notice there about occupancy limits.

Perucca: I appreciate what you've done, but I have great reservations going forward. I don't see what could prevent this from happening again. The tools that we work with are the safety of people inside and the use of the building. If this happens again, injuries or loss of life could occur.

Moermond: Did you say that your son is an occupant?

Mehta: His office is there. It's called Student City Street.

Moermond: I will ask for public police reports from both instances to be attached to the record. We'll also attach this notification of a party to the record, that had to do with the earlier instance. I am going to recommend that your appeal be denied, that the room stays condemned. This happened a second time and represents a risk to life and safety. You did not take concrete steps to mitigate the hazards that were presented at your son's event or moving forward so that your other tenants in the building had an understanding of what the acceptable uses of the room were. It will go to Council and you can make your case to them on February 14. The decision is theirs to make. I'm not seeing harm in staying put. The application to use this as an assembly space is not affected by this. This does not include a license to sell liquor. There are caterers who are licensed to serve alcohol outside their premises, which could work for you. There are also licenses for entertainment to look at. You can explore what those are. Right now, though, I do not feel that it's in the public interest to have the condemnation lifted.

Mehta: Give me one more chance.

Moermond: I won't do that right now. Council might, or you might get it by receiving the assembly use.

Mehta: This condemnation and the placard is negatively affecting my business.

Moermond: You can make that case to Council. Burning down the building would have negatively affected your business too. I am resolved in my recommendation. We will send you a letter with that information. Signage on the room's condemnation is not negotiable.

Referred to the City Council due back on 2/14/2024

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 15 [RLH FCO 23-59](#) Appeal of Susan Dunlop to a Fire Inspection Correction Notice at 631 SNELLING AVENUE SOUTH.

Sponsors: Tolbert

Grant an extension for 90 days to April 23, 2024 for the water meter repair and 2 year extension on compliance with items 4 and 5 of the July 10, 2023 orders on condition of continued use for cooking which produce no grease-laden vapors.

Susan Dunlop, owner, appeared by phone

Update from Fire Safety Supervisor Jim Perucca: This is a follow up from orders in August of 2023 due to a leaking roof. Looks like you have since closed out the roof permit, electrical permit, and mechanical refrigeration permit. There were a few issues of staining on ceiling tiles.

Dunlop: We had a professional cleaner come in to clean those tiles. Fire extinguishers have also been updated.

Perucca: What's the status on repair and maintenance of the water meter?

Dunlop: It's not done yet. Someone from the City was going to contact me.

Moermond: That was me. I learned that it's not Water Services who repairs the meter. It would be a private plumber. That might affect your timeline, which I am happy to account for.

Perucca: There was also an issue with an exterior wall. We were trying to find an engineer to evaluate its integrity.

Dunlop: We had an engineer look at it and I thought I shared that with you. There were no issues they found.

Moermond: Good to hear. We will look for that information. My Executive Assistant, Joanna Zimney, who is out, may have it.

Perucca: For the issue of the hood ventilation system, that is dependent on the menu and the type of cooking. Do you have any update on the type of cooking you would be doing? You will need to avoid grease-laden vapors.

Dunlop: We are doing less cooking now than when we first addressed this concern.

Perucca: I know menus change, but the menu may need to be spot-checked for grease-laden vapors, to comply with outcomes of previous appeals.

Moermond: I'm hearing that you're cooking less. Last time, you said you were serving fewer meals and operating at a small scale than you had been previously. Is that what you mean by "cooking less?"

Dunlop: Yes.

Moermond: You had a consistent menu that does not produce grease-laden vapors. We just want to maintain that. I will ask staff to periodically check up on it. I am okay with you continuing to operate for as long as you continue to avoid those. We may be back here again on this same exact thing. It gets called out under mechanical code. I can grant extensions like this for compliance, but I cannot waive the requirement for compliance. It's going well so far though, so I don't see why we can't continue. I will send this to City Council to include wording on grease-laden vapors. For the water meter repair, I can give 90 days for compliance, giving you until April 23.

Dunlop: That works.

Referred to the City Council due back on 2/14/2024

16 [RLH FCO 24-7](#)

Appeal of Jennifer Komatsu, Seventh Street LLC, to a Correction Notice-Complaint Inspection dated 1/3/24 and a Correction Notice-Complaint Inspection dated 1/9/24, both at 1695 SEVENTH STREET EAST.

Sponsors: Yang

Grant to March 1, 2024 for compliance with the door repair and provide evidence of

extermination in Unit 1.

Jennifer Komatsu, owner, appeared by phone

[Moermond reviewed the hearing process]

Staff report from Fire Safety Supervisor Leanna Shaff: There are two open referrals on this right now. We received a complaint on 12/22/2024 that the halls smelled terrible and that there was blood on a neighbor's door. Neither of these could be substantiated. Inspector Der Vue noticed doors without unit numbers and wrote orders on that. We also received a complaint on a rodent infestation. We have photo evidence showing rodent feces in the common area hallways and in one unit. We don't know about any of the other units. Orders were sent to the Responsible Party to exterminate. We will not go to the property without a police officer accompanying the inspector, as the tenant in this unit is verbally abusive.

Moermond: What are you looking for?

Komatsu: The complaints are coming from the tenant in this one unit mentioned. She has called them into my property management company as well. She calls them several times per day and leaves them threatening messages. We sent an exterminator to do the common areas of the building. I'm not sure if the tenant allowed the exterminators into her unit, but I doubt it. The tenant will not allow anyone in for any reason. Inspector Vue saw a door frame needing repair for her unit, but we could not get in to fix it. We also suspect she is the one who took the unit numbers from the doors. This is costing me \$150 ever time someone comes out, and we can't actually do anything because she won't let anyone in. I'm happy to fix the things if I can, but right now I'm just trying to hold out until her lease is up in April.

Moermond: At what point do you provide notice that you won't continue the lease?

Komatsu: 30 or 60 days. My concern is that she will then stop paying rent, which she is already behind on, and then trash the place.

Moermond: Have you explored eviction?

Komatsu: I can't evict her for nonpayment since she is paying just enough to avoid that. Even her caseworker at the Housing Authority said there's nothing they could do, and that we should evict her if we need to. I know she's also disturbing other tenants. I think she was doing okay when she first rented the unit but has really fallen off the deep end.

Moermond: My job here is to look for an endgame. Is this your only building?

Komatsu: Yes.

Moermond: It is probably already apparent that you need to be documenting your communications in an admissible way. You may already be doing that, but you may want to have your team write down their experiences. I'm thinking that the code problems aren't likely to get better, based on experience, though they may. To maintain safety and peace of mind for your tenants and community, you should explore all your options. You may try to time her out on her lease or evict, but I can hear you are concerned about property damage. You may be able to evict for a reason beyond nonpayment. If you were to ask if the City had any messages from this tenant, those

are subject to a data request. You could request those if you like. You have some options to explore, and I need a deadline. I'm not sure you won't have problems regardless of how this is handled. The problem is that the more time passes, the fewer options are available to you.

Shaff: We are sending things right now to VSM Real Estate LLC. Is that who we should be sending things to?

Komatsu: It should be them.

Shaff: They haven't been very cooperative. It makes it hard to work with them on scheduling things like inspections. It might be helpful for Komatsu to direct them on how she would like to proceed.

Komatsu: I think I'm being CCed on all communications.

Moermond: The information the City sends only goes to the responsible party.

Shaff: Inspector Vue reached out to me because she had been having difficulty with the property manager.

Komatsui: There was an instance where I told Inspector Vue that we were going to be appealing. She thought that meant she didn't need to go out to the property, but no one told VSM Real Estate that they didn't need to meet her. So VSM went out and waited for her, and I still got charged for it.

Shaff: Please help us out by giving us one point of contact.

Komatsu: It should still be them. They will be the one meeting you at the property.

Moermond: We will copy VSM on the letter we send to you that confirms the results of today's hearing. Could you share their email?

Komatsu: ops@vsmrealestate.com

Moermond: Focusing on the doorframe and rodent issues, I will set a deadline of March 1 to show evidence of extermination and repair of the doorframe.

Komatsu: If I can't get my tenant to allow that, what do I do?

Moermond: That's a question for courts and lawyers.

Referred to the City Council due back on 2/14/2024