



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, July 26, 2022

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [SR 22-132](#) Review Request for a potential stay of enforcement of demolition of Jerry Krippner, for property at 587 COOK AVENUE EAST.

Sponsors: Yang

Layover to LH August 9, 2022 at 9 am (CPH August 17). PO to submit signed PA with partner who will post \$5,000 PD, submit work plan and schedule, evidence of financing, affidavit or LHO will recommend property be removed.

Gerald Krippner, owner, appeared via phone

Moermond: so Mr. Williams is no longer purchasing?

Krippner: they found at title issue and my title issue called their lender and told them about the title transfer piece and the lender said they wouldn't do that because they can't foreclose. We tried working through and he told me his buyer's funds fell through and left it over the weekend. Then we talked to the realtor again and said he had the funds, which then left it to see what kind of comfort we could have to close with the liability. Pretty uncomfortable situation. Liability at stake. Title guy called the City to ask about a special case, was told we're moving forward not backward. Got a text late last week saying they were cancelling the purchase.

Moermond: this was the purchaser's realtor? Do you have one?

Krippner: I am the realtor.

Moermond: right, you have your license but you don't really do this for a living.

Krippner: I've always been interested. I bought this but didn't get it done.

Moermond: have you considered hiring a realtor to act on your behalf? Someone with a larger network of contacts?

Krippner: I have had continual interest in the property. Had I known the template of what was going to happen, the timeline, the misunderstanding between Reid Soley and

me. I would have sold it last fall, but acting in the interest of the City, the buyer wouldn't call the City. He seemed to be playing with things a bit. My goal was to get it through the winter and the hot spring market.

Moermond: you got a letter dated February 7. And an appointment letter a few weeks before that.

Krippner: the February 7 letter was the only one I got. I met with Matt in June. I put down the deposit for the Code Compliance Inspection.

Moermond: inspection was done January 13, so the letter would have gone out mid-December. You did get the declaration of the nuisance building. You don't have the money to post the Performance Deposit or do the rehab. I've got some rope to give you someone to partner with, but it isn't endless. I really need you to do more in terms of reaching out to people. Waiting for them to show up occasionally isn't working. This is pounding the pavement.

Krippner: I don't think I can talk to people while I'm under contract. I did have another interested party right when it went pending. I've left messages half a dozen times and texted him yesterday. I don't know what he's doing. Stephen with Keller-Williams.

Moermond: the Council voted to have this removed. That was June 8, and that was by and large because you couldn't post the Performance Deposit or the Code Compliance Inspection. Those are the first two things. The Council, on the strength of the potential purchase, pulled this out of the fire and sent it back. We have this falling through. I have to send a recommendation back to Council on this second swing at it. I can give you some time before it hits Council again. Today is July 26, I'm going to send this back to Council August 17. I'll also put this on my agenda August 9 here. What I'm hoping is in those 2 weeks you can find a purchaser to post the Performance Deposit and finances to do the work. That would be two months from when the Council adopted its original order to remove.

Krippner: what is the August 9 meeting?

Moermond: that's hopefully you here with a developer. Hopefully you have someone with you, and then the following Wednesday it will go to Council.

Laid Over to the Legislative Hearings due back on 8/9/2022

2 [RLH RR 22-33](#)

Ordering the rehabilitation or razing and removal of the structures at 781 COOK AVENUE EAST within fifteen (15) days after the July 13, 2022, City Council Public Hearing. (Amend to remove within 15 days with no option for repair)

Sponsors: Yang

Layover to LH August 9, 2022 at 9 am. PO to submit work plan and schedule, evidence of financing, and affidavit based on completed CCI.

No one appeared

Moermond: we're laying this over to 781 Cook since we have a Code Compliance Inspection pending.

Laid Over to the Legislative Hearings due back on 8/9/2022

- 3 [RLH RR 22-28](#) Ordering the rehabilitation or razing and removal of the structures at 733 FAIRVIEW AVENUE NORTH within fifteen (15) days after the June 22, 2022, City Council Public Hearing. (To refer to July 26, 2022 Legislative Hearing)

Sponsors: Jalali

Layover to LH August 9, 2022 at 9 am (owner did not appear). Need schedule, work plan, financing, and affidavit.

No one appeared

Moermond: I did talk to Nathan Bruhn who agreed to extend this Code Compliance. It is just barely over a year old.

Laid Over to the Legislative Hearings due back on 8/9/2022

- 4 **RLH RR 22-42** Ordering the rehabilitation or razing and removal of the structures at 1803 IVY AVENUE EAST within fifteen (15) days after the August 10, 2022, City Council Public Hearing.

Sponsors: Yang

Layover to LH August 9, 2022 at 9 am. PO to apply for CCI before CPH August 10.

Timothy Hay, owner, appeared

Hay: last time I was here I had an interested buyer, but he hasn't reached back. You guys talked to someone, who stopped to talk to me at my daughters. The price from first buyer to where he is at is way off. Eric hasn't called me back; he was the first one.

Moermond: does he understand the work and where you are at legally?

Hay: I don't know. I left him a message saying it was a Category 3.

Moermond: and the second one does understand the process?

Hay: the first guy, I signed papers.

Moermond: I don't know what you signed.

Hay: I signed a purchase agreement.

Moermond: and usually those have an expiration date. Close by a certain date. He can't do something indefinitely like that. Your second person, are they a real estate professional?

Hay: he's done tons of work I guess, in Dayton's bluff. Joe Steinmaus.

Yannarely: yes, he's done a lot of these.

Moermond: and Rondo Land Trust. Did they reach out to you? They are a nonprofit with people they work with. I'm not sure the kind of deal they could reach, but they know

someone who is looking for a duplex. This goes to Council August 10th. Is he really interested?

Hay: he told me if the other guy backs out to give him a call.

Moermond: when did you sign the agreement with the first guy?

Hay: around May 16.

Moermond: no closing date?

Hay: 90 days plus or minus.

Moermond: no date in the purchase agreement?

Hay: I don't have it; it is at the title company.

Moermond: who is that?

Hay: Title Smart, White Bear Lake.

Moermond: with Executive Builders?

Hay: yes.

Moermond: you have to reach out to the title company and get this squared away. They need to walk on this thing if they won't do the fix. Your time is running out. I really need the Performance Deposit posted and the Code Compliance Inspection. It could be you or the partner you're working with. That Performance Deposit shows there is skin in the game and they're for real. It is a carrot, so when the work is done, the money is returned. Are you in the neighborhood?

Hay: I'm here there and everywhere.

Moermond: is there somewhere else we should send mail?

Hay: no.

Moermond: what about a number in case we need to get information to you?

Hay: not really. I can go get a track phone.

Moermond: I think it's a good idea for you to have one, but I'm not saying you have to have one for this process.

Hay: I had one and all I got were scam calls.

[given a copy of Code Compliance Inspection application]

Moermond: that's the Code Compliance application. You'll need a lock box on the door. That gives the inspectors access when they come. Reach out to the title company ASAP and see if you have any legal obligation or if you can cancel it because of the Category 3 status of this building. You may have that ability. I would definitely follow up with your one interested party. If they are interested they need to show up. Let's talk

again in 2 weeks, so you can talk with Executive Builders, title company, and order that Code Compliance Inspection. I'll consider that good faith on August 10 to ask for some more time for someone to post that Performance Deposit. Do you have an attorney working on probate?

Hay: no. The title company is supposed to be.

Moermond: I know people who do this for a living are used to working through title and probate issues, it may not be as good of a price but it is a price. Hopefully one of these parties will pan out.

Referred to the City Council due back on 8/10/2022

5 RLH RR 22-43

Ordering the razing and removal of the structures at 1802 ROSS AVENUE within fifteen (15) days after the August 10, 2022, City Council Public Hearing.

Sponsors: Prince

If \$5,000 PD is posted and new CCI applied for by COB August 5, 2022, refer back to LH August 23, 2022 at 9 am to discuss work plan, bids and financing.

Peter Yahiayan, representative and financial partner, appeared via phone

Staff report by Supervisor Joe Yannarely: the building is a one-and-one-half story, wood frame, single-family dwelling with a detached one-stall garage on a lot of 4,792 square feet. According to our files, it has been a vacant building since September 1, 2010. The current property owner is 3packet.Com Inc., per Amanda and Ramsey County Property records. On May 4, 2022, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on May 9, 2022, with a compliance date of June 8, 2022. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$25,000 on the land and \$157,800 on the building. Real estate taxes are current. The vacant building registration fees were paid by assessment on September 30, 2021. A Code Compliance Inspection was done on December 17, 2020 and has since expired. As of July 11, 2022, the \$5,000 performance deposit has not been posted. There have been fifty-one Summary Abatement notices since 2010. There have been fifty-four work orders issued for Garbage/rubbish, Boarding/securing, Tall grass/weeds, Snow/ice, and a Flow valve. Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$30,000.

Yahiayan: I was working with Reid before he retired, submitted my financials, and started roofing. With the workforce we've been stalled. We want to rehab and get this done. We are working with our roofing contractor and he will be handling the entire scope of work. I should have his proposal by Thursday. We can post the Performance Deposit. I thought we had to wait for the hearing, but we'll do that. We'll get everything on the list done. I need a schedule with Craig who is licensed in St. Paul. It is hard to get things scheduled. We have been maintaining the property.

Yannarely: it has been pretty good lately.

Yahiayan: I did have a neighbor across the street with binoculars so he calls in.

Yannarely: a work order for snow and ice in January, that was it.

Yahiayan: I made sure after that warning. Again it was difficult to find, this is our first property in St. Paul. It is minute work that needs to be done. We've done the electrical panel and roof.

Moermond: you'll need a new Code Compliance Inspection. Yours was December 2020. The \$5,000 was in the correspondence. I'll need a work plan. Does Craig have a name or company?

Yahiayan: Craig Legvold, Legvold Construction. We can schedule a new Code Compliance in the next week or so.

Yannarely: the Code Compliance Inspection, you can do online or call 266-8989 and give a card. You need a lock box on the door and then the four trades go through when they can to pull together the Code Compliance Inspection.

Yahiayan: if we could leave the permits open. The electrical is done.

Moermond: I understand that would be to your advantage. That is the call of the Building Official since those permits are expired.

Yannarely: I can give you the name, you should call Robert Humphrey at 651-266-9123. Tell him you want to post the Performance Deposit for this property.

Moermond: this goes to Council August 10. If you get that Code Compliance Inspection application in and Performance Deposit made by August 5, August 10 I'll ask them to continue it another month. They'll need fresh bids from your contractor and subs to address all the items on the Code Compliance Inspection.

Referred to the City Council due back on 8/10/2022

6 [RLH RR 22-30](#)

Ordering the rehabilitation or razing and removal of the structures at 1006 THIRD STREET EAST within fifteen (15) days after the June 22, 2022, City Council Public Hearing. (To refer to July 26, 2022 Legislative Hearing)

Sponsors: Prince

Layover to LH August 23, 2022 at 9 am. PO to submit work plan, schedule, financing and affidavit by COB August 22, 2022. (CPH September 7, 2022)

Jason Stockwell, owner and developer, appeared

Staff update by Supervisor Joe Yannarely: a letter went out May 27. [reads letter]. The property has been maintained.

Moermond: we got the Performance Deposit posted and the Code Compliance Inspection. Where are we at with the bank?

Stockwell: they accelerated the redemption period and NCST transferred the deed to JPS homes prior to that redemption period. Now JPS homes can put the Performance Deposit and the Code Compliance Inspection which we've done. I talked to Nathan and he wanted stuff cleaned out. They're finishing it today; we have a lock box on. Then

we'll get final bids based on that Code Compliance Inspection. We have an initial bid.

Moermond: JPS homes is who?

Stockwell: I am an approved partner with NCST. They facilitate the transfer of foreclosed properties to approved developers and we have to rehab per City code and sell to an owner-occupant.

Moermond: so the ownership and encumbrance report it would pass through NCST?

Zimny: I believe this involved a sheriff's certificate.

Moermond: ok, I understand now. That does work for this then. I called DSI and asked for an expedited Code Compliance Inspection on this. Then you'll put together the plan. When can you start swinging hammers?

Stockwell: we've had plumber and electrician in. The subs know what to do. the General contractor is waiting for that Code Compliance Inspection but they can start now essentially. They have other projects but this is one he's ready to go on. Ideally we'd like it done by January or February 2023.

Moermond: that works with our timeclock. Are you a the general on this?

Stockwell: no, I have one.

Moermond: schedule, some level of detail on timeline. A sense that 2 months in you'll have your plumbing rough in, a month after that HVAC. Are the bids realistic. Those types of things.

Stockwell: understood.

Moermond: I'm looking at my calendar and wondering if you could have the whole package put together by the 9th or 23?

Stockwell: probably 23rd. Depends on the Code Compliance Inspection.

Moermond: and I'll need to see the evidence of financing. Affidavit. Any questions?

Stockwell: there was a Vacant Building fee I couldn't pay yet.

Mai Vang: no pending assessment for Vacant Building. A couple for garbage and two Excessive Consumptions pending.

Moermond: right now this property has garbage hauling service, which it doesn't need. We'll send information on how to hold that service. I'd like to talk to you August 23 to make sure this is buttoned up and I'd send it to Council September 7.

Laid Over to the Legislative Hearings due back on 8/23/2022

7 RLH RR 22-46

Ordering the rehabilitation or razing and removal of the structures at 1600 SEVENTH STREET WEST within fifteen (15) days after the August 24, 2022, City Council Public Hearing.

Sponsors: Noecker

Remove within 15 days with no option to repair.

Abraham Murrell, potential purchaser, appeared

Murrell: I'm interested in purchasing and the asking price.

Moermond: and that's not what we're talking about. It has been declared a nuisance structure, so DSI has issued a notice to remove or repair the structure. We talk in two realms, demolishing which is pretty straightforward, and then redeveloping. The previous conversation you were hearing this morning have to do with some of those conditions. There needs to be a \$5000 Performance Deposit posted, a Code Compliance Inspection, bids, and a work plan. There are if someone wants to rehab. I wouldn't recommend the Council gives a grant of time unless those conditions are met. We haven't heard from BK corporate on this. They did receive official notice from the City.

Staff report by Supervisor Joe Yannarely: the building is a one-story, brick, commercial restaurant (Burger King) on a lot of 40,075 square feet. According to our files, it has been a vacant building since June 26, 2018. The current property owner is Burger King Corp 2920, per Amanda and Ramsey County Property records. On April 21, 2022, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An order to abate a nuisance building was posted on May 12, 2022, with a compliance date of June 26, 2022. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$600,000 on the land and \$302,900 on the building. Real estate taxes for 2021 are delinquent in the amount of \$503.37, which includes penalty and interest. Taxes for the first half of 2022 have been paid. The vacant building registration fees were paid by assessment on July 30, 2021. As of July 25, 2022, a Team Inspection has not been done. As of July 25, 2022, the \$5,000 performance deposit has not been posted. There have been thirty-two Summary Abatement notices since 2018. There have been forty-five work orders issued for Garbage/rubbish, Boarding/securing, Tall grass/weeds, Snow/ice, and Graffiti. Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$40,000.

Moermond: and BK hasn't done any of those things and the City has been onsite at least once a month the last 4 years doing significant cleanups. It has been a chronic issue. The boarding and securing?

Yannarely: teens or unsheltered going inside.

Moermond: tell me about yourself.

Murrell: I was wanting to use it as a restaurant. I talked to a couple people and they said I should contact BK to sell me it. I haven't been able to get ahold of anyone. I wanted to come see what was going on. Now that I hear that I think it may be too much. I did go and take pictures and see it was open.

Yannarely: it was open?

Murrell: you could walk inside.

Yannarely: another work order.

Murrell: it's a great location, right outside Highland. I thought I'd come in and see if I could get a loan to get in since I'm a minority.

Moermond: and I have absolutely nothing to do with anything with that.

Murrell: understood.

Moermond: obviously the County hasn't reappraised this in a while. The value they put high, there is a substantial amount of land there so the value on the land makes sense. We don't have anyone at BK Corporate to put you in contact with. We haven't heard from Element financial Corp or CT Lien solutions. I have nothing to go on here to recommend time to do anything. No calls. No one here. No interest any more than they have had in the last 4 years. I'm going to recommend it is removed within the standard 15 days. That means August 24 I stand in front of City Council and say I haven't heard from the owner, no Performance Deposit or Code Compliance Inspection, no bids or financing. I don't have anything to say this should be given a chance to continue to be there. The 15 days gives time for them to act to remove it on their own. If they fail to initiate action Mr. Yannarely takes over.

Yannarely: then we send a notice proceed to the contractor with the lowest bid.

Moermond: right now it is all about BK stepping up to the plate. This is a commercial structure so there's no impediment to them selling it as-is. So that could happen, and if it does and you are successful, we're happy to talk more. You've heard the requirements.

Yannarely: I just sent a boarding contractor out. It will be secured today.

Referred to the City Council due back on 8/24/2022

10:00 a.m. Hearings

Making Finding on Nuisance Abatements

- 8 [RLH RR 22-11](#) Third Making finding on the appealed substantial abatement ordered for 1023 JESSIE STREET in Council File RLH RR 21-25. (To refer back to August 23, 2022 Legislative Hearing)

Sponsors: Brendmoen

Refer back to LH August 23, 2022 to see if CC certificate is issued. Continue PD 60 days. (CPH September 7)

Rosalinda Costilla, owner, appeared

David Rocha, owner, appeared

Staff update by Supervisor Joe Yannarely: according to Nathan Bruhn they are close to 95% completion.

Moermond: we talked about this last in December of 2021 and it was 45%. Clearly you've been making progress. This has been a long haul. Tell me how you are getting across the finish line.

Rocha: When we talked with Nathan last week he let us know what final things we had to do for the building inspection. We figured it was maybe 3 weeks' worth of work, but we're stalled because McQuillan Brothers plumbing hasn't finished. We've been calling them for updates, haven't been getting a response. They did the same thing to us on HVAC and that took a year before the City passed the inspection. I get the feeling it doesn't matter to them. I cannot tell you what they have planned. They've given us no dates. The ones they've given in the past have come and gone. We tried again yesterday, a couple different numbers. No response. As far as getting across the line, we'll have to start exploring other options.

Moermond: are they paid in full?

Rocha: we still have \$2,400 we're holding back. That is what surprises me. The things they have to do are very simple things. It isn't major plumbing. It is the shower, they put the wrong spout on, so now we can't even use the shower part because there is no valve to open and close it. the Code Compliance knows all of this. We called Paul Zellmer up and asked him if he'd come and look and let us know what was left. Another thing is replacing plastic hangers with metal on a gas line. A backflow preventer on the outside faucet.

Moermond: they're 10 minute jobs.

Rocha: right. A novice could do it. Chad Olsen is the one we talk with at McQuillan, he disappears for a few weeks. That's where we are stalled. If we just had Nathan's items for building we'd look at 3 weeks max. But the unknown of McQuillan, I can't give you an answer. After this hearing we're going to talk to Paul Zellmer to see if we need someone else to finish. They also haven't paid for the permits. They did the work—

Moermond: I have an idea. Your Public Hearing in front of Council is next Wednesday. That is a public hearing. Based on what I'm hearing you are working with inspectors, doing what you can and your problem is with this contractor. Any issues with the building items?

Rocha: no.

Moermond: so standing in front of Council and calling them out specifically that they haven't met their obligation, is a powerful motivator. If the Councilmember follows up on this, I don't think it's a bad thing to turn up the heat to get it done.

Rocha: we're just looking for an avenue.

Moermond: I'm concerned about the permit situation. You are working with the inspector. What I'd like to do is send this to Council and say to them you get another month, lay it over, and get this taken care of. Hopefully a public statement and a phone call will do the trick. Amy Brendmoen is the Council President and she can be a powerful advocate for you. We'll talk again August 23, with a September 7 Council Public Hearing. We'll continue the Performance Deposit 60 days.

Referred to the City Council due back on 8/3/2022

9 [RLH RR 22-39](#)

Second Making finding on the appealed substantial abatement ordered for 575 PARK STREET in Council File RLH RR 21-71. (To refer back to August 9, 2022 Legislative Hearing)

Sponsors: Thao

*Refer back to LH August 9, 2022 at 10 am to receive Code Compliance Certificate.
(CPH August 17, 2022)*

*John Flores, contractor, appeared
Frank Viggiano, owner, appeared
Hector Flores, contractor, appeared*

Moermond: we have been talking about these 2 properties we've been talking about a long time. 575 Park we determined was at 95%. We don't have the Code Compliance certificate issued yet. Where are you at?

Hector Flores: last week the electrical inspector had issues, he passed inspection last week. Everything has come together; it should be done this week.

Moermond: so it was just electrical left?

Hector: yes.

Moermond: 595 Park is more problematic. When we talked six months ago it was at 50%, and six months later we're at 60%. I'm going to ask for additional funds to be posted on this. I'm also in a position for funds to be forfeited. I would rather not do that. I'd rather money be spent on getting this done. Mr. Viggiano, you haven't been participating in this. I'm thinking to help you out, when you get 575 done you transfer that \$5,000 to 595. I won't ask the Council for more time on 595 Park without more skin in the game. It has been too long and I need to see that good faith involvement which I feel has been lacking on this property. Where are you at with bill paying. That's my worry about this?

Viggiano: you're worried about money?

Moermond: from what I heard from your contractor, yes.

Viggiano: as far as I'm concerned it has nothing to do with money. Everything requested I've done. We give them draws when they ask for it. It was the process slowing them down not the financials. I've been doing this since the 80's. I have 3 other properties I rent in the area. I have a lot invested here. Both of those buildings were moved at one time. 575 was moved to Mendota Heights and moved back. Both had issues related to that. It made it more complicated than a normal house. From what Hector told me they did work, then inspectors asked for additional work. I was very involved. I talked to Hector every few days. At one point the problem was just getting permits during Covid. Then it was hard to get subs. I've been involved, I did recently have surgery, but they had the tools to do the job as far as I was concerned. I was in touch whenever they needed something.

Hector Flores: the big hold up now is the plumber. He comes for a few hours, disappears, we don't see the progress we need. As soon as we finish here we are going to call and then if we don't get a response we'll have to hire a different plumber. Rough ins are done on 595 for plumbing and electrical. They did the first floor and are working on the second. My goal is to bring a different plumber, there isn't much left.

Moermond: you're talking about hiring a different plumbing contractor. Electrical as well?

Hector Flores: they are doing their part. They've been kind of slow too and I've been

talking to them. The plumber we call and don't get any response.

John Flores: I've called many times. It is probably happening everywhere. We have other projects and we can't get HVAC. They're all high. They throw out higher bids and come when they please. They have other projects that are cleaner and nicer. It is industry wide. We have another project just up the street and we can't get them in. I wish my old plumber was around, but he's on the edge of retirement. It is hard to get another plumber to come in on someone else's permit and work. We're stuck in the middle and unfortunately Frank is too. We've tried to talk through our issues with Frank. The industry is a mess right now. Mechanical is the issue mainly. We need 30 days to get to 90, 95%.

Hector Flores: the mechanical is waiting for plumber to finish.

John Flores: then we can drywall and put in fixtures and be on our way. We can't do any of that.

Moermond: I have a work plan April 30 of 2021 saying it will be done in six months. Then we followed up six months later and we weren't even halfway. I need a new work plan and I need to see the finances to execute what is left on the work plan. I don't know whose been paid.

Hector: we are good on that.

Moermond: I want to see how much is left to get across that line and that the money is there to pay it. Plus posting that additional Performance Deposit. I'm going to continue this to August 9 and put it in front of Council August 17. That should get your electrical and building permits done on 575 and give you a chance to post that Performance Deposit.

Viggiano: there are a lot of things that derailed the project. There was a guy who hit my other building with his car. Had to replace the whole gas system and the deck. It was very, very expensive. People are doing crazy things with Covid. He caused \$30,000 worth of damage and it was life safety so we had to pull them off other projects to do that. Another lady ran up a \$15,000 water bill. I don't want to totally blame Covid but it definitely had an effect.

John Flores: the gas meter was the easy part but it shook the entire system through the whole property and it had to entirely be replaced. It was a real struggle, and then getting the plumber in for that. He did it but now we're trying to get him back to do the water heater. They're all picking and choosing and giving those "take out" bids.

Moermond: and I want to be clear we started this more than a year ago. It isn't the Council has been breathing down your neck. We need to treat this as we have other ones. Hopefully 575 Park will get closed and 595 we are putting that additional Performance Deposit down and work plan on getting done in the next six months. Demonstrating the money is there to finish the project. We'll send a letter confirming that.

Referred to the City Council due back on 7/27/2022

10 [RLH RR 22-40](#)

Second Making finding on the appealed substantial abatement ordered for 595 PARK STREET in Council File RLH RR 21-72. (To refer back to August 9, 2022 Legislative Hearing)

Sponsors: Thao

Refer back to LH August 9, 2022 at 10 am. PO to post additional \$5,000 PD and submit updated workplan and schedule by COB August 5, 2022. (CPH August 17, 2022)

*John Flores, contractor, appeared
Frank Viggiano, owner, appeared
Hector Flores, contractor, appeared*

Moermond: we have been talking about these 2 properties we've been talking about a long time. 575 Park we determined was at 95%. We don't have the Code Compliance certificate issued yet. Where are you at?

Hector Flores: last week the electrical inspector had issues, he passed inspection last week. Everything has come together; it should be done this week.

Moermond: so it was just electrical left?

Hector: yes.

Moermond: 595 Park is more problematic. When we talked six months ago it was at 50%, and six months later we're at 60%. I'm going to ask for additional funds to be posted on this. I'm also in a position for funds to be forfeited. I would rather not do that. I'd rather money be spent on getting this done. Mr. Viggiano, you haven't been participating in this. I'm thinking to help you out, when you get 575 done you transfer that \$5,000 to 595. I won't ask the Council for more time on 595 Park without more skin in the game. It has been too long and I need to see that good faith involvement which I feel has been lacking on this property. Where are you at with bill paying. That's my worry about this?

Viggiano: you're worried about money?

Moermond: from what I heard from your contractor, yes.

Viggiano: as far as I'm concerned it has nothing to do with money. Everything requested I've done. We give them draws when they ask for it. It was the process slowing them down not the financials. I've been doing this since the 80's. I have 3 other properties I rent in the area. I have a lot invested here. Both of those buildings were moved at one time. 575 was moved to Mendota Heights and moved back. Both had issues related to that. It made it more complicated than a normal house. From what Hector told me they did work, then inspectors asked for additional work. I was very involved. I talked to Hector every few days. At one point the problem was just getting permits during Covid. Then it was hard to get subs. I've been involved, I did recently have surgery, but they had the tools to do the job as far as I was concerned. I was in touch whenever they needed something.

Hector Flores: the big hold up now is the plumber. He comes for a few hours, disappears, we don't see the progress we need. As soon as we finish here we are going to call and then if we don't get a response we'll have to hire a different plumber. Rough ins are done on 595 for plumbing and electrical. They did the first floor and are working on the second. My goal is to bring a different plumber, there isn't much left.

Moermond: you're talking about hiring a different plumbing contractor. Electrical as well?

Hector Flores: they are doing their part. They've been kind of slow too and I've been talking to them. The plumber we call and don't get any response.

John Flores: I've called many times. It is probably happening everywhere. We have other projects and we can't get HVAC. They're all high. They throw out higher bids and come when they please. They have other projects that are cleaner and nicer. It is industry wide. We have another project just up the street and we can't get them in. I wish my old plumber was around, but he's on the edge of retirement. It is hard to get another plumber to come in on someone else's permit and work. We're stuck in the middle and unfortunately Frank is too. We've tried to talk through our issues with Frank. The industry is a mess right now. Mechanical is the issue mainly. We need 30 days to get to 90, 95%.

Hector Flores: the mechanical is waiting for plumber to finish.

John Flores: then we can drywall and put in fixtures and be on our way. We can't do any of that.

Moermond: I have a work plan April 30 of 2021 saying it will be done in six months. Then we followed up six months later and we weren't even halfway. I need a new work plan and I need to see the finances to execute what is left on the work plan. I don't know whose been paid.

Hector: we are good on that.

Moermond: I want to see how much is left to get across that line and that the money is there to pay it. Plus posting that additional Performance Deposit. I'm going to continue this to August 9 and put it in front of Council August 17. That should get your electrical and building permits done on 575 and give you a chance to post that Performance Deposit.

Viggiano: there are a lot of things that derailed the project. There was a guy who hit my other building with his car. Had to replace the whole gas system and the deck. It was very, very expensive. People are doing crazy things with Covid. He caused \$30,000 worth of damage and it was life safety so we had to pull them off other projects to do that. Another lady ran up a \$15,000 water bill. I don't want to totally blame Covid but it definitely had an effect.

John Flores: the gas meter was the easy part but it shook the entire system through the whole property and it had to entirely be replaced. It was a real struggle, and then getting the plumber in for that. He did it but now we're trying to get him back to do the water heater. They're all picking and choosing and giving those "take out" bids.

Moermond: and I want to be clear we started this more than a year ago. It isn't the Council has been breathing down your neck. We need to treat this as we have other ones. Hopefully 575 Park will get closed and 595 we are putting that additional Performance Deposit down and work plan on getting done in the next six months. Demonstrating the money is there to finish the project. We'll send a letter confirming that.

Referred to the City Council due back on 7/27/2022

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 11 RLH SAO 22-29** Appeal of Sally Klein to a Summary Abatement Order at 769 HAGUE AVENUE.
- Sponsors:** Thao
- Grant to September 9, 2022 for compliance.*
- Charles Rafowicz, owner, appeared via phone*
- Moermond: your wife and I talked a couple weeks ago. Just following up on the pallet in the front yard. An inspector went by yesterday. Following up with you on when you can have the brinks used on your project or moved.*
- Rafowicz: we've had a couple changes. The pallet with the sand is gone. There was another pallet of block and those I moved closer to where the contractor will be using them. We had to order more blocks and those are on a pallet on our property. The contractor has said it is too hot. We're on his schedule and he's promised me he will get it done but I don't have a date. I'm hoping this week since temps are down.*
- Moermond: so that leaves us with a logical extension given those circumstances. I'm thinking we go to the beginning of September. Will that work?*
- Rafowicz: we can push the contractor. We don't want to be an eyesore. This is new territory for us.*
- Moermond: I'm thinking September 9, 2022 as a deadline for the work being done.*
- Rafowicz: sure. That works. We want to be done.*
- Moermond: that give you a concrete date for your contractor too.*
- Rafowicz: no pun intended.*
- Referred to the City Council due back on 8/10/2022**
- 12 RLH SAO 22-31** Appeal of Mary Tate to a Summary Abatement Order at 1930 NORTONIA AVENUE.
- Sponsors:** Prince
- Grant to October 1, 2022 for compliance with orders.*
- Mary Tate, owner, appeared via phone*
- Moermond: we're calling about your pop up garage structure at your property.*
- Staff update by Supervisor Lisa Martin: the tent doesn't meet building code for snow and wind load, fire. Those types of thing. It is 17x2x9x11. It is under 200 square feet. It is 2 feet 2 inches set back from driveway. The other side is 1 foot. Doesn't meet setback requirements. There's a bag of salt holding one side. Footings aren't secure. There is just a vehicle in there. This is considered a temporary structure and they*

typically are not allowed to stay.

Moermond: so no proper footings, not set back far enough from property line, and defined as a temporary structure in the code.

Tate: so I have to take it down?

Moermond: I think that's where we're headed. It does qualify as temporary. I'm looking at a deadline for it to come down. It does present a hazard. I saw salt holding one corner, a cinder block on another.

Tate: if I have to take it down can I have it up through the winter and take it down in the spring?

Moermond: no. You said you've had it up for a year. It needs to be down before winter. I'm inclined to say October 1.

Tate: that doesn't give me much time to take it down because I have to find a contractor to help and build something else for my mom to go out in the winter.

Moermond: I'm proposing 60 days to take it down, and you are saying you can't but you haven't talked to a contractor. You'd like to simultaneously put something in place but that concern is up to you. I need to address the hazard. The Council may look at it differently and give you more time. I've seen them blow away in storms. Without proper footings, and there was no information it was installed according to manufacturer's specifications. We are in a position of saying it comes down. October 1 is my recommendation but Council may give you more time. Information on how to do so will be in your follow up letter.

Tate: what can I put up to stay up? To have more protection for my truck and my mom?

Moermond: I'm not in the permit department. Talk to them about what is legal and safe to do. I can't problem solve for the future. I would think you'd want to go with a constructed structure. Talk to the building folks with DSI. You do have a garage right?

Tate: yeah, but I can't get my truck in. it is too small. I'm just trying to protect my property, myself, and my mom.

Referred to the City Council due back on 8/10/2022

**13 RLH SAO
22-32**

Appeal of Salamatu Forte to a Vehicle Abatement Order at 1712 ORANGE AVENUE EAST.

Sponsors: Yang

Grant to September 16, 2022 for compliance.

Salamatu Forte, owner, appeared via phone

Moermond: we had talked a couple weeks ago about the parking in the front yard. We were talking about how you need to go to Zoning to expand the driveway. It looks like you haven't done that.

Forte: I'm going to go do that today. I got the paperwork. I'm looking for someone to

help me.

Moermond: I wish you would have done it before today. There were a couple of questions that came up last time. The first thing was the order issued was a Vehicle Abatement Order which meant if you didn't comply they could be towed. We changed that to be a Correction Order, so if you don't come into compliance you'll get a bill for the inspector coming out. The second was you were describing the neighbor being allowed to do the same thing. That parking is their side yard, and it was approved. It isn't the same as your circumstances. The fence height is their side yard, so it is allowed to be higher than what you are allowed in your front yard. Because of that there will be follow up orders.

Supervisor Lisa Martin: it was mailed out to her, including fence, ground cover, and parking in the yard.

Forte: every year my neighbors break my car windows. The neighbor on Flandreau has the same thing.

Martin: the neighbor was approved by zoning.

Moermond: I need to give you a date you have to come into compliance. One way to comply is to take down the fence, plant ground cover, and remove vehicles. The other way is to get permission from DSI. This needs to be addressed by September 16. After that the inspector will come by and if the vehicles are still there and the fence is still up they will start to bill you for inspections.

Forte: I'm looking for parts to fix my car. That is why its parked like that.

Moermond: you have until September 16 to get them off any space that isn't the driveway.

Forte: I'm doing the paperwork.

Moermond: and if you do that and get approval, that's great. If you don't get approval that's your deadline for having them gone. Any other comments for today?

Forte: I already told you it was for my safety. It is damaging my car.

Moermond: you have seven weeks to come into compliance or get permission to have it as a parking area. If you don't the inspector will come and you'll start accruing fines. The fence cannot be that tall in the front yard. You mentioned the neighbor, that will be investigated.

Referred to the City Council due back on 8/10/2022

**14 RLH SAO
22-33**

Appeal of Jeanne A Kenney to a Summary Abatement Order at 139
DUNLAP STREET NORTH.

Sponsors: Thao

Grant to November 1, 2022 for compliance.

Jeanne Kenney, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: July 13, 2022 we issued a Summary Abatement Order to owner for structures on the City right-of-way and the stone slabs on the boulevard. There are photos showing the area. It doesn't meet code and that's why we are here today.

Moermond: why are you appealing?

Kenney: I was appealing because I wanted more time before the City did it. I put them down because grass doesn't seem to grow there and I've been hitting roots. I was looking for a solution that was less maintenance and also aesthetic. I wasn't doing it with any intent of malice. I was hopeful maybe there could be a compromise. I spoke to Inspector Kedrowski who suggested I appeal. I was hopeful I could have the steppers away from the trees. I didn't realize it would hurt the tree. Had no clue. No malice behind it. the canopy of the first tree is 15 feet away towards the carriage walk and put ground cover down. Then on the second part the tree is in the middle and I was wondering if could from the carriage walk to the tree leave 10 feet of stone. So 15 feet from driveway to the first tree and then 10 feet from carriage walk to the second tree and then leave the rest.

Moermond: I am afraid I don't have a lot of flexibility on this one. The installation is a problem from a number of perspectives it isn't just the weight on the roots of the trees. You can't have pavers installed in the City's right-of-way without permission from Public Works. The Code also says you can't have hard surfacing in a residential area. It does represent a trip hazard as well. You have problems from a bunch of different areas.

Kenney: the project wasn't completed. It was going to be filled and have ground cover between the stones. It was a work in progress.

Moermond: and the stonework isn't going to be acceptable unless Public Works gives you permission. The Code says it can't be done; I don't know if they would at all vary it. I'll put a deadline for you to have permission from the City to continue to have it or to have them removed. I'm thinking six weeks. Is that possible?

Kenney: it has just been me. May I ask, could we bump it to 8 weeks?

Moermond: let's say November 1. I know it will work to start grass growing and seeding in the fall.

Kenney: I had started to put metal edging to outline the dirt of the boulevard, is that allowed?

Moermond: I think that needs to be pulled. It does present a trip hazard. I don't think its allowable, Ms. Martin?

Martin: we usually don't allow anything metal or a trip hazard. I have seen people do boulevard planting, mulch, and hostas. Public Works issues a permit for that.

Kenney: I had looked online to look at the rules, and all I found was the kinds of plants and how far away from intersections. It didn't even dawn on me this was a problem.

Moermond: the code section I'm referencing is 121.04. We can put that in your letter so you have it.

Referred to the City Council due back on 8/10/2022

Correction Orders

- 15 [RLH CO 22-8](#) Appeal of Brett Cummings, Panama Flats Rowhouse Association, to a Correction Order at 228 EXCHANGE STREET SOUTH.

Sponsors: Noecker

Layover to LH August 16, 2022 at 11 am for further discussion. Staff to follow up with Public Works.

Brett Cummings, o/b/o Panama Flats Rowhouse Association, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: July 8, 2022 we issued a correction notice regarding retaining walls against the City sidewalk at the front of the property, which has deteriorated and allowed water to wash the fill below the sidewalk. Compliance date was September 8. There are photos in the file.

Moermond: you wrote a nice letter, tell me what you are looking for.

Cummings: I am speaking on behalf of our board of directors, we are 16 units and our board. We don't believe we should bear the full burden of these repairs. We have been requesting Public Works do some corrective maintenance on those sidewalks that are now failing. Trip hazards and because of the damage and it was going to funnel water back toward the building, and trap water behind the retaining wall. That is now exactly what we are seeing several years later. Despite our efforts to head off the problem when it was a simple sidewalk repair we are now being held liable for the repair of everything. The sidewalk wasn't our property to repair. I outlined a couple of other events just in the last 2 years that has accelerated that damage, both related to utilities that don't serve our building. There doesn't appear to be consideration for any of these factors. We're just being expected to pay for these repairs without any consideration.

Moermond: one thing that strikes me is we need more information than what we have now. Both Public Works and because I'm not sure what is going on underneath the sidewalk. Sometimes there are vault spaces. You brought up the work that was done in the public right-of-way. I don't know what impact that has had. We could use a street engineer looking at that. Then there's division of public vs. private responsibility. It will probably take us 3 weeks to get that information to have a more informed conversation. I'm inclined to continue this and invite Public Works to do some background for this conversation.

Cummings: that works.

Moermond: I'm going to continue this to August 16 at which point I'll expect information from Public Works and maybe have thoughts on modifications to the order, maybe not, but we'll have the benefit of their input.

Cummings: I did want to point out 2 other things not in my letter. The sidewalk repairs you can see in the photos are asphalt patches. It is clear they recognized at some point they needed attention but rather than replacing they put patches on. I know when I spoke with the crew doing that water line repair in December 2020 their commentary

to me was that it was obvious that line had been slowly leaking for a long time before it ruptured. We had a small but steady flow of water for who knows how long who continued to compromise the wall and sidewalk we're talking about now. If we dealt with the minor problem back then I don't think we'd be talking about these problems now.

Laid Over to the Legislative Hearings due back on 8/16/2022

- 16 [RLH CO 22-7](#) Appeal of Catherine Fah to a Correction Notice at 1379 SHERBURNE AVENUE.

Sponsors: Jalali

Layover to LH August 9, 2022 at 11 am per PO's request.

No one appeared

Moermond: we have a cargo container shed and its being laid over.

Laid Over to the Legislative Hearings due back on 8/9/2022

1:00 p.m. Hearings

Vacant Building Registrations

- 17 **RLH VBR 22-36** Appeal of Zahnia Harut to a Vacant Building Registration Notice at 1047 ARCADE STREET.

Sponsors: Yang

Make property a Cat 1 VB and waive VB fee for 120 days (to November 8, 2022).

Zahnia Harut, property representative, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Mitch Imbertson: we started with a Fire Certificate of Occupancy renewal back in February of 2022. There were a couple of reinspections made, and then it was found to be unoccupied and had some minor issues noted including repairing flooring and fire extinguishers, and most importantly it was being converted to a hance in use which required a building permit. One was since applied for, but work started at the property without the permit issues. As of today it is still under review. This is to convert it to a salon, I believe. No opposition and would like it to see it completed and reoccupied. Due to it being unoccupied with multiple violation it was found to meet the definition of a registered Vacant Building.

Moermond: where are they at in plan review? Do we know?

Imbertson: I'm not sure I have all the information. From what I can see it shows under review with the last update being early June by Steve Grandstand in plan review.

Staff report by Supervisor Matt Dornfeld: nothing to add other than we opened a Category 2 Vacant Building per that referral. At the time of inspection it was found to be vacant and secured and Hoffman noted interior work going on.

Moermond: Ms. Harut, are you representing the owner?

Harut: yes.

Moermond: why are you appealing?

Harut: we have actively had people over there. We've been trying to get this up to where it needs to be to be occupied but the permit is still pending. It isn't necessarily by any fault of ours, we shouldn't be penalized for that. The floor violation we fixed. As it stands now, we just have flooring in because we are waiting for the permit, and there is minor framing. We shouldn't be penalized because the City didn't issue the permit.

Moermond: did I hear correctly that work started without the permit?

Harut: we replaced the flooring because it was a violation when we bought it. There is nothing for a salon in there right now. It is literally just flooring and wood planks in the space. We didn't have the permit.

Moermond: is there missing information with the permit?

Harut: we haven't heard aback from the City.

Moermond: who is your contractor?

Harut: JFE Construction.

Moermond: it sounds like there needs to be communication between your contractor who applied for the permit and the permit review folks. I don't know if something is missing from the application or what.

Imbertson: the contractor is Lacy Jackson

Moermond: have you spoken with them about what is going on?

Harut: our office manager spoke to them last week. I need to follow up for specifics. We're ready to go and we have funding. It is in this reviewing permit space.

Moermond: you need to connect up. It is almost always there is a missing piece of information. Whoever applied for the permit should be in the loop. Your goal is to stay out of the Vacant Building program.

Harut: we didn't get this building to keep it vacant and have it be a nuisance.

Moermond: we have a complaint new insulation and sheetrock installed without a permit from April. It looks like the City asked for a correction. That was communicated to the applicant June 7. You need to talk to your contractor and what is holding them up in providing that. I'm thinking if you're moving expeditiously we don't have to worry about the program. What is your timeline?

Harut: honestly I would like this done within the next 60 days. I don't know how long permitting takes. I'll call them after this, I didn't have that information.

Moermond: let's make this a Category 1 Vacant Building and waive the Vacant Building

fee—can you get done in 3 months?

Harut: I think so.

Moermond: Mr. Dornfeld, can you put 120 day waiver on this one? That takes us to November 8, 2022. No fee if you get done by then.

Referred to the City Council due back on 8/10/2022

**18 RLH VBR
22-37**

Appeal of Richard Bell to a Vacant Building Registration Notice at 934 WAKEFIELD AVENUE.

Sponsors: Prince

Make property a Cat 1 VB, waive VB fee 90 days (to October 8, 2022), and grant to September 9, 2022 to have Fire C of O reinstated.

Richard Bell, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this process started way back April 1, 2021 was the first inspection. Resulted in a letter with 10 deficiencies. We had a no entry May 3, 2021. Correction letter with 10 deficiencies May 28. June 17 letter with 5 deficiencies. It is all about plumbing work. The Property owner did engage a plumber. Permit was pulled October 14, 2021. There has been one inspection. Says five lbs. air in second floor bath ok. That's where that's at. We've been generous with Mr. Bell about getting this done. June 20, 2022 sent a correction letter with 5 deficiencies. There's been no movement on the plumbing work. Revoked July 12, 2022 with the same deficiencies with an August 5 vacate date. Last time I spoke with Mr. Bell he was looking for more time. He said, "sometime in the fall". I reiterated we've been extremely generous with time and we can't let this continue longer.

Moermond: so ongoing for 16 months. Halfway through there was a plumbing permit for one of the key items in the list and it would appear the plumbing inspector granted an extension on the permit. Does that connect to the deadline in the fire correction orders?

Shaff: it does not. Permits give 180 days, if you are continually working on it they can be extended typically, but it doesn't mean we're going to give more time. We can't let this lack of completion continue. We agreed last fall to a plan by Mr. Bell, a signed plan. That hasn't been fulfilled.

Staff report by Supervisor Matt Dornfeld: we opened a Category 2 Vacant Building July 7, 2022 per Inspector Shaff's referral. There was a Summary Abatement Order issued for tall grass and weeds July 18. A work order was sent.

Shaff: the work proposal accepted by Mr. Bell was August 8, 2021. That is the same date Mr. Bell signed it. So that was a year ago. That was for the plumbing work. It said it would be completed on or before October 30, 2021.

Moermond: Mr. Bell, what is going on?

Bell: I apologize for the delay. I agree the work needs to be done, it was probably overdue. I did spend \$7,000 in landscaping in 2021. I replaced shingles on the garage

and shed. I hate to send them to the street; they've lived here since 2005. Things are going well. The house stunk of cat urine, so I had to replace all the flooring. It was hard to find a plumber. I couldn't get anyone together or to work, I finally found someone. that is why it took so long. He has been delayed. I didn't get the letter Leanna was talking about last year. There was another sent this summer? Never got it. I got the email but it was too late, it was 2:00 the day he was going to show up. I'd be proud to show you the bathroom up there. I extended the permit so I could work on the plumbing in the laundry room. They have a lease through May 31, 2023. I know it is my responsibility but I have done the best I could. I'd like to have James come over and go through it.

Moermond: what is end game on this? Just the stuff on the list? What is Muksa telling you about their timing?

Bell: I'm going to touch base after this call to pressure them to get it done. I can let you know what I find out.

Moermond: look, I don't want this to go into the Vacant Building program either. I want it to be productive housing. By the time the Certificate of Occupancy is revoked for long-term noncompliance there aren't a lot of tools left in their toolbox. I'm looking for you to give me a nice tight work plan that gets things done so you can keep your tenants. We all want this to move along. We have flooring and plumbing as the main issues.

Bell: yes, only on the lower level bath. They have to connect the plumbing to make it all good. I think we're almost there. I just have to put some pressure on them.

Moermond: I think it would be reasonable to give you to September 9 to have your Certificate of Occupancy reinstated or you'll be in the Vacant Building program. So you have almost 8 weeks. The plumber should be able to find time to get in there.

Bell: fair enough.

Moermond: Mr. Thomas will send a letter for an appointment the week after September 9. We'll make this a Category 1, 90 day waiver. Through October 8.

Referred to the City Council due back on 8/10/2022

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

- 19 RLH VO 22-19** Appeal of Jasmine Brown, Tenant, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 683 BEDFORD STREET.

Sponsors: Brendmoen

Grant extension to September 1, 2022 for Fire C of O to be reinstated, or property must be vacated, provided no additional life-safety items arise necessitating earlier vacate.

Jasmine Brown, tenant, appeared

Moermond: was there outreach to the owner on this one?

Vang: no.

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a Fire Certificate of Occupancy that started as a referral from a fire on the porch. They found a structure with a small roof, it was evacuated. This has been going on for some time. That was June 2, 2021. This started with Inspector Franquiz. We've had difficulty with getting the property owner to comply with the orders. He did have a signed contractor to repair the porch. I was out there last November and looked at the structure which was cobbled together and quite dangerous. In in the interim, since he had a signed contractor for replacement of the stair tower, we agreed the back exits be blocked from the units and tape put across the stairs so it was obvious they shouldn't be used. That just hasn't happened. The property owner has said he isn't fixing it and letting it go back to the bank and we have had no movement. We took enforcement action and removed the Certificate of Occupancy for long-term noncompliance.

Moermond: so one of the exit routes is condemned. I know when the appeal was filed I had concerns about using it.

Shaff: and nothing has been done. The signs went up but as far as doing the repairs? Nothing. Nothing on permits.

Brown: I've been trying to get things fixed since I moved in. I'm asking for more time because I have 3 kids. I have to move; it is hard and school is starting again. I'd need help with housing, or he needs to refund my deposit or money back. I've had to ship my kids to Duluth with their dad until I get things situated here. This is all late notice. I knew nothing about any of this. I've been trying to get him to repair. I've lived there since last September.

Shaff: July 8 the inspector notes nothing has been done and the property owner has said it is being turned back to the bank. It isn't a quick fix.

Moermond: and this was the first revocation because you were operating on the strength of his promise.

Shaff: yes. We have a signed contract.

Moermond: he's walking on that like his mortgage. Have you talked to an attorney?

Brown: I called legal aid, they took my info and sent me to you guys. Then he asked me for July rent and he told me to find new housing. I didn't pay that.

Moermond: we have to put a time certain on this with the landlord walking. Legal Aid could order a fix but if he's walking, it probably won't matter.

Brown: I need at least time to find housing. I'm a single parent working like crazy. It is stressful.

Moermond: they gave a short turnaround. I'm going to give you a bigger window, I'm going to say unless we have another problems I'll recommend an extension to September 1. If there are other issues we'll have to revisit this. Keeping the yard in good shape. I don't know where it is in the lease, but it is in your interest to do that. It shows the City your care.

Referred to the City Council due back on 8/10/2022

20 [RLH VO 22-20](#)

Appeal of Abby Miskowic to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 608 WELLS STREET.

Sponsors: Yang

Layover to LH August 2, 2022 at 1:30 for update from August 1 fire inspection.

Abby Miskowic, property representative, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a revocation order of a Fire Co of O for long-term noncompliance. First appointment letter went out July 15, 2021. There were subsequent letters October 5 and 15, 2021. October 15 we had a no entry by Inspector Huseby. She made note she made contact with the tenant who provided contact info for the property owner. She did send a final notice for the inspection appointment. We did get in November 5, 2021. She wrote correction orders with 20 deficiencies. She also writes she has feedback from mechanical inspectors on rusted piece on the boiler. On February 2, 2022 the property owner emailed via tenant to reschedule. March 3, 2022 correction orders again with 7 deficiencies. In the meantime Huseby did have an extended leave. In April I was given the file. I also did have on April 26 a correction order saying I spoke with Abby, explained deficiencies, and I was looking for plans for compliance by May 16 or I was going to take enforcement action. On June 10 since the property owner was irresponsible I set an appointment. June 22 I was there. I banged on the door to the upper unit and woke up the tenant. She knew nothing of the appointment. I did hear a smoke alarm chirping which the tenant let me fix. Set another appointment July 11 for 10 am. Was not met for the inspection. Received an email she thought it was at 11. I have yet to gain entry to verify the basement has been taken care of. I took enforcement action with a vacate. The electrical permit was finalized today. I have no access to verify all things have been taken care of.

Moermond: why are you appealing?

Miskowic: the owner is an LLC, Pinpoint Homes. I did have an issue with the mailing address. The gal before, she had it as St. Paul and it was getting sent back. "Decemberish" I filled out a new form. I talked to Leanna and told her my position. I think she said there were 20 deficiencies and we'd taken care of all in my opinion. In my role currently I don't deal with a lot of the permit stuff. We had them pull the electrical permit because it was the only thing not done by our handyman. They tried to schedule an appointment, and the back upper unit had the deficiencies and they didn't know to walk around the back and go up the stairs. I informed our contractor that they never rescheduled to come back and final. Anyways that brought us to this. I talked to our contractor today and the deficiencies he noted were all—I don't know, I don't understand, some sort of thing where he didn't actually need to do anything—so then it was finalized. Anything on this is a non-issue in my not so humble opinion. We have a tenant upstairs and a hopeful couple moving in on the 1st. I'm happy to expedite Leanna's visit if that's what it will take. The gal upstairs is home 95% of the time.

Moermond: it sounds like there was multiple attempts to conduct an inspection. So I'm hearing trouble there. I'm not getting clear information on what your handy person did or didn't do. I do have an inspector telling me she hasn't had access to the interior. That

does need to happen. The appointments started July 2021. We're a full year later. I get it would be nice for you so you can rent it August 1, but what we've heard so far doesn't put you first on the list.

Shaff: I did have an inspection set for 10 am Monday morning. I have no trust I wouldn't be getting the upstairs tenant out of bed, nor is it her responsibility to take me to the lower unit or basement.

Moermond: and any misunderstandings about what may need to be done can be talked through with owner or property manager. 10 am Monday morning, does that work?

Miscowic: I can make it work. Do you want the handyman there?

Moermond: that's your decision. The main thing is a property representative be there. Not a tenant.

Miskowic: I have one other question; we inherited the house with several open permits. One of the open issues was we had 3 contractors come out to deal with a sump pump.

Shaff: part of that, without gaining access, I can't answer your questions.

Miskowic: how are we to address the issue of the sump pump when according to professionals there is not one?

Shaff: we'll find that out on Monday, won't we?

Miskowic: I guess so.

Moermond: I'll lay this over one week, 1:30 next Tuesday and hopefully it is all addressed and ready to finish.

Laid Over to the Legislative Hearings due back on 8/2/2022

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 21 **RLH FCO** Appeal of Michelle Lewis, Faith Lutheran Church ELCA, to a Fire
 22-51 Certificate of Occupancy Correction Notice at 499 CHARLES STREET.

Sponsors: Thao

Grant to September 2, 2022 for compliance.

Michelle Lewis, o/b/o Faith Lutheran Church, appeared via phone

Moermond: calling again about Faith Lutheran and the exiting. Sounds like you two had a chance to meet onsite and discuss this.

Staff update by Inspector Imbertson: I was out with Inspector Gavin and looked at the sanctuary. The existing set up has five exits. 3 go to a common hallway at the front end of the sanctuary. They meet the capacity but aren't separated far enough to count as distinct exits, so we need one more door to meet that requirement. There are 2

more existing doors marked as exits. They were set up with a round handle knob with added dead bolts.

Moermond: we have a large rectangular space with exits in four corners, and it has an additional exit centered on the south side. This space needs to have 3 exits distant front one another so 3 on the south side doesn't count. You need one on the north side as well.

Imbertson: correct. One of those doors, the northeast door, goes down to an underside stairway, legal nonconforming, a less idea exit path. Since that wouldn't be needed anyway to meet the exit capacity our recommendation was to not mark it as an exit, then we'd only be dealing with the northwest door that has security concerns leading towards wanting that different hardware. The easiest way to accomplish the security goal would be switch it to panic hardware so the door can be locked but you can still exit from inside with a single motion. There is a thumb turn deadbolt with a round knob. It requires 2 motions to open and wouldn't meet requirements.

Moermond: so you have it down to one door that needs to be changed if they want it to be locking. Removing an exit sign from another and it can be locked. The other door needs either no lock or one-motion exiting like panic hardware would provide. Ms. Lewis, you were onsite, you had a chance to see this, what comments do you have?

Lewis: I'm in agreement with the panic bar. Are we allowed to put one on that has a keypad on the opposite side so someone can get into the sanctuary that side?

Imbertson: I believe that is allowed. Openable from outside with keypad and inside with the panic hardware. The main point is making sure it is openable from inside just with panic bar when locked. So it can't be in addition to the panic bar.

Moermond: so you'll be pursuing this?

Lewis: yes.

Moermond: what are you thinking on timing?

Lewis: I'm going to do the work, but I can't do it for 3 weeks.

Moermond: sounds good, I want a reasonable deadline. I'm going recommend the Council gives you an extension through September 2. The following week you'll have an appointment with Ms. Gavin to follow up. Any questions?

Lewis: I have none. This sounds good.

Referred to the City Council due back on 8/10/2022