



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, October 18, 2022

9:00 AM

Room 330 City Hall & Court House

VB23 9:00 a.m. Hearings

03

Special Tax Assessments - None as of 10/14

Orders to Vacate Code Enforcement

- 1 **RLH VO 22-28** Appeal of Benjamin Kaufman, SMRLS, Representing Tenant, Virginia Gibbons to a Fire Certificate of Occupancy Approval with Correction, including Condemnation and Order to Vacate at 1300 WILSON AVENUE, #1211.

Sponsors: Prince

Grant the appeal, noting all items were in compliance at time of inspection.

Benjamin Kaufman, SMRLS, appeared

Moermond: looks like we have a straightforward update and we can make this quick.

Staff update by Supervisor Leanna Shaff: I visited with the appellant at her place last Wednesday and abated all the orders that were against her apartment. Found it was in compliance with those orders. I did note a couple items as a referral to the Public Housing Authority (PHA). The tenant and I did discuss that I would be back in about a month to make sure it was handled.

Moermond: the condemnation is lifted, everything on the list was abated. I'll recommend the Council grant the appeal noting all the items were in compliance at time of inspection. Any questions?

Kaufman: none here.

Referred to the City Council due back on 11/2/2022

9:30 a.m. Hearings

Fire Certificates of Occupancy

2 **RLH FCO
22-95** Appeal of Katherine Gosiger to a Fire Certificate of Occupancy
Correction Notice at 258 SEVENTH STREET WEST.

Sponsors: Noecker

Grant the appeal related to the failing fence and deny the appeal related to the roof/framing orders giving an extension to November 21, 2022 for compliance.

No one appeared

Moermond: following up on the hearing last week, we were able to review the survey of Tom Reid's site. I also had a chance to discuss the matter with the building official who shared the site plan with survey lines on it from 2017 expansion of Tom Reid's. Both those survey and site plan indicate the wall and fence are associated with the Burger Moe property at 242 West Seventh. My understanding is that that property line was litigated and District Court made a determination the survey was true and correct and it belongs to 242 West Seventh. On the orders that were issued to 258 I will recommend the Council grant the appeal relating to the failing fence since it isn't on his property.

We do need to discuss the roof overhang structure and in looking at that yesterday with Nathan Bruhn and AJ Neis at a site visit, they observed that simply framing to provide a roof overhand for a pathway out of the side of the building isn't an emergency egress. The roof part of that framing has been removed. The argument or concern that Tom Reid had was that framing was supporting the fence and preventing it from collapsing and impacting his building. That pathway is only 4 feet wide; the fence is 8 or 9 feet tall. We did talk about the need to remove it because it doesn't property brace. It is simply built there, and you can even see one of the 4x4 posts is turning at the top. It is indicating it is beginning to fail itself. So, I will recommend the framing for that the roof overhang must be removed within 30 days. It was installed without a permit and not done in a code compliant fashion. It also doesn't support or retain that fence. No other order will be coming to suggest that tom Reid install emergency support to prevent that fence collapse, but he is welcome to come apply for a permit to do so not knowing when the owner of 242 will fix the fence. There was an order to both parties to fix the fence. Photos are attached to the record, along with the survey and site plan.

Supervisor Perucca: nothing to add. You addressed all the issues. I have no new or further information.

Moermond: I wanted it to be 30 days from when I was there, so we hit it before the cold weather. If there is snow it increases the likelihood of collapse. I'll recommend November 21, 2022 as the deadline for that work. Council Public Hearing November 2.

Referred to the City Council due back on 11/2/2022

10:00 a.m. Hearings

Special Tax Assessments

RLH TA 22-377 Ratifying the Appealed Special Tax Assessment for property at 1437
CHARLES AVENUE. (File No. J2304A, Assessment No. 238503)

Sponsors: Jalali

Continue CPH to April 19, 2023 and if no same or similar violations reduce assessment from \$482 to \$282.

Jake Maris, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: a Summary Abatement Order was issued July 6, 2022 for compliance July 13. It did go to occupant and a Margaret Singer at the property to remove the fridge, tires, and debris from rear of property. We went back out, fridge was gone and tires were still there, that was another inspection. Went again July 20 and it was sent to Work order. Work was done July 28 for a total assessment of \$482.

Moermond: Mr. Maris, why are you appealing? And what is your relationship to the property?

Maris: Margaret Singer is my partner; we live here together. I'm appealing because we got the letter to remove the items. We did the fridge and debris. There were 8 tires. The ones left I intended to use, I was just storing them there and I didn't know I couldn't just leave them there on my property. That is why the tires stayed and everything else went. We did try and complain. We did pay the original \$150. I'm just wondering if anything can be done about this, I already had to buy another set of tires.

Moermond: I will say the orders needed to be dealt with. Doing a headcount of the tires in the photos from July 6 it looks like there were 10 tires originally.

Maris: yes, and most were junk and the ones remaining were all the same. The ones I intended to use.

Moermond: right, 5 tires left on July 20. I'm going to help you out some. I'll push this from its Council Public Hearing January 18 to April 19, 2023. If there are no same or similar violations, I'll recommend the assessment is reduced by \$200. The Council could look at it differently. I'd like to cut it down on that condition. If it helped I could make it payable over a couple of years. The letter you received tells you the interest rate, it is usually pretty low.

Maris: we would just probably want to pay it.

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

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

Sponsors: Yang

Layover to LH November 1, 2022 at 10 am. Somali interpreter needed.

Zamzam Anshur, owner, appeared via phone

[Moermond gives background of appeals process]

Anshur: do you have an interpreter?

Moermond: what language?

Anshur: Somali

Moermond: we'll lay this over two weeks and call you in with an interpreter on the line.

Laid Over to the Legislative Hearings due back on 11/1/2022

4 RLH TA 22-371 Ratifying the Appealed Special Tax Assessment for property at 1043 KENT STREET. (File No. J2304A, Assessment No. 238503)

Sponsors: Brendmoen

Delete the assessment.

Kathryn Hoff, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: a Summary Abatement Order was issued July 20, 2022 to occupant and Kathryn Hoff in Germantown, WI to remove remove/dispose bags of garbage, scattered trash, and debris from rear parking lot. Compliance date of June 24. It wasn't done

Moermond: would you like to see the videos of the cleanup?

Hoff: if it is possible to email it.

Moermond: yes, we can do that. Quick question, you are in Germantown?

Hoff: yes, I'm the owner.

Moermond: tenants made the mess?

Hoff: my daughter lives there and has a history of mental illness. I've had a terrible time with her. She gets irrational. I was shocked when I got the letter. As soon as I did I came on the greyhound the next day to see and clean up the property. I was very unhappy to see that. I did work like crazy to get it all cleaned up. As of June 24, it was all done. A week later I got a call from a neighbor saying she messed it up again. I came back again July 3 and cleaned again. She told me that if anything was in her house the house would catch on fire and would blow up. I've worked hard to clean it up. The next morning when I was going to leave, I realized she'd throw stuff in the front yard. She said she would clean it up. So, I went out at 3 am and cleaned up the front yard. When I left the next day it was clean. I've really tried hard. She has a therapist now and a caseworker with Ramsey County. I know you did cleanup but I was hoping for a reprieve in reducing the fine. I've been a widow for 26 years, now I'm retired and on a fixed income.

Moermond: without sending you the video, let me tell you what I can tell. I trust you went there and cleaned up the items in the original order from the City. Sounds like you did it again and again and it was different items that may have looked similar due to the way your daughter packages things. In those situations, I say a good faith effort was made and recommend the assessment gets deleted. I am concerned that your property is not owner-occupied and it would need to be inspected. I get you probably

aren't collecting rent, but that isn't the measure. It is whether or not you live there. They would check for things like carbons and smoke detectors. That may be helpful because I don't know what the conditions are. It sounds like in her case it may be helpful to make sure life safety issues are addressed. We can send you that paperwork to get a provisional Certificate of Occupancy. You could appeal whether or not you belong in that program. I am going to make that referral though. Today though the issue is that assessment and I'm going to recommend it gets deleted.

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

Assessment Rolls

- 5 **RLH AR 22-97** Ratifying the assessments for Property Clean up services during July 1 to 7, 2022. (File No. J2303A, Assessment No. 238502)

Sponsors: Brendmoen

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

- 6 **RLH AR 22-98** Ratifying the assessments for Property Clean up services during July 7 to 28, 2022. (File No. J2304A, Assessment No. 238503)

Sponsors: Brendmoen

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

11:00 a.m. Hearings

Correction Orders

- 7 **RLH CO 22-11** Appeal of Matthew and Jamie Wright to a Correction Order at 1155 SEMINARY AVENUE.

Sponsors: Jalali

Grant to December 1, 2022 for compliance.

Matthew Wright, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: October 4, 2022 a correction notice was issued to remove the accessory structure (mailbox library) from the boulevard. We don't allow any structures on the boulevard. The planter boxes should also have been addressed as well as the tall grass and weeds. He can move the library to his property but it cannot remain on the boulevard.

Moermond: we have an order on the little library, and the order could have contained other items including planters and tall grass and weeds and weren't included?

Martin: correct.

Moermond: was that purposeful or inadvertent?

Martin: I will be having a conversation with the inspector and issuing new orders after this is resolved.

Moermond: why are you appealing?

Wright: we got this as a gift as part of a public art project, August 2021 as community building during the pandemic. I had no idea it was in the boulevard being a problem. I guess I'd like to maintain it where it is.

Moermond: I'm afraid I can't do that. This is the right-of-way code and considered an installation or obstruction in the right-of-way that is unpermitted. It is possible to get permits to do so, but it doesn't happen here. When I see these cases it consistently ends up in the same place: that it can't exist. For that I'm sorry because someone dug a hole and probably put some cement there so it isn't a great solution. If a nonprofit did it, they did it without knowing the code. You'll notice for sale signs go up on the house side of the sidewalk rather than the boulevard. Same with political signs. That is the way it should be handled. If they aren't doing that they should change their business practice. I'm sorry this puts you in this position. What I need to deal with then is to figure out how long the timeline is to deal with it. I'm not sure if you want to reach out to the nonprofit and see if they can move it. I know there are little free libraries, most are on the correct side of the sidewalk that I see. I do see orders for cases where they are not, as well as orders for height limits on plants and hardscaping in the boulevard. Like the raised beds you have. Ms. Martin, how do you interpret those raised beds?

Martin: it is considered an obstruction and would have to be removed. Grass can't be more than 8 inches. Plantings can't exceed 36 inches. It can't be 5 feet from a driveway, 10 feet of an intersection. We can send you that information and hopefully get it resolved.

Wright: looking at the city code 105.04, raingardens and vegetables are allowed.

Moermond: this isn't a rain garden. It would be the right-of-way ordinance.

Wright: the distinction is it's a planting box?

Moermond: it is where it is located, which is the City's right-of-way.

Martin: section 105.04.

Wright: that does refer to plantings in the boulevard and talks about plantings being permitted.

Moermond: yes, they are. I think you're running into trouble with the height of the plant and the raised bed part of it. The raised bed isn't allowed in the ordinance. It is considered an obstruction.

Wright: I didn't see any mention of that. Is it disallowed?

Moermond: section 106, encumbrances, or obstructions. It isn't an issue of veggies in the right-of-way, it's the height of the plant and the planter boxes that would need a permit from Public Works or have to be removed.

Wright: that box was there before we bought the house.

Moermond: it happens from time to time that code violations are in existence for a while. I don't have an order in front of me for the raised bed, I just have the little library. I was hearing from the Supervisor that those other things are violations and should have been written by staff but did not. It was more a heads-up that that is forthcoming. If you want to appeal those as well I won't charge an additional appeal fee and that can be discussed. I'll look at this in relation to the frost and soil and coming up on the time that becomes an issue. Focusing on that I'll recommend that you have until December 1. Ms. Martin, can the forthcoming orders on the planter have the same December 1 deadline?

Martin: sure.

Moermond: and if you want to appeal that raised bed I'll let the front desk know there is no additional fee.

Wright: according to the inspector he said the complaint was only about the library. Is the Department proactively taking issue with the garden beds?

Moermond: if the inspector sees it they have to write it, but tell me standard operating procedure, Ms. Martin?

Martin: if someone calls in a complaint, obviously we address that, but he should have addressed any other deficiencies at that time.

Wright: so, the complaint didn't have to be about the box to generate the letter?

Moermond: correct. If someone has called in about the roof on someone's house, the inspector notices the windows are broken too. The inspector writes orders on the failing roof and the windows. It is there, it is obvious, even though they just got a complaint about the roof.

Wright: ok, and recourse to the Council?

Moermond: goes to Council November 2, there will be information in a letter to you on how to do that.

Wright: can that include the planter boxes?

Moermond: are you appealing the garden bed? Because I can just put it on the agenda now.

Wright: yes.

Moermond: we'll put that on the calendar so we have a hearing Tuesday November 1, so it can be paired with the Little library appeal on November 2 at the Council Public Hearing.

Wright: and that would be in person?

Moermond: the hearing with me can be remote. The City Council you have a choice. You can sign up to speak by phone, or in person, or submit testimony in writing for the record.

Referred to the City Council due back on 11/2/2022

2:30 p.m. Hearings

Vacant Building Registrations

- 8 **RLH VBR
22-46** Appeal of Jay Mitchell, Quality Residences LLC, to a Vacant Building Registration Notice at 1039 BRADLEY STREET.
- Sponsors:** Brendmoen
- Waive the VB fee for 90 days (to December 14, 2022).*
- Jay Mitchell, o/b/o Quality Residences, LLC*
- Moermond: sounds like from the message you left you need more than today's layover date. At the time we talked last it was hoped the work would be done by today and staying the Vacant Building fee. It isn't done. Mr. Mitchell, where are things at?*
- Mitchell: 2 of the contractors, it is a crew of 5, they got Covid. They got behind on projects and we got pushed. They said they'd be done in 10 working days.*
- Moermond: we'll hold the Vacant Building fee over your head. The normal waiver would be 90 days, December 14, 2022. Have your Certificate of Occupancy reinstated by complying with the orders you'll have no fee.*
- Shaff: isn't it occupied?*
- Moermond: it's a Category 1 Vacant Building so we'll allow occupancy pending resolution.*
- Referred to the City Council due back on 11/2/2022
- 9 [RLH VBR 22-48](#) Appeal of Elizabeth Sibet, representing Sibet Renovations LLC, to a Vacant Building Registration Notice at 227 FULLER AVENUE.
- Sponsors:** Balenger
- Layover to LH October 25, 2022 at 1 pm (PO unable to be reached). '*
- Voicemail left at 2:59: this is Marcia Moermond from St. Paul City Council calling you about 227 Fuller. We will try you back in a few minutes.*
- Voicemail left at 3:05: this is Marcia Moermond from St. Paul City Council calling you again. I'm going to continue your case for one week since we have been unable to reach you. We'll try next week between 1:00 and 2:00, Tuesday, October 25.*
- Laid Over to the Legislative Hearings due back on 10/25/2022
- 10 **RLH VBR
22-53** Appeal of Sandra Lou to a Vacant Building Registration Notice at 38 MARYLAND AVENUE EAST.
- Sponsors:** Brendmoen

Grant the appeal and release from the VB program.

*Sandra Lou, owner (at time of orders), appeared via phone
Henry Ung, friend of owner, appeared via phone*

Moermond: do you want us to add anyone to the call?

Lou: I have Henry Ung with me.

Moermond: we understand it was sold and Closed October 13?

Lou: yes.

Moermond: and they will be living there?

Lou: yes. They're in already.

Moermond: that's also what our Vacant Building inspector heard. The file will be closed and it won't be in the Vacant Building program.

Lou: sounds good, thank you.

Referred to the City Council due back on 11/2/2022

**11 RLH VBR
22-51**

Appeal of Chris and Mackenzie Ryan to a Vacant Building Registration Requirement at 904 WILDER STREET SOUTH.

Sponsors: Tolbert

Waive VB fee for 90 days (to December 28, 2022). Property to remain Cat 2 VB and require CCI.

Mackenzie and Chris Ryan, owners, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: this is sensitive as there was a deceased person at the property. The dates of some of this I don't have reports for. I can only speak to when Code received their complaint September 26, 2022 that stated the house was vacant due to the property owner passing away. It was in gross unsanitary and hoarded conditions along with tall grass & weeds and windows left open. September 28 both Vacant Building and St. Paul Police Department responded to the complaint. They had the building secured. Inspector Hoffman opened a Category 2 Vacant Building. It was secured by St. Paul Police Department and Hoffman's report states the property owner was found dead at the property, spoke with neighbors about concerns of smell and utilities being on. It was secured by Res Pro at time of inspection. The rear yard was overgrown and there were broken windows on garage. Took photos and posted placards. As of October 13, he writes it is secured and maintained.

Moermond: tell me about this appeal, who you represent with respect to the property. What is going on?

Chris Mackenzie: the deceased was my uncle and my mom is his sole living sibling. I'm in the process of being Personal Rep for the estate because I'm Power of Attorney over my mom's property right now. When the Medical Examiner called my mom they

had been unable to locate next of kin. We would like to have it not listed as vacant since we will assume responsibility over the property. We've spoken to the neighbors. We will have snow removal lined up. It isn't occupied, but it isn't unclean.

Mackenzie Ryan: we were notified on the 27th that the owner was found deceased. Because my mother-in-law is the sole heir and next of kin they were having a hard time getting a hold of her. They were estranged. We found out and sometime between then and the 13th we worked with the St. Paul Police Department because the owner didn't have keys on the body when the Medical Examiner picked him up. We got permission to enter the property and retrieve keys. We were notified the house was hoarded. Because of the condition we have already started securing services to clean out the house. There is a smell concern but also rodent concerns. Most of the stuff in the house is food that is going bad. They should be done this week.

Moermond: this is not easy because you aren't actually the property representative right now. I get the police said you can have access, but you don't have any legal authority over the property right now. I'm struggling until a judge appoints you as personal representative.

Mackenzie Ryan: we just received the death certificate Friday. Our lawyer drafted the petition. We are moving as fast as possible.

Chris Ryan: given the state of the property we figured this was the best move to clean it out.

Mackenzie Ryan: we didn't even get the letter, its only 10 days to appeal. I didn't see the letter until I appealed. We can't do probate in 10 days.

Moermond: I understand that. I just need to consider that as part of a number of items. The first notable thing is that it does meet the definition of registered Vacant Building in that it should be condemned except it is unoccupied. They wouldn't condemn an unoccupied structure. Instead, they talk about it having major code violations and put it in the Vacant Building program. There are six elements to the Vacant Building definition and it meets at least 3 of them. We have an empty building that will continue to be empty for an indefinite period of time, pending you being able to act, presumably to sell. I don't know if banks are involved and mortgages and liens. How does this get taken care of in the meantime? I hear you are engaging local people to do property maintenance. We have an address for you in Middleton, WI?

Mackenzie Ryan: correct. I have a question. The violation letter doesn't Cite anything other than it being a Vacant Building. If there were other code violations that were needing to be corrected before it could be removed, do we know what those are?

Moermond: this does indicate it is a Category 2 Vacant Building and will need a Code Compliance Inspection Report.

Dornfeld: the Vacant Building registration form is a pretty cookie-cutter form that goes out to all our Vacant Building representatives. It walks them through the categories. It doesn't specifically state what their specific violations are and the reasons it entered into the program.

Moermond: the computer system says this was a Category 2 Vacant Building. That categorization based on its condemnable status and major code violations. In the normal course of events this means in order to be reoccupied a Code Compliance

Inspection would need to occur. That would itemize the list to bring it into minimum code compliance to be reoccupied. It wouldn't be that an inspector would go through a hoarded house and make a list because the only thing they can see is it needs to be cleaned. What is underneath all of that is a separate question. What systems are affected. If you can't get to the walls you can't see them.

Mackenzie Ryan: I understand that. But no one entered the house and I guess like, other than being told by the cops that this was hoarded, nothing else aside from what is outside is—I guess I'm trying to find—you are saying it is condemnable but there is nothing pointing to that other than it being hoarded. We're getting the garbage out. Where does the government fully know the extent of the issue other than that there is an issue? No one has been inside the property other than seeing the broken windows—they aren't even broken they fell out because they have no caulk. It feels like we are being blocked from correcting things.

Chris Ryan: a lack of itemization means we can't remedy because we aren't being told with what they are. The legal limbo means if we aren't empowered to—I'm unclear on what is the intended recourse for this circumstance.

Moermond: right now, without being appointed Personal Rep by the court, and you having access to the house—you have control over property you have no legal authority over at this moment. Is it good you are cleaning it out, and the practical side of it? I sure do. Could the City give you a building permit for a property for which you have no legal authority? The answer is no. We are a little bit stuck with the legal issues. You are taking all the responsibility you possibly can which I really do appreciate. I'm trying to figure out from where I sit how to map a path forward for this property. The police report saying that they encountered gross unsanitary conditions is something the inspector can rely upon. Police have seen it, and it is sufficient documentation for Vacant Building staff to act on. What we need to do is figure out the parameters. You talked about a list, which is where I was trying to go with the Code Compliance Inspection Report. That is the list generated of the things to be dealt with before it can be reoccupied. It seems like that is the next step. You kind of have to wait until you have the legal authority. I know you are working on that. Mr. Dornfeld, what is the business practice at the Department in these circumstances?

Dornfeld: what are the appellant's intentions for the future of the home? Then I can explain the Code Compliance Inspection and how it may affect their plans.

Chris Ryan: we would like it to be livable and informally the neighbors has expressed interest in purchasing so they can live in it so it isn't bought by a developer. We would like to ultimately sell the property to them or someone who cares about the area.

Mackenzie Ryan: as soon as we have legal authority to do so, obviously.

Dornfeld: with that knowledge, let me explain what being in the Vacant Building program affects that plan. That Vacant Building fee is pending, second is that Code Compliance Inspection. In order to sell a home in the City of St. Paul you are required to order a TISH inspection. That is not a City service, that is a private entity who does that inspection. They document code violations in the home for the prospective buyer. That is a law.

Moermond: and that applies to all residential single-family home and duplexes that are not Category 2 of 3 buildings.

Dornfeld: by being in the Vacant Building program and required to order that Code Compliance Inspection that would take the place of the mandatory TISH inspection. Either way, if you choose to sell you are going to have to have an inspection done that details the violations. You would no longer have to pay for the TISH if you are in the Vacant Building program and had to order a Code Compliance Inspection. Those offset one another. Second is that Vacant Building fee, \$2,300 that is attached. I can't speak to that but that is the second thing about being in the program. We then monitor the property while you are trying to sell the home. An inspector comes out and makes sure it is secure, maintained, not illegally dumped on, graffiti free.

Chris Ryan: if it is in the Vacant Building program, assuming we pass through probate and gain possession of the building, can I then get in?

Dornfeld: you would be allowed to be there 8 am to 8 pm to make repairs and remove belongings.

Mackenzie Ryan: I'm just wondering why? Our next call is to our lawyer to file the petition, why would we pay the City to monitor the property if we are able to do it? I'm failing to see that part. We are going to arrange to have it cleaned out and have the snow removal done and it has heat and water. I am trying to see why that is there other than to get it out of this "we have to have this code evaluation".

Dornfeld: when a City service I called to your property, which they were, multiple agencies—and a gross unsanitary hoarded issue was found, and you've confirmed that, that means the City has been notified of a pretty serious violation. You can't just sweep that under the rug. To ensure the next person has a safe home to live in we require that Code Compliance Inspection.

Mackenzie Ryan: if the hoarding issue is being addressed--which it is and will be done next week. Can we have that Code inspection, why does it still need to be in the Vacant Building program? Presumably if we have our petition filed and we present evidence it is in progress, it seems strange to pay you all to take care of the house and limit access.

Moermond: maybe we should talk about why there is the program to begin with. This was put into place 40 years ago because Vacant Building, especially in this condition, can present a nuisance to the community. This is a location, you don't have anyone living there to make sure things are taken care of, you aren't right there as a landlord or owner occupant. It is necessary to proactively to make sure the yard is maintained, the walk shoveled but also we don't have squatters and setting up rights.

Mackenzie Ryan: you have a big sign out front that says it is vacant.

Chris Ryan: this is a concern the neighbors have expressed. Every time we've gone we've had realtor letters piling up.

Mackenzie Ryan: people looking in the windows.

Moermond: I know you've accommodated this in the past, but I know you want it there so St. Paul Police Department knows it is supposed to be vacant.

Dornfeld: I understand the pros and cons of the Vacant Building side. It is written to inform first responders that when they show up on site that the house has been condemned and in the Vacant Building program and no one should be there, and if they are they should have proper ID. Do I understand that it can attract people we don't

want there? We can't deny that. In this case, if Ms. Moermond is ok with the signs being removed or placed elsewhere, we'd be open to it.

Moermond: I think if it was on the inside of the door and not immediately visible from the street, I'm comfortable with that.

Chris Ryan: while it is on the Vacant Building list can they buy it through the City of St. Paul?

Moermond: good question. I can't speak to how probate impacts the ability to transact the property but I can speak to what the City looks like for a sale. Mr. Dornfeld spoke about that Code Compliance Inspection Report and that being an itemization of the things that need to be taken care of to bring to minimum code compliance. If a wall is open, current code will apply. No one is asking you to open the walls to find out if it is current. It is minimum standards in that Code Compliance letter. That is a notification letter to a potential purchaser who would just have to come forward to the City who can say they have the ability and intent to fix it. That is all they have to do. It doesn't impact your ability to sell it. Category 2 Vacant Building are sold every day. The list is the disclosure.

Chris Ryan: my concern is while we are moving at the speed of the court, I don't want to wake up one day and find out we are in the hole thousands of dollars on cleanup to just be the responsible people that aren't leaving a public nuisance in place and someone swoop in and swipe the building off of your registry from us. That's part of my concern. We aren't in this to get rich; we're trying to do the responsible thing. I want to make sure this isn't a money pit and a weird anecdote I tell I in a decade.

Moermond: that isn't where I want this to go. I'm happy to talk about how much an inspection report will cost, which is just over \$500, and a TISH report are between \$300 and \$400. There's a bit of difference, but there in the same neighborhood. That expense is regardless of its status. The actual Vacant Building registration fee we can do a few things with that will help. I can put a waiver into place, usually it is 90 days, so if the building is reoccupied in that time there is no fee whatsoever. I'm happy to do that. That is probably very optimistic because you do have the court system and I don't know how fast that moves. The other option is, let's say it takes six months before it is reoccupied, I would then look at the special assessment for the Vacant Building fee. It is my practice to prorate the fee so it isn't the full annual fee.

I'm afraid going into the Vacant Building program is triggered automatically in these conditions. I get you are addressing the conditions but I have to assess if there is anything exceptional about this that the Code shouldn't apply. I don't see that here. Conditions were bad and we don't have firm ownership, as well as the gross unsanitary conditions. I know you aren't in the business of doing that and respect the responsibility you've taken on this. You are being good neighbors and I want to be supportive. At the same time, I can't say the City can walk away from its Code on this. I'm trying to figure out how to make it as painless as possible. That would be putting the fee waiver in place and revisit it if it does go to assessment. You're in a tough position, you have family and legal issues going on, it is four hours away. It is a big lift and you're in the game.

Chris Ryan: thank you.

Moermond: I'll put that waiver into place. I think it does need that Code Compliance Inspection because of its hoarded status. If an inspector goes in and sees nothing, that's great. I think it does need to happen though.

Chris Ryan: let's say the inspector goes in, gives it a clean bill of health, being occupied is what removes it from the Vacant Building list? If it is up to Code? That is also in those 90 days, someone fixing it up and moving it in? Or it has to be fixed up and it is no longer vacant?

Moermond: the thing that governs whether or not it is in the Vacant Building program is when it becomes habitable under the Code. That would be when the Certificate is issued indicating the repairs have been made. Let's say a flipper did pick it up and fix it up by February. They were then in the program for 5 months. We could prorate it as soon as that Certificate is in hand. It is just no one can move in until that Certificate is issued. That's the distinction. The Council is the decisionmaker and I give them a recommendation. They will have a record of our conversation today and the appeal you filed, the photos from the inspector. You could try and make a case that you don't think it should be a Category 2. Where you will have trouble is that it is empty and it does have those violations.

Mackenzie Ryan: in order for us to make an argument—I'm not disagreeing it could be considered a severe health hazard—but as soon as that is gone and we have no evidence of rodents? It has water, electricity, heat. It isn't a very pretty house, but it has siding. To make that argument between Category 2 and Category 1 it is hard when we don't have specific things to show there have been corrections.

Moermond: I hear you, and there are things we talk about that trigger your being put into the Vacant Building program and those are the violations immediately observable by the police and sent to Vacant Building inspectors. Then there is how you get it from that to being occupied again. It isn't simply a matter of cleaning it. It is becoming code compliant. It isn't just shoveling out the rotten food. We don't know what is underneath that. Once it reaches that state City policy is you have to bring it up to minimum standards. That list comes forward in that Code Compliance Inspection Report which can't be done until it is cleaned out. What gets it into the program and what gets it out of the program are two different things, two different lists. That is something people commonly ask about.

Mackenzie Ryan: I know. It just seems like it is built for us to automatically file without trying to keep it from going into this program and paying the money. In order for us to get out of it—

Dornfeld: ma'am, would you move in there right now? With your children?

Mackenzie Ryan: no, no, no, yeah but that---what I'm arguing is once it is cleaned out.

Dornfeld: once you clean all the rotten food and the mounds of hoarded stuff out, would you move in there?

Mackenzie Ryan: no. I'm not saying I don't understand—

Dornfeld: that is why we have to have that Code Compliance inspection.

Mackenzie Ryan: but is the Code Compliance Inspection tied to this program alone? Or can it be done outside of this program to keep it out of this program. Does that make sense?

Moermond: it is connected to this program.

Mackenzie Ryan: that's what I'm saying. It is set up for no one to be able to appeal

because there is no way to get that Code inspection.

Dornfeld: you aren't seeing the liability on the City's end of this.

Mackenzie Ryan: I understand the liability but I'm saying in order for us—

Dornfeld: but you can't just let people go free when an event like this happens. Let's say someone has a fire and the trucks put the fire out. There is follow up to that, you don't just get to move back in—

Mackenzie Ryan: that's what I'm saying there doesn't seem to be—

Moermond: ma'am, can you let Mr. Dornfeld finish his statement?

Dornfeld: you are just refusing to accept there is follow up to the event that you had at that home. This is the follow up. It is the law. We're not just applying it to you. Nor do we enjoy doing it. It is our job. Because there is liability to the City when there is an event like that at the home. A deceased person amongst pounds and pounds of hoarded stuff. There is follow up. Right? That's it. We can go around in circles for another hour but that's it. You have to do the follow up.

Mackenzie Ryan: so, what I'm being told is there is no other way to appeal this without being in the program?

Dornfeld: take it to the City Council.

Chris Ryan: your recommendation is that if you are willing to do the fee waiver?

Moermond: yes, a 90-day waiver. If it goes six months or less I'm willing to prorate the fee. You have a lot on your plate you need to weigh the pros and cons of. I'm glad you have your attorney working on this. I do believe the Code Compliance Inspection is necessary. I know it isn't as easy as the disclosure inspection because it does require the purchaser to show up and say they have the ability to do this work. That and the vacant building fee are the difference. I am willing to work with you on the Vacant Building fee. I don't take it personally if you want to go to Council and argue further. If you do end up needing that Code Compliance Inspection you want to file as soon as you are appointed the legal representative of the property. Usually, they are 3 to 4 weeks out. It will better help inform how you move forward.

Referred to the City Council due back on 11/2/2022