



Minutes - Final

Legislative Hearings

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Tuesday, October 15, 2024

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 24-363** Ratifying the Appealed Special Tax Assessment for property at 155 RUTH STREET NORTH. (File No. J2501T, Assessment No. 258503)

Sponsors: Johnson

Reduce assessment from \$644 to \$514.

No one appeared

Voicemail left at 9:18 am: this is Marcia Moermond from St. Paul City Council following up on your appeal for your property at 155 Ruth. Wanting to let you know we'll be decreasing the charge, not a ton, but some. I'll be taking \$130 off. We'll send a confirmation email after checking one component of the charge. Down to \$514.

Referred to the City Council due back on 1/15/2025

- 2 [RLH TA 24-413](#) Ratifying the Appealed Special Tax Assessment for property at 460 PRIOR AVENUE NORTH. (File No. J2503R, Assessment No. 258502)

Sponsors: Jalali

Layover to LH November 5, 2024 at 9 am (unable to reach PO).

Voicemail left at 9:22 am: I'm trying to reach Ryan Scott. This is Marcia Moermond from St. Paul City Council calling you about your appealed tax assessment for 460 Prior Ave North. We'll try you back in 10 to 15 mins to talk to you about this.

Voicemail left at 9:39 am: trying to reach Ryan Scott, this is Marcia Moermond again. We've called twice about an appeal. We'll reschedule you to November 5 and hopefully be able to get through and have a conversation then.

Laid Over to the Legislative Hearings due back on 11/5/2024

- 3 **RLH TA 24-415** Ratifying the Appealed Special Tax Assessment for property at 809 THOMAS AVENUE. (File No. J2503T, Assessment No. 258506)

Sponsors: Bowie

Delete the assessment.

No one appeared

Moermond: the appellant is Jennifer Holt. When reviewing the file prior to the hearing we found there was no after photo provided by the contractor indicating the work was actually done. Need that in order to assess, so recommend deletion of the assessment.

Referred to the City Council due back on 1/29/2025

- 4 RLH TA 24-396** Ratifying the Appealed Special Tax Assessment for property at 1333 EDMUND AVENUE. (File No. J2503R, Assessment No. 258502)

Sponsors: Jalali

Delete the assessment.

No one appeared

Moermond: the appellant is Erin Ruccolo and I'm recommending deletion of the assessment. Notes from Department of Safety & Inspections indicate no Summary Abatement Order was issued or sent. Delete since no notice was sent.

Referred to the City Council due back on 1/29/2025

- 5 RLH TA 24-364** Ratifying the Appealed Special Tax Assessment for property at 291 BATES AVENUE. (File No. J2502R, Assessment No. 258501)

Sponsors: Johnson

Approve the assessment.

Vincent Tran, owner, appeared via phone

Moermond: in looking this over, I found the notes indicating you were going to review the photos provided. Did you do that?

Tran: I don't have access to the computer at all. But we can talk now. I got them.

Moermond: the order was for removal of a fridge on the boulevard. The fridge remained by the time the contractor showed up and was there was on the recheck. It looked like an approval from me. But you thought a local scrapper picked it up. Where are you at with that?

Tran: we left it out with a free sign. Why would the City come remove it at all, the scrap metal people would have taken it. We are remodeling the house.

Moermond: this is a fridge. Not scrap metal.

Tran: they would have still picked it up.

Moermond: I don't have evidence of that, but I do have photos from the contractor from before or after. No tires in any of this.

Tran: I know. It said free, people were to pick it up. I don't think it's fair for us at all. We have a permit on the house, and then you come and pick it up?

Moermond: we're talking about a fridge which is considered a dangerous object unless the door is removed or its chained closed. We take this quite seriously. A building permit doesn't allow you to keep a refrigerator on the boulevard. I'm going to recommend approval. You are certainly welcome to appeal further to the City Council [explains how]. All that is available to you, but I can't see my way clear to recommend deletion of the assessment.

Referred to the City Council due back on 1/15/2025

10:00 a.m. Hearings

Special Tax Assessments

- 6 RLH TA 24-377** Ratifying the Appealed Special Tax Assessment for property at 908 EDMUND AVENUE. (File No. J2401V1, Assessment No. 248001)

Sponsors: Bowie

Approve the assessment.

Elvira Garcia, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: May 23 2023 a Vehicle Abatement Order was issued to remove the vehicle, lacking current tabs, and appeared inoperable. The date to remedy was by June 7. Rechecked June 8, found in noncompliance. Work order issued and it was removed June 14 for a total assessment of \$584.

Garcia: the vehicle was my daughter's and she did go ahead and update the plates, but she wasn't able to remove the car. So, she did sign the car over to be picked up. She was told they would not have anything going against me. That's why she signed the documents to come pick it up.

Moermond: who is "them"?

Garcia: a document that came in from the City.

Moermond: was that by way of US mail? How did she get it?

Garcia: by mail and she followed up in the office and signed the document where she signed the car over.

Moermond: so maybe parking enforcement or the impound lot and perhaps they told her there wouldn't be an assessment. Does your daughter have documentation of this?

Garcia: I asked her if she had anything, and she said she only has the letter saying it needed to be drivable. They said that's all she needed.

Moermond: we can follow up but the document ordering the vehicle removed says

nothing about signing it over. We'll look into that and be in touch. We don't have an email for you, how should we contact you?

Garcia: you can reach out by phone. I don't really have an email.

Referred to the City Council due back on 11/6/2024

7 RLH TA 24-376 Ratifying the Appealed Special Tax Assessment for property at 1386 EDMUND AVENUE. (File No. J2501E, Assessment No. 258300)

Sponsors: Jalali

Approve assessment (not a durable + dustless surface).

Gholam Ashrafzadehkian [Kian], owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: February 22 Code Enforcement observed 2 vehicles parked on unimproved surfaces. They issued a Vehicle Abatement Order to comply by February 29. Rechecked March 5 and found noncompliance. Issued an Excessive Consumption for the inspection charge. Total assessment of \$169.

Moermond: the vehicles weren't removed or brought into compliance by the deadline, so you're charging a trip charge for the inspector to check on that March 5.

Yannarely: correct.

Ashrafzadehkian: my recollection is that I did discuss this with the inspector and hopefully that's in the record, the vehicles were originally on the unapproved surface, but they moved back to the class 5 there. He didn't recognize the difference between the class 5 and grass. They were just pushed back about 10 feet, I called and explained that to him.

Moermond: sounds like there isn't agreement on what is an approved surface.

Yannarely: I don't see class 5 anywhere in the photos. It looks like mud.

Ashrafzadehkian: yes, it is mud close to the building. But I pushed it back and told the inspector that. The tenants were parking close to the house being lazy, not an approved surface, but they moved their vehicle back it is approved. There is no garage, just class 5. It is close to the alley.

Yannarely: the March 5 photo clearly shows no class 5.

[photos and aerial reviewed]

Yannarely: I show no notes from the inspector regarding a conversation.

Moermond: the photos does show mud, no class 5.

Ashrafzadehkian: check with the inspector. He was out there.

Moermond: he said it wasn't in compliance March 5 or 28 but was in compliance April 11. I didn't find any notes from the inspector.

Yannarely: and another Excessive Consumption was issued March 28.

Moermond: do you have documentation about this? Did you go by?

Ashrafzadehkian: yes ma'am. That's when I explained to the inspector there is class 5.

Moermond: I can review the photos again. It looks to be more mud than anything.

Ashrafzadehkian: when they were driving through the unapproved surface they brought the mud to the class 5. They aren't parking next to the house anymore. They are parking on class 5, which is their spot to park.

Moermond: let me look into this a bit more and we'll reach back. The class 5 does appear to have a lot of mud, I will say. I don't think that is class 5. It should be durable and dustless. If it has that mud, it surely isn't durable or dustless.

Referred to the City Council due back on 1/8/2025

8 RLH TA 24-353 Ratifying the Appealed Special Tax Assessment for property at 2016 FREMONT AVENUE. (File No. J2502T, Assessment No. 258505)

Sponsors: Johnson

Approve the assessment.

Mark Puchala, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: Summary Abatement Order was issued June 6 to cut tall grass and weeds. Compliance date of June 10, rechecked June 17 and the work was done June 18th for a total assessment of \$537.75. Photos taken show it was quite extensive.

Puchala: this was before I knew how to go to City Hall, I had been waiting for the letter to get the phone number for the inspector so I could start the conversation on how to handle it. When they mowed that lawn I never got the notice. I simply woke up one day to find they were doing it. I even have the informed delivery emails and the letter never showed up. I never got a letter. I did call Ramsey County and they told me they had sent it, after the fact. But I never got it. It was never mailed to my house.

Moermond: what I'm seeing attached to the letter are two letters, one to you and one to Deborah Puchala. The City has no record of returned mail. They come from the City, not the County. That's a little confounding. The work was done 12 days after the order was issued. The letter does include the inspector's name as well as how to appeal.

Puchala: does your letter show 2016 Fremont?

Moermond: yes, on both letters.

Puchala: ok. But, with that, I have my emails from USPS showing they never delivered it.

Moermond: I'm not familiar with that, but if you want to provide it I'm happy to look at it.

Puchala: where can I send it?

Moermond: you can send it to Ms. Vang, she sent you a packet of info on September 5. You can send it now, but I won't be reviewing and making a decision right this instance. I do know neither letter was returned. Without it being returned, its—

Yannarely: delivered.

Moermond: we can review and get back with you in the next 2 days.

Puchala: I have USPS informed delivery. They show me what will be delivered. I have June 6 to July 21. Would you want those?

Moermond: whatever you want to send is up to you.

Yannarely: is there a reason you didn't cut your grass?

Puchala: yes, I'm trying to grow out my yard to identify them. I'm finally going to be chopping the grass down to harvest the stems. I'm trying to let the horseweed and milkweed. I'm trying to harvest the ragweed to make oils. I'm trying to identify it. I actually had witch grass with the horticulturalist tells me is rare.

Moermond: and we talked before and it didn't qualify as a managed natural landscape. It was an overgrown yard under state law. We'll look at the USPS part.

Puchala: I will admit my case is more angled towards the August case than the June, because the June is just more that I wasn't notified via email.

Moermond: or rather you indicate you didn't find it in your mail or wasn't received. We have plenty of cases where things get stuck with junk mail. There were two letters mailed. Does your partner also have this documentation?

Puchala: my partner was never mailed the notice. I don't think my partner is getting anything from Ramsey County.

Moermond: it would be from the City, not Ramsey County. The letter to cut the tall grass and weeds went to you on Fremont as well as Deborah Puchala on Fremont.

Puchala: Deborah is my late mother.

Moermond: I was asking if your mother has a similar tracking set up for her mail.

Puchala: no, I never set that up for her mail. I could but that wouldn't really find whether USPS sent her mail in June. I could try to reach out to USPS to ask what they can recover.

Moermond: not necessary. You send us what you have and we'll look into it.

Referred to the City Council due back on 1/15/2025

9 RLH TA 24-378 Ratifying the Appealed Special Tax Assessment for property at 1127 WINTHROP STREET SOUTH. (File No. J2502T, Assessment No. 258505)

Sponsors: Johnson

Delete the assessment.

Geraldine Lopez, owner, appeared via phone

Moermond: this is a follow up. You did provide some receipts here. We have receipts for mowing June 25, July 29, August 24, and that doesn't cover the time period—

Lopez: there should be one from May.

Moermond: oh, I see. I was looking at the wrong dates. May 31 is when this work was done, and 2 weeks later the crew showed up and mowed. If it was issued May 30, the tall grass and weeds for which the orders were issued was abated. I'll recommend the Council delete the assessment.

Lopez: thank you so much. I do have good maintenance, as well as the east side elders for my mom.

Referred to the City Council due back on 1/15/2025

10 RLH TA 24-386 Ratifying the Appealed Special Tax Assessment for property at 1066 STINSON STREET. (File No. J2502R, Assessment No. 258501)

Sponsors: Bowie

Continue CPH to April 16, 2025 and if no same or similar violations, reduce assessment from \$380 to \$190, otherwise approve in full.

Daniel Vasquez, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: April 30, 2024 a Summary Abatement Order was issued to remove and dispose of mattress, office chair and miscellaneous debris at rear. Compliance date of May 7, rechecked May 7. Work order issued and abatement done May 13 for a total assessment of \$380.

Vasquez: w did get that notice and recognize there was debris in the back. I believe we met the requirements of removing it. I did remove the office chair altogether. I did move the mattress for future disposal. A toy house we decided to keep, so we put it back on our property. They removed the mattress, but they also removed items from alongside my garage deep into my property that weren't named. They took a sink I was giving to my brother. Lots of items that weren't named, so it led to much confusion. Then we were hit with the abatement. The amount too is a bit excessive as we thought we'd met the requirements of moving from the rear of the property. I get the alley isn't the best place, we moved it onto our property and thought we met it. Obviously the company didn't.

Moermond: how does the department define the rear of the property? Mr. Vasquez thinks the way back that touches the alley. Does Department of Safety & Inspections have the same interpretation?

Yannarely: no, we don't and the mattress was moved 10 feet to the side of the garage as well as the playhouse. There is boilerplate catchall phrases in there, aside from the

bolded items. So, if they saw a discarded sink, they would take it. Rear of the property would include the back yard.

Moermond: so, anything behind the house?

Yannarely: correct.

Moermond: so definitely a misunderstanding around the definition.

Yannarely: mattress inside the garage there wouldn't be an issue.

Moermond: that's the rub on this. Moving it around the corner is not removing it. How long have you lived here?

Vasquez: a little over 2 years.

Moermond: is this your first house?

Vasquez: yes.

Moermond: no other complaints it appears. What I'm thinking is to make a recommendation that takes into account the different understanding but I suggest if there aren't any other violations in the next six months this gets cut in half. I don't think you'll have a problem doing that. A careful reading of the order may have led to a different outcome. However, I understand where you are coming from, so I think going half is fair.

Referred to the City Council due back on 1/15/2025

- 11 RLH TA 24-405** Ratifying the Appealed Special Tax Assessment for property at 115 MAGNOLIA AVENUE WEST. (File No. J2504R, Assessment No. 258504)

Sponsors: Kim

Approve the assessment.

Pang Vang, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: June 6 a Summary Abatement Order was issued to remove of the tree, wood, and miscellaneous debris at the rear of the property. Compliance date of June 13, rechecked June 13 and found in noncompliance. Work order issued and work was done June 14 for a total assessment of \$396.

Vang: I wasn't aware of this at all. Was there a letter in the mail?

Moermond: yes, a letter went to occupant, Vue Xiong, and Pheng Vang on Magnolia, twice, and then Vue Xiong on Magnolia. Does Ramsey County tax records have you listed as being on Magnolia?

Vang: the house is under both our names.

Moermond: both of you are listed on Magnolia. When they registered the title that's where it went, the owner of record with Ramsey County taxation. Then they put in the address with them.

Vang: I don't remember seeing it.

Moermond: there's scrap wood and a lot of sticks, tree debris.

Vang: and sticks in our yard aren't ok?

Moermond: depends on the amount.

Vang: we have an elderly man that lives here and he collects sticks to stick into the ground so the squashes hang nicely. I'm assuming that's what it was. I don't remember seeing a letter.

Moermond: how long has this been a rental?

Vang: since 2022. Two years.

Moermond: your tax information indicates that this is homesteaded. Did you mean to do that?

Vang: what does that mean?

Moermond: an owner lives there, or an owner relative that qualifies for that tax exemption. Looks like you bought the property in 2016 and you both listed your properties as being on Magnolia.

Vang: what do I do now?

Moermond: contact the County and let them know that isn't your mailing address, they should be using your address. That would help out a lot. The property taxes you should call 266-2000, for the homestead issue, call 266-2040.

Right now, what I have is the City issuing an order to you, Vue has listed 115 Magnolia as well. Is that right?

Vang: ok.

Moermond: and what's 44 Geranium Ave west?

Vang: that's where we live.

*Moermond: that does show up on one of these orders, possibly from your Fire Certificate of Occupancy.
So, the City did provide notice to the owner of record, which is what they needed to do.*

Vang: we thought the neighbors hired someone to take the brush and they accidentally took ours. We were probably confused.

Moermond: I'm stuck with recommending approval as the City did do what is supposed to do on their end, and 5 letters went out.

Vang: that's fine.

Referred to the City Council due back on 1/29/2025

12 RLH TA 24-408 Ratifying the Appealed Special Tax Assessment for property at 918 PARK STREET. (File No. J2504T, Assessment No. 258507)

Sponsors: Bowie

Continue CPH to April 16, 2024 and if no same or similar reduce assessment from \$624 to \$424, otherwise approve in full.

Abdurahim Buse, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: a tall grass and weeds letter was issued June 28 with a compliance date of 72 hours. When the inspector went out they sent an additional Summary Abatement Order and gave more time. Comply by July 16. Rechecked July 16, found it in noncompliance. Sent a work order and the abatement was done July 22 for a total assessment of \$624.

Moermond: was just the boulevard addressed by the crew? The yard has a lot of overgrowth.

Yannarely: it looks like---I can't tell.

Moermond: the shrubs do look cleaned up in the front.

Buse: unfortunately, on June 24 we had an emergency call from back home, my wife's father was sick and we went to Ethiopia June 24. I came back August 8, my wife is still there, she is his only daughter, no one was there to take care of him. Unfortunately, we weren't around, that's what happened. I'm sorry for that.

Moermond: you didn't have anyone taking care of the yard while you were gone?

Buse: no, no.

Moermond: you left June 24 and didn't get back until August?

Buse: yes, I came back August 9.

Yannarely: there is no history at the property.

Moermond: the property was in pretty bad shape when the orders were written and crew showed up. Plenty of notice was provided. I understand you were out of the country and you have no history of problems here. I need to balance the difficulty you were having but also the City incurred these costs for doing this work on your property. I'll give you a modest decrease recommendation, if there are no violations through April 15 I'll recommend it is reduced by \$200, down to \$424. Not a lot, but it is something.

Buse: we have been there over 20 years and this is the only time this has happened. The other thing is I don't know if the people who came to do the grass cutting, they didn't do anything in the back. Just the front. I don't know how it can be \$670. If not, I won't appeal further, things happen in life. Otherwise, it's what happened.

Moermond: the packet of materials 2016 sent has one of the backyard. It could be there was a lot of grass growing between when the work was done and August 9. We had a lot of rain this summer.

Buse: the sidewalk, the front park, that for sure didn't take them that long to cut it. I cut the grass and trees; it took me 3 minutes. Anyway, I'm sorry sometimes things happen, I'm sorry to interrupt you.

Moermond: I'll move forward with the recommendation and if you want to ask for something further the Council could look at it differently.

Buse: that's fine. I'll pay this one.

Referred to the City Council due back on 1/29/2025

13 RLH TA 24-409 Ratifying the Appealed Special Tax Assessment for property at 804 HUBBARD AVENUE. (File No. J2504T, Assessment No. 258507)

Sponsors: Bowie

Approve the assessment.

Adam Gerber, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: a Summary Abatement Order was issued on July 3, 2024 to cut tall grass and weeds. Compliance date of July 7. Rechecked July 15 and found in noncompliance. Work was done July 18 for a total assessment of \$624.

Gerber: I never received that letter I don't know how to prove or disprove this. I do have photos of the area they mowed based on the after photos. They mowed 15% of the "mowable" area. There were still weeds that were seed, there is no way they were mowed and grew back. I have photos. I can show that. I'm not arguing it wasn't mowed, I'm just saying they billed me \$600 to have it mowed, but it wasn't mowed to any sort of satisfaction. Part of it, and they blew all the grass clippings onto my AC unit and obstructed the air intake. My request would be I only pay 15 percent of the charge as they didn't do what the City asked them.

Moermond: I'm looking at the entire front yard being mowed. The back yard is a bit harder to tell, I will admit.
Is the AC unit in the front?

Gerber: yes. I'm not contesting that. You can see garbage that would have been chewed up if they mowed it. Weeds that are still seed. They only mowed the front, 15% of the whole area. The whole entire lot east of that house was not mowed.

Moermond: it's a double lot?

Gerber: yes, all the same address. They mowed the front of one and maybe 2 passes in the back.

Moermond: I'll take a look at the aerial map and review the photos in that context and

get back to you on that. We'll send an email---

Gerber: I can email a PDF to you to look over.

Moermond: yes, and I do have the email from September 30 you submitted with some photos.

Gerber: the only thing I added was showing the lot and measurements of square feet, which is how I calculated how much they mowed.

Yannarely: it extends all the way to Avon? Even Google maps shows long grass, so clearly mowing isn't getting done regularly.

Referred to the City Council due back on 1/29/2025

14 RLH TA 24-410 Ratifying the Appealed Special Tax Assessment for property at 1982 LONGFELLOW AVENUE. (File No. J2504T, Assessment No. 258507)

Sponsors: Johnson

Approve the assessment.

Spencer Bennett, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: Summary Abatement Order was issued for tall grass and weeds on June 11, 2024. Compliance date of June 15, 2024. Rechecked June 25, work wasn't done so the work order was sent and the contractor did the work July 8, 2024. Total assessment of \$451.50.

Spencer Bennett: in January of this year I had my rotator cuff repaired on my right shoulder. Off the bat I was in no position to mow. But in summer of 2023 I decided I didn't want to do grass anymore, so I started a patio project in back. I am backed up to battle creek park. It is a nice property. The past 2 years the County and I have been talking about a pile of wood in the woods they want me to remove. Last year when we discussed it they also said the mowing up to the tree line was going too far. I said I don't mow there anymore, they said good. I stopped because there's some baby aspens coming up back there. Ferns and wildflowers and things I've been trying to nurse along the way. It is all County property. That said, I don't mow that anymore. They said good. I tore my rotator cuff 2 Septembers ago. My focus this spring was in back. I got the complaint on the tall grass, which concluded with "Your cooperation in cutting the grass and/or weeds will be appreciated by the people in your neighborhood. Let's all work together to make Saint Paul the best it can be! If you have any further questions regarding this notice, if you are elderly or disabled and need help with cutting the grass or if you no longer own this property, please call the Code Enforcement Area Inspector Anthony Munos". So, I called him, left a message explaining the situation. Told him about my shoulder. Told him I want to go grassless. I'm actually surprised it is such a cultural phenomenon. There's every reason not to do it. Working toward that. Left a message and then basically got rid of half the grass in the front by digging it up, that was the area I was going to work on. My focus shifted from back to front and I sprayed the other grass with grass killer.

Moermond: did you hear back from him?

Spencer Bennett: no, but a police officer drove by within 45 mins of my message. He seemed to be Latin American so I equated that to be Anthony Munos, we waved and he just went by. It was maybe just coincidence, but I thought we were good.

The first photo shows a hand with some grass and a ruler. The grass is turning brown because it's been sprayed. And the horizontal depth is maybe 2 feet. It doesn't go all the way across that high to my garage. It was just that clump. The next photo down is the other side of the power line. You can see it in the photo. They're on County property at that point. You can see my neighbor's house in the foreground where I've been digging for my patio. They mowed down the 5 aspen I'd been nursing along. The next picture is oregano and milkweed for the pollinators. I stopped mowing---I didn't start mowing until June because of the aphids the pollinators want to eat. My whole intention is to go grassless.

Moermond: if you're killing it it sure is. The complaint was June 11. You called the inspector who gave an extension and the crew didn't show up until July 8. So about 3-and-a-half-week extension. That was the response, not a random Latino police officer driving by. It is common when things go to seed, how wouldn't you be responsible for taking care of it. I do see the County property at the back. I can also see why it would be confusing where the neighbor's property has trees and yours makes it look like it is backyard.

I'm trying to figure out why you shouldn't be held accountable for the City's cost in taking care of this.

Spencer Bennett: because they didn't take care of anything. The charge was \$150/hour or something. I was sick and I heard the mowers go on. The problem with the City was due to my neighbors on the other side, facing east, her mower goes into the park and mows one area all the time. I told them that's not mine, and that I stopped mowing there.

Moermond: that applies to that piece. I see a lot in the front and sides that was taken care of. This is taking a lot of time and we're circling.

Spencer Bennett: I didn't finish my story. They didn't really mow anything. They mowed dead and dying grass in the front. Maybe a quarter of the front if they had to mow at all. At that point Xcel was coming through to reinstall the gas lines to the house. Where you see that cluster of grass is right where Xcel said the gas line was. You can come out and see the flags. They dug up everyone's yard. I didn't want to compete with Xcel. There was 4 or 5 tons of rock sitting in my front yard. Half the yard was dug up and the rest was clearly in progress, right? Clearly the owner is doing something with their yard and the landscaping. They couldn't figure that out by the 5 tons of rock or dug up front yard? Or digging in the back? They didn't see the park boundary sign when they mowed over 5 baby aspen trees. How did they not know that they were mowing a yard where there is work happening and they were also so belligerent about it they mowed down 5 aspens. That's the whole thing. They were probably there maybe 30 minutes. An hour minimum charge but what did they do to cost \$450. I do get the complaint but this was triggered by an anonymous complaint and you come out and just do it without any regard to what was going on in my yard between myself and Xcel. I would pause if I was that lawn mower guy and say maybe we should talk about this---

Moermond: what I'm looking at is the requirement outlined in the order. They continued to exist when the crew showed up. I'm going to have to recommend the Council approve this. They may look at this differently .

Spencer Bennett: honestly, you have to explain why Mr. Munos didn't get back to me.

Moermond: there was a 3-week extension granted.

Spencer Bennett: can you prove that was communicated to me? Other than a drive by and a wave?

Moermond: and that was a St. Paul Police officer, not an inspector. I am not going to go there. You can make that argument to the Council. I'm not going to argue with you any more sir.

Spencer Bennett: why would you think I've received anything regarding an extension?

Moermond: I think you have responsibility, you obviously tried to kill your lawn. You can make your argument to the Council.

Referred to the City Council due back on 1/29/2025

15 RLH TA 24-411 Ratifying the Appealed Special Tax Assessment for property at 115 ROBIE STREET WEST. (File No. J2504T, Assessment No. 258507)

Sponsors: Noecker

Approve the assessment.

Eric Johnson, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: A Summary Abatement Order tall grass and weeds letter was issued June 6 with a compliance date of June 10, and on recheck another tall grass and weeds order was sent June 11 with a deadline of June 18, rechecked June 21 and the work was done July 2, 2024 for a total proposed assessment of \$451.50.

Eric Johnson: the first thing is, there was a change in state law starting this summer where residents are able to convert their lawns to native plants and wildflowers. I was transitioning my lawn to native plants and wildflowers. I ordered bags of seed on Amazon; I have proof of that purchase. I have been working all summer on the lawn, slowly converting it over. The first I knew any issue when I woke up and the guys were out there with the mowers and already taken out half the lawn. I didn't receive copies of the letter that was sent to me via email. This was based on a neighbor complaint. They never contacted me. It galls me that the morning the guys came out and destroyed my project, they destroyed the whole thing, nearly to ground level. The morning this happened I was actually in the house. In the living room 10 feet from the whole thing. They didn't even come knock before they started mowing. It was a loud noise like a backhoe and they'd already destroyed half the lawn. They didn't give me notice of what was going on. It sounds like people came out several times for rechecks and no one knocked on the door an inquired. I live with my adult children, usually someone is home most of the day. No one knocked on the door. I had no notice of any of this. It completely destroyed what I'd been working on for half the summer. You can imagine I was really upset. To some extent, I got the email with the photos, the guy has his pink measuring stick, you can see the wildflowers coming up. The natural plants. A second photo with some tall grass, the very edge yes has some tall grass, but what you can't

see well is there is a low area where the native plants are coming up. Mint and up behind the tree is a different group of white flowering plants. It doesn't show in this photo. I was really upset. Again, no notice. No one even knocked. I don't think I should have to pay \$450 for the City to destroy my natural project I'm allowed to do under state law.

Moermond: it defines clearly what is a native landscape and it excludes turf grass lawns, which it defines as one composed of mostly grasses. I'm seeing substantial amounts of those types of grasses. I understand it was in conversion. I do see notification was sent June 16 and June 11; it went to occupant as well as to you named. That's four letters gone astray. The work wasn't done until July.

Eric Johnson: under penalty of perjury, I didn't receive a single notice. Even so, I don't understand, all they had to do was knock on the door before mowing. Especially these days with the ambiguities of the new State law. I could have pointed things out. The front end of it had the grasses that were a little bit higher, you can't see that 90% of the lawn behind that first couple feet of fringe by the sidewalk was native plants. It was not grass back there. They just mowed the whole thing. And they used the low mowers, all the way to the ground.

Number one, under oath and penalties of perjury, I never actually received any of these notices. Number two, they should have knocked when they—

Moermond: and I'm going to push back on that because that is something we actually recommend against since we've had workers and contractors be threatened significantly. They work with notifications in writing because of that. That's for worker safety.

Eric Johnson: whatever, so the--

Moermond: not whatever. That's a significant thing. We've had an inspector killed. Keep going.

Eric Johnson: ridiculous, if you can't knock if it's a danger to come to the house and mow, it isn't a danger to knock on the door. State law is---read the State law.

Moermond: I have it in front of me, sir.

Eric Johnson: and I don't have it in front of me at the moment but I think if you looked at it, it turns on the intent.

Moermond: I just read from it, sir.

Eric Johnson: the planned intentional and maintained plantings of native and non-native grasses I think is the way the statute reads. It has "planned and intentional"—part of what you're dealing with here is it can look the same based on whether or not the person is intending for this to---if they're just letting their lawn go or if they're putting in the effort to try and make it a wild native plant area. If the intent is a big part of it, then somehow having some interaction with that person would help you figure out their intent.

Moermond: the second sentence in that clause is "managed natural landscapes do not include turf grass, lawns left unattended for the purpose of returning to a natural state." That does narrow the first part of what you are saying: that you are in the process of

doing it and there are plants coming in. I get that. I will check into what is going on during those two different dates of the mailings from Department of Safety & Inspections, and see if there were problems on those dates with getting mail out. A systemic thing that day, so we take that into account. I will hold my recommendation pending that. Again, if you don't agree the Council would be the next stop and they may look at it differently than I do.

Eric Johnson: it took it to the ground. It is destroyed. I have to start all over next year. I didn't even both with the rest of the season. Just mowed it down. I had half a mind to sue the City over the thing. Completely destroyed. What am I supposed to do as a homeowner if—you say for the purpose of--how do I prove my purpose before the City comes out and just takes it to the ground. What's the point? No, I'm not gonna do this next year and have the City show up and raze it to the ground again. I invested substantial time and money on this.

Moermond: sometimes people have found useful is to put up a sign that says "this area is being restored to a native planting" in the yard. That signals both the neighbors who may complain as well as to enforcement officer when they go out to talk further.

Referred to the City Council due back on 1/29/2025

- 16 RLH TA 24-412** Ratifying the Appealed Special Tax Assessment for property at 1412 PORTLAND AVENUE (1410 PORTLAND AVENUE). (File No. J2504R, Assessment No. 258504)

Sponsors: Bowie

Delete the assessment.

Geoffrey Paquette, o/b/o owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: a Summary Abatement Order was issued June 4, 2024 to dispose of or properly remove waste bags and contents from the boulevard. Compliance date of June 13, rechecked June 13, a work order was issued and was performed June 14 for a total proposed assessment of \$345.

Geoffrey Paquette: David Rose is the previous owners of the duplex. We closed June 30th. The previous owner didn't notify the tenant about the closing, so they were given an extra month to move out. Throughout the month of June they were still occupying the unit. My brother and sister-in-law moved into 1412, the upper unit, in our alley the garbage cans are shared with a small apartment building next door with a dumpster. They have about 10 different recycling and garbage cans lined up directly behind our house for us and the apartment to use. We didn't know whose it was and who was responsible so we didn't know we were responsible for the stuff taken away.

Moermond: you closed May 30th, actually. That is good news because the orders were sent June 4 to the previous owner during your ownership, so you didn't receive property notification. The assessment is for leaf bags on the boulevard, nothing in the alley.

Referred to the City Council due back on 1/29/2025

Special Tax Assessments-ROLLS

- 17 **RLH AR 24-96** Ratifying the assessment for Rubbish and Garbage Clean Up services during May 24 to June 10, 2024. (File No. J2503R, Assessment No. 258502)
- Sponsors: Jalali
- Referred to the City Council due back on 1/29/2025**
- 18 **RLH AR 24-97** Ratifying the assessment for Tall Grass and Weed Removal services during June 27 to 28, 2024. (File No. J2503T, Assessment No. 258506)
- Sponsors: Jalali
- Referred to the City Council due back on 1/29/2025**
- 19 **RLH AR 24-98** Ratifying the assessment for Rubbish and Garbage Clean Up services during June 12 to 24, 2024. (File No. J2504R, Assessment No. 258504)
- Sponsors: Jalali
- Referred to the City Council due back on 1/29/2025**
- 20 **RLH AR 24-99** Ratifying the assessment for Tall Grass and Weed Removal services during July 1 to 22, 2024. (File No. J2504T, Assessment No. 258507)
- Sponsors: Jalali
- Referred to the City Council due back on 1/29/2025**

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 21 [RLH SAO 24-74](#) Making finding on the appealed of Kelly Sater to a nuisance abatement ordered for 1240 BLAIR AVENUE in Council File RLH SAO 24-65.
- Sponsors: Bowie
- Nuisance is abated and the matter resolved.*
- Moermond: your finding?*
- Supervisor Kedrowski: abated*
- Referred to the City Council due back on 10/23/2024**
- 22 [RLH SAO 24-75](#) Making finding on the appealed of Greg Gustafson to a nuisance abatement ordered for 1244 BLAIR AVENUE in Council File RLH SAO 24-64.
- Sponsors: Jalali
- Nuisance is abated and the matter resolved.*

Moermond: your finding?

Supervisor Kedrowski: abated

Referred to the City Council due back on 10/23/2024

- 23 [RLH SAO 24-72](#) Making finding on the appealed of Karen Nowak to a nuisance abatement ordered for 121 CURTICE STREET EAST in Council File RLH SAO 24-62.

Sponsors: Noecker

Nuisance is abated and the matter resolved.

Moermond: your finding?

Supervisor Kedrowski: abated

Referred to the City Council due back on 10/23/2024

- 24 [RLH SAO 24-76](#) Making finding on the appealed nuisance abatement ordered for 1746 LINCOLN AVENUE in Council File RLH SAO 24-50.

Sponsors: Jost

Nuisance is abated and the matter resolved.

Moermond: your finding?

Supervisor Kedrowski: abated

Referred to the City Council due back on 10/23/2024

- 25 [RLH SAO 24-71](#) Making finding on the appealed of Ray Krueger to a nuisance abatement ordered for 327 MAPLE STREET in Council File RLH CO 24-7.

Sponsors: Johnson

The nuisance is not abated.

Ray Krueger, owner, appeared via phone

Moermond: we're doing the follow up on the orders for your property. The Council's established deadline was not met, and if not the Council could authorize the Department of Safety & Inspections to take action to do the work.

Krueger: I understand you're issuing threats. Did you find the automobile was no longer an issue.

Staff report by Supervisor Richard Kedrowski: I was at the property today for reinspection and as far as the vehicle, the silver vehicle in the driveway was missing rear plates and parked on an unapproved area but I didn't see a Vehicle Abatement Order so I may be missing something. There's still trash and scrap lumber throughout the property. Still yard waste in the parking slab at the rear. The rear porch had not been rebuilt and no permit on file.

Moermond: the vehicle was or wasn't in compliance?

Kedrowski: missing rear plate and still parked on an unapproved surface.

Krueger: there is an approved surface, sir. The driveway has been there since the 50's.

Kedrowski: the two strips of pavement must terminate on a hard surface area. It is not a suitable place for parking.

Krueger: you have concrete pavers and the car is on the pavers. It has been there since 1950, its grandfathered if nothing else. I don't understand what change he needs to be in compliance.

Moermond: his testimony is it doesn't lead to a garage or parking pad. It is just the strips that are driveway. That's the zoning code. You are saying it has been that way since 1950. Keep going.

Krueger: and you haven't mentioned anything about it being an inadequate parking area. I'm not sure what to say about the plate. I went down and bought the damn plates, it cost me \$120. I have insurance on it. When they put the curb cut in for the driveway they told me it was fine at the time. If we're creating new situations it isn't something I was aware of. I need you to give me some education there. May I ask if Cheniqua Johnson is there?

Moermond: no, just me and Mr. Kedrowski. Ms. Johnson will see it when it goes to Council next Wednesday.

Krueger: yeah well, you didn't call me last week when you were supposed to.

Moermond: let me clarify that both the email and the letter sent to you indicate quite specifically you are responsible for registering to testify by phone.

Krueger: I had already registered and we had to reschedule, ma'am. When we rescheduled what is the point if you aren't going to call? You're playing semantics. You're playing games with me and I think its really strange.

*Moermond: no, I'm actually not. You would need to reregister and sorry that is complicated, but it is the way it works. You are registering for *A* particular day, not all days. Now, you would have an opportunity to testify on this next week. You have more to say, tell me why the plates aren't on the car yet.*

Krueger: I believe they were. I'm not sure what the deal is. He must have taken it off to get new bolts or something. They are on the front. Since the car is in legal storage I wasn't overly concerned, but I'll make sure they're on before the day is done.

Moermond: tell me about the storage in the yard and the back porch repair.

Krueger: what is not completed on the back step?

Moermond: it doesn't look like it has been repaired, sir.

Krueger: it has been completely replaced, ma'am.

Moermond: I'm seeing a couple new boards on. I see we don't have all the steps

repaired, I'm not sure the footings are done correctly. I do see the steps are blocked and there aren't guard rails, just a handrail and the handrail itself isn't grippable, it is a board.

Kedrowski: most obvious is the notice required a permit be pulled so it was certified by a building inspector to confirm it was adequate. Looks like the treads are off sizes, no safety rails, over 29" high so it requires that. There are only handrails on the one side, not both. Many inadequacies with the construction.

Moermond: pulling a permit would get a building inspector out to clarify.

Krueger: you need a bogus building permit? That's what you're saying?

Moermond: yes I believe a building permit needs to be pulled.

Krueger: why?

Moermond: that was in the correspondence you received.

Krueger: they said MAYBE, they did not say definitely so I didn't definitely get it because I don't—do you realize the work you've asked me for I got a bid and they want \$70,000 to do that and it doesn't include the carpentry.

Moermond: you can do this work yourself, absolutely, it just has to be done under permit.

Krueger: I'm trying to get it done! Then you complain I have building materials in my yard while I'm working on the building. The stuff in the garage is not in there still, its fresh stuff put in there while we were cleaning it up. The back yard, he might have noticed, had a huge amount of debris removed. We've done numerous things on it. I thought we were more than reasonably progressing.

Moermond: I'm seeing other materials that aren't related to construction. The wood I'm seeing piled by the back stairs looks like used wood, not wood being used for porch repair.

Krueger: what makes you think I can't use used wood? As long as its sound?

Moermond: I don't know I would say its sound, honestly. I'd leave that to a building inspector.

Krueger: I weigh a little over 200 pounds, if I'm on it and jumping and its not breaking it is sound.

Moermond: okay. The balance of the cleanup you say you are making progress?

Krueger: huge progress. I'm not sure I want to try and specify how many cubic yards of debris I've removed, but it is a bunch.

Moermond: that's good. Sounds to me like we need to resolve the previous order on the driveway as a parking surface and leading to a garage and what information you would have received—

Krueger: if you're adding that I'm saying it is grandfathered and if you are going to

challenge my grandfathered lot.

Moermond: I'm going to look into it. I'm not answering that right now.

Krueger: when you notify me I will try and respond. The other thing is, if that car was put in that parking space behind, coming off 4th street, would that satisfy concerns?

Kedrowski: that is concrete and if the car had the second plate it would be on a legal surface.

Krueger: would the issue then be closed sir?

Kedrowski: yes.

Krueger: that's probably the short-term solution. I do think parking there shouldn't be an issue, the reason I have that parking in the front and on the side was because the City at the time determined everything was legal for parking and no one told me about any special considerations. It may be a grandfathered issues but I know it hasn't changed since 1950 at least.

Moermond: okay. That's a question for Zoning and Building code as they existed in 1950. I assume you talked to someone from Public Works when they did the curb cut? Is that the case?

Krueger: yes, when they did maple and Fourth, several years ago. I did have to come down and have a neighbor testify it had been that way since at least 1950. I was born in 1951, so I wasn't a good one to make that recollection.

Moermond: and I want to check Zoning code to see if it had changed since 1950, and if there was a building at the time. Some kind of a different situation and how we sort through it. Not saying I disagree, just need to do some homework.

Krueger: I appreciate your willingness to look into the matter. Let me know when you've come to a conclusion on that.

Moermond: with respect to the porch work, the deadline on that was October 11. When the inspection occurred today the expectation would be there wouldn't be any lumber there.

Krueger: I had it all cleared out and then my son started working between the painting and carpentry work, stacking several things at once. The rear plate is now on the car.

Moermond: sounds good.

Kedrowski: item one on the correctio notice, it does say this work REQUIRES a permit. It doesn't say may.

Krueger: that's not the way I recall it but I'll stand corrected.

Moermond: the eaves say may.

Krueger: I'd like to know who originated this complaint. I'm making this request under the 6th amendment of the Constitution. Under English Common law you have the right to cross examine. Under Roman law you always have the right to look your accuser in

the eye. And then the 6th amendment of the constitution has the right to be informed. Now beyond that, there's the 14th amendment that talks about Due Process and the fact that you're—I'm not sure I want to say you're playing games—but you're overly fond of your decisions about what constitutes something that has to be discussed and something that doesn't. I've tried to talk to a Mr. Sly Onyia and he told me he was too busy to do it. Since you have a title of Legislative Hearing Officer I'm hoping you can give me some explanation that Mr. Sly was unable to.

Moermond: to be clear, his job is not a private attorney to give advice. He is a City attorney hired to give the City advice. I don't know he legally is able to give private citizens legal advice.

Krueger: he's obviously giving you the information that says what you are doing is legal. If he can't defend the point—

Moermond: no, I haven't asked Mr. Onyia anything at all.

Krueger: I didn't say you did.

Moermond: and if I do ask a City Attorney a question I have the right for that to be confidential, as would you with a private attorney.

Krueger: my attorney is David Larson and he asked me to pose that question, as I have, so that we may begin to get some understanding of why the City doesn't feel the Constitution applies in this State.

Moermond: your attorney could look into the matter and learn the State of Minnesota forbids the City from disclosing who the complainant is, but the City investigates whether or not the circumstance exists and is a founded complaint. Once they find it is founded as a violation of the Code, they become the complainant. They write the order and have made the finding.

Krueger: so, you're saying you want me to go to Court with this on a Constitutional basis.

Moermond: I don't care if you do or not. Right now, I'm focused on developing a recommendation to the City Council.

Krueger: well, Ma'am, I need to protect my interests, don't I?

Moermond: what you do is completely up to do, I have nothing to do with it.

Krueger: and you're saying it is completely up to you on how you enforce these things.

Moermond: I am not enforcement. I am making a recommendation to the Council on your appeal.

Krueger: they want us to pull a building permit on the rear steps [to his son] yeah, I know they're just—you're not content with the \$70,000 of work you're giving me and giving me very little time to deal with and you complain about the clutter it causes when I'm trying to address these issues.

Moermond: with all due respect, item one does say clearly it requires a permit. Items 2 through 4 were all given extensions through October 1, 2025. That was more than a

year. Not giving any time is an unfair statement.

Krueger: I didn't say not giving any time, I'm saying—I don't know what I can get done by then. I'm going to try. Its like that front porch business, yeah it has got a lot of crud on it again because we're trying to address these other issues and it causes clutter. As far as the stuff removed from the back yard, if this gentleman was the same as the one before certainly he would recognize that tons of materials has been removed. The side gardens you guys hate so much have all been cut down to legal heights. There doesn't seem to be any acknowledgement of progress here so I'm finding myself --- I drive around and see other people who have gardens not in compliance because I think its obnoxious you do this to people. It is their homes; they should be able to plant plants and have little girls reading books statuary and things like that. It isn't like I'm putting nudes on my patio. If you want us to stop working we'll bring everything off the porch, but by the way I am planning on pulling permits to put screens and an entry door on my porch so it's none of your damn business after that. I have to get the permits first and I haven't done that yet.

Moermond: okay. I am looking at the items in the Summary Abatement Order and whether they've been addressed or not and the Vehicle Abatement Order if you are moving the car to the back parking pad it sounds like that is in compliance. I will figure out what Code applies to the driveway and confirm for you the situations.

Krueger: after I hear the resolution of the driveway it will tell me if I need to move it now, it isn't my first choice due to the amount of vandalism in the neighborhood. I'd rather keep the car where I can see it.

Moermond: your Council Public Hearing is next Wednesday the 23rd. You'll get a follow up letter confirming that and again you need to sign up by Tuesday mid-day to testify.

Krueger: Wednesday the 23rd I am scheduled at 9 am with Mark Coleman who is a quadriplegic and 3 pm I'm supposed to be with Matt Merrick who has muscular dystrophy quadriplegic. That gives me between 2 and 2:30 to be on the phone. When you're taking care of quads, its not. In the past you've used Tuesdays, which is my clear day.

Moermond: the City Council always meets at 3:30 Wednesday. Those were in the previous letters you received as well.

Krueger: so, you're telling me I need to come up with some---boy, you have no respect for people.

Moermond: we've given you a couple delays already.

Krueger: you gave me one delay ma'am and then didn't reschedule because you choose not to and it was not helpful. 3:30 on Wednesday is what you say?

Moermond: yes.

Krueger: and how long after 3:30 do I need to be open?

Moermond: you'll need to call in and I believe you have to do so by 3:30 and I don't know when your item will come up. There are a number of Public Hearings on every agenda.

Krueger: and you can't give anyone a tighter timeline than that because you just don't care. #;30 until God knows when. And that's by phone.

Moermond: you have to sign up to testify by phone, otherwise in writing or in person.

Krueger: I can't sign up with you now because you are giving me the time?

Moermond: no, I can't do that.

Krueger: I said you're not being very helpful and I think its intentional but okay. When I get off the phone I will make that call because its obviously too much for you.

Moermond: they won't be able to do that until after tomorrow's Council meeting.

Krueger: I'm still looking for an answer on my 6th amendment and my 14th amendment.

Moermond: understood.

Krueger: are we done?

Moermond: I am, are you done?

Krueger: yep.

Referred to the City Council due back on 10/23/2024

Correction Orders

- 26 [RLH CO 24-12](#) Appeal of Stephanie Bowron to a Correction Order at 1396 SARGENT AVENUE.

Sponsors: Jost

Layover to November 26, 2024 for further discussion of future deadline. Intermediate remediation measures to be put in place before November 22.

Stephanie Bowron, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Richard Kedrowski: September 30, 2024 an inspection was done and determined a gutter downspout was draining onto a driveway with a direct path onto driveway and into City street. Correction notice was issued to move the downspout to an appropriate soft surface to collect runoff.

Moermond: please reposition the gutter from driveway to rear of property so it doesn't drain onto sidewalk.

Kedrowski: we didn't determine an exact location, but yes, somewhere with soft absorption.

Bowron: that downspout is screwed into the brick as part of a 2014 remodel that was permitting and approved by the City, is that a regulation that has changed? It would be

tricky to reposition because it was screwed into the brick. I had to appeal to get more time and to ask does it really have to be repositioned. I would have to reorient the gutter under the deck like 15 feet, otherwise it goes over a sidewalk.

Moermond: I pulled the old permits and there wasn't one that clearly identified gutters. It was for windows and an addition. That doesn't mean the inspector should or shouldn't have looked at it, as gutters by themselves don't require permitting. I'm always hopeful if they see these things onsite they mention them. It seems to me we have a situation where you may have—if I poured out a bucket of water would it go down to the street—probably. We need to figure out something temporary to get us through the winter then maybe let you think about a longer-term solution, whether that's a rain barrel or something else. I'm seeing you have an elbow on the end of that rain gutter that drops it into the drive, if it ran the other direction it runs into garden?

Bowron: yes. It is on a hill, so it would run right now the hill. But it is true

Moermond: would it mitigate the amount of water going down?

Bowron: sure, it would.

Moermond: I think that would get you through the winter and allow you talk to contractors. A rain barrel may be the most affordable option, but I'm not sure and I want to leave that up to you. I'm hearing it has been this way for a dozen years?

Bowron; yes. It is a small volume of water since it is just the small corner of the room.

Moermond: that's good. Think about a temporary solution, whether that's a rain barrel, which could be a permanent solution, I'm not in a hurry since we have no ice complaints. This isn't a significant amount given the roof area there.

Bowron: so, it was missed before, it just needs to be fixed. That's fine. Maybe some extra mulch and turning the downspout. Then look over the winter for a more permanent solution.

Moermond: two years ago we had enough snow and water to cause an issue, and we didn't have one. Think about what you'd like to do. It is dry enough now a temporary solution in before a hard freeze will give us time. Let's get a temporary solution by November 22, and talk again the end of November and will you have had a chance to think about it by then?

Bowron: I will for sure do that, and depending on what I hear I can let you know.

Moermond: I'm looking for an indication from you or a contractor about when to do the work and are we looking at June, July. Something like that with the interim fix in place.

Bowron: and be really careful with ice in the winter. Extra mindful, I have been, but even more particular.

Laid Over to the Legislative Hearings due back on 11/26/2024

1:00 p.m. Hearings

Vacant Building Registrations

**27 RLH VBR
24-65** Appeal of Mike Horsch, JAM Ventures, to a Vacant Building Registration Renewal Notice at 145 BELVIDERE STREET EAST.

Sponsors: Noecker

Grant the appeal and release the property from the VB program pending submission of (provisional) Fire C of O application submitted to DSI by COB November 4, 2024.

Mike Horsch, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: This was opened as a Category 1 Vacant Building October 23, 2023 per a Certificate of Occupancy revocation and referral for long-term noncompliance. The property was noted to be unoccupied and for sale at that time. To date, it sounds as if we have an occupied property we just believe it to be a rental without a Certificate of Occupancy at this point.

Moermond: Mr. Horsch, looks like you own JAM Ventures, LLC. Is this an investment company with rental properties?

Horsch: two properties, yeah.

Moermond: it sounds like you can get out of the Vacant Building pretty easily but need to get your Fire Certificate of Occupancy in place.

Horsch: ok. I guess I wasn't aware of that. That won't be a problem.

Moermond: I'm going to send this to Council November 6 and at that time you should have your application for provisional Certificate of Occupancy in, if it is there then I'll recommend you are released from the Vacant Building program.

Horsch: I'll do it today.

Referred to the City Council due back on 11/6/2024

3:00 p.m. Hearings

Other - Fence Variance

28 RLH OA 24-10 Appeal of Brian Sullivan, Xcel Energy, to a Denial of Request for Fence Variance at 63 ARLINGTON AVENUE EAST.

Sponsors: Kim

Grant 2' variance (to 10') (with conditions).

*Jessie Wishard, project manager, appeared
Brian Sullivan, Xcel energy, appeared*

Moermond: we're looking at a request for a 2-foot variance for the parcel.

[Moermond gives background of appeals process]

Staff report by Assistant Building Official Nathan Bruhn: it was denied, we didn't feel the criteria of the basics for meeting the variance, but we also weren't able to verify the existing conditions quoting on the application. We'd love to hear qualifying evidence of an existing fence, if there is one.

Sullivan: four or 5 years ago there were some incidents nationally with attacks on electric grid and natural gas lines around the company. Proactively they hired a consultant to secure things physically as well as cybersecurity. Our standard has always been a 6-to-8-foot chain-link fence. Standard for 50 years. The conclusions were that it doesn't really stop anyone, not even high school kids. Not even with barbed wire. They said to keep people out it needed to be 10 feet tall, most people can't jump up and grab the top, and instead of a 2" grid, they went down to 1", keeps you from getting your toes in. For most of our facilities that's what we use for securing to keep people away. We have much more armored facilities, depending on where it is. Here it is just keeping people out to prevent tampering or hurting themselves. That's how we got to where we are today. We're working on four with Jessica right now, four regular stations. They take the gas from a high-pressure line, 18" line, to reduce the pressure down to go into buildings for residents in the surrounding area. We're systematically working our way through the system to secure them. The existing station is back on City owned land, open space, people were dumping trash there. I met Public Works out there a month ago. We just want to try and keep people away, that's why we want to do at 10-foot fence.

Moermond: honestly, I'm glad you're here because for me it sparked a question about how many of these we're talking about. You mention newly adopted standards, certainly it isn't singular in the City. It affects how we may change the ordinance to take these into account. I'm not opposed to your request. I'm also looking at the franchise and easement agreement, so if there is qualifying language I need in the resolution we do that. I want to make sure that we have that setup should we need it. I read the easement and the franchise agreement, but I want the CA office to make that call. Normally I'd expect if the City needs to have the fence taken down for some reason, there's some important public reason, how we figure that out. In the right-of-way there's a clear answer. Easements onto public lands changes the complexion of that. Who was the consultant?

Sullivan: I believe its Jacobs but I'd need to confirm that.

Moermond: is that a national policy?

Sullivan: internally yes, through our territory.

Moermond: four more in St. Paul?

Wishard: that we've done this year. Majority of them will be in Colorado. It is based on a facility rescore. How many people the regulators provide gas too and a few other items. The scale isn't large here. I don't believe there will be too many more, but I'd have to confirm that.

Sullivan: there are probably 10 to 12 in St. Paul. This has come up in other applications with the City. A lot are below the street in vaults. Done in the 60's through the 80's. It is all hidden, it seemed like a good idea, but as they age there is issues with that. Pipe has to come through concrete and concrete moves, its enclosed so when you pop open the manhole you have to make sure it is safe with exhaust. So, in

an emergency they can't do that. There's a program where we're moving the underground regulators up. Working with staff on that. Some are in road right-of-way, some outside, so we were working through that too. They're working on an ordinance change for that. We haven't gotten too far with that though.

Moermond: that's really helpful.

Bruhn: is this area that comes up, east of the railroad and north of the post office?

Wishard: yes.

Bruhn: did you try to apply for an actual fence permit first, or just go for the variance first?

Sullivan: applied for the permit first.

Bruhn: and that was denied?

Sullivan: yes. They said we needed a variance.

Bruhn: I'll talk offline with Marcia on that. Is this considered residential?

Moermond: its H-1 but publicly owned property. The section of building code talks about how its actually being used rather than the zoning.

Bruhn: ok. Application for the fence, is it just chain link, nothing else?

Moermond: no barbed wire.

Bruhn: we don't want to have to worry about wind or projectile issues. I wouldn't be concerned with chain-link at 10'.

Moermond: so wind load for a solid fence, but no concern for chain-link?

Bruhn: correct.

Moermond: we did a street view with the two little regulator buildings and the pipeline, and the drive. Sounds like there's City facilities and so on.

Wishard: we're laying gravel down for a 12-foot-wide road.

Bruhn: if we do allow this to go through, I'd like to see some action plan for emergency access.

Moermond: we have an agreement with Public Works about their concern with access, and I think that was reviewed by real estate and they okayed that. I can incorporate that into the resolution, access for emergency purposes. I did reach out to Rick Chute who does Emergency management for the City and I wanted to learn if there's a change in federal guidelines or laws that would be a trigger for this. I'm gathering your focus is on the consultant report. Really all of this goes to what should we be anticipating as a City moving forward and does it apply to other utilities beyond Xcel. How big and what the parameters will be.

Sullivan: there are some federal regulations on the electric side. Federal electrical

regulator commission put out laws saying electric utilities need to physically protect all their facilities. They didn't say how, but it needs increased security to prevent access. Cybersecurity and physical. Substations are the big thing everyone knows about. I've been working on those as well.

Wishard: we do have some recommendations from TSA security pipeline guidelines as well to "Ensure that there is a clear zone for several feet on either side of the fence, free of obstructions, vegetation, or objects that could be used for concealment or to scale the fence.

Moermond: I have no issue with the 10 feet. What's your timeline?

Wishard: as soon as possible, as we have budget & funding now.

Moermond: I'll recommend approval as designed.

Referred to the City Council due back on 11/6/2024