



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, August 8, 2023

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Remove/Repair Orders

- 1 **RLH RR 23-39** Ordering the rehabilitation or razing and removal of the structures at 621 BIDWELL STREET within fifteen (15) days after the September 6, 2023, City Council Public Hearing.

Sponsors: Noecker

Grant 180 days. PO to submit schedule and subcontractor bids (done and approved 8/11/23).

Janet Smith, Freedom Mortgage Director of FHA conveyance, appeared via phone

Moermond: we have some materials with you, which is great. We need some additional information as well. We started with asking for the Performance Deposit and an application for Code Compliance made.

Staff update by Supervisor Joe Yannarely: the Performance Deposit was to be posted by August 4, evidence of financing to do the rehab. Something was submitted tot the tune of \$70,000. An affidavit. A work plan, so to speak, also submitted. Performance Deposit was processed this morning.

Moermond: the Code Compliance inspection was done June 5. Performance Deposit shows today. We received a couple of pages, a project budget from the Cleanout People/KLS Homes. And then an estimate for plumbing from the same people. Let's talk about that work plan. Mr. Zane, can you speak about your review?

Zane: initially I got the feeling the construction bid of around \$50,000, plus the plumbing estimate of \$20,000. That wasn't included in the construction budget. If you combine you end up with a \$70,000 budget. I thought that may be on the low site for a complete rehab. That being said, I'm not 100 percent sure, the insurance estimate you provided looks like the affidavit number of the retained financing for the project is coming from the insurance company?

Smith: yes, but if additional funds are required, we are trying to be within budget but we won't leave it unfinished. We won't leave it until things are done.

Zane: the roof trusses have fire damage, that seemed light. Do you have bids showing that is the actual cost? That seems light for someone to replace those.

Smith: we submitted the insurance EOB which includes that repair. Safeguard Property is managing the project for us, but if anything goes outside that budget it will be covered. Freedom isn't in the business of leaving and creating a blight in the neighborhood. We'll make sure everything is done per Code. Anything outside of budget will also be covered.

Moermond: we're talking about subcontractor bids being used by KLS.

Smith: but the EOB reflects the budget, and it will be completed within that amount. So whether it costs more or not, it will still be completed within that amount.

Moermond: and we're asking for the subcontractor bids of who is doing the work.

Smith: I don't have an issue providing that. I thought the concern if the work would actually be completed within the budget.

Moermond: that is a concern and when numbers come in and look lower than anticipated we ask for subcontractor bids to demonstrate how work will be done at that lower than anticipated amount. I see it is being done by KLS, I assume is the general contractor managing subs. I assume they don't hold licenses to do all of the trades. I assume they hire people.

Smith: correct.

Moermond: in reviewing the project budget document and estimates, looking for a statement within the document that all of the items within the Code Compliance Inspection Report would be addressed. The Code Compliance items weren't explicitly called out in that project budget. WE would want a statement from your contractor they will be doing that work. We don't want them to get to the end and say it wasn't in the budget submitted, so things were left undone. A statement saying they understand what the Code Compliance says and will do them. Also a schedule—

Smith: that was in an email chain with Joanna.

Moermond: [reads the 7-item email with no dates and trades items listed]. I cannot emphasize enough that this has a bad history and the neighbors want it done and sold, the same as you. Timelines—people watch them.

Smith: what timeline? We're able to start work when?

Moermond: the first is the Council Public Hearing is September 6. The second is if you have your work together in 2 weeks' time and staff and I agree we recommend Council grant time, we can say the permits can be greenlighted. I think we can handle this by email, I'll send this to Council September 6 and if we can handle these items by email, you can start pulling permits once approved.

Referred to the City Council due back on 9/6/2023

2 [RLH RR 23-22](#)

Ordering the rehabilitation or razing and removal of the structures at 326 CHARLES AVENUE within fifteen (15) days after the August 16, 2023, City Council Public Hearing. (Continue Public Hearing to September 13,

2023)

Sponsors: Balenger

Continue PH to September 13, 2023. If PD is posted by no later than September 8, 2023 refer matter back to LH October 10, 2023 to discuss work plans and financing based on completed CCIR (noting this is an extension from the previous deadline).

Derek Malone, owner, appeared via phone

Moermond: we're calling to follow up after our July hearing. MR. Yannarely, where did we leave things.

Staff report by Supervisor Joe Yannarely: Code Compliance Inspection was to be submitted by July 25. That was not done. The 5,000 Performance Deposit was to be done by August 16, not done yet.

Moermond: so the Code Compliance applied for to get us rolling. Property maintenance?

Yannarely: work order to secure garage and house. Tall grass and weeds.

Moermond: not good all the way around. What is going on Mr. Malone?

Malone: I submitted the Code Compliance Inspection in the mail, along with a check. They should have got it by now. I put the lock box on, the lock box number was on the form. I can follow up. I didn't put tracking on the letter.

Yannarely: when was that?

Malone: it was the 26th or so. I also spoke with the insurance company two days ago, they want a signed contract with the contractor with estimated start and finish date. As well as a drop-dead date. I was going to start chasing down contractors tomorrow to get a finalized amount to submit to insurance.

Moermond: this Council Public Hearing is scheduled for next Wednesday, I'm asking for a continuance on the strength of having sent in that Code Compliance application and really when I ask for these I do it looking at both that and the Performance Deposit being taken care of. Where are you at with your ability to post that?

Malone: I want to go through the insurance company. They owe me that money.

Moermond: without the Code Compliance Inspection Report you can't get final bids as far as the City is concerned. That needs to be underway. We'll turn the mailboxes upside down here. We'll have staff here follow up. If that isn't found then we need you to square that up. I'll ask the City Council to continue the matter for four weeks, to September 13. At that point I would like to see the \$5,000 Performance Deposit posted and that will get you back into Legislative Hearing to develop work plans and so on. The inspection report will get you rolling to be able to do the plans. We'll put out the deadline for the \$5,000 so you can work with your insurance company or figure out how you will tackle that. That deadline is September 13. That gives us an October hearing to discuss the project. We would hopefully be able to finish the conversation then, but also understanding insurance may not be that fast of a turnaround.

Malone: the check should have been there by now, but if they didn't get it I can run a

new one down and void the other check.

Moermond: staff will follow up on that here on your behalf.

Yannarely: there's a pending work order to cut the grass. You may be better spent using your time on that.

Malone: I'll have someone get on that as soon as possible.

Referred to the City Council due back on 8/16/2023

3 [RLH RR 23-7](#)

Ordering the rehabilitation or razing and removal of the structures at 901 FULLER AVENUE within fifteen (15) days after the March 22, 2023, City Council Public Hearing. (Amend to remove only)

Sponsors: Balenger

Layover to LH August 22, 2023 at 9 am for further discussion and update on foreclosure filing & redemption period, including notification of newly identified estate representatives.

Jessica Zeletes, attorney o/b/o Towd Point Mortgage, appeared

Moermond: we spoke before the Council Public Hearing last Wednesday. My recommendation was to remove within 15 days, at that point we didn't have any Code Compliance Inspection application or Performance Deposit posted. You had identified that morning someone who is representing the estate, which is the first time that has happened since we started this process in February. I know you communicated that to Ms. Zimny—

Zimny: I left voicemails and sent an email, but didn't hear anything.

Moermond: so we have William Blonigan, probate attorney. I assume these people listed have claims, but your client is in first position.

Zeletes: assuming probate is still going on. We aren't the responsible party unless the homeowners step in. We're still working on foreclosure, but now we've identified Responsible Parties under chapter 48 we have to involve them. The assignment of mortgage is still in process. US Bank, and then Towd point. But after the clerical error it was fixed and it is still in process.

Moermond: and your folks went in and had the opportunity to make an estimate of what they thought the rehab costs would be, and when we spoke you told me they assigned a number under \$100,000.

Zeletes: \$60,000 to \$70,000. And that may have changed considering how much real estate has changed in the last few months. Land value.

Moermond: upward pressure in costs?

Zeletes: yes. And we still haven't seen refundability writing for the Performance Deposit.

Moermond: that will be incorporated into the resolution, when the Council adopts the resolution that will be in there. That's the best I can do, they won't vote on that until all

the pieces are in place. So it is going to be a show me yours before I show you mine situation.

Zeletes: can I see the draft?

Moermond: of course.

Zeletes: and we should involve the homeowners?

Moermond: I don't know what we should expect from them. We've posted the house, sent letters. Usually putting a giant sign on it saying we're going to knock it down brings people out of the woodwork. We know that one of the children, Joe, is aware of the proceedings and a friend who is a rehabber showed up to a couple of hearings. There is knowledge and the choice not to come. This guy is representing Philip Ray, not sure if that's a child or not.

Zeletes: it may be a brother. There's also a woman on there as well.

Moermond: can you get us in the house to do that Code Compliance Inspection?

Zeletes: I believe so since we were in there once.

Moermond: and we talked about asking the court for permission to do that given the provisions in the mortgage about not letting the property to deteriorate, certainly to the point of it being knocked down. It is important to do that evaluation. At the time of the fire Rainette Prince and her son Damon Prince-Espinoza there. She indicated she is the owner, with a birth date of 1974. In 2021 Tauriette Ray died in her 80's. So it seems unlikely this is even a daughter, likely a granddaughter. We'll do some more outreach to this attorney, and then we need to come sort of conclusion on this.

Zeletes: I'll get moving on drafting and filing that court order.

Moermond: given that the representative of the estate has been identified, and other interested parties, if you can file for expedited foreclosure on this to move this forward more quickly. We haven't expedited much at all. We'll look for that Performance Deposit posted before the Thursday before it goes to Council next, and the Code Compliance Inspection Report we have to get it done.

Zeletes: and the court order covers the liability we were concerned about, so.

Moermond: without it we can't do a rehab, the only path forward is demo.

Zeletes: I hear you.

Moermond: as soon as you get that filed—

Zeletes: if we're making progress, can I email Ms. Zimny if it is in process but we don't have it yet?

Moermond: it depends. If we have Blonigan coming, then I think no, we should talk. I would love it if we could get US Bank to do better than on day 13 to say ok, we'll file the expedited paperwork.

Laid Over to the Legislative Hearings due back on 8/22/2023

- 4 [RLH RR 23-8](#) Ordering the rehabilitation or razing and removal of the structures at 1082 LOEB STREET within fifteen (15) days after the March 22, 2023, City Council Public Hearing. (Amend to grant 180 days)

Sponsors: Brendmoen

Grant 180 days to rehab the property.

Edwardo Rikprashad, new owner, appeared

Zane: I thought the bids looked good.

Yannareilly: same here.

Moermond: it looks good. I'll recommend the Council give you 180 days to rehab. You can begin pulling permits on Thursday.

Referred to the City Council due back on 8/9/2023

- 5 [RLH RR 23-31](#) Ordering the rehabilitation or razing and removal of the structures at 455 ROBERT STREET SOUTH within fifteen (15) days after the August 2, 2023, City Council Public Hearing. (Refers back to August 8, 2023 Legislative Hearing)

Sponsors: Noecker

Layover to LH August 22, 2023 at 9 am to discuss marketing plan and selling of property with owner and continued maintenance of the site.

Thomas Radio, attorney representing ownership, appeared

Terek Ellaicy, director of operations for Tri-City foods, appeared

Bob Craft, o/b/o WSCO, appeared

Moermond: we do have a new Code Compliance Inspection Report. Mr. Zane, can you highlight anything in that?

Zane: there wasn't too much that out of the ordinary. It was an empty Burger King. I did notice burst fire sprinkler piping. Outside of that is general repairs and cleanup, depending on its new use.

Radio: we had a contractor out there and we're starting to process that Code Compliance checklist. We can't get them done right away, but wanted to explain our approach.

Moermond: Mr. Zane, the burst piping is a result of frozen pipes?

Zane: that's what it looks like.

Moermond: was there any evidence of people stripping or stealing things?

Zane: I didn't notice anything of consequence if there was. Standard maintenance repairs as opposed to people doing intentional damage to the building, I didn't see anything like that.

Yannareilly: since it has been fenced off, it has been maintained.

Moermond: and you have the list, is your goal to tackle the list and put the building back into use as a fast food restaurant? We talked last time about marketing to someone who may want to use it for something else, or demo and rebuild. When I hear you addressing the list of 72 items, I wanted to hit reset and say is that where you're at? Rehabbing to be reused?

Ellaicy: we don't have anything concrete. We have a letter of intent from an auto repair company, but this is still in negotiations. The owner didn't give the impression it was imminent. I don't know what the future use will be. It has been a couple of months and it wasn't going anywhere.

Moermond: I looked online to see if it was marketed—

Ellaicy: I asked that as well, they said they were doing it internally. Not listed through an agent, someone who works internally who is responsible for selling it. That's the answer I got.

Moermond: because who you sell it to is so profoundly connected to the work that is going to happen.

Ellaicy: right. I just don't know who that will be.

Moermond: can she participate in this conversation?

Ellaicy: probably by phone. I don't know her. I can email and ask. I know he wants to sell.

Moermond: no question that it will be sold.

Ellaicy: every day it is a loss. There's no doubt about that. Who we sell to and what price I don't know. We just did the same thing with another property. I don't get the impression there's anything imminent. I do have an estimate for the fire sprinkler, it is about \$7,000. We can get that fixed pretty quickly.

Moermond: there are 72 items on the list and the Fire Certificate of Occupancy would be given based on the use of the space, which we don't have defined at all. We need to land the plane on that. The inspection is based on its current use.

Ellaicy: right now, my focus is keeping it safe, sanitary, and secure.

Moermond: my focus is abating the nuisance condition by having it reoccupied with a Certificate of Occupancy or by demolition. If you guys want to sell it and have someone move into the existing building, that's fantastic. Selling the parcel is great too. It could amount to the same thing. That was the case at the Burger King on west 7th. I did go back and look at that file to look at parallel things since that had a number of layovers as well as part of the discussion over time. The first thing was stopping the significant dumping and securing the site, so a fence was put up there. You have a fence around the property. So that step has been taken to keep that nuisance from happening. The Performance Deposit, a similar thing. Early on we knew there were negotiations with a particular buyer, and we knew they were in a due diligence time period with that buyer and that the buyer was showing up at the hearings and the real estate folks for both the seller and buyer. Seller wanted to keep negotiations open in case the deal fell through. At the end it went down. We saw

progress made and agreements going through and an understanding of the purchase agreement and plans. That was helpful to see progress. I wanted to say that that kind of thing helps the Council slow things down, to see steps being taken along the way. It is hard for them to put a pin in something and just wait. [long discussion about the sign at the west 7th Burger King]

Ellaicy: I will try to get more information.

Moermond: if there is a time period on that letter of intent, something with an end date.

[long discussion about people who viewed the property and said no]

Moermond: Mr. Radio, any questions?

Radio: I'm happy to provide any assistance. As Tarek said we'll be making it secure and sanitary and safe. It wouldn't be economic to do all 72 items until we know the final user. I would suggest we get greater clarity for you on status of marketing and any potential deals while addressing any immediate issues. That also benefits us since it will show better. We'd prefer not to fix a kitchen vent if this isn't a restaurant. Maybe we can report back in a month?

Moermond: I need to have a better notion of where things are at. Right now, things feel shapeless. I need parameters around this. I'm looking for more concrete information from your real estate department on what they are doing to move this forward.

Bob Craft o/b/o WSCO: I'd like clarification on deadlines.

Moermond: if we have a property owned and rehabbed by the same person, I can ask more expeditiously because there's no foreclosure action. In this case, it doesn't make sense to give the opportunity to be rehabbed. I need to give them some opportunity to try to get out of this as much of their equity as they can. That isn't an infinite time period, but there is some time to do that. [walks through West 7th Burger King deadlines again]. I'm wanting to compress this work into getting this into someone's hands who will reuse the building or the site. That lies in the hands of the purchaser.

Craft: and the fencing has an effect on the properties nearby. We're unhappy with the process by which the City enforces a vacancy. These folks have shown up and never have answering about marketing plans and the holding company gets to carry it on their books as worth a million. The City needs to hold them accountable about the plan to sell or remove it.

Moermond: there isn't a bigger tool in the toolbox than this. But because of that we have to be circumspect in its use. I can only look at this, and just this.

Craft: and that is what our board is recommending, removal.

Laid Over to the Legislative Hearings due back on 8/22/2023

6 [RLH RR 23-44](#)

Ordering the rehabilitation or razing and removal of the structures at 1213 WOODBRIDGE STREET within fifteen (15) days after the September 13, 2023, City Council Public Hearing.

Sponsors: Brendmoen

Layover to LH August 22, 2023 at 9 am for further discussion. PD and CCI applied for

by no later than September 8, 2023.

Michael Sauer, attorney o/b/o Penny Mac, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: The building is a one-story, wood frame, single-family dwelling with a detached two-stall garage on a lot of 3,001 square feet. The property was referred to Vacant Buildings due to a fire which occurred on December 1, 2021. The current property owner is Andrea Christine Roark, per Amanda and Ramsey County Property records.

On May 18, 2023, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on June 1, 2023, with a compliance date of July 1, 2023. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$20,000 on the land and \$189,000 on the building. Real estate taxes are current. The vacant building registration fees were paid by assessment on January 3, 2023. A Code Compliance Inspection was done on July 18, 2022. As of August 7, 2023, the \$5,000 performance deposit has not been posted.

There have been nine Summary Abatement Notices since 2021. There have been seven work orders issued for: garbage/rubbish and boarding/securing. Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$30,000.

Moermond: a Code Compliance done in 2022. Anything of interest in that inspection Mr. Zane? It was following a fire.

Zane: I'm just reviewing it now.

Sauer: My client is Penny Mac Loan services, LLC but I'm also here o/b/o Mortgage Electronic Registration and HUD, their interest is the same as Penny Mac's mortgage. So my direct client is Penny Mac, but I'm also connected to MERS and HUD. I was retained and discovered through these few weeks that the owner, Andrea Roark, she was occupying and filed a claim after the fire, that was approved. She hired Rest Pro to do the rehab, they're claiming to have done 56k in the property so far, I'm trying to verify what work was done. I've been told by them the roof was completed, a lot of demolition. They demoed more than they were supposed to per the insurance company. There is a dispute between the insurance company, owner, and Rest Pro. I do know my client is holding insurance proceeds that are kind of pending because of that dispute. Rest Pro is seeking payment from my client on the work they had done. Trying to see what they did for 56k. the roofing should have been done according to them, I don't represent them but they said that was done and permits were pulled. I located Ms. Roark, she moved to Nevada temporarily. She is interested in continuing to rehab and occupy. Because of that she is working with my client in terms of permissions and access to property. Normally a lender without possession it is difficult, this may be different in the owner and lender may work together on this one to align their interest. She has answered calls, but she didn't appear today obviously. We have a contractor retained to give an estimate. This will be a different contractor, not Rest Pro. She'd like to proceed and put the Performance Deposit in place and proceed with the rehab. Because of that litigation with Rest pro and our new involvement with the process and potential limitation on access I was requesting to hold this over for 90

days while we complete the estimate, pay the Performance Deposit and get something in place with the owner that gives us the right to improve the property. I do have a document from Rest Pro that claims to list the work that was done. I have no way to confirm if that work was done, and I'm questioning that. I believe they are filing a civil lawsuit, a mechanics lien. To the extent they can prove some work is done, we may compensate for some as long as it was code compliant and the roof was signed off by the City. It is essentially a shell right now that needs to be finished. I have invoices from a plumber and electrical company that claim they did electrical work, but it is a lot of studs. There was a new support beam put in place I have photos of.

Zane: no building inspections done, there is a permit pulled. There is a plumbing permit that has expired, and electrical. They did have rough ins done. It is just over a year old.

Sauer: I would agree circumstances have changed since the time of the last Code Compliance Inspection Report.

Yannarely: could they do a building only?

Moermond: no, because the electrical was just to reconnect. It isn't work inside the house.

Sauer: it is just rough in—

Moermond: if he did, it wasn't under permit—

Zane: there was one for inside work on October 27. There wasn't a rough in on the interior, just an inspection on the connection to the house.

Sauer: it is unfortunate, and then it got shut down during the dispute.

Moermond: do you have contact info for Ms. Roark?

Sauer: I have a phone number.

Moermond: we'll call her and try and get her email so we can make sure she is copied on the letter and follow up hearing. I'd like to include her in this conversation sooner than later. I don't want to delay that conversation 3 months. I'd like to stage this conversation. I'm not opposed to waiting on a Council decision, but I need to see benchmarks. That means getting that Performance Deposit posted, a new Code Compliance Inspection report done by whatever date. I feel for you in terms of finding the money to do this.

Sauer: at this point the goal is to get it fixed. The lender and owner are behind it. I have the most confidence in this one, we just need to get everyone together. On the side I'll work with Rest Pro and the insurance company. That's outside the immediate scope of what we're doing, but I am doing that on the side. I don't know we need a civil lawsuit going on the same time we're trying to fix this.

Moermond: how are you guys situated in terms of getting that Performance Deposit and Code Compliance Inspection applied for? This goes to Council September 13 and thinking I'd love to have a conversation again two weeks from now and then say the application for Code Compliance application and Performance Deposit posted by September 8. Who is maintaining the property with her in Nevada?

Sauer: I don't know the answer to that. I know my client is doing some things that they can do.

Yannarely: someone is cutting the grass.

Sauer: I think my client is paying someone.

Laid Over to the Legislative Hearings due back on 8/22/2023

10:00 a.m. Hearings

Making Finding on Nuisance Abatements

- 7 **RLH RR 23-42** First Making finding on the appealed substantial abatement ordered for 1501 CLARENCE STREET in Council File RLH RR 22-57. (Refer to August 8, 2023 Legislative Hearing)

Sponsors: Yang

Recommendation forthcoming pending issuance of Code Compliance Certificate.

No one appeared

Moermond: Mr. Zane, you have a report on the percentage complete?

Zane: 99 percent, we only have a couple of trade permits that need to be closed. The work appears to be done. We are just needing finals from those trades. Once those are approved we're good to final the project.

Moermond: we'll send this to Council September 13 and put it to bed then.

Referred to the City Council due back on 9/13/2023

- 8 **RLH RR 23-43** Fourth Making finding on the appealed substantial abatement ordered for 595 PARK STREET in Council File RLH RR 23-12. (Refer back to August 8, 2023 Legislative Hearing)

Sponsors: Balenger

Recommendation forthcoming pending issuance of Code Compliance Certificate. If nuisance is not abated by 9/13 CPH, will forfeit \$2,000 of \$10,000 PD each week until project completed.

Hector Flores, contractor, appeared

Frank Viggiano, owner, appeared

Moermond: we had a conversation with M r. Flores a couple of weeks ago. Mr. Zane, any changes from two weeks ago?

Zane: I haven't been out there.

Flores: we have floor and kitchen. We are waiting for the plumber. The heating people couldn't come before the 15th. We're just waiting on the gas meter for the furnace and

water heater. I told HVAC contractor we need to close the permit.

Moermond: have you been out there to do a progress?

Zane: 80 percent on July 19th.

Moermond: here's my question, you told me what you have going on. Do you have a schedule and plan? And everyone is paid?

Flores: no payment issues. Everyone is paid.

Moermond: last time you said a few contractors had outstanding balances, but the money isn't the problem.

Flores: no.

Moermond: and you verbally told me a plan.

Flores: I forgot to type something; I asked him to help.

Viggiano: It was too late to get it done.

Flores: we'll be done by the 20th. Just little things left.

Zane: just the plumbing permit.

Flores: yes, and he will pull that. If you want to come tomorrow or today?

Zane: I don't know we need another progress inspection.

Moermond: no, we need closed permits. Right now, the Council continued your \$10,000 Performance Deposit to July 26 to get this done. We're past that date, but not that far past it. We need this nailed down so it is close enough to slide on through. You're saying August 20th?

Flores: yes.

Moermond: because of state fair and vacations this time of year, I'll send this to Council September 13. If you have everything done, we don't have to worry about anything. If it isn't done, I'll recommend \$2,000 is forfeited, and layover another week. Then another \$2,000 forfeit. We start to have consequences. That is 3 weeks past when you're asking.

Viggiano: we had the gutters put on at 575 Park.

Zane: and Hector did confirm that.

Viggiano: I did bring along the money we're withholding for any problems. Almost \$97,000. We've had big problems in the neighborhood with vagrants and confrontations. I've caught people with copper pipes. They're so destructive. I've talked to local commanders. It has been a real problem the last four months. It gets worse, but anything you can do to help.

Moermond: and talking to the police is the best.

Zane: keeping it mowed and shorting your construction plan.

Viggiano: I just wanted to mention it. We appreciate you working with us.

Referred to the City Council due back on 9/13/2023

1:00 p.m. Hearings

Vacant Building Registrations

9 RLH VBR Appeal of Taylor Swartwood to a Vacant Building Registration
23-44 Requirement at 856 EUCLID STREET.

Sponsors: Prince

Certificate of Occupancy must be reinstated with no corrections by September 30, 2023 or property will revert to a Category 2 Vacant Building and will require a Code Compliance Inspection. Vacant Building fee waived through September 30, 2023.

Taylor Swartwood, owner, appeared via phone

Moermond: following up from last week's hearing. We scheduled an inspection that was to occur this morning. I'd like to get that staff report. The most recent set of orders was June 27, 2023 and you were following up.

Staff update by Supervisor Leanna Shaff: I got to the property five minutes early, walked around a few minutes. At 9:30 I knocked on the door, no answer, so I walked around a couple more minutes, then knocked again. Mr. Swartwood was a few minutes late and he wasn't able to give me access. He suggested climbing through the window.

Swartwood: they changed, the locks, yes.

Shaff: we were unable to gain access for our scheduled appointment. I heard a smoke alarm beeping. Still broken glass. I can't verify anything has been done.

Moermond: as I understood it, you were going to swing by and make sure things were taken care of so we could tick off that list and make sure we were good to go.

Swartwood: I've been diligently working on this, and the tenants have been thwarting my attempts to get in. they intimidated my handyman. Me and my 77-year-old father went out to fix the windows. Please allow me to execute the writ and remove them from the building and do the work. The stuff that needs repairs is new stuff, it isn't even on the list from Thomas. I just want to get them out and make the building whole again. I do work in good faith and provide reasonably priced good buildings.

Moermond: where are you at with the eviction proceeding exactly?

Swartwood: I'm going down this afternoon to file for the writ. Then the sheriff will have to be scheduled after that's processed.

Moermond: so you've gone through, they're on a court ordered payment plan, and have violated that?

Swartwood: yes. I've given them an extra week to come to terms, so I have no choice. I have to remove them to get the work done.

Moermond: Ms. Shaff saw things that weren't called out today, you're saying the same thing, she was looking at what Mr. Thomas already wrote up. She saw other things. I'm struggling here.

Swartwood: I'm using all my legal remedies to try and make this right. I'm trying to social work this. The woman has some mental health problems. I suspect they are on drugs. I need them out so we can get it done. I run nice buildings, I care about my customers, this isn't something I'm doing for lack of care. This is happening to me because I don't have the police power to make them behave. Under normal circumstances they wouldn't have changed the locks and I could get in. they have an attack dog in the building so even if we drilled the locks we could be harmed. They have us over a barrel here.

Moermond: when will it be vacated?

Swartwood: that's up to the Sheriff's office. They have to remove the people. Perhaps you can speak to them and make it quicker?

Moermond: no, this is your private contract with your tenants.

Swartwood: I didn't mean anything untoward. I really do want to comply. I went out with my father yesterday and put in several hours of work re-glazing windows. I don't have police powers.

Moermond: this has been going on for months. You've had a lot of opportunity to deal with this. I'm struggling with what the right answer is.

Swartwood: I've made incredible progress in impossible situation. We can do the work; we're just being prevented from doing it.

Moermond: the first appointment letter went out since last December.

Swartwood: the Sheriff's office can't tell me when they will get the people out. I'm in a catch-22.

Moermond: we've been at this since December.

Swartwood: I've been in contact with him the entire time.

Moermond: who?

Swartwood: with Thomas. There was a mail error in the beginning. The post office wasn't delivering. He was in contact with me. We're moving forward. I can only work within the limits of the law. I don't have police powers. If I did I would remedy this instantly. Please see I am doing everything in my power to comply.

Moermond: Ms. Shaff, do you recommend that Vacant Building staff make this a Category 2 Vacant Building?

Shaff: absolutely given what I saw on the outside and the long-term noncompliance.

[Swartwood talks over Ms. Shaff]

Moermond: Mr. Swartwood, you are always given a chance to speak, please stop speaking over staff.

Shaff: based on the exterior of the property and building conditions, and the long-term noncompliance, I definitely recommend this is a Category 2 Vacant Building.

Swartwood: you know I was in contact with Thomas, I've allowed him inside and I've done the work. New work is only necessary because the tenant is a nuisance to the building and City in general.

Shaff: the record speaks for itself about not being allowed access.

Swartwood: yeah, which wasn't true. He has work orders for the inside. We also have email records discussing what needed to be done. I've been in contact the last several months working hand in hand with him. I'm working in good faith with you people. All I need is the opportunity to remove the people so the work can be done. Please let me do that. I try to have affordable rentals. No one is winning in this situation. Let's just fix it.

Moermond: I will have a recommendation emailed out Friday by Joanna Zimny. I'm not going to make it right now.

Swartwood: I appreciate your time. I'm sorry. I don't want to be unkind. I'm frustrated because I'm being prevented from doing what I want to do.

Moermond: thank you Mr. Swartwood.

Referred to the City Council due back on 8/23/2023

**10 RLH VBR
23-46**

Appeal of Ashley DuBose to a Vacant Building Registration Renewal Notice at 619 MENDOTA STREET.

Sponsors: Prince

Waive Vacant Building fee for 90 days (October 15, 2023).

Ashley DuBose, property manager, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: was made a Category 1 Vacant Building August 15, 2022 due to a fire. We have trade permits on file and rehab is ongoing. I assume we are here today to discuss the forthcoming Vacant Building fee for 2023 through 2024.

Moermond: tell me where you are at with the rehab?

DuBose: I've been trying to keep close tabs on completion days. The general contractor, Rest Pro, told me we should have the property ready to rent by September 1. I hesitate to promise that because things have been going on longer than they should have. I know its close. I don't anticipate past August 31, but it is possible.

Moermond: I'm glad to hear you are that close. That is fantastic. You went in the

program August 15, that is your anniversary date. Today's fee covers August 15, 2023 through August 14, 2024. A 90-day fee waiver takes you through October 15, 2023. That sounds like it should do the trick, along with some cushion. [Moermond explains tax assessment appeal process if not done by deadline.]

DuBose: I appreciate that. What do I do when the property is done?

Moermond: your contractor would be reaching out to inspection. As soon as those happen, Department of Safety & Inspections will issue the Code Compliance certificate.

Dornfeld: ultimately we'd like to see occupancy prior to closing the file, but if the permits are finalized with the understanding the house would be occupied in the coming weeks. If it is going to sit vacant that isn't ideal.

DuBose: I anticipate getting someone in by September 1 or 15.

Referred to the City Council due back on 8/23/2023

**11 RLH VBR
23-47**

Appeal of Biniam Ansera to a Vacant Building Registration Requirement at 1133 ARUNDEL STREET.

Sponsors: Brendmoen

Deny the appeal and waive the VB fee for 60 days (to September 25, 2023). Property to remain a Cat 2 VB and requires a CCIR.

Biniam Ansera, owner, appeared via phone

[Moermond gives background of appeals process]

Ansera: I think my brother talked to Matt Dornfeld yesterday.

Staff report by Supervisor Matt Dornfeld: was referred per an inspection done by Code Inspector Lisa Martin and the St. Paul Police Department on August 2, 2023. Multiple code violations are documented in the condemnation report. Inspector Martin and the St. Paul Police Department stated there was criminal activity at the property as well as people with outstanding warrants involved. Any door open to trespass was to be immediately secured by Rest Pro post inspection. That was done and Vacant Building placards were posted. There are some photos in the system. I did speak with the brother yesterday on the phone and exchanged a few texts, explained some but ultimately advised them to ask their questions here in this appeal.

Moermond: why are you appealing Mr. Ansera?

Ansera: I am appealing because I had a squatter live in my property and I couldn't get them out. She is the one who caused the damage. She's the one who caused the people who had warrants. That was the squatter tenant that used to live there. She caused the damage. She called that. it is all in the police reports. I already fixed the water problem. That is turned back on. I'm waiting for a City electrical inspector to come tell us what we need to do to get the meter permit. We need a permit to get it in. I'm a carpenter myself. I can slap that house back to code as soon as I'm given a chance. I haven't heard nothing from no one. My electrician has called down there. They said there are inspectors on vacation. I know everyone's busy. I understand the station, but I haven't even had the proper amount of time to fix the mistakes or reach

inspectors to ask a couple of questions to get it back to code. I purchased the property in December and I didn't know the meter box wasn't to code. He should have caught that. it was on a post instead of connected. I didn't know that and that's why the meter got taken out. I had a squatter, she flooded my house. Broke all my outlets and my pipes. She did a lot of damage because she didn't want to leave. I have resources, I'm a carpenter myself. Union local 322. I can get it back to code in a flash, I just need the time to do it.

Moermond: looking at the police calls to the property, you indicated there were police reports documenting it was the tenant causing problems. I did check in and in July there were calls on a couple of occasions, one July 2 that was for a disturbance/disorderly conduct, another July 7 for the same thing. July 8 for harassment. No police reports written. I understand the owner called Xcel saying the outlets were sparking and requesting power be shut off and face of meter removed. I do see that was sold in October and no TISH (truth in sale of housing) was done. I do understand the faucet was removed from the water meter itself so it was impossible for water to run into other parts of the house. That would explain the water problems.

You put an illegal room into this property in a single-family home and rented it out. That is a tenant, not a squatter. That whole thing about a squatter and eviction, that isn't quite the way it went. I would love to see this get fixed, don't get me wrong. I would like to see you back in your home. I'd like to see it not an illegal duplex anymore. What you need to do would be to get a Code Compliance Inspection Report which will outline what the items are to bring it into minimal code compliance. That will be straightforward to someone in the trades such as yourself. My recommendation is yes, you are in the Vacant Building program as a Category 2 Vacant Building and will need that Code Compliance Inspection Report. Address those items before it can be reoccupied. I'm sorry that wasn't what you were looking for today.

Ansera: I have to pay the \$2,500?

Moermond: I can waive the Vacant Building fee for 60 days, which would give you the opportunity to have a chance. You'll have to move fast. That takes you to September 25, 2023.

Ansera: so I have until September 25 to get my house back to code?

Moermond: that's how long the waiver is for. Realistically get that Code Compliance Inspection Report ordered and permits pulled, then working quickly to address those items and if you can't get it done but done quickly you can ask for the future bill to be decreased because you got your Code Compliance certificate quickly.

[Dornfeld explains the Code Compliance Inspection process]

Ansera: I have to do that regardless, correct? To get back into my house?

Moermond: yes.

Dornfeld: yes, the full Code Compliance Inspection. You have to order that first before you start messing with the water meter and whatnot.

Moermond: for email, if we send the letter to Rikki Taylor to her email again, can we use that again? Did you get it?

Ansera: yes ma'am.

Moermond: we'll do that again.

Ansera: yes that works. Where do I get the form?

Moermond: we'll email you the form when we send the follow up letter to Rikki Taylor.

Ansera: this is a blessing in disguise. I want to get my house to code.

Referred to the City Council due back on 8/23/2023