



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, November 7, 2023

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 24-26](#) Ratifying the Appealed Special Tax Assessment for property at 826 COMO AVENUE. (File No. VB2402, Assessment No. 248801)

Sponsors: Brendmoen

Approve the assessment.

Danny Joslin, friend of Wendy, appeared via phone
Kim Oanh (aka Wendy Guertin), owner, appeared via phone

Staff report by Supervisor Joe Yannarely: this is the yearly cost of being in the Vacant Building program.

Moermond: we talked about this in July. At that time, I know you were working on clearing the title and interested in selling. I look at this and see you've been in the vacant building program for six months now. What is going on?

Joslin: we've gone through and got an attorney to move it over. We are still waiting to get title in Kim's name for that location. We have been showing it, but have had no solid buyer in the closing process. We'd like to wrap this into a sale as planned before.

Moermond: I look at the building from a street view and it looks like a business with a parking lot.

Joslin: yes. We're not opposed to someone buying and knocking it down.

Moermond: and I heard you want this dealt with as part of the sale?

Joslin: yes.

Moermond: your Public Hearing is January 24, and on that day the Council would vote and if they ratify this assessment it would be invoiced a couple of weeks later. If the invoice doesn't get paid, which is fine, it rolls onto the property taxes. That's one way to deal with it. In terms of getting title and selling soon, it is obvious to anyone doing title work that this is a pending assessment so they can deal with that as part of the closing. So, it would be dealt with before the Public Hearing if you sell it, or on the

2025 taxes. I'm going to recommend approval of the assessment.

Joslin: if we did take the road with the hearing, we don't pay it and it goes on 2025 taxes and we sell it middle of 2024, does it still get dealt with the title company?

Moermond: yes, they would see it exists.

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

2 [RLH TA 24-39](#)

Ratifying the Appealed Special Tax Assessment for property at 1008 CARROLL AVENUE. (File No. VB2402, Assessment No. 248801)

Sponsors: Balenger

Layover to LH December 5, 2023 at 9 am for update on payment of assessment by contractor.

Dominique Stryker, owner, appeared via phone

[Moermond gives background of appeals process]

Moermond: you did send in quite a bit of material, which I did review. There may have been some miscommunication with the paper billing and how you're reading it. I think we're going to have to hit reset, but it will work out for you.

Staff report by Supervisor Joe Yannarely: this was in the Vacant Building program from May 3, 2023 and removed from the program yesterday after the Code Compliance Certificate was issued. In the program about six months. The total cost is \$2,616.

Moermond: this bill originally went out in the mail May 2, 2023. The time period it covers is May 2, 2023 through May 1, 2024.

Yannarely: correct.

Moermond: that's a bit confusing because the title of the letter says billed during July 2022 through May of 2023, so it may have looked like that was what the bill was for, but it was when the bill was originally mailed?

Yannarely: correct.

Moermond: I'm clarifying that because I think, Ms. Stryker, you were thinking the bill was for that time period. But those (assessment roll) titles are so confusing that I don't know that was clear. By the way, congratulations on getting your Code Compliance certificate.

Yannarely: sorry, I need to clarify, the Code Compliance inspection was done yesterday. Rehab is not done.

Moermond: oh, oh no. Good to have that done, but not quite the same thing. Ms. Stryker, what would you like to say?

Stryker: we already hired a company to complete in 2023. They want to bill us for 2022. It wasn't vacant then.

Moermond: that is what I was trying to explain. The title reads "for Vacant Building registration fees *billed* July 13, 2022 to May 18, 2023". So that means the original

bill went out during that time period. Your original bill was May 2, towards the end of that time period. They don't mean you were paying for that time period. Does that make sense?

Stryker: we've already paid the registration for 2023.

Moermond: it is still a pending assessment, so it wasn't paid.

Stryker: I'm talking about the registration.

Moermond: they sent in the form, but no check with it?

Yannarely: yes, paid by assessment.

Moermond: I guess the question is to go back to 5 Brothers and ask if they sent in that check and if they did they can prove it up. They did reach out proactively to talk to the City and fill the form out so the City knew,, but the City got a check for the Code Compliance Inspection Report but not the Vacant Building fee. Do you want to talk to them?

Stryker: yes, because they charged us \$2,459 in August for that same thing. If they didn't do it, I'm fighting it.

Moermond: for sure, that is worth a follow up. This Council Public Hearing isn't until January 24. Why don't we talk—

Stryker: I have the check they said they sent out, a copy of it, is there a way to send this to you to double check before I lay the hammer down.

Moermond: I can ask Department of Safety & Inspections to look around. They handle a lot of these.

Yannarely: are you looking to sell it?

Stryker: that's the goal.

Yannarely: you didn't need to do both the TISH and the Code Compliance report.

Stryker: honestly, I was so confused about what was needed.

Laid Over to the Legislative Hearings due back on 12/5/2023

3 [RLH TA 24-25](#)

Ratifying the Appealed Special Tax Assessment for property at 1055 REANEY AVENUE. (File No. VB2402, Assessment No. 248801)

Sponsors: Yang

Delete the assessment.

Dustin Fronk, owner, appeared via phone

Moermond: calling about your Vacant Building fee for 1055 Reaney. This required a ton of homework on our side to figure out what was going on. I think we've nailed it down and you shouldn't have to say anything. It appears that the Vacant Building renewal letter in the middle of May went to the previous owner. We know you bought it in December. That's a long time for Ramsey County not to have their information updated and that's where the City pulls their information from. For some reason that

didn't happen and you didn't get the letters. From what I can tell you got your Certificate September 26, so you were in the program 3 months. I would commonly look at deleting or prorating this. Because of the notification issue on this I'm going to recommend this is deleted.

Fronk: that sounds amazing, thank you.

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

4 [RLH TA 24-27](#)

Ratifying the Appealed Special Tax Assessment for property at 1941 UNIVERSITY AVENUE WEST (ALSO 1935 UNIVERSITY AVENUE WEST). (File No. VB2402, Assessment No. 248801)

Sponsors: Jalali

If VB file is closed by January 17, 2024 reduce assessment from \$5,075 to \$2,538 and make payable over 5 years; otherwise approve in full and make payable over 5 years.

*Ruth Ogbaselassie, treasurer of Eritrean Community Center, appeared via phone
Essey Asbu, Secretary Eritrean Community Center of MN, appeared via phone*

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this is the annual Vacant Building fee from June 7, 2023 to June 7, 2024. The total assessment is \$5,075.

Ogbaselassie: we've been fixing the building. We paid last year. We're in the process of fixing it, I don't know why we have to pay. We're 90% done with the building.

Asbu: we shouldn't be assessed this fee. The building was functional before as it was used for storage, we've been putting in effort to fix it. We'll be using it. We shouldn't have this fee, it isn't vacant.

Moermond: when was the last time you think it was functional?

Asbu: we had used it for equipment storage, they put it against the wall and it collapsed the wall. That was the beginning of Covid. We were cash strapped at the time and trying to do work on it. It didn't pan out and kept getting worse. We decided to fix it, with the help of you guys.

Moermond: I have an entirely different opinion of being functional. I see a photo from 2018 with a huge hole in the roof and sides. The fact a building is being rehabbed doesn't mean it is out of the Vacant Building program. The marker would be getting the Certificate of Occupancy for it to be used again. I'm heartened that you're within a month. That's great. Right now, we are five months into the billable year. If you can get out of the Vacant Building program by January 17, 2024 I'll recommend it is reduced by half. If you are not, I'll recommend it is approved in full. I can make it payable over five years if that makes it easier. This isn't a case where I would equivocate if it is in the program; it most certainly is.

Asbu: we need to finish construction and utilize the space or have the Certificate of Occupancy? In June the nuisance was still present but the danger was secured. I don't know if that has any weight towards getting some of the money back?

Moermond: the answer is no. You aren't out of the Vacant Building program until you get your Certificate of Occupancy, when the permits are finalized. I get you have grant

programs and it's bureaucratic but it also means you haven't had to dip into your own coffers either. This is part of the cost of time. They are annual fees. You didn't lose your Performance Deposit for no progress in six months, and that's because you're a nonprofit working with grant dollars from the government. That doesn't transfer here. This is the cost of managing the Vacant Building program. I really hope I can work with you on prorating it. The Council may see it differently than I do.

Ogbaslassie: you've been helping us a lot. I just want to say we've never ignored that building. I've volunteered for 20 years.

Moermond: we'll look at this January 17 and hopefully you'll have your certificate. Is it helpful to make this payable over 5 years?

Ogbaslassie: yes, yes.

FOLLOW-UP: Building and electrical permits still open as of January 18, 2024. This matter was discussed in the Legislative Hearing on January 16, 2024, when follow-up on the nuisance/dangerous building abatement order was conducted. -Moermond

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

5 [RLH TA 24-23](#)

Ratifying the Appealed Special Tax Assessment for property at 1031 SIMS AVENUE. (File No. VB2402, Assessment No. 248801)

Sponsors: Yang

Layover to LH December 19, 2023 to discuss status of rehab.

See Yang, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: entered the program June 8, 2021. This is the annual fee from June 8, 2023 to June 7, 2024. Total proposed assessment of \$5,075. A recent Code Compliance inspection was requested. There have been 3 orders, all taken care of by the owner. It was boarded on July of 2022 by the City.

Moermond: Ms. Yang, you are appealing, what is going on?

Yang: we've been trying to work with insurance. It has been vandalized multiple times. We need time to get the money to bring it back to a place we can live and get our Certificate of Occupancy. It has been quite the battle and we've been struggling with the repairs. I'm hoping to get something worked out because we do our best to take care of the property. I was hoping to work with you on something doable for me considering the whole situation.

Moermond: I was looking to see what landed you in the Vacant Building program. It looks like the place was found to be empty and boarded when the Fire Inspectors went by on regular inspection. Here we are and I have to balance making sure the City is recouping costs of managing the Vacant Building program but I want to see you get this up and running and used again. Do you have the money now to do the work?

Yang: it is already done; we're just waiting for that report to see if we can get the Certificate of Occupancy. The insurance company instructed us to board it when they were doing the investigation.

Moermond: the inspection report is creating a to-do list of things to be done.

Yannarely: you ordered a Code Compliance Inspection and we have four trades go through to develop a list that needs to be done before it can get its Code Compliance certificate and be occupied. That's what you paid for.

Moermond: that's the punch list you need to take care of to be habitable again. You're on the right path, you aren't there yet. It is going to take some money to fix, you won't know how much until you receive that report. I don't mean to make matters worse. One, this hearing is in front of Council in January. In the event you are done with fixing the property then I'm happy to prorate the Vacant Building fee. It would at least be a partial approval. We can also make it payable over a number of years. Why don't we talk again December 19 and I'd like to know more at that time how close you are to being able to finish and anything we can do to help you.

Laid Over to the Legislative Hearings due back on 12/19/2023

10:00 a.m. Hearings

Special Tax Assessments

- 6 [RLH TA 23-353](#) Ratifying the Appealed Special Tax Assessment for property at 1348 SIXTH STREET EAST. (File No. J2401E, Assessment No. 248300)

Sponsors: Prince

Approve and make payable over 2 years.

Jamillynn Rodriguez, tenant, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: a Summary Abatement Order was sent to remove snow and ice from the sidewalk on March 20, 2023. It was rechecked and the work wasn't done on March 23. It was done by the time the crew went out on March 27th. The photos do show the sidewalk wasn't shoveled within 24 hours. This is a trip fee, total assessment of \$169.

Rodriguez: it was taken care of, it just wasn't timely. I had a family emergency. I did take care of it. The previous owner, I don't know what was going on but this is my first time ever having orders like this.

Moermond: you said you had it taken care of the day after?

Rodriguez: no, it was delayed because I was in the hospital.

Moermond: who was taking care of it end of February and beginning of March? Was anyone?

Rodriguez: there was.

Moermond: the photos show a lot of snow and ice and I was curious when the last snowfall before that, how long it was sitting around.

Rodriguez: it doesn't wait around because we have a snowblower.

Moermond: the last snowfall was 3.2 inches the first week in March, but the snow and ice in the photos was more than 3.2 inches. The snow before that was February 20 through 24 was 15" which looks more consistent with the photo. It is pretty intense how much snow and ice are there. I think it's a longer problem than just a few days.

Rodriguez: we just moved in last year. I can only answer for me. We were taking care of it and whatever was happening with the snow I don't know.

Moermond: there was a lot of snow February 20 and a few days after and a little bit the first week of March and the photo taken March 23 shows significant snow and ice buildup, especially when its 3 weeks after the last snow. It is dangerous.

Rodriguez: what am I supposed to do when I can't go out there? When I'm pregnant? I'm supposed to risk my life and my child's life for someone else's?

Moermond: you and your landlord need to figure it out, if you have a contract with him to take care of it, that's a private agreement between you. It wasn't taken care of. If he's saying you need to pay the bill, it doesn't really have to do with us.

Rodriguez: where is it coming from? The snow was already taken care of.

Moermond: when the inspector went out it wasn't done by deadline. It is a trip charge.

Rodriguez: I guess I don't understand. I'm not able to pay this.

Moermond: this goes to Council in January. I can ask them to make it payable over 2 years. We can send you a confirmation and you can make arrangements with your landlord. \$169 over 2 years.

Rodriguez: he doesn't tell me until it is a problem; until rent is due. I don't know how to move forward with that.

Moermond: you might want to reach out to HomeLine or Southern Minnesota Regional Legal Services to see if someone can help with those conversations. I can't help with that, but they may be able to.

Referred to the City Council due back on 1/10/2024

7 [RLH TA 23-378](#)

Ratifying the Appealed Special Tax Assessment for property at 1556 REANEY AVENUE. (File No. J2402E, Assessment No. 248301)

Sponsors: Prince

If no same or similar violations before January 24, 2024 delete the assessment, otherwise approve in full.

Anna Fitterer, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: April 25, 2023 a Summary Abatement Order went out to dispose of some garbage bags and wood from the property. May 2 was compliance date, May 3 rechecked. It was not done. It was sent to the work crew, by the time they went out it was taken care of. This is for a trip charge, total assessment of \$169. Really clean history.

Fitterer: May 3 my husband and I received the second letter say we weren't compliant and within 2 hours of receiving it we called the number listed. We never received the original warning letter, so we didn't know there was an issue. We got sent the May 3 letter and we moved them from the property within 2 days. We are good with our mail; I work from home. I talked to a woman May 3 and she said it was sent and never returned, but we didn't receive that April 25 letter.

Moermond: you just bought this property last year?

Fitterer: yes, it is also the first house with an alley, we weren't aware of leaving the bags there after raking. First time dealing with something like that, it won't happen again.

Moermond: I'm struggling with the Excessive Consumption mailing get out quickly, and the Summary Abatement Order not getting out very fast. I think this is one of those circumstances with a glitch, I do trust what I'm hearing. If you have no further violations between now and the Council Public Hearing I will recommend this gets deleted.

Lisa: normally these are sent out with a photo and I see this doesn't have a photo, so it is entirely likely there was a glitch.

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

8 [RLH TA 23-381](#)

Ratifying the Appealed Special Tax Assessment for property at 244 GRAND AVENUE (BURGER KING). (File No. J2402E, Assessment No. 248301)

Sponsors: Noecker

Approve the assessment.

Lisa McCormick, attorney, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: April 13, 2023 a Summary Abatement Order was issued to occupant and owner to remove and dispose of loose and scattered trash including the drive through. Compliance date of April 20. Inspector Westenhofer went out April 28, no attempt to clean it up. He sent a work order and the crew went out and found it done. This is a trip cost for a total assessment of \$169.

Moermond: a charge for sending out the crew who found the work done, but not by deadline.

McCormick: so, it was done, but not on deadline?

Moermond: yes, he went out and it wasn't done, but it was addressed by the time the work crew went out, so this is the cost of sending the truck to do the cleanup.

McCormick: he's fine paying the charge but I wanted to have the hearing because this has been an ongoing issue. I've called into Department of Safety & Inspections before because we weren't getting the abatement notices but then would get the assessment notice. They informed me the addresses are taken from the GIS and it looks like some of the notices have been changed, noted on the bottom, but not all of them. I just wanted you to be aware that's the issue we've been having. The ones we have received we're getting them 4 to 7 days after the date of the letter, which has also been an issue. We also had a change in tenants early 2022 and this was when a

new tenant had taken over, that was part of the problem. We see trash issues and illegal dumping ongoing at this site. It has been difficult to keep up with but we've been trying. We have a new tenant in that is being more proactive it should resolve and improve. I wanted to explain the situation.

Moermond: Ramsey County manages the owner of record information. I assume you have the Fire Certificate of Occupancy filled out form so the right people are notified about inspections.

McCormick: please do because the initial one had the wrong name and I asked it to be corrected, I don't know it was. Could I request Lisa Martin follow up with me so we can get in touch with inspectors when we find out about things. I think that would be in everyone's best interest.

Martin: you do have to have someone managing the property. The City only goes out when we receive complaints. The Certificate of Occupancy folks and owner of record with Ramsey County are where orders are sent. Having someone drive by is beneficial.

McCormick: we've been doing it. At the west end of the property the issue I see I noticed lots of illegal dumping which is hard to see because of the trees. Point taken; I'll make sure we're monitoring more regularly.

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

- 9 [RLH TA 24-33](#) Ratifying the Appealed Special Tax Assessment for property at 1491 (1475) UNIVERSITY AVENUE WEST. (File No. J2402P, Assessment No. 248401)

Sponsors: Jalali

Delete the assessment (waiver on file).

No one appeared

Moermond: this is a deletion for graffiti because a waiver was on file.

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

Special Tax Assessments-ROLLS

- 10 [RLH AR 24-3](#) Ratifying the assessments for Collection of Vacant Building Registration fees billed during July 13, 2022 to May 18, 2023. (File No. VB2402, Assessment No. 248801)

Sponsors: Brendmoen

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

- 11 [RLH AR 23-91](#) Ratifying the assessments for Securing and/or Emergency Boarding services during June 2023. (File No. J2402B, Assessment No. 248101)

Sponsors: Brendmoen

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

- 12 [RLH AR 24-14](#) Ratifying the assessments for Collection of Fire Certificate of Occupancy

fees billed during April 11 to June 22, 2023. (File No. CRT2401, Assessment No. 248200)

Sponsors: Brendmoen

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

- 13 [RLH AR 23-93](#) Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during April 24 to May 19, 2023. (File No. J2402E, Assessment No. 248301)

Sponsors: Brendmoen

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

- 14 [RLH AR 24-4](#) Ratifying the assessments for Graffiti Removal services billed during July 11 to 20, 2023. (File No. J2402P, Assessment No. 248401)

Sponsors: Brendmoen

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

- 15 [RLH AR 24-5](#) Ratifying the assessments for Removal of Diseased and/or Dangerous Tree services during June to August 2023. (File No. 2401T, Assessment No. 249000)

Sponsors: Brendmoen

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

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 16 [RLH SAO 23-44](#) Appeal of Leeyoun Sayaxang to a Summary Abatement Order at 960 GERANIUM AVENUE EAST.

Sponsors: Yang

The nuisance is abated and the matter resolved.

No one appeared

Moermond: the appeal is granted noting the matter was resolved by the deadline of the department.

Referred to the City Council due back on 12/6/2023

Making Finding on Nuisance Abatements

- 17 [RLH SAO 23-32](#) Making finding on the appealed nuisance abatement ordered for 761 HOWELL STREET NORTH in Council File RLH SAO 23-26.

Sponsors: Jalali

The nuisance is abated and the matter resolved.

No one appeared

Moermond: I hear we have no raised beds anymore?

Martin: that is correct. Both Howell street addresses have removed their planter boxes.

Moermond: nuisance is abated and matter is resolved.

Referred to the City Council due back on 11/15/2023

- 18** [RLH SAO 23-31](#) Making finding on the appealed nuisance abatement ordered for 845 HOWELL STREET NORTH in Council File RLH SAO 23-22.

Sponsors: Jalali

The nuisance is abated and the matter resolved.

No one appeared

Moermond: I hear we have no raised beds anymore?

Martin: that is correct. Both Howell street addresses have removed their planter boxes.

Moermond: nuisance is abated and matter is resolved.

Referred to the City Council due back on 11/15/2023

- 19** [RLH SAO 23-42](#) Making finding on the appealed nuisance abatement ordered for 0 ISABEL STREET EAST (PIN: 08-28-22-21-0085) in Council File RLH SAO 23-40.

Sponsors: Noecker

The nuisance is not abated; authorize Department to take action after November 17, 2023.

Jessie Rosillo, owner, appeared

Moermond: we're here to assess whether the conditions are met. I heard you are not all done yet, so we're having this conversation which is fine.

Staff report by Supervisor Lisa Martin: September 19 a Summary Abatement Order and Vehicle Abatement Order was issued. It is a vacant lot. Jayco travel trailer is still present on the lot. The majority of the garbage and trash has been removed. Just the trailer remains, and we have current photos.

Moermond: that's there but you took care of other things. What is going on?

Rosillo: I put new tires on and I was doing the crank thing it broke, so I had to jack it all up, and then I moved it and the plug in for the lights is gone from copper theft. I'm still working on that. I'm trying to level it more and remove more trees and eventually put a building up. I was just going to sell, but now I'm going to keep it.

Moermond: we have a simple situation; you're trying to do what you were asked to. You had some problems.

Rosillo: I need a new jack; it is on blocks right now. I really don't want to move it; it has been there for years without a problem. It won't be vacant forever. I just don't have any place to park it. I had a boat there before too with no issue. I pay \$150 to store that now; I don't want to pay more for the trailer.

Martin: being up on blocks makes it more dangerous. We could easily have it towed by the police department. He also shouldn't be making any improvements until he has an approved sight plan.

Moermond: I'm thinking your ears may have perked up with the idea of putting dirt over the bluff. Don't do it. What is the end game with the trailer?

Rosillo: I have to move it, but it sounds like I have to. I can move it before winter, I just have to figure out where. I have to fix the lights. I didn't know they were gone. I'll have to borrow a friend's truck. It isn't really on blocks; it is so it doesn't move.

Moermond: not done by November 3. You're saying before winter.

Rosillo: a couple of weeks?

Moermond: the Council gave Friday as the deadline; I know you came in on Friday. The Council meets tomorrow and the next week, but then not again due to the holiday. We'll put this in front of the Council November 15, I'll say it wasn't done on deadline and I'm recommending if it isn't done then the Department is authorized to take action after November 17th.

Referred to the City Council due back on 11/15/2023

- 20 [RLH SAO 23-41](#) Making finding on the appealed nuisance abatement ordered for 1523 LAUREL AVENUE in Council File RLH SAO 23-36.

Sponsors: Balenger

The nuisance is abated and the matter resolved.

No one appeared

Moermond: this is abated?

Martin: that is correct.

Moermond: nuisance is abated and matter is resolved.

Referred to the City Council due back on 11/15/2023

- 21 [RLH SAO 23-43](#) Making finding on the appealed nuisance abatement ordered for 1223 MARION STREET in Council File RLH SAO 23-37.

Sponsors: Brendmoen

Majority of nuisance conditions in order abated. New order forthcoming from Department on new items in exterior.

Tried calling at 11:46 am: MAILBOX FULL

Moermond: we have updated photos from Inspector Kedrowski from November 3 and 7th. It is difficult to discern due to the volume of materials whether the nuisance conditions described in orders were completely abated. I do see broken lawnmower

and bicycle, contrary to the Council's decision. I see more items in these new photos. I ask that Department of Safety & Inspections go through the property with MR. Heller to create a list of expectations and discuss whether the storage of items is managed safely. The manner may create a dangerous condition and that needs to be explicitly stated. The resolution will say a majority of items in original orders were abated, but new orders are forthcoming due to the new items.

Referred to the City Council due back on 11/15/2023

1:00 p.m. Hearings

Vacant Building Registrations

- 22 [RLH VBR 23-61](#) Appeal of Jeff Johnson to a Vacant Building Registration Renewal Notice at 811 FOURTH STREET EAST.

Sponsors: Prince

Grant the appeal and release property from VB program (Code Compliance Certificate was issued).

No one appeared

Moermond: my recommendation is they grant the appeal on the Vacant Building fee because the Code Compliance has been issued.

Referred to the City Council due back on 11/15/2023

- 23 [RLH VBR 23-67](#) Appeal of James Ngene to a Vacant Building Registration Requirement at 1880 AMES AVENUE.

Sponsors: Yang

Waive the VB fee for 90 days (to February 16, 2024) and allow permits to be pulled.

James Ngene, owner, appeared via phone

Staff report by Supervisor Matt Dornfeld: opened as a Category 2 Vacant Building on November 16, 2012. To date our appellant went through the sale review process and was approved July 7, 2022. Permits, Code Compliance all on file. Rehab ongoing. The Vacant Building fee is coming due on November 16, 2023.

Ngene: they're trying to make me pay the Vacant Building fee and my argument is we're working on the house. We have all the permits we need and we don't know what we're going to find when we open walls. The City knows we have permits and inspectors coming out, so I don't know why we have to pay this fee. I was hoping they would pay the Vacant Building fee. It isn't really vacant,

Moermond: it looks like your plumbing permit expired, have your plumbing contractor look into that. The Vacant Building fee is an annual fee for the costs of running the program. The finish line is getting your Code Compliance certificate, all your trades permits finalized. I want you to be able to do that. I'm willing to give a 90-day waiver, and if you're done you won't have waiver. That takes you to February 16, 2024. If you aren't done you can let it go unpaid and appeal the assessment.

Referred to the City Council due back on 12/6/2023

- 24 [RLH VBR 23-65](#) Appeal of Edwardo Rikprashad, Intact Properties, to a Vacant Building Registration Fee Warning Letter at 1082 LOEB STREET.

Sponsors: Brendmoen

Deny the appeal. Allow permits to be issued.

Edwardo Rikprashad, owner, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: opened October 3, 2019 as a Category 2 Vacant Building, we are currently a Category 3 Vacant Building. Active permits, rehab ongoing. I assume we are here to discuss the Vacant Building fee due November 3, 2023.

Moermond: why are you appealing?

Rikprashad: I just bought in July and I know it has been through a lot with the City. I feel I shouldn't be paying a fee while I'm rehabbing. The inspectors that inspect put a lower rate than it will cost to rehab, it's double to satisfy the Code Compliance. It will be about 2 more months until I'm done. Xcel is slow, that's about to be done to get gas. The furnace needs to be hooked up, plumbing rough ins are in the next couple of weeks. I just was there an hour ago.

Moermond: a few things to unpack. While I appreciate you are working on the property, the finish line is getting the Code Compliance Certificate. You're out of the Vacant Building program once that is issued. That is when the fees stop. I hope that is sooner than later.

Rikprashad: I wasn't aware of the fee when I bought it. I already gave you \$5,000.

Moermond: the \$5,000 is the Performance Deposit you get back again when you finish on deadline. That's completely different than this.

Dornfeld: this is in place to cover the services we provide to all of our Vacant Buildings. Many are a blight to the City and require many of our services, including monitoring and taking care of these problems. That's why the fees exist.

Rikprashad: I did the cleanup since I took over—I did the cleanup the City didn't do before I bought it.

Moermond: pausing you there, the City isn't responsible for cleaning it up, it would have been the person you purchased from.

Rikprashad: the neighbor was cutting the trees and dumping it on the property. Had been doing that a long time. I cleaned up the yard. I totally understand the rules but at the same time I don't think I should pay this fee. I'm there and rehabbing and it is moving along. This was surprising to me.

Moermond: welcome to the Vacant Building program, and I hope the price you paid reflected that. For the record I want to indicate we sent this to Council August 9 to give 180 days. Sounds like that it is under control. I saw there was a building permit from September 19, a mechanical October 11, and a plumbing October 31. We had water hookup closed out. No electric permit.

Dornfeld: I see the same thing.

Rikprashad: it should be pulled; I can check on that.

Moermond: I do think the Vacant Building fee does apply here. That being said if you are moving quickly, this fee applies October 3, 2023 through October 2, 2024. We're a month in. What we can do is not recommend it is waived at this time. If it goes unpaid it will come forward as a proposed special assessment on the taxes. If that happens, we can look back and see how long you are in the program. Then we can discuss prorating it. Mr. Dornfeld can we have a note so there is no issue for an electrical permit being issued? I want to see the rehab keep going.

Dornfeld: I can put anything you like on there.

Referred to the City Council due back on 12/6/2023

- 25 [RLH VBR 23-66](#) Appeal of Jason Stockwell to a Vacant Building Registration Renewal Notice at 1006 THIRD STREET EAST.

Sponsors: Prince

Layover to LH November 14, 2023 at 1:30 p.m. to discuss permit status.

Jason Stockwell, owner, appeared via phone

[Moermond gives background of appeals process]

Moermond: Joanna was telling me some of what was going on, and we'll sort through that after we discuss the fee.

Staff report by Supervisor Matt Dornfeld: this entered the Vacant Building program October 31, 2019 and is a current Category 3 Vacant Building in front of you. I assume we are here to discuss the annual Vacant Building fee coming due.

Moermond: I'm happy to look at prorating it down the line, but I want you out of the program before we decide what that looks like. The fee just came due last week. You're working hard and expect to be done soon. Tell me more.

Stockwell: as of 2 hours ago we have the HVAC had two corrections, dryer vent and gas stove hookup. He's doing those now. The electrical has been finalized.

Moermond: plumbing it looks like it expired.

Stockwell: everything had passed except the water heater. He needs a new permit for that, which he tried to do last Thursday. I've been trying to figure out how to handle this. I talked to Robert Humphrey to see if it was a Vacant Building thing, it expired but he was able to get a final on everything except the water heater. He was going to get one on that, he was out yesterday, and I haven't been able to get ahold of him today.

Moermond: Ms. Shaff, the note says "need permit for water heater to water heater manifold." That correction I just read went into the system November 2. The permit was pulled originally November 4, 2022. I think that permit got to be exactly one year old November 4 and automatically expired in the system. Since you just got the correction orders we can shoot an email to Clint and the Plumbing inspector to see if something can be done. You're so close to finishing and we're happy to do that to intercede to get that taken care of. Did you also need a mechanical as well on that

water heater?

Stockwell: just plumbing.

Moermond: we'll reach out to Paul Zellner and Clint Zane and ask if they could reopen that one permit to allow you to get that final inspection and closed out. You have your couple of corrections from mechanical that will be done today. Your building work is done?

Stockwell: he can't do his final until everything else is done. That's why the plumbing one was urgent, because he can't do that final. We're right there. Plumbing is the only holdup at that point, all started last Thursday.

Moermond: we'll communicate that. Your Vacant Building fee goes from October 31. For this item I am going to lay this over in hearing to next week. Everything may be resolved then. Tomorrow in front of Council we have that follow-up on your grant of time, what I'm going to do is ask the Council to continue it another week, to the 15th. No other amendments. Try and get this sorted out between now and then. I can see you're in the crosshairs, but it is also an 11th hour situation with the year-old permit expiring. We'll try and get that taken care of tomorrow.

Stockwell: the plumber is ready, whatever they would need. He'll get down there right away.

Laid Over to the Legislative Hearings due back on 11/14/2023

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

- 26 [RLH VO 23-36](#) Appeal of Nickolas Gerr to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 36 FRONT AVENUE.

Sponsors: Balenger

Layover to December 12, 2023 at 1:30 p.m. for results of November 8, 2023 inspection.

Nickolas Gerr, owner, appeared

Staff report by Supervisor Leanna Shaff: this is a duplex scheduled for its regular Certificate of Occupancy inspection by Chute. First inspection was to be August 17. It was a no show and inspector notes that he called St. Paul Regional Water Service (SPRWS) and received an updated address for property owner and number. He called and was advised they were moving into the property in the future. Inspector advised him to move forward with the inspection. Next inspection was September 14, again no show by property owner. He said again he'd be moving in and it would nullify the inspection. Being he didn't live there he was advised we'd move forward. October 13 Inspector Chute showed up and again a no entry. The property owner stated he moved in 2 weeks earlier. We needed proof it was owner occupied, he said he didn't have proof, as he hasn't changed his license. He said the mail goes to his grandma in Shoreview. SPRWS said little to no water use. Certificate of Occupancy was revoked for failure to allow access.

Moermond: you homestead the Shoreview address, not the Front Street property. I'm curious how these pieces fit together.

Gerr: I did hear some discrepancies. I live at 665 Hawthorn in St. Paul with my girlfriend. The plan is to move into 36 Front. When I spoke to Mr. Chute, I said my mail goes to my grandmother's house. She owns it but she lives there. No one has really rented it. I explained this to Mr. Chute and tried to stop from losing the Certificate of Occupancy and wasn't met with any answers. I felt dismissed. I was just trying to remedy it, but I was wrong. I told him I could definitely allow him access; I haven't changed anything. I just don't think it should be revoked with the order of things that happened. He called me front my front door a couple of times that I don't always get a chance to get my mail from Shoreview. He was going to check with a supervisor. Apparently they wanted to send me another notice and I didn't get it. I'm in the wrong but I just want to resolve it. I was going to move into this temporarily and then sell it.

Moermond: I do see you are the tax owner for 665 Hawthorne and is homesteaded by Jamal Britt.

Gerr: I've had been living there. That's the address on my license and stuff.

Moermond: I've been doing this a while, but it wouldn't be the first time an owner of a rental says they live there, you don't have to get it inspected. The inspector is aware there is a lovely home there in SHoreview, and this place has significantly less value. If I'm the inspector I'm saying, "meet me there." Ms. Shaff, you are the supervisor, what things do you think of when you send your inspector out?

Shaff: it raises some flags when the property owner doesn't update us where their mail should be sent. Fire Inspector has to make calls to update everything. We let you know we were going to revoke it before we did.

Gerr: I was informed by mail but at that point I had no idea it was the only way I was going to find out about it since I was being contacted on the phone. Now I've collected my mail and saw two separate notices, I understand I'm in the wrong.

Shaff: part of being a property owner is doing all the things that come along with it. Part of it is doing your due diligence—

Gerr: that is where I disagree, he said he'd let me know and since we had an open channel of communication I thought he'd let me know. I'm driving across the country all the time. While he has me on the phone why not communicate that says he'll send something to my house so I know. He can come whenever he wants whether I live there or not.

Moermond: I see 3 appointment letters that would have gone out to the address in Shoreview you have indicated to your Ramsey County taxation as your address of record. That's where they are obligated to send it. That obligation was met. The standard length of time to get your Certificate of Occupancy once the inspection starts is about 3 months. You may be a puzzle piece that doesn't fit a standard puzzle. I'm not going to indicate they did wrong. I see at 665 Hawthorne it says relative homestead and Shoreview says you're the homesteader. If Front isn't owner occupied, it needs its Certificate of Occupancy. I'm willing to put a pin in this and give it a few months. If you are living there, I see the address is updated in the computer system. The inspector doing a follow up 3 months down the line, are you getting your mail there? Is this your address for other things? Is the water running ever?

Gerr: I am ok with an inspection. I just know I was getting close to the last day and I can't legally go in to get my clothes. I just wanted that part to stop. I know I'm in the

wrong.

Moermond: I read this paragraph and see where you are coming from. This is language that is built for most other circumstances. You are allowed to live there. I am hearing the whiskers twitch over here with good reason. What kinds of things do you look at?

Shaff: your electric bill listing that address. Change your driver's license.

Gerr: what if I just want the inspection done? I called Mr. Chute and he said he can't talk and hung up on me.

Moermond: and once it is appealed they have to lock things down. Enforcement is stayed until the matter is resolved.

Shaff: I can schedule an appointment with you right now. Are you around tomorrow?

Gerr: yeah.

Shaff: 1:00.

Moermond: let's do a follow up December 12 and see where things are at.

Laid Over to the Legislative Hearings due back on 12/12/2023

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 27 [RLH FCO 23-87](#) Appeal of Ia Thao to a Fire Inspection Correction Notice at 986 GALTIER STREET.
- Sponsors:** Balenger
- Grant to July 1, 2024 for item 6 (concrete repair), and January 1, 2024 for balance of September 22, 2023 orders. Fire C of O orders to be referred to Code Enforcement.*
- Ia Thao, owner, appeared via phone*
- Moermond: we are following up on our previous hearing to see where things are at. I'd like Ms. Shaff to put her comments on the record first.*
- Staff update by Supervisor Leanna Shaff: looking at the plan and comparing to the orders I see the bigger items have a "TBD" date. Other than picking out a concrete contractor we don't have answers.*
- Thao: American Water Works came out today to give an estimate. They aren't sure they can even do the work because we also have concrete stairs in the back. He has to review because they thought they were just going to pour cement. We've completed other items off this list the past weekend too.*
- Moermond: the unapproved exposed wiring, where are things at with the electrical?*
- Thao: that's on the front porch. It is still hanging; we haven't hired a contractor yet. All of the other parts have been covered, the junction boxes. We also replaced the broken garage window this past weekend.*

Moermond: you said you've taken care of some things already. You've had the concrete contractor out. That's ongoing. In the first column your estimated time period, glass for the porch before the 19th? Same timeline for upper level. Replacing screens, waiting on delivery November 4. Did that come?

Thao: yes, and we've installed it.

Moermond: perfect. You did the window on the garage. The trim on the doors?

Thao: we have 3 doors missing trim, one is done and the other 2 we are still working on.

Moermond: then we have the wiring we just discussed. The painting in kitchen and rear entry December timeline. As I look at this I have a couple of thoughts about the plan and your situation. Did I understand correctly you just got married and just moved from Eagan to Orange Avenue?

Thao: yes, I moved from Eagan in April and moved in with my husband to his property on Orange, but as of October 31 I moved back into 986 Galtier.

Moermond: I just have to say that is a very odd thing. To think you just got married, moved to Orange, and now you're moving to Galtier. That isn't to say people's life circumstances don't change that way but it is very unusual. I'm struggling with the "smell test" on it, to tell you the truth.

Thao: I can explain what is going on.

Moermond: I don't need to know your private business, where I was going was that it amounts to the same thing for inspections, it is just a matter of who is doing the inspection. If you get the Fire Certificate of Occupancy if it is non-owner occupied, then it would be someone from Ms. Shaff's team. If you are an owner occupant living there, the follow up would be by Code Enforcement. Either way you have a follow up inspection. We're in the same place more or less either way.

Thao: I understood that from last time we spoke, yes. No certificate needed but it would be moved to a different group.

Moermond: exactly. The furthest out deadline, without the concrete work, in your work plan is December 17th. I can recommend they have a January 1, 2024 deadline. We're getting to a point in the year where the weather will be working against you in concrete work. Let's go with January 1 for everything except the concrete which we'll say is July 1, 2024.

Referred to the City Council due back on 12/6/2023

28 [RLH FCO 23-78](#)

Appeal of Lisa McCormick, Attorney, representing Grand Holding Co., LLC, to a Correction Notice-Reinspection Complaint at 236 GRAND AVENUE.

Sponsors: Noecker

Grant the appeal on conditions that service garage door provides legal egress and signage from garage area and area with conveyor belt indicates not an exit and trip hazard. (Note: conditions met at time of second hearing).

Referred to the City Council due back on 12/6/2023

29 [RLH FCO 23-92](#) Appeal of Jason Overs to a Correction Notice-Complaint Inspection at 950 ARKWRIGHT STREET, UNIT 2.

Sponsors: Brendmoen

Grant to November 21, 2023 for compliance.

Jason Overs, tenant, appeared via phone

Ann Edmunds, property owner, appeared via phone

Joe Collins, property manager at Housing Hub o/b/o property owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: October 17 our office received a report that the upper unit is over-occupied and renting out rooms. About 12 people. Inspector Chute called the management company to get access. They were unable to gain access as the locks had been changed. They did return later to meet with tenant, and they did get access. It is hard to say how many people are there each night. The tenant told the inspector that the unit varies from 5 to 6 to 10 to 11 each night. They are paying the tenant rent. Basically, the orders say there are multiple sleeping areas in the bedroom, dining room, and a back balcony which was ordered to be immediately removed. There are also Facebook posts and Craigslist posts showing rooms for rent. We did find on reinspection the bed was removed from the back deck. Inspector Chute did return to measure all the rooms to make sure we had adequate area within them. I believe there is a sketch of where the beds are in the record. He did write orders to reduce the amount of people to less than 6 unrelated adults. We did also receive on Friday a complaint about an unsheltered person living in the basement. Chute did go look and found some people leaving the property but did speak to someone who stated she was paying the tenant money to store her items there but wasn't sleeping there. It is over-occupied. Zoning code refers to a "household" being defined as six or fewer adults and minor children living together in a dwelling unit. We found evidence of far more than six adults living at this property.

Moermond: one question has to do with zoning code, one having to do with square footage and number of occupants. Issues there?

Shaff: square footage wise there is enough for the number of occupants. The third floor has a sleeping room exiting through a living area. You can't have a bedroom exiting through another bedroom. There is also one on the main floor of that unit. It has since had just a futon put in so we aren't sure.

Moermond: so bedroom four exits through bedroom 3. Square footage is fine, but not the egress.

Shaff: living room and dining room both have 2 beds in them too.

Moermond: with respect to the unsheltered person reported in the basement, there were comments about storage?

Shaff: it is considered more a common area to the units. He said two individuals were moving things out. He didn't state there were people sleeping. One person said they were just storing items there. They said Mr. Overs charged \$250 every two weeks to store them.

Moermond: I feel uncomfortable with that staff report. Mr. Overs, you appealed this set of orders. Why are the orders addressed to the tenant and not the Responsible Party or owner?

Shaff: it would go to everyone.

Moermond: Mr. Overs, you are appealing, why?

Overs: I never received how many people can live here if we're all related. They just keep saying six unrelated adults. When I rented this property she confirmed that a Hmong family lived here with 13 people and had a fight with the City then about the dining room becoming a living space. I rented it as a 7 bedroom, 2 bath. Now in the middle of the lease, which I've already asked to be terminated since we can't afford it, I had no other choice than to try and make ends meet. I'm a schoolteacher without a lot of income. We got permission to do HomesStay with students from other countries studying here. In March we just signed the contract after pressure from Melanie, we felt under duress. The inspector never said a lot of this was an issue. You're usurping your authority as a City by telling us how we can decorate or furnish our home. You have no proof of anyone else living here. Where did you arrive at this conclusion that I have people living here? Which I do. But no one pays rent, we all just divide the bills equally.

Collins: there are occupants on the lease and those are the only occupants that are supposed to reside there. Two adults and two minor children. On our end we don't force anyone to sign leases. We've been told from neighbors that people are going in and out. Homeless in the basement. They shut off the water heater and caused a lot of maintenance problems for the owner. This isn't what she wishes. I've went back and forth many times via text with Mr. Overs. It is over-occupied. He does have people coming and going. Its hotel California. This whole "we're all related in live" thing. That's all I have.

Moermond: Ms. Shaff, a referral means someone called to complain?

Shaff: yes.

Moermond: tell me more about how you come to the conclusion about overoccupancy. I see a lot of beds in the photos and in the floor plan.

Shaff: we've heard from the neighbors that there is a lot of coming and going. Our Inspector Chute did see some things on Craigslist and Facebook advertising this. There is one attached to the record. In one instance when he arrived the tenant stated the popular varies per night from 5 to 11 and verified they aren't related directly but we are "all related as we are all made the same." He notes the tenant, spouse and children occupy the third level for personal living and everyone else remains on level two. He also states he found a Facebook post indicates it is the "Hotel California of Minnesota" and a video showing occupancy of 13. October 18 there was a young man who stated he was a college student he is there to rent a room and the agreed upon price is \$650 per month. He opted to leave and didn't meet with tenant.

Moermond: Mr. Overs, any comments? What is your specific ask for today?

Overs: we had permission from the owner to start a HomeStay program. She said she's fine with it. Second, you can't say we have to tell the truth based on the bible and then tell me were not related as people based on the bible. We'll get to that at some point. For them to say homeless people are living here is absolutely correct,

otherwise they would be homeless. Ipso facto, I'm doing the greater good. St. Paul wants homeless people freezing on the street. You're playing fast and loose with my rights. Everyone has the right to life, liberty, and the pursuit of happiness. I have a letter signed by everyone living here dated November 1:

To Whom It May Concern,

My name is Jason Overs. I rent unit 2 from Housing Hub at the above listed address. I have opened my home to my extended family to help them while they navigate the job market of the Twin Cities. They are all productive hard-working people. As the result of an anonymous complaint, fire inspector from St Paul, Daryl Chute, came by on 2 separate occasions. While here he made assumptions based on the way we decided to furnish our home. He never met anyone here other than my 2 children. He claims it's overcrowded. He says I am sub leasing the place. This is all false. I allow my extended to live here. We are all related by blood, marriage or in the eyes of God. We live a happy and humble community style life where we all pitch in to make it work. Nobody pays rent except me to Housing Hub. Below I have the names and signatures of everyone living here. They signed this to attest that no rent is being asked for or paid. Any money that changes hands is out of our own free will to say thank you for the help we provide. You may have ordinances and statues in place to circumvent our unalienable rights, but we are here to stay and say we've had enough of the corrupt government practices that violate our God given rights to life, liberty and our pursuit of happiness. Does the city of Saint Paul want homeless people? We the people of 950 Arkwright St. Unit 2 Saint Paul, Minnesota 55130 attest to the following:

1. We live here free of charge.
2. We help pay for the bills.
3. We all chip in on food.
4. All money exchanged is of our free will.
5. Housing Hub and the Owner Anne Edmunds refuse to add anyone to the lease.
6. We will not leave unless removed by force.
7. We stand strong and firm in our convictions to live here as a happy family.

Moermond: You say it has 11 signatures. Who are they?

Overs: Zane Spalding, John Meeder, Melanie Geostch, Carlos Palacio, Kornell Green, Otis Bynum, Daniel Coleman, Galphin Chavous, Stacy Claus, Don Frahm. And of course, myself, Jason Overs.

Moermond: do you have a specific ask in this process?

Overs: I'd like to be left alone until I can find housing for all the people living here. I was told as long as we are family we can live here. We have to find other methods for housing since I won't put them out on the street. 90 days would be what we would need.

Moermond: any other comments Ms. Edmunds?

Edmunds: there are things he did not say that are true. He asked if he could have a homestay program. I have not communicated with him for quite some time and I clearly stated I was new to hiring a management company, shouldn't have been speaking with him in the beginning, and everything he wanted to do he had to ok with them. I clearly stated that early on. I was communicating him with him and he talked about different ideas that he was talking about, one was the HomeStay program where they act as guardians for 2 to 4 students, be their family while in America. He asked if it would be an acceptable use of unit one. I just said I'd look into it.

Collins: I think Mr. Overs has clearly stated what he is doing there. My only concern is about the children in the home with all these people coming and going. But I'll leave it there.

Moermond: what I have in front of me are two orders, October 19 with 5 items in it, and another October 30th which has two items on it. The Department deadlines were October 23 and November 7. Under normal course of events, noncompliance with these orders would result in what?

Shaff: revocation of the Fire Certificate of Occupancy and vacation of the building.

Moermond: if the Council gives an extension, it would be in the context of allowing time to come into compliance prior to there being a revocation of the Certificate of Occupancy for noncompliance. It is a longer window before the next level of enforcement. By virtue of filing this appeal this window has been opened further and I can see where we'd put this in front of Council and I would want them to have a deadline that would be after it is in front of them so they can hear testimony still relevant to their decision-making.

I do feel like the record needs to be clear that one, refusal to accept an attachment to an appeal? That would be the first time in all the years I have been doing it that there was such a refusal. I see this appeal was filed in person so, no, if there are any submissions prior to the Council Public Hearing they will also be accepted and are more than welcome from literally anybody. I reject the notion that by not allowing people to live in this property, whether or not it is in a code compliant fashion, that not living there would result in their homelessness. There are a lot of places in between being a resident of 950 Arkwright and being homeless. I'm not owning that responsibility on behalf of the City. Whether or not there is payment of rent to you, Mr. Overs, doesn't speak to the occupancy of the building itself. Rather, just the passing of cash between hands. We aren't concerned about contract enforcement or the lease provisions. That's a private legal matter. I can say anyone who calls in a complaint, whether founded or not, it needs to be investigated within reason. We are obligated by law to investigate those circumstances. If you have concerns about whether or not enforcement of zoning or occupancy codes is constitutional or not, I won't be entertaining that argument. I'm operating on the premise that these codes are consistent with the constitution. If you wish to pursue that elsewhere you are welcome to do so. I'm left with the need to create a recommendation for the Council. I do find there is reason to believe there's a violation and there needs to be compliance, if for no other reason than I saw 13 beds, and you read to me all these names that sound unrelated. Maybe at the pearly gates everyone is related, but not today under the zoning code. This will go to Council November 15, and I'll recommend compliance by November 21.

You'll receive this recommendation by email, but I'll invite you to reduce anything more in writing or at the Council Public Hearing since I have another case.

Referred to the City Council due back on 11/15/2023

30 [RLH FCO 23-90](#) Appeal of Yusuf Kabeto to a Correction Notice-Reinspection Complaint at 548 VAN BUREN AVENUE.

Sponsors: Balenger

Grant to December 22, 2023 for compliance on condition that basement smoke & carbon detectors are installed and unit is not reoccupied until the Fire C of O is reinstated.

Yusuf Kabeto, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: October 16, 2023 we received a referral that there was a mice infestation and the ceiling caving in. Inspector Caballero went out and wrote orders. We also had a referral that the electric doesn't work for the fridge, heat goes on and off and the fuse box not easily accessible. Caballero has orders against the upper unit right now, I believe that was being appealed. The lower tenant vacated that unit. A lot of the same thing in both units, but being vacated now. One order was about low heat, Inspector Caballero reported the heating company has come out and that has been addressed now.

Moermond: and I thought that was the most important thing when I looked. Sounds like you have your hands full, tell me what is going on.

Kabeto: this house was in good condition, they stopped paying the rent and didn't want me to come over. Then I was trying to file an eviction. They told me they were going to pay. Finally unit 1 wanted to move out but complained to the City and wouldn't allow me to fix anything. When I asked if I could send someone to fix it, she told me she'd let me know when it was vacant. She emailed me October 14

Moermond: and I appreciate your issues but I need you to focus on these orders. You're saying she doesn't allow access. What is your ask today?

Kabeto: unit 1 I just got the key. I need an extension for maybe 15 days.

Moermond: I am happy to work on an extension for unit 1 with two provisos, one being item 2 on the list needs to be dealt with immediately (to provide missing smoke/carbon detectors in the basement). Is that done?

Kabeto: no, because we just got access today.

Moermond: I want that done in short order, the other thing would be the unit to not be occupied until it has been reinspected and approved. No moving in another tenant until these are fixed.

Kabeto: sure.

Moermond: grant to December 22 for compliance on condition basement smoke & carbon detectors are installed and unit 2 is not reoccupied until the Fire Certificate of Occupancy is reinstated. In Unit 2, the City cannot step in to make sure you have access. It is up to you to enforce the provisions of your lease.

Shaff: we don't step into a civil agreement between property owner or manager and tenant.

Moermond: you are responsible for providing access. I can put in a December 22 deadline on that and if you want longer I'm in the same place. It just can't be reoccupied until it is fixed.

Kabeto: that is fine.

Referred to the City Council due back on 12/6/2023

3:00 p.m. Hearings

Water Bill Appeals

31 [RLH WB 23-1](#) Appeal of Clement Marriott to a Water Service Bill at 703 CASE AVENUE.

Recommendation forthcoming.

5/1/24 Update: Deny the appeal.

Clement Marriott, owner, appeared

Lillian Marriot, owner, appeared

Moermond: I know you're familiar with the Fire Certificate of Occupancy program, since this is a rental property and you've appealed before. This is for your water bill. I'm not the hearing officer for the Council as I speak now, I'm the hearing officer for the St. Paul Regional Water Service's (SPRWS) Board. In this case, if you object to my recommendation the Water Board may look at it differently. I've looked at the bill, your statement in your appeal, materials given to me from SPRWS. You should have received a packet of materials--

Marriott: I don't have anything.

Mai Vang: there was a letter sent with a packet of information.

Marriott: oh, yeah the one page letter, I have it here.

Mai Vang: no, that's the reschedule letter. You didn't get the packet?

Marriott: when was it sent?

Mai Vang: I sent it October 9 at 2:49 p.m. and there are a whole bunch of attachments.

Marriott: I responded to it? I do not have it.

Mai Vang: you responded to me at 3:11 p.m. saying you may not be available that date and asking how long these hearings usually take and where it will be conducted.

Marriott: what's the title?

Mai Vang: 703 Case Avenue. I can forward it again now.

Moermond: please attach that email chain to the record as well, that would be helpful. I have information you've seen in different formats already. Your bills over time. Summaries of meter readings over time. Those are summarized in the bill.

Marriott: I have the meter readings here. Earlier today I printed all the bills since 2019. I had brought copies.

Moermond: we have a large bill and I am going to turn it over to Mr. Olson to walk us through the circumstances here.

Staff report by Derek Olson, SPRWS: March 3 we drove by to pick up a meter reading for the regular quarterly bill. The reading that came in showed usage of 341

units. When that happens, the next day the meter operations team does a "leak audit". They caught the high usage and Josh reached out to Mr. Marriott. He got the call and they talked about flappers having been replaced within the last year, but we were letting him know that they could go bad within a year and recommended a dye test. After we talk to the customer we go back a week later and check the usage to see if it continuously leaking still. It looked to be back to normal, went no further with it. We believe whatever was needed was fixed. Now that we have all this information I notice that the December 7 reading, when we drove by, had a continuous leak so whatever was leaking at the property had started 22 to 34 days before that December 7 reading. It just didn't alert us because everything was so normal with that reading it didn't come into an exception report to look at.

Moermond: tell me more about what you mean you saw on December 7.

Olson: we saw 70 units of water used on December 7. It was right within the normal pattern so it didn't come into what we call an "exception report." We have parameters in the computer to flag things that are odd. It wasn't triggered because it followed the usage history, even though whatever was leaking started it may not have been fully leaking. As we went through the winter it became more of an issue and the high usage was picked up. Readings after that have gone down, and the August reading has returned to the normal pattern from before the high usage. When we talked, we don't know what was leaking. We see things in STAMP about a water heater being replaced and not being inspected, then being inspected in February. We don't know for sure what was really leaking, we aren't there. We count on the homeowner or tenant to say the toilet was leaking or an overflow valve was bad, water heater broke, something to explain the usage. All we know is the reading was picked up and the meter was working because it is still working and has showed lower and normal usage. The last year we have no reason to believe a meter is bad.

Moermond: one of the things your meter team offers is that if there is a high reading that you could also check the meter to make sure it is reading accurately.

Olson: we pull the meter if a meter test is asked for by the customer. There is a fee for it.

Moermond: would they know that is an option?

Olson: I can't say for sure it was talked about. My interaction with the owner was to talk about a hearing and getting the letter out. I don't see it mentioned in the notes.

Moermond: I see the meter readings returned to normal as soon as the next bill in June?

Olson: the June bill looks lower than any of the previous bills, 41 units in 91 days, which is about half of what it usually is. Usually, it is between 70 and 90 units. I wouldn't think a meter was causing high usage or it would have continuously gone high. It went down and now it went back to 77 units in August which is the normal history.

Moermond: December normal flow, between December 22 and March an uptick, then returning to normal after. Tell me what is happening?

Marriott: you said you thought it was one day?

Olson: it is a reading for a three-month period, we read it on a day and it shows us 3 months' worth of usage. We read it on December 7 and March 3. When we say the

readings, it's the reading between that time period.

Marriott: March 3? And you said you have a system that tells you when an overuse happens?

Olson: yes, there is an audit program the meter techs run where if they notice high usage they will reach out.

Marriott: when did it click on your side?

Olson: our guy called you March 6, a Monday. The reading happened on Friday. They always pick them up the next working day and make their calls.

Marriott: ok. It is ok to assume this must have happened in March?

Olson: anywhere between December 7 and March 3.

Marriott: you said he called me on the sixth—

Olson: because they read it March 3.

Moermond: let's clarify. The meter reading happened March 3. The thing that would have notified the water staff that it was unusual is the computer program flagging higher usage than expected. If it is a certain level above it merits a phone call.

Marriott: your system happens after the reading. They say it is above the threshold and that is when you call? Not that the system notices it right away.

Olson: right, they read the meter at your property and there's a program in our billing system flagging it.

Marriott: I get it, I used to build systems like that.

Olson: they always do that the next working day. They upload them at 3 pm in the afternoon, they're done at 3:30. They don't call the same day.

Marriott: to me, I can only run with assumptions, and my assumption is somewhere along the line the meter went bad. Something went bad. It does happen. I've owned a few cars; you drive a car and you get something that says "check engine" and the next day you start the car it is no longer there. I've seen that. I've been in IT for 20 years. I've built systems. It does happen. Everyone knows that. I think a similar thing happened because it supports his point of saying the reading after March, someone had moved out. We didn't have a tenant until June 1 again. It was empty during that time. Water leakage on a unit that no one was in, we would have known that because the guy doing our handy work ended up moving. My wife and I were in there every day painting the lower unit. Part of it is watching the HGTV shows and thinking we could do it. We would have noticed. The upper unit has a mother with 4 kids in it. They aren't babies, 13 to 17 years. Not a woman that leaves her house a lot. She had no issues with her place. She's the most annoying person if she has an issue. She texts at midnight. March when he called me about the usage I told him no, there is no issue with the house. I am there constantly with my wife and the person upstairs would have told us. We constantly were in the basement to clean paint brushes, things like that.

My water bill is usually \$300. This was \$1,790. When I called I spoke to a few people, and I'll be honest they weren't the nicest, usually they are really nice. They changed

as soon as I asked about the bill. They told me the meter never goes wrong. There's no such thing. I am an IT guy. I was VP at Wells Fargo, bills intelligence. I'm not a dummy. They do go bad. My freezer goes bad. My car goes bad. It happens. For them to say "no, you have to pay because they never go bad"—I don't have any way of going back and measuring. Tomorrow Xcel could call me and say my bill is \$10,000, there's nothing wrong with the meter. At what point do we look at this \$1,790.56 bill and not come to a point and say something must have happened. I have photos of the dates we were there cleaning. I have photos showing me there constantly. The lady upstairs should have told me that. At what point do we say the bill should have gone down—at what point do we see it could be a system issue. When does the government do that instead of saying "they don't go bad, pay it." It is really unfair. I'm a father with 2 kids in college.

Olson: some of the things you said offer clarity too. Remember how I said in December we see the continuous leak, which is odd because it didn't trigger anything in the reporting, it came in normal because you only had one occupied unit and it was leaking at the time for 22 to 34 days prior to December 7.

Marriott: I'm lost.

Olson: it shows we had a continuous leak, which was happening for 22 to 34 days before December 7.

Moermond: contradictory information and that is that you would expect the bill to dip with only one unit being occupied, and it didn't dip, rather it stayed the same. At the same time your computer system told you it was a continuous leak, which doesn't have to do with the number of units being consumed it has to do with the rate the units are consumed.

Olson: a continuous leak means: our meters take a reading every 15 minutes of the day. If it didn't move every 15 minutes, that means no leak indicated. A continuous leak is when every time that meter stores a reading one of the dials moved. We're saying somewhere between November and any time before March 3, something got fixed. If you would have had a full house your usage would have been very high, but it was "normal" because you only had it half-occupied. We didn't catch it because you only had the one unit occupied. It would have been caught in December if you had two occupied units.

Marriott: I beg to differ. First you said, sometime in February there was an inspection of the water heater. It wasn't changed. Nevertheless, we're continuing to make assumptions. The reality is if no one lived there from November to June 2023, the bill should have gone down. If you are saying the reason you didn't catch it is because you would have caught it if someone was living there because it would have been higher. It didn't double, it didn't triple. It didn't go from \$300 to \$600. It didn't go from \$600 to \$900. It didn't go from \$900 to \$1,200. It went to \$1,700.

Moermond: your argument is "would the leak have occurred at a trajectory that was the same?" and what does that arc look like. We've been alluding to something about the water meter, and I want to name that I do have the August 4, 2023 Fire Correction Notice where it calls out the water heater was replaced without a permit. Subsequently, I do see a permit was pulled by Champion Plumbing February 17. It is hard for me to not say we're talking about the system supporting the building then. That type of infrastructure is also in play, especially when I see the anomaly that occurs exactly at the time period in question. You're replacing the water heater exactly in the middle of the spike in the bill. I have seen that permit.

Marriott: we didn't change the water heater. I bought this building in 2019. It was

changed prior to that. An inspector came and said the water heater that was there was a different water heater. There was nothing wrong with it. They asked when it was changed, which I didn't know. My question to them was when was the last time they did an inspection, and did you check on that to know when it changed, because I don't know. I was forced to get a permit; I called and called several plumbing places who said they weren't going to pull a permit on something they didn't do. I was forced to go buy a new water heater and get it installed. That was also a mistake, they said if you want a new one you have to buy from us. I called Champion who went to rebuy from Home Depot and then came and installed it February. Not because there was an issue, but because of the permit issue, since supposedly the water heater that was there didn't have a permit. I had to find a company to take out a water heater that was working perfectly so they could put in one under permit. I had \$2,600 bill to do the water heater, not because there was an issue.

Olson: you brought up that meters break. We put these in starting on 2012. Do they break? Yes. But we have never had one register over-usage. They always stop. There are gears. They can't just run and over-use. If they break, they stop. The conversation would be a 0 usage bill, not a high usage one. We haven't had one yet that would over-register.

Marriott: we just got married 3 years ago and she came in with a son. She said he never lies. The teacher said he lied. Then he admitted he did lie because he didn't want to get in trouble. Everyone lies. It is kind of like saying that. Things do happen. There's no such thing as "fool proof." If I'm forced to pay this bill, I will because I don't want issues with the government. I'll figure it out. My business isn't doing well now, so if I have to pull equity to pay it I will. Truthfully, the City choosing to tell me "our stuff never is wrong, so too bad, pay it." I have nothing I can do because what is an argument that would be bulletproof just like your meter is? You tell me. There isn't one. The only argument is to provide you proof the meters do go wrong. I don't work for the manufacturer. I didn't write the codes the meter operates on. I don't even have access to the meter and even if I did do I want to spend that kind of money? Xcel could call me tomorrow and tell me I have a \$3,000 bill. There is nothing I can do.

Moermond: Xcel energy is also accountable as a public utility, in a similar kind of a spot were that to happen. There are next steps after this if you don't get satisfaction here. One of the things that came up was the question of the last time the Fire Certificate of Occupancy inspectors went through and would they have identified the water heater at that time. It looks like it would have been September of 2018 and there was a TISH done September of 2019. That was probably one of the things you looked at when you bought the house.

As I hear this, I understand where you are coming from. This isn't the first time I've heard this kind of circumstance where something has happened where a permit should have been pulled, almost always plumbing and mechanical repairs. Does there have to be a visible malfunction to be called out by the fire inspector? They are going to look at see the earmarks on the equipment, when it was installed. That is something they would notice and presumably that is where that came from. I do see people in your circumstance being tasked with figuring out how to get a permit and contractors not wanting to put their name on someone else's work. One thing I would want to know more about is, like a medical device, if it fails if it fails in a way that is protective of the patient and you'd know that walking in. It is 90% accurate and is 10% more likely to give you a false positive. You have that kind of testing information you can walk into eyes wide open. I don't have the industrial standard testing for the water meter. I hear Mr. Olson say the fail is the fail of stopping operations rather than over-metering. There will be a statistic connecting to that. I am hearing the statistic would be a certain way.

Marriott: he hasn't said any statistics. He's saying assumptions. I remember in college we talked about having "check proof" on your programming things someone had programmed originally the CT scan without putting a "fool proof" and boiled someone in the CT scan. Do you hear that every day? No. Realistically things do happen. People do go test for pregnancy, then seven months in they find out they are having twins. That does happen. My opinion would be to take this bill, put it back to my usual quarterly bill is. The reason this started is because our tenant didn't pay us rent during Covid so we were in a really tough place.

Moermond: that's your ask?

Marriott: I'm not saying put it to zero. Put it to normal.

Moermond: and I need to consider your argument it is a meter problem, not a problem with any usage passing through. I hear over here no; the likelihood of failure is insignificant. I'm also seeing the stuff happening with the water heater installation and what may have transpired there. I will find out more and don't have an answer right now which is to the betterment of everyone. I want to get it right, and if we don't in your view, have the path clear for you on next steps.

Marriott: even at a restaurant I won't return food. I won't sit here and refuse it. I'll just eat it and die. I feel really pushed into a corner by the City I love. It is kind of uncool. I'll be honest with you, but I don't want to sound like the guy on the previous case.

Moermond: you don't at all.

Marriott: I understand his pain.

Moermond: people can disagree and I hear you in good conscience making your argument, I do. I am in a tough spot. You may agree or disagree at the end of the day, and if you disagree with me it is totally fine. It really is. You can send it back to the kitchen.

Referred to the Board of Water Commissioners due back on 6/11/2024