



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Joanna Zimny, Executive Assistant
legislativehearings@ci.stpaul.mn.us
651-266-8585

Tuesday, April 26, 2022

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 22-19](#) Ordering the rehabilitation or razing and removal of the structures at 694 SHERBURNE AVENUE within fifteen (15) days after the May 25, 2022, City Council Public Hearing.

Sponsors: Thao

Layover to LH May 10, 2022 at 9 am. PO to speak to PED about duplex zoning.

*Tia Lee, owner, appeared
Mai Vang acted as interpreter*

Staff report by Manager Steve Magner: The building is a two-story, wood frame, duplex on a lot of 3,920 square feet. According to our files, it has been a vacant building since August 6, 2012. Property will need to be converted to a single-family dwelling or owners will need approval from the Planning Commission to restore it as a duplex. The current property owner is Ying Moua/Tia Lee per Amanda and Ramsey County Property records. On October 13, 2021, 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 October 18, 2021, with a compliance date of November 17, 2021. 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 \$116,000 on the building. Real estate taxes are current. The vacant building registration fees were paid by assessment on September 1, 2021. A Code Compliance Inspection was done on February 11, 2022. The \$5,000 performance deposit was posted on February 10, 2022. There have been three Summary Abatement notices since 2012. There was one word order issued for boarding & securing. Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000 and demolition starting at \$20,000.

Moermond: before I start asking questions, I want to comment on a couple of things in the staff report. These are things that make your circumstances different than others that go through this process. First is that it needs to go through the planning commission to maintain its duplex status. So you have that extra bureaucratic layer to deal with up front. It has been 10 years in the Vacant Building program which is a long time to have nothing happen and to pay a Vacant Building fee. I look forward to

working with you to get this done and get you a fixed property. I am satisfied you already applied for your Code Compliance Inspection and posted that Performance Deposit back in February which is a sign of good faith in moving forward to get the building fixed. Last, there haven't been hardly any notices to take care of the property, which tells me you have been taking care of it which is also a sign of good faith moving forward. That being said, I'm assuming you want to fix the building, and you have paperwork in your hand. What do you want to be doing with the building?

Lee: I want to rehab the property. I have the Code Compliance Inspection report here and I have other documents.

Moermond: in addition to having that inspection report and Performance Deposit posted we would look to you to develop a plan in doing the rehab, which includes bids from the trades contractors. That and a schedule would be part of what we want.

Lee: I have that.

Moermond: have you talked to staff from planning commission about getting this reestablished as a duplex?

Lee: I talked to them but it was too complicated so I'm going to do it as a single-family home.

Moermond: you could get someone to help navigate the system, it is such a large house and obviously was a duplex for so long. That would make it more valuable. I don't want you to give up because of the complexity.

Lee: I understand, but I feel like I just want to do a single-family home and go according to the Code Compliance.

Moermond: the Code Compliance was done as a duplex according to the paperwork, however besides connecting the two units and making it obviously one unit there isn't a big difference. No locking doors and removing the upstairs kitchen. Mr. Magner any insight into this?

Magner: I believe it would be the same as you stated, the Department would check to make sure there is clear separation between the living spaces and one of the kitchens removed. It doesn't mean you can't have a second refrigerator but the sink and cooking structures make the difference.

Moermond: you say you have some bids and ideas, tell me what you have done so far.

Lee: I went to planning review to discuss the duplex situation but I kept getting stuck because it was too complicated. I want to go with the single-family home and remove one of the kitchen.

Moermond: Mr. Magner, should this be hard and long of a process? Is there a staff person who could help with this? It doesn't seem that bad given it has already been a duplex.

Magner: I guess I don't know what the staffing situation.

Moermond: I may suggest reaching out to Luis Pereira. There will be an application and a fee.

Lee: I went to apply but they told me I need 18 signatures to get approval and wouldn't approve it.

Moermond: we may be able to help in that regard because the district Council wants this rehabbed. They may be able to help collect signatures.

Lee: that would be great.

Moermond: we can reach out to staff and district Council on that.

Lee: what if that takes longer than six months?

Moermond: it won't. We'll work with you on this process as part of getting it rehabbed. When we follow up with you, do you read English or Hmong for letters?

Lee: I can read English easier than talking.

Moermond: so the letters sent in English and not translated to Hmong?

Lee: yes, English.

Moermond: what we will do is communicate with that district Council and the planning department and talk again in 2 weeks. In the meantime we will send you the form to fill out for your situation, along with a petition form. We'll also let the District Council know, and they will likely want a copy of your application on why you want to rezone so they can share with people they want signatures from. Because you have the Performance Deposit posted and Code Compliance done, we can slow this down. We'll figure this out before you have to decide single-family home or duplex. Last, we will need to see the bids and eventually that you have the financing available to pay the contractors.

Lee: now?

Moermond: probably in four weeks or so.

Lee: can I submit what I have?

Moermond: of course.

Lee: I don't know if my financing reaches the amount you will need.

Moermond: we'll see you in two weeks' time and hopefully be able to move forward further.

Laid Over to the Legislative Hearings due back on 5/10/2022

2 RLH RR 22-20

Ordering the rehabilitation or razing and removal of the structures at 988 WILSON AVENUE within fifteen (15) days after the May 25, 2022, City Council Public Hearing.

Sponsors: Prince

Remove within 15 days with no option to repair.

No one appeared

Moermond: we don't have anyone present, no one reached out to staff as the notice indicates. No one did. Mr. Manger, your staff report.

Staff report by Manager Steve Magner: the building is a two-story, wood frame, single-family dwelling with a detached two-stall garage on a lot of 4,792 square feet. According to our files, it has been a vacant building since May 10, 2021, as a result of a fire. The current property owner is Kyle D. Tesch per Amanda and Ramsey County Property records. On January 26, 2022, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An order to abate a nuisance action was posted on February 7, 2022, with a compliance date of March 9, 2022. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$13,000 on the land and \$158,800 on the building. Real estate taxes are current. The vacant building registration fees were paid by assessment on July 1, 2021.

As of April 25, 2022, a Code Compliance Inspection has not been done. As of April 25, 2022, the \$5,000 performance deposit has not been posted. There have been seven Summary Abatement notices since 2021. There have been thirty work orders issued for Garbage/rubbish, Boarding/securing and Snow/ice. A private contractor was also hired to do a cleanup and removal of a camper from the property on August 31, 2021, at a cost of \$1,294. Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$25,000. DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen days; if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property. WE have been struggling with this property, as are the St. Paul Police Department. Mr. Tesch has been cited a number of times and removed from the property. He tends to live in the garage. When we were there cleaning the back yard, Mr. Tesch was in the garage in that time period and set the garage on fire. He was arrested for noncompliance with orders and occupying a registered Vacant Building.

Moermond: it looks like the condemnation May 10, 2021 as a result of a fire in the house. A significant fire.

Magner: I don't have details, but it was suspected the owner was involved in the fire that resulted in that condemnation and Vacant Building status.

Moermond: they are listing it in the fire report as \$90,000. So that's at least two-thirds of the value. I want to also indicate that based on the number of work orders on the property we thought it prudent to add the police call history. Code wrote 7, but someone else wrote the other 23, that is usually Police or Fire Department?

Magner: yes, emergency nuisances.

Moermond: when we got that call log it looks like from the time of the fire on May 10 to the present there have been 45 police calls to the property. Lots of investigates, trips with Code enforcement, trespass, suspicious persons, arson with the garage. A dangerous property. From August 15, 2019 to May 7, 2021 it also had 19 calls. A neighborhood nuisance preceding that fire, as well as after. We have the owner breaking into the garage, which is boarded, repeatedly. When I look at the notice of today's hearing and the proposed action. I can see US Bank signed for certified mail. Mr. Tesch didn't sign, but you post the building with the notification, right? Giving legal

notice?

Magner: yes. Mr. Yannarely does that. He goes and posts the order to abate and the public hearing notices are mailed to the property and sent to the last known address of the owner. We haven't heard of him lately; we don't know where he is. I can't find someone who doesn't want to be found.

Moermond: so every effort made and building posted which meet legislative code requirements for notice. No question this is a dangerous and nuisance structure. We have no plan to move forward, so I will recommend the Council order it removed with no option for rehab within 15 days.

Referred to the City Council due back on 5/25/2022

3 [RLH RR 21-70](#)

Ordering the rehabilitation or razing and removal of the structures at 1722 REANEY AVENUE within fifteen (15) days after the December 22, 2021, City Council Public Hearing. (To refer to April 26, 2022 Legislative Hearing)

Sponsors: Prince

Layover to LH May 10, 2022 at 9 am (CPH May 25). PO to submit 1) submit updated bid including electrical work, 2) affidavit from financial institution dedicating funds to the project, 3) schedule for completing the project, 4) if selling to a third party a purchase agreement stating title won't transfer until rehab is complete and 5) property must be maintained. Third party purchaser must do these items, plus submit 1) proof of financing, 2) post new \$5,000 PD and 3) their own work plans, bid and schedule if not using NorthSight.

*Joseph Rossman, attorney, appeared via phone
Xai Xiong, realtor, appeared via phone
Ge Matthew Thao, realtor, appeared via phone
Alex Vargas, realtor, appeared via phone
Rodrigo Cardozo, realtor, appeared via phone
Steven Thao, realtor, appeared via phone
Diego Cardozo, realtor, appeared via phone*

Joshua Sterling – voicemail left at 9:53 am: this is Marcia Moermond from St. Paul City Council calling you about 1722 Reaney. We'll try you again in 2 minutes. Tried calling again at 9:59 AM – Voicemail left saying they will be copied on follow up.

Dominique Redmann – Voicemail left at 9:54 am: this is Marcia Moermond from St. Paul City Council calling you about 1722 Reaney. We'll try you again in 2 minutes. Tried calling again at 10 am – Voicemail left saying they will be copied on follow up.

Xai Vang – Voicemail left at 9:58 am: this is Marcia Moermond from St. Paul City Council calling you about 1722 Reaney. We'll try you again in a few minutes. Tried calling at 10:01 am - Voicemail left saying they will be copied on follow up.

Moermond: this is a Legislative Hearing to consider the remove or repair of 1722 Reaney. There are quite a few people on the line [Moermond lists people on call]

Magner: there was a letter mailed out March 11, 2022 sent to Mr. Rossman confirming that the City Council on March 23 they referred the matter back to Legislative Hearing today. By close of business April 22, you must submit an updated bid including

electrical and mechanical work addressing all items in Code Compliance Inspection Report, an affidavit dedicating funds to the project and schedule

Moermond: in my review what I have in my hands is a bid from NorthSight management, from which electric bids are still missing. No financial affidavit. We have a work plan, missing the electrical bid, but no schedule. It has been maintained?

Magner: yes.

Moermond: I'm disappointed this went to Council December 22 and we are four months down the line and we are here. I was anticipating we'd be looking at a proposed contract and instead it has been on the MLS and our phone has been ringing off the hook. What is going on?

Rossman: I have been following up with my client regarding necessary bids to comply with the Code Compliance Inspection and I am working on that. To summarize their position, their ultimate goal is to sell and have a third party do the repairs. I believe my client does now have a purchaser willing to abide by the City's requirements and we'd be working to finalize a purchase agreement the City would approve and restart the Performance Deposit and an affidavit and work plan from them. They have been vigorously working to find a buyer which I think we do have now. We just have to now finalize the necessary requirements.

Moermond: so you are looking for some grace.

Rossman: I am, I would like to reiterate the fact my client isn't in the process of rehabilitating properties. This is the first time they've dealt with a Category 3 property in the City of St. Paul. They are inventing new internal processes as they go and trying to comply. I think their position was it didn't make sense if they had a willing buyer it didn't make sense to submit those other documents since it will have to be redone by the purchaser.

Moermond: we have quite a few people on the line. Are any of them the people you are working with?

Rossman: I don't believe so. I was trying to write down who you were calling and I didn't catch any familiar names. Maybe someone on the line can correct that.

Moermond: is anyone the party about to sign a purchase agreement with Reverse Mortgage Funding?

Thao: I placed a bid but haven't heard back.

[all placed bids, didn't hear anything]

Moermond: I'm kind of over this. We've been at this since November with clear expectations. You've indicated repeatedly if you are unable to execute a purchase agreement your client would do the rehab. They submitted a bid to demonstrate that. I don't have a proposed agreement or even a complete plan from you. This is a long time we've been waiting for your client to get their act together. Prior to the November hearing there was correspondence laying out the expectations. That's 7 or 8 months they've had time to figure out up from down. I'm going to put a time certain on that. Come back in 2 weeks with everything buttoned up or I will recommend it is removed. So either you come back with those items or you have someone with the purchase

agreement and that party comes with all the items done. Those were the expectations; you would have those April 22. You didn't. I'm giving you 2 more weeks. This has gone on a long time. I'm questioning if they are acting in good faith when it has been so long and the parts they were supposed to be doing they haven't been. I need to see good faith on your client's part. It doesn't feel like it is moving forward. It feels like we are being strung along. May 10 we'll talk again and it will go to Council again May 25. Let's get this together.

Rossman: to clarify, I understand the deadline. I want to comment, this is more a lack of familiarity with the process and my client scrambling to get their act together. Admittedly it may have taken more time, but I am confident there is no stringing along going on here. I understand if my client does the repairs themselves, the bid was missing electrical and schedule. And the affidavit. With a signed purchase agreement are all of those items in play? New work plan, bid, financial affidavit, or just a signed purchase agreement?

Moermond: my expectation is we are looking at financing and work plan for what is used for the project.

Rossman: understood, thank you.

Moermond: anyone on the phone have questions?

Rodrigo Cardozo: I would like to ask the representative for owner what was the reason for not letting anyone know about the acceptance or refusal of the proposals?

Moermond: anyone else with questions?

Steven Thao: same question.

Moermond: anyone else?

[silence]

Moermond: so two gentleman wondering why your real estate representative hasn't reached out to them about their bids.

Rossman: I don't have answers on that. I don't work directly with the real estate agent. I work with the client to try and get the property out of the Category 3 status. I'm not necessarily a party to the bidding or sale processes or marketing. I can follow up about that status. I assume these are bids to purchase not bids to do work on the property?

Thao: that is correct.

Moermond: if they call us who should we be referring them to?

Rossman: I would refer them to the realtor they are talking about. If they don't have response there you can follow up with me and I can try to contact some other contacts within the bank. If they are trying to talk about purchasing they should contact that realtor.

Moermond: and every person on the call is a real estate professional. Mr. Rossman, we'll do that.

Laid Over to the Legislative Hearings due back on 5/10/2022

- 4 [RLH RR 21-60](#) Ordering the rehabilitation or razing and removal of the structures at 1941 UNIVERSITY AVENUE WEST (STORAGE/GARAGE) within fifteen (15) days after the September 22, 2021, City Council Public Hearing. (To be referred back to September 28, 2021 Legislative Hearing)

Sponsors: Jalali

Layover to LH May 24, 2022 at 9 am. Property Rep to 1) submit updated contractor bid including cost to execute project and 2) financing sufficient to execute if over amount of STAR grant, 3) property to only be entered by professional contractors and engineers and caution/keep out tape is put up around building and 4) property must continue to be maintained.

*Dawit Solomon, President Eritrean Community Center of MN, appeared via phone
Essey Asbu, Secretary Eritrean Community Center of MN, appeared via phone
Ruth Ogbaselassie, treasurer Eritrean Community Center of MN, appeared via phone
Alec Armon, District 11 Community Council, appeared via phone*

Staff update by Manager Steve Magner: a letter was sent April 14, 2022 laying the matter over to today. By close of business April 22 please submit engineering report for staff review. We did receive a report from SC Jensen dated April 15, 2022. I did sent that to Steve Ubl and Brian Karpen the City's structural engineer. We have an email dated today at 9:22 am from Mr. Karpen regarding that report. That email says that "I had a brief discussion with Steve Ubl and Magner. Based on the pictures we were able to access from the exterior of the building it is likely that the building is overall stable, with areas of localized collapse. We do not have an issue with allowing the owner until July 1st to either 1) Demolish the building or 2) start construction on repairs to the building. This is provided the building and/or the area around the building is secured and people are not allowed into the interior of the building. It should be emphasized that the report submitted is not sufficient to issue a building permit for repairs to the building. Any proposed repairs must be completed under a building permit and should address all structural issues. Construction documents sealed by an engineer registered in the State of Minnesota will be required for permit issuance."

Moermond: what we received on Monday afternoon at 2:24 was the report from the structural engineer SC Jensen who did provide about six paragraphs worth of information and was clear that was based on a one hour site observation and it wasn't a full plan for the rehabilitation. It didn't cover any safety measures or stabilization, though he did indicate significant concerns about the soundness of the roof. Anything you want to note Mr. Magner?

Magner: I think that's a clear representation. It also indicated walls, or lack thereof, that were poorly constructed. We are back to where we were a few weeks ago with the initial plan with 2 options. One with reusing the concrete floor, and one not. Any additional bids to meet the requirements of the STAR application?

Moermond: I have received indication from Claudia Klinkhammer that the application has not been completed by representatives of the Community center. So that is outstanding as well. Mr. Solomon, please talk about the contractor going through and revisiting the bids considering the further collapse and any revision required. And when you will get that STAR application complete. It feels like that should have been done. I believe you met with Ms. Klinkhammer. Tell me your perspective.

Solomon: the engineer gave that report and the contractor is trying to adjust his bid based on that report. It is required the engineer have the frost footing put in on the west side, so the contractor is trying to find subcontractors to do the cement work. Also based on that assessment some of the roofing structure, especially on the north side, needs work. Initially the contractor of re-shingling, but we don't want to do that. We want a flat roof. We had a good working relationship when we did our big building in 2016. Those contractors have worked with the City when they did the STAR program for that project as well. He's working with a few roofers to get a bid. He was hoping he would get that by this meeting, but the roofers and cement workers delayed him. He's hoping to have that fairly soon, hopefully this week. We have the structural engineer report earlier but we had hoped the contractor would have that information so we could submit at the same time. That is where we are at. We are hoping to finalize with D&J by end of the week. Once we have that we have the pending STAR forms that requires that final bid.

Moermond: what I heard from the building official and engineer this morning was that they would feel comfortable waiting to July 1 for issuance of permits for work or demo but they didn't think it was wise to give longer than that. That basically gives you barely two months to put everything together with a bow. I am concerned with the bids coming back the STAR grant won't stretch far enough for the work. We don't have those bids to come to a firm conclusion on that. I'd like to emphasize that concern I have. The Council's grant of time is contingent upon having financing for executing the plan. It is in a partial state of collapse. I need to emphasize no one will be allowed inside the condition. Only professional contractors and engineers should have access, that will be a requirement going forward. Mr. Magner, is it placarded as keep out?

Magner: we haven't done that since it is behind a fence and we don't have access. As long as the fence stays intact it is ok, but it would be a good idea for the owner to put some caution or keep out tape around the property.

Moermond: do you understand that Mr. Solomon?

Solomon: yes, we can do that.

Moermond: I know you were inside and I want to be super clear that you should not be in the building.

Solomon: yes. We are mindful of that. In the past week and a half or so no one has gone inside. We'll put that tape up.

Moermond: great. I am mindful we need that bid sooner than later so this can be processed by Claudia Klinkhammer specifically. You said your contractor was out there and considering the front footing and other changes for his bid. Your engineering firm suggested it would be reasonable to get someone on a lift to test every joist. That should be added into your contractor's bid as well give the roof stability concerns.

Solomon: yes, the contractor is waiting for the pricing from the roofer and cement worker. He promised this week.

Moermond: Alec Armond hasn't been present in previous hearings, any questions?

Armond: no questions at the moment. Just trying to get updated.

Moermond: I am pondering when we should be talking about this next and keep this on a fast track but knowing you have Planning and Economic Development work to do. If I continue it to May 24, you have to stay on top of those bids and working with Ms. Klinkhammer on this. I'm concerned you maintain a good pace with this because of that looming July 1 deadline to initiate demo or rehab.

Laid Over to the Legislative Hearings due back on 5/24/2022

- 5 [RLH RR 20-22](#) Ordering the rehabilitation or razing and removal of the structures at 678 SNELLING AVENUE NORTH within fifteen (15) days after the May 27, 2020 City Council public hearing. (To Refer to October 26, 2021 Legislative Hearings)

Sponsors: Jalali

Layover to LH May 10, 2022 at 9 am. for update on engineering report, changes in rehabilitation plans and any financing changes.

Laid Over to the Legislative Hearings due back on 5/10/2022

1:00 p.m. Hearings

Vacant Building Registrations

- 6 **RLH VBR 22-23** Appeal of Jay Mitchell to a Vacant Building Registration Requirement at 1011 MARGARET STREET.

Sponsors: Prince

Deny the appeal (property remains a Cat 2 VB and requires a CCI). Waive VB fee for 90 days (to June 28, 2022).

Moermond: we have a Vacant Building registration and condemnation. [Moermond gives background of appeals process]

Staff report by Supervisor Mitch Imbertson: a Fire Certificate of Occupancy property that has had a revoked Certificate of Occupancy since October of 2019. In that time it had been in and out of the Vacant Building program with a previous appeal. More recently it was condemned March 23, 2022. The property was condemned for a variety of issues including lack of utilities due to the water shut off after a pipe break, no heat, sanitation issues related to the water damage. Missing smoke alarms, and other related orders on the notice for the recent correction, including getting the heating system checked after water damage and having electrical checked and restored to service. It was referred back to the Vacant Building program, based on the extent of the orders. Not clear if any of the particular orders are being contested based on the appeal.

Staff report by Supervisor Matt Dornfeld: not much to add, other than we opened a Category 2 Vacant Building March 25, 2022 per that condemnation. This was in the Vacant Building program in 2020 and appears to have changed categories from 2 to 1 due to appeal. There was confusion as to why that original Vacant Building folder is closed. I'm looking into that. As we sit today we have a Category 2 Vacant Building.

Moermond: Mr. Mitchell, what are you looking for?

Mitchell: we'd like it restored back to having its Certificate of Occupancy. At the time of the pipe break it was repaired which returned the heat since it is a boiler system. That's all I was aware of on the orders I had. Restored heat and then everything would be back to tenants and a regular inspection. I wasn't aware of the other stuff.

Moermond: were you aware it hasn't had a Certificate of Occupancy since of 2019 and you were occupying it?

Mitchell: no, I was not.

Moermond: I cut you a break a year and a half ago to get the Certificate of Occupancy reinstated and you never did and you put people in.

Mitchell: the tenants there had never left. Once we made those corrections that Thomas asked, which we did on the bedroom size, we never moved anyone out. So we never moved anyone back in.

Moermond: and Mr. Imbertson just said you haven't had a Certificate of Occupancy since 2019. You said fixing pipe was what you thought you needed to do but the March 23 orders do talk about having licensed professionals in. Has there been any permits pulled for this property?

Imbertson: I don't see anything under 1011. I do see a second address for the property, so let me check under 1009. Nothing there either. I'm not aware of what was done at the previous hearing for the status, so it may have been staying occupied while going through the process, but it doesn't look like it ever had the certificate fully reinstated or approved. It is possible we were aware it was occupied, but I don't show it has been approved and reinstated to a full certificate in good standing since that revocation.

Moermond: I don't see any trades permits either. Have you had licensed professional s go through that would have receipts indicating this was done?

Mitchell: I don't. It was just a split supply line. No, I don't.

Moermond: because the March 23 orders talk about electrical systems effected by flooding need to be inspected by a licensed inspector. Similar for mechanical contractor and air test for the gas lines. That seems clear.

Mitchell: I understand.

Moermond: orders went to Quality Residences; I assume it was an internal thing

Mitchell: I understand, I wouldn't have appealed. They are wasting everyone's time.

Moermond: this is not occupied now?

Mitchell: that is correct.

Moermond: and condemnation says it is to remain vacant. I'm going to say it needs to be a Category 2. Maybe a Code Compliance Inspection will clear this and say there is nothing wrong besides these tests, but if I make it a Category 1 I say it is ready to

occupy once it has its Certificate of Occupancy and we've been around on that. I think you need to get these professionals in and maybe the Code Compliance will be clean. I hope that is the situation.

Mitchell: ok, I understand.

Moermond: I'm recommending the appeal is denied and you can of course submit additional information to the Council or testify.

Mitchell: so I can apply for that Code Compliance Inspection so we can pull permits?

Moermond: you got it. I'm pondering the Vacant Building fee. I'm going to put it through with a 90 day waiver expecting you won't be done in 3 months. If you want to appeal if it goes through an assessment and we can look at prorating. That gives you a waiver through June 28, 2022.

Referred to the City Council due back on 5/11/2022

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

- 7 **RLH VO 22-13** Appeal of Linda Konicek, Tenant, to a Fire Certificate of Occupancy Revocation and Order to Vacate, Summary Abatement Order and Correction Notice at 653 REANEY AVENUE.

Sponsors: Yang

Grant to May 16, 2022 for compliance with the Fire Correction, Summary Abatement and Correction notices.

Richard Finch, owner, appeared via phone

Linda Konicek, tenant, appeared via phone

Connor Meers, MHR Incorporated, appeared via phone

Finch: we have had a tough week with people not showing up when they said they were going to.

Konicek: MHR helps me pay my rent subsidy.

Moermond: understood. The follow up letter was sent after our last hearing. We were looking to verify the finalized plumbing permit and set deadlines for the other items. You were just saying problems with contractors, tell me more

Finch: I called licensed plumbers after we got off the phone last Tuesday. Nick from Abandon Plumbing said he'd be out Thursday. I followed up Friday. He said first thing on Monday. I do take full responsibility for this; I feel the pressure and I want to be a good landlord and have Linda have a safe place to live. Called him again and then he says he can't get a job. Then I got Solderland plumbing, paid \$100 to have them look. They said they needed to do a whole pressure test. The City just needs the valve, they aren't asking for a boiler check. They said that's not the way they do it. The bill was \$2,800 minimum. I don't have that kind of money. That was last night. I do real estate and own East Side Pizzeria. I've been calling everyone and have a promising lead. He said he'd be on it today. That's all I know. I'm working around the clock. It is above 70

degrees in there. I have a permit for electrical for the GFI. Roofer will be done Friday. Sider says another 2 weeks for soffits and fascia. That would be everything outstanding. I just am begging for more time. We did wake up Monday and they put a Vacant Building sticker on the house.

Moermond: really?

Finch: so we have a condemned building on our house. Not sure who did that. We did get nervous with that. Tenant picked up most of the stuff outside, he's 2.5 months behind on rent. I told him it's the least he could do.

Moermond: the Vacant Building placard should not have gone up. I don't know what happened. Mr. Imbertson? That would involve a referral from your folks and enforcement is stayed pending appeal.

Imbertson: yeah, it should have been stayed.

Moermond: the Vacant Building file was opened April 26 so your guys blew it.

Imbertson: we referred it April 21. We didn't have all the information about the previous appeal. It sounds like you are advising the Vacant Building folder should not have been opened. We'll talk to Mr. Dornfeld about that.

Moermond: You can remove the Vacant Building placard from the house. You've been making a good faith effort which is fantastic. What I don't have, if you could reduce to writing a plan for dealing with the other items on the report. Roof work and so on. Just the plan of action, send an email will do the trick. I will also tell you, we discussed at the last hearing that the exterior storage mentioned in the orders from April 1. You said you were having tenant problems with that? A Summary Abatement Order was issued.

Finch: that will help me a lot. The Neighbor has been parking on the vacant lot next door for 20 years. Long before I bought it. It just went with the vacant lot. That will help me let them know you are serious.

Moermond: there is a Summary Abatement Order on the "junk" in the yard, saying it has to be cleaned up by May 2 or the City will charge you for it. The vehicle is a correction notice. That's a bit kinder asking you to address this with a May 9 deadline. If you don't address that typically they will do a Vehicle Abatement Order. If it is on your property against your will you can look into doing a manager's tow. Reach out to the Code Enforcement Inspector Smith who can explain that.

Finch: I can finish 653 Reaney and deal with the neighbor's and abatement. The tenant upstairs started a pallet making company. He's ESL so I have a hard time communicating with him. I told him he can't do this. I can have this done by May 9.

Moermond: I can put this in front of Council on May 11, I'll ask them to grant you to May 16 to do the Fire Correction orders. The Summary Abatement Order for cleaning the yard, that doesn't have a different deadline than the letter, which is May 2.

Finch: May 2 or nothing? Can we combine it all? They have a lot of stuff. I agree it needs to go; I just don't know where they will put it. They may need time to sell it.

Moermond: I can do the same deadline on these 2 orders. I'm going to ask my staff to reach out to Mr. Smith and Kedrowski so they're on the appeal and granted an

extension on that. Please email a plan of action to me.

Finch: will you have an email sent to me?

Moermond: Joanna Zimny is the person who sent the last email, she will send it to all of us.

Finch: does soffit and fascia need a permit?

Moermond: I don't believe a repair does.

Imbertson: if you are contacting the building inspector to inspect the open permit that's been pulled for the roof I would think they can add on for related item.

Finch: yeah, we're almost done with the roof. The guy is working on it today, it is my brother. He's done it for 30 years. it is done right and we're almost there.

Konicek: I just want to mention, from the hearing April 22 I got two envelopes sent to me. They mailed it to me twice. Wrong names.

Moermond: I think that was a clerical error. Thank you for noting that.

Finch: thank you for the extension.

Referred to the City Council due back on 5/11/2022

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 8 [RLH FCO 22-34](#) Appeal of Kathy Bauer, dba Capital View Cafe, to a Fire Certificate of Occupancy Approval With Corrections at 635 and 637 SMITH AVENUE SOUTH .

Sponsors: Noecker

Layover to LH May 10, 2022 at 2 pm. PO to reach out to NEDA about possible funding. Staff to talk to PW staff.

Kathy Bauer, owner, appeared via phone

[Moermond gives background of appeals process]

Bauer: I talked to Jim Brown from Public Works to get an encroachment permit as part of the Ramsey County right-of-way. He said it was unlikely they would approve it. I'm spinning in a circle. It is \$300 for them to tell me no.

Moermond: Baker street is Ramsey County?

Bauer: Smith is.

Moermond: but it discharges onto Baker, yes?

Bauer: yes.

Moermond: he was probably assuming because of your street address that it was Smith. I looked at the photos from 2020 and making sure I understood where the pipe was. Baker is City right-of-way. That will simply things there.

Staff report by Supervisor Mitch Imbertson: this was a referral rolled into a Fire Certificate of Occupancy renewal inspection. Most recent notice was March 15, 2022 and at the time the Certificate of Occupancy was approved with corrections, for seasonal or non-life safety issues. It was approved with corrections and the order remained for the roof drain. It was cited under Minnesota plumbing code which requires the roof drain not discharge onto the public sidewalk. Speaking with the inspector at the property there wasn't a lot of upgrade options to propose where it could be redirected to but that doesn't change the ordinance that says it can't be discharged onto the sidewalk. That creates ice or water buildup that creates a hazard or maintenance issues for the sidewalk. That's where we are at with the order, it appears to be a roof drain in question.

Moermond: Ms. Bauer, you've been looking at encroachment permits. You've said in your appeal it is an expensive fix.

Bauer: before Covid we tried to get bids. Someone was out and said it would be \$5,000. Then Covid hit and then no further planning happened.

Moermond: have you reached out to NEDA? West side community development corporation. Karen Reid is their ED.

Bauer: I know her.

Moermond: it is her nonprofit. I'm going to suggest you talk to them and see if there are dollars for situations like yours. I had a business on Stryker that had some repairs that needed to be done and they were pressed for funds and worked with NEDA. There may be grant dollars. I don't know. Definitely worth exploring. You mentioned someone in Public Works?

Bauer: Jim Brown.

Moermond: we need to learn more about this. You reach out to Karen Reid and I'll talk to Public Works. We can talk again in 2 weeks.

Laid Over to the Legislative Hearings due back on 5/10/2022