



Minutes - Final

Legislative Hearings

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Tuesday, July 11, 2023

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 23-7](#) Ordering the rehabilitation or razing and removal of the structures at 901 FULLER AVENUE within fifteen (15) days after the March 22, 2023, City Council Public Hearing. (Public Hearing continued to August 2, 2023)

Sponsors: Balenger

Continue PH to August 2, 2023. \$5,000 PD must be posted and CCI applied for by no later than close of business July 28, or recommendation will be to remove within 15 days. If posted, refer back to LH August 22, 2023 at 9 am.

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

Staff update by Supervisor Joe Yannarely: a \$5,000 Performance Deposit was to be posted no later than July 10, also a Code Compliance Inspection Report applied for. Lists the other items needed for rehab.

Moermond: if I'm remembering right, we're doing the Code Compliance right now, and the Performance Deposit now, the other items were things that would be done before getting a grant of time.

Yannarely: right, but no Code Compliance and no Performance Deposit posted.

Zeletes: I have some updates. The assignment of mortgage has been filed and was rejected due to clerical error. We are rushing to get that done. Right now, the homeowner is still the Ray family. The lender doesn't own the land.

Moermond: it hasn't been probated, the elderly couple is deceased and there are 4 or 5 kids, one of which is also named Joe.

Zeletes: we have got inside; I have copies of the repair estimates and photos. There is an issue with the lock box and to go and secure it. We need a court order so we don't get sued for trespassing by the estate. Also, liability if someone gets hurt. The assignment of mortgage will get re-filed today. To put a lock box on and change the locks is our concern, we don't want to get sued.

Moermond: and you didn't post the Performance Deposit why?

Zeletes: because we aren't the homeowners.

Moermond: without it going through probate there isn't even an estate rep, correct?

Zeletes: the client was happy you made assurances that they will get the \$5000 back but they weren't still the homeowner. Once the assignment of mortgage is done it will change things. I told you I will get things moving, and I am. It is a big ship.

Moermond: I'm glad to hear that. We are four months in, I won't engage in doing layovers without even the basic criteria of \$5,000 Performance Deposit. Your client is a financial institution who certainly has \$5,000 to put on the table with the amount of mortgage on the line. Especially if it is refundable. I will ask the Council exactly that, I think they will agree with me. I'll give you until August 2, at which point I'm looking for the Performance Deposit posted and the Code Compliance application made. I want that done no later than close of business the preceding Friday, July 28. I'm not comfortable continuing this without those criteria met. If the Council sends it back, I have that greenlight. This is base level.

Zeletes: I hear you.

Moermond: I know there is a clause in the mortgage agreement to get you in. This is a reasonable ask on the part of the City, to get things rolling, especially in light of the fact that contractors have gone in. If this building isn't secure, then the City is taking care of it.

Zeletes: it would be the estate.

Moermond: which there isn't, to the best of my knowledge.

Zeletes: the assignment of mortgage is the answer we've been working on.

Moermond: right, we need this to happen so the tree shakes loose someone and we can all move on. That gives your client impetus to take some action. We'll send a follow up letter; you have 3 weeks between now and then. We can get over this hurdle.

Zeletes: I'm just glad we're getting some movement, even though it was rejected. We can fix it and move forward.

Moermond: more movement is needed. Tomorrow at Council I'll ask them to continue this to August 2.

Zeletes: we may have to do some skip-tracing.

Referred to the City Council due back on 7/12/2023

2 [RLH RR 23-29](#)

Ordering the rehabilitation or razing and removal of the structures at 1862 IVY AVENUE EAST within fifteen (15) days after the July 19, 2023, City Council Public Hearing.

Sponsors: Yang

Grant 180 days to rehab pending submission and approval of scope of work.

[plan submitted and approved 7/13/23 - JZ]

Joe Steinmaus, purchaser, appeared

Staff update by Supervisor Joe Yannarely: Code Compliance Inspection was done June 28th. Performance Deposit was posted. No issue with maintenance. We're waiting on the scope of work and financing.

Moermond: this goes to Council July 19th. How is it looking to get those documents in?

Steinmaus: you'll have it by tomorrow morning.

Moermond: fabulous, hopefully we can greenlight this sooner than later.

Referred to the City Council due back on 7/19/2023

- 3 RLH RR 23-10** Ordering the rehabilitation or razing and removal of the structures at 1117 JENKS AVENUE within fifteen (15) days after the April 19, 2023, City Council Public Hearing. (To refer back to October 24, 2023 Legislative Hearing)

Sponsors: Yang

Refer back to LH October 24, 2023 at 9 am for update on success of nuisance mitigation plan.

Lisa Proechel, Keller Williams real estate agent who manages the property, appeared

Moermond: this is a check in time for us, we were waiting for the foreclosure proceeding because it was a reverse mortgage.

Yannarely: the property has been maintained. They removed the fence that opened it up, and there have been no issues.

Moermond: that's exactly what we were looking to hear. Did we this layover to be halfway through?

Proechel: redemption expires in January.

Moermond: and you're ready to roll after that?

Proechel: we've gotten bids, we have the Code Compliance Inspection Report, we just need legal right to sell.

Moermond: I'll send this to Council the 26th with a report that the nuisance abatement plan is working, there haven't been any nuisance conditions, which is fantastic. Let's do one more check in October 24th. At that point I'll just do a layover in Legislative Hearing so we can have the discussion in January about where you are at and send it to Council again in early February.

Referred to the City Council due back on 7/26/2023

- 4 RLH RR 23-31** Ordering the rehabilitation or razing and removal of the structures at 455 ROBERT STREET SOUTH within fifteen (15) days after the August 2,

2023, City Council Public Hearing. (Refers back to August 8, 2023 Legislative Hearing)

Sponsors: Noecker

Refer back to LH on August 8, 2023 at 9 am if PD posted and CCI applied for no later than July 25, 2023.

*Thomas Radio, attorney representing ownership, appeared
Terek Ellaicy, director of operations for Tri-City foods, appeared*

Staff update by Supervisor Joe Yannarely: the Code Compliance fee was paid yesterday.

Moermond: that's good. When the app was made, did it include a lock box combination.

Zane: it did.

Moermond: good. You're looking to sell; you don't know the use yet. It is on the market, what's your realtor telling you?

Ellaicy: I'm not involved in that.

Radio: I think in terms of the next two weeks we'll have a better understanding of who the listening agent is, whether there has been any interest in the property.

Moermond: the first Council Public Hearing isn't until August 2, so it is helpful we got a jump on things. August 2 I'll ask the Council to refer this back to Legislative Hearing—Mr. Zane, can this be done by then?

Zane: I'll be out there Thursday, around 12:30, 1:00.

Ellaicy: I'll try to have the contractor there.

Moermond: for clarity, you are doing the building component of the inspection, and also going through would be who?

Zane: Mitch with Fire and we'll have plumbing, mechanical, and electrical inspection. That is to start, five people, but we may add one more if we have duct work issues.

Moermond: if someone is available to go through at the same time as you, that may help the contractor.

Zane: I'll throw that out there and see if we can get more people in there. It is short notice, but if nothing else I'll put word out to get it done sooner.

Radio: showing financial security for \$100,000 is the other issue, if those inspections help find that, that would be helpful.

Moermond: realistically that isn't possible because how much the rehab costs depend on how the building will be reused. If it is going to be another restaurant, it is the least expensive work. Another use dramatically changes that. What was \$100,000 to get it running could be \$200,000 for something else. That is something the buyer would need to show, based on their bids. Based on what I'm hearing if you could have your folks

expedite and get them a report in 3 weeks it gives them some time to review it. August 2 I'll ask them to refer it back to Legislative Hearing based on the strength of you having the Code Compliance Inspection applied for and Performance Deposit posted.

Zimny: I think there was some confusion, there is no Performance Deposit posted.

Moermond: oh, alright. What is the timing looking like on that?

Radio: a couple weeks. The firm will write a check and we'll bill it back to them.

Moermond: it would be great to have that done by July 25, so we know before the Agenda is published for August 2.

Radio: that shouldn't be a problem.

Referred to the City Council due back on 8/2/2023

5 [RLH RR 23-21](#)

Ordering the razing and removal of the structures at 871 STICKNEY STREET within fifteen (15) days after the June 14, 2023, City Council Public Hearing.

Sponsors: Noecker

Layover to LH July 25, 2023 at 9 am. PD must be posted by COB July 21, 2023.

Randall D. Naiman, attorney o/b/o US Bank Trust, appeared via phone

Moermond: we had a missed hearing and we'll be hitting reboot on this one to involve you and find out where you and your client are at with this. I am showing the owner at the time the ownership & encumbrance report was US Bank trust. Is that who you represent?

Naiman: it is US bank as trustee for the F9 master participation trust, but I can send the official name.

Moermond: basically, you are representing US Bank.

Naiman: I represent US Bank Trust and also Hudson Homes, our REO.

[Moermond gives background of appeals process and requirements for rehabbing a Category 3 Vacant Building]

Naiman: I will prepare an affidavit. The part regarding evidence of financing, that can be waived as long as we have that?

Moermond: yes, given it is a financial institution.

Naiman: I do all the Code violations nationwide. This is post foreclosure status now.

Staff report by Supervisor Joe Yannarely: the building is a one-story, wood frame, single-family dwelling with a detached one-stall garage on a lot of 8,760 square feet. The vacant building registration form and fee were received from the mortgage company and vacant building folders were opened on December 7, 2016. The certificate of occupancy was subsequently revoked. The current property owner is US Bank Trust National Assoc, per Amanda and Ramsey County Property records. On

February 9, 2023, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on March 6, 2023, with a compliance date of April 5, 2023. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$28,300 on the land and \$167,200 on the building. Real estate taxes are current. The vacant building registration fees were paid by assessment on January 3, 2023. A Code Compliance Inspection was done on June 28, 2022.

As of May 8, 2023, the \$5,000 performance deposit has not been posted. There have been thirteen Summary Abatement notices since 2016. There have been three work orders issued for boarding/securing and tall grass/weed. Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$25,000.

Moermond: we have a Code Compliance Inspection from last June. Looks like there was an extension given if there is time granted by Council that goes through October 28th. That means if the Code Compliance Inspection Report is extended the trades permits can be pulled based on that report.

Zane: that is correct.

Naiman: would you be preparing the amendment to the Certificate? Or do you want me to do it?

Moermond: there is already a note in the system with the proviso I read in, it is also attached to the record. No need for that. We will be looking for the Performance Deposit. 13 Summary Abatement Orders since 2016. That isn't an extraordinary level, and only 3 work orders. Mr. Yannarely, sounds like someone may not be on top of it quite as often as they should but they do take care of things when they get a letter.

Yannarely: correct.

Naiman: Mr. Yannarely, I was looking over the letter and added a few matters. I am familiar with that Joe and will comply with these requirements requiring the trades. I've asked my client, based on the Code Compliance Inspection Report and the Legislative Hearing report. I have an email from Robert Humphrey and Nathan Bruhn regarding the 120 days. We have the dollar amount of \$54,442 which meets the threshold, and a scope of work signed by my client. I will send both of those you. I was talking to Robert and he wanted me to dovetail the reports to building, electrical, plumbing and heating. Would you like me to provide those first and if we need to subdivide we are happy to do so? Their plan of attack is they monitor the notice of abatement and Code Compliance Inspection and what needs to be done.

Moermond: when Department of Safety & Inspections has a Code Compliance Inspection Report for a building that becomes a dangerous or nuisance structure, they use that Code Compliance as documentation of conditions. Those wouldn't be the things we'd look for on the Code Compliance Inspection Report per se because what gets you condemned isn't necessarily what brings you into code compliance again. For my purposes I could look at an overall bid, construction statement, and I would love to see who the contractor is and the amount being charged, and assurance it addresses the items in the Code Compliance Inspection Report. When permits are pulled it is up to Department of Safety & Inspections plan review and inspectors to determine whether

those permits cover what needs to happen.

Naiman: I just want to ask; it indicates our general contractor must provide a schedule. We can do that. Do we need signed subcontractor bids? They usually do that for us. Is that a requirement or a recommendation?

Moermond: are you using a master contractor?

Naiman: yes.

Moermond: then for my purposes I'm ok to see who they are and work with that.

Naiman: the contractor is Solid Rock construction. We also need to provide a lock box code for inspections—

Moermond: you don't because the assistant building official waived the expiration of your inspection report and that allows you to pull permits through October 28, 2023 without getting a new Code Compliance Inspection Report. So you don't need to have inspectors go through again and have a lock box on the property. How your contractors manage inspections when it is time for rough-ins they would work with inspectors?

Zane: in the case your contractor requests inspections when no one is present, you would need a lock box, otherwise it isn't necessary to have another Code Compliance Inspection done.

Naiman: on page 4 of the Code Compliance report, it grants a six-month extension can be given, does this apply?

Moermond: the circumstance has changed since the Code Compliance Inspection Report was issued June of 2022. That is that it has become a Category 3 Vacant Building so what happens is that when the Council grants six months because the conditions have been met, they will have built into the resolution a deadline for finishing and scheduled a Legislative Hearing at which point I make a finding about whether the condition was abated, and my recommendation if it has not. With respect to permits, get them all pulled before the end of October, that is simplest for everyone. We need that Performance Deposit posted and the work plan approved and the affidavit.

Naiman: I've been doing this for 20 years for my client for code violations, it isn't my first rodeo.

Laid Over to the Legislative Hearings due back on 7/25/2023

7 [RLH RR 23-33](#)

Ordering the rehabilitation or razing and removal of the structures at 1356 REANEY AVENUE within fifteen (15) days after the August 16, 2023, City Council Public Hearing.

Sponsors: Prince

Layover to LH July 25, 2023 at 9 am for further discussion. \$5,000 PD to be posted by COB July 21, 2023.

*Jodisha Darrough, potential purchaser, appeared
Mr. Taylor, potential purchaser, appeared*

Moermond: I see the property owner listed as Arlana Omaha. How are you connected?

Darrough: potential buyer. OR rather, I am the buyer.

Moermond: you are a rehabber?

Darrough: yes.

[Moermond gives background of appeals and rehab and removal process]

Moermond: is Arlana Omaha around?

Darrough: she was supposed to be here, but her niece passed two days ago.

Moermond: we'll do our stuff today but I'm going to continue this and make sure she is part of the conversation. Hopefully before it hits Council, make sure she knows about the process. We'll start the conversation today.

Staff report by Supervisor Joe Yannarely: the building is a one-story, wood frame, single-family dwelling with a detached two-stall garage on a lot of 5,162 square feet. The property has been a vacant building since March 24, 2022 due to a fire. The current property owner is Arlana Omaha, per Amanda and Ramsey County Property records.

On April 19, 2023, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on April 26, 2023, with a compliance date of May 26, 2023. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$20,000 on the land and \$220,500 on the building. Real estate taxes for 2022 are delinquent in the amount of \$5,463.23 which includes penalty and interest. Taxes for the first half of 2023 have not been paid. The vacant building registration fees were paid by assessment on April 3, 2023. A Code Compliance Inspection was applied for on June 7, 2023 but has not yet been done. As of July 10, the \$5,000 performance deposit has not been posted.

There have been ten Summary Abatement notices since 2022. There have been fourteen work orders issued for: garbage/rubbish, boarding/securing, and snow/ice. There is currently a Summary Abatement Order pending. Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$30,000.

Moermond: what strikes me hearing that report is taxes weren't paid since the fire onward. I hear we don't have a Code Compliance Inspection done. It was applied for June 7. No Performance Deposit. Since March of 2022 to present, those orders for boarding and cleaning up, are they spread out?

Yannarely: there is one out there now for securing the garage and cleaning up the property. It has consistently been on the radar as a maintenance. Both the house and garage we have had to secure.

Moermond: have the police had to remove squatters?

Yannarely: that happened before, but not recently.

Moermond: was a lock box combination included for that Code Compliance Inspection Report?

Zane: yes, I'm just waiting on the electrical inspector to submit his report. He's been out.

Moermond: given where we are at can we get that done?

Zane: yes I will email him.

Moermond: tell me you are acquiring the property, and we will talk about how that can happen under the current code. There are some restrictions under Code there is just some red tape. Ms. Darrough, you are a rehabber acquiring this fire damaged structure. IT is huge, on a standard sized lot. What are you plans, your timeline? Buying and selling?

Darrough: buying and selling. I'm waiting to purchase; I have my contractor ready to come clean. I just need the go ahead, I know she owes back taxes. I'm ready to move forward with paying and buying and fixing, then selling.

Moermond: let me walk you through what we look for. Obviously the Code Compliance Inspection Report is the standard we use to make a determination about whether it can be occupied again. Minimum requirements to get it ready to go. With respect to getting a grant of time to do the work from the Council, you need to have Department of Safety & Inspections items taken care of, but the City Council looks for a scope of work, construction plan, bids, schedule for execution. If those bids come in at \$75,000 say, whatever that total is, do you have the money to do that work. Both pieces need to be in place. The other things are more case specific, is there a cloud on the title, doesn't sound like that here. We do have the delinquent taxes. That needs to be addressed.

We do look at the property being maintained. I would consider that an article of good faith on whoever is going to do the work that they are in this. That is so the neighborhood sitting near this fire damaged structure for well over a year. It is bad the impact that these things have. The steps we can take to address this quickly are important. The transaction of you acquiring the building I alluded to this earlier. Title cannot transfer until Mr. Zane has issued the Code Compliance certificate. Once that is issued, title can transfer. There are several legal tools people use to get some assurance you aren't spending money you won't get back. Some people do a purchase agreement with an addendum built in addressing this. Some people basically buy on a contract for deed, essentially you become the mortgage holder. So you can still foreclose if things go south. Those are the things we see the most.

Let's talk about this again in two weeks. I'm not sure what Ms. Omaha's situation will be after dealing with her niece. The Council Public Hearing isn't until August 16. My concern is getting that Performance Deposit posted. The Performance Deposit says you are in this, an article of good faith. Mr. Yannarely, in the event she isn't buying this what does that look like.

Yannarely: you just apply for a refund; you would get the money back.

Moermond: we can send you samples of what people have done in the past.

Darrough: and you wanted \$5,000?

Yannarely: the Performance Deposit, which you get back when rehab is done.

Moermond: the key word is performance. We will look at your file after the Council votes, six months later. At that juncture we would be looking at if the work is done. If it isn't, how far along are you. Mr. Zane does that assessment. If the number is lower than 50%. That may be forfeiting some. It may be posting another \$5,000. Your plans need to show it can be done in six months. The Performance Deposit and Code Compliance Inspection Report are the two things that buy you more time.

Laid Over to the Legislative Hearings due back on 7/25/2023

- 6** [RLH RR 23-22](#) Ordering the rehabilitation or razing and removal of the structures at 326 CHARLES AVENUE within fifteen (15) days after the August 16, 2023, City Council Public Hearing.

Sponsors: Balenger

Layover to LH August 8, 2023 at 9 am for further discussion. CCI must be applied for by no later than July 25, 2023.

Derrick Malone, owner, appeared via phone

Staff report by Supervisor Joe Yannarely: the building is a two story, wood frame, duplex with a detached two-stall garage on a lot of 4,600 square feet. The property has been a vacant building since January 25, 2022 due to a fire. The current property owner is Derrick T. Malone, per Amanda and Ramsey County Property records. On March 16, 2023, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on March 22, 2023, with a compliance date of April 21, 2023. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$20,000 on the land and \$57,800 on the building. Real estate taxes for the second half of 2022 are delinquent in the amount of \$1,296.69, which includes penalty and interest. Taxes for the first half of 2023 have not been paid. The property is scheduled for tax forfeiture in 2026. The vacant building registration fees were paid by assessment on March 2, 2023.

As of July 10, 2023, a Code Compliance Inspection has not been done. As of July 10, 2023, the \$5,000 performance deposit has not been posted. There have been eight Summary Abatement notices since 2022. There have been five work orders issued for: garbage/rubbish and boarding/securing. Code Enforcement Officers estimate the cost to repair this structure exceeds \$150,000. The estimated cost to demolish exceeds \$35,000.

Moermond: we have a fire and in the immediate aftermath the fire folks estimated losses at \$110,000 for the building and \$15,000 for the contents. I see that we have no Code Compliance applied for, no Performance Deposit posted yet. 8 Summary Abatement Orders, a fair number. We've seen worse, but also better.

Yannarely: the police were out there to remove a trespasser. Work order last month for removing a couch. So we've had some maintenance issues.

Moermond: and the taxes hanging out there as well. Tell me about what you want to do

with this Mr. Malone.

Malone: I've been battling with the insurance company. I talked to the claim assessor yesterday and he stated that his supervisor has been on vacation but he should have an update this week. We've been back and forth with contractors trying to figure out the amount to get it fixed. I think we're finally getting there. I almost had to do a lawsuit, but we'll hopefully make progress this week. They did give a small amount of funds to start the demo but haven't done the rest. I countered and appealed the funds, waiting for the confirmation which will hopefully be this week. Once they provide those funds, then I would want to do a rehab and fix it back up. It was close to \$400,000 and we were way off in monies they were going to provide. I think I'll get what I am supposed to get.

Moermond: this is your address, is this your homestead?

Malone: yes.

Moermond: that's rough.

Malone: it has been a rough experience; I've never been through anything like this before.

Moermond: we have a mailing address for you at this address, do you have a better address?

Malone: I've been in and out of places. I was off work for 3 months dealing with medical issues. I do have my own funds but didn't want to use my own money.

Moermond: your Council Public Hearing is August 16 so we have some time before it goes to Council for us to talk. I'll look for that Code Compliance Inspection Report and you'd be well served to do that sooner than later.

Malone: I don't think the door is functional. I've been having family going over there, I haven't even been there I've been so heartbroken. It would be too detrimental to me. I don't think the door is functional.

Moermond: what will need to happen is the door will need to be dealt with, either removing the boards securing it and getting the door properly fixed or setting it up so the board is on hinges with a hasp lock.

Yannarely: however, you want to do it so it is accessible to trades inspectors but secure when people leave.

Moermond: we really need that Code Compliance Inspection Report developed. That and the Performance Deposit are critical to get more time from Council to put together plans for the rehab and showing proof there is money available to execute those plans. That \$5,000 is returnable upon completion of the rehab. We do need the property taxes squared away as well. The Code Compliance Inspection will cost \$678. I'd like that ordered within the next two weeks.

Malone: yes, that is doable.

Moermond: let's get that ordered. The door situation needs to be fixed so you can provide a lock box code with your Code Compliance Inspection application. Let's get

this rolling. I'm going to say if you apply for that in the next two weeks, by no later than July 25. I'll touch base with you on August 8, and we'll talk more about the other expectations. Hopefully you can do that application soon so you may even have that information by our next hearing.

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

10:00 a.m. Hearings

- 8 **RLH RR 23-37** Second Making finding on the appealed substantial abatement order for 939 CHARLES AVENUE in Council File RLH RR 22-67.

Sponsors: Balenger

Layover to LH July 25, 2023 (CPH July 26). PO to submit updated work plan and proof of financing if rehab not completed before CPH.

Lorrie Miller, owner, appeared via phone

Moermond: I see a letter was sent June 23 by Mai Vang indicating you needed to call MR. Zane. Mr. Zane, did you get a call or request for inspection?

Zane: no, not for this property.

Miller: Clint, you are going to the property tomorrow.

Zane: right, we did schedule that for tomorrow.

Miller: I requested it earlier but wanted to wait until I had some HVAC items done.

Zane: I guess that could have happened if I wasn't under the impression you were calling for a progress inspection. If you called under the assumption I was doing a framing inspection I may have required that, but a progress inspection for Ms. Moermond's sake you need to make that point when you call.

Miller: I didn't do that.

Moermond: what can we see in terms of trades permits?

Zane: none are finalized. Open plumbing, warm air, electrical.

Miller: good information to have. Just like the other one, disappointed to hear that because I've been told some should be finalized. I will make some calls.

Moermond: in preparing for the hearing, we have electrical rough in?

Zane: electrical rough in is done.

Moermond: so that needs a final if it is done. Warm Air?

Zane: correction letter sent out for that. Rough-in was good. That was June 7.

Miller: my understanding he was back out at the end of June and things were good. He might be waiting to see the door we installed for the make-up air. I know it needs to be

a slotted door. That should be good. I was also told plumbing was finalized, I have paid them in full. I'll have to call them.

Zane: some of the notes are vague. There was a visual inspection. The only thing I'm seeing is the visual was ok.

Moermond: the warm air you've taken action on the dryer area. Electrical you are thinking the work is done?

Miller: there is a bit left on electrical to do because we are waiting sheetrock and waiting for that because of HVAC. Those things are done, so they can do electric. I just need inspection of the sheetrock. I'll have to call the plumbing inspector and my plumber and find out why that hasn't been closed.

Moermond: tomorrow at the inspection MR. Zane will make an assessment of where things are at. Six months ago he said 75%. Your Performance Deposit was continued then. When we are this far out it isn't necessarily going to be carried forward. It sounds like you're close, I'd like to work with you on that. I'm not feeling as much patience as with Hudson. I am sure you want to be done worse than I do. Let's get this squared away. If there is still work to be done it would be in your interest in giving me a work plan and schedule to hang my hat on when it goes to Council the next day, July 26. We will talk July 25th.

Referred to the City Council due back on 7/26/2023

Making Finding on Nuisance Abatements

- 9 [RLH RR 23-11](#) Making finding on the appealed substantial abatement ordered for 733 FAIRVIEW AVENUE NORTH in Council File RLH RR 22-28. (To refer to April 25, 2023 Legislative Hearing)

Sponsors: Jalali

Layover to LH July 25, 2023 at 10 am for further discussion.

Laid Over to the Legislative Hearings due back on 7/25/2023

- 10 **RLH RR 23-36** Making finding on the appealed substantial abatement ordered for 1802 ROSS AVENUE in Council File RLH RR 22-43.

Sponsors: Prince

Nuisance is abated and the matter resolved.

No one appeared

Moermond: code compliance certificate was issued June 9, nuisance abated and matter resolved.

Referred to the City Council due back on 7/26/2023

- 11 **RLH RR 23-38** Making finding on the appealed substantial abatement ordered for 346 SHERBURNE AVENUE in Council File RLH RR 22-65.

Sponsors: Balenger

Layover to LH July 25, 2023 at 10 am to review work plan/schedule and updated financing and status of window installation.

Russ Waletski, owner, appeared via phone

Staff update by BI Clint Zane: you had me out about a month ago and I found it about 10% complete. Really a long way to go. I know you're out there working by yourself, at least up until now, with the six month extension you are looking to get, what is your path forward?

Waletski: the rough in on plumbing was completed. Randy is coming out next Monday for electrical inspection. I did put in a new mast and 200-amp breaker box, he will do wiring inspection next Monday. You saw I did all the framing on the floor, the subfloor is in. Separated the bedroom from the living room with the stub walls. I don't need six months; I need 5 weeks. The retaining wall has been torn out. I have 1/3 of my blocks delivered already, Gerten's is delivering the rest. After Randy comes next week we start on heating and AC and my concrete contractor, this isn't on the Code Compliance list, we are pouring a slab in the basement. 6 mil poly down and bringing it up the walls and pouring slab. I have a concrete contractor doing that. He was starting that end of the week. Waiting for the plumber to come back and do the finish work on vanity, shower, and toilet install. Kitchen sink goes in when cabinets do. I don't need six months. I'd be happy with six weeks absolute tops.

Zane: when you got your rough in for plumbing was that a partial or for the entire building including the fixtures?

Waletski: the kitchen, bathroom and the washer and dryer in the mud room.

Zane: so the whole building was roughed-in for plumbing?

Waletski: he needs to connect it to the water heater, and I can't put that in the basement until the slab is done.

Zane: and Randy's Electrical is for the entire house?

Waletski: yes, entire house.

Zane: is the heating system forced air?

Waletski: yes.

Zane: no permit pulled for that yet.

Waletski: because no work has started. We need the electric done, slab poured, water heater in, plumbing comes in, then I can put the furnace in. A 96% efficient one using PVC for intake and exhaust. That can't go in until the slab is done. Randy approved the new mast outside.

Zane: fair enough. Are you intending to do all of the work yourself moving forward?

Waletski: no, I have a guy who helps me on the weekend, and a laborer who doesn't know anything but he can pull apart a retaining wall. The front porch roof has 100 percent ice and water on it. I'm going to have a roofer do it.

Zane: *I just wanted to get an idea of your construction plan.*

Waletski: *we have some siding that needs to be installed, and the windows wrapped. I have a siding guy doing that.*

Moermond: *pausing you there, I did see in notes from the Vacant Building supervisor about the window situation.*

Yannarely: *have they been installed yet?*

Waletski: *three are installed. All 3 exterior doors installed.*

Yannarely: *I'm just concerned about the security.*

Moermond: *you're talking about 3 windows installed and the notes say no windows were present on several inspection. That means it is open to entry which is a huge problem.*

Waletski: *I don't know when the last inspection was, but 3 of those windows have been installed for a month and a half.*

Yannarely: *how many aren't installed?*

Waletski: *two windows.*

Moermond: *those need to be in or the City will board them. That is a huge code violation. That needs to be done by Friday. If it isn't done Mr. Yannarely will work order it. You can't imagine the problems this can cause. That's why we regulate Vacant Buildings the way we do.*

Waletski: *can I have until Monday morning? The guy who helps me on the weekend can install them this weekend. I'm there every day.*

Moermond: *but not every night.*

Zane: *at least board them up.*

Waletski: *I can get plywood up today.*

Moermond: *do that.*

Waletski: *I'll get those screwed over the openings at the worst, otherwise I'll have the windows in by Friday.*

Moermond: *I'm not concerned about what is closing it. I'm concerned about being open to entry. Bad things happen at night. By Friday morning boarded or windows installed.*

Waletski: *can I get five weeks?*

Moermond: *I have a work plan showing it was going to be done in about 4 and a half months. We're at six months, we're not done. I'd like to see an updated work plan reflecting your current schedule. I am assuming the funds are still available to execute, I need to confirm that. We have a lot of incomplete trades items. I'd like to review these with you July 25, then it goes to Council July 26.*

Referred to the City Council due back on 7/26/2023

11:00 a.m. Hearings**Correction Orders****12 RLH CO 23-8** Appeal of Daniel & Cheryl Dobervich to a Correction Order at 1485 WINTHROP STREET NORTH.

Sponsors: Yang

Grant to August 1, 2023 for removal of (non-commercial) vehicles and removal of exterior storage (items 3, 4, 7). Grant to October 1, 2023 for compliance with removal of heavy equipment, trailers, temporary membrane structures and their contents (items 3, 5, 6, and 7) and compliance through zoning and/or Public Works' approval or termination of business for item 8. Grant to July 1, 2024 for items 1 and 2, all referencing the May 16, 2023 Correction Notice.

Dan Dobervich, owner, appeared via phone

Moermond: we got an email from you this morning, Ms. Martin and I just looked at it. We're thinking we could talk about deadlines for the individual items in the orders. I'm glad you undertook calling to get the utilities marked and calling Mr. Ludins in Public Works. He looked at your situation when I called him, and he was happy to talk about problem solving. Do you have the actual May 16th orders in front of you?

Dobervich: I do not, but I can pull them out.

Moermond: I wanted to walk through item by item. For the ground cover, number 1, what was striking was if you remove that gravel driveway to stabilize the soils and prevent erosion is a hard lift if you're still removing items from the property. Looking more towards spring. Ms. Martin, how do you think about those things?

Martin: there is so much class five that has to be removed you'll probably have to put dirt and seed or sod, but that is going to have to be April or May I think.

Dobervich: I agree. No way to get it out without a solid surface. There has been more than one incident of Xcel failure of the power pole in the back lot. They've asked on numerous occasions to access the pole on the south west corner of the rear lot. There are a lot of trees, so repeatedly they take down lines. The transformer is on the corner of our lot. I don't think sod will work. The last time they were here they tore up all the grass. I've tried to maintain that and they apologized but they are just one of the problems. Two years ago the neighbor's tree came down into our property, and again grass isn't suitable to cross that area. The equipment to remove the tree—

Moermond: that is an argument to make if you are seeking to have a variance of zoning code to allow you to have this space as a driveway. You could pitch that to them. What I am going to do is say you need to be in compliance by July 1, 2024, that means gravel remove and ground cover in place. If you have received a variance of zoning code allowing you to continue to use that as a drive, that is obviously another means of compliance. I cannot address that here. Item 2, looking at the photos and the aerial it appears there were two areas, but the biggest concern was the gravel in the curb area. Ms. Martin, you said that was removed?

Martin: yes. No gravel in the street.

Moermond: the remaining gravel in the right-of-way, it looks to be a deep right-of-way into your property. The extended driveway, several feet. 2/3 of the length of that along the driveway is in the public right-of-way. The same thing applies to the right-of-way connecting the created driveway. You need approval for having the driveway expanded by means of the gravel. First, it is in the right-of-way but also plan review needs to approval that layout. Ms. Martin?

Martin: yes, through Department of Safety & Inspections as well.

Moermond: I will do that on the same deadline of July 1, so compliance by virtue of approval or removal of the gravel. Then we have the parking issue, number 3. Again, there are two ways, 3 and 7 are connected saying you either need an approved surface or you need it approved by zoning. I'd like to split removing the vehicles from approval. Pending approval, those vehicles need to go.

Dobervich: we did remove one vehicle; the rest is heavy equipment.

Moermond: vehicles, trailers, August 1 deadline. Heavy equipment vehicles September or October, for the skid steer and forklift. Let's say October 1 for item 5. The temporary membrane structures, I'm guessing you have storage in those? I'd like to push that to October 1 to give you more time to deal with that.

Dobervich: we will need that. We're driving them to relatives.

Moermond: 7 we talked about, regular vehicle removal, August 1.

Dobervich: we also use the trailers, that's how the material gets removed. They go with the slabs.

Moermond: we'll say October 1 for the trailers.

Dobervich: thank you.

Moermond: last thing is zoning, you are actively removing things, closing down business operations and have another location you are moving things too

Dobervich: yes, two other locations. They're working well.

Moermond: I'm going to say I'll say October 1 to get approved for operating the business or not have it operating

Dobervich: and we're not going to seek approval. It was just storage to bridge. The class five or non-eroding ground cover. Grass doesn't grow in some of these areas? What else works?

Martin: sometimes we'll see people put in mulch and flowers and make it a garden area.

Dobervich: that was the direction I was going.

Referred to the City Council due back on 7/26/2023

Making Finding on Nuisance Abatements

- 13 [RLH TA 23-261](#) Making finding on the appealed nuisance abatement ordered for 315 CHARLES AVENUE in Council File SAO 23-21.

Sponsors: Balenger

Nuisance is abated and matter resolved.

No one appeared

Moermond: Ms. Martin, the nuisance condition?

Martin: abated.

Moermond: abated and the matter resolved.

Referred to the City Council due back on 7/12/2023

1:00 p.m. Hearings**Vacant Building Registrations**

- 14 **RLH VBR 23-21** Appeal of Danny Joslin, on behalf of owners Wendy and Jeffery Guertin, to a Vacant Building Registration Notice at 826 COMO AVENUE.

Sponsors: Brendmoen

Deny the appeal of the VB registration.

*Danny Joslin, o/b/o Wendy Guertin, appeared via phone
Wendy Guertin, owner, appeared via phone*

Moermond: I understand Mr. Joslin will be interpreting for Ms. Guertin?

Joslin: yes, but she speaks English well. I'll help with anything complicated.

Moermond: I am seeing the revocation happened in March, you got the Vacant Building notice in May and we had some rescheduling. [Moermond gives background of appeals process]

Joslin: before Jeff passed they wanted to homestead, but with him being gone that isn't possible. We'd like to fix it.

Staff update by Supervisor Leanna Shaff: this is a Fire Certificate of Occupancy that was originally started by Inspector Farrier in 2019. Numerous issues that were deficient in the property. As to whether it was needing zoning and site plan. Contracts changing things. It came to a head in March when we found the records with Ramsey County went into tax forfeiture. It has lots of deficiencies that weren't followed through. We revoked the Certificate of Occupancy with quite a list to be repaired before any reoccupancy.

Moermond: those orders found it unoccupied at time of inspection, so no order to vacate. Found empty and referred over with the code violations.

Staff update by Supervisor Matt Dornfeld: we opened a Category 1 Vacant Building May 24, 2023 per that referral.

Moermond: this is a mixed-use building?

Joslin: Scissor Wizard was in there. Ms. Guertin can explain what is going on with title.

Moermond: I was trying to make sure title can transfer if the idea is to sell the property. Title has to be clear. I wanted that part of what we were talking about when you talk about selling.

Joslin: that should be fine.

Guertin: we're just waiting on the death certificate.

Moermond: will or probate?

Joslin: no will, probate. We're hoping to fix and repair the required items in order to sell the property. Is there a reduction of those items in order to sell? The second question I had is if we are able to do most of the repairs, can we make sure the person purchasing will do the rest, is that possible?

Moermond: this is a mixed-use building? They are treated as commercial in terms of transfer, right?

Dornfeld: correct.

Moermond: you don't have to do any repairs at all to sell. It is not covered under the residential repair provisions of the Code in Vacant Buildings. You can list it tomorrow if you want. I would say you want to have a real estate broker assess the property to give you a notion of what it could be sold for now, and maybe how much if it is repaired, but that's a private matter.

Joslin: we want to be open with anyone purchasing.

Shaff: use will determine what needs to be done to the building. A lot of these orders are old and it would be a good idea for any purchaser

Moermond: a 90-day waiver is almost meaningless. I think realistically there will be a pending assessment on the transaction so when the title company goes to look at this, they would see this.

Referred to the City Council due back on 7/26/2023

**15 RLH VBR
23-33**

Appeal of Kara Silva, Property Manager for 1583 Jefferson Avenue LLC., to a Vacant Building Registration Notice at 1583 JEFFERSON AVENUE.

Sponsors: Tolbert

Waive the VB fee to August 4, 2023 and allow permits to be pulled. If C of O is reinstated by August 4, 2023 release the property from the VB program.

Kara Silva, property manager, appeared via phone

Staff update by Supervisor Leanna Shaff: Inspector Jacobse was back out at the property, there are still some corrections. 10 items. Biggest are electrical and some building permits needed. Still some extension cords and handrails to be addressed.

Silva: when we were there with the tenants we told them to remove those. We have to put carpet at the stairs, and he installed the railing already.

Moermond: the building permit?

Silva: permits have been applied for but I haven't heard anything back.

Moermond: I know there was going to be a double fee for the basement remodeling, so that may take longer, I don't know. What is your estimate for completing the work.

Silva: Arturo was going to finish the remainder of the items tomorrow; washer and dryer being put back. We are like 99% done.

Shaff: Mitch Imbertson is who you want to contact, Inspector Jacobse is leaving.

Moermond: we'll send you a follow up letter and it will confirm the details as well as Mr. Imbertson's contact information. If that permit hasn't been applied for, get that taken care of. If it has, great. If they meet the August 4 deadline for completing repairs they are out of the Vacant Building program.

Referred to the City Council due back on 7/26/2023

**16 RLH VBR
23-31**

Appeal of Arhondus Simmons to a Vacant Building Registration Requirement at 1073-1075 SELBY AVENUE.

Sponsors: Balenger

Grant the appeal as it relates to condemnation and release from VB program, and grant extension to August 11, 2023 for compliance with balance of the orders.

Arhondus Simmons, owner, appeared via phone

Moermond: I think we can do this quickly. You had a follow up inspection

Shaff: Inspector Caballero was out on June 26. He has four deficiencies left including a permit for the furnace installation, garage door in disrepair and peeling paint. Interior needs paint. Bathroom fan and cable box on house is missing a cover. That is it.

Simmons: the furnace has been inspected, it passed. I asked him about the permit issue and he didn't know or understand. It was issued to MSP and then was denied. He inspected and said it passed and would let you know. The bathroom fan has been replaced. Cable box removed. Garage door works now. Painting is just trim work left.

Moermond: the first item is the reason it was condemned was the electric was off. That is on again, so we are granting appeal of the condemnation which means you are out of the Vacant Building program. I'm going to recommend the Council give you until August 11, 2023 for compliance with the balance of the orders.

Referred to the City Council due back on 7/26/2023

**17 RLH VBR
23-39**

Appeal of Shai Leibovich and Carolyn Brown, Community Stabilization Project, to a Vacant Building Registration Notice at 646 CHARLES AVENUE.

Sponsors: Balenger

Make property a Cat 1 VB and waive the fee for 60 days (to August 19, 2023). If Fire C of O is reinstated before August 19, 2023 release the property from the VB program.

*Shai Leibovich, BPH Homes, appeared via phone
Carolyn Brown, property manager, appeared via phone*

Staff report by Supervisor Leanna Shaff: this I a Fire Certificate of Occupancy going on a long time. Very long time. The letter that went out for the first appointment was mailed July 21, 2022. A year ago almost. We've had multiple inspections and we've come to noncompliance. June 14, 2023 their deadlines weren't met. We found out it was still occupied and not in compliance. Basically, we decided to take enforcement action. On Thursday the inspector hand delivered a copy of the revocation to the tenant so we were sure they knew. We don't get in; we don't get corrections.

Dornfeld: we opened a Category 2 Vacant Building per that referral on June 16, 2023.

Moermond: what are we looking at Ms. Brown, Mr. Leibovich?

L Leibovich: the tenant downstairs finally left yesterday. We completed rehab on the second floor. We replaced the entire roof. The only thing we are asking is, thank God the tenants left a 9000 balance for not paying rent, we need 40 days to complete the lower unit and we will be ready for inspection. Soffits, gutters are all done. Upper unit is renovated. Let us finish the first floor.

Shaff: the permit for the roof was issued in April, it has not been inspected. So not done as far as we are concerned.

Moermond: I will recommend the Council make this a Category 1 Vacant Building and waive the Vacant Building fee for 60 days, through August 19. If you have your Certificate of Occupancy reinstated before that there will be no fee.

Referred to the City Council due back on 7/26/2023

**18 RLH VBR
23-40**

Appeal of Lisa Proechel to a Vacant Building Registration Requirement at 892 JESSAMINE AVENUE EAST

Sponsors: Yang

Grant the appeal and release the property from the VB program.

Lisa Proechel, Keller Williams, appeared via phone

Staff report by Supervisor Matt Dornfeld: July 22, 2020 this was opened as a Category 1 Vacant Building per a Fire Inspection referral. June 13, 2023 it was upgraded to a Category 2 Vacant Building. I am showing a TISH was done June 28, 2023.

Moermond: we've read through the materials you provided and it isn't the first time

we've heard or seen someone hiding in a house. The water records show usage and it would have been a Category 1 as you indicated when they moved back in. We agreed that it is persuasive and can be released from the Vacant Building program.

Proechel: thank you.

Referred to the City Council due back on 7/26/2023

19 [RLH VBR 23-38](#) Appeal of Akeem Lamina to a Vacant Building Registration Notice at 2076 MARGARET STREET.

Sponsors: Prince

Layover to LH July 18, 2023 at 1 pm for further discussion.

*Mohamed Jalloh, attorney o/b/o owners, appeared via phone
Akeem Lamina, owner occupant, appeared via phone*

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: June 20, 2023 a Category 1 Vacant Building file was opened from a Code Enforcement Referral from Lisa Martin due to an Xcel shutoff. The Xcel referral said it was disconnected.

Jalloh: if the City is amenable, I just got involved, this is my first foray with the City with vacant housing. My preference is if we could continue this a day to see if we have a resolution because my client doesn't have a disconnection issue. He has solar panels. He gets money from the energy company paid back to him, more than what his house needs.

Moermond: we don't have hearings tomorrow. The appeal itself indicates Xcel disconnected the solar panel. I need to know that the smoke detectors all have fresh batteries. One of the things I'm concerned about is the hardwired smoke detector doesn't work if there is no power. That is the condition for talking about this next week.

Jalloh: that sounds great.

Moermond: we will talk to you next Tuesday. We will include a copy of the appeal where Ms. Lamina explains how the power panels don't work and did get disconnected. We need a conclusion on that.

Laid Over to the Legislative Hearings due back on 7/18/2023

20 [RLH VBR 23-37](#) Appeal of Boon Lor to a Vacant Building Registration Requirement at 1811 MONTANA AVENUE EAST.

Sponsors: Yang

Layover to LH July 18, 2023 at 1 pm (unable to reach PO).

Voicemail left at 3:13 pm: this is Marcia Moermond from St. Paul City Council calling you about your appeal for the Vacant Building registration renewal and fee for 1811 Montana. We will try reaching back to you again next Tuesday. We will send you a confirmation email on the time, between 1 and 3.

Staff report by Supervisor Matt Dornfeld: Category 2 Vacant Building July 25, 2019.

The appellant went through sale review and was approved June 17, 2022. All permits are on file. A Summary Abatement Order was sent May 9, 2023 for some junk, but it was taken care of. My guess is we are simply looking for an extension of the fee to finish the rehab.

Laid Over to the Legislative Hearings due back on 7/18/2023

**21 RLH VBR
23-34**

Appeal of Howard Henry to a Vacant Building Registration Renewal Notice at 933 PAYNE AVENUE.

Sponsors: Yang

Waive VB fee for 90 days (to September 27, 2023).

*Dr. Tyrone Jennings, o/b/o church, appeared
Howard Henry, o/b/o church, appeared
Jerry Steele, contractor, appeared
Dean Dovolis, DJR Architecture, appeared*

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: this was made a Category 2 Vacant Building June 27, 2022. It did go in front of you July 12, 2022 where it was changed to a Category 1 and the Vacant Building fee held for 90 days. We do have a building permit on file as of April 4, 2023. My records show this has not been a nuisance property. Vacant, secure, and maintained.

Moermond: that building permit, any inspections done?

Dornfeld: no details.

Moermond: when we last spoke you had intentions of rehabbing. You are obviously in the process of doing that. Purchased July 2021. Never occupied. Relocated from Philadelphia. Assembly use. Zoning is fine for that. We have the building permit issued, MR. Steel?

Steele: the permit application is in plan review. We are in the process of getting some more information they requested.

Dovolis: the issue is that it was renovated into a night club before they purchased it, which there are no records of. Exterior and interior. Bar elements. No records with the City. It looks like they followed code by doing renovations based on my observations. Now we have to prove all the renovations they didn't do. Inspections are saying prove to us that these are sufficient, that has held us up on the process. When we purchased it looked straight forward, but when we started the permit process there was no history. It stunned me. High traffic street, stage, night club. That's the heartache on this project. Long process.

Moermond: there's a note in the file your zoning review was approved with conditions. I am surprised as you are.

Dovolis: in my entire career I've never seen anything like this.

Jennings: it is puzzling for us. We have churches in Dubai, California, Texas, all over the world. We have never ran into a situation like that.

Moermond: me either. I've heard plenty of people doing improvements without permits and that comes out. But that is usually a far different circumstance.

Dovolis: yes, a whole building renovation, interior and exterior. The fixture count is legal for the use, but the plumbing is the one that may be difficult. Its enclosed, built into the slab. That's going to have be negotiated. The work does look competent that they did. It looked proper as far as egress. They did follow a set of rules, but whether it was inspected or assessed by the City I don't know. It was a major renovation. They had to infill the garage doors.

Moermond: I'm pulling up the revocation of the Certificate of Occupancy in 2022. It indicates inspector wasn't given access to all parts of building. Indicates permits were required. The Rep admitted to doing work without permits and for the change of use. It was called out by Ms. Shaff's team in 2022. We have the Vacant Building fee; I'm assuming you are looking for some grace on this. This is year two Mr. Dornfeld?

Dornfeld: yes, year two.

Moermond: any indication or estimation of timeline?

Dovolis: the work isn't considerable which is good. The majority of the building is cosmetic cleanup. The hurdles are making sure with inspections that they sign off on structural, mechanical, and plumbing. That's the hard part. They have no previous history and are struggling how to deal with this large amount of work having been done but no history of it. We hope in six months we can get the permit and renovate and occupy.

Moermond: communication with the seller and any representations they made? Seems like they should have some responsibility. That's up to you, I was just curious. I think what I will do is ask the Council to put a 90 day waiver in place so you can pull permits. I think you'll need more than 90 days, to September 27. This goes June 27 through June 26, 2024. If you are done in six months, I would be happy to prorate this down to half of the Vacant Building fee. If you are not done we can also divide the payment over 5 years. I can't make it go away entirely. I wish I could.

Referred to the City Council due back on 7/26/2023

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

- 22 RLH VO 23-26** Appeal of Ron Becker to a Re-Inspection Fire Certificate of Occupancy With Deficiencies (which includes condemnation) at 1020 and 1022 AURORA AVENUE.

Sponsors: Balenger

Grant to November 1, 2023 for compliance.

Ron Becker, o/b/o owner, appeared

Moermond: we reviewed the work plan submitted. Did you review it?

Becker: I didn't until this morning and then I said I think she sent me the practice version. I asked the bank to send the full one.

Moermond: there is literally nothing here.

Becker: I should have read it before I sent it. I assumed; you know what that means.

Moermond: I think they're ready to go, right?

Becker: yes.

Moermond: I have Leanna Shaff on the line and I was just asking her what their standard procedures are for when there is a transition between tenants in a vacancy.

Shaff: typically when a structure empties and there are repairs we will, rather than revoking the Certificate of Occupancy, we uncertify the property. Basically, you cannot reoccupy it until it is approved by our office. We'll hold that for 90 days and if you are done before then, no harm no foul, otherwise it is referred to the Vacant Building program.

Becker: I see.

Shaff: which is associated with a lot of fees.

Moermond: that fee is also appealable. I was asking for that information to consider the work plan by the purchaser.

Becker: if they get in and pull permits and are underway and the 90 days passes and they aren't done, that is appealable?

Moermond: yes.

Becker: they said the whole project will be six months.

Moermond: I'll send this to Council August 2 and I'll say they give you to November 1, 2023. They will look then to determine whether the Certificate of Occupancy can be reinstated or refer it to Vacant Building and revoke the Certificate of Occupancy. That would be the next step and those are appealable as well. That is a common conversation.

Referred to the City Council due back on 7/26/2023

23 [RLH VO 23-20](#)

Appeal of John S. Jagiela to a Re-Inspection Fire Certificate of Occupancy With Deficiencies (which includes vacating 2 areas) at 134 MONTROSE PLACE.

Sponsors: Jalali

Layover to LH July 25, 2023 at 1:30 pm (by phone) to discuss findings of the reinspection and deadline(s) for balance of the orders.

John Jagiela, owner, appeared

Moermond: we haven't had a follow up inspection done.

Jagiela: what is the reason? I don't have anything finished.

Moermond: we talked about this. Putting together a plan--

Jagiela: I did the critical repairs that could be done right away.

Moermond: I understand you didn't do the temporary repairs to the roof?

Jagiela: I had a roofer come out; I have a tile roof so you can't just put a tarp over it. It channels. The roofer put tarps in the attic under the leaks. I did the plumbing and fire extinguishers.

Moermond: why don't we have an inspector confirm that? Then we can have a plan. I need those short-term things done as good faith for a longer-term plan. I'd like a confirmation those are done, and these are remaining, so we can figure out a schedule for the remaining items. Are you generally available for an inspection?

Jagiela: I'm out of town a lot. I travel almost all the time. Between now and next Tuesday, I'd have to look at my calendar. I don't even think I'll be in Minneapolis.

Moermond: I need an inspector to have eyes on it to verify. Can you have someone meet the inspector there? Or a time you are available in advance. Get that scheduled and if that is done within the week, or I see it is schedule in the near future, I will discuss a date then.

Jagiela: do you have these hearings every Tuesday?

Moermond: yes.

Jagiela: it would be easier for me to schedule an inspection between next Tuesday and the one following.

Moermond: I need you to take action to schedule that, then I'm willing to discuss a date. I know you've had email communication back and forth about it. I hear you saying saying it isn't needed, I'm telling you it is.

Laid Over to the Legislative Hearings due back on 7/25/2023

24 [RLH VO 23-27](#)

Appeal of Albert Vierling to a Correction Notice-Reinspection Complaint (which includes condemnation) at 20 EXCHANGE STREET EAST, APARTMENT B104.

Sponsors: Noecker

Layover to LH July 18, 2023 at 2 pm for further discussion.

Albert Vierling, tenant, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: inspector Toeller found an apartment with excessive combustible materials, enough the sprinkler heads are obstructed. Exit paths obstructed. There is enough in the unit that the tenant is sleeping in front of the door due to having nowhere else to sleep. Hence it is condemned as unsafe and dangerous.

Moermond: I was puzzled when looking at the orders to see the condemnation as unfit for human habitation and only a reduction of 30%. Normally when I see housing with this many things they give a higher percentage. It seems low.

Shaff: it does seem low, but that is possible that may be all it takes to make it minimally code compliant.

Moermond: any referrals made to the House Calls program?

Shaff: the inspector did do that.

Moermond: Presbyterian Homes. Are you working with House Calls?

Vierling: House Calls is supposed to meet with me tonight. I have several items marked for removal. I think tonight is just an initial inspection.

Moermond: we have these circumstances; you feel like you can address them. Has anything been removed yet?

Vierling: no, not yet. It costs me to get rid of it. I'm in a studio with a chair in the center and takes up a lot of space. Part of my problem is I didn't expect to be in this process. I thought I would be in court. I wanted to go to court so I can get a lawyer assigned because I have other issues with Presbyterian Homes.

Moermond: are you low income?

Vierling: yes.

Moermond: have you reached out to SMRLS?

Vierling: yes.

Moermond: did you have an intake appointment?

Vierling: I had one they talked about finances and because I wasn't under an eviction notice at the time they rejected me.

Moermond: was that before it was condemned?

Vierling: a couple of days before.

Moermond: did they say that you income qualified?

Vierling: yes.

Moermond: this condemnation will activate them.

Shaff: it would be important to hear what he has to say about his reasoning why. From my understanding, what you really want is a larger apartment to accommodate your items.

Vierling: yes and no. I want to reduce. I know I don't need a lot of it. I'm paying 30% of my income for this studio because I'm a bit of an activist in the building so they punished me and took away part of my payments and won't move me to a larger apartment.

Moermond: that is something SMRLS may or may not take on. Today I look at these circumstances and say you have to get rid of things and organize things and make it safe. The House Calls people are social workers for the Department of Public Health. Get this reduction going. Who are you meeting with?

Vierling: Perry with the cleanup company.

Moermond: let's find out what Perry can do. Get that plan in place. I'd like to talk to you next week and hear we have enough cleared out you meet code. I am going to reach out to Lauren Ross with House Calls and close the loop with her and make sure we meet some deadlines to make this safe.

Vierling: I kind of did this on purpose because I wanted to go to court and get a lawyer.

Moermond: today is about making sure you are safe. We will talk to you next week. I'd like to see that reduction done.

Laid Over to the Legislative Hearings due back on 7/18/2023