



Minutes - Final

Legislative Hearings

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Tuesday, September 12, 2023

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [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 October 24, 2023 Legislative Hearing)

Sponsors: Noecker

Refer back to LH October 24, 2023 at 9 am for discussions with potential buyer and further benchmarks.

Thomas Radio, attorney representing ownership, appeared
Jeff Hauge, managing director of Wakota Commercial advisors, appeared
Bob Craft, o/b/o WSCO, attended but did not speak

Moermond: we started last time talking about the beginning of the marketing of the property. I committed to looking at what we did with the West 7th Burger King and construct deadlines roughly parallel to what we did there. Circumstances are different, but broadly, in looking at the file several things are to your benefit. The first Legislative Hearing I conducted on that was a no-show hearing on behalf of ownership. You showed up, points for you there. They attended the Council Public Hearing with the understanding it was being sent to Legislative Hearing with the Code Compliance applied for and Performance Deposit posted. In October, based on the testimony at Council Public Hearing and what staff had been telling me was we needed a nuisance abatement plan for that site. The same way you've experienced significant problems, so did they. Mostly what that came to was a lot of dumping. A few break ins and stripping inside the building. Camping immediately surrounding it, but not on the parcel. They delivered that nuisance abatement plan; the key component was fencing being installed. Which you have, which is good. Running the police calls and it appears the fencing has worked to control the nuisance activities. That was more behavioral problems at this location.

You've already taken care of that, which is great. The next step is to talk to real estate folks. The hearing in December, the owners brought in their real estate development people as well as the purchaser's representatives. So, we were initiating then a due diligence time period, which I wasn't interested in going that long on. We gave time for

it to be sorted. The building was going to be demolished, then it was figuring out who was doing what and when. The preference of the purchaser was the City do the demolition. The cost becomes an assessment, or someone pays it.

Supervisor Joe Yannarely: the total was around \$67,000. That included ripping up the pavement.

Moermond: that is the expectation, and also the expectation of the owners if the order was issued, unless there were plans pending in Department of Safety & Inspections for its reuse that was acceptable. They did do some exploration at the other Burger King site to see if there was a way to keep some of that pavement and it ended up being a conversation around parking and allowable spaces. They wanted more parking, so it didn't work out.

Radio: what was the cost of demo?

Yannarely: \$65,500 was the cost, including hazmat and removal of sign and asphalt.

Moermond: the owners wanted to keep the signpost, and there ended up not being a way to go back in time and grant a variance on the signpost. The purchaser in that case isn't planning on breaking ground for another 2 years, acquired it and is waiting for his lease to expire and trying to time out finishing of the new building and ending of the lease. I get the inclination that demo and construction being combined in one but I don't know that is the case.

Yannarely: the site was a lot bigger than this.

Moermond: a lot of 40,070 square feet.

Hauge: this is 27,000.

Moermond: this all brings me to a place where the next several months where it was increasingly specific over the next 15 weeks, which allowed me to go to Council to say, "these are the benchmarks I see, and it hasn't been a continued nuisance to the neighborhood in the interim." We're probably looking at two to maximum four months in which we have increasingly specific plans. Lacking those, we'll have to take it down whether or not you agree. You'd be selling a parcel not a building. Hopefully we have a situation where the buyer is present and clear ideas of what they want to do.

Radio: we're following the timeline of the other one, though we are further along and more compliant, we showed at every hearing, we posted that Performance Deposit, we have the abatement plan, and have the marketing.

Moermond: in all fairness to the West 7th folks, they hired a really good attorney who road herd on this thing, showed up like you, and brought it home. It was effective and had meaningful conversations. You do come to the game with those two things in place. Let's walk through the materials you brought.

Radio: I have numbers in the top to help reference.

Hauge: the first picture is building signage on the building. We are also considering using the two message boards on the pylons, I'd like to utilize those with our number. This signage is on the Robert street side of the property. Number two is our marketing package. This is what we're sending out to prospective buyers. We try to cover any

questions a buyer may have before they even call us. We send this when we cold call, we have this attached to the other platforms outlined in the following pages. A potential buyer, when googling commercial real estate, is going to find a whole number of platforms similar to the MLS, to search for commercial property. This package is attached to every one of those search engines.

Moermond: do I have to have an account to access this information?

Hauge: no, there is public side.

Moermond: when was this posted?

Hauge: I put them all on last Monday, about a week ago. Right after our previous conversation. This package is online, we hand to a prospective buyer. It is going to take more than hanging a sign and putting it on the internet. It will take me compiling a list of buyers, canvassing the neighborhood and then expanding and cold calling. I have to call business owners and restaurant owners to make them aware. If you look at the west side there aren't a plethora of national retailers, and that's because the river is a natural cut off. This is the northern cut off of the market in that area. They also don't want to cannibalize their own stores. Every national retailer is there if you travel south on Robert. As much as I want this to be the next Starbucks, Caribou, it could be, but I'm dedicating my time to local and regional operators. We had two national retailers I called immediately who said it is too close to their West St. Paul location on Robert street.

Number 3 is what you would pull of MNCart commercial exchange. It has the packet I just explained. An example. Number 4, is what you would receive if you received a blast email from me. We would identify the brokerage community that should receive an email about it. 664 brokers in my first email. Similar to the listing on Commercial exchange. [Note, no number 5 was discussed]

Item 6 is showing we sent that email. 281 opened it, that is a big number. That usually runs about 20%. That was sent September 7. I just sent another one, I try to send them weekly. Item 7 is LoopNet. The largest reach in the nation, but Commercial Exchange is local. They both reach big audiences. LoopNet reaches the general public more. It is always the top one when you search Google. Number 8 is another national database; more than any other use it is helpful at marketing retail properties. Typically for investment property but since Covid it is more user properties than ever. We have received good response from there as well. So far what we are doing is working. We hit the ground running and are a couple weeks ahead of my normal timeline.

Moermond: I'm sure you're aware of Karen Reid with NeDA. That would be a good contact to see if she's aware of anything at the neighborhood level, as well as any assistance packages. Community block grant dollars. That may change the calculation. I'm all enforcement. Daniella Lorenz is the person in Planning and Economic Development who is tracking this. We'll get you her contact information but her phone is 266-6595. I know she is watching this, for what purpose, talk to her. Those would be good contacts to look into.

Radio: we all have the same interest, in moving this from a nonproductive property to being productive. An alignment of objectives and values. I see this as a win-win. We've done a lot, now we have to wait for the market to respond. I really love the idea of speaking with City development people who may be aware of people that we can use. We only need one buyer.

Moermond: I try to keep these two conversations separate. They're very different. But wanted you to be aware of any resources. I will take those three contacts and these platforms as good performance measures for the next several weeks. If you have any information on potential buyers, next month would be a good time to talk about that and hopefully start reeling something in.

Yannarely: they're doing a good job of keeping the nuisance as abated as possible.

Moermond: for the record I do not care whether it is demolished or someone rehabs the building. Just need the nuisance condition gone. You make those connections and we'll get that information to you as soon as we can. On the 20th I'll ask Council to refer this back to Legislative Hearing on October 24 at which time hopefully we'll be discussing a buyer but definitely additional things you've undertaken. We'll figure out another set of benchmarks then. It just cannot be infinite.

Referred to the City Council due back on 9/20/2023

10:00 a.m. Hearings

Making Finding on Nuisance Abatements

- 2 [RLH RR 23-49](#) Second Making finding on the appealed substantial abatement ordered for 1941 UNIVERSITY AVENUE WEST in Council File RLH RR 23-6.

Sponsors: Jalali

Layover to LH September 26, 2023 at 10 am (Property Reps unable to be reached).

Voicemail for Ruth Ogbaselassie left at 10:03 am: this is Marcia Moermond from St. Paul City Council calling Ruth Ogbaselassie about 1941 West University. We'll try a couple other people and call you back.

Voicemail for Dawit Solomon left at 10:04 am: this is Marcia Moermond from St. Paul City Council calling Dawit Solomon for a hearing about 1941 West University. We'll try a couple other people and return to your number.

Essey Asbu was called in at 10:06 am: I am in the middle of a meeting so I'm going to have to pass on this.

Voicemail for Belainesh Tekle at 10:06 am: mailbox full and unable to accept Voicemail.

Voicemail for Dawit Solomon left at 10:08 am: this is Marcia Moermond from St. Paul City Council calling you again. We do have Ruth on the line, but were unable to reach you, or the other two people.

Ruth Ogbaselassie, treasurer Eritrean Community Center of MN, appeared via phone

Moermond: you are the only one who has picked up the phone this morning. We do have findings and things to deal with moving forward. How should we proceed?

Ogbaselassie: I can make sure they're available. I didn't get another email. I was expecting an inspection, no one knew anything. They're at work.

Moermond: a letter went out August 24 to all four of you indicating this hearing. I'm hoping if another letter does go out you're able to answer. I can put expectations in writing but it seems better to talk about them so we can answer questions you may have. Who is it we for sure need to have in that hearing? I'm hearing from our people you're half done.

Ogbaselassie: yes.

Moermond: which was the requirement in the letter sent August 24 so let's figure out how to get from where we're at to completely done. We need a roadmap moving forward so it can get done in a reasonable amount of time. This is just a storage building. Let's push this to September 26 and round out then where you are at. I'll be looking for plans from you at that time. This will go to Council Public Hearing October 11 again, so you have that information.

Laid Over to the Legislative Hearings due back on 9/26/2023

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

3 RLH SAO 23-35 Appeal of Joseph Dalbec to a Summary Abatement Order plus Notice to Cut Tall Grass And/Or Weeds at 913 JOHNSON PARKWAY.

Sponsors: Yang

Grant to October 20, 2023 for compliance for SAO related to yard cleanup. The nuisance is abated related to tall grass & weeds.

Joseph Dalbec, owner, appeared via phone

[Moermond gives background of appeals process]

Dalbec: what does that mean? Recommendation?

Moermond: it means I'm not the final decisionmaker. If you're fine with what I say, agree with it, otherwise you have a chance to talk to City Council.

Staff report by Supervisor Lisa Martin: a Summary Abatement Order was sent August 18, 2023 to remove and dispose of some auto parts, tools, tires, tarps and items underneath, scrap metal and miscellaneous debris with August 25 compliance date. He also received at tall grass and weeds letter. This property has had ongoing issues for some time. There are photos in the file.

Moermond: Mr. Dalbec, should we talk about the tall grass first? Have you mowed yet?

Dalbec: yes. I've really been cleaning up. We have the lawn looking really good.

Moermond: good. The other thing are the things you have in the yard.

Dalbec: we got rid of the tarps and tires and tools, we're doing the best we can.

Moermond: you're working on it. When do you think you'll have it gone?

Dalbec: I'm not sure. I'm working on it.

Moermond: is it you son's stuff or yours?

Dalbec: his stuff.

Moermond: I'm happy to hear you are working on it. We're about a month after the order. I need to put some kind of deadline in place. It can't just be whenever. If you don't get it cleaned up then the City crew will go in and do it. What is left on that list?

Dalbec: I need to get rid of other things. Odds & Ends.

Moermond: is that sheetmetal?

Dalbec: I've been getting rid of it.

Moermond: so some is still there. What about auto parts?

Dalbec: I've been getting rid of them too.

Moermond: so some are still there.

Dalbec: someone lent me a trailer and I've filled it twice and hauled it.

Moermond: that's good. Do you still have tires?

Dalbec: yes.

Moermond: there is some stuff under a tarp? Is that stuff there?

Dalbec: the tarps have been removed.

Moermond: and the stuff underneath?

Dalbec: that is gone.

Moermond: you said a friend was borrowing you a trailer?

Dalbec: yes.

Moermond: that is good. How many trailer loads do you have left?

Dalbec: maybe 5.

Moermond: that's a lot. Is your son helping you?

Dalbec: yes, yes. Throwing a lot of things in the trash too.

Moermond: I'm thinking a deadline 3 or 4 weeks from now.

Dalbec: I'm not sure about that. Maybe through the winter?

Moermond: no, not happening.

Dalbec: December?

Moermond: I'm not interested in going that far. You have enough stuff that if we wait until winter it will freeze in place and then will have to be chipping it out. I'm looking at the most flexible I can be is October 20th. That gives the City time to figure out what to do if the work isn't done. I want Ms. Martin to talk about the enforcement choices if the deadline isn't met. Ms. Martin, let's say October 20th comes and goes and he still has some items in the yard. What enforcement choices are you looking at?

Martin: we would deploy a work crew to finish cleaning it up and that would be billed back to the property.

Moermond: and when would you check to see if it is done?

Martin: the following Monday if it is a Friday deadline.

Moermond: so Monday the 23rd your team would go out.

Martin: correct.

Moermond: that's basically six weeks from today, a super long time, especially considering these orders are from mid-August. I'm going to recommend your new deadline is October 20th. [Moermond reiterates how to testify if he disagrees with the recommendation].

Dalbec: I wish something would happen to him; I can't stand it. He really went berserk the last time.

Moermond: we talked about having you talk to a social worker or the police last time. Did you do that?

Dalbec: I tried and I've been calling to get volunteers to deal with the yard too.

Referred to the City Council due back on 9/27/2023

1:00 p.m. Hearings

Vacant Building Registrations

- 4 RLH VBR** Appeal of Chris McCalla, PBH Real Estate, to a Vacant Building
23-55 Registration Requirement at 1630 UNIVERSITY AVENUE WEST.

Sponsors: Jalali

Waive the VB fee for 90 days (to December 11, 2023).

Chris McCalla, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: this was made a Category 2 Vacant Building September 2017. Moving forward we currently have a Code Compliance Inspection on file, all trades permits are on file. rehab is ongoing. Judging by notes this hasn't been

a nuisance property. I assume we are here to talk about the Vacant Building registration due yesterday, September 11, 2023.

Moermond: why are you appealing?

McCalla: I wasn't sure how the timing went on the Vacant Building fee. Is it calendar year, or September 11 to September 11. We'll have it occupied in December of this year.

Moermond: the Vacant Building fee is based on when the building went into the Vacant Building program originally. September 11, 2017 is when it went in, so fees moving forward covers September 11, 2023 through September 10, 2024. It is a prospective fee. What I am thinking in your situation, you're anticipating being done December 23. If I recommend a 90-day waiver, that takes you to December 11. Does that work?

McCalla: absolutely. If we could do 120 days it would be better. We're putting 1.3 million on the building, so any delays push it out a couple of weeks. We will occupy it the moment is available, hopefully early December.

Moermond: since the Vacant Building fee for buildings in the program more than a year they are making the fee higher. It means a waiver is worth more money. I'm trying to limit to the 90 days. But if it goes over, a week or two the Department will handle it, but five or six months in the year it will come forward as a proposed special tax assessment. That is appealable and definitely do that because we can prorate the fee for your time in the program. I'm comfortable doing that up to six months and cutting it in half, generally.

Referred to the City Council due back on 9/27/2023

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 5 **RLH FCO** Appeal of Susan Dunlop to a Fire Inspection Correction Notice at 631
 23-59 SNELLING AVENUE SOUTH.

Sponsors: Tolbert

Grant to November 1, 2023 with items 1 (roof), 2 (plumbing), 3 (fire extinguishers), and 10 (fire separation between interior/exterior spaces), as well as an engineering analysis as it relates to exterior wall. Refer back to LH January 16, 2024 for further discussion of remaining items, including timeline based on engineering analysis.

Susan Dunlop, o/b/o Joan's in the Park, appeared via phone

Moermond: I committed to doing some follow-up and wanted to walk through that with you. Do you have the orders handy?

Dunlop: not with me, but they're in my head.

Moermond: Mr. Imbertson and I were talking and thinking we could do some staggered work on this. Not everything all at once. What I've learned about these different things is starting with the sidewalk. What they look for in situations like yours where there is a concern about water infiltration into the building because of incorrect sidewalk pitch

is you would come forward with a plan to address it by way of permit application by way of contractor in this line of work. That work would occur and the waterproofing you need would occur. You may need to pull up the sidewalk panel to do that work. They would leave a temporary asphalt cover or gravel, and later the City would come back later and put you at the front of the line. It has happened that private property work has had to happen that means ripping up sidewalk, it happens. They would look for you to have that plan prior to relaying a sidewalk. So, the order of events is a bit different than what we had discussed earlier I think.

Dunlop: what is the City's responsibility to maintain the sidewalk in the first place? We've called so many times about it. Yes, I have to fix my building but where's the City's responsibility in allowing my building to sink?

Moermond: I can tell you the path towards solution. That would be a conversation with Public Works, you can always file a claim with the City, but it isn't a Legislative Hearing thing.

Dunlop: I understand.

Moermond: the first step is having an engineer look at the wall and getting that basic information, then we can figure out a plan of action based on that. Round one, the engineering analysis, knowing round two would be execution of that.

The water meter situation, I was wrong when I said the City would do the repair if it was on the City side of the meter, but that is incorrect. The valves and line are yours. You would hire a plumber to do the repair, they will not need a permit for this, they should know that. Because St. Paul has this requirement, they can't turn off the water supply from the curb stop. There's a dispatch the plumber would call, 651-266-6874. That's how that gets addressed. Should be a fast repair. Dispatch does this all the time. The permit issues imbedded in here can be dealt with sooner than later.

Dunlop: for the AC splits?

Moermond: yes, and the roof.

Dunlop: they were here and I think someone from the City came out and finalized the permit a couple of days ago.

Moermond: great. The other permit issue is the roof. The permit is pulled and that is finalized as well. Perfect.

The only other round one items would be the fire extinguishers.

Dunlop: those are done.

Moermond: perfect. The last item related to flame retardant materials.

Dunlop: we have that. We haven't applied it yet. We got it a few days ago.

Moermond: fantastic. For that collection of items, I went through was to say let's do a November 1, 2023 deadline on that. Then come back and talk more about a plan to execute necessary repairs and a timeline and to also figure out where we're at with the ventilation and hood system understanding the way you prepare food now gives us a nice cushion to be able to figure out the right path forward. Also, you'll be talking to folks about financing and will have better information. Because of that we can pause and figure out the best path.

Dunlop: that sounds very reasonable. What needs to be done by November 1?

Moermond: permits being closed, which you've done. Water line repair. Fire extinguishers. Fabric separating the uses. The only other thing was the engineering analysis as it relates to that wall. That's round one. Then round two I think we should talk after the new year and you'll have better information about money and how to proceed with what you learn from the engineer. Is that fair?

Dunlop: absolutely.

Moermond: I want you to have a chance to sit with it and contact contractors. It may be weather sensitive, I don't know.

Dunlop: we patched it when we did the roof, my concern is just further movement of the ground below it. We'll get on top of that.

Moermond: November 1 works for you for those and then specific plans related to wall repair and further conversation on ventilation issues. I'm thinking January 16. We'll revisit those then, and in the interim you can continue to operate under your current process.

Referred to the City Council due back on 10/4/2023