



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, December 7, 2021

9:00 AM

Remote Hearing

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 21-478** Ratifying the Appealed Special Tax Assessment for property at 596 CHARLES AVENUE (File No. VB2204, Assessment No. 228803)

Sponsors: Thao

Reduce assessment from \$2,284 to \$685, made payable over 3 years.

Patrick Nguyen, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this is straightforward. The Vacant Building file was opened May 28, 2019. Closed October 11, 2021. 5 months into prospective year for the fee. One extension given May 28 of this year for 90 days. Total proposed assessment of \$2284.

Moermond: guessing you want me to delete or prorate it?

Nguyen: May 29 I got an extension to August 29, 2021. I was done about that time however I was a little late because of plumbing inspections and building inspections. I called and they were at least 2 weeks out. That's why I was behind. I have a certificate from early October. I would like to the fee deleted; it would be very helpful for me. I am in difficult times with my working hours being less because of Covid. If you could delete it that would help my family a lot.

Moermond: right now in the normal course of events I would prorate the fee, that would mean 5 months out of the 12 billable months. I have sympathy for your delays due to Covid, so I'm going to suggest they charge less than 4 months. So instead of prorating to \$952 we'll go even further to \$685 and give you credit for the delayed inspections. I can also ask the Council to make it payable over 3 years so it isn't on your taxes all at once. So from \$2,284 to \$685, made payable over 3 years.

Nguyen: so I have to pay \$685 over 3 years?

Moermond: yes, so your Public Hearing is February 16. Your first invoice will come out within a week or 2 of that. You can choose to pay that bill or, let it roll onto your 2023 property tax statement.

Nguyen: thank you for your time this morning.

Referred to the City Council due back on 2/16/2022

- 2 RLH TA 21-470** Ratifying the Appealed Special Tax Assessment for property at 584 MAGNOLIA AVENUE EAST. (File No. J2202B, Assessment No. 228101)

Sponsors: Yang

Approve the assessment, noting it has been paid.

No one appeared

Moermond: this say they are no longer appealing; it was paid at closing. So approve the assessment, noting it has already been paid. These both have the same situation. The boarding fee was paid at closing so it was approved, no objection if it was paid.

7

- 3 RLH TA 21-471** Ratifying the Appealed Special Tax Assessment for property at 584 MAGNOLIA AVENUE EAST. (File No. VB2204, Assessment No. 228803)

Sponsors: Yang

Approve the assessment, noting it has been paid.

No one appeared

Moermond: same situation for the Vacant Building fee, it was paid at closing. It is clear the owner agreed with the fee and I'll recommend the Council ratify the assessment, noting it was paid.

Referred to the City Council due back on 2/16/2022

- 4 RLH TA 21-465** Ratifying the Appealed Special Tax Assessment for property at 1140 PACIFIC STREET. (File No. J2203B, Assessment No. 228102)

Sponsors: Prince

Delete the assessment.

Peter Drosier, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: July 7, 2021 the St. Paul Police Department requested a securing to take place at 3:30 a.m. The cost of that securing was \$330, plus a service charge of \$162, for a total proposed assessment of \$492.

Moermond: we do have a copy of the police report attached. It looks like it is the

public version because this is under investigation involving a death. The police were there in the middle of the night. Why are you appealing?

Drosier: I agree with what was said on the record. Everything is that way, but I'm appealing because I got a call from the police at my house and I spoke with Officer Cruz who I was told was in charge of the crime scene. I asked when they release it they release it to me to secure instead of having to pay for a boarding. That was so I wouldn't end up with extra damage to my property. They just start swinging screws and don't care about damage if they come. They put plywood on the original old oak wood on a 1920's house. I asked to be the one to secure, and instead I got a bill for a sheet of plywood attached.

Moermond: Officer Cruz you said you spoke with?

Drosier: yes. He gave me a cell number, and he did text me at the end of his shift, and he was passing it off to the next people I asked him to pass off the info that I wanted to be the one to secure it. I was never even told it was released.

Moermond: where were you?

Drosier: I was on the block, not on the property, but on the block. It was all cordoned off.

Moermond: I'm trusting what you're telling me. Sounds like miscommunication. If you were present there you had the ability to secure.

Drosier: I wasn't there when it was released but when the scene was active.

Moermond: they wrapped it up at 3:30 am.

Drosier: yep.

Moermond: you were there until when?

Drosier: I was there earlier but requested a phone call so I could be there for it.

Moermond: ballpark on that time?

Drosier: it was probably around 8:00 p.m. His shift ended at midnight and that's when he texted me he was passing my info to the next person.

Moermond: ok. Because this continues to be under investigation it is impossible to find out any detail from their end. So I can't say who said what to whom. This sounds like you were there and taking responsibility and talking to the police, so I'm going to recommend this is deleted.

Referred to the City Council due back on 2/2/2022

10:00 a.m. Hearings

Special Tax Assessments

- 5 **RLH TA 21-479** Ratifying the Appealed Special Tax Assessment for property at 1788

IGLEHART AVENUE. (File No. CRT2204, Assessment No. 228203)

Sponsors: Tolbert

Reduce assessment from \$363 to \$206.

No one appeared

Staff report by Leanna Shaff: we are recommending deletion of the service charge because the billing wasn't sent to the correct address. It was an issue in the AMANDA process. I talked to the property owner and he will pay the bill once he receives it from Real Estate.

Moermond: so staff and property owner have the same understanding that the bill will be reduced to \$206 from \$363.

Referred to the City Council due back on 2/16/2022

- 6 [RLH TA 21-481](#) Ratifying the Appealed Special Tax Assessment for property at 575 BRAINERD AVENUE. (File No. J2204E, Assessment No. 228303)

Sponsors: Brendmoen

Layover to LH January 18, 2022 at 10 am (PO unavailable).

Rolando Aguilar, owner, appeared via phone

[Moermond gives background of appeals process]

Aguilar: when I got the letter I couldn't understand if I should appeal. I am not there; I am in Mexico. Are we doing the appeal right now?

Moermond: yes, we are talking about your appeal today if you are ready:

Aguilar: I am in Mexico. I am not ready. I come back December 21.

Moermond: let's talk again January 18.

Laid Over to the Legislative Hearings due back on 1/18/2022

- 7 **RLH TA 21-482** Ratifying the Appealed Special Tax Assessment for property at 1128 SEVENTH STREET WEST. (File No. J2203P, Assessment No. 228402)

Sponsors: Noecker

Delete the assessment, waiver on file.

No one appeared

Moermond: graffiti abatement and waiver on file?

Staff report by Joe Yannarely: yes, no photos. Recommended deletion.

Referred to the City Council due back on 2/2/2022

- 8 **RLH TA 21-483** Ratifying the Appealed Special Tax Assessment for property at 770

SHERBURNE AVENUE. (File No. J2201E, Assessment No. 228300)

Sponsors: Thao

Delete the assessment.

Henry Tran, owner, appeared via phone

[Moermond gives background of appeals process]

Moermond: I wanted to let you know that Mr. Yannarely and I reviewed the files before we called you and calculated that we have four assessments for Excessive Consumptions today, there have been a total of 17 different charges. My understanding is October 7, 2021 the file was closed and the window was replaced. Is that correct?

Tran: yes, I replaced all the windows.

Moermond: the previous ones weren't appealed. For the 4 today, and one forthcoming, because you've taken care of it and had 12 previously, I'll recommend these get deleted. These 5 assessments will go away.

Tran: thank you.

Referred to the City Council due back on 1/5/2022

9 RLH TA 21-484 Ratifying the Appealed Special Tax Assessment for property at 770 SHERBURNE AVENUE. (File No. J2202E, Assessment No. 228301)

Sponsors: Thao

Delete the assessment.

Henry Tran, owner, appeared via phone

[Moermond gives background of appeals process]

Moermond: I wanted to let you know that Mr. Yannarely and I reviewed the files before we called you and calculated that we have four assessments for Excessive Consumptions today, there have been a total of 17 different charges. My understanding is October 7, 2021 the file was closed and the window was replaced. Is that correct?

Tran: yes, I replaced all the windows.

Moermond: the previous ones weren't appealed. For the 4 today, and one forthcoming, because you've taken care of it and had 12 previously, I'll recommend these get deleted. These 5 assessments will go away.

Tran: thank you.

Referred to the City Council due back on 1/19/2022

10 RLH TA 21-485 Ratifying the Appealed Special Tax Assessment for property at 770 SHERBURNE AVENUE. (File No. J2203E, Assessment No. 228302)

Sponsors: Thao

Delete the assessment.

Henry Tran, owner, appeared via phone

[Moermond gives background of appeals process]

Moermond: I wanted to let you know that Mr. Yannarely and I reviewed the files before we called you and calculated that we have four assessments for Excessive Consumptions today, there have been a total of 17 different charges. My understanding is October 7, 2021 the file was closed and the window was replaced. Is that correct?

Tran: yes, I replaced all the windows.

Moermond: the previous ones weren't appealed. For the 4 today, and one forthcoming, because you've taken care of it and had 12 previously, I'll recommend these get deleted. These 5 assessments will go away.

Tran: thank you.

Referred to the City Council due back on 2/2/2022

- 11 RLH TA 21-486** Ratifying the Appealed Special Tax Assessment for property at 770 SHERBURNE AVENUE. (File No. J2204E, Assessment No. 228303)

Sponsors: Thao

Delete the assessment.

Henry Tran, owner, appeared via phone

[Moermond gives background of appeals process]

Moermond: I wanted to let you know that Mr. Yannarely and I reviewed the files before we called you and calculated that we have four assessments for Excessive Consumptions today, there have been a total of 17 different charges. My understanding is October 7, 2021 the file was closed and the window was replaced. Is that correct?

Tran: yes, I replaced all the windows.

Moermond: the previous ones weren't appealed. For the 4 today, and one forthcoming, because you've taken care of it and had 12 previously, I'll recommend these get deleted. These 5 assessments will go away.

Tran: thank you.

Referred to the City Council due back on 2/16/2022

Special Tax Assessments-ROLLS

- 12 RLH AR 21-115** Ratifying the assessments for Collection of Vacant Building Registration fees billed during April 29 to July 23, 2021. (File No. VB2204, Assessment No. 228803)

Sponsors: Brendmoen

Referred to the City Council due back on 2/16/2022

- 13 **RLH AR** Ratifying the assessments for Securing and/or Emergency Boarding
 21-116 services during August 2021. (File No. J2204B, Assessment No.
 228103)

Sponsors: Brendmoen

Referred to the City Council due back on 2/16/2022

- 14 **RLH AR** Ratifying the assessments for Collection of Fire Certificate of Occupancy
 21-117 fees billed during August 2 to 16, 2021. (File No. CRT2204, Assessment
 No. 228203)

Sponsors: Brendmoen

Referred to the City Council due back on 2/16/2022

- 15 **RLH AR** Ratifying the assessments for Excessive Use of Inspection or Abatement
 21-118 services billed during June 22 to July 22, 2021. (File No. J2204E,
 Assessment No. 228303)

Sponsors: Brendmoen

Referred to the City Council due back on 2/16/2022

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 16 [RLH SAO 21-73](#) Appeal of Margaret Richardson to a Summary Abatement and Vehicle
 Abatement Orders at 1138 CHARLES AVENUE.

Sponsors: Jalali

*Layover to LH December 14, 2021 at 11 am to contact PO. Both nuisances are abated
and the matter(s) resolved.*

No one appeared

Moermond: Mai, you heard from the inspector on this one?

*Vang: Inspector Nhia Thao. After our premeeting yesterday I emailed him and he
indicated the vehicle was brought up to code as of December 6, 2021. He kept the file
open because of the appeal but it has been abated. That was just yesterday.*

Laid Over to the Legislative Hearings due back on 12/14/2021

1:00 p.m. Hearings

Vacant Building Registrations

**17 RLH VBR
21-81****Appeal of Derrick Malone to a Vacant Building Registration Requirement
& Summary Abatement Order at 394 HOPE STREET**

Sponsors: Prince

Grant to January 21, 2022 to have Fire C of O reinstated. Waive VB fee for 90 days and make property a Category 1 VB, and allow permits to be pulled.

Derrick Malone, owner, appeared via phone

[Moermond gives background of the appeals process]

Staff report by Supervisor Leanna Shaff: the Fire Certificate of Occupancy started in 2019 with Inspector Cassidy. He wrote orders, was getting noncompliance, but January 15, 2020 he notes the property sold on December 9, 2019 and the owner was giving his address as 394 Hope. Due to the time it takes to get things updated with Ramsey County, unfortunately six weeks later Covid hit. Mr. Cassidy went into retirement. He picked this back up in August of 2021. Inspector talked to the tenants; the property owner doesn't live there. Both units are rented. Sent out another appointment letter. September 16 another no entry, no show. Minor child at home on another visit. Inspector Cassidy went back into retirement and Franquiz picked up the file. He was there October 8 and met with the tenants in units 1 and 2. A tenant gave him owner and maintenance's phone number. He contacted both and informed the property owner that we need updated contact information. He talked to the property owner on November 1 asking how long it would take to take care of it. You can tell by the November 4 pictures there is a lot of deferred maintenance. After 2 pending revocations he sent it to the Vacant Building program.

Moermond: so the file has been open for a couple of years but a big part of that was the inspector retiring and then coming back out of retirement. So lag in the file with nothing happening. Then brought back to life to finish the inspection cycle. So revocation for long-term noncompliance.

Staff report by Supervisor Matt Dornfeld: on November 4, 2021 we opened a Category 2 Vacant Building per fire inspection referral. At the time of inspection it was noted that the dwelling was occupied in both units. There was some minor miscellaneous junk in the rear, discarded kids' toys and whatnot. A Summary Abatement Order was issued to clean up the yard. On return inspection there were workers onsite cleaning up the property. It did appear to still be occupied. I spoke to the property owner and we discussed the yard and the Vacant Building status. I advised him to file this appeal.

Moermond: what is going on with the repair situation and your appeal?

Malone: repairs are underway currently. There was a sale and purchase in that time period. I have receipts for exterminator as well as B&W plumbing and heating who are coming back out next week. I can show pictures of hallways and attic and windows being replaced. Continuing to clean things up. It is difficult as well, one of the maintenance guys did catch Covid and end up in the hospital. I can do a new inspection or whatever.

Moermond: I see this long list of things. Can you give me an idea of when you can have it complete?

Malone: most was done when he came back. He told me to call him at 9 am and I'm in

meetings, responded at 12. I can show an email that states that. He says I never responded. I don't know where he's getting no communication from. I see it being done in the next 30 days.

Moermond: so you're saying the entire list can be done within 30 days?

Malone: yes, a lot was already done.

Moermond: I just need a finish line for everything.

Malone: he didn't update the list. He added a couple new things.

Moermond: if they're done they just get crossed off. I'm looking at the calendar, you told me 30 days, so January 10 you will be done with everything. Is that doable?

Malone: I'm not trying to avoid these issues.

Moermond: let's hit the reset button and where we go moving forward. I hear you have a lot of things done and can provide information, a deadline for all the items and various items from the November 4 list, you can have done by January 10? Or is that too short?

Malone: depending on other people's times. I can show invoices. They plumber couldn't make it today and can come next week and hopefully they don't have any ongoing work.

Moermond: I am not inclined to say I need to baby-sit this. It seems like you have management under control.

Malone: they came and it was like the mafia. I wasn't trying to avoid anyone. I never had a call or letter then out of nowhere I was getting all these emails and calls. Then Covid going on. How can you even kick out a renter? They haven't even paid rent in 18 months!

Shaff: part of the issue Mr. Malone was Inspector Franquiz notes that October 8 he had to inform you that you hadn't updated your information with us. If we don't know where to send your mail we can't contact you. We send to what is on file.

Malone: I'm so sorry about raising my voice. But he said he didn't get a call or email reaching out. I did, I have proof of that.

Moermond: let's dial it down a bit. Ms. Shaff is Mr. Franquiz's supervisor and she will follow up with him. What I need to do is set a deadline, understanding there is Covid and supply chain issues and you also have some things done. I'm hearing you should be able to get things done in January. I want to talk about the 2 separate things with your property. One is the Fire Certificate of Occupancy is revoked and the other is it was referred to the Vacant Building program. I'd like to say you have until a certain time to get your Certificate of Occupancy reinstated then you never go to the Vacant Building program. With the holidays and Covid, I'm going to put an extension through January 21. That is to get the repairs done and hopefully takes into account any delays. That means Mr. Franquiz needs to reinspect at some point after January 21. We will include Ms. Shaff's phone number in the letter we sent you. You can reach out to her directly as well to smooth things out. We'll get you out of the Vacant Building program if you have your Certificate of Occupancy by then, so we'll put a 90 day waiver

on this and make it a Category 1 in the Vacant Building program and allow permits to be pulled.

Shaff: the windows being replaced do require permits so make sure those are pulled, inspected, and signed off by January 21. Also, when you talked about the plumber, what is he doing?

Malone: they are coming to check the furnace and provide adequate hot water between 110 and 120 degrees.

Shaff: ok, just confirming about permits.

Referred to the City Council due back on 12/22/2021

**18 RLH VBR
21-79**

Appeal of Shay Lay Moo to a Vacant Building Registration Requirement at 988 HUBBARD AVENUE.

Sponsors: Thao

Waive VB fee for 45 days (to January 1, 2022).

Tom Yang, realtor, appeared via phone
Shay Lay Moo, owner, appeared via phone

Tom Yang answered at 1:38 pm: was driving and 5 minutes from home.

Moermond: we'll call back in about 10 minutes

[called Yang back at 1:57 pm]

[Moermond gives background of appeals process]

Moermond: is there a sale pending?

Yang: no, we are holding off.

Staff report by Supervisor Matt Dornfeld: this was made a Category 1 Vacant Building on August 16, 2021 per St. Paul Fire Department referral after an extensive fire damage. Permits are on file and rehab is ongoing. However the 90 day waiver has now expired. I assume we are here to discuss the Vacant Building fee that is past due as of November 17, 2021.

Yang: Shay Moo and her family would like to request an extension.

Moermond: of the fee waiver?

Yang: we're wrapping up the project. Just the kitchen exhaust hood is left. It is all completed, we're held up on the kitchen exhaust. It has been installed but the City inspector said it doesn't work for the house. We're trying to find a lower CFAM and have it finalized or just can the whole exhaust entirely. It is oversized for the square footage right now.

Moermond: I'm going to recommend a 45 day waiver, to January 1, 2022. If your permits are finalized by then you'll have no fee. If you don't, it will come forward as an assessment and we can talk about reducing and prorating then depending on when you

are done.

Referred to the City Council due back on 12/22/2021

**19 RLH VBR
21-80**

Appeal of John Bassett, dba VADC Holdings LLC, to a Vacant Building Registration Requirement at 1054 UNIVERSITY AVENUE WEST.

Sponsors: Thao

Waive VB fee for 90 days (to March 11, 2022).

John Bassett appeared via phone

[Moermond gives background of appeals process]

Moermond: sounds like you have a change in use the last time we spoke, is that still the plan? An adult daycare?

Bassett: yes. We finally got the permits from the City and the renovation is proceeding.

Moermond: what kind of permits?

Bassett: I'm not familiar with what all the general contractor is doing. As far as I know he has all the permits necessary to gut the inside of the building and then an addition that will be attached to the back. Then everything will be refinished. A new waterline going into the building. Then drainage permit.

Moermond: it looks to me like you don't have a building permit pulled yet. Maybe he's working with someone on that? I would say touch base with your contractor. Ms. Shaff, what do you see?

Shaff: the last permit you see for electrical was 2019 was for a fire alarm panel. That is still active. However there are no permits with the exception of a temporary water permit that was issued November 30th. Other than that there are no permits. It is possible your contractor, designer, whomever, typically when they submit the permits for review it doesn't show that they have been received.

Moermond: and if this is a Category 2 Vacant Building there is a different process for getting a permit, right?

Dornfeld: during our last hearing one year ago, we changed it to a Category 1 Vacant Building because the property owner visions were to gut completely and add some additions and whatnot that the team inspection wouldn't be useful because we were going down to boards and beams.

Moermond: right, that's right, so they can do it online. Except it is a change in use which may slow things down. Long and short is you need to do follow up on permits. I assume you are looking for a waiver but it sounds like you'll be working on this for a while before you're done. What is your estimate on finishing?

Bassett: we're looking at May 2022.

Moermond: I can give you a 90 day waiver now but I don't think that's where we will end up. If you finish in May this will end up going to tax assessment and appeal that assessment so I can prorate your Vacant Building fee for half the year if you can get

done. If we can get close to the six month mark then we can get it cut down to size. For now we'll waive it 90 days, then figure it out when it comes forward as an assessment. Any questions?

Bassett: first, I was of the understanding my general contractor can't do anything with the building until he has permits. Isn't that true?

Shaff: yes.

Bassett: we started renovations a month ago and the foundation for the addition has already been placed.

Moermond: I would suggest your contractor get ahold of the City ASAP. They could get a stop work order and double feed for not pulling them in a timely fashion. Running in and asking for forgiveness is better than being busted.

Bassett: why would he do anything without permits in hand? He told me there was an application required.

Moermond: and we don't see it in the system. Mr. Dornfeld, do you have a contact for Mr. Bassett about more precise information on the permit situation?

Dornfeld: Bruhn would be the best contact. Is there a chance this may be under a different parcel address?

Bassett: when I purchased the building it was 1058 address.

Moermond: the other addresses it has are 0 Aurora, 1061 Aurora, 1065 Aurora, 1048 University, 1054 University, 1058 University and 1060 University. So all those addresses are associated with this PIN. One of those other address may have the permits. Your contractor could be right. Let's roll back on worrying about that and get you to talk to your contractor. Thank you Mr. Dornfeld.

Bassett: there were 5 parcels combined into a single property through the County done last May.

Moermond: yes, that's reflected here.

Bassett: my feeling is this building shouldn't be in the program because we've got a contractor there every day doing work. is it possible to remove the building from the program?

Moermond: no, it isn't. The finish line for getting out of the Vacant Building program is getting your Certificate of Occupancy issued. That's the same benchmark for everyone in this situation.

Bassett: I understand.

Referred to the City Council due back on 12/22/2021

20 [SR 21-216](#)

Review Request for Extension for Council File RLH VBR 21-75 adopted December 1, 2021 for an Appeal of Shekita Moore to a Vacant Building Registration Notice at 201 GENESEE STREET.

Sponsors: Brendmoen

Grant an additional extension to January 20, 2022 to have Fire C of O reinstated.

No one appeared

Moermond: there's been a request to get the Certificate of Occupancy instated further out than December 17 so it can continue to be occupied. There is also a fee waiver through January 20, 2022. I'm going to ask the Council to grant an extension to get the Certificate of Occupancy reinstated to be January 20, 2022 so they are on the same timeline. No Vacant Building fee if they have it by January 20.

Received and Filed

1:30 p.m. Hearings (NONE)

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 21 **RLH FCO** Appeal of Chris Bjorling, o/b/o 681 York LLC, to a Fire Certificate of
 21-188 Occupancy Correction Notice at 681 YORK AVENUE.

Sponsors: Yang

Grant to February 1, 2022 for compliance.

Chris Bjorling, o/b/o 681 York LLC, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a Fire Certificate of Occupancy inspection done by Inspector Franquiz. First inspection on this happened September 1, 2021. It looks like we have quite a few deficiencies. It is a four unit building and we have 46 deficiencies on the building. We have since had some date changes and let it be noted that we had a form 4 which is a form from the Fire Department that they had excessive heat in the apartments. This is an ongoing issue. The inspector said he was allowed access by the tenants and he observed some disconnected wires on a boiler and traced it from the ceiling to unit 4. Tenants cannot control heat in the other units. That thermostat controls heat for whole building. Unapproved electrical, mechanical, and building work done without permits. It looks like the representative is asking for more time but doesn't say how much time they need.

Moermond: I will turn it over to you Mr. Bjorling, what is going on?

Bjorling: as she mentioned we are looking for more time to correct the items. We ran into a number of issues trying to resolve the issues. The inspector had trouble getting into the units due to difficult tenants. We have similar issues. We have one with a case manager that we took on and we have sent over contractors to resolve issues and he threatened to shoot them. We have video of that. Threatened to physically harm people we've sent over. Proper notice doesn't matter. There are substance abuse issues so we are working with his case manager. They were let go 3 weeks ago which has slowed things down. We've had significant challenges in getting work done.

Moermond: what unit is that?

Bjorling: I don't know the unit number. I'm the owner, we have a property manager. I think its unit 3 but I'm not sure. We're working on relocating that tenant. In regard to the heat, the thermostat was in a unit. It is a boiler system that is quite old and the thermostat was in a common area and was getting tampered with. We tried to secure it. That didn't work, so we sent a boiler person to fix it and that's when they were threatened and couldn't complete it. We moved it to the vacant unit so it wouldn't be tampered with. We have another company coming out to ensure that is resolved once and for all. We're out of ideas. We're working on resolving that and the other items. The thing that happened was initially there were 20 items in the initial inspection then when he went back November 19 due to the heat complaint, he added another 23 items. A number of the items require a permit so we need time to identify the extra issues and then get permits pulled and closed on time. I do have a question on the reinspection. Do all permits need to be closed?

Moermond: let's tackle those questions. First, it sounds to me like we have two different kinds of inspections which is why the list got longer quickly. Why did it go from 20 some to 40 some?

Shaff: I think there are a couple things that happened. First inspection in September the inspector makes note that in October there was a request for a date change. Then there was another one because the inspector was out sick. I think a lot of time going by with challenging tenants and then there being the fire department being called out. That put all those together I think. The inspector was then able to see some issues that either weren't there before or that he couldn't see before.

Bjorling: yeah, I don't think the tenants were allowing him access.

Shaff: and that agreement is between your representative and your tenants to get access. We let you know, and you have your civil agreement. That can sometimes be a problem when we can't get access.

Bjorling: and yes, we provide notice but run into the same thing. I can't break the door down.

Shaff: sure, and then there are steps you maybe need to take to protect your investment.

Moermond: in the normal course of events there would be the initial letter, and you would be given 30 days to correct, then there would be a reinspection, then another 30 days, before additional enforcement takes place. I'm quite comfortable with giving an extension on this, but do you have the ability to put together a plan for me on tackling the list and the timing. You sound like you are trying to relocate the tenant, is there a timeline for that?

Bjorling: the previous caseworker was looking for places. He is a difficult individual and is not self-motivated to find somewhere himself. We're at the point of potentially needing an eviction. We were trying to do it amicably through his case worker. I think we need to file the eviction to keep things moving forward. That's the next step, we tried to avoid it. In terms of fixing the items, once we resolve that tenant we are fine fixing everything. It is just essentially having the ability to do so.

Moermond: I was noticing that some things were not inside of a unit, but in general

units for example the electrical panel related items. Access to attic with hasp lock. Have you had difficulty with threatening behavior for general areas in addition to his unit?

Bjorling: yes. It is not even just getting into this unit, it is not letting us on the property, telling people they aren't allowed. We are now sending our property manager with someone else. We've got access more recently and hired a separate contractor to tackle these items. We're getting to a better spot in terms of managing that tenant and not allowing him to fully disrupt what is happening.

Moermond: I'm inclined to recommend an extension to February 1 to address these items and expect that is sufficient. Do you concur?

Bjorling: I concur, yes. if we get it done earlier we'd like to get it resolved. My other question is on the closed permits, they have to be closed by February 1?

Moermond: yes, that's the indication the item is resolved. The inspection will be after February 1 but they will check the computer to see that.

Bjorling: ok great.

Referred to the City Council due back on 12/22/2021

**22 RLH FCO
21-187**

Appeal of Bonnie Barlage, o/b/o Midwest GIRG, to a Fire Certificate of Occupancy Correction Notice at 910 FOREST STREET.

Sponsors: Yang

Grant to February 1, 2022 for compliance.

Bonnie Barlage, property representative, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a Fire Certificate of Occupancy inspection on an 18 unit building done by Inspector Franquiz. The orders being appealed are the second set of orders. The first inspection was October 6, 2021 with 102 items. This one is down to 84 items. Inspector Franquiz notes on his inspection there was no access to unit 5 and there is an open electrical permit on file. He expects not to be completed until the second week in January. There is quite a bit of deferred maintenance. Holes in walls, missing fixtures, sanitation issues, orderly storage. A lot going on at this building.

Moermond: sounds like you want more time Ms. Barlage?

Barlage: we have a shortage of supplies and labor. There is a lot to be done here. The owner is on board in doing the repairs and getting it fixed, we just have had a hard time getting supplies and manpower to do it.

Moermond: and I've had an appeal on this property before. Efforts have been underway, that was in august of this year. This isn't the first effort for having an extension. The owner has some responsibility here to get this done. We have an extensive list. How are you going to be stepping it up and getting it done?

Barlage: we haven't given up from the initial inspection. We've outsourced to a general

contractor now. We keep picking away at all of it. We've had to go back and redo some things. We have one difficult tenant over there causing some of the delays.

Moermond: and again, not my first rodeo with this property. I'm not seeing a lot of progress on this and I want to light a fire to get this done. I get you need an extension and there is Covid. Pecking away at it sounds like the bare minimum. Of course you would hire a contractor. This is what one does in these circumstances. Your current deadline is December 20. What is the enforcement action then Ms. Shaff? Revocation or another reinspection?

Shaff: another reinspection, it would be their third strike.

Moermond: so I'm going to put a new deadline of February 1 for the entire list. If it isn't done you are revoked and have that to deal with that. that gives you plenty of time with the holidays. It does mean you will have to be on it.

Barlage: understood, thank you.

Referred to the City Council due back on 12/22/2021

23 [RLH FCO
21-183](#)

Appeal of Bonnie Barlage, Boyeyey Holdings LLC, to a Reinspection Fire Certificate of Occupancy With Deficiencies at 991 ROSE AVENUE EAST.

Sponsors: Yang

Layover to LH December 14, 2021 at 2 pm. Property Rep to submit schedule for compliance by noon Monday, December 13, 2021.

Bonnie Barlage, property representative, appeared via phone

Staff report by Supervisor Leanna Shaff: this one is also a Fire Certificate of Occupancy inspection that has been going on since the first orders July 22, 2021. We have had extension requests, reschedules, no shows, and then our inspector was out. Looks like there are currently 37 outstanding orders.

Moermond: when did this start again?

Shaff: the appointment letter went out June of 2021, and the responsible party no longer managed the property so the inspector sent out a letter with an inspection that took place July 22, 2021.

Moermond: and we are now in December. Ms. Barlage, what is going on?

Barlage: this one I have had an in-depth conversation with the electrician. He has having a hard time figuring out the issues are. He has dug into the hazards but he can't even give me an estimated date of completion. There is damage to the wiring, he has ripped it apart and now he has a supply issue that he can't get the parts he needs. Also problems with window supplies. When I spoke to him in November he had a lead time of about 12 weeks on some of the things he needed. Electrical is driving this one a bit more.

Moermond: what I'd like to see on this one is a work plan.

Shaff: I'm looking at some things like an S trap under the kitchen sink. That will

require a permit. There are no plumbing permits in here.

Moermond: Ms. Barlage should address exactly those things and in what order. There is quite a number of smoke detectors that need to be installed and there's no reason someone couldn't do that installation. Let's prioritize some life safety issues and things that can be done by nonprofessionals and try and ballpark the supply chain issues so I have an idea of where this is going. Can you do that either on the existing orders or a new document?

Barlage: absolutely.

Moermond: let's talk next week then about what you come up with. You can suggest deadlines, we may or may not end up going with them. Reply to Joanna Zimny's letter on Friday with the plan attach. If a permit needs to be pulled note that in your plan.

Laid Over to the Legislative Hearings due back on 12/14/2021

3:00 p.m. Hearings (Fence Variance)

- 24 RLH OA 21-17** Appeal of Amber Summer, Compliance Manager at Amarak, to a denial of a Request for Fence Variance at 1190 UNIVERSITY AVENUE WEST.

Sponsors: Thao

Grant the appeal for requested fence variance.

No one appeared

Moermond: I'm going to recommend the appeal be granted on this. I have discussed this with an electrical inspector, and the building official and we have come to an agreement this is a safe installation.

Referred to the City Council due back on 12/22/2021