



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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

Tuesday, July 23, 2024

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Remove/Repair Orders

1 [RLH RR 24-17](#) Ordering the rehabilitation or razing and removal of the structures at 887 CHARLES AVENUE within fifteen (15) days after the May 1, 2024, City Council Public Hearing.

Sponsors: Bowie

Layover to LH August 13, 2024 at 9 am. PO to submit evidence of financing, affidavit, work plan including bids and schedule by noon August 12, 2024.

Voice-mail left at 9:10 am: this is Marcia Moermond from St. Paul City Council calling you about your property at 887 Charles. I see we are getting those Code Compliance Inspections done by the trades this week. I'll continue this in Legislative Hearing to August 13, 2024. I anticipate you will have had the Code Compliance in your hands for a couple of weeks and you can begin getting bids. Then you can look at whether the financing you've shown is sufficient.

Laid Over to the Legislative Hearings due back on 8/13/2024

2 [RLH RR 24-20](#) Ordering the rehabilitation or razing and removal of the structures at 1156 LINCOLN AVENUE within fifteen (15) days after the June 12, 2024, City Council Public Hearing. (To refer to July 9, 2024 Legislative Hearing)

Sponsors: Noecker

Remove within 30 days with no option to repair.

*Sharon Compton, local court appointed guardian o/b/o owner, appeared via phone
Jesse McWilliams, son of owner, appeared via phone*

Staff update by Supervisor Yannarelly: no issues at the property. They removed a bunch of brush to make it easier to keep an eye on.

Moermond: Ms. Compton, do you want to walk us through the purchase agreement? I did look at it.

Compton: the people in Nevada, the Court, has approved the sale to Tom Distad who

plans to tear it down. This should happen quickly. Taxes paid, checking on closing date. Don't have that yet. That's the direction we're going. We're at the house today cleaning out more valuables and Tom should be there as well to assess what he needs to do to get the demo done. We have a big branch down from the storm, Dana should be removing that. Hoping to wrap it up in the next couple of weeks. I believe closing was going to be around the 30th of July. We need your approval and to find out what else we have to do to stay compliant with St. Paul.

Moermond: after reviewing, there's agreement it will be demolished. That's what buyer wants to do. The City expects that a nuisance condition is abated at the time of transaction, but I'm inclined to ask the Council for 30 days to remove. That will give Mr. Distad some grace in securing a contractor and getting moving and working with Department of Safety & Inspections. Then they're in sync, otherwise the City will do the removal. We usually get pretty competitive bids on demolitions; I don't think he'd do badly that way. I'll ask for a 30-day order on August 7, that means Mr. Distad has 30 days in which to pull the demolition permit. Once that has been pulled, what are the steps Mr. Yannarelly?

Yannarelly: any licensed contractor will know from the condition that there's certain places that accept fire damaged materials, which is more costly than a typical demolition. If he has questions about bidding or contractors he can reach out and we can talk to him.

Moermond: if the Council issues a 30-day order August 7, come September 7 if a demo permit hasn't been pulled what happens, Mr. Yannarelly?

Yannarelly: we give contractor 30 days to do the demo generally. Part of the bidding includes a hazmat survey too. They contact MPCC and do all the disposal with the County and get it down. If they have a demo permit pulled by September we just sit back and let it happen.

Moermond: the City isn't in a rush to get ahead of Mr. Distad. If the City takes over the demo it becomes an assessment onto the property taxes.

Compton: we're ok to move forward with closing?

Moermond: yes because it will be demolished and by that means the nuisance will be abated.

Compton: perfect. I'll let you know the closing date and time.

Moermond: Mr. McWilliams any comments?

McWilliams: how much will the demolition cost?

Moermond: it hasn't been bid yet. Costs are unknown.

McWilliams: I'm being held responsible to pay the fees on this. I'd like to know exactly how much. I was told in order to remove the remaining assets it will cost \$14,000 and I'd like to ask what percentage of the assets have been removed from the duplex so far?

Compton: we're finishing up today to remove the remaining valuable items. We have an antique appraiser out there conducting it with us. We have two storage units already.

We have a third one for what we take out today. We may have to go back another day with the trailers. I can't give a percentage. The house is such a mess, it is unfortunate people got in. They keep getting into the garage, it is very frustrating.

McWilliams: the second confession of judgment. I have it drafted up. Kayla drafted it. All we have to pay \$10,882. I don't have to make a payment until next year. Neither my father nor I want to sell the duplex. That is my opinion.

Compton: that's already been approved. The purchase agreement has already been signed.

McWilliams: I was under the impression it is against Minnesota state law to sell a property with the assets still inside. Am I correct?

Compton: we haven't closed. Selling and closing are two different things.

Moermond: Mr. McWilliams, if you have a legal question you need to contact a lawyer to get advice for yourself. Ms. Compton is a court appointed guardian of your father and isn't situated to give you advice. I can't and won't give you advice either. I suggest you do that if you want. You have things going on with the back taxes. That has nothing to do with who is legally responsible for the property. You have to work with the system in Clark County who is managing for your father.

McWilliams: the second confession of judgment was approved by Ramsey County. I have that actual document.

Moermond: that doesn't affect ownership.

McWilliams: it says "I, Jesse McWilliams, owner of the property." If we were to enter that second confession of judgment and pay the \$10,882 then we wouldn't lose the duplex. We can pay \$3,400 in early July to initiate the second confession of judgment. I have that paperwork. I just have to sign it.

Moermond: taxes with the County need to be paid, that is besides today's point. If the taxes were paid the property won't be "lost" to the County or State, but the thing is it doesn't make you the owner again. Your father is the owner and he has a court appointed guardian who is responsible for the property.

McWilliams: I understand. But the document drafted by Kayla indicates that "I, Jesse McWilliams", that's how it was drafted by Ramsey County. Kayla drafted it that way.

Moermond: they aren't attorneys or judges and they can't transfer ownership using a confession of judgment document. I can only deal with what the Courts have prepared, and that is this. If you want to take the argument to Clark County you need to work with them about who has the legal right to take actions on the property. Right now you do not. You aren't the guardian.

McWilliams: I was. I was never removed. Clark County is the successor guardian. In the system it shows me. Clark County is the successor guardian.

Moermond: you can argue those legal terms elsewhere. My reading for purposes of this issue is Sharon Compton has been appointed by Clark County office of the guardian to manage this transaction and the court has approved this sale. I can't step into that. I don't have authority to un-ring a bell that Court has rung.

McWilliams: as far as the fire damaged materials being removed, they could still hold value.

Compton: right. We're talking two separate things. Personal items are one, but the house is part of the demolition conversation.

McWilliams: we had a new furnace installed five or six years ago. That holds value. Can that be sold to benefit myself?

Compton: that isn't considered a fixture that can be pulled from the house. It was approved by the County, it isn't something that can be negotiated.

McWilliams: I notice the sworn contracted sworn construction statement is inaccurate. If you add all the numbers. It shows \$1,000,000. It is a very large amount.

Moermond: the proposal isn't to use the sworn construction statement, it is to remove it. Whatever is in it is moot; I won't reevaluate.

McWilliams: I had someone go out and give me a quote for the exterior, if that is helpful at all.

Moermond: it isn't for this purpose. I have paperwork stating Ms. Compton is the Court appointed guardian.

McWilliams: understood. I have a hearing today in Clark County at 9:30.

[McWilliams and Compton leave; Compton is called back in]

Moermond: it is Marcia Moermond again. Just wanted to make sure you didn't have anything else to discuss?

Compton: I understand what needs to be done. I'll get you that closing date, I appreciate all your time and help.

Referred to the City Council due back on 8/7/2024

3 RLH RR 24-23 Ordering the rehabilitation or razing and removal of the structures at 41 MILLER CREST LANE within fifteen (15) days after the July 17, 2024, City Council Public Hearing.

Sponsors: Johnson

Recommendation forthcoming pending approved financing, affidavit, work plan, bids and schedule.

Lee Coulter, owner, appeared via phone

Moermond: we were expecting bids, you were chomping to get going.

Coulter: I am. I have plumbing coming in. They should have it in today. I have the electric bid. I talked to him yesterday. Should go in the mail today. Sewage treatment system maintenance review, which the plumbing inspector wanted. That's been cleared. I basically am assembling the package and going to bring it down. I couldn't before, I didn't have it in time.

Moermond: sounds like you have things moving. Were there orders on the HVAC?

Coulter: that's the heating. I didn't mention that. I have that proposal.

Moermond: you have your building bid? That's all together?

Coulter: yes.

Moermond: great. We're looking for those bids, schedule for getting it done. We need the money, affidavit setting aside the work for this purpose.

Referred to the City Council due back on 8/14/2024

4 **RLH RR 24-24** Ordering the rehabilitation or razing and removal of the structures at 2117 MOHAWK AVENUE within fifteen (15) days after the July 17, 2024, City Council Public Hearing.

Sponsors: Johnson

Recommendation forthcoming pending approved financing, affidavit, work plan, bids and schedule.

Lee Coulter, owner, appeared via phone

Moermond: we were expecting bids, you were chomping to get going.

Coulter: I am. I have plumbing coming in. They should have it in today. I have the electric bid. I talked to him yesterday. Should go in the mail today. Sewage treatment system maintenance review, which the plumbing inspector wanted. That's been cleared. I basically am assembling the package and going to bring it down. I couldn't before, I didn't have it in time.

Moermond: sounds like you have things moving. Were there orders on the HVAC?

Coulter: that's the heating. I didn't mention that. I have that proposal.

Moermond: you have your building bid? That's all together?

Coulter: yes.

Moermond: great. We're looking for those bids, schedule for getting it done. We need the money, affidavit setting aside the work for this purpose.

Referred to the City Council due back on 8/14/2024

5 **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. (Refer to May 28, 2024 Legislative Hearing)

Sponsors: Noecker

Layover to LH August 13, 2024 at 9 am. Purchaser to submit financing, work plan, bids and schedule and have closing date by noon Monday, August 12, 2024. (CPH

8/21)

*Tom Radio, attorney, appeared
Bob Craft, o/b/o WSCO, appeared*

Moermond: got your written update. Any comments you want to highlight?

Radio: both parties remain committed to completing the sale. The last issue regarding vandalism will require bids because it is substantial. It need not be submitted to insurance or negotiated between themselves.

Moermond: what does that mean? I need it wrapped up. What does a bit more time look like?

Radio: another 30 days. Regarding the ongoing vandalism, I am urging my client to take greater security measures. Our efforts so far are not enough. I'll be encouraging them to increase efforts to secure the property.

Moermond: you want 30 more days, and what happens at the end of that?

Radio: hopefully there's a closing on the property, or the deal goes away I guess. Resolve the insurance claim to close the deal. Parties void and we start over on marketing. Third is they need more time. Needing more time isn't going to be the problem, or the solution.

Moermond: we've talked in the past about the buyer showing up and sharing plans and what is going on. We haven't heard from them. Tell me about that? Is that because they don't own it yet so they aren't taking responsibility for this process?

Radio: yes.

Moermond: yet what they bring to the table is what I ask for to continue a case. What follows the Code Compliance Inspection Report and Performance Deposit but what follows is rehab plan and evidence of financing. We started in Legislative Hearing talking about this last July. The anniversary date is August 2 for its first Council Public Hearing. When it gets to be a one year anniversary of problem solving I feel like the City has given a lot of grace to resolve it. I understand there's been intervening things, but it has been a year. I need specific plans or I'll ask the Council to move forward with removal. I feel like I'm not doing a good job with my responsibility on the abatement order. It continues to be an attractive nuisance. Orders are being written because management hasn't gone by to see it, it shouldn't take a letter from the City to do it. Someone should be actively looking at it. The City isn't the property manager. I know you know all that and you aren't the owner or buyer. You are the messenger.

Radio: I am, and I will follow your direction on the message to be delivered.

Moermond: August 13 I will put this on our agenda and I need to see the rehab plans and the financing to execute them, and a closing date. Those three things reviewed and approved and I'll be happy to make a recommendation for Council to give time to do it. IF not, we're in the fallback position of whether Council wants me to continue working with this file, or taking action now. I'm happy to work with you. Council Public Hearing August 21. Council commonly sends things back to hearing, but I don't feel like I can continue without more specifics that would take this taken care of.

Radio: I understand. I will be out of town the 6th through the 14th, but I can have someone appear on behalf of my client if that works for you.

Moermond: I'm fine with that. We're entering into the record an email Scott Wilson sent on to the Ward 2 office. [attached email read into record] These are state building codes and fire codes being looked at that we're bending over backwards to allow the building to be rehabbed. Its use doesn't have anything to do with whether it is rehabbed or not. Retail, restaurant, etc cannot be considered in this process. I don't know the City has introduced any more expenses. I know the environmental assessment showed environmental issues that required a phase 2 analysis.

Craft: the sidewalk between Burger King and the gas station has a path and it is a trash heap, if someone could address that.

We know it is being broken into for drug dealing, so if they don't secure it they will continue having damage.

Laid Over to the Legislative Hearings due back on 8/13/2024

6 RLH RR 24-29

Ordering the rehabilitation or razing and removal of the structures at 291 STINSON STREET within fifteen (15) days after the September 4, 2024, City Council Public Hearing.

Sponsors: Bowie

Layover to LH August 13, 2024 at 9 am for further discussion. PD to be posted and CCIR applied for to allow continued time for probate + plans.

*Carrie Nelson, daughter of owner, appeared via phone
Shawn Nelson, son of owner, appeared via phone*

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: the building is a one story, wood frame, duplex with a detached two-stall garage on a lot of 4,966 square feet. The Fire Certificate of Occupancy was revoked on June 17, 2020 and the property was referred to Vacant Buildings with files opened on July 9, 2020. The current property owner is Thomas C. Vehrs (deceased), per Amanda and Ramsey County Property records.

On March 27, 2024, 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 1, 2024, with a compliance date of May 1, 2024. 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 \$25,000 on the land and \$125,500 on the building.

Real estate taxes for 2021-2023 are delinquent in the amount of \$15,829.29 which includes penalty and interest. Taxes for the first half of 2024 are due in owing the in amount of \$2,942.11 which also includes penalty and interest. The property is scheduled for tax forfeiture on July 31, 2025. The vacant building registration fees were paid by assessment on August 2, 2023. The vacant building fee is now due and owing.

As of July 22, 2024, a Code Compliance Inspection has not been done. As of July 22, 2024, the \$5,000 performance deposit has not been posted. There have been fifteen

Summary Abatement notices since 2020. There was one work order issued for snow and ice. Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish exceeds \$30,000.

Carrie Nelson: it is my home. Probate was never opened due to the fees. It has been so long; I have the paperwork to file. They have to recognize us as heirs and transfer it into our name. The taxes are delinquent but I have paid \$13,000 up front. We have money coming to us, about \$20,000. We are interested in saving the home but it depends on how much time I have to fix it. Everything like that. I won't pay the taxes if the house is going to be demolished.

Shawn Nelson: we can get bids and get the ball rolling. Once we have probate we have access to funding.

Carrie Nelson: my mother has retired and said she can help with her retirement money. We're also looking at unclaimed funds from my dad's pension. Obviously taxes and fees have to paid, then I need to know what has to happen to get it into my name to get a rehab loan.

Moermond: a lot going on. Looking at your situation and hearing the things you need to do, including going through probate and past taxes, find funds to do the rehab. As I sit here today in July 2024, what is different today than has been the case in the past four years it has been on the Vacant Building list?

Carrie Nelson: I was engaged to a construction worker who was going to pull permits and do the work. That was a big part of getting things done, and that caused some problems. We don't have a long probate process, since it has been 3 years. It is significantly more than what we knew about. I'd like to retain an attorney then to guide me through the legalities of saving the home. Things have changed with funds. We didn't know if there were any funds in the estate, but I've found there is money.

Moermond: why haven't you done those things to date? Circumstances haven't changed over the last four years. Those same opportunities have been available to you. Now the difference is the City is proposing to remove the property and that's the catalyst for evaluating this?

Carrie Nelson: yes. We didn't have any idea there was any money in the estate. He didn't leave a will. No insurance companies or anything. He was a hoarder. I've had to find a lot of things. He has another property in Wisconsin I just got an offer on. It is only land. We have identified about \$40,000 we can use to repair. I've gotten a lot of people who contact me to buy "as is". What if we didn't want to fix it, can it be sold?

Moermond: I'm going to say two pieces are the first things to deal with. One is getting the Code Compliance Inspection Report, which is the punch list of things that need to happen to bring it into minimum code compliance. We can email that form to you.

Carrie Nelson: while we were doing the condemnation in 2020, we worked with County or City who installed a furnace in the home. It was \$10,000 invested by the City. We got two dumpsters and removed stuff. At the time for the heating installation, it had been cleaned out.

Moermond: that's good. In terms of the Code Compliance, that's the punch list to get bids on to do the rehab. The other thing is the \$5,000 Performance Deposit which indicates you're in the game. It is to perform. If you do perform, it is rehabbed, you get

that money back again. It doesn't disappear if the work is getting done. You create your own carrot. I can tell you for my purposes those are critical, but additionally the property isn't in your name yet. The other is the past due taxes. From what I can figure cost-wise there is about \$20,000 in past taxes, the \$5,000 Performance Deposit, \$700 in the inspection report. So that's \$26,000 before you've done anything. Add in the cost of paying the contractors and probate costs. Most people end up having to use an attorney to do that. Likely some costs around that. Paying the contractors, we'd look for evidence of the financial wherewithal to pay the contractors. Staff's best guess is rehab would cost \$75,000. So that's \$100,000 without attorney costs. I just want to do that reality check so you aren't surprised. It could cost less; it could cost more. That really depends on that Code Compliance Inspection Report and what your contractors say.

You asked about selling. What I can tell you is that by the time a property becomes a Category 3 property, it cannot be transferred until the nuisance condition is abated. That doesn't mean you can't work with a third party to do the rehab; we've seen this done many times. People work with developers who specialize in this kind of thing. You keep the property in your name, which it isn't even in your name yet, and enter into a contract that somehow designates that this person is doing the work and once it is title transfers to them and payment comes to you. That isn't out of the question, but you're still going to have to figure out probate. You have to have the taxes paid, because the County won't transfer title until taxes are paid. So that's \$30,000 before you can tackle this. The purchaser will need this Code Compliance Inspection Report. You now have not much time to make these decisions.

Carrie Nelson: how long do we have to think about this and pull items together? Funding, bids, things like that?

Moermond: I like to stagger these things so up front we need that Performance Deposit and the Code Compliance Inspection Report. That tells me you are in; you have a full understanding of expectations. Then the next step is figuring out probate, taxes, all of that. I'm weighing the cost of holding the property versus demolition. Let's talk in two weeks and in the meantime consider probate and how that looks and paying back taxes. Things need to go from abstract to solid deadlines and plans. Let's talk again August 13.

Laid Over to the Legislative Hearings due back on 8/13/2024

10:00 a.m. Hearings

Making Finding on Nuisance Abatements

7 **RLH RR 24-28** Making finding on the appealed substantial abatement ordered for 975 REANEY AVENUE in Council File RLH RLH RR 23-61.

Sponsors: Yang

Grant an additional 180 days to rehabilitate and continue \$5,000 PD.

Olympia Haidos, owner, appeared

Moermond: we're six months down the line and checking in. I look for a couple of things, the first and major is where you're at percentage-wise with rehab. If you're more than 50%, then your \$5,000 Performance Deposit simply continues. If you aren't, we

have that conversation. I have 65%.

Haidos: I have completed a lot of items on his July 1 & 18th list already. I have an updated list [attached to record] The new list from December was general compared to our 2019 list. That was much more specific. We had our mechanical done in April, our electrical in February.

Moermond: yes, finals on electrical, final, warm air and mechanical.

Haidos: the only issue is when we passed our warm air ventilation permit for the dryers the end of April he was concerned about the mechanical part but that didn't need a permit because we'd done the permitted work before the second list came out. Aaron didn't require a new permit, he finalized the old permit. It was finalized May 2, when he came out to see. We have a receipt for the work, but they said they don't typically pull permits for this type of work. That's where the delay was. He came out May 2, May 3 we found out my sister in law had cancer. So he didn't return Clint's call until end of May. Then it was back and forth several weeks. That's why he came out July 3. He came out and points to things, with no specifics from the list. That's where we're at with him now. After July 3 you can see the things completed or assigned to carpenter. HE wants the whole building painted, which isn't on the list. Now he says the whole interior needs to be painted. I think he's referring to item 21, which says repair walls, ceilings, floors throughout.

Moermond: which could reasonably be fixing holes and cracks versus painting.

Haidos: yeah, it has been mudded and repaired. Now he wants the whole place painted. Now we're working with a painter and figuring out those costs to get that done quickly. You can see all the other things that have come up and then were done. Then he came out on the 18th as well.

Moermond: if I were to say to the Council, please continue this Performance Deposit for another 180 days and grant 180 days to complete does that address what you'll need?

Haidos: yes.

Moermond: I'll ask for the max knowing you likely won't need it. We don't have to make this more complicated. We have a work plan laying out the remaining items.

Haidos: Clint has also mentioned there might be more things when he comes again. I wish there was a specific—he did come in on the 18th he came in and told us we needed a door put into the entry on the third floor, in the back. There's an entryway there. We have to do that. We don't know what else might come up.

Moermond: I'm happy to do 180 days. We'll send this to Council August 7, so 180 days from then. So February 7th. This sounds well under control.

Referred to the City Council due back on 8/7/2024

1:00 p.m. Hearings

Vacant Building Registrations

8 **RLH VBR**
24-39 Appeal of Steven R. Schwartz to a Vacant Building Registration Notice at
1105 PAYNE AVENUE.

Sponsors: Yang

Deny the appeal of the VB registration.

Steven Schwartz, owner, appeared

[Moermond gives background of appeals process]

Schwartz: did you read my complaint that my wife wrote up? At the end I'm thinking of suing the City.

Moermond: I read the appeals in their entirety, yes.

Staff report by Supervisor Leanna Shaff: June 13 late afternoon I received a referral complaint that the lower level was set up as a possible illegal assembly. The next morning, I called the appellant to talk about gaining access to the building. He wanted to right then, but I wasn't able to. After talking he made indications he wouldn't show for an inspection, so I wrote a letter with access orders. It was a Friday, so gave time for weekend and set it up for the 20th. Went to the inspection, you can see the photos, the tenants had turned it into an assembly use which means it is an assembly of people. Took a lot of photos. Show they had a sign with a bar, prices for drinks, drink menu. No zoning approval for assembly occupancy. Several members of our St. Paul Police Department were with on that inspection. The appellant was upset and left the building. IN the interim the tenant's representative showed up and the appellant came back. We gave due process to make it right or vacate the building. Set an appointment for the following week. The building looks like it could possibly be vacated. The appellant also asked for the building to be condemned, or the space. It was a condemnable citation so we went through that process and referred it over to the Vacant Building program as a partial Vacant Building.

Moermond: once a determination was made about an assembly use, previously business use, I was wondering Zoning has a concern, licensing, but you touched on exiting that is a fire code issue. Building code—would there have to be a review under that Code before a change?

Shaff: yes, different uses will have different requirements as far as how many exits and how many people can be in there, separations from other uses, bathrooms required, a lot of things come into play. You just can't take a building and change it into a restaurant or an assembly. There was a bathroom without appropriate permits even. A lot of steps to be taken.

Staff report by Supervisor Matt Dornfeld: little to add to that report. Made a Category 2 Vacant Building on June 28, 2024 per the Certificate of Occupancy condemnation. At the time of inspection, the building appeared vacant and front door was secured. Posted placards and took a photo.

Moermond: Ms. Shaff reported this was referred as a partial Vacant Building registration? Other parts are occupied? There is residential above I believe?

Dornfeld: that's how it was entered. That's the way we understand it.

Schwartz: it was a restaurant right before these guys moved in. So I don't know about

all the exits and bathrooms and stuff because it was okayed as a restaurant. Second, when Ms. Shaff called me she said nothing about people, she said assembly. I said, "what are you, crazy? I have an assembly line in there?" She said nothing about people, ever. I said let's go right now, I'll show you. She said no, I can't go now because she had to line up [points] those people, those people, those people.

I finally got there and like 9 people walking in. I'm there for an inspection thinking they're looking for an assembly plant. Nine people start talking at me, not to me. All were going off on me and everything. If you read my complaint, which I hope you did, it doesn't say anything about people then we get there and they are trying to figure out how to get the bikers out. Leanna says, "let's just condemn it."

Moermond: I'm going to back up. Mr. Schwartz, I'm going to say Mr. Neis, Ms. Shaff, I'm Ms. Moermond.

Schwartz: sure. Ms. Shaff was deceiving me. When I showed up all these different people start coming in. They weren't there for an assembly line. They were there to shut the bikers down. I had no clue. I'm stuck in the middle. The Commander Eric, of the east side police, who I thank very much. After everyone left he is saying they're nuts because she wanted me write everything up to get the bikers after ME when they already threatened to come to my house. She keeps saying "let's just condemn it and stuff. Mr. Schwartz can call and say they're illegally there."

No, no, no I don't want them calling me. I was talking to Eric outside, and he said "yeah, I don't know what these people are talking about. I've been in gang enforcement for twenty years. You want nothing to do with these people." She kept trying to get me in the middle of it.

Moermond: I read your piece, but I also know from St. Paul Police Department and from Fire Inspections that you made a couple of threatening statements too. This is just to give background.

Schwartz: I would like one of the police officer's camera's that was filming the whole thing.

Moermond: I'm not the person who can provide you with that. I want to try and problem solve this situation. I look at assembly use and it is plain to me, but I'm inside City government, that I've seen assembly use for restaurants, bars, bowling alleys. I'm not clear if you were having a Certificate of Occupancy as a restaurant.

Schwartz: I've owned it for 40 years, its always had a Certificate of Occupancy.

Moermond: I don't doubt that, but how the building is being used is a question. The next question is how we move forward. We have the Vacant Building referral. Where do you want to go with the building moving forward?

Schwartz: they're out. It was only condemned because they were in. It was never empty so why is it considered a Vacant Building?

Moermond: if a building, or a portion of a building, is condemned and people have to leave and its closed for its use, that is qualified and should be referred as a Vacant Building. A parallel to that would be someone who's gas and electric are off, that would end up being condemned and referred to the Vacant Building program as well. Usually there's a grace period to figure something out. How to figure out where we go from here

and setting aside the Vacant Building, the Fire Certificate of Occupancy orders, what is it you want to do with this space?

Schwartz: I'm trying to sell the building. I've talked to realtors. I can't take St. Paul anymore. I have to deal with the tenants, the police (I like Matt and Eric), Ms. Shaff has been on my back for 10 years ever since my daughter was dying. You do what you want. If I have to I'm suing the Fire Department and we'll go to the Attorney General. I just want it lifted. It was never condemned until they wanted the bikers out. What's the problem? They've been gone a month.

Moermond: so you want to sell it.

Schwartz: I can't, you condemned it. Bikers are gone. I want to get rid of it. Everything had a Certificate of Occupancy until the 9 people came in at once. There are people upstairs.

Fire Safety Manager AJ Neis: this was referred due to the illegal assembly sent to us. We received reports of this assembly having challenges in the past, including shots fired. That was brought to our radar to investigate. Supervisor Shaff went to the property, found the building was indeed an assembly. You're thinking factory, it means people. We looked at that illegal use and in those scenarios with potential activity that could cause harm to the people there, the residents, the neighbors and we find that use is illegal it is standard practice to condemn that space so it isn't used for that again. If it is no longer in use as an assembly, previously it was USD Youth Services, which would have been a business. I also read your letter, you rented to them. You put them there to use for an assembly. "renting it for a clubhouse for their bike club to play pool, etc". your statement in itself reads as assembly use. Changing from business occupancy to assembly space. She found it a valid complaint. Rightfully condemned the space. Future use is yet to be determined.

Schwartz: it would be nice if the St. Paul Police Department would inform the landlord of shooting. Police never tell me anything. I had no clue of last year's shooting, because no one told me. Again, I'm the 'NARC', thinking its an assembly line.

Moermond: when I look at the photos I see clubhouse, liquor sales, you've seen the same thing. We know the score on that. You want to sell, someone else will use it for something different and they will need a Fire Certificate of Occupancy to do that. Right now, there isn't one for that space, can't be used until its reestablished. This is similar to one on South Robert. The case there was an office building that one of the big conference room was being used as a party room after hours. Booze. I look at your circumstance and I think you're approved as a commercial space being used as another purpose that isn't approved that has problem behaviors associated with it. In the case of the West Side situation, we were able to put together a nuisance abatement plan. That was with the tenants still being there, and included hours of operation, signage, the owner signed it, we signed it. Mr. Neis is monitoring it along with the police. Now you have a situation that was like theirs, but now the people are gone. Me using that tool for this situation doesn't make sense. What I'm left with are tools that come from the Fire Certificate of Occupancy action and the Vacant Building. I want to put together something that makes sense and still protects public safety. I get they're gone, but I need to come from a space where the situation was created by you when you rented to them. There are red flags all over that for me.

Schwartz: can I speak now? When they moved in there was no bar. There was a pool table and they would shoot pool at night. There was none of what you're saying. I live

20 miles away and then the police don't tell me anything. They moved all this stuff in and start throwing parties.

Moermond: I want to help you get to the finish line. I want to also be clear the police aren't your property manager; Fire Inspections aren't either. You want to sell, I'm sure your realtor tells you a Vacant Building status makes it harder. You need to have an inspection report and disclose.

Schwartz: there is nothing to fix other than a paint job, but sure. I gotta get back to the grandkids.

Moermond: do you want to just walk around the block and come back?

Schwartz: you decide and let me know. Don't email or text because I'm a dinosaur. You can't call a City or any inspector because they don't answer the phones anymore. It is all text. Text or email or you don't get a call back. Matt nice to see you, tell Eric I really appreciate him because he was the only one talking TO me and stood up for me.

[Schwartz leaves room]

Moermond: recommend that the City Council deny the appeal on the Vacant Building registration. We weren't able to conclude the hearing because the appellant left so we weren't able to figure out a plan of action that looked after the public safety interest and his in moving on from the situation.

Referred to the City Council due back on 8/7/2024

Summary & Vehicle Abatement Orders - Vacant Building

9 RLH SAO Appeal of Linda Carreno to a Summary Abatement Order at 670 SIMS AVENUE.

Sponsors: Yang

Grant an extension to August 16, 2024.

Linda Carreno, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: this has been in the Vacant Building program for over 10 years. June 18, 2024. Numerous complaints of illegal occupancy. Currently on the third story south side window is missing, open to elements and animals. Excessive clutter and junk and has had many complaints. Numerous correction orders over the last 10 years. Many Excessive Consumption fines. No Code Compliance letters. Summary Abatement Orders. Also, the Vacant Building registration letter annually. They've previously been in front of you in the past. We issued a Summary Abatement Order for the excessive storage in the rear per a neighborhood complaint on July 8, 2024.

Moermond: Ms. Carreno, what are you looking for today?

Carreno: I am going to be cleaning up the back yard. I do not stay at that address. I was getting several letters. I've stayed with my family for years. I stay in Bloomington

with my mother. My mother fell and went into a home, so my granddaughter bought the property so I wouldn't be displaced. She just moved in on the first. I haven't been able to get to the back yard because I was helping her. She's been in here 23 days. I'm going to get the yard cleaned up, I wanted some extra time. I'll also fix the attic door and get rid of the stuff in the back and cut down the branches. I've had a hard time because of the rainy weather. Somebody I had an outing with a black lady in the Plaza Latina, she had a problem with me. I went to court with her. She put out a restraining order and told the City I was staying there but I was not. I've been staying with my mother for many years. She's 92.

Moermond: going back to the orders; he says remove excessive storage from rear yard and he was saying on top be aware of the window and also the tree?

Dornfeld: I don't have any tree issues.

Moermond: no orders on the window, but a heads up.

Dornfeld: there's an outstanding order on that, it just wasn't appealed.

Moermond: what kind of extension are you looking for?

Carreno: at least two weeks.

Moermond: we'll do a Council Public Hearing on August 7. I will ask the Council to give an extension to August 16. I want to make sure it is all done so Mr. Dornfeld doesn't have to send a work crew. That is more expensive. Mr. Dornfeld do you want to send a fresh Summary Abatement Order indicating the extension through August 16?

Dornfeld: Summary Abatement Order.

Carreno: could you send it where I'm at now? [gives address]

Referred to the City Council due back on 8/7/2024

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

10 [RLH VO 24-23](#) Appeal of James Cran to a Correction Notice-Complaint Inspection (which includes vacate order) at 293 BURLINGTON ROAD.

Sponsors: Johnson

Layover to LH August 6, 2024 at 1:30 p.m. for further discussion. PO to submit paperwork indicating heir to property.

James Cran, occupant, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: on Thursday June 6 Fire Safety was notified the property is occupied by a relative, James Cran, and owner Thomas Cran lives in Chisago City. Every building that isn't owner occupied is required to have and maintain a Fire Certificate of Occupancy. To be considered owner occupied it must be the

owner of record with the County's principle residence. In this case it is occupied by a relative of the owner, Code issued orders on the vehicles in the yard and the garbage.

Moermond: that doesn't appear to be appealed. When were those issued?

Shaff: around the same time.

Cran: the vehicles got cleaned up. Mr. Munos gave approval.

Shaff: Sarah Bono sent orders in July to acquire a Fire Certificate of Occupancy and gave until August 2 to comply or vacate.

Moermond: what is going on Mr. Cran?

Cran: my dad no longer resides there, he's in a nursing home in cottage grove. The house is going to me and my sister when my dad passes. He's on hospice now. I don't have a problem with them coming through but it isn't really a rental. I do have a will stating it goes to me when it passes. I can bring it down if you need it.

Moermond: do you and your sister pay the mortgage?

CRan: it is paid off. We pay the taxes on it.

Moermond: as a future person inheriting the estate it is a lot more difficult. Sometimes we get statements about a percentage of ownership, even a tiny percentage---it has been a long time. But we could accept a written document to that effect.

Shaff: absolutely.

Moermond: I'd like to give you time. Is your dad still mentally sharp?

Cran: to a point. My sister helps him with his finances and stuff and makes sure the bills are paid. We're supposed to be helping equally on this stuff. His memory is kind of bad.

Moermond: I'm wondering, you say you and your sister are paying bills and taking care of business. Do either of you get authority to do that, like a power of attorney?

Cran: it is in the will that we make decisions when it comes to my father. Finances, health.

Moermond: why don't you get that document into our office and hopefully we can resolve it then. I'll put this on the agenda a couple of weeks out. You don't have to do anything while that happens, the orders are stayed. No further action. Let's focus on trying to figure out responsible party stuff.

Laid Over to the Legislative Hearings due back on 8/6/2024

3:00 p.m. Hearings

Other

CUMBERLAND STREET.

Sponsors: Kim

Deny the appeal.

Phyllis Fischer, owner, appeared via phone

[Moermond gives background of appeals process]

Assistant Building Official Nathan Bruhn: the variance was applied for was for a variance for a terrain issue, which would be a lot with a higher site line than another for privacy. This is a flat lot with no hills or obstructions. Site conditions and nuisance animals are the other two conditions, which wasn't stated on the application, so it was denied

Fisher: may I ask, on the request for fence variance you mentioned site conditions terrain conditions and nuisance animals. I should have interpreted it as our dogs being nuisance animals?

Moermond: no, often what it is is that a neighbor has a large dog and it is scary and you don't want it going into your yard.

Fisher: we have two friendly large dogs, and a fence around the back yard. Unfortunately for the dogs there is no shade for most of the day. We have a tree where we want to put the enclosed fence. It would be much better place. It has to be 6' because he can see over a 4' fence so he barks at everyone if he can see them. we're also building a new garage so we need a safe place for them while that is being done. We'd like a privacy fence because the biggest dog is very tall when he's on his hind legs.

Moermond: tell me why you aren't just doing the side yard. Why the front?

Fisher: we like to see the street and have a garden towards the back and if we move the fence back farther we wouldn't be able to see that or the boulevard flowers. We thought about fencing the whole side yard but didn't want to do that.

Moermond: have you considered maybe gating that area?

Fisher: I'm not sure what you're referring to.

Moermond: you have the walk coming up from Cook avenue and it seems to be an L, where part goes alongside the house and part goes directly into the backyard. The part that turns towards the side-yard seems like there could be a gate at that corner that would allow you to be able to see your side yard without having it be fenced off. One side of the fence would literally be your house.

Fisher: on the Cook street side?

Moermond: yes.

Fisher: you're looking at an aerial view? The building off of Cook is the garage. That's being demolished. That is the major view of the side yard and the boulevard plants, which is what we didn't want to block off.

Moermond: I'm struggling to find a reason why this fence should be allowed to be six feet in a front yard. I hear you like the aesthetics of the garden as your main concern.

Fisher: yes. There's no safety issue, we aren't blocking the corner. You can see all the way down to Western Avenue.

Moermond: the terrain issue would be if a property at the bottom of a hill wanted a taller fence because your property is above them and your deck can see right into their yard. A garden isn't a terrain issue.

This isn't just an aesthetic issue. The Code defines what is allowed and what isn't. A variant is something we would look at doing in cases where it isn't feasible to do a fence in the established parameters. We had a case a few weeks ago with a gentleman with autistic children who climb fences and get out of the yard and it is a safety issue and the Council looked at it that way. That was their argument about why their circumstance was different. I'm not hearing there's a compelling circumstance in your case. The Council may look at it differently than I do. They really could. From my perspective I would say, I don't see it.

Fisher: so what do we do to take it to the Council?

Moermond: we'll send a follow up letter Friday with instructions on how to testify to Council. My recommendation is denial of the appeal, so you're looking for it to be granted. We can do Council Public Hearing 7th or 14th of August.

Fisher: we'll do the 14th. I'll talk to my niece; she owns the house.

Referred to the City Council due back on 8/14/2024