



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, August 2, 2022

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 22-292** Ratifying the Appealed Special Tax Assessment for property at 586 BURGESS STREET. (File No. VB2212, Assessment No. 228818)

Sponsors: Thao

Continue PH to April 5, 2023 to see if property has received its CC Certificate. Prorate if applicable or make payable over 5 years.

Tom Novak, owner, appeared via phone

[Moermond gives background of appeals process]

Novak: I'm at work right now. Something I have to do since the City is forcing me into poverty.

Staff report by Supervisor Joe Yannarely: March 2020 this started as a Category 1 Vacant Building due to a fire. Rehab has been stalled for some time. Changed to Category 2 due to length of rehab. Currently expired permits. Total proposed assessment of \$2,616.

Moermond: why are you appealing?

Novak: first of all, I never got notification I had 90 days from the original fire. I found out after a year and a half I was assessed 2600 twice already. Got permits. Pandemic happened. Couldn't get anyone over for over year. Finally got a contractor who took 20k. Got another contractor, told me about all the delays. We got it put together and then after one year from the insurance gives a check they are done. There's no going back since prices increased to ask for more. Outside is pretty much done. Property is maintained. Why is the City charging me all this money to say it is vacant? I got the permits but couldn't use them because I couldn't find a contractor. Now they want more money to renew the permits. I'm not seeing a reduction in taxes or anything from the City to help me. It is more money every time I turn around. This is my property and I'm doing the best I can. I'm working extra to try and make it work. Now my mortgage went up \$1,000 because of these assessments. This isn't a vacant building. It's a house. I'm almost bankrupt since the money from insurance is gone. I can't mortgage

any more money. I've got friends helping me. Weeds aren't growing. There's no trash. But every time I turn around there's more money.

Moermond: we haven't talked before so what I can see in the paper file is you had a fire March 2020. Tell me about what happened there.

Novak: the fire started on the deck and burned into the eaves and attic. Then the contractor said you had to fix the whole top of the house and gut the house. Insurance company said everything had to go. It has 1956 plaster. We stripped everything. Smoke damage was confined to the back entry and attic. We did a lot of extra work because of what they said. The first contractor, Res Pro, wanted \$310,000 to put it back together in 2020. Res Pro also took \$32,000 to clean my dishes and Precious Moments. \$16,000 to clean my clothes from Clean and Press. Then disposing of my furniture was thousands.

Moermond: so Res Pro started working, they were your first contractor. You ended that contract?

Novak: yes because the insurance company only gave me so much money. At the time the Pandemic started and the City said I needed an architect. I called for months. Finally I found one, Newson in Minneapolis. He did the plans for the house. Bought permits. Then I couldn't get another contractor because none of them wanted to work or had people. Remodeling by Ron came in and then there were delays after they took the top of the house off. Hardwood floors got damaged because March 2021 it rained. It all had to come out. Extra expense there. I had to put in vinyl flooring. Then Res Pro cleaned my stuff and now they're trying to sue me because I haven't got my stuff back, I had no place to put it, I'm paying \$1,000 a month in storage pods. Now they want to charge me \$6,000 storage fee since they've had it a year. I can't pay that. It is heartbreaking.

Moermond: so this second contractor took the roof off, replaced the trusses but didn't complete it, floors got damaged, which added expenses. What happened after that? Do you still have the same contractor?

Novak: they took the whole top of the house off. Then they tarped it. Then it snowed. Then they couldn't do something and it sat for 3 weeks and melted and rained. Then they couldn't get a crane for a couple weeks. They got the trusses up in one day. Five days later they had it done. That was July 2021 it was sealed. Then I started siding and putting in new windows. I have 2 left to put in. New rear door is going in. I have to finish electrical and get plumbing in and get it insulated and Sheetrocked. Then I can put floors in and have it ready to move back in. My wife and I have been homeless since March 2020.

Moermond: where have you been staying?

Novak: we were in an apartment for almost a year, then that money ran out. Between Oklahoma, my daughter, wherever my wife was. Couch surfing. We are now staying with a friend for now. Trying to get this done.

Moermond: Mr. Yannarely, tell me what is going on with the permits. Let's talk about the building permits. A couple have been pulled.

Yannarely: expired plumbing, mechanical permits. Expired on accessory structure. Since it's a Category 2 now, a Code Compliance Inspection would be necessary to get

new permits. It was made a 2 just because it has been 2 years since the fire.

Moermond: so you give two years unless something changes?

Yannarely: yes.

Moermond: you had trades people in, plumbing in, but no finalized permit. Current electrical permit you pulled. We have a mechanical permit pulled. Where is that work at?

Novak: I pulled all those permits at the beginning they expired because no work was started. I erred in the fact I had to get these permits and then no contractors showed up. I figured if I never used them why would have to renew them? I didn't use them. I guess that's not the case. Have to pay again, even though I had one inspector out. Building inspector came out. They came out and hooked my gas and electric back up. Electrical has started. Plumbing is halfway done. Just a matter of finding help and getting money to get it done.

Moermond: it looks like they expired because there wasn't a reinspection within 6 months of issuance. That is standard operating procedure. You pulled the permits yourself?

Novak: yes. Then they said I had to pull all at once. I can't just pull one at a time, I had to have all the inspections done at the same time. They said everyone had to come out at once.

Moermond: I'm not sure what that's about, I haven't heard that before. You are definitely in a bind here. Your insurance money for working on rehab, is that all gone? And the place still has tarp on the roof?

Novak: the roof was done July 2021. Outside is pretty much done and we'll start inside.

Moermond: what is going on with your mail? We have your mailing address as 586 Burgess. Do you have a P.O. Box?

Novak: it goes to the house and I check it occasionally. I go by every few days. Sometimes I don't get stuff, I don't know where it is going. I can't move my address when I'm moving and living some place temporarily.

Moermond: but you do have a P.O. Box? Could you share that so the City could send mail there too?

Novak: Sure. P.O. Box 211431 Egan MN, 55121-3031.

[Novak disconnected and called back 9:24]

Moermond: I am not crazy about forcing Vacant Building fees. I'm not sure what happened with your previous assessments. When there is a fire the City automatically waives the Vacant Building fee for 90 days. So through June 2020 the fee would have been waived. If you would have been back online July 2020 there would have been no fee. Once that came they started processing the fee. The first fee would have been 2020 to 2021. This is a third one for 2022 to 2023. I'm interested in seeing if we can get you connected with some financial resources to finish. I am concerned this will drag on while you're barely keeping your head above water. Everything coming down on

you. I'm going to see if we can connect you with some resources that may be able to help. With respect to the Vacant Building fee, at the very least I can make them payable over a number of years so it helps with taxes. I'd like to get you out of the program so it can get prorated. That means finaling these permits. When there is a fire the assumption historically was the insurance company is stepping in and assessing the situation and hiring professional contractors and doing a thorough assessment to bring it up to its pre-fire condition. City has allowed that even a very damaged building wouldn't require a Code Compliance Inspection because of that insurance activity. What has happened in your case is that activity hasn't led to the house being rehabbed and somewhat different circumstances now. Different problems than then. DSI is saying they would like to review the property and do a general inspection and have that be the basis for your permits moving forward. They do have the ability to expire these. They're almost 2 years old. I don't have the ability to reactivate those this far out. I'm hopeful we could find some assistance to get you moving. I'm going to ask the Council to continue your hearing from September 14 to April 5 and in the meantime see if we can get you connected with some resources. Have you got this mortgaged? Any equity?

Novak: I have equity but debt to mortgage ratio is not good. I was supposed to retire 2 years ago. Now I can't because I'm trying to do this. I was trying to get it done by paying exorbitant prices.

Moermond: since Covid your story is pretty common in terms of contractors being hard to find and retain, as well as supplies. Those have really thrown a wrench into people's circumstances. The shortages drove up prices so people's insurance didn't cover the true cost of bringing it back online. That is happening to a lot of people. We'll get you some contact people. Think broadly about your options with this house. I want you to think about your end goal. Is it to move back into this particular house? Or to have a house you have that you are safe in, and maybe it isn't this one? That's what I see some people do. I wanted to put that on the table. You want to look at this broadly and its pros and cons. In your own interest do that. You are going to need the Code Compliance Inspection. You are going to have to pay for that. We can send you that application. That is around \$500. This is what you need to do to meet minimum Code requirements. That is also the information that anyone who may provide assistance would need so they have the parameters of work that needs to be done for bids. It has a double purpose. In the event you would walk on it, it can be used as a disclosure document in a sale. I'm sorry it costs more money. Put a lock box on the door and the four trades inspectors will go through and create a punch list. I'm so sorry for your troubles. Do you have an email address?

Novak: graciemay586@yahoo.com

Moermond: we'll send you an email but also mail you a letter to be safe. September 14 at your Public Hearing I'll ask them to continue this to April 5, 2023. You will have been in the Vacant Building program for the entire year that bill is for unless you get done. If you are, I can prorate it. If you cannot, I can make it payable over 5 years so it is small bites on your property tax bill. Either way it is putting off that bill with no interest for the next 6 months to give you some breathing room.

Novak: [confused about this P.O. Box number] Let me call you back with that number.

Moermond: call 651-266-8585 and leave your name and the number.

Referred to the City Council due back on 9/14/2022

2 **RLH TA 22-293** Ratifying the Appealed Special Tax Assessment for property at 935 IGLEHART AVENUE. (File No. VB2212, Assessment No. 228818)

Sponsors: Thao

If Code Compliance Cert is received by September 14, 2022 reduce from \$2,616 to \$872. If not done, continue Public Hearing to October 11 and if CC Cert issued by then, reduce assessment from \$2,616 to \$1,308.

Donald Steele, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this is a Category 2 Vacant Building which went into the program March 23, 2017. This is the prospective fee for 2022 to 2023. Total proposed assessment of \$2,616. Numerous open permits. Several closed.

Moermond: what is going on?

Steele: I want to thank the City for working with me. It has been difficult. I am so close to completing. We got two units out of it. It has taken me longer due to financing. Right now I have over \$400,000 in this project. I'm asking for more time. We have a few outstanding permits. I'm building a brand new project. I have it on the market for sale. All I'm asking for the City is some sympathy because of Covid and delays. If they would waive the Vacant Building fee another few months. I just have 2 more inspections and it should be done.

Moermond: I imagine it will be wonderful when you can finally sell. The fee I'm looking at today covers March 2022 through March 2023. It sounds like you're close to being done. Will you be done in six weeks?

Steele: It should be less than that. I just lowered the price and built a new garage. The outstanding permit left was just for the garage. I just put \$30,000 in that. I should be done in another 3 to 4 weeks.

Moermond: your Public Hearing is scheduled for September 14, 2022. If when the Council has that Public Hearing you have the project completed, I will ask them to decrease your assessment to one-third its current amount. That's 5 months into the billable year, I'd be giving you a bill for 4 months. A dramatic reduction. That will be my proposal. If you aren't done September 14 with your Code Compliance Inspection I'm going to ask them to continue it to October 11. I will still cut it in half then if you are done by then. So you have another chance to get it reduced.

Referred to the City Council due back on 9/14/2022

10:00 a.m. Hearings

Special Tax Assessments

3 [RLH TA 22-240](#) Deleting the Appealed Special Tax Assessment for property at 850 EDMUND AVENUE. (File No. J2227A, Assessment No. 228532)

Sponsors: Thao

Delete the assessment.

No one appeared

Moermond: we are doing the follow up on this. We were already going to delete and get some Follow up information from the hauler to identify the problem. We sent a follow up email to Public Work staff who communicated with Republic and honestly the email chain doesn't address the problem we identified. Still going ahead with the recommendation to delete. This information was simply supplemental to the record.

Referred to the City Council due back on 8/3/2022

- 4 [RLH TA 22-280](#) Ratifying the Appealed Special Tax Assessment for property at 380 LONDIN PLACE. (File No. J2212E, Assessment No. 228316)

Sponsors: Prince

Layover to LH August 16, 2022 at 10 am (unable to reach PO).

Voicemail at 10:07 am: this is Marcia Moermond from St. Paul City Council calling you about your appealed tax assessment for 380 Londin Place. We'll try you back in 10 minutes or so.

Voicemail at 10:17 am: this is Marcia Moermond from St. Paul City Council calling you about trying you again about your appealed tax assessment. I'm going to continue this to August 16 and we'll try you back then between 10 and 11:00.

Laid Over to the Legislative Hearings due back on 8/16/2022

- 5 [RLH TA 22-281](#) Ratifying the Appealed Special Tax Assessment for property at 1565 MCLEAN AVENUE. (File No. J2212E, Assessment No. 228316)

Sponsors: Prince

Layover to LH August 16, 2022 at 10 am (unable to reach PO).

Voicemail left at 10:10 am: This is Marcia Moermond from St. Paul City Council calling you about your appealed tax assessment for 1565 MacLean Avenue. We'll try you again in 15 minutes or so.

Voicemail left at 10:19 am: this is Marcia Moermond from St. Paul City Council calling you again about your appealed assessment. We'll lay this over and try to reach you again on August 16 between 10 and 11 am.

Laid Over to the Legislative Hearings due back on 8/16/2022

- 6 [RLH TA 22-287](#) Ratifying the Appealed Special Tax Assessment for property at 420 OHIO STREET. (File No. J2208P, Assessment No. 228407)

Sponsors: Noecker

Delete the assessment (waiver on file).

No one appeared

Moermond: delete because a waiver was on file. Let's do that.

Referred to the City Council due back on 9/14/2022

- 7 **RLH TA 22-283** Ratifying the Appealed Special Tax Assessment for property at 652 SHERBURNE AVENUE. (File No. J2208P, Assessment No. 228407)

Sponsors: Thao

Delete the assessment (waiver on file).

No one appeared

Moermond: delete because a waiver was on file. Let's do that.

Referred to the City Council due back on 9/14/2022

- 8 **RLH TA 22-278** Ratifying the Appealed Special Tax Assessment for property at 514 THOMAS AVENUE. (File No. J2212E, Assessment No. 228316)

Sponsors: Thao

Reduce assessment from \$159 to \$50.

Ian Buck, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: March 2, 2022 a Summary Abatement Order was issued to occupant and owner to remove and dispose of a chest dresser from behind garage. Compliance date March 9. Rechecked and contacted property owner, rechecked again March 17. Still wasn't done so a Work Order was sent. When the crew got there it was removed. So this was the cost of dispatching the crew. Total proposed assessment of \$159. No returned mail.

Moermond: this was because the work wasn't done on deadline, or by the extension date. So this was the cost of deploying the crew

Martin: correct.

Moermond: why are you appealing?

Buck: from my perspective, I got that letter dated March 9 and didn't get it until after the extension deadline. As soon as I saw it, I went back and saw the dresser and pulled it into the garage to disassemble. I'm sorry I didn't see it in time to avoid the City sending out a crew. I didn't realize the deadline had already passed. I acknowledge I did the work after the deadline, but I didn't realize and I did do it as soon as I was aware of it. I'm asking for grace in terms of feeling like I did everything I could.

Moermond: it looks like in the order of events, March 2 the order was issued, it had a deadline a week later. The inspector called and said the deadline is here, gave another week for the work to be done and then the dresser was moved into the garage by the time the crew showed up. I'm seeing there was some time given to work on it. It is exceptional the Inspector even called.

Buck: I don't remember a call. I just got mail from what I remember.

Moermond: notes say contacted property owner. That typically means a call. You're looking for some grace. Light history here?

Martin: barely anything. Looking at the photos it may not even be his dresser, it is between the 2 garages.

Buck: no, someone dumped it behind my garage. I don't go back there often so I didn't see it until I got the letter.

Moermond: you have a good history; you got some extra time. Balancing it all, I'm going to recommend it is reduced down to \$50. If you want to appeal further that is fine, information on how to do so is on the letter you got.

Referred to the City Council due back on 9/14/2022

- 9 RLH TA 22-284** Ratifying the Appealed Special Tax Assessment for property at 1080 UNIVERSITY AVENUE WEST. (File No. J2208P, Assessment No. 228407)

Sponsors: Thao

Delete the assessment (waiver on file).

No one appeared

Moermond: delete because a waiver was on file. Let's do that.

Referred to the City Council due back on 9/14/2022

Special Tax Assessments-ROLLS

- 10 RLH AR 22-72** Ratifying the assessments for Collection of Vacant Building Registration fees billed during December 3 to March 17, 2022. (File No. VB2212, Assessment No. 228818)

Sponsors: Brendmoen

Referred to the City Council due back on 9/14/2022

- 11 RLH AR 22-73** Ratifying the assessments for Securing and/or Emergency Boarding services during April 2022. (File No. J2212B, Assessment No. 228116)

Sponsors: Brendmoen

Referred to the City Council due back on 9/14/2022

- 12 RLH AR 22-74** Ratifying the assessments for Demolition services from March 2022 at 120 Winter St. (File No. J2205C, Assessment No. 222004)

Sponsors: Brendmoen

Referred to the City Council due back on 9/14/2022

- 13 **RLH AR 22-75** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during February 22 to March 18, 2022. (File No. J2212E, Assessment No. 228316)

Sponsors: Brendmoen

Referred to the City Council due back on 9/14/2022

- 14 **RLH AR 22-76** Ratifying the assessments for Graffiti Removal services during April 4 to May 17, 2022. (File No. J2208P, Assessment No. 228407)

Sponsors: Brendmoen

Referred to the City Council due back on 9/14/2022

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 15 **RLH SAO
22-37** Appeal of David Jacobowitch to a Summary Abatement Order at 839 EDMUND AVENUE.

Sponsors: Thao

Grant the appeal of orders relating to boarding on condition the CCI application is submitted by September 2, 2022. Property to remain vacant.

David Jacobowitch, owner, appeared.

Moermond: good morning Mr. Jacobowitch

Jacobowitch: good is debatable, but it is morning.

[Moermond gives background of appeals process] Another name for a Summary Abatement Order would be a Summary Nuisance Abatement order, which was issued by Inspector James Hoffman. I will give a recommendation today and it will go to Council next Wednesday, August 10.

Staff report by Inspector James Hoffman: the conditions that led to the order, that was an initial appeal on the Vacant Building status. That recommendation went to City Council and they confirmed your recommendation to have it vacated and secured. I then sent a Summary Abatement Order to vacate and secure with a compliance date of August 1. August 1 I had St. Paul Police Department available and our boarding contractor to visit and vacate. I was notified of the appeal filed on Friday on that order.

Moermond: and the Council considered this case July 13. They granted an extension to July 15 to vacate. So you gave a couple weeks' grace before you aware it continued to be occupied?

Hoffman: yes, after conferring with my supervisor about how to proceed. I spoke with David Monday the 25th on the phone stating the procedure and what would happen. Told him about the abatement order to vacate and it would be smoother if he vacated

prior to us arriving.

Moermond: there was already an order to vacate embedded in the condemnation and order to vacate and Vacant Building registration. This Summary Abatement Order is "you were ordered to do this and because you didn't we're forcing the issue and doing it ourselves." So upping the ante.

Hoffman: correct.

Jacobowitch: on the 15th I wasn't organized, I admit that. I didn't have anywhere to go. I felt vacating at that time was impossible. I didn't do it. I have disabled adult children who can't be dumped on the street. They are vulnerable adult. I would be committing a crime if I did that. 2 weeks have passed. I have arranged safe housing for my adult children. I am and have vacated as of August 1. I will not dispute the order to vacate at this point. The request I have is that you do not board the house. The house is secure. A lock box is on the property. I will give the code. The cost of boarding would be punitive to me and result in me having less money to rehab the property. I'm begging here Marcia to not board the house and beat me to death and charge me thousands of dollars before I can even begin work. I hope you'll decide the house isn't boarded and instead made secure with a lock box. That is the basis of the appeal.

Moermond: ok. And the decision to vacate is water under the bridge. The Council made the decision back in July

Jacobowitch: that was a hard decision for me. I'm asking for understanding at this point.

Moermond: because it wasn't vacated when the Department wanted it to be they are skeptical it will be. That is on average how things look. That is why they board houses in these conditions. Because they have that history and experience. You are telling me the children are out now? Or you have arrangements?

Jacobowitch: I have arrangements. I have to drive them tonight to South Dakota. We stayed in a hotel last night because I gave my word we would vacate by August 1. Tonight I'm driving to South Dakota where they will have secure housing. I've never given you my word on vacating before but I am now.

Moermond: I'd like to say we can forgo the boarding of the property on the condition in the next month you apply for that Code Compliance Inspection.

Jacobowitch: I plan to apply within a week.

Moermond: you take steps forward to get this behind you, and we'll help you by not boarding and have some faith you are going to follow through. It sounds like you are there.

Jacobowitch: sounds like that's the best I'm going to get and that sounds acceptable to me.

Moermond: so get that Code Compliance Inspection applied for. They won't be able to do it until the house is cleaned out enough that they can clearly see the walls, floors, utilities in the basement. Clear. Really good sightlines. Mr. Hoffman could maybe do a walk through with you if you give him a call, to see if it is clear to that point. That is job one. Let's say a month to have that Code Compliance Inspection.

Jacobowitch: one of my major concerns was how clean it needs to be.

Moermond: they need to be able to see all fixtures easily. All sockets, switches, vents, holes, and walls to see.

Jacobowitch: empty of furniture?

Moermond: a minimal amount of furniture that can be put in the middle of the room is what is allowed.

Jacobowitch: there may be some issues but they may be minor and easily corrected.

Moermond: that is typically how that happens. We run into problems when people put everything in the middle and we have something 7 feet tall in the middle of the room. So you can have feedback from Mr. Hoffman on that.

Hoffman: are you still receiving a dumpster from House Calls?

Jacobowitch: I believe they are sending one. Diana Carey has been the most helpful governmental person I've worked with.

Moermond: she will be your go-to on the dumpster. Let's get that Code Compliance Inspection applied for in a month. That means you need to be cleaned out in a month, is that doable?

Jacobowitch: I believe I can do it quicker. I expect to.

Moermond: and once you apply for it, I will ask them to expedite it.

Jacobowitch: that would be helpful.

Moermond: and having Mr. Hoffman say it is ready to go.

Jacobowitch: I have a storage shed and garage on the property. What do I have to do with those?

Moermond: typically they do look at the buildings. I'm going to say it is more for structural stability.

Jacobowitch: that may be an issue with the shed.

Moermond: don't plan on filling those buildings with stuff from the house, because they will need to see them too. They're looking for different things, but they do need to see it. If those buildings are "full" they will have a harder time.

Hoffman: as far as accessory structures, they are pretty clear cut. If they are in rough shape you can usually tell by looking at it. They want to see structural integrity. No holes. Siding not falling off. They aren't going to go through it with a fine-tooth comb like they do with the house. The point of the Code Compliance Inspection is they want to find anything that could potentially be an issue for you in the future. They want it a safe for both you and for the neighbors.

Moermond: hoarded house fires burn hotter and longer and take more water to put out.

More water means more damage to your house, floors likely fail.

Jacobowitch: I don't think it is any more of a fire hazard than anywhere else in the City, but I suppose that's matter of dispute.

Moermond: I'll grant your appeal of the boarding. If it becomes an issue in the future Mr. Hoffman can write another order. You have his contact information so he can look at it when you think you're ready to go.

Jacobowitch: there's another issue I want to discuss. Do you recall our conversation about the natural gas system in the house? Do you remember me saying my intention was if I applied for that it would be granted?

Moermond: no. I cannot say that legally. I have no authority of the issuance over any building or trade permit. My recommendation to the Council was you become a Category 2 Vacant Building and that would need to happen before a permit could be issued at all. You were saying you disagreed with my recommendation, which was fine, and I suggested if you wanted to make the strongest case to Council you could it would be best served by putting together bids and demonstrating financing to do the repairs. You included some of that information to Council and they weren't persuaded. But I was giving you my best advice.

Jacobowitch: I can tell you how I proceeded based on my interpretation of the conversation.

Moermond: you provided bids and hired a contractor and they tried to pull permits because it was a Category 2 Vacant Building.

Jacobowitch: and I would like to clarify that. I did hire a contractor. They did apply for a permit believing it would be granted. Believing that they did the work. There is a new gas re-pipe system in the house right now. What we found out was that the permit would be denied only after it was denied. So it is installed, I paid \$7,000 to do that. It is ready to be tested.

Moermond: that is something your contractor could work out with the plumbing inspectors. They will see that had happened and take it into account when doing their inspection. They need that Code Compliance Inspection before they can issue the permits. It isn't to say they won't be issuing the permit for the work that is done. They may be adding things to a punch list that needs to be taken care of in that arena as well as what you have already done.

Jacobowitch: I'm just a layman who isn't good at this.

Moermond: we didn't talk about that because we were focusing on other things in the hearing.

Jacobowitch: I actually thought we were discussing that but my interpretation was different from your intent I'm sure.

Moermond: hopefully that clarifies things. The plumbing inspector can work with your contractor. It is a reputable contractor who you hired. It is resolvable.

Jacobowitch: I appreciate that, it eases my mind.

Moermond: my best guess is they will say you need to pull a permit and 'here are some other things' on a checklist for the plumbing besides what has already been done.

Jacobowitch: I have secured financing sitting in an account. I'm hoping it will be enough. One of my fears is I don't have enough available to do this.

Moermond: the sooner you get that report the better. There is work you can undertake if you have those skills.

Jacobowitch: I may have to acquire those skills quick.

Moermond: you've paid an expensive bill already. Mr. Hoffman will be a good contact as you move forward. Sounds like Diana Carey is helping you as well, which is great.

Jacobowitch: what am I required to do at this point? I know I have to apply for the Code Compliance. What other requirements will you make of me?

Moermond: you need to clean out the house enough that a Code Compliance Inspection can be conducted. That applies to the accessory structure as well. I'd like to see that within a month. You have a goal for it to happen sooner. It is in your interest to do that sooner. Once you have that report, McQuillan can pull the permit for the work they did. You'll know what else needs to be done. That list is going to be what you need to share with an electrical contractor or building contractor.

Jacobowitch: am I allowed to do demolition work? for example I have a plaster ceiling that needs to come down.

Moermond: you'll need to pull an interior demolition permit.

Jacobowitch: can that be done before the Code Compliance?

Moermond: I think it can, but I'm not the person to answer that.

Hoffman: I don't know that offhand. Typically if it is for exploratory type of things. An interior demolition permit, once you pull the regular permits that is implied it will be demo or changed.

Jacobowitch: it is my intention to remove some of the 112 year old plaster in the house and replace with drywall.

Moermond: I'd wait until it is ready to inspect.

Jacobowitch: I think all the important things have been addressed. I've been depressed as hell over this, but I'm going to do my best.

Moermond: my experience human to human, people are in a tough place before they get to this point.

Jacobowitch: no, I was happy as hell.

Moermond: you had your ex-wife and your son in here and they were struggling with the conditions. There is some level of stress in the family. That level of tension exists and this brings it to crisis point which crystalizes things which makes a person depressed and struggle. It is both anxiety producing and depression inducing.

Jacobowitch: and you have no idea and I wish you did.

Moermond: I think I have a greater idea than you may think.

Jacobowitch: I doubt it or you'd be more sympathetic to my situation.

Referred to the City Council due back on 8/10/2022

- 16 RLH SAO 22-22** Second Making finding on the appealed nuisance abatement ordered for 607 TOPPING STREET in Council File RLH SAO 22-14.

Sponsors: Thao

The nuisance is abated and the matter resolved.

No one appeared

Moermond: we have an inspector who has confirmed this was resolved?

Mai Vang: Kedrowski sent an email on June 10.

Moermond: the matter is resolved and nuisance abated.

Referred to the City Council due back on 8/10/2022

- 17 [RLH SAO 22-36](#)** Making finding on the appealed nuisance abatement ordered for 2144 TEMPLE COURT in Council File RLH VBR 22-35.

Sponsors: Jalali

The nuisance is abated and the matter resolved.

No one appeared

Moermond: we have an email from Rick Gavin saying that has been cleaned up.

Referred to the City Council due back on 8/10/2022

1:00 p.m. Hearings (NONE)

Vacant Building Registrations

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

- 18 RLH VO 22-20** Appeal of Abby Miskowic to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 608 WELLS STREET.

Sponsors: Yang

Deny the appeal noting the property is now in compliance and the Fire Certificate of

Occupancy has been issued.

No one appeared

Moermond: we laid this over because she hadn't had a Certificate of Occupancy inspection for a long time. It was scheduled for yesterday and results were?

Supervisor Leanna Shaff: I approved the Fire Certificate of Occupancy yesterday and told her she didn't need to be available this afternoon.

Moermond: recommend Council deny the appeal noting the property is now in compliance and the Fire Certificate of Occupancy has been issued.

Referred to the City Council due back on 8/17/2022

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 19 [RLH FCO 22-70](#) Appeal of Mark Younghans to a Fire Certificate of Occupancy Correction Notice at 1191 EARL STREET.

Sponsors: Yang

Layover to LH August 23, 2022 at 2 pm for further discussion. PO to provide engineering analysis of brick facade indicating if there are necessary measures to ensure public in the ROW and protect the gas meter connection. Recommendation is to keep September 1, 2022 deadline for 7/27 correction order.

Mark Younghans, owner, appeared via phone

Moermond: we're going to revisit orders we've discussed in the past. [Moermond gives background of appeals process]. We have two separate orders, one attached to the appeal but Inspector Shaff will address both of those.

Staff report by Supervisor Leanna Shaff: on the exterior of the building is brick veneer. We have large cracks, one major near the water meter. Mortar failing. Those orders were first issued September of 2020. It was heard in your hearing room October of 2021. Subsequently in December of 2021 it was given June 1, 2022 deadline for compliance. We don't have compliance as the Council ordered. We still have issues. Reading some of the thoughts from the contractor and the causes of these issues and the importance of maintaining. There is quite a big job to do. Mr. Younghans is trying to get STAR Grant funding. We're a couple months past the date of compliance and he's looking for an extension on that brick and mortar work. In the meantime we received a complaint about the exterior fire suppression system, the exhaust fan/roof. The exhaust fan for the restaurant seems to be failing Inspector Huseby had that piece, she took photos and wrote orders showing it is failing and the grease is on the roofing material.

Moermond: the shiny material on the roof is grease?

Shaff: yes. It also looks the restaurant has failed to clean their exhaust and duct work as required in a timely manner, making the situation worse. It was last cleaned November 2021, and due in May 2023. Also the suppression system under the hood

was last done November 2021 and is to be done a minimum of every six months. We may have an exhaust fan that is supposed to carry those grease-laden vapors out and it hasn't been cleaned in a timely fashion and is potentially failing.

Moermond: and that's based on the condition of the equipment and thinking it needs replacement sooner vs. later.

Shaff: yes.

Moermond: and that's something their contractor could advise on. Looks like photos are unchanged from 2021.

Shaff: I asked for new photos but the Inspector is saying nothing has changed.

Moermond: Mr. Younghans, where are things at from your perspective? Let's talk first about the restaurant.

Younghans: that really throws me off. I don't know what I should say. Essentially that hailstorm hit St. Paul and insurance approved a new roof. You have to remove that hood vent to do so. My contractor, in attempting to get the insurance to update the system, he's the one who made the complaint. He reached out to ask if we could put it back on if it was taken off. Apparently he said it wasn't working, that isn't the case. My tenant has never complained. I was on the roof when the inspector came out.

Moermond: what I was reading in the orders not that it wasn't working but rather it needed to be serviced. That was all that was written in the orders, nothing about replacement or failure of the system. Simply about it being serviced because it is a mess.

Younghans: Huseby said it wasn't working and that was the complaint. She verified it was. I'm trying to get an estimate of what it would cost if I did have to. My contractor started the complaint in an effort to see if we could get insurance to cover some of the cost. My tenant didn't do those maintenance thing, which is really my fault, I should be checking and require it in their lease since it is my building.

Moermond: your contractor reached out to the City to talk about permitting and it sounds like if there were City orders on the hood and vent system it would help with an insurance claim on replacement?

Younghans: in some ways yes, because we have to remove it for sure and if the City won't let us put that back on then insurance may have to cover it. He has been emailing someone because he sent me one asking if it would work. The system is working great, it just isn't catching it. It is an older system, I'm not sure what it was supposed to look like. Wong's kitchen is supposed to pay for the maintenance. They do get it fixed and pay for maintenance; they are running late. I've talked to her 3 times about it. That's not your fault, but they did have it cleaned right after the Certificate of Occupancy inspection cycle started. I sent that receipt to the inspector. It clearly hasn't been cleaned since. I want it fixed so it captures it. I told her she can't damage my \$100,000 roof with her grease.

Moermond: I'm thinking that the roof is something that will likely be tackled this season under insurance because of hail damage, but in the meantime we have a hood and vent system that needs cleaning. It should have been done May of 2022 and it is causing a problem and mess because it hasn't been serviced in a timely fashion. The

orders say to get it done by September 1. I will recommend Council keep that deadline related to the cleaning of the system from the July 27 order.

Younghans: I agree.

Moermond: moving on to the brick situation. You have a couple things going on, talk to me about what has transpired the last six months.

Younghans: it has been a long process and I appreciate your patience. Initially I thought it was safe enough so we'd be able to talk about it more since a ledge was put in. I understand the risk now. And engineer was on the call with us before and I haven't been able to reach him since. I have bids from \$10,000 to \$91,000. I applied for the STAR Grant. I was asking for funds to help with the roof before the store happened, it is older. I wanted money towards brick work and the driveway. Yesterday a lady yesterday a lady pulled in and her car started on fire and it melted a portion of the driveway. I did my interview with them a while back, I called and asked for an update. They make decisions Mid-July, then they go to the City Council for approval. That decision isn't until the end of August. I didn't realize it took that long. Any work that starts before that approval can't be used with those funds. I'm stuck between a rock and a hard place. I asked them for \$30 and I was matching \$30k. That's part of the delay. I'm trying to be smart. I don't know if there is \$60,000 worth of work. I'm leaning towards the \$10,000 bid. I've used him before. If I don't get approval from the STAR grant I do have the funds to pay him but I don't know if he can get it done this season once I hear back on the grant.

Moermond: we talked about this last fall. We talked about an engineer looking at it and being able to tell the City if any mitigation or safety measures need to be taken between now and when the repairs can occur. Thinking specifically like if there is a need for the right-of-way to be protected. Or some set up around the gas meter. I'm looking to an engineer to say that does or doesn't need to happen and if it does we can do an extension based on those safety measures being taken. If none need to happen, at least we have that clear. With the City being aware this has been a problem I'm concerned about letting it continue. If even one brick falls it is going to rain City staff and money over there to protect the right-of-way which will be a large tax assessment on your property. It is probably more cost effective to have an engineer address that. Then we can give you that extension to realistically address the STAR funding timeline and the construction season.

Younghans: is there any companies you would refer? I called many last time, that last guy never responded. He never followed up or answered calls. I can start right away, just my experience last time didn't go very well.

Moermond: I'm thinking that these people are licensed as engineers and at the very least you could look for licensed engineers in St. Paul. Ms. Shaff, any insight? Noting the City can't recommend a particular company over another.

Shaff: it is really difficult to say.

Moermond: the last page of the BRC bid with those companies is a great resource. We've reached a conclusion on the venting. I'd like to give you a few weeks to figure out the brick issue. Let's talk again in 3 weeks and you can do some outreach. Then we can chart a path forward. Let's talk again August 23. We'll keep the September 1 deadline for the hood and vent system.

Laid Over to the Legislative Hearings due back on 8/23/2022