



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, June 20, 2023

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 23-230** Ratifying the Appealed Special Tax Assessment for property at 1093 EUCLID STREET. (File No. VB2309, Assessment No. 238811)

Sponsors: Prince

Approve the assessment.

Voicemail left at 9:15 am: this is Marcia Moermond from St. Paul City Council trying to reach Lee Yan. I am calling you about your appealed tax assessment for 1093 Euclid. We will try you back in a little bit.

Voicemail left at 9:41 am: this is Marcia Moermond from St. Paul City Council trying to reach you again about your appealed tax assessment at 1093 Euclid. We've tried reaching out 4 times on this appeal, so I'm going to recommend this Vacant Building assessment is approved. Your new Council Public Hearing June 21. We'll confirm that by email.

Update: email was sent with correct Council Public Hearing date of 7/19/23 - JZ.

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

- 2 [RLH TA 23-186](#) Ratifying the Appealed Special Tax Assessment for property at 600 HATCH AVENUE. (File No. J2301V1, Assessment No. 238001) (Amend to delete)

Sponsors: Brendmoen

Delete the assessment.

No one appeared

Moermond: notice was provided to the previous owner during the current owner's period of ownership, therefore recommend deletion of the assessment.

Referred to the City Council due back on 6/28/2023

- 3 **RLH TA 23-170** Ratifying the Appealed Special Tax Assessment for property at 381 RAMSEY STREET (0 RAMSEY STREET). (File No. J2319A, Assessment No. 238519) (Refer back to June 20, 2023 Legislative Hearing)

Sponsors: Balenger

Approve the assessment.

Robert Rulon-Miller, owner, appeared via phone

Moermond: we finished things off where you were talking about having to reached out to the St. Paul Police Department about the problems with the homeless encampment on the back of your property. I committed to looking into call records. I wasn't sure if that could play a role in a possible reduction, but I thought it was important information to have. We ran a call log from January 1, 2022 through the present which at that time was May 21. There were 8 calls that were made that could pertain to homeless activities at the property prior to the orders for the cleanup. I was looking for welfare, disturbances, DWI, fire/ambulance. Those kinds of situations sound to me like decent possibilities that the incoming call would have been coded that way. So, I can see there were calls.

Rulon-Miller: 8 calls is too many for this issue. As far as the situation on the property with the encampment. I made 2, possibly 3 calls.

Moermond: it really isn't great. And there were more calls than that to those locations because we had to call in the intersections, Irvine and Ramsey and Summit and Ramsey to get at the location at the back of your property. There are a lot of traffic calls and things like that as well. We'll share those with you. Do I agree this is more than it should be? Of course. If I had a neighbor that required this many calls, it would make me upset as well. In terms of the responsibility for the cleanup. The only system we have in place in St. Paul is to say a private property owner is responsible for maintaining their private property. I would suggest you may or may not want to talk to the City Council about the policy for how these assessments for encampment cleanup are done. MR. Yannarely, can you summarize inspector notes?

Yannarely: it is an ongoing problem. It started in 2019 and various notations. No other problems except homeless encampment issues.

Rulon-Miller: it is at the corner of Irvine and Ramsey, but it is an easy place to access since the steps come down Irvine and hop the rail to get into the property. I've owned this house since 1989. It has been an ongoing problem. When I was younger I went in and cleaned it up myself. But I'm 71 now. I don't want to confront these people. That's why I called the police.

Moermond: and the notes you have are from Code Enforcement Inspectors Mr. Yannarely?

Yannarely: yes. This goes back to 2019, nothing noted about this before then.

Moermond: the police information I just had run from 2022 to the present, so it doesn't capture anything before then. I get the St. Paul Police Department was called prior to that. I'm stuck with the responsibility for maintaining this goes to the owner themselves. How the City manages charging that out is probably a policy conversation.

I don't really have any tools to share that would decrease the cost of this assessment. I have a great deal of sympathy for your position, but I don't have anything I can do as myself. We will send you these records so you have them. I asked the Council to schedule this for Council Public Hearing July 19, 3:30 p.m.

Rulon-Miller: how does the City deal with encampments on private property. I don't mind them sleeping there, it bothers me they were making a racket with a drum and woke me up. I wouldn't have called otherwise. I'm curious about the City's policy for encampments on private property, do they take them away?

Moermond: my understanding is that before anything is removed, any people, there is outreach for something like a week of social workers and other kinds of people in that area trying to help them find shelter that is appropriate for their needs. Also giving them notice of what is going on. Did a call to the police trigger that? I kind of don't think so. I've seen that area of a dot on a map for a long time, what takes it from a level of people sleeping there to taking action I don't know. But I do know the City is aware of pretty much every encampment out there. They have full time staff out there working with people trying to get them into more appropriate shelter.

Rulon-Miller: don't you think if I make the call to the police they would have said here is what you should do, call those social workers. I didn't know about that until you told me.

Moermond: you wouldn't be responsible for calling them. That wouldn't be on a private citizen. That is part of the homeless team, the HART team—Homeless Action Response Team. They take complaints about people sleeping, those types of activities and try to create a priority list. You wouldn't be responsible for identifying professional services.

Rulon-Miller: which begs the question, why didn't they do that after my call?

Moermond: I'm not a part of that team or making their priorities. I would have to ask them their procedures. I have a high-level understanding of this.

Yannarely: however it gets called into the system, whether it's the general line or police, it filters down to the HART team. They are the ones who issue the Summary Abatement Order to clean up the property.

Moermond: the inspector who wrote the orders is a member of that team. That's where that came from, the Code Enforcement inspector in that team.

Rulon-Miller: where do we go from here?

Moermond: the Council Public Hearing is July 19, and we'll send you that email with those documents.

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

- 4 [RLH TA 23-222](#) Ratifying the Appealed Special Tax Assessment for property at 664/666 SEVENTH STREET WEST. (File No. J2320A, Assessment No. 238523)

Sponsors: Noecker

Approve the assessment

Felix Aleynikov, owner, appeared via phone

Moermond: we got your email that you sent after the last hearing May 16 of work you were doing each day to get rid of the snow and ice. I have reviewed them and I have to say that I'm still persuaded by the video of how things looked on the 12th. I recognize you were making some progress, but we do need to have it cleared for people to have passage through. I'm struggling to decrease this assessment based on the photos. I'm going to recommend approval of the assessment. I'm seeing in the time period we're talking about, the 9th through the 12th the temperatures would have accommodated salt use and have it be successful. The lowest high temp was 29 degrees, and as high as 43 degrees. I'm left with the recommendation to approve. We've attached the photos to the file so the Council can see them. you can also testify at the Council meeting; they may look at it differently than I do. I know that's not the answer you were looking for today, I'm sorry.

Aleynikov: I'm not going to argue your decision. If it makes any difference it will be easier for me now that I know what territory I need to clean up. It is really hard to clean that corner because of the plows.

Moermond: I recognize that.

Aleynikov: I know you can't control drivers, but I've spoken to quite a few plow companies and many refuse to take St. Paul properties because of this issue.

Moermond: what you are saying is true of a number of locations in the City. The roads were established a long time ago when they had a bit of a different use and more of the right-of-way was taken away for lanes of traffic. That eats up that area between sidewalk and curb. So you are right, that is true of any older City where the streets were lain before the automobile really. I sympathize, you aren't the first person to tell me that. I would suggest perhaps the Council office may be helpful, I honestly don't know. This has a Council Public Hearing June 28, you are welcome to talk or submit anything.

Referred to the City Council due back on 6/28/2023

5 [RLH TA 23-247](#) Ratifying the Appealed Special Tax Assessment for property at 16 DOUGLAS STREET. (File No. J2322A, Assessment No. 238528)

Sponsors: Noecker

Layover to LH July 18, 2023 at 9 am for discussion of potential dumping mitigation measures after review of area by CE inspector.

Brad Eilts, representing owner Dane Kuhn, appeared via phone

[Moermond gives background of appeals process]

Moermond: a packet was sent June 13; did you get that?

Eilts: yes, I did get that.

Staff report by Supervisor Joe Yannarely: March 8, 2023 a Summary Abatement Order was issued to remove and dispose of the chair and box spring from the property. Compliance date of March 15. It was sent to Dane Kuhn and occupant at 16 Douglas. Rechecked March 26, work order was sent and Parks did the abatement March 29 for

a total assessment of \$442.

Moermond: why is Mr. Kuhn appealing?

Eilts: I'm appealing because there is a big issue of debris. There are a lot of homeless and pedestrian traffic and a lot of debris getting thrown in the alley. My daughter called in March and I wasn't able to help until April. I got there and there was a mattress and a ton of trash. The first day I went I got rid of the mattress, cleaned up 2 bags of trash and then I've been going back every week since to keep it cleaned up. I've had to clean out a TV, two tires, broken bicycle. It is a nonstop issue and it shouldn't be all on my daughter or son in law to clean it up. That's my reason. I don't dispute what the City did, I just think it is a larger problem than a box spring and chair and the City should be involved in the solution.

Moermond: it doesn't look like there is a fence around the yard, is that right?

Eilts: there is around the backyard, but it doesn't go all the way out to the alley. They have a little building outside of their fence.

Moermond: and that's the area getting the dumping?

Eilts: yes.

Moermond: I am looking at the aerial and I can tell where the fence is from the shadow. Have you considered moving the fence out to the alley to put some physical barrier there? Right now, to me it looks like a space that obviously doesn't have eyes on it, it is tucked away.

Yannarely: it is a tough situation with the parking lot behind it and the turn around.

Moermond: is there a light pole in the alley there?

Eilts: they put solar lights out there and they got stolen.

Yannarely: I think moving the fence wouldn't stop anyone.

Eilts: yeah, debris already gets thrown over.

Moermond: what height is that fence?

Eilts: 6 feet I think.

Moermond: they can go a full 8 feet. Again, I think that makes it harder to throw things over, but certainly not impossible. We've had people have luck with signage. Does that garage have electricity?

Eilts: no, it is just a storage shed.

Yannarely: and it is an expensive undertaking for not guaranteed results. It just makes it more obscured from the house.

Moermond: right. The Council Public Hearing is August 8. Have you seen evidence of a homeless encampment in the cul-de-sac?

Eilts: not in the cul-de-sac, in the alley. The mattress was where someone was obviously sleeping. They walk through Master Chef's property.

Moermond: I'd like to send the area supervisor out there to take a look and see if they have any suggestions for "hardening the target" as well as the City team that works with the unsheltered. Ultimately is it the responsibility of the property owner to maintain the property? Yes. In circumstances like this where there is repetitive dumping. We have a history of orders being written and you always being on top of it, if we could do things to make it less likely to have it be a target in the future. Then it would make sense to decrease this to offset the costs. Reaching out to Xcel to see if the pole can be lit. I'd like to see if we couldn't offset some of that with the assessment. We would be saving the City money in deploying inspectors if we can get this under control.

Eilts: yes, that's fine. Right now, there are jersey barriers at the end of the alley, and something taller there would help too. Right now you can step over the top of them.

Yannarely: is there still a break in the fence at the end of the alley?

Eilts: yes, it gets repaired and then kicked down again. There are two openings in it. The back alley, something more solid people can't climb would help a lot too.

Moermond: I will continue this to July 18th to talk again.

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

- 6 RLH TA 23-245** Ratifying the Appealed Special Tax Assessment for property at 550 MINNEHAHA AVENUE WEST. (File No. J2322A, Assessment No. 238528)

Sponsors: Balenger

Reduce assessment from \$322 to \$25.

Shoua Yang, owner, appeared via phone

Moermond: I just had a chance to review the before and after video of when the crew came there. What I'm going to recommend to the Council is this, a reduction to \$25. I'm thinking we had about one and a half to two squares of sidewalk with thick ice, the rest was clear. That would have been difficult for neighbors, but the crew went out on a cold day and just put down ice and salt. This isn't removing it, it just making it easier to remove it in the future. Is that reduction from \$322 to \$25 acceptable.

Yang: that would be greatly appreciated. My concern was that my fence was broken, and I think they broke it with their truck. I called the City and complained and didn't have any proof. I don't know—

Moermond: check your video. It looks to me like they didn't bring a truck up at all, I didn't see tire tracks and I didn't see the ice was scraped along the top. Normally you can see the plow blade. All I saw was they dumped salt and sand on some ice. You can definitely pursue reimbursement by filing a claim form.

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

- 7 RLH TA 23-244** Ratifying the Appealed Special Tax Assessment for property at 570 PORTLAND AVENUE. (File No. J2322A, Assessment No. 238528)

Sponsors: Balenger

Approve the assessment.

Chelsey Smith, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: the Summary Abatement Order to remove snow and ice was issued March 14, 24-hour compliance. Rechecked March 17 and found packed ice and snow remained. Parks did the abatement March 21 for a total assessment of \$322.

Moermond: you are appealing why, Ms. Smith?

Smith: I'm a new homeowner, the labor charge ---I was present and home at the time. It was a tough winter, not debating the state of the sidewalk. They were there maybe 10 minutes and didn't really make a material change. It felt like a big fee for 5 minutes of the machine.

Moermond: you're curious about breakdown of costs? The quality of the work?

Smith: I'm curious what time I'm being billed for.

Moermond: looks to me like they sent a truck down and scraped down the top of the ice which was pretty bumpy and then salted and sanded. They scraped in basically. I'm sure that didn't take long. And then it looks like they moved on to your neighbor who had a similar situation.

Yannarely: \$160 is the cost of deploying the crew with several workers and equipment out there. The service charge is the cost of this procedure and adding to tax assessment and real estate rolls.

Moermond: and the amount it costs to deploy a crew, for example if Ms. Smith had a couple of old couches hanging out in the yard, what would the charge be to send a crew to remove that? Is that \$260?

Yannarely: \$272.

Moermond: the \$160 is the minimum half hour charge vs. the hourly charge minimum. Is it high? Yes. Is it the highest? No.

Smith: that information helps. I'm happy to settle with where you are at. I'd like to leave the City feedback that it is challenging to get snail mail and have a 24 hour turn around. Seems email or text message would be timelier because we do want to avoid the City having to come deal with this.

Moermond: my understanding is they are working to replace the system used to support this. I will say the Code says by first class mail, but I have to come back and say the Code also says if there is an inch of snow it must be removed in 24 hours. March had 3 times with a couple inches of snow and March 1 until orders were sent there was 8.6". There is a lot of notice provided by virtue of the snow falling. I realize that sounds patronizing, but it is a lot of ice for anyone with any type of disability to navigate. Be on top of these things as they happen.

Smith: that's not patronizing.

Moermond: I think email or text is something the City is interested in doing on top of the legally required US mail. We just aren't technologically there. Thank you for the feedback. Take care, I wish you a good rest of the day.

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

8 RLH TA 23-243 Ratifying the Appealed Special Tax Assessment for property at 576 PORTLAND AVENUE. (File No. J2322A, Assessment No. 238528)

Sponsors: Balenger

Reduce assessment from \$322 to \$275.

Kristen Lillvis, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: Summary Abatement Order was issued March 14 to remove snow and ice from the sidewalk. Compliance of 24 hours. Rechecked March 17 and Parks did the abatement March 21 for a total assessment of \$322.

Moermond: why are you appealing Ms.

Lillvis: we do clean our sidewalks daily, if not multiple times a day. Prior to treatment the snow is not more than an 8th of an inch thick. There was salt on the ground and you can see bare pavement. The after video looks the same, no discernable difference in the thickness of the snow.

Moermond: I did review the video for this Friday, let me review it again. They sent through a pickup with a blade to scrape it. It made it level and added salt. They were there. Did they get rid of all of it? No, they didn't. You're right it wasn't completely removed. I'm wondering what you are looking for today?

Lillvis: ideally we would like the assessment removed because I feel like we really did it to the best of our ability, in the same way the follow up was cleared.

Moermond: I am not going to concur with you there. Most properties near yours had cleared it. We did have a lot of warm days in there. Salt would have worked to put down. Certainly, sand too, I don't know you came to have so much ice accumulated there. It was really substantial.

Lillvis: I would be interested in seeing the video you have, because the side of the street there is someone out there with snow and ice. We're all really good stewards. I am skeptical, it is hard for me and having looked out the window. We typically have a little snow always because it is the side of the street. I don't see any significant difference in the before and after. If the truck can't clear it, what is a homeowner to do?

Moermond: 8 inches of snow fell. I see a lack of maintenance that led to that. I face east and my sidewalk was clear. I don't know if you had good luck staying on top of it but doesn't look like it from my point of view. Your neighbor was also cleared by the City. The one further down was clear.

Lillvis: can I see those?

Moermond: the before video for your property you can see down the street to the other side. Is it the best job in the whole world? No. is scraping and picking ice difficult?

Yes. I'm struggling with what to do with your case, would it have been nice if they stood there and chipped away the ice? Sure, but the charges would be a lot more. I can see a minor reduction for the fact that some of it was showing cement. That is really minor, I'll recommend a reduction to \$275. The Council could look at things differently, that door is open and you can definitely do that.

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

10:00 a.m. Hearings

Special Tax Assessments

- 9 RLH TA 23-241** Ratifying the Appealed Special Tax Assessment for property at 241-243 AURORA AVENUE. (File No. J2323A, Assessment No. 238530)

Sponsors: Balenger

Delete the assessment.

No one appeared

Moermond: orders were sent to wrong address, delete the assessment.

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

- 10 RLH TA 23-248** Ratifying the Appealed Special Tax Assessment for property at 1541 and 1543 JACKSON STREET. (File No. J2309E, Assessment No. 238311)

Sponsors: Brendmoen

Reduce assessment from \$159 to \$100. Continue CPH to January 3, 2024 and if no same or similar violations by December 20, 2023 delete the assessment in full.

Yonis Gabow, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: December 20, 2023 Summary Abatement Order was issued to remove mattress and box spring from the front year. Compliance Date of December 27th. A work order was issued, by the time the crew went out on January 9 we issued what is called a "PAEC" for the cost of deploying the crew. Total assessment of \$159.

Moermond: why are you appealing?

Gabow: I thought after I got the notice the issue was resolved; I didn't understand about the crew and the associated fees. If I could have it reduced or waived, I'm a disabled veteran looking for full-time employment. The economics of the fee are my appeal grounds.

Moermond: you just missed the December 28 deadline. There is really no record of violations at this property. While I can't consider income in evaluating these, I can look at history and expectations for the future. So, what I will recommend is the City Council continue the Council Public Hearing for your case to December 20, 2023. If on that date if there have been no problems I'll recommend this is deleted entirely. Keep the lawn mowed, show shoveled, take care of anything in the yard. I'll recommend now it is reduced now to \$100.

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

11 [RLH TA 23-229](#) Ratifying the Appealed Special Tax Assessment for property at 1848 REANEY AVENUE. (File No. J2321A, Assessment No. 238524)

Sponsors: Prince

Approve the assessment.

Hilary Nguyen, owner, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: Summary Abatement Order was issued January 9, 2023 to remove and dispose of couches and miscellaneous furniture from the rear of the property. Compliance date of January 23. Rechecked January 23. WE did send to the crew, and the work was done March 8. There is no returned mail. History at the property, May 2, 2023 garbage, no work order. February 13, 2023, no work order. March 24, 2022 garbage, no work order. November 16, 2023 no work order, and March 12, 2021 garbage.

Nguyen: my question is, this is for the couch, right?

Moermond: ultimately that is what was removed, yes.

Nguyen: my tenants thought she remove it, but then I saw the video and she didn't do it. Yeah, I agree with the fine for the couch. Is there any way we can reduce it? It is going to be passed onto the tenant anyway. Is there a way to reduce the fine for her?

Moermond: what would be the basis for that reduction?

Nguyen: I guess I have no explanation; I'm just asking to help her out. If not, I pass on the full amount to her.

Moermond: how you have your contract with your tenant is your business, we won't subsidize that contract. I do see a substantial pile of material in the back yard, mostly furniture. What remained was a couch. There were 2 months between orders and crew going out. I can't recommend anything but approval. The City did do the work. Giving a consideration because it is a tenant, how you recoup your costs or you pay it yourself, that's on you to sort out.

Nguyen: that was removed. March my tenant had more couches. The first pile was removed. She put her couch in February again. I told her to remove it. I just wanted to say it was two different tenants at two different locations.

Moermond: and it is hard to tell that definitively. I can say that in the photo taken

January 23 I do see a beige piece of furniture that appears to match the photo of the couch March 8. From looking at this it looks it is probably the same piece. If she actually did it and was in compliance, how you manage the cost is between you.

Nguyen: I have pictures in February of the lot being empty.

Moermond: you are welcome to submit that. The Council Public Hearing is June 28th, next week.

Referred to the City Council due back on 6/28/2023

- 12** [RLH TA 23-253](#) Deleting the Appealed Special Tax Assessment for property at 274 SIDNEY STREET EAST. (File No. J2318A, Assessment No. 238518)

Sponsors: Noecker

Delete the assessment.

Voicemail left at 11:27 am at x7199: this is Marcia Moermond from St. Paul City Council calling you about your appealed special tax assessment for 274 East Sidney Street. Your appeal was a late arrival so I just was able to review it, I'm sure the orders issued January 10 were issued about the 15th the week before, it was checked the 13th, but it took the crew a few more weeks to get there in which an additional 6" of snow fell. So, while the crew did deal with ice accumulation, it didn't look like all the snow that fell during January. I'll recommend deletion of assessment.

Referred to the City Council due back on 6/28/2023

- 13** [RLH TA 23-242](#) Ratifying the Appealed Special Tax Assessment for property at 733 THOMAS AVENUE. (File No. J2309E, Assessment No. 238311)

Sponsors: Balenger

Delete the assessment.

No one appeared

Moermond: orders issued December 16 but they were issued by Vacant Building staff who don't take photos. On recheck they indicated the work wasn't done. Again, no photos. We do know when the crew showed up the walk was clear. No records from Parks. The lack of record keeping means I don't feel comfortable recommending approval of this assessment, I'll recommend deletion of the assessment.

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

Special Tax Assessments-ROLLS

- 14** [RLH AR 23-55](#) Ratifying the assessments for Property Clean Up services during March 14 to 31, 2023 (File No. J2322A, Assessment No. 238528)

Sponsors: Brendmoen

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

- 15** [RLH AR 23-56](#) Ratifying the assessments for Property Clean Up services during April 5

to 13, 2023 (File No. J2323A, Assessment No. 238530)

Sponsors: Brendmoen

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

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 16 **RLH SAO** Appeal of Richard Pittman to a Vehicle Abatement Order at 817
 23-27 MARSHALL AVENUE.
- Sponsors: Balenger
- Grant the appeal noting the orders were issued for a nuisance condition that has since been abated.*
- No one appeared*
- Moermond: Ms. Martin you were mentioning we have new plates and current tabs and being donated, and is now operable?*
- Supervisor Lisa Martin: that appears to be the case, tires are inflated. It appears to be operable.*
- Moermond: my action will be that the Council grants the appeal noting the orders were issued for issues that have now been abated.*
- Referred to the City Council due back on 7/12/2023**
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- 17 **RLH SAO** Appeal of William Williams to a Summary Abatement Order at 1009
 23-28 FULLER AVENUE.
- Sponsors: Balenger
- Grant to July 14, 2023 for compliance.*
- William Williams, owner, appeared*
- [Moermond gives background of appeals process]*
- Staff report by Supervisor Lisa Martin: we have a Vehicle Abatement Order on a white Acura with expired tabs. A Summary Abatement Order was issued May 30, 2023 to occupant and owner to remove a recliner and miscellaneous debris from the rear yard. Compliance was for June 7th. Appeal was filed.*
- Williams: we did solve the vehicle. New plates, registration and insurance.*
- Moermond: what is going on with the furniture and fire pit?*
- Williams: I wasn't sure if that was included. It has a grill top. The weekend before the inspector came by all of us roommates moved the chairs from the patio to the yard and didn't clean up. Naturally, everything is put away. The recliner has been out for 7*

months on the patio. I sit on it because I don't want to buy patio furniture and there's no room in the house for it. I don't sit outside when it is raining. Can I leave it there?

Moermond: the recliner is what is called out here, and debris.

Williams: there is a panel owned by the homeowner for the fence, I don't want that thrown.

Moermond: I don't see a fence panel in the orders, Ms. Martin? Is that under miscellaneous debris.

Martin: we'd normally name it specifically, or maybe wood. It is more the interior furniture that we don't allow stored on the exterior. We don't accept that on the porch or the backyard.

Moermond: Ms. Martin, must a fire pit be 15 feet from structure and property lines?

Martin: I'd have to check.

Moermond: you can't have the chair and recliner out there. No soft materials. They worry about providing harborage for pests. For your situation, I'm assuming you are also concerned about costs and logistics of getting rid of it.

Williams: that's not it, more or less I just wanted to know if it was ok to own it.

Moermond: you can own it; you can't store it outside.

Williams: I used to sell patio furniture so I could argue—

Moermond: and you can.

Williams: and the chair is vinyl. It may not have been meant for outside.

Moermond: here's the thing, with that sized garbage container you get 4 bulky item pickups. We can get you the number for the carrier in your neighborhood. I'll put this in front of Council July 12, so I'll give you to July 14 for compliance.

Williams: I have no issues getting rid of the chair. I didn't want to use the bulky item pickup and then have them reinspect. I just don't want anything not ours for us to be charged with.

Martin: it looks fine otherwise.

Moermond: it is just the two chairs.

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

18 RLH SAO
23-26

Appeal of Victoria Downey to a Summary Abatement Order at 761 HOWELL STREET NORTH.

Sponsors: Jalali

Grant to November 1, 2023 for compliance (via removal or permission from PW).

Victoria Downey, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: a Summary Abatement Order was issued May 23, 2023 for an obstruction on the boulevard. To remove the planter box on the boulevard by May 30. We received a complaint about several blocks in this neighborhood. I know we're hearing two of those today. The photos are on the Summary Abatement Order.

Moermond: can you tell me about your appeal Ms. Downey?

Downey: the City's website I did look up boulevard garden before I put them in during 2020. There is no mention of raised bed being prohibited. I still have the website pulled up. It says they can't exceed 36" in height. They have to be maintained so there is no overhang or encroachment. They can include flowers or vegetables. Mine has vegetables. You can't use herbicides or pesticides, which I am not. If you did you have to call ahead of time, but there was no digging. I checked on the website before doing anything so it makes no sense that this is now being called out as something considered a permanent structure. There is no foundation on it. These are used widely throughout the City. Just this morning on my short bike ride I saw six. Even on our block there were some not cited because I've been in contact with my neighbors. Also, the St. Paul Action Climate Resiliency plan includes under "Economic and Social Wellbeing" to "encourage equitable spatial distribution of community assets to improve food security, including urban farms, community gardens, food markets, and healthy food options" That is page 26. I'd be happy to send the references. I feel that is in support of our climate action plan. We're a City that claims to care about sustainability yet we are citing people for trying to grow food. We allow vegetables to be grown in the boulevard but the EPA has said there is a lot of soil contamination on the boulevards and their recommendation is to use raised beds as an alternative. Boulevard trees are owned by the City, you know this, and the raised beds do not disturb the root structures of the trees like ones in the ground. All of these things together say to me that it doesn't make sense that we are not allowing this when it hasn't been cited before, it isn't on the website, and none of this makes sense.

Moermond: the same chapter about boulevard planting is the same chapter that covers installation of structures in the public right-of-way. Chapter 105, "Care and Maintenance of Boulevards" indicates it shall be unlawful for any person to throw or deposit any garbage or waste on the boulevard--

Downey: It isn't garbage though!

Moermond: I was saying we don't have an issue there. The next section says, "it shall be unlawful for any person to erect or maintain any booth or structure of any kind whatever upon any of said boulevards or street lawns, or any other obstruction thereon." What I am seeing is you're building something in the right-of-way. Admittedly, I see them too. It exists. I get that. I also see people who have built the little free libraries, occasionally put them on the boulevard. Putting in accessible food and vegetables could also be done on private property. It does look like you have a retaining wall in front. I am sitting with the knowledge that absolutely there is a public interest in having fresh food and vegetables available and accessible. I also see that using the City's public right-of-way, so public passageway, with a raised bed, the first concern is it is a trip hazard. More importantly there needs to be permission granted by the City in order for that space to be used in this way. I put to you that you would need to seek that to have this installation there. Because there is a built-in right to that

property, it has to be cleared through that process. Public Works could look at this and say yes or no, and then there's a further process after that. My practice with these, which doesn't have to do with the height of the planting, it's the hard sides installed. I have a limited capacity to say you can use the public right-of-way. That is the purview of Public Works. I can give an extension for compliance with order by way of removal or permission to be there. Either is fine with me. I can't give that permission. I see that unless in the summer someone isn't likely to trip. Let's give it through this year's growing season. So, say until October 1, 2023 to get it sorted so this growing year is done and you can work with Public Works. I'm totally ok with that, I really am.

Downey: if I take it to Public Works and they say no and they appeal it do I have to pay again to appeal that?

Moermond: there is a fee to appeal a right-of-way decision, I'd reach out to them about having it waived. For my office, since we have a file open, we'd waive the fee. No additional \$25 on my side. We'll put this in front of Council July 19th.

Downey: can it be a different day? I have my son that day.

Moermond: sure, does July 26 work?

Downey: yes.

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

**19 RLH SAO
23-22**

Appeal of Nicole Mayefske to a Summary Abatement Order at 845 HOWELL STREET NORTH.

Sponsors: Jalali

Grant to November 1, 2023 for compliance (via removal or permission from PW).

Nicole Mayefske, owner, appeared via phone

Julian Korger, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: a Summary Abatement Order was issued May 23, 2023 for an obstruction on the boulevard. To remove the planter box on the boulevard by May 30. We received a complaint about several blocks in this neighborhood. I know we're hearing two of those today. The photos are on the Summary Abatement Order.

Mayefske: I know you stated other people on our block had received this same letter for the planter boxes. These have been up since the pandemic. If you Google boulevard plantings in St. Paul the first couple links have plant rules, nothing about not having anything around the beds. And then the "nuisance conditions" and that this is a structure? They're 4 pieces of wood nailed together. There are no posts. If utility work ever had to be done they could be moved. It is there because it is the only spot to grow vegetables on our property. The dirt in this area is garbage. The boxes are there because snow and salt get dumped there. Without the boxes it would get stepped on by kids, dogs, etcetera. I have no issue with the height requirements, I understand that. This is just to protect the veggies we are able to grow from mainly people.

Moermond: the same chapter about boulevard planting is the same chapter that covers installation of structures in the public right-of-way. Chapter 105.01 indicates "It shall be unlawful for any person to throw or deposit, or cause to be thrown or deposited, any garbage or other waste material upon any part of any boulevard or street lawn within the corporate limits of the City of Saint Paul. Further, it shall be unlawful for any person to erect or maintain any booth or structure of any kind whatever upon any of said boulevards or street lawns, or any other obstruction thereon." That's the code they're looking at. Obviously one of the concerns is quick and easy access to utilities. It is also about people needing to pass through that area unobstructed. A trip hazard. Can that be discussed further? Absolutely. What I'm stuck with is there is a separate process for applying to use any part of the right-of-way for any purpose. If someone wants to use the right-of-way to put in a dumpster, things like that. I don't have a lot I can do on whether or not this constitutes a nuisance—which is does over 105—but allowing it to exist isn't within my purview. I can push this out to October 1, and that gives to bring in your crop and gives you time to deal with Public Works to see if there's some way to get an encroachment permit for it. I do know it isn't cheap. I do know the other argument made this morning was what harm is made by using it this way. That is an argument to be made, but it isn't allowed now. Perhaps this is something you'd want to encourage a change in City code a lot. I've been talking a lot, so let me allow you to speak for a minute or two.

Mayefsky: I don't think we had anything to add at all. I think Victoria lives right down the street. We've been chatting about City Code already. What do I need to do now?

Moermond: if you want to keep it you need to get permission from Public Works to do that via an encroachment permit. We will send you information on that. It isn't cheap like appealing this, but I would recommend you talk to them about the possibility of a reduced fee. It never hurts to ask. That would be the next step to keep it under the Code. Otherwise, I'm trying to get you to the end of the year to harvest and relocate if possible. I'm flexible if you need more time.

Mayefsky: that would be great.

Moermond: would you like November 1, as a deadline?

Mayefsky: yes, please. Thank you.

Moermond: I'm sorry I couldn't be more accommodating.

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

1:00 p.m. Hearings

Vacant Building Registrations

20 RLH VBR Appeal of Ted Ries to a Vacant Building Registration Notice at 1018
23-24 WILSON AVENUE.

Sponsors: Prince

Grant the appeal of the VB registration on condition the Fire C of O is reinstated by August 1, 2023.

Ted Ries, owner, appeared via phone

Moermond: today we were following up on the eviction process and state of the building. It looks like you sent an email today. Where are we at with that eviction?

Ries: they've been removed. The sheriff came on the 12th. There is a POD of stuff. I have to hold their stuff 28 days. They rented a U-Haul and have removed at least half. We have an agreement that after this is over, no later than the 28 days, I'll have dumpsters in the driveway. It is all garbage. They've been picking away at it. They've made a lot of progress.

Moermond: what are the conditions?

Ries: it looks fine. Just too much stuff. No holes in the floor that I can see, nothing hazardous. It just went through the Certificate of Occupancy last year again, I know it wasn't that long. Same thing, too much clutter. It is my top concern and priority. They haven't been paying rent since October.

Moermond: Ms. Shaff, we did have the building inspected in 2020 that went through 2021 and another started in the fall of 2022, part of this cycle.

Shaff: the last one started September of 2020. It actually ended up being condemned at one point. I received a C grade, so due in 2022. Started the next inspection cycle in October of 2022 and since then haven't been able to get in nor gain resolution.

Moermond: your email says you would like until July 15. What I'm thinking is you can have your Certificate of Occupancy reinstated by August 1, 2023 then we'll get you out of the Vacant Building program.

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

21 [RLH VBR 23-31](#) Appeal of Arhondus Simmons to a Vacant Building Registration Requirement at 1073-1075 SELBY AVENUE.

Sponsors: Balenger

Layover to LH July 11, 2023 for further discussion and results of C of O inspection findings.

Arhondus Simmons, owner, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: opened as a Category 2 Vacant Building July 12, 2022. It was referred to the Vacant Building program by the Fire Inspection Division for a Certificate of Occupancy revocation. We have found it to be vacant, secured, and maintained. A couple of permits were attempted to be pulled for electrical and mechanical work but inspector Robert Humphrey had those abandoned and notes say he told property owner they must do the Code Compliance Inspection process before permits can be granted.

Moermond: so, attempted to pull a couple of permits. The condemnation we have the electric being shut off basically.

Simmons: I am not appealing the condemnation, that was an error by Xcel. I have a

revert to owner with Xcel. It is a small house with a mother-in-law suite upstairs. The tenant downstairs was a nuisance to the woman upstairs. The upper unit is the one Xcel turned the electricity off to. She had a stroke and couldn't do the stairs. They moved her out in the meantime and came back and forth to get her stuff, but they didn't notify Xcel that the mother had terminated her contract. Downstairs, because he was a nuisance and broke his lease, I gave him 60-day notice and that is where the problem with Travis started. He came to do inspections and the young man didn't comply and I tried to explain that every time Travis came out I had to pay. The only thing Travis listed was a minivan in driveway and mattress by the door, he didn't go in the house. I told Travis then, please do not renew because I'm not going to be a landlord anymore. This property is across the street from where I live at 1080. The young man was on section 8 with his mother, she broke her lease and left her son, he was 21 by then. He said he could afford to stay. Then his younger sister became involved and made him move. He left stuff in the house. Travis never came back to go in. There was a refrigerator in a bedroom that had an extension cord. Outside the mattress, I called Republic, I found out they will take bulk stuff. I got rid of the mattress; he moved the van.

Moermond: when was this?

Simmons: October of---I brought my year and a half of Xcel, it was "revert to owner" and every month there was heat and electricity. When I called Xcel they only turned off the lights, not for the whole building.

Moermond: separate furnace for each unit?

Simmons: yes. I told Travis we were going to remodel and I was going to move. It is jointly owned between myself and my ex. I go back and forth from Alabama. I'm retired from SP schools. He was to be the maintenance man. He works too much and doesn't open his mail timely. Ignorance is no excuse for not knowing the law. I didn't get the first Vacant Building registration in time. I knew the time to appeal was past. I told him that it would be put on the taxes. Luckily I'm here this time, I came down and applied. The house isn't vacant, it is unoccupied. When I asked Travis not to renew the Certificate of Occupancy I thought that would take me off this list. I knew I would have to have it inspected because Humphrey called me in Match to ask when someone could go by. He said it needed a lock box. I was going to comply with that but the Vacant Building assessment I feel is—I don't know.

Moermond: it is a lot of money

Simmons: it is. And it is my private home, and information and paperwork got crossed. My previous tenant had been there 15 years. After she left there were no more inspections, I did have a Certificate of Occupancy inspection. I don't know when the tenant upstairs left. It is unfortunate that Mr. Almstead didn't hear me say not to give me a Certificate of Occupancy because I wasn't going to be a landlord anymore. The letter says he did a drive-by inspection but he never completed the interior inspection.

Moermond: so we have a couple things going on. What is your intention?

Simmons: to move in.

Moermond: I'm trying to find the shortest path. We didn't get an appeal when it was condemned, which does make things more complicated.

Simmons: they had the permit when they replaced the furnace.

Moermond: they did, and they applied and it was denied, abandoned. So, they got the permit that shows up on the screen for their immediate application. That happened, here we are. They couldn't get a rough-in inspection even. That was in December and they haven't figured that out yet. What else have you done as part of your remodeling?

Simmons: we redid the floor. Installed carpet. The fridge is pulled away. Just a lot of moving things around. I got back up here in April. He got back to me in March. I said I wasn't trying to get rid of the inspection, I was going to redo it and have him come and see it was fit for human habitation. But I didn't know how to cut ties—

Moermond: and if it is just the electric being shut off that gets you condemned and ordered vacated that is a really easy situation for me to deal with in terms of getting the electric restored and getting out of the Vacant Building program. This has sat for a while. As I listen to you and the things that have been happening, did Mr. Almstead walk with you through the building?

Simmons: he only walked through downstairs. I don't think he went upstairs. He could have, but there were no issues up there. His inspection came up because they drove by and saw a van that had no plates and a mattress against the house.

Shaff: he was in both units.

Moermond: and the order we have is the Xcel shut off?

Shaff: no, that was with Inspector Caballero. Inspector Almstead, since it had tenants and was part of the Certificate of Occupancy program until the tenants are gone, did a full inspection. Inspector Caballero noted that when he got the electric shut off referral he made numerous attempts to reach the property owner and couldn't get through. Basically spent a few months doing that before it was sent to the Vacant Building program.

Moermond: any issuance with the previous Certificate of Occupancy?

Shaff: smoke alarms, lower level sleeping room and east sleeping room and living room, that was 1073. 1075 plug refrigerator into the receptacle directly. Garage service door didn't lock and the back deck was full of stuff. Inspector Almstead did the Certificate of Occupancy process. However, once we're notified of the Xcel shut off and can't reach the property owner after numerous attempts and it looks unoccupied, it will be sent to Vacant Building.

Moermond: were the old orders cleared?

Shaff: yes, 2021.

Moermond: so substantial compliance in 2021, Xcel shut off in 2022, and rapidly thereafter we have the building becoming a Vacant Building. The fastest way to deal with this is to have your Certificate of Occupancy reinstated. I know you want it to be owner-occupied, but that gives me assurance an inspector has gone thorough and looked and weighed in whether it needs a Code Compliance Inspection or not. We have heard of appliance installation without a permit. That can be rectified. Can we deploy a Fire Certificate of Occupancy inspector?

Shaff: we would expect payment for a Certificate of Occupancy.

Moermond: Of course.

Shaff: I expect things may appear.

Moermond: I'm hearing they aren't deep violations across multiple trades. The ones we are aware of. Would you be able to do a walkthrough and give me an assessment on what kinds of orders you would issue to receive a Certificate of Occupancy?

Shaff: I'm sure Supervisor Imbertson can do that. We're short staffed right now. It may take a couple weeks to get that done.

Moermond: and there are things you can continue to do in the meantime. Painting, floors, cosmetic items. You can undertake those. I am going to lay this over 3 weeks to July 11. In the meantime, do everything in your power to make that appointment work when you get it.

Laid Over to the Legislative Hearings due back on 7/11/2023

**22 RLH VBR
23-32**

Appeal of Chad Chahoud, Property Manager for Pradeep Khakural, to a Vacant Building Registration Requirement at 518 THOMAS AVENUE.

Sponsors: Balenger

Grant the appeal of the VB registration on condition the Fire C of O is issued by August 1, 2023.

Shady 'Chad' Chahoud, property manager, appeared

Moermond: it was sent to Vacant Buildings because it was uninhabitable. From the photos taken by the fire department it appears to be the case. Owner in Utah.

Chahoud: the fire was in the garage. I did apply for the Certificate of Occupancy; I didn't know it didn't have one. I applied for one as soon as Hector told me. He had family living there.

Staff report by Supervisor Matt Dornfeld: I got an email from Inspector Caballero that stated this technically wasn't in the Certificate of Occupancy program but the house was vacant, unsecure, garage alley fire. The garage vehicle door was open. Garbage and miscellaneous debris along driveway. I went out and looked, took some photos, spoke with some neighbors who were frightened folks were in the garage doing things they shouldn't. Rest Pro was there to secure the hole from the fire, they also secured the vehicle door. I went ahead and made this a Category 2 Vacant Building because of the vacancy, it wasn't secured, and obvious unsafe neighborhood nuisance. Sent out a Summary Abatement Order. Code sent out a Summary Abatement Order for this stuff and has a current work order as of June 14. Inspector Caballero reached back out and said he spoke with the owner, wasn't sure what was going on, can you guys put the toothpaste back in the tube on the Category 2 Vacant Building? I told him to have the property owner file an appeal since there was a lot going on. I said we'd figure it out there.

Chahoud: it was done the moment when he called. This is the deal. The tenant was the person doing things in the garage. I understand the neighborhood wasn't happy, that's why we were working on getting them out. I was fighting with them about the stuff in the

garage. I cannot remove the stuff from the garage until the tenant moved out. Once we got her out we can clean it. There are just a couple bags left, we painted the house. The unsecured thing happened because the tenant came back the day after they moved out and kicked the door in. My guys have been there every day and fixed the door the next day. The garage I can't do anything besides fixing where it was burned. It is now empty. There's nothing inside. It was all garbage. I have an invoice from a company that removes junk. We ripped up the carpet.

Moermond: what's the situation with renting the property in the future?

Chahoud: I applied for the Certificate of Occupancy license. Those people were there even before I started managing. The City supported them. We couldn't evict them during Covid because of the eviction ban. The City paid some of the rent.

Moermond: not the City.

Chahoud: the County.

Moermond: the government.

Chahoud: I love the government; they make our life so easy. Anyway, they paid a portion. It wasn't vacant. I have a \$900 water bill for the last 4 months. Finally, I got her to leave without filing an eviction, she finally did. They threw a battery in the garbage or they purposely burned the garbage. At that time, because they were leaving, she said I have a lot of stuff. I told her I'd deal with it. Now you see we cut all the bushes around the property. We painted the whole inside and changed the carpet. Now the property looks amazing. The garage we still need to fix. They put plywood on the side and that's the only thing we can do.

Moermond: how long have you been a property manager here?

Chahoud: two years.

Moermond: do you manage other properties in St. Paul?

Chahoud: yes. We manage all around. The question here, to send it directly to Vacant Building I don't consider the right way to do it. They didn't contact us or give us notice. I know the tenant was a troubled person, not a good tenant—

Moermond: I'm going to push back; it doesn't mean I'm not hearing you. I have a couple things I need to say. Under chapter 43 of the Legislative Code meets the definition of a registered Vacant Building at the time MR. Dornfeld showed up. It was open to entry. It is a neighborhood nuisance, and it was unoccupied. Seven criteria he looks at, 2 were met. Was that a legitimate decision for that snapshot in time? I think it was. He suggested it go to appeal because we are in a place where there are changing circumstances near to when he made that call. Mr. Dornfeld, is that what you meant to say?

Dornfeld: perfect, yes.

Moermond: I understand that the people are out now, you have it secured, you have the garbage out of the yard. Great. No one lives there. That's all good. But I have a big "shame on you" for not getting the Fire Certificate of Occupancy before occupying this. The County records show it was acquired by your boss in Utah in 2018. Well prior to

the pandemic. It was required to have a Certificate of Occupancy then if it was anyone but himself living there. I emphasize this because that is all kinds of wrong. Not a good history. Definitely a neighborhood nuisance. No certificate as required under Code. There could have been orders that would have been of assistance in working with the tenants, hard to say. Could you evict tenants earlier than now? Heck yes. You've had at least a year to evict them based on their behavior alone. If you can pass a Certificate of Occupancy inspection or need a team inspection, I'm thinking if you can pass that Certificate of Occupancy inspection we can work with you. You don't have to have the garage be fixed in order for the house to be habitable as long as it doesn't present a danger. Mr. Dornfeld, I assume you assessed whether it was dangerous and needs to be demoed?

Dornfeld: I believe the garage to be structurally stabled.

Moermond: so new tenants won't be impeded by the state of the garage.

Chahoud: we have a Certificate of Occupancy application—

Moermond: I heard that, and I want to say 5 years. I get you weren't there, but you're representing the owner.

Chahoud: I wish he told me—

Moermond: I asked if you were a property manager and should you know that information? Yes, yes you should.

Chahoud: if you see my record, I have been managing 10 years. Most of time the Certificate of Occupancy inspector goes with nothing. They go based on the finding on the length of time.

Shaff: this property has no Fire Certificate of Occupancy.

Moermond: so there was no inspection one year ago, two years ago.

Chahoud: right, right.

Shaff: and I heard you say earlier you didn't think it needed one because it was a relative in there?

Chahoud: no, no.

Moermond: I heard that too.

Shaff: anyway, as a property a manger in St . Paul should know when a Certificate of Occupancy is required and I expect you would check to see if it had one when taking on a property.

Chahoud: I would like to correct one point. What I'm saying by two years is my property gets inspected every 4 years. It is always habitable. That's why I didn't check.

Shaff: you should always check on every single one if you're representing them.

Chahoud: I thought the owner would tell me.

Shaff: you represent the owner.

Chahoud: ok, it is our mistake. I'm saying I wish he told me that a long time ago, it is an easy solution.

Shaff: if I take on a job I check these things beforehand.

Chahoud: that's great. You are perfect, I am not.

Moermond: the one thing weighing in your favor is that it is a snapshot in time and it appears to be moving forward. The thing not in your favor is the action should have been taken up to five years ago. Were you the property manager the entire time? No. Should you have known better because you *are* a property manager? I would say yes. Where does the owner want to go with the property?

Chahoud: we want to clean it, remove the remaining items, put in a new floor.

Moermond: rental?

Chahoud: yes, rental.

Shaff: how long ago did you turn in the application?

Chahoud: I want to show it to you. It is stamped as received. I talked to Hector I did it right away. June 12th or 18th, I can't tell.

Shaff: that doesn't mean it will be in shortly.

Chahoud: everything is done.

Moermond: I see a June 8th date when it was assigned to fire Certificate of Occupancy and under investigation.

Shaff: that was the referral. He's talking about the provisional Certificate of Occupancy application that he applied for four days later. That is not processed yet by our call center, it can take a few weeks.

Chahoud: she said in the next year they would have the Certificate of Occupancy inspection.

Shaff: the provisional, which you would have applied for, let's you rent it until you inspect it, which has in the past taken up to a year. You are sitting as a Vacant Building; it isn't processed yet.

Chahoud: that's why I took a photo. [photo shown to Inspector Shaff] I did it in person.

Shaff: yes, this is a provisional application.

Moermond: I am going to recommend the City Council grant your appeal of the registered Vacant Building registration on the condition you have your Fire Certificate of Occupancy by August 1. You want them to process that application ASAP and schedule that inspection as quickly as possible so you have the affirmation that it is habitable.

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

Making Finding on Nuisance Abatements

- 23 [RLH SAO 23-7](#) Making finding on the appealed nuisance abatement ordered for 1676 NEVADA AVENUE EAST in Council File RLH SAO 22-55.

Sponsors: Yang

Recommendation forthcoming.

Follow up 6/20/23: confirming the Vacant Building Summary Abatement Order is active and they inadvertently charged Excessive Consumption bills not knowing it was under appeal when it was a Code Enforcement Summary Abatement Order. Vacant Building reversed those Excessive Consumption charges and are working off of the City Council's decision.

Referred to the City Council due back on 6/28/2023

1:30 p.m. Hearings**Orders To Vacate - Fire Certificate of Occupancy**

- 24 **RLH VO 23-25** Appeal of Amy Kennedy, on behalf of Sandra Kennedy, to a Fire Certificate of Occupancy Revocation Notice and Order to Vacate at 998 VIRGINIA STREET.

Sponsors: Brendmoen

Grant the appeal and release the property from the Fire C of O program. Orders to be transferred to Code Enforcement and reinspected.

Amy Kennedy o/b/o owner Sandra Kennedy, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is supposed to be a Fire Certificate of Occupancy inspection by Torrance Harriel. November 1, 2022 a no show, January 24, 2023 a no show. March 30, 2023 no show. March 30 no answer at door. May 1, 2023 correction orders. We have heard on June 2, 2023 about the appeal the property owner stated it is now owner occupied. As of Ramsey County today it shows that it isn't been updated and shows the owner is Sandra L Kennedy on Sherburne Ave, unit 205.

Moermond: Ms. Kennedy, what is the situation with the owner-occupancy? Is it you? Ms. Sandra Kennedy?

Kennedy: my mother is now living with me. It has been homesteaded and is now out of rental and noted as owner-occupied. She had a stroke 2 months ago. I've got fire alarms and carbons up. We're redoing the whole inside; I just have to repaint. He hasn't come through and seen I've complied with his list. I've been working on my house for 7 months. I just had a bunch of stuff out of my house hauled away by a company. My yard is now all cleaned up. The inside has a fire extinguisher. I have trash out of the house. I've been working very hard. I just have some carpet and wall scrubbing and painting. I do it as I can, but I have to take care of my mother. Sandra

Kennedy does live here. It is homesteaded. I talked to the City and it is out rental and is owner-occupied. I've been doing everything I've been supposed to be doing as far as I know. The appeal was because my mother is now at 998 Virginia with me and my brother Michael. I have to take care of both of them. It is hard. I am busy 24/7, it is a lot. She does live here now.

Moermond: Sandra Kennedy used to live there. Moved out for a while. Now she does live there again as well as you and your brother?

Kennedy: no, she rented out the house for a number of years. It just got put into owner-occupancy since I am now taking care of her and had to move in with me and my brother. She did reside here; it is still in her name. I talked to the City homestead and they told me it was owner-occupation. It is no longer rental. Sandra Kennedy lives here. She is 84 years old and had a stroke 2 months ago. My brother was taking care of her but with the stroke and dementia she requires extra care. So, they both moved in. It is a blessing to take care of her. I've completely redone the inside of the house. I got up all the mouse feces before she moved in. The only things I am working on now are just scrubbing walls before I repaint each room so it is crisp. I am a stickler about that. I have more than enough carbon monoxide and fire alarms up. Torrance saw that last time he walked through. I was still in the process of cleaning things up. I wish they would note that, give me some credit for it. It is frustrating. Now my mom lives here I don't feel there is any reason the City should have to come through.

Moermond: Ms. Kennedy, take a breath here and pause. The first thing is I hear you saying "my house" and I appreciate you live there. The property is in your mother's name listing her as the homesteader. You are telling me she lives there. I hear that feedback and trust that she is. Second, the issue of the kinds of orders issued by the Fire Inspector. Your mother would be out of the Fire Certificate of Occupancy program if she is owner-occupying it. We still have some habitability issues mentioned in the Fire Certificate of Occupancy orders that AN inspector needs to visit. That would be a Code Inspector. They would look at the big things on the list, the smoke detectors. It does mention an exterminator. Rodent and animal feces. We want to make sure that has been addressed. Sounds like you are on top of the cleaning. This will be referred and all cleared up and signed off on by a Code Enforcement person who specializes in owner-occupied housing. They will do that talk-through and give you some feedback and hopefully check off a large portion of the list. Because your mom is in a compromised state we want to make sure everyone is safe and healthy and close the file on that.

Kenendy: I had them out here a few months ago. I don't think I need another exterminator. I did clean up my mom and brother's area. I've cleaned up so much. I am in the process with some.

Moermond: the inspector wants to see you have a receipt from Orkin you have dealt with it and don't have to do any follow up. Then they can close out that item.

Kennedy: my sink upstairs I haven't fixed. I have to have a plumber fix it. It will cost a lot of money. I will fix it soon but I can't say when. It drives me nuts too. It needs a pipe and it leaks.

Moermond: you would have a plumber do it, and he will know whether a permit is needed but regardless he will give you a receipt and providing that receipts from a licensed plumber to the inspector will show it is done. They may not have to come see it again.

Kennedy: when would they want to come through again? Will they contact me?

Moermond: yes, they will schedule that with you.

*Kennedy: my brother has cerebral palsy, if she was to fall he couldn't pick her up.
That's where I come in.*

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

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 25 RLH FCO** Appeal of Jahanshir Zadmehrhan to a Fire Inspection Correction Notice at
23-46 723 GRAND AVENUE.

Sponsors: Noecker

Deny the appeal noting the appeal was withdrawn by the appellant.

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