



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, January 3, 2023

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 22-370](#) Ratifying the Appealed Special Tax Assessment for property at 779 RAYMOND AVENUE. (File No. VB2301, Assessment No. 238800)

Sponsors: Jalali

Approve the assessment.

Angie Pierach, owner, appeared via phone

Moermond: we talked about this last the beginning of November. When we spoke last we talked about potentially prorating the Vacant Building fee if you would be able to close those permits. When we spoke in November you'd been in the Vacant Building program 7 months out of 12 already. At this point when it goes to Council next week you'll have been in the program for 10 and a half months. I still see a lot of open permits. You mentioned opening the end of March. Is that still your plan?

Pierach: yes.

Moermond: I'm going to recommend the Council approves this assessment since it looks like you'll be in the Vacant Building program the entire year. You may get a bill for next year's fee, but I'm guessing you'll be able to get out from under that one. Appeal that bill so we can put a waiver in place so you have another 3 months with no fee and based on your plans that should get you out of the program with no fees beyond this year's.

Pierach: yes, that should be fine. When does the bill for next year come?

Moermond: February. March is your anniversary date. Given where you are at with contractors and bills, would it be useful to have this Vacant Building fee divided over a number of years? The interest rate is around 3%. Would that help, or does it not matter?

Pierach: it doesn't matter. I'd rather just pay it off.

[Moermond explains the process of having it put on taxes over a number of years]

Pierach: ok yes, let's do it that way.

Moermond: you are also welcome to ask the Council for a different outcome. We'll send an email with information on how to do that.

Referred to the City Council due back on 1/11/2023

- 2 [RLH TA 22-368](#) Ratifying the Appealed Special Tax Assessment for property at 615 REANEY AVENUE. (File No. VB2301, Assessment No. 238800)

Sponsors: Brendmoen

Approve the assessment.

Voicemail left at 11:54 am: this is Marcia Moermond from St. Paul City Council calling you about your Vacant Building assessment for 615 Reaney. We last spoke in November. I'm going to tell you your Public Hearing is next Wednesday; January 11 and I'm going to recommend this Vacant Building fee is approved. We will send you an email confirming that. I'm looking for information if you would like me to recommend payments be made over a number of years with a small interest rate. You can also appeal further to Council.

Referred to the City Council due back on 1/11/2023

- 3 [RLH TA 23-4](#) Ratifying the Appealed Special Tax Assessment for property at 938 ARKWRIGHT STREET. (File No. VB2304, Assessment No. 238803)

Sponsors: Brendmoen

Layover to LH February 7, 2023 at 9 am to discuss possible proration of the fee.

Rodrigo Cardozo, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: this is a Vacant Building for February 21 through August 24, 2022. Total assessment of \$2,616. No mail returned. Notices were sent to Deutsche Bank, previous owner. Deed with Ramsey County is June 30, 2022.

Moermond: what brought this to your attention as an electric problem? A yellow-tagged gas meter?

Martin: yes, and it was definitely vacant when the inspector went out.

Moermond: Mr. Cardozo, you bought the building?

Cardozo: yes, my brother and I did.

Moermond: is Promo Investments, LLC you?

Cardozo: yes.

Moermond: when did you buy?

Cardozo: closing July 18. I don't know if you can see the email I forwarded?

Moermond: Ramsey County says it transferred June 30, so just a bit of a difference. When was it occupied?

Cardozo: we took control July 18. All the paperwork was in our name. The former owner did the transfer before that date.

Moermond: I'm wondering when someone moved into the house.

Cardozo: we are still working on it. Weather hasn't helped us getting people to show up. You mentioned some electrical issues. We just did re-wiring and everything. That's all done. We are ready to list it next week.

Moermond: we have a Vacant Building then; it is still empty?

Cardozo: yes. No one lives there now.

Moermond: in the past a Ruby Martinez was involved.

Cardozo: I don't know that person.

Moermond: ok, so that is an old name. Here's the thing. We have you buying a registered Vacant Building. I'm wondering—

Cardozo: our plea is to be charged for the amount of time we controlled the building.

Moermond: I have to say that you assumed the debt of the building at the time purchase. That is the case with any pending assessment on a property. You'd be asking for 4 months less of a Vacant Building fee, which would be \$500 or so dollars. But you bought it as it existed at the time so I'm struggling with that request.

Cardozo: at this point the market is slow, the repairs have been mounting and we want to make a little profit. Paying \$2,600 cuts it really close for us. We weren't aware of this fee at all.

Moermond: that's between you and the seller though. They should have disclosed that information to you. Hopefully the purchase price is reflective of the problems at the time you bought it. This goes to Public Hearing February 22. Let's see where you are at right before that. Let's talk again February 7 and see where you are at and if it makes sense to decrease. I'm struggling to see how I can do that but maybe something will happen between now and then that is persuasive.

Cardozo: what could be a motivating event?

Moermond: I invite you to think about that. We'll talk again in a month. I feel this will be a recommendation to approve and if you want to look for a different outcome from the City Council you certainly can. But we're looking at fee from February 21, 2022 to February 20, 2023 so you'll have been in the program the entire year. The first four months was under the previous seller. I am sympathetic, I can't use the property tax system to subsidize your rehabilitation.

Cardozo: you mentioned talking to what? Another period of time?

Moermond: this went into the Vacant Building program February 21. The billing period

is 2022 to February 2023.

Cardozo: I see. If we have to pay the whole \$2,600 could we just transfer—

Moermond: it appears these notes are incorrect, the bill goes July 2022 to July 2023. So, it could be prorated, but let's see where things end up. It would be in your interest to get those permits finalized.

Cardozo: I did try but Randy wasn't around. I left messages. The electrical company I talked to didn't know what I was talking about.

Laid Over to the Legislative Hearings due back on 2/7/2023

4 [RLH TA 23-11](#)

Ratifying the Appealed Special Tax Assessment for property at 1319 EDMUND AVENUE. (File No. J2301C, Assessment No. 232000)

Sponsors: Jalali

Layover to February 7, 2023 at 9 am for further discussion. Staff to send senior property tax deferral information.

Charolet Titus, daughter of owner, appeared via phone
Thelma Lee Maggitt, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: a Summary Abatement Order was sent for the garage to have it repaired or removed. We did talk with the owner and she advised us to have the City demolish because she couldn't afford its removal. I know we discussed options to try and make this affordable. Total assessment of \$3,664. Work was done June 22, 2022.

Titus: my mother is on a fixed income and when the bill came they said she could pay it over a year, but she can't afford that. She wanted to get that discounted somehow, we know the work was done. The cost she just can't afford.

Moermond: the letter you got telling you about today's hearing, on the back has an interest rate, should be around 3%. What I can do is ask the City Council to make payments on this \$3,600 assessment over 5 years. Practically that means you would get a bill after the Council Public Hearing around the begging of march, for 1/5th of the total amount. You could pay that this year and whatever you couldn't pay would roll onto your 2024 property tax statement. In 2025 you would see the next 1/5th and so on. As you know there are two bills, so it would be half and half on your property tax statement. Is that something you'd like to do?

Titus: that is still \$700 a year on top of the already-high property taxes. Is there any way to discount the cost and still have the five years to pay?

Moermond: I can't change the amount it costs to demolish. That's the bill the City paid to the contractor for the demolition. We could see if she can qualify for some assistance in delaying the special assessment. I'm assuming you are a senior?

Maggitt: yes.

Moermond: we can see if you can qualify for a program to have it deferred so it isn't

due right now. We can connect you with those people. Do you want us to do that?

Maggitt: yes. I guess.

Moermond: we can help you with that. We'll get the right names and people for you to connect with as well as any forms. We have an email for Ms. Titus, would that work or do you prefer USPS?

Maggitt: you can send it to my daughter.

Moermond: we'll do that. I want to delay making a recommendation until you have an opportunity to work with the property tax folks to see if you qualify.

Titus: how does that deferment work?

Moermond: why don't we talk in a month, let you look into it, and see how things are looking for you on this?

Titus: that sounds good. I'll look for that email.

Laid Over to the Legislative Hearings due back on 2/7/2023

5 [RLH TA 23-6](#)

Ratifying the Appealed Special Tax Assessment for property at 2193 NORTONIA AVENUE. (File No. J2304B, Assessment No. 238103)

Sponsors: Prince

Layover to LH February 7, 2022 at 9 am for further discussion. Staff to review ability of staff to coordinate planning to prevent emergency call-out fees. Current recommendation is to reduce from \$2,797 to \$2,067.

Berent Larson, o/b/o executor Ronald Perry, brother of deceased owner, appeared via phone

Moermond: I understand you're acting on behalf of the brother of the deceased owner. Are we calling him in?

Larson: just me. I'll handle it and he sent me the documents.

Moermond: we were walking through information with our stuff and we think we have the first police report but not all the reports or the fire investigation. Not sure if that was held for a particular reason. Just letting you know I don't think we have all the background on this.

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: September 22 we received a complaint of possible gross unsanitary or excessive storage. He contacted St. Paul Police Department and they went out. Police went out twice. Dogs were in a kennel for week and taken by Animal Control. A back window broken into. WE clipped the front door to enter. The fire department was dispatched to find the individual they had to cut a hole in the wall to remove the person. Those charges totaled \$2,797. We had Code, Animal Control, Police and Fire all involved in this case.

Moermond: for clarity of the record, the only thing in front of us today is the cost of

boarding the building after it was opened for various attempts at welfare checks and later to remove Ms. Watson and the animals. This is strictly about the boarding contract, none of the other services.

Larson: correct, and I understand all that. I guess the way I wanted to frame this whole thing was I understand there's a contract with Rest Pro. I believe it is unscrupulous at minimum. I understand they got MR. Perry for \$6,500 for removal property and they didn't do anything. I know that is separate. They have service trips in those invoices for hazardous, they seem to have double charged for boarding numerous times. It seems like they were taking advantage of the situation. I'm an insurance agent and I deal with different companies for Water, fire, and other things. We have problems with water companies doing this. This was egregious at minimum.

Moermond: I have a couple of questions. One is, do you have a contact person that was working with Mr. Perry to sign something? The other question is, do you have any of those documents he signed? Particularly I'm concerned about the timing and context of those signatures. We can share with you the City contract with Rest Pro. Sounds like what is happening is outside those bills but inside the scope of the City's contract. I'd like to see what we can do about bolstering or substantiating what you are describing. Because I am concerned.

Larson: I don't have the invoices in front of me, apologies, and I don't know when he signed anything. I know they were fired October 10 when I took over. I did it as a favor to help the family. Maureen is a customer whose best friend is the one who passed. I went over to see what Rest Pro is doing. They weren't doing much. Maureen was a hoarder, she had shelves of books and knick-knacks. Rest Pro they would go in, take the shelves out of the trails, put them back in, at \$50/hour with three guys turned into \$1,500 shelves when they were worth \$100. If you look at the invoices I was sent last week you see 3 windows boarded and 3 doors screwed shut, and then the wall that they boarded. That cost \$2,700? They seem to have multiple charged. Plus the hazard charge every time of \$250. I know there is the trip charge.

Moermond: that wasn't a hazard charge, that was the price of the emergency call-out.

Larson: got it, I understand. As far as Ron was concerned one was encompassing the other. Now we find out they're separate. It just seems for almost \$10,000 he got no services other than this boarding. It seems predatory, honestly. It irks of that. We had no idea how it all works as far as the Code Compliance and the Vacant Building 2. We didn't know we could appeal the Vacant Building status to list it faster. Ron is 80-some years old. He just wants to sell this. He did get Maureen's dogs from the rescue. His wife is wheelchair bound. It is so bad I felt I needed to step in to help. We're ready to go for the most part, but we need to go through the hoops that are required and do it at a minimal cost. The fees seem never ending.

Moermond: has he been keeping records? I am looking for a copy of that contract with Rest Pro. Does he have that do you think?

Larson: let me look through my stuff, I don't think I saw the signature page.

Moermond: if you could send us what he has. I'm not looking at the contract with them, what I have in front of me are the boardings. I can look at that more carefully. I'm struggling, I can't make it go away. The work had to happen and it was really involved. It doesn't get much more complicated than this in terms of getting into a house in these circumstances.

Larson: I understand what you are saying. I'm not completely involved. But my heart says something is wrong here. That's why I wanted to talk to you. They didn't do a lot of work. It wasn't complicated. It wasn't difficult. I know there are multiple trips but they put plywood over 3 windows and put L brackets on the doors. They were there 15 minutes. Ron and I were both unaware we could appeal at the time. Everyone at the City has been super nice. It isn't that. We didn't know the right paths. We would like to appeal that if at all possible so we can get the gas on sooner. It has new doors. Windows are repaired. Siding is on. We need to reglaze two windows and then it is sealed up. The house is 99% cleaned out. Just some empty dressers.

Moermond: I can't hear that appeal this morning and I need to reflect on whether I should appeal that at all given it isn't timely. I'm not sure how those documents were directed because the owner was deceased. On the face of it one of the definitions of a Category 2 Vacant Building is condemned as unfit for human habitation. The other piece is that the weight of a hoarded condition does mean there are potentially different problems than with other houses. It is an unknown, but I'm putting that out there. I'll reflect on if I can take that appeal given it isn't timely. With the assessments in front of me today I am going to land the plane this way—

Martin: I just wanted to note for the record there was a Code Compliance application applied for. So, no work should be done until that Code Compliance Inspection is completed.

Moermond: and they wait to do those until the property is cleaned out. Sounds like it is close to that point.

Larson: yes, it is just shelving and a piano. I'm also waiting on a lock box from the potential realtor. We did apply for that and didn't know the rules and ramifications. I was trying to help Ron. He was going to see his kids at Thanksgiving. I understand there are rules. I'm asking for maybe a little waiver and to think about an option since we were unaware. I'm just trying to help Mr. Perry. He did lose his sister in a horrible way and now has to deal with the house as the same time.

Moermond: right, there's a lot going on. Out of the gates I'm going to delete one of these, the first one. It is our normal practice on a welfare check to delete for a simple straightforward check. This isn't straightforward. For the other two I would like to find out more information on how those two events were scheduled and how the emergency personnel were organizing themselves. In particular what that would have on an emergency call out fee. What ability did they have to plan so it wasn't an emergency call out? That's where I'm starting. This goes to Public Hearing February 22. I'll follow up with you on February 7 and we should have some homework done to see if any planning was even possible. In the meantime, if you have any information you want to share about contracts that were signed by Mr. Perry outside of this boarding process, certainly that is something I'd want to know. I'll ask staff to look into this as well so we have some better information. I'll respond within one week about accepting an appeal on the Vacant Building status. I think you talked to Joanna Zimny in our office, she can follow up with you on that piece.

Larson: a question on documentation; the things Ron sent me without signatures are just invoices, you don't want those?

Moermond: it wouldn't hurt, but my big question is when he would have signed a contract and for what.

Larson: ok.

Moermond: I'm decreasing the assessment right now.

Larson: how much is that?

Moermond: I'm deleting the September 6 one, for \$730.

Larson: I appreciate anything that helps. If I appeal should I go ahead and do the—

Moermond: I will let you know within in a week about accepting an appeal but I will say it is very untimely.

Larson: I appreciate your time, thank you.

Laid Over to the Legislative Hearings due back on 2/7/2023

10:00 a.m. Hearings

Special Tax Assessments

- 6** **RLH TA 23-1** Ratifying the Appealed Special Tax Assessment for property at 1153 CENTRAL AVENUE WEST. (File No. J2303E, Assessment No. 238302)

Sponsors: Balenger

Approve the assessment.

Viviane Vang, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: June 10 a Summary Abatement Order was issued to remove scrap wood and items from the property. It wasn't done, so a work order was sent. When the crew got there it was removed, so this is the fee of sending the crew. No returned mail. Total assessment of \$159.

Vang: I want the fee waived because I did speak with the inspector that day, and I saw their vehicle out there that day. We did notice an unidentified vehicle behind in our alley. We picked up our trash. It wasn't big enough for a 10-yard container and at the time I was having trash problems too. I was trying to order a commercial two-unit garbage can. I wasn't aware since I bought in April about the garbage plan. I did talk to the inspector about it. I was surprised he still issued me a violation even though I did speak with him over the phone. I want to take care of that property, knowing it did have a garbage issue in 2021. I took my own assessment and realized it needs to be taken care of. We've been doing demotion since there's no insulation in the walls. We want to make it better than it is. I apologize the inspector wasn't aware, but he did call me. I don't know where the communication dropped

Moermond: the owner of record isn't you according to Ramsey County taxation. You said you purchased on a contract for deed? The owner still today is Hung Tu Inc. you need to record that contract you executed in April of 2021. That is where the rub is.

Because the implication of noncompliance is an assessment on the taxes, Ms. Martin and her team have to notify the owner of record with Ramsey County because that is going to catch the bill. I do see you filled out the Certificate of Occupancy Responsible Party form. It does appear that an extension happened, perhaps as a result of your conversation with the inspector. Orders went out June 10 and compliance was June 17, but the crew didn't go out until June 30. So that was two weeks beyond the original deadline. It appears some consideration was in the record on this. I'm struggling—

Vang: I don't want any problems with inspectors. I know there are problems with the building and long-term tenant trash issues. That is why I wanted to call and talk to him about it. It is a nice building; I want to take care of it. There is just an issue with the tenants moving out and the garbage plan doesn't work for that unit. I try my best. I wish the inspector would have called me; I did speak to him that Friday.

Moermond: I'm stuck with the cleanup crew going and the work not being done when they showed up.

Vang: but the notice---

Moermond: the notice is wrong because you didn't do your job.

Vang: I understand. But there's also a notice where the inspector can do a drop, a "DOD" or something, where they could say it has already been done by owner. Isn't there an exception for that for me?

Moermond: it says it wasn't done by owner on deadline but it was done 2 weeks later when the crew showed up to do the work.

Vang: that is understandable. I just want a fair hearing too. I have receipts that I picked up the trash and paid for it. Because it wasn't done, why do I get a dispatch fee? The notices don't say they'll charge that dispatch fee—

Moermond: yes, it says exactly that actually.

Vang: that you will charge a dispatch fee?

Moermond: that that is a potential fee that is charged.

Vang: isn't there such thing as a "done by owner"? Doesn't the owner get a waived fee? We already incurred the costs; we took care of it. That's why there is a hearing. You are supposed to help waive some of those fees.

Moermond: my job is to review individual cases and to see if they qualify for any exception under rules specified in the City charter. Whether proper legal notification was provided and whether the work for the bill actually happened. The notices did go to the owner of record with Ramsey County. That owner should list out you as the contract for deed purchaser of the property, but that contract is not registered. Therefore, property legal notice was provided. A crew was dispatched and this is the cost requested back by the City. There was a large delay between the original deadline and the crew actually being dispatched. That's what I need to legally look at. You're saying you shouldn't have to pay for the truck to clean up the mess because you had it cleaned up by the time the crew showed up and because you have tenants that make a mess and you don't have adequate garbage service. The garbage service is something that is on you.

Vang: *I didn't even have tenants at that time. No one came out to do a walk-through. Did you do a walk through to show I had tenants? Can you show me there was one? Because I would like a walk-through.*

Moermond: *ma'am, all you said that it was a tenant problem. Whether or not there is tenants connected to the mess is not something I can consider.*

Vang: *as an inspector, wouldn't there be at least a walk-through? There's some type of consideration, some compassion. As a homeowner, the building is commercial.*

Moermond: *it is an investment property.*

Vang: *it is commercial. I have to pay a residential garbage container even though it's a commercial property. It doesn't work. The garbage was construction debris which doesn't fit, and they can't collect that type of garbage. You're telling me that I'm not doing what I am supposed to do? I spoke with the inspector and I tried to speak with him and he said that he already sent it out. I said, didn't I talk to you? Then he told me he could give me more violations. I told him there was a two-unit container at the same time. I have proof I ordered that. I've been talking to Clare with garbage assessments because I have a hearing with her coming up because they're charging me residential trash. I want you to know this is why there are those hearings. This could give owners some peace of mind, yeah you're doing your job, but why can't the inspector called me—he had my number. The owner gave him my number. The owner is able to do that on the contract for deed. She should have told the inspector who the new owner was. I have proof I've been paying for trash. What more proof do you want? What about my side of the story? Just waive a little bit of the assessment fee for me, I didn't abandon it like the previous owner.*

Moermond: *this isn't a charge for abandonment. This is a charge for dispatching a crew to clean up a mess in the back of the property that included a propane tank, plywood, toilet and what appears to be black trash bags. The question I'm faced with is whether or not the other taxpayers in St. Paul are responsible for paying this or whether this is a private property matter. I'm stuck with this being a private property matter because the City met its legal obligation to provide notification. If there wasn't adequate communication in your view between the seller and you the buyer, that is a private matter between you. I'm glad I don't see any other violations coming forward, but what I do see is a problem that existed for at least 3 weeks. I know a lot of property owners get dumpsters to handle clean-ups in this situation. You can't put construction waste in a regular residential container, that is true.*

Vang: *you can't.*

Moermond: *yes, you cannot.*

Vang: *I have been in compliance on that. Then all of a sudden it turned over to the new owner. It isn't my fault it isn't documented. The seller is a contract for deed. They are supposed to record. Again, that is private, it doesn't matter. She gave me the phone number to talk to the inspector. As the inspector, I asked him to give me time because I'm going to clean it up this weekend. I did speak with him. I was disappointed he documented the violation on me when he was aware of it. Why would he not call me? The owner could even attest they gave him my number. It isn't just me. He wouldn't have my number if the owner didn't give it to him. Give me some type of waiver. If I do it again, then you can fine me. This is my first time. Can you waive it*

because it is my first time? I don't know how you guys work in the City. I just purchased it April 2022.

Moermond: I do not have the ability to waive because you are a new owner. I can only look at what I have in front of me. I would say your complaint about notification has to do with the previous owner not registering the contract, as you indicated.

Vang: is that fair?

Moermond: yes. The notification happened by way of first-class mail to the owner of record.

Vang: I understand that but is it fair I was able to talk to the inspector and he still fined me anyways?

Moermond: this isn't a fine, this is a cost for dispatching the crew.

Vang: there is a waiver for being done by owner.

Moermond: there is no waiver for that. This is the cost of dispatching the crew. You aren't charged the cost for the crew doing the cleanup, which would be in excess of \$500. The cost is for dispatching the crew. My recommendation will be approval of this assessment. You are more than welcome to ask the Council for a different outcome. The hearing on that is February 8

Vang: yep I sure will.

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

7 RLH TA 23-7

Ratifying the Appealed Special Tax Assessment for property at 649 CHERRY STREET. (File No. J2304E, Assessment No. 23803)

Sponsors: Prince

Continue PH To June 28, 2023 and if no same or similar violations, delete the assessment.

Carrie Rindal, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: August 22, 2022 there was a notice to cut tall grass and weeds. Compliance within 72 hours. We rechecked August 5 and August 8 so we did send a crew. They went out August 15 and it was done by the owner when they got there. This is the cost of dispatching the crew for a total assessment of \$159. No mailed returned. We did have a Summary Abatement Order for scrap wood in the backyard in February of 2022 for a remodel.

Rindal: I've been displaced from my house for 2 years after a house fire. It was gutted to the studs. I've been in the process of getting it redone. Trying to find contractors was tough. My mail is delivered to the post office so I don't get it as quickly as I would if it came to my house. I got the notice it wasn't mowed on the 11th. I had an issue with my hand for a while, I was out of work July 20 through August 12 because of those issues. I left a message with the inspector that was the case and I texted my neighbor to see if he could do the lawn. He did that on the 12th. I paid him \$60 to do it.

As far as the weeds in front of the window and without being there that is because there aren't any curtains due to the fire and with everything wide open it is easy access to see no one is there. I had that higher to block the inside so people wouldn't look inside and try to take anything from where they were working. As far as the issue with the remodel, again there was stuff being done at the house. It has been a 2-year process. It was January 31, 2020. When I found that wasn't done and needed attention I paid the neighbor to do it. I've been the owner for 21 and a half years with no issues.

Moermond: how is your hand now, or have you contracted for snow removal?

Rindal: my hand is better now. My neighbor does my driveway, which he's done for years. I shovel the walk.

Moermond: you've owned this for a long time with just one previous situation which sounds attributable to the house fire. I'm hoping you'll be able to be back in your home soon, is that the case?

Rindal: it is getting there. It is slow. Insulation and wood floors are going in.

Moermond: I'm glad to hear you have snow removal under control. I'll look at this and say if there are no same or similar violation in six months I'll recommend deletion. On February 22 I'll ask them to continue to June 28 and if there are no founded violations I'll recommend deletion.

Rindal: that sounds fair. Do I need to show up for anything?

Moermond: not unless something happens, in which case reach out to my office. February 22 they will not discuss it and will continue it.

Referred to the City Council due back on 2/22/2023

- 8** **RLH TA 23-12** Ratifying the Appealed Special Tax Assessment for property at 824 COOK AVENUE EAST. (File No. J2301P, Assessment No. 238400)

Sponsors: Yang

Delete the assessment (waiver on file).

No one appeared

Moermond: this is a graffiti clean-up and we have a waiver on file, so we will delete it.

Referred to the City Council due back on 1/25/2023

- 9** [RLH TA 23-5](#) Ratifying the Appealed Special Tax Assessment for property at 199 DUKE STREET. (File No. J2308A, Assessment No. 238507)

Sponsors: Noecker

Layover to LH January 17, 2023 at 10 am (PO unavailable).

Michelle Dimayuga, owner, appeared via phone

Moermond: are you expecting my call?

Dimayuga: no, I wasn't. I'm a teacher. We're in the middle of administering a reading

test.

Moermond: we had a hearing scheduled December 20. We'll reschedule.

Laid Over to the Legislative Hearings due back on 1/17/2023

10 RLH TA 23-3

Ratifying the Appealed Special Tax Assessment for property at 85 HATCH AVENUE. (File No. J2304E, Assessment No. 238303)

Sponsors: Brendmoen

Delete the assessment.

Miranda Meyer, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: August 1, 2022 a Summary Abatement Order was issued to remove pallets from the driveway by August 5. We reinspected on August 5, still there. Rechecked August 9, still there. He did get a notice the owner called and said she would be moving them. August 22 it was finally abated. This was Excessive Consumption for noncompliance. Some history here, September 30, 2022 garbage, and February 8 2019 snow and ice with no action. Total assessment of \$159.

Moermond: why are you appealing?

Meyer: I called several times actually. I talked to probably every DSI officer on staff. The thing is with the pallets, they aren't the same pallets. I have a project I am working on. My stepdad works for a company with pallets. So decent pallets he would drop them off at my house. I work an on-call job. Sometimes I work 60 hours a week. I didn't have the ability to go out and put them away every single time. They are different pallets. I tried to explain that to them. I treat the pallets when I get them, so there aren't any pests. I spray them down and they have to sit outside for a couple days before I bring them in the garage. This is a gross misunderstanding. I don't have \$168 to pay for this. I've been losing stress over this. I have hospital records from having a stress seizure. I can't sleep over this. I don't have the money to pay this. It is the difference between having groceries or not.

Moermond: you're fine, you're fine.

Meyer: I just don't know what I will do if this actually goes through [crying]

Moermond: what is going on with pallets these days?

Meyer: they're all in the garage.

Moermond: it is ok, take a breath.

Meyer: this isn't fair.

Moermond: are you still doing the project with the pallets?

Meyer: yes, but it is in my garage. It has nothing to do with you guys.

Moermond: no, I was just wondering if we should expect more pallets.

Meyer: honestly, I have people selling drugs on my block and this shouldn't be that big of a deal. I report it to Sean all the time. I don't understand why this is such a big deal with there is worse sh*t going on.

Moermond: you can appeal any order that comes to you. That isn't an issue. Sounds like you are maintaining your property. You had this project, but you've dealt with the issue and you have plans and you wouldn't let it get to this place again. I know that creates stress. I'm thinking this is straightforward that I will say I'm having trouble using photos that we have different pallets from first to second photos but I don't feel great about the second photos. I'm going to take you at your word given the documentation situation and say they were different and saying we won't have issues moving forward. I'll recommend deleting this assessment. Hopefully we don't have any situations moving forward because I know it is stressful.

Meyer: it is, especially when you get 5 letters at a time.

Moermond: Ms. Martin, would you be a good contact if she is trying to get through and having communication issues?

Meyer: I talk to Sean usually.

Moermond: Ms. Martin is a good backup. Let's get you her contact information in the event Mr. Westenhofer is out.

Referred to the City Council due back on 2/22/2023

11 RLH TA 23-8

Ratifying the Appealed Special Tax Assessment for property at 916 HATCH AVENUE. (File No. J2304E, Assessment No. 238303)

Sponsors: Brendmoen

Continue PH to September 6, 2023 and if no same or similar violations, delete the assessment.

Darcie Kashif, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: this is an Excessive Consumption bill for excessive inspections or abatement services. Original orders were overhanging vegetation dated July 27, 2022. Compliance date of August 3, rechecked August 3, and August 15. The work was done by owner on August 29, 2022. Total proposed assessment of \$159.

Moermond: why are you appealing?

Kashif: I am appealing because we weren't the owner at the time. We didn't own or live there until September 15, 2022. To me that seems like it would go to the previous owner and she would be paying this.

Moermond: Is the previous owner morally responsible? Yes. The problem is that is a private matter between you and the previous owner. She should have disclosed this bill to you. It was pending at the time you acquired it. It was mailed August 3. That was well in advance of the closing. They didn't which is unfortunate. We haven't had any

issues in the few months you've owned it. Do you live here?

Kashif: we live here. As soon as we did get the property we cleaned up everything you talked about. We assumed we were responsible and didn't know it had already been reported. We've been maintaining it since as proud homeowners. I'm confused how this didn't come up with the title company, or the previous owner wouldn't have said.

Moermond: sure, one is they are responsible for disclosing any bill or lien on the property regardless. I see it became a pending assessment October 4. When it went unpaid it went through as assessment. The unpaid bill from August was processed 2 months later. They did you no favors. Not being a pending assessment, the title company may not see it. But the seller has every responsibility to disclose to you. I'm super happy you are moved in and taking care of things. Ideally the old homeowner would write you a check for \$159 and you'd be square. Part of me wants to say to call your realtor to talk to the seller's realtor. But at the same time, I have an interest in making sure this doesn't happen again and create an incentive for that. We may best be served by doing that. Your Public Hearing is February 22, I'd like to ask them to continue the case to September 6, 2023 and if there have been no issues with the property I'll recommend this is deleted. That is one year's worth of ownership.

Referred to the City Council due back on 2/22/2023

12 RLH TA 23-9

Ratifying the Appealed Special Tax Assessment for property at 627 MENDOTA STREET. (File No. J2304E, Assessment No. 238303)

Sponsors: Prince

Approve the assessment.

Jacob Smith, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: this is for Excessive Consumption for a Summary Abatement Order, Vehicle Abatement Order and Excessive Consumption sent August 11, 2022 for 3 or more violations in 12 months. We have been out there many times. At this point it is pretty much cleaned up, though we did just send a work order for snow and ice. Quite a history at this property. Total proposed assessment of \$159.

Moermond: why are you appealing?

Smith: I'd like as much of the fee waived as we can. It isn't our fault. I know it falls on the landlord, but the tenants there were tough to comply with. They are no gone and it is cleaned up. I'm not expecting any more issues. I was hoping for some grace, that is all.

Moermond: when I look at cases with 3 or more violations in 12 months I'm less inclined to give grace since it means it is a significant amount of City staff time involved. I know you had costs you've experienced due to those tenants. But I can't see my way clear to ask other taxpayers to pick up the bill on that. The Council may look at it differently, but I think it is your bill, not the taxpayers at large.

Smith: so it just goes on the taxes?

Moermond: Council looks at this February 22 and if they approve you'd get an invoice. If you pay it, it will be done. If I you do not it shows up on your 2024 property tax statement.

Smith: ok.

Referred to the City Council due back on 2/22/2023

- 13 RLH TA 23-10** Ratifying the Appealed Special Tax Assessment for property at 1233 PAYNE AVENUE. (File No. J2302P, Assessment No. 238401)

Sponsors: Yang

Delete the assessment (waiver on file).

Alyssa Vang, owner, appeared via phone

Moermond: have you filled out the graffiti waiver staff sent?

Vang: I got an email and they told me to fill out the form, I filled it out and sent it in.

Moermond: ok, our documents aren't up to date then. If it shows up I will recommend this is deleted.

Vang: yes, they stamped it and gave me a copy.

Moermond: oh, you brought it into DSI?

Vang: yes.

Moermond: I will recommend deletion.

Referred to the City Council due back on 2/22/2023

- 14 RLH TA 23-2** Ratifying the Appealed Special Tax Assessment for property at 292 WALNUT STREET. (File No. J2302P, Assessment No. 238401)

Sponsors: Noecker

Delete the assessment (waiver on file).

No one appeared

Moermond: this is a graffiti cleanup and recommend deletion because a waiver is now on file.

Referred to the City Council due back on 2/22/2023

Special Tax Assessments-ROLLS

- 15 RLH AR 23-1** Ratifying the assessments for Collection of Vacant Building Registration fees billed during February 21 to August 24, 2022. (File No. VB2304, Assessment No. 238803)

Sponsors: Brendmoen

Referred to the City Council due back on 2/22/2023

- 16 RLH AR 23-2 Ratifying the assessments for Securing and/or Emergency Boarding services during September 2022. (File No. J2304B, Assessment No. 238103)

Sponsors: Brendmoen

Referred to the City Council due back on 2/22/2023

- 17 RLH AR 23-3 Ratifying the assessments for Demolition service from June 2022 at 1319 Edmund Ave. (File No. J2301C, Assessment No. 232000)

Sponsors: Brendmoen

Referred to the City Council due back on 2/22/2023

- 18 RLH AR 23-4 Ratifying the assessments for Demolition services from August 2022. (File No. J2302C, Assessment No. 232001)

Sponsors: Brendmoen

Referred to the City Council due back on 2/22/2023

- 19 RLH AR 23-5 Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during July 25 to August 19, 2022. (File No. J2304E, Assessment No. 238303)

Sponsors: Brendmoen

Referred to the City Council due back on 2/22/2023

- 20 RLH AR 23-6 Ratifying the assessments for Graffiti Removal services during August 9 to September 27, 2022. (File No. J2302P, Assessment No. 238401)

Sponsors: Brendmoen

Referred to the City Council due back on 2/22/2023

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 21 RLH SAO 23-3 Appeal of Sonya Humes to a Summary Abatement Order at 643 EARL STREET.

Sponsors: Prince

Grant to January 19th for compliance with removal of items stored next to garage, and grant to July 17, 2023 for storage or use of construction and other related items in the rear yard.

Sonya Humes, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: Dec 19, 2022 we issued a Summary Abatement Order to remove and dispose of scrap wood, buckets, and PVC from rear yard. Compliance was for December 22. Photos are in the file.

Moermond: what are you looking for today?

Humes: my backyard is only 30 by 20 feet. It is enclosed. How this issue came about was I am trying to install a French drainage system to keep my basement and garage from leaking. I ran out of time. I can't go back there and cleanup because all the materials are for a deck I plan to build. That's what the inspector is seeing. And they only saw that because my gate was kicked in.

Moermond: does this have an alley?

Humes: yes, my garage faces the alley.

Moermond: I see a photo from the alley with your garage door and the stuff piled against the garage in the buckets. You are saying you cannot move it because it is frozen?

Humes: yes, they're frozen. So is the stuff in the back yard. If you're asking how it got there to begin with, I was paying a friend of a friend to move material for the French drain. I begged them to come clean it up. I let it go since it was a friend of a friend, by the time they decided to come it was frozen. I can't do anything back there.

Moermond: is it a single or double garage?

Humes: technically it's a garage and a half. I can only fit my VW in there.

Moermond: I'm seeing aerial photos taken by the City and then Google and it looks like you've had building materials there for quite a while. Does that sound right?

Humes: yes. Waiting for someone to come and start. To finish. I ran out of options and time. There should be a ladder back there that I need. You'll see some wood, PVC against the garage. Maybe you can't see the rocks under the snow. There's a mound of rock and then the deck will go over that when the drainage system gets put in. That deck will go to the back year.

Moermond: you have to get this under control or store the building supplies elsewhere. We've reached the end of the line on that. Hopefully you can find a contractor. Building supplies can't just hang out indefinitely waiting for a permit to be pulled.

Humes: if I can pull a permit those materials can stay?

Moermond: they have to be in use and stored properly. When I see wood stored outside in this weather that isn't considered proper storage of building materials. That doesn't apply to PVC or rock obviously. But I note that as an issue and a building permit won't get you an indefinite extension either. I'd like to get a timeline for this to be addressed. It has been a problem for a long time. Sounds like you need to hire someone who will start and finish the project.

Humes: absolutely.

Moermond: I'd like to see a proposal for dealing with what is visible from the alley and piled near the garage so there is some visible effort on your part to get this under control. Stage it so the materials in the back yard have a different deadline. What can you propose? Or would you like time to think about it?

Humes: what is against the garage is frozen into dirt.

Moermond: and salt will loosen it up. You have tall items with leverage available. A timeline is reasonable on the City's part. If I went to pick up the bucket would a kick do it to pick it up? I think so.

Humes: no, it is frozen in dirt.

Moermond: then I'd buy some salt and come up with a proposal for dealing with this. I want to work with you but I need you to meet me partway. I'm seeing a nuisance that has been there for years. You are asking for an indefinite extension. Please think about what you will do.

Humes: best I can do is try and get the salt around the outside of the garage. The wood against the garage, we just ran out of room. I said this is something else. I have to start all over again and he has recommended the Dirt Monkey but everything is frozen. The soonest I can address this is in the spring. I want it done. I can't get to my garage.

Moermond: I am hearing you want to work on the backyard sooner than later, which is great. I'm wanting to help you there. I'm looking for some progress. Being impassible creates an additional incentive. Why don't you come back with specific dates unless you want me to put something on the record now?

Humes: I can put together a proposal after speaking with a couple companies. As I said though, another issue is that kind of work will cost \$5,000 to \$10,000. That's the largest hang-up. That's why I tried to go with someone else and it didn't work out.

Moermond: so you will have a proposal and we talk again next Tuesday?

Humes: I'm an RN and I work nights. Next Tuesday is the 10th? Ok. How should I get these proposals to you?

Moermond: I need a date from you. I think a couple weeks for what is next to the garage and mid-summer for the backyard being done, whether that's storing the materials or having the project done.

Humes: thank you, thank you. I understand it is a nuisance against the garage. I can work on that the best I can.

Moermond: let's just say January 19th for getting the area next to the garage cleaned up and give until July 17, 2023 to finish the project. That means the materials are used or stored elsewhere.

Humes: that is agreeable. I want it done. I want to use my yard.

Referred to the City Council due back on 1/18/2023

22 **RLH SAO 23-2** Appeal of Todd Harper to a Vehicle Abatement Order at 1384 REANEY AVENUE.

Sponsors: Prince

Grant to March 3, 2023 for compliance.

Todd Harper, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: a vehicle with expired tabs and appeared inoperable. No history at the property.

Moermond: and it doesn't appear in terrible condition. Expired tabs but no missing parts?

Martin: yes.

Harper: it is my wife's car. This car was gifted to her by her mother. She wasn't good with record-keeping. She died May of 2022. We couldn't find the title. My wife has been on the phone for hours trying to sort this out. We want to get this taken care of and donated and be rid of it. It is inoperable. We tried moving it.

Moermond: don't put a tent on it. We're fine. I'm going to ask, the lien situation, you've been on the phone with Ford. It is their lien?

Harper: yes.

Moermond: have you gotten any indication what is involved with resolving that?

Harper: she's been on hold for hours at a time and they cut you off. It is that kind of a thing.

Moermond: I'm looking for this to be resolved by March 1.

Harper: we will do our darnedest. If we have issues do we get ahold of you?

Moermond: yes, we could maybe look at a minor extension.

Harper: that is very gracious.

Moermond: a couple months hopefully give you some time to get ahold of Ford.

Harper: I really appreciate your time and generosity of spirit.

Referred to the City Council due back on 1/18/2023

Making Finding on Nuisance Abatements

23 [RLH SAO 23-1](#) Making finding on the appealed nuisance abatement ordered for 1072 THIRD STREET EAST in Council File RLH SAO 22-50.

Sponsors: Prince

The nuisance is not abated and authorize the Department to take action to abate the nuisance following City Council action.

No one appeared

Moermond: for 1072 East Third you said the inspector found the vehicle was not in compliance by the January 1 deadline?

Supervisor Lisa Martin: that is correct. Updated photos are in the file.

Moermond: we'll recommend the Council find it not in compliance on deadline confirming that finding and attach the photo. If the owner is looking for additional time they should send an email or testify at Council.

Referred to the City Council due back on 1/11/2023

24 [RLH SAO 23-5](#)

Making finding on the appealed nuisance abatement ordered for 952 EUCLID STREET in Council File RLH SAO 22-48. (Public hearing continued to January 11, 2023, Legislative Hearing on January 10, 2023)

Sponsors: Prince

Continue PH to January 11, 2023 (LH January 10, 2023 at 11 am).

Daniel Feese, owner, appeared via phone

Moermond: this is Marcia Moermond calling about the trailer on your property. The deadline was December 30th. Checking in with you. Lisa Martin is on the line to give an update.

Staff update by Supervisor Lisa Martin: an inspector went by and took photos. There has been no attempt to move the trailer.

Moermond: the Council is scheduled to look at this again tomorrow and they will be making a finding on whether or not it was addressed and if it hasn't they'll authorize the department to take action to remove it. So, I wanted to talk to you about where you are at with this.

Feese: I sold it to a guy and it is ready to be pulled. He was supposed to move it today but with the snow he's having issues.

Moermond: if tomorrow I ask them to continue it for a week, would that work?

Feese: yeah, if he doesn't have it gone by then I'll drag it on his property myself.

Moermond: so tomorrow I'll ask them to continue this for a week and hopefully it will be resolved. We'll touch base Tuesday morning to see where things are at.

Referred to the City Council due back on 1/4/2023

1:00 p.m. Hearings

Vacant Building Registrations

- 25 [RLH VBR 23-2](#) Appeal of Kyaw Die and Myint Aye to a Vacant Building Registration Requirement at 729 HAWTHORNE AVENUE EAST.

Sponsors: Yang

Layover to LH January 17, 2023 at 1 pm. Waive VB fee for 90 days.

Moermond: one week layover on this. Let's put a 90-day waiver of the Vacant Building fee in place and she may need help filling out the Vacant Building registration form.

Laid Over to the Legislative Hearings due back on 1/17/2023

- 26 **RLH VBR 23-1** Appeal of Mike Mortimer to a Vacant Building Registration Renewal Notice and Summary Abatement Order at 1762 ENGLEWOOD AVENUE.

Sponsors: Jalali

Waive VB fee for 90 days (to March 27, 2023).

Mike Mortimer, owner, appeared via phone

Moermond: I believe we've talked before. It looks like today you have a Summary Abatement Order and Vacant Building registration under appeal.

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: was opened as a Category 1 Vacant Building file due to a fire December 27, 2021. It was upgraded to a Category 2 Vacant Building June 17, 2022. Currently there is a Code Compliance Inspection Report on file. Permits have been pulled per Robert Humphrey. Notes say issue permits as team inspection and property hasn't transferred ownership so no TISH required. We received a complaint December 2 of miscellaneous debris and scrap wood on the sidewalk. I have marked it as done by owner. There is ongoing work at the property and he is making an honest effort to remove the snow and ice. That part is in compliance. The Vacant Building fee came due November 28.

Moermond: the Summary Abatement Order for doing the wood and junk it sounds like is closed so our conversation is around the Vacant Building registration.

Mortimer: I had a fire and my son died in the fire as you know. The guy showed up from Rest Pro—

Moermond: we've had this conversation at great length so today let's focus on the Vacant Building fee. We've dealt with that in great detail and I appreciate where you are coming from.

Mortimer: you know they sued me for the building, right?

Moermond: we took all the information and shared it with the contract folks. A matter of a lawsuit privately isn't something we can be involved with. We can only look at Rest Pro acting in according with the City contract. I just have to focus today---

Mortimer: what was done about it?

Moermond: I don't have that information in front of me and I couldn't take it into account anyways. I can only look at this Vacant Building fee.

Mortimer: they won't give me a permit! The City of St. Paul won't give me a permit!

Moermond: Mr. Dornfeld, any insight? Is it the nonpayment of the Vacant Building fee tripping you up?

Dornfeld: that is my understanding, the outstanding fee.

Moermond: so if he went in between when the fee came due in December he would have had to pay that first.

Mortimer: the contractor tried to apply and they gave him a 10-page thing to see if it was sprinkled. I'm not exactly sure. You have a criminal enterprise in the City of St. Paul named Restoration Professionals and that's what they did to me. I had a \$200,000 fire and they gave me a bid of \$450,000. When I declined they gutted the whole building. I never signed anything. I think that's in the City charter. My daughter had a double-lung transplant February 3. I came back and everything was gutted.

Moermond: you said you have a contractor who is confused because of a sprinkler requirement? If one wasn't there before I don't think you need one now. That doesn't sound right to me. What I'm going to do is ask Mr. Dornfeld to put a 90-day waiver in place, which takes you to March 27, 2023. I have a team inspection letter we can email to you.

Mortimer: is that the thing with the 100 things on it?

Moermond: it does look like a long list.

Mortimer: and you realize if Rest Pro hadn't gutted it 8 pages of that wouldn't be there. They gutted four bathrooms.

Moermond: and that's a private matter. It sounds like you have a court case and I hope you're represented to hold them accountable.

Mortimer: they won't be. I had to sign a piece of paper that says I wouldn't say more about it to get it off my back.

Moermond: and I can't do anything about private litigation. All I can say is there is a Vacant Building fee and I'm happy to put a waiver in place through the end of March. Has your contractor given you a timeline on getting the work done?

Mortimer: they haven't even gotten a permit yet. The City permit is stonewalling them completely.

Moermond: we've hopefully addressed that. Setting aside that issue, what timeline have they given you?

Mortimer: I'm doing a lot of the work myself. They exposed 150 years of code violations. New walls to hold up the floors. Fire stops. We jacked up the floor from the basement. I've been working on it. My daughter died November 23, 2022. I've been a little bit taken back by that so I haven't gotten much done. I'm trying. If I don't get this

done I will go bankrupt.

Moermond: we have you set up so you can pull permits now. The note is in the system. Mr. Dornfeld, who should his contractor reach out to if there are any issues at all pulling a permit?

Dornfeld: I would start with Robert Humphrey. I am copying him on this email to make sure to note for front counter staff so they won't have any issues. I'm doing my best to make sure that is show.

Mortimer: you realize if you call anyone with the City of St. Paul they never answer the phone, right? Are you aware of that? I've called Dornfeld and Dornfeld doesn't answer his phone. I've left messages—

Dornfeld: Mr. Mortimer, I know you've had a rough stretch, but go easy now. I'm not in the mood. You and I have talked for hours. Hours, sir. Take that back.

Mortimer: I've talked with you for hours?

Moermond: you are talking to Matt Dornfeld on the phone right now Mr. Mortimer, and he is saying that he's talked to you for hours about your property and knows all the stories and situation.

Mortimer: no, you didn't. You called me up and told me—

Moermond: Mr. Mortimer I'm going to redirect you here because I don't think that line of comment is useful. There are three things that have happened: one, a note has been put in the system since I'm recommending that waiver, two, there are notes in the computer and three, if that isn't working there is a backup number with Mr. Robert Humphrey who is in the office full-time as opposed to inspectors who are in until 9 am. He is reachable all day long and can help should there be problems. We have really tried to do belt and suspenders on this problem for you. After this waiver expires this will come forward as a special assessment on your property. That assessment is appealable, the same way as the other ones we have talked about in the past were. We can have a conversation at that point about where things are at. For the moment Mr. Dornfeld cleared the orders on your property and we have that waiver in place. That addresses the problem you brought up. I don't think we can talk any more about your private litigation with Rest Pro. That's really a private matter and we can't interact on that.

Mortimer: it isn't a private matter because they are a City contractor who comes out the day of the fire, the morning of the fire.

Moermond: we've talked about this and that concern—

Mortimer: they are a City contractor!

Moermond: yelling at me isn't helping—

Mortimer: I know, nothing helps.

Referred to the City Council due back on 1/18/2023

1:30 p.m. Hearings (none)

Orders To Vacate - Fire Certificate of Occupancy**2:00 p.m. Hearings****Fire Certificates of Occupancy**

- 27 [RLH FCO 23-2](#) Appeal of Andrew Eisenhart, AJE & Co. LLC, to a Fire Inspection Correction Notice at 708 HAWTHORNE AVENUE EAST.

Sponsors: Yang

Layover to LH January 17, 2022 at 2 pm for further discussion. PO to submit proposed workplan/timeline for addressing deficiencies.

Andrew Eisenhart, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this was a Fire Certificate of Occupancy inspection done by Sarah Anderson. I accompanied her on this inspection. It has a C grade. One of the questions on the appeal are if the corrections are a fire hazard. We enforce both the fire code as well as the City's maintenance code for all non-owner-occupied buildings. We found quite a bit of deferred maintenance. There is a wall in the basement that does have a good shift in the blocks that was patched but that is cracking. The retaining wall in back was hit by a vehicle and that needs to be taken care of. Flex venting for the dryer. Exterior fixture on the front door was hanging. Sidewalk is tilted around the building towards the building. It looks like someone tried to put concrete patch on it, that is starting to crumble. Front steps closest to sidewalk are cracked. Rotted wood and peeling paint. Missing siding. Gutters are coming off. Light switch at top of basement stairs is being held on by tape.

Moermond: the biggest order is the basement wall, I assume?

Shaff: yes.

Moermond: this is your first inspection.

Shaff: there was an attempted inspection a few days before and it didn't sound like he understood he needed to be available.

Moermond: turning it to you Mr. Eisenhart. What are you looking for today?

Eisenhart: the house overall is structurally sound. I do understand the needed corrections. It says reinspection January 17, which is about a month, but the magnitude of some of the repairs would take longer, especially the exterior repairs given it is winter. Number 1 about the basement wall. I looked into getting a structural engineer out there, they are in the midst of doing their report. It isn't structurally unsound. That should be in the report. The skim coating cracks should be corrected, probably this winter after I get that report. I am getting a licensed plumber for the dryer venting. The exterior light my electrician is going back out, as well as the interior switch. The sidewalk I can't do until spring. I don't know how long it has been like that. I've only owned it a short time. The retaining wall got hit by a stolen vehicle. I'll have to

do that when the weather improves as well. The concerning one for me is the basement wall, but the sidewalk I don't know what that could cost. We're balancing the market value of the home. Rent doesn't cover all these repairs at once. I just ask for time. I don't know what this basement wall is going to cost.

Moermond: that makes perfect sense. I know that the Department itself works with people on timelines for exterior repairs when the weather won't allow for that. I know it is their practice to give extensions based on conversations. We're having it now, but just so you know for the future they are cognizant of those issues. You've talked with folks about everything on the list it sounds like. You have kind of touched on deadlines based on weather and contractor availability with the exception of the basement wall. That is pending cost and how extensive it is based on that report. Could you put together a proposal for the extensions for these items?

Eisenhart: I started an Xcel document. Item one he said the structural integrity is there. I'm still waiting on that report. Then I have a contractor in mind but I'm not going to do a site visit until I get that report. Then we'll have to assess the cost and market value. The exterior sidewalk I need time. I don't know if I can do it this year.

Moermond: that spreadsheet sounds great. I understand there are some unknowns. I hear you are engaging this.

Shaff: none of this sounds unreasonable. Concrete doesn't cure when it is cold. Paint doesn't stick in January. Those aren't the significant items. There are plenty of other things that can be done and I'd like a proposed timeline.

Moermond: I'm willing to be reasonable on some of this. Maybe let's get that document in as a starting point and lock something in in a couple of weeks' time. Is that doable?

Eisenhart: is there an email I can send things to?

Moermond: we'll send a follow up letter to your email and you can respond to that with your plan.

Laid Over to the Legislative Hearings due back on 1/17/2023

28 [RLH FCO 23-1](#)

Appeal of Amanda Knutson, Brownstones of Summit/Gassen Company, to a Fire Certificate of Occupancy Correction Notice at 596-604 SUMMIT AVENUE.

Sponsors: Noecker

Layover to LH February 7, 2023 at 2 pm for further discussion. Staff to review emergency egress for building.

Amanda Knutson, property manager for Gassen Management, appeared via phone
Pauli Kennelly, interim Board President, appeared via phone
Seth Stevenson, project manager Gassen Management, appeared via phone
Reverend Reid Olson, board member, appeared via phone
Kristi Hoffman, Gassen Management, appeared via phone

Staff report by Supervisor Leanna Shaff: this goes back to August 28, 2021 stating the rear deck can only be used for emergency escape purposes until repaired or replaced under permit and to provide a structural analysis to Karpen and Ubl. The

orders today are dated October 4, 2022 from Thurner that talk about exterior stone steps, the railing, emergency lighting and unit doors with numbers. So more on those orders. In the appeal packet there is a diagram and some other things and repair invoices, however we haven't been out to see what repairs have or haven't been made. No building permits have been pulled for the stair tower. There is a HPC approval with conditions for the stairs, that was approved March 28, 2022.

Moermond: what triggered that review if not a building permit?

Shaff: usually when something is in an HPC district they are going to present to the building department or send plans to the HPC. George Gause reviewed them, then they would apply for the building permit to take care of the issue.

Moermond: we'll attach that to the record.

Shaff: his exact words were the structures can only be used for emergency escape only until repaired or replaced under permit but it also says to immediately provide a structural analysis no later than August 30, 2021.

Knutson: we are just trying to get an extension due to the nature of what needs to be done on the deck. Trying to get as many options as we can for what will be allowed for them to do as far as replacement.

Moermond: I assume you're the one working with the contractor? Has there been any reach out yet to plan review with DSI to go over ideas?

Knutson: that's a Seth question. He's project management.

Stevenson: when I came into the project they association was already in the process of trying to find a replacement. It was out to bid, we're talking million-dollar bids. I've met with Ubl, Neis, Frank Thurner. We've had extensive communication with them. They are aware we are looking at alternatives to downsize and treat the scope of it so it is affordable to the association. A million dollars divided by 16 units is unreasonable for those homeowners to pay. We've already submitted plans by Compass Engineering which were approved, but those are scrapped due to price when put to bid. We have new plans and have bidding with those plans. It is time consuming to get these bids since there's a lot that goes into the replacement. It isn't necessarily a plea for time, it is also for understanding there's more that goes into this that tie with the deficiencies in the front of the building. As we're working to get a proper, affordable plan in place, if you could allow time to allow the costs for those other deficiencies as well.

Moermond: for clarification, you said the City approved plans, you mean the HPC as to design?

Stevenson: we were approved for issuance of a building permit and the HPC.

Moermond: ok, and you're not moving forward with those original plans?

Stevenson: that is correct.

Moermond: and I don't see a building permit application on file. I do see the HPC information.

Stevenson: I guess because a vendor didn't pursue the work—we submitted stamped

plans to the City—we did receive preliminary approval on that design and issuance of a permit was forthcoming should the work proceed.

Moermond: you're downsizing the scope and adding in the other items in the correction orders in that bid.

Stevenson: I wasn't involved in the bid for the other deficiency. Those items were \$15,000 to \$20,000 alone. That would be quite the depletion of the current funds on top of the deck. We'd like to build the cost of those deficiencies into the large loan taken out for the rear deck structure.

Kennelly: the previous president was driving this. We are doing our best to do something safe for emergency exit. We're trying to make it happen. We are really struggling. Our owners can't afford a million dollars. Is there any way to repair or go to a simple fire escape structure? No matter what we get these astronomical numbers. We would really like time to find alternatives to approach this different. We are afraid our owners will default. It could be really bad for everyone. We want something that works for safety, works for the City, and for owners financially.

Olson: we've had a lot of turnover in these units. New people have moved in and are unaware or didn't know all this was going on. Really pleading for more time to come up with a safe and affordable solution.

Hoffman: once Seth has bids, the owners have to approve the bids, even applying for a loan. They have to be involved due to the scope of the project. That also takes time. If the homeowners don't approve the special assessment the board can't act. It is about educating them. Then we start back at the beginning. It is a predicament the association is in.

Moermond: Ms. Shaff, one of the things we talk about when we have an exit structure like this is whether they are required under the Fire code. Has there been an assessment of that? Are they required for Code purposes?

Shaff: I don't have an answer for that. In a small building of a few units probably not, but this is a larger with 16 units. Without a code analysis or when it was modified it would be hard to guess on the requirements. I can't imagine with a structure of that size it was just put on "for the heck of it". I'm not familiar with the building so I can't answer that.

Moermond: the orders are calling out this exterior structure as a maintenance issue and I think everyone agrees it needs to be repaired or replaced. For my purposes I would be interested in finding out more about the emergency exiting requirements in and factoring that in. Mr. Neis had that in earlier orders. Looking at that and think about it in the context of an extension. It becomes easier to do an extension if it isn't legally required exiting for those units. What does it look like if they can't be used? What if they end up condemned pending replacement? Does that mean units are no longer usable, or does it have an impact?

Shaff: the structure has been condemned since August 23, 2021.

Moermond: and that isn't echoed in the orders in front of me.

Shaff: and I don't know why that is.

Moermond: let's find out more about that. I'm amenable to working with owners and management to find a viable solution.

Shaff: and that's not normally done without a structural review by Karpen.

Moermond: and I think we're dancing around in a circle about this. I agree we need to get them involved. Mr. Stevenson, Ms. Knutson, thoughts on those comments I've made? I'm not ready to land the plane today as you can probably tell.

Stevenson: I'm in agreement. If you could take some time to gather the necessary information on your end, and if we could establish another time to meet that would be beneficial for all parties so we can get a better idea of how to proceed. I agree with that assessment.

Moermond: any other comments?

Knutson: I just want to say I agree with Mr. Stevenson and yourself. I do just want to make a point on the October 4 deficiency list numbers 2, 3, and 4 are being taken care of. We're really just talking about number 1 coinciding with the deck.

Kennelly: I can't thank you enough on trying to work through this. It has been lonely trying to figure this out. We've sent another note to everyone emphasizing it is only for emergency use. Please use and leverage us however you need us to engage this.

Moermond: today is January 3. I'm looking to continue this to January 24 or February 7th. Any conflicts with those dates?

Stevenson: the best day for me would be the 7th.

Knutson: me as well.

Moermond: we'll do that on February 7 and in the interim get more information. Maybe a staff report at the hearing. If we get anything earlier we'll push it out to you earlier. We'll send a letter confirming this layover. I have Ms. Knutson's email address, but I don't have emails for anyone else.

Laid Over to the Legislative Hearings due back on 2/7/2023

Staff Reports

29 [SR 23-1](#) Review Request for Extension to an Appeal of Arnold Kampa to a Fire Inspection Correction Notice at 1084 LARPENTEUR AVENUE WEST.

Sponsors: Brendmoen

Grant an additional extension to March 1, 2023 for compliance.

Arnie Kampa, owner, appeared via phone

Moermond: calling about your extension request for 1084 Larpenteur. Ms. Shaff, can you update the record on where we started and where we are at?

Staff report by Supervisor Leanna Shaff: this would be the third extension after the original deadline a year and a half ago. The work is still not completed per Council

resolution.

Moermond: your original orders from the Certificate of Occupancy program were from 2021. We have letters starting July 1, 2021. We have a lot of extensions and this is a year and a half down the line. That's why I wanted a specific plan in place or allowing higher level of enforcement to occur. What is going on?

Kampa: everything on the original orders has been done. The bar, the exterior, the garages removed. The only thing left is that stairway. This got held up because I had applied for a STAR grant, had a late start and late determination. I requested an extension to see if I got that grant. We didn't get that grant October. When we found out we didn't get that I called down and spoke with Erik Hudak and then I spoke with Inspector John who told me the guy I hired, Randy, would have to do a drawing because the scope of the work had changed. He tore it out so the scope changed, he was supposed to fix it. City said I needed a new permit. Randy was supposed to put these drawings in and he didn't. Then he started ghosting me. I paid him \$4,186 for materials and \$2,075 for labor. I spoke to Virgil Thomas on November 4 when I found out I needed a new permit. Randy never did that. I spoke with Randy 34 times in November. I finally fired him. I called Rabid construction who agreed to do the work. He's had people in. He is on holiday this week. I expect him to get on that when he gets back. My fear is it won't be done by February 1. I'm not looking for six months. It isn't due to me not wanting to do it. STAR was the biggest hold up.

Moermond: I have to say looking at this, it is ultimately your thing to deal with. We've done a lot of extensions and I want something firm and won't look at this again. The department can revoke your Certificate after that. I get you've had contractor problems. Do you have a contract with this person? Is there a deadline in there?

Kampa: I don't have one, but I know him personally.

Moermond: I'm just looking for a sense of an agreed upon timeline. Your timeline now is February 1. I'm hearing he's out now and will be on it when he's back. He has to do drawings and pull a permit and do the work and have it inspected.

Kampa: correct.

Moermond: I'm going to ask the Council to give you to March 1, 2023. After that the department can enforce at the next level and we can talk about that then if it happens.

Kampa: I don't want to push it, but any chance I can get to April 1?

Moermond: no, not from me. The Council may look at it differently. You can appeal any future enforcement too. They have to enforce what the Council has determined.

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