



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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

Tuesday, October 19, 2021

9:00 AM

To be held remotely

9:00 a.m. Hearings

- 1 **RLH TA 21-410** Ratifying the Appealed Special Tax Assessment for property at 52 GERANIUM AVENUE WEST. (File No. J2203A, Assessment No. 228502)

Sponsors: Brendmoen

Reduce assessment from \$450 to \$225. Continue Public Hearing to September 28, 2022 and if no same or similar violations reduce further from \$225 to \$100.

Amanuel Mekonnen, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: on June 25, 2021 a Summary Abatement notice was sent to owner to remove bed frame near alley. Compliance date July 2, rechecked July 2, the Parks crew removed the frame four days later for a total proposed assessment of \$450.

Moermond: looks like probable dumping on the alley side. What are you looking for today?

Mekonnen: I received a letter. When I received it I didn't know what it was. I can't tell what it is; it was black and white. I went out there, there is nothing there. I called the Inspector saying there was nothing there, I don't see anything around my property. Asked him to call me back, I never got a call. The letter was 2 weeks after it was sent. The problem was the letter. You guys or the post office, or someone left on the table. I have no clue. I figure out calling Mai Vang because of the trash, she said I have another one. There is a colorful bedframe. My son was sick with Covid. My daughter and my wife too. My son was always home and he just took the bedframe out, it was from my house, but I never saw it. Finally when I got the letter, I went out right away, checked, and there was nothing. I've lived here 18 years. I check our property all the time. Nothing was there. The big issue was the letter was delayed until after they removed it. I don't know where the letter was. I called Mai Vang because of the trash bill not being paid and she told me I also have this one. She sent a clear picture, which was in color, and I figured out it was from my house. I asked my son, he told me he put it out. That's what happened. Also, I would have put it in my truck and brought it to my work. Now, the bedframe costs me \$400. It is unbelievable. The first issue is they messed up that first letter and I left a message for the inspector. There is nothing

I am lying about. This is the first time something like this has happened. It is unbelievable that all these things happened. I can't pay this much even in two years. I could have cleaned it in one hour.

Moermond: what I would like to do is note that you have no history of problems at the property. No one is complaining about your property, which is positive. I understand your son having Covid complicates things and makes it easier for the mail to go on the table. Because of those two things reason I will recommend it is reduced in half to \$225 right now. Then, I'm going to ask them on January 26 to continue it to September 28, 2022 and if you have no violations, nothing else happens at the property, to reduce it further to \$100. I'll do that. Half now, and if no more problems, down to \$100. You haven't had any problems so I don't think it would be a difficult thing

Mekonnen: I am telling you the truth. We look after our property. This letter was delayed. I don't know where it was. Maybe the post office messed up. I have no clue.

Moermond: I believe you. That's a good reason to reduce it right away. We don't know what happened. I wish you a good rest of the day, I hope this helps.

Referred to the City Council due back on 1/26/2022

2 RLH TA 21-423 Ratifying the Appealed Special Tax Assessment for property at 705 MAGNOLIA AVENUE EAST. (File No. VB2202, Assessment No. 228801)

Sponsors: Yang

Approve the assessment.

Nicholas Fasano, owner, appeared via phone

Moermond: I see you have four assessments today under appeal. We'll take them individually. [Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this was sent over by Code Enforcement May 5. It was condemned. It was broken into several times. St. Paul Police Department had to secure and board it up. I spoke with the owner at the time, who is out of state, and said he had someone nearby to monitor but they had not. I told him he could save some money if he had them do some of these things before the Parks crew came. The total proposed assessment is \$2,284.

Moermond: Mr. Yannarely, is there a Code Compliance Inspection request on this since this is a Category 2?

Yannarely: no, I don't see one.

Moermond: what are you looking for today?

Fasano: it is a common theme for all of them. I had some health problems and was away in Colorado for a while. Basically some people had taken up residence in my house, which I became aware of in Mid-February. I did have Natasha Fisk watching my house. Around that time in February she came in and there were people in there that had broken in, told her that they knew me, which wasn't true. Second, they told her that they knew someone else who lived there with me, which also wasn't true. When we called the Police they said because they knew someone there it was a Civil issue. The

courts were closed for evictions due to Covid

Moermond: that's incorrect sir.

Fasano: there was an eviction moratorium.

Moermond: did you call legal help?

Fasano: I called the court and DSI and they said there was nothing they could do.

Moermond: it isn't their job to manage your property. I had a police call run. There are reports of weapons, auto theft, warrants being served, welfare checks. All of those things would have gotten your case heard. Your case is one they would have heard under the Governor's orders. I don't know what kind of legal advice you were receiving. Either way you are responsible for maintaining your property. This looks like it was a terrible neighbor for a long time. I'm kind of struggling here. This is February of 2020?

Fasano: I was trying everything I could do to get them out of the house. A lot of those calls were from me.

Moermond: was this 2020? Or 2021?

Fasano: 2021.

Moermond: there is no question this qualified as eviction because the clarification order from the Governor came in July of 2020.

Fasano: it didn't happen until mid-2021.

Moermond: the order I'm talking about preceded that by 7 months.

Fasano: I did call the courts. I talked to them multiple times. I spent 8 hours a day trying to talk to them about this.

Moermond: I'm struggling here. It seems like you had a lot of avenues that would have saved the neighborhood and the City a lot of problems. I cannot imagine being the neighbor to your property.

Fasano: if the police would have handled the break in the first place it wouldn't be an issue for anyone. They came and said these people were allowed to stay in my house.

Moermond: and you didn't pursue any civil action?

Fasano: I did.

Moermond: what was it?

Fasano: I contacted St. Paul City court multiple times.

Moermond: we have district court.

Fasano: same thing. They told me that there were a couple forms I could file but they didn't think anything could be done because of the eviction moratorium.

Moermond: so you called and didn't file paperwork. Did you hire an attorney?

Fasano: I do have an attorney. I have a public adjuster for insurance which is another headache. I'll definitely be hiring an attorney depending on how this goes.

Moermond: bottom line you are in the Vacant Building program because it was condemned in April of 2021 due to dangerous conditions. Because of how bad it was it was sent to the Vacant Building program. They make a determination of what needs to be done before it can be reoccupied. That's why I asked if there had been a Code Compliance Inspection. If a property has been condemned like yours, it creates a punch list of items to be addressed prior to it being reoccupied. That applies if it is owner occupied or a rental. It sounds like you want to sell it. It would apply to any purchaser too. I didn't see an appeal back in May when you were put in the program. I'm not sure why. Or an appeal of the condemnation order itself. For me, looking at the Vacant Building fee, setting aside the discussion of the ability to evict, the question is whether or not it was condemned and whether it meets the Code definition of a Vacant Building. It clearly does since it has major code violations that were documented. Is it the responsibility of the taxpayers at large to monitor the property or is it the owner's? It is clear to me it is your responsibility to pay the Vacant Building fee. I see you're trying to sell. Right now this will go to Council January 19, 2022. If you want to object to it that would be the day. It will be a pending assessment until then. I'll recommend approval. If you hold this property and don't sell, I can make payments over a number of years, but it sounds like that may not be the best fit for you. I hear you disagreeing, you probably want to submit something, but that's where I land on this. You moved out when?

Fasano: I didn't want to move, I officially moved in May 2021.

Moermond: you said they moved in in February 2021

Fasano: I came to Colorado in December of 2020 for health reasons. I came back end of December and cleaned it out.

Yannarely: have you seen the property since May?

Fasano: I've been back a few times

Yannarely: it was a disaster. Holes in everything. Have you done anything?

Fasano: it is completely cleaned out. I have someone taking care of the yard.

Yannarely: there's actually a Summary Abatement Order to cut the grass right now with a compliance date of today. The house had feces inside of it. Holes in the foundation.

Fasano: part of that was the insurance came back with a low assessment that was ridiculous. They said the foundation issues were caused by groundwater, when you can see someone hacked holes in it. I've been fighting them to get proper payment. I have documentation of that. My adjuster's documentation was ten times higher than theirs. Any repairs started would have jeopardized that insurance claim. I do have a conditional contract to start repairs, based on contingency of insurance going up.

Yannarely: you can't do any repairs until you get the Code Compliance Inspection.

Fasano: when it was condemned they gave 10 things.

Yannarely: you can ignore that now.

Moermond: when you get condemned, that list was the items that justified the condemnation. In order to reoccupy the building following that order, you need to get a Code Compliance Inspection. That give you the punch list. Trades inspectors will do a walkthrough of the property and make that list. That list is what your contractors need to use to get it fixed for reoccupancy. They can't pull any permits until they are done. If they are licensed that's a problem for their license, and also causes a double fee. That application needs to be made. Also if you are selling prior to the fixes, that list can be used as a substitute for a TISH. You have to do that for transacting a property in St. Paul. You would save yourself money there. Is this a single family home?

Fasano: yes.

Yannarely: I think it is about \$482

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

- 3 RLH TA 21-439** Ratifying the Appealed Special Tax Assessment for property at 705 MAGNOLIA AVENUE EAST. (File No. J2123A1, Assessment No. 218542)

Sponsors: Yang

Approve the assessment.

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

- 4 RLH TA 21-440** Ratifying the Appealed Special Tax Assessment for property at 705 MAGNOLIA AVENUE EAST. (File No. J2201B, Assessment No. 228100)

Sponsors: Yang

Continue the PH to January 19, 2021. Approve the assessment.

Nicholas Fasano, owner, appeared via phone

Staff report by Supervisor Joe Yannarely: when the Police removed the people, they boarded it twice previously. May 3, when there was another break in, I ordered it wrapped. That means I went with the cops, make sure it is clear, and boarded the entire house so we don't have any more break ins. I didn't send notice since we had been out there multiple times. We just made sure no one was in there and secured it. That was done on May 3. We had to do another minor one on May 6, screwing doors shut for the front door.

Moermond: it looks like May 3 you were out there, you found it had been broken into. There is a police record in the call log of this. On an emergency basis you ordered it wrapped?

Yannarely: yes. As Mr. Fasano has indicated these are dangerous people. This was the transition from Code to Vacant Buildings. This was the third time we found it wide open. It was an emergency to wrap it up, though we didn't add an emergency boarding

fee to it. 18 secures for a total proposed assessment of \$1,484.

Moermond: ok. Can you double check that service charge?

Mai Vang: it should be \$284.

Moermond: there seems to be a service charge for each boarding. \$122 charged twice. Do you see that?

Yannarely: it may have been a typo. \$122.

Moermond: for the whole month?

Yannarely: for each instance.

Moermond: so you charged it twice?

Yannarely: oh yes, just a typo.

Moermond: service charge should be \$284 bringing it to \$1,484. The vast majority of that was related to wrapping the house, which is securing all openings from being breached.

Fasano: I guess same thing. I had done everything in my power to try and deal with the house. It was boarded, I was working with my neighbors as well. Obviously it wasn't a good situation there. I was trying to problem solve with them. They were watching my house by the end. I heard that even after all this was done, the next day I heard someone was trying to get back in. I called the police. It makes sense it had to be boarded again because by the time I went out there the house was secured and they were trying to break in with power tools. It has just been a headache. I am sure it has been for you guys too. I am frustrated. I feel like I tried to get them out, I was trying to take care of my property. I didn't want anyone to operate criminally out of my house or destroy it. It wasn't completely neglecting it. I feel like I didn't get much guidance from the City and now I get slammed with all these assessments. I didn't have any collaboration with the City while it was going on. I wanted to get in touch and see where things are at and try to come to some sort of resolution. As I said, I feel like I was trying to take care of it. I wouldn't ever want this to happen. I've been dealing with it close to a year. I'd like clarification on everything and some sort of understanding around it and how to move forward.

Moermond: when did you buy this?

Fasano: June 2017

Moermond: I ask because I saw there was a fire, but that was 2019. It says the occupants at that time were Catelyn Hightower and Eunice Phillips, but you were there too

Fasano: that was my fiancé and her grandmother. They were there when the fire occurred. That was all taken care of. I worked with Paula on that too

Moermond: ok, I just want to clarify I did pull that record because it often happens after a fire there needs to be a securing. I'm afraid this boarding is going the same direction as the others. Finally we're looking at a simple tall grass and weeds.

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

- 5 **RLH TA 21-441** Ratifying the Appealed Special Tax Assessment for property at 705 MAGNOLIA AVENUE EAST. (File No. J2201A, Assessment No. 228500)

Sponsors: Yang

Continue the PH to January 19, 2021. Approve the assessment.

Nicholas Fasano, owner, appeared via phone

Staff report by Supervisor Joe Yannarely: Summary Abatement Order sent May 26 for tall grass and weeds. Compliance date June 1. Found in noncompliance June 1. Parks did the abatement June 4 for a total assessment of \$322.

Moermond: and you did note earlier that there is another order now.

Yannarely: the deadline is today.

Moermond: you're appealing this, it was a month after the property was emptied. What are you looking for?

Fasano: I wrote an email out and got Mai's responses. I'd originally appealed the Vacant Building fee and she sent back all the open ones. For the yard, I guess I don't contest this one. At that point they were out, so I just hadn't gotten anyone over there. As far as the one today, I did have someone over there taking care of it. I messaged her while we've been talking so hopefully we can get it done today.

Moermond: one more thing, these assessments go to Council on different days, you would have 4 different Public Hearing dates. I'm going to ask them to cluster them all together so if you want to send it in testimony or have an attorney do so, it is all one day. That day will be January 19, 2022. The others are before that, but we'll ask the Council to continue it to January 19 so they can be heard together. I know this didn't go the way you wanted it to go, but again the Council could look at it differently. I encourage you to get that Code Compliance Inspection so when you're read to do the rehab or sell it you have it ready to go. I do wish you well in turning this around.

Referred to the City Council due back on 1/12/2022

- 6 **RLH TA 21-430** Ratifying the Appealed Special Tax Assessment for property at 109 WINNIPEG AVENUE. (File No. J2203A, Assessment No. 228502)

Sponsors: Thao

If by November 9, 2021 PO has 1) installed motion detector lights on garage, 2) installed no dumping signs, and 3) cleaned up overgrowth and replaced class 5 by garage, reduce assessment from \$162 to \$75.

Marcus Brown, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: July 1 Code Enforcement Officer Seeley issued a Summary Abatement Order to empty overflowing recycling bins and trash

from ground near alley. She rechecked on the 6 and found conditions remained the same. They did the abatement July 7 for a total proposed assessment of \$478.

Moermond: Mr. Brown, what is going on?

Brown: each time I've done this before you've been very understanding. The back alley of 109 Winnipeg it backs up to a four level structure. Since that project was done there has been a lot of dumping in that alley. I have two properties on this alley. I know the owners nearby. It gets a lot of trash because of the foot traffic. I am on my tenants to make sure things are clean. During Covid, at 98 Manitoba a tenant was squatting and every week numerous amounts of trash would be dumped. They'd put it in everyone's bins, as well as their own parking pad. There are several complaints when you look it up. Up until this point I'd tell my tenants to just put it in the trash, Mr. Williams and Ms. Seeley were aware of it. That happened to be the week where both myself and my tenant went on vacation. By the time I got back and got the letter it had been addressed. I called Ms. Seeley, asked her if it was addressed, she told me I could appeal. Historically if you look at 885 Park or this property, you will see 98 Manitoba specifically is a mess We've been dealing with it, I've been trying to do my part. I've been asking for some mercy due to Covid. I've been trying to do my best. I have responsible tenants. Last time I had a trash complaint was April 26, and again that was from 98 Manitoba. I just wanted to share it, it just happened to be a week where we were out of town and couldn't address it.

Moermond: looking at the photos of the area, I notice it is overgrown.

Brown: yes, we've cut it since then. That was this summer.

Moermond: ok, when that isn't maintained it makes it a more attractive place to dump. Do you have motion lights back there?

Brown: I do, but they don't face the alley. The garage doesn't have power. It is the original structure. We have two floods on the house, but they only go on when the fence is breached. She's a single mother with 2 kids. I try to make sure the alley is maintained. So yes, I have motions on the house.

Moermond: I think there are solar ones that might be of assistance. Let's look into that, if you could do that and signage indicating no dumping, area under video surveillance. I don't care whether it is true or not.

Brown: the tenant finally got evicted the end of September so I t has gotten better. That made a big difference. But yes, I can look into that.

Moermond: signage, motion lights, and keeping the overgrowth cut back. Cleaning up your parking area will help.

Brown: it is class 5. My parking pad is all rock. Its blacktop and then goes to class 5. I just recently had my Certificate of Occupancy done, and it passed with flying colors. I've owned this property since early 2000's. I did get on the overgrowth. To the right of the property is Habitat owned; they've done a great job. I'll stay on top of it.

Moermond: so cleanup of that area and signage and I can decrease the assessment. The picture was July 6. I cannot even tell that is class 5. Class 5 isn't Class 5 anymore if you have to mow it. You need fresh class 5, whether the Fire Certificate of Occupancy inspector called it out or not. If you get that clean up done I'm willing to get

you down to \$75. Hopefully the investment and taking care of those things will pay off. You're scheduled to go to Council January 26. I would rather have you spend your money on these things to help you and everyone. Mr. Yannarely, can you have someone go out there November 9 to make sure those things have been done? If they have, we can do that reduction.

Yannarely: sure.

Brown: so signage, lighting, and maintain overgrowth

Moermond: and clean up the class 5 situation. You wouldn't need much. We can confirm this via email. AN inspector will swing by after November 9.

Referred to the City Council due back on 1/26/2022

10:00 a.m. Hearings (NONE)

- 7 **RLH TA 21-443** Ratifying the Appealed Special Tax Assessment for property at 845 COOK AVENUE EAST. (File No. J2204A, Assessment No. 228503)

Sponsors: Yang

Delete the assessment.

Loretta Walker, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: a Summary Abatement Order was issued July 13, 2021 to Cook Ave East to remove a mattress and box spring by the garage. Our inspector rechecked July 20, and a work order was sent. Total proposed assessment of \$470. No returned mail.

Walker: I have the letter in my hand, I moved from that property and I had a change of the address. I didn't get the letter until after the 23. I panicked when I saw it. I said I'm trying to clear it up. I have been here 23 years. I haven't had a problem. I think the people across the alley did it because they knew I left in September. I checked until August of last year because they were supposed to sell it. I gave it back to them; it is not my property anymore. I don't think I should have to pay \$400. I don't mind paying them to take it away, but this is too much. Did you guys want me to send the letter with the bad information?

Moermond: no, I trust you. You said you no longer own it?

Walker: no, they have it back.

Moermond: so it is a foreclosure and the bank owns it now?

Walker: yes, I've been out since September 2020.

Moermond: so you weren't able to redeem the property, it is now the bank's possession. Was it their possession when it was dumped in July?

Walker: no, but I wasn't over there.

Moermond: ok, I was just trying to figure out if the bank was responsible.

Walker: it was in the process, it takes time.

Moermond: you have no history at this property of any orders.

Walker: yes, never in 26 years. I would never do anything like that.

Moermond: yes, you have a spotless record. If the bank owns it you don't actually owe anything at all. Can you tell me, where are you at in your foreclosure process? Is the redemption period over?

Walker: it was theirs August 1, 2021 or July 31. S&N Service Corporation, 233 Fifth Street, Eureka CA 95501.

Moermond: that is all the City needs.

Walker: I don't have any money. This is crazy this happened to me.

Moermond: you have unique circumstances here. You've taken care of it, you had a change of address, you were on the phone as soon as you got the notification. You did file a change of address and you called the inspector so you were acting in good faith. Because of that I'm going to recommend this is deleted.

Walker: I'd never even seen the pictures. Who does that? I would have put it in the garage.

Referred to the City Council due back on 1/26/2022

Special Tax Assessments-ROLLS

- 8 RLH AR** Ratifying the assessments for Property Clean Up services during July 1 to
21-101 13, 2021. (File No. J2203A, Assessment No. 228502)

Sponsors: Brendmoen

Referred to the City Council due back on 1/26/2022

- 9 RLH AR** Ratifying the assessments for Property Clean Up services during July 15
21-102 to 30, 2021. (File No. J2204A, Assessment No. 228503)

Sponsors: Brendmoen

Referred to the City Council due back on 1/26/2022

11:00 a.m. Hearings

Orders to Vacate Code Enforcement

- 10 [RLH VO 21-43](#)** Appeal of Amy Her to an Amended Notice of Condemnation as Unfit for
Human Habitation and Order to Vacate at 360 WHEELLOCK PARKWAY

EAST.

Sponsors: Brendmoen

Layover to LH November 9, 2021 at 11:00 am for further discussion.

Amy Her, owner, appeared via phone

Chao Lee, owner and husband, appeared via phone

[Moermond gives background of appeals process]

Moermond: I've looked through the materials you've submitted. I have asked for materials from staff that I haven't yet been able to review, so we'll start the discussion today.

Staff report by Inspector Richard Kedrowski: our office received a referral from St. Paul Fire Thursday July 29 for a carbon monoxide alert at the property. As they were going through the house they noticed occupancy in the basement which lacked CO2 detectors and no egress. July 30 an inspector went out and did an inspection and took photos. Based on that we issued orders for condemnation of basement as illegally occupied. August 6 was the vacate date. When we went there, I accompanied Mr. Williams. We found a few additional items. The basement was vacated. We left the condemnation because there were other items. We are working with the owner, Ms. Her, and along the way the conversation broke down and she filed the appeal

Moermond: what are you looking for today Ms. Her?

Amy Her: my husband was supposed to be on the line too. His name is Chao Lee.

[Voicemail left for Mr. Lee at 11:13 am: this is Marcia Moermond calling about your appeal for orders at 360 Wheelock Parkway. Ms. Amy Her is on the line. We will pause and try you back in a few minutes.]

[11:15 am Mr. Lee is added to the call. Appeals process and staff report are given again]

Moermond: turning it over to Ms. Her and Mr. Lee

Her: I'm appealing the condemnation because of two items, the first is number 2, stating the basement is an illegal dwelling, and second is item 9 stating the basement is an illegal dwelling and to remove the stove from the basement. This is a legal multi-unit prior to current zoning. The building structure conformed to building code at that time, and was grandfathered in. I sent in some supporting documentation. You'll see article 1 there is photo evidence from Mr. Meyers from 1960 showing the finished kitchen in the lower unit, and a letter from them showing it was finished with the kitchen. Article 3 is a letter from Sharon who is their friend who stated it was finished and in use in the 60's. I supplied article 4 which is a BZA staff report. This states this is legal nonconforming duplex. Article 5 I submitted building permits which state that this a 2 family duplex. It also cites the number of units worked on was one. I also sent in afterwards articles 8 and 9 which are also building permits from previous years, prior to our ownership, stating this was a duplex. Article 6 is a screen from permits and licensing confirming it is a duplex with nonconforming use. Article 7 is an email from zoning stating it is zoned R3 and is a legal nonconforming use in an R3 use and is grandfathered in. I have lived here for more than 11 years. It has been used as a multi-unit. These are my reasons I'm appealing violation 2 and 9 of the condemnation.

Moermond: my biggest concern with the condemnation of this nature is the question of the sleeping rooms having egress windows. That would supersede all of this. That applies is whether it is a Single Family Home or a duplex. It sounds like that isn't under appeal and you've vacated that area. That being my biggest concern I'm ok with slowing this down. I hear conflicting information from staff. You say quite clearly you think this is a duplex. I hear from staff conflicting information. I'd like to read through the BZA information and ask for a more formal determination. You deserve to have this cleanly designated too. If you can give me handshake you won't reoccupy those sleeping rooms that don't have egress, I'd like to continue this November 9th between 11 and noon.

Her: that works.

Moermond: we'll continue this conversation then and talk in 3 weeks.

Laid Over to the Legislative Hearings due back on 11/9/2021

1:00 p.m. Hearings

Vacant Building Registrations

- 11 **RLH VBR
21-68** Appeal of Kaye Sisombath and Di Vang to a Vacant Building Registration Fee at 243 WINIFRED STREET EAST.

Sponsors: Noecker

Grant an additional 90 day waiver (to December 20, 2021).

Kaye Sisombach, owner, appeared via phone

Di Vang, sister of owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: we have a referral from the Fire Department about a fire in the garage that spread to the dwelling, June 3. AJ Neis responded and condemned the dwelling under the Fire Certificate of Occupancy because of the extensive damage and referred it to the Vacant Building program.

Moermond: so a condemnation leading to referral to Vacant Buildings.

Staff report by Supervisor Matt Dornfeld: we opened a Category 1 Fire except Vacant Building with a 90 day waiver. That waiver is nearing its end, I assume we are here to discuss the registration moving forward.

Moermond: what is going on? Sounds like your contractor is working hard, but a ways out still. Tell me more.

Vang: we would like to get this extended if possible because as you know, renovating a property doesn't take 90 days, especially with the supply market being short. We have a contract with restoration professionals July 12, they have cleaned inside and out. We are maintaining as much as possible. Mowing the lawn, making sure it is nice and isn't a nuisance. That's where we are at. We met with the contractor a couple of

weeks ago. It is taking some time for supplies. It sounds like the property wouldn't be fixed until maybe April or May 2022.

Moermond: Ms. Sisombach, anything to add?

Sisombach: we are just waiting for supplies to come so they can finish. It isn't going to be done in 90 days. It is extensive. The fire wasn't from the garage to the house, it was actually the deck and it burned out from there. There's a lot of damage top to bottom. It won't be done in 90 days.

Moermond: and the waiver from the City code is just 90 days automatically, knowing they take more time than other situations. In your appeal you mention the property isn't abandoned and I wanted to be clear that City staff isn't saying it is abandoned, but rather condemned due to its conditions. You're taking care of it and have a contractor, which is great to hear. The situation with the fee is this, it is an annual fee. I can recommend you get another 90 day waiver, but it sounds like that won't be enough time. You'll be in the program an entire year it sounds like. Basically 11 months out of 12. I can't do a waiver for a whole year. I'm not sure how things are getting paid for, I know that right now insurance isn't necessarily covering the full expense of rehabs because of Covid and cost of supplies. What I can do is delay this for you and when it comes forward I can help make payments over a number of years. It sounds like it would be the only year you will have a fee. Bureaucratically I'm going to recommend another 90 days, but it will end up going to assessment. When that happens, appeal that. If you appeal it, that's the way I can make it into payments over 5 years, it is around 3% these days. That would come forward in 2022. In the event you couldn't pay it, it wouldn't show up until your taxes until 2023. I wish I could do more, but I really am constrained by Code. I want to be as helpful as I can be. We'll put in another 90 day waiver, but again appeal that assessment.

Vang: would that be part of the assessment? Where is it being billed? With taxes or separately?

Moermond: with a special assessment it comes forward as its own "thing" to start with. You can pay it, or if you don't, it will be put on the next year's property taxes. It won't be on your 2022 statement; it would be 2023. In 2022 all we'd be talking about is your original invoice for it.

Vang: so no way to waive the fee at all?

Moermond: I can waive it up to six months, but not a full year.

Vang: mmmm. Okay.

Moermond: I will do that additional 90 days, but it sounds like you won't be done. I'd like to keep it for just the one year and make it manageable into the small pieces. You can reach out to Inspector Gavin with questions or reply to the follow up letter Joanna Zimny emails you. I know it isn't what you are looking for, I'm doing the best I can. Take care.

Referred to the City Council due back on 11/3/2021

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

- 12 [RLH VO 21-41](#) Appeal of Tamer Azzazi to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1843 MINNEHAHA AVENUE EAST.

Sponsors: Prince

Layover to LH November 9, 2021 at 1:30 p.m. PO to submit engineering analysis on structural integrity of garage by COB November 5, 2021. Property to be reinspected November 8, 2021 at 2 pm.

Tamer Azzazi, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: the Fire Certificate of Occupancy inspection conducted by Inspector Ganzel. First appointment letter went out July 14, 2021. July 28 Inspector Ganzel notes he had the Responsible Party emailed asking to reschedule because he was out of town. Then he rescheduled, August 12 he received another email asking for a reschedule due to tenants being sick. He did gain access on September 9, 2021. Quite a few deficiencies. The biggest ones that are concerning are the condensate line for the AC is broken on the back of the furnace. Missing smoke alarms in the bedrooms. Torn flooring in kitchen. You can see in the pictures the garage is built into a hill, but it has some big structural issues. In his list Ganzel was looking for some plans to take care of that, structural plans. On the reinspection we didn't receive any of that and pretty much nothing was done. Ganzel reports he's had difficulty getting ahold of the Responsible Party or getting calls back. We haven't been back in the property since September. Due to the severity of the issues it is pending revocation.

Moermond: when was your first inspection?

Shaff: September 9, but the letters started in July.

Moermond: Mr. Azzazi, what are you looking for today?

Azzazi: I am actually in Alexandria, Egypt right now. We've had a death in the family and some illness. I take the inspections seriously and have been a landlord in 1999. We generally don't have any issues. The background of this house, these tenants have been there since 2008. Sometimes there are things that come up, we take care of them, and we always pass. These particular tenants, when we rescheduled in September it was because they wouldn't allow us access saying they had Covid. We tried to reschedule and they refused. We did a walk through with masks and gloves and got materials and came back the next day and were denied access again. We ultimately gave notice we were not renewing their lease due to the lack of access but with the mandates we've had to give them October 15 as notice for termination January 1. The condensate line, that particular system it was always getting clogged because they wouldn't change their filter. When we went to take the hose off to remove the buildup, the hose broke off the nozzle. It was on our list to do. We did send an HVAC person out twice and they were denied access both times. The smoke detectors, all were in, they said they took them down again even though we reinstalled the week before. They were taking the batteries out. They were working when the inspector was there again. The flooring, we've had the tile job scheduled for six months. They were

saying they wanted tile put in. We had it delivered and the day the guys showed up and they said it had to be done in 1 day and wouldn't allow access. We rescheduled for a vinyl tile, and then they denied access again. We're going to terminate the lease and get it up to par. The garage I am appealing, we have zero issue with everything else, but I would like to state for the record it is terminated January 1. Everything will be painted once they are out, essentially totally redone cosmetically. The bigger thing is the garage, I have gotten 3 different concrete guys to come out. There is no easy fix. We're just asking for more time to get a game plan. It is going to be three-tiered. There was a drainage issue from one of the gutters with four inch tubing that has to be dug up and we need a new extension to those downspouts. They said any concrete repair work would just have issues again if we don't address those water issues. We just put the walkway in on the outside of the garage and redid the steps. We did those last year or the year before. There aren't issues there, but the primary issue is the drains from the gutters, they are making the sidewalk sink.

Moermond: I'm concerned about the stability of the garage. I'm hearing theories of the problem, its great you are sorting this out. I don't know that this is in danger of collapse. We need to have an engineer analyze that, or you can remove the garage. Have you had an engineer assess that? something the City engineer could look at.

Azzazi: I haven't. also, the property on the corner, there are 3 problems that happened simultaneously. I've been assured by concrete and block guys there is no immediate danger. The roof is almost at ground level in the back, nothing heavy above it. We told the tenants they couldn't use the garage. We would be ok with a temporary condemnation of the garage. I don't feel it poses any immediate hazard. On the west side of the property, it used to be at the same level of the yard, and they put in a garage and did some landscaping. There is a retaining wall that is now leaning towards our property. It is cracked and leaning towards us. It was definitely moved. This all came up as part of this inspection. I've spent a lot of time there, as well as the concrete guys. That's what we came up with, the drainage issue and the construction issues. The brought that yard down several feet and graded it but didn't do any sort of retaining wall, so I'm wondering if they messed up the retaining wall that was there. The wall of our garage that was previously buried is now exposed.

Moermond: and I'm worried about the garage. I'm glad you're ok with it being condemned. My question again, is where do we go from here? The next step is, if it is found it can stay up under certain circumstances, additional locks.

Azzazi: we can board it up.

Moermond: and that's great, but I need someone to tell me it won't fall down and we can give it time. That's my concern. I'm glad you're talking to concrete people, but again, what kind of danger is presented by that garage. There's fixing it and getting rid of it. fixing we would have to do something temporary to make sure it is safe as possible. The other direction is giving an extension. You said you're ok with hiring someone. You are in Egypt. Do you have someone work with here? Sounds like you must.

Azzazi: I was supposed to come back this past Saturday, but now we have a funeral. When this all happened it was the end of the summer which was hard to find a concrete person to even come out because everyone is trying to get work done before it gets cold. As far as the structural engineer thing. I asked for clarification on this, I said we could patch it up and it would be fine. There's been foundation issues and block work and that's what these guys do. We don't want to do a patch job; we want to

do it right. We want to figure out what caused it, which is when we discovered these other things. As far as an engineer, I'd like time to address the water issues and figure out the neighbors. I'd like to take care of those things first.

Moermond: *lifting a condemnation would have to be addressing that situation. I wouldn't want to lock you in to anything. I need to come up with some deadlines. I'd like an engineering report within 3 weeks. Today is October 19, I'd like to look at that report no later than November 9 and we'll talk then. Get that to me by November 5 so our structural engineer can look at it. I am inclined to give you an extension but I'm concerned about a couple of things. I'd want the hardwired smoke alarm taken care of. Also the light fixture in the bathroom. The condensate line could be reviewed by the inspector when he goes back out. Can you tell me, Ms. Shaff, are there other items that are of special concern?*

Shaff: *get the bar holders off the front and side doors.*

Azzazi: *we talked to the tenants who installed them on their own. I know what needs to be done and when I saw those I said we could take them off and told them they shouldn't be on at all. They said they'd take care of it. I should have done it then and there.*

Shaff: *window sash in the bathroom?*

Azzazi: *it has been ordered. It is tempered glass. As of right now I haven't heard if it was done because I have been gone 2.5 weeks. The smokes and CO2 detectors were tested and working the last time the inspector was there.*

Moermond: *I'd like to have an inspection occur November 8.*

Shaff: *2 pm on November 8 with Ganzel.*

Moermond: *get me that engineering analysis by November 5. You'll have an inspection on Monday to look at those 4 items, the bars off the doors, item 2, the light fixture in bathroom, item 4, the inspector can look at number 10 and see if the condensate line was dealt with, and the hardwired smoke detector is addressed. If those are taken care of I have no issue in giving you time to January 14 to handle the rest of it once it is vacated.*

Azzazi: *we put the cover on the light in the bathroom when the inspector was there. We'd checked it the week before and they had the cover off again during the inspection.*

Moermond: *terrific, we have a plan of action. We'll send a letter by email confirming these details. Safe travels.*

Laid Over to the Legislative Hearings due back on 11/9/2021

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 13 [RLH FCO
21-153](#) Appeal of Mark Youngmans to a Correction Notice-Reinspection
Complaint at 1191 EARL STREET.

Sponsors: Yang

Layover to LH October 26, 2021 at 2 pm. Owner to submit a contractor statement of their evaluation for the brick wall by 10 am Monday, October 25.

Mark Younghans, owner, appeared via phone

Moermond: calling you back about your property at 1191 Earl. One thing I was wondering, I was expecting some sort of analysis or work plan you'd get from a contractor looking at the brick façade. Do you have anything yet?

Younghans: I didn't get a letter, but no, I did speak to him again. I told him the deadline last week. So no, I don't have it.

Moermond: we'll give you one more week before we have to come up with some sort of enforcement letters. I'd like that first thing Monday morning.

Younghans: I didn't get the letter, so how do I get that to you?

Moermond: you can reply to Joanna's letter she will email.

Younghans: hopefully we'll have it today.

Moermond: we just don't want the façade falling off and hurting someone. we need to square it away.

Laid Over to the Legislative Hearings due back on 10/26/2021

14 [RLH FCO
21-162](#)

Appeal of Robert Olsen to a Correction Notice-Reinspection Complaint at 1008 LAWSON AVENUE EAST.

Sponsors: Yang

Layover to LH October 26, 2021 at 2 pm (unable to reach PO).

Tried calling 2:11 pm – unable to leave message (disconnected)

Tried calling 2:17 pm – unable to leave a message

Moermond: let's lay this over one more time. In the letter we send let's confirm his number to be reached at. We can let him know that failure to submit a written statement or show up at the hearing will result in the denial of his appeal.

Laid Over to the Legislative Hearings due back on 10/26/2021

15 [RLH FCO
21-150](#)

Appeal of Craig Thiele to a Fire Inspection Correction Notice at 1040 MARGARET STREET.

Sponsors: Prince

Grant an extension to November 8, 2021 for compliance.

No one appeared

Moermond: we have a plan submitted by the owner. He is unable to attend. We have the plan in writing, indicating he will have the work done by October 16 and 17. Just to

make sure let's give a November 3 deadline for the work to be completed.

Referred to the City Council due back on 11/3/2021

3:00 p.m. Hearings

Other

- 16 [RLH OA 21-13](#) Appeal of Gebi Tufaa to a Denial of a Fence Variance Request at 841 MARION STREET.

Sponsors: Thao

Layover to LH October 26, 2021 at 3 pm. Property Rep to submit updated fence diagram for review.

Mr. Gebi Tufaa appeared via phone

Terry Kjellgren, case manager with Ramsey County, appeared via phone

[Moermond gives background of appeals process]

Staff report by Building Official Steve Ubl: the applicant came in for a fence permit with certain conditions that didn't represent the requirements in Legislative Code section 33. It was suggested it go through the variance process for approval. It came across my desk to entertain a variance under 3 criteria. The particular condition didn't fall under any of those 3 conditions, site conditions, nuisance animals, things of that nature. I had to deny the variance and suggest it go through this process for review.

Moermond: can you describe the application Mr. Ubl? We have a request for a fence around the perimeter?

Ubl: generally, yes. The design shows a six foot mini-mesh black chain link fence with a path to the front door and a gate. Also a six foot path along Atwater to a point where it would angle off to the garage in the back. It would run north on Marion to the property corner, and then run westerly beyond the front yard setbacks, though I'm not sure what the X's represent on the site plan.

Tufaa: we are asking for the residents living at this address, they have mental health issues. There are concerns of safety. Because of that the County is helping this gentleman and suggested he has a fence on the property so he can freely leave his home. He tends to damage the house when he is confined inside. Sometimes he can sneak out and go to the busy road, which is very dangerous. That is why we wanted to do the fencing. The 6 feet is because of the safety, if it is shorter he may climb it. In terms of design, that may have some difference. The little entrance in front of the property on the Marion side, it goes to the corner close to Atwater instead of exactly at the door. From the door out, we aren't closing that area in front of the main door, but he can access from the backyard. We don't need it completely enclosed in front. The portion in front has to be six feet. The X line is the other neighbor's existing fence. It wouldn't make sense to build another fence next to it. In short, because of the safety of the young man and history of running away from home and behavioral issues. That was the purpose of it. The case manager may have more to add.

Moermond: and I'm looking for more clarity on your request. Around the front yard, from the front of the house to Marion you want six foot fence on the property line across?

Tufaa: we were told on the other side the six feet would be allowed but not on the front. The picture is a bit misleading. The front door isn't enclosed with the fence. That is open completely. We have a small area with a six foot fence.

Kjellgren: did you get a copy of the assessment summary?

Moermond: yes.

Kjellgren: the issue is this is a foster home and Michael is placed there. He is a big guy with autism, he is nonverbal, and has very little impulse control. He likes to be very active. It would be best if he could have a fenced in yard and they don't have to worry about him running off. Someone is always with him outside, but they wouldn't have to worry about him running off. Part of getting the DD waiver to do the fence was getting this assessment. Then we had to get bids and make a choice. It would be great if we could get this fence going. I did ask the current accessibility solutions if it was possible to give a different design and they told me doing it this way works well, doing the appeal. It is kind of a double lot; I don't really understand it. It is best for Michael's safety and the safety of the neighborhood.

Moermond: and the City has no problem with a 6 or 7 foot fence for the side of the property from the front corner of the house along both sides and the back. What we're talking about is the front yard. There are two issues in play for that. One is the code requirement is it not exceed 4 feet in the front yard, the second piece is this sits at Marion and Atwater and there be 10 foot clearance for visual purposes on the corner, so a car driving wouldn't have an obstructed view of a kid on a trike. The maximum height would be 2 feet of obstructed view. The kind of fence we are talking about obstructs vision, a mini-mesh fence. That would be another part of the request. The diagram in the fence permit application is kind of pivoted, it has west on the top. I'd be looking that the northeast corner of the parcel is the part at the Atwater and Marion intersection. If you looked at the square from the corner of the house to the corner of the property, if that northeast part of the yard, half would have to not be fenced at all to maintain sightline for traffic. So we're already in trouble in the front yard there. Take the corner of the sidewalk and measure in 10 feet in either direction and that is where you can start to have a four foot fence. Your problem is going to be managing the front door and the side door would give access to the back and side of the property. I get you want the front door double gated.

Tufaa: do you have a picture of the assessment? A picture of the front of the home?

Moermond: yes.

Tufaa: if you see that picture, do you see a signpost like metal next to the tree and fire hydrant? We are thinking of putting the fence aligned with the angle of the house here. We don't need to go too much farther to the stairs. We can stop there and go down. The guy doing the sketch kind of misrepresented. We aren't trying to build the fence from that metal to in front of the house to the stairs. That will be open. Then from the other side, between the two trees, we can go as far away as is required. In this case we won't be touching the stairs, it will go to the house and build from there towards the other neighbor's fence. The front of the house isn't completely blocked.

Moermond: can you submit a revised diagram of what you are looking for? I think I understand what you are saying based on photographs, but I need a diagram to have a good handle on it. I can look at it between now and next Tuesday then. And now you

know my concerns in regard to traffic visibility.

Tufaa: sure. What about the second request on the north side, the Marion side?

Moermond: let's talk about both next week with a fresh diagram. We'll send you a follow up email, just reply and attach the diagram to that. That will help me because the one on the fence permit application isn't very clear in terms of what you are describing.

Laid Over to the Legislative Hearings due back on 10/26/2021

Water Bill Appeals

17 RLH WB 21-2 Appeal of Yer Yang and Lee Kay to a Water Service Bill at 463 COMO AVENUE.

Recommendation forthcoming.

Mr. Lee, owner, appeared via phone

Moermond: I'm calling about your appealed water bill. I also have Derek Olson on the line, customer service with the water utility. [Moermond gives background of appeals process]

Staff report by Derek Olson, St. Paul Regional Water Service: this is a quarterly non-single family building. When we went out to get the meter readings May 27, it showed consumption of 458 units. The meter techs tried to get ahold of the property owner to tell them of the high usage. They were unsuccessful, so we sent out our high usage letter. June 10 we checked the meter again and found it was still using. We tried to shut it off, but it looks like it didn't get shut off completely. The same day we talked to one of the owners who called customer service who was disputing the bill. We talked about the continuous leak; they were transferred to a supervisor. We were told the building was vacant and was being remodeled. Looks like usage stopped July 3, and then when we checked in August 239 units were used up to the point of being stopped. In this case we waived the \$35 fee to check the meter, it actually came back as under-accurate. There is a \$4,644 balance. We see 3.3 gallons per min and the average toilet leak is 3 to 5 gallons per min. we think a toilet was running up to July 3, but we don't know.

Moermond: you sent a letter in June, tried to call. Any other action in June?

Olson: we shut the water off as a courtesy.

Moermond: Mr. Lee, tell me about your appeal.

Lee: to us it is the price because we weren't aware of the leak. There is no one in the building, so it was a surprise that we had this large bill for an unoccupied building. I don't know if they tried to reach us, they didn't that I'm aware of. But we did see the letter in the mail and that's when my wife made the call and talked to someone. Then we went in and recently, I forget the date, we were able to meet with a meterer at the property who tried to show all kinds of logs that they have in records. Just like Mr. Olson said, he said they can take us down and do a test on the meter to see if our meter actually works. That was in September. To me, I don't mind paying the water if we are using, but I guess my wife and I don't understand why and where the bill is coming from because no one was inside. Also we shut off water, so no one can use

the water outside.

Moermond: were you doing rehab on the building this last spring?

Lee: no, I did the work inside, we didn't use any water. If we did it was just for using the restroom. It was just my wife and I inside.

Moermond: and I'm hearing the water utility say if the toilet is broken and keeps running it gets stuck running and that's what they're thinking happening here. That's typically what happens with these kinds of numbers. It looks like this started sometime between the meter being read in February and when it was read again in May.

Olson: yes, we agree with that.

Moermond: so some point in that time period. We can't know for sure but suspect it was a toilet. When the Water Department learned of this happening, a phone call, letter, and another call happened and they went and shut off the water. However, they figure it must not have gotten shut off completely because there was still some usage. I'm going to look at this more, does anyone have any other comments?

Lee: I don't know what actually happened, but they said they sent out a guy in June who supposedly turned off the water as a courtesy but the building still has water running as of today. Thank you to the Department that we still have water running into the building. What I'm saying is, we are just surprised it is such a big number. It is unexpected. We already paid over \$1,200 for one bill already. There is more coming. I guess as I'm talking to the meterer they said it is always accurate but that's what they say. I'm not an expert but they did change my meter after it was examined. They said I was being charged less, but apparently after we had it checked they were supposed to put the same meter back in. However, because of the lack of accuracy I have a new meter and since then, are there any more current charges? We haven't used it.

Moermond: I don't think that's the practice. They put a new one in right away, they leave the new one when they go to test the old one.

Olson: I believe on this day they took the meter out due to the special request, and they had Mr. Lee and his wife meet them at the meter shop and showed them the results. They were there for the test. With it being slow I believe they put a new meter in. The other one wasn't working 100 percent, so they wanted to clean it out and calibrate it. Not often do we leave the meter in. Maybe they didn't have one with because they weren't going with the intent to take the meter in. Joe did go back after the test and put a new one in. Joe tried to show all the information that day by having the owners there. That's all we know. We still don't know the source.

Moermond: thank you, I'm going to take this under advisement and I will have a written recommendation to the Water Board in a couple of weeks.

Referred to the Board of Water Commissioners due back on 11/9/2021