



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

**Marcia Moermond, Legislative Hearing Officer**  
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**651-266-8585**

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Tuesday, August 18, 2020

9:00 AM

Via Telephone

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#### Special Tax Assessments

#### 9:00 a.m. Hearings

- 1     **RLH TA 20-530**     Ratifying the Appealed Special Tax Assessment for property at 95 LITCHFIELD STREET. (File No. J2023A, Assessment No. 208539)

**Sponsors:**     Thao

*Reduce from \$450 to \$250 if no same or similar violation(s) by December 31, 2020 and will delete if no same or similar violation(s) by June 2, 2021.*

*95 Litchfield Street*

*Ibrahim Elemo is on the phone line.*

*Joe Yannarely: The Summary Abatement Order was issued on April 23, 2020, to remove the "EZ chair west side of house," compliance date of April 29, work done on May 1, assessment of \$450.*

*Moermond: Any history?*

*Yannarely: Been a Category 2 since June 8, 2016, numerous summary abatement orders, over a dozen.*

*Moermond: Recent one maybe? July?*

*Joe Yannarely: Tall grass July 21, tall grass May.*

*Moermond: Addressed by owner or City?*

*Elemo: Addressed by me. This property was purchased in 2017. Since then for 2½ years, I have paid thousands in assessment fees. The reason was I live in Illinois. Oftentimes this letter would give me 5 days' notice, and the mail would come to my address in Illinois. Usually there was not construction going in the house because of the distance, and the people in the neighborhood were disposing their used items in the backyard. It was not a nuisance that we created. It was the people who live in that neighborhood. I have someone helping me with taking care of the lawn and making sure the grass is cut. We have been doing our best. We are being charged. We*

*didn't have any construction there. We didn't have anybody living in the house. It is a vacant property. The neighbors would throw used chairs and sofas on our property. Oftentimes, by the time we got the mail, they had already picked up the item, and we get the bill.*

*Moermond: It looks like in 2018 and 2019, you addressed the items when they were brought to your attention. There are about half a dozen in 2019. This stands alone, and you did not address it in a timely fashion.*

*Elemo: They keep sending the mail to an old address instead of my new address.*

*Yannarely: We sent it to Lakeville.*

*Moermond: As well as the address in Forsythe, Illinois. It went both places.*

*Elemo: It was the grass that was cut. It's one chair. It's not a ton of stuff that we picked. I'm appealing. I'm not appealing for the thousands we paid in the past. They charged me \$250 for taking one chair. I don't believe that is fair.*

*Moermond: You've brought up several points: vacant building fee you pay, dumping at your property, the rate for doing the cleanup at this property. 1) If you are a registered vacant building, which this property has been since 2016, there are going to be fees that accrue. The fees will stop when you finish the work on the property. There has not been any actions on your building permits in a while. I encourage you to throw all your energy that way. 2) With people dumping on the property, if somebody drives by my house and throws their tires in my backyard, maybe I am able to get the license plates of the vehicles that did, maybe I'm not able to do that. But at the end of the day, I need to get the tires out of my front yard. We are all stuck in the same situation that illegal dumping is terrible, but we have to deal with it. Residential properties can call their hauler. They get 2 to 4 pickups a year of bulky items. Wherever that easy chair came from, it could have been picked up by the hauler with no additional charge. It is unfortunate that is the way they chose to do it. When you get the letter in the mail, you take care of things, but the City should not be functioning as your property manager to mow the lawn and pick up. The City is going by there every 2 weeks; it seems like your property manager is not. I will create an incentive for you to not have problems at your property. I will recommend the City decrease from \$450 to \$200 if you don't have further violations for the next 6 months. We will cut it down by \$200 if there are no further violations, which I think is a fair deal. You just need to be on top of the property, going by there, making sure the grass is cut, there is nothing dumped, and when the snow falls, to keep it shoveled. No garbage. If you get an order in the mail and have a question about it, be sure to call the inspector. I want to get you in a place that you are taking care of this stuff instead of the City having to tell you to take care of it.*

*Elemo: I lost more than \$40,000 on this property. When we bought the property, it was vacant. The City forces us to use a licensed contractor, which we complied with. The contractor took the payments and never did the work. I would like to get the entire fee waived. We wish the work was done in a few months. The contractor said the subcontractor left the State. We gave him months and months. I lost money and all these penalties.*

*Moermond: I suggest you contact the State of Minnesota and file a complaint on the license. That is really not something the City can handle for you.*

*Elemo: I did do that. Can someone explain the rationale for \$450?*

*Moermond: The charge is a minimum \$260 call out charge for the crew to show up. The other charge is administrative fee and fees for certain items. I am getting you down to less than the callout charge. Is it expensive? Yes. It is cheaper to cleanup your own property. If you can get the work done, you will not have the vacant building fee. That building fee is for the staff to go and monitor property so it doesn't become a further neighborhood nuisance. If neighbors have to call in these conditions, they are in a bad position, too. They are not your property manager. Please get those permits done. If you can stay on top of the property, I'm going to get you down to \$250. If you want more than that, I suggest you contact the City Council. There should be information in the notification about today's hearing about how to communicate with the Council. This won't be ratified until June 2021. If you can make it to December 31 with no former violations, I will get you down to \$250. If you can make it down to June when it is in front of the City Council, I will make sure it gets deleted. You have to come through and be on top of the management of this property. If you don't do those things, you will have the assessment in full. Alright? I encourage you to contact your inspector and the State of Minnesota about your contractor to file a complaint. They may be able to give you some direction.*

**Referred to the City Council due back on 6/2/2021**

**2 RLH TA 20-469** Ratifying the Appealed Special Tax Assessment for property at 811 SMITH AVENUE SOUTH. (File No. J2021A, Assessment No. 208537)

**Sponsors:** Noecker

*Delete if no same or similar violation(s) by May 19, 2021.*

*811 Smith Avenue South*

*Steven Blake is on the phone line.*

*Joe Yannarely: A summary abatement order was issued to remove "remove mattress from the property/back yard and properly dispose of" issued on March 30, 2020, compliance date of April 6, rechecked on that date, work done for a total assessment of \$498.*

*Blake: Can you say that again?*

*Yannarely: Compliance date of April 6, 2020, rechecked on that date.*

*Marcia Moermond: I have a few names on the property.*

*Blake: Andrew Hybben is the old owner. He sold the property. I would like some abatement of this. We are new to this property and new to the rental property area. We got the notice and had 3 days to clean it up. I know there is a 10-day notice.*

*Moermond: There is an appeal time period of 10 days. If there was raw garbage, it would be 24 hours. Mowing the lawn, you would get 72. Shoveling the walk, you will get 48.*

*Blake: We scheduled to go out to have it removed and you removed it 6 hours before we got there. We had it scheduled. We are doing the best we can. We cleaned up the yard. We have done a lot of modifications. We have even had comments from the*

neighbors. We sent things to the tenants, so they are not doing this mattress stuff. Some of the tenants don't have a lot of money, and they live like they don't have a lot of money. It's like any other management of a property, it is a challenge. We are trying to be a good partner and trying to make things work for all properties. We had no idea a tenant threw it out there to begin with. If we can get any kind of adjustment, we would really appreciate it.

Moermond: I'm looking at your request in the context of there being 4 violations since you purchased the property. You bought it May 17, 2019. The City records are showing violations: June 10 you may not have gotten notice. June 10 is close to when the property was transacted. In October, notices went out for garbage and snow and ice. We would like to get you to a place where the City does not have to tell you to take care of the property.

Blake: You are correct: we are new to this business, and we had a management company. They were not pulling their weight and we fired them. We had that management company in the spring. In the winter, we were doing a lot of maintenance. We were pushing on our tenants to do the right thing. Since this mail thing, we have not had a complaint. We try to communicate with our tenants. We clean the walkways. We are working as fast as we can. We are more professional now that we have been in it for more than a year.

Moermond: Whoever you hired did not let the fire certificate of occupancy know that there was a new manager or owner on file. You will want to go online and reach out to the fire certificate of occupancy program and fill out a form so they have the current responsible party. Right now, they have Hybben. This is scheduled to be on City Council May 19, 2021. If you can make it that far and there are no founded violations from now until then, I will recommend it be deleted. If there are violations, I will make it approval. There are 2 kinds of things the City will send a letter on (automatically): one is tall grass and weeds. If someone calls in, a letter will go out automatically. Same thing happens with snow. If we get a call that there is snow and ice on the sidewalk, the inspector checks it afterwards. If it is clear, we are going to call it an unfounded complaint. That is not true for dumping or if your tenants leave things outside. If these get called in, the inspector will go out right away and take a photo. That would be a founded thing.

Blake: We have some kids living in there. A playhouse out there is not a problem.

Moermond: That is not a problem.

Blake: It's just junk and garbage you are talking about. We had one tenant who was trying to dispose of it and she called us. A third of the tenants have been well received.

Moermond: You are going to get more than 3 items (that your hauler will take for free). If you have 3 units, you have a minimum of 6. No same or similar violations between now and May 19, I will recommend it get deleted.

**Referred to the City Council due back on 5/19/2021**

**3 RLH TA 20-533** Ratifying the Appealed Special Tax Assessment for property at 1097 SUBURBAN AVENUE. (File No. J2023A, Assessment No. 208539)

Sponsors: Prince

Unable to reach owner; laid over to September 15, 2020 @ 9 am.

1097 Suburban Avenue – 3rd try

(Voice mail came on; in 1.5 hours, the owner was called 3 times.)

Marcia Moermond: Reschedule to September 16 at 9:00 a.m.

**Laid Over to the Legislative Hearings due back on 9/15/2020**

**4 RLH TA 20-527** Ratifying the Appealed Special Tax Assessment for property at 970 WESTERN AVENUE NORTH. (File No. J2023A, Assessment No. 208539)

Sponsors: Brendmoen

Delete the assessment.

970 Western Avenue North

Abdurezak Kadir is on the phone line.

Joe Yannarely: Summary Abatement Order to “remove all debris on the boulevard and empty overflowing recycling bins,” issued April 27, 2020, compliance date of May 4, work done on May 6, total assessment of \$526. There is a picture on the summary abatement order.

Kadir: I don't know how the recycling bin was included. There was no overflow of the recycling bin. It was there on the day it was supposed to be picked up, but the City didn't pick it up. The issue of the debris was someone was drunk and driving around, and it was dropped right in front of my house. I kicked it aside. I didn't know what to do. It was not mine. Instead of putting the drivers at risk, we collected it from the street. I am a target for cleaning it up from a car that was driving around.

Marcia Moermond: The recycling bin, I'm not going to worry about that. I don't see a picture of it in the record here. I can look at the video and see if there's something there. I'm going to focus on the tire, mattress, carpet, drape, and all that material on the boulevard. You're telling me someone dumped it and you couldn't figure out what to do with it?

Kadir: Yes. We collected it from the street. I didn't know what to do.

Moermond: Somebody put it in the street in front of your house?

Kadir: I don't know where the tires came from. It's not safe. We collected it. I didn't know what to do with it.

Moermond: No history of violations at this property?

Yannarely: Nothing in the last 3 years.

Moermond: How long have you owned it?

Kadir: Since 2015.

Moermond: *If something like this happens, you should call 266-8989. That's the City's complaint line and explain it is in the street and they need to come get it. We can e-mail you that information. If it's in the street, the City will get it. It is an unsafe situation. You moved it onto your property, and the inspector didn't know where it came from. Please call the inspector to talk to them about what's going on. They don't have power to help you without having that knowledge. I will recommend it be deleted. I believe you. I would say it is the public responsibility to make sure the street is safe.*

**Referred to the City Council due back on 6/2/2021**

## 10:00 a.m. Hearings

- 5 [RLH TA 20-532](#) Ratifying the Appealed Special Tax Assessment for property at 1941 FREMONT AVENUE. (File No. J2011E, Assessment No. 208316, public hearing continued from August 19, 2020)

**Sponsors:** Prince

*Public hearing continued to January 6, 2021 and no same or similar violation(s), will delete the assessment.*

*1941 Fremont Avenue – 2 assessments at this property: RLH TA 20-531 for \$157, RLH TA 20-532, \$157*

*Dennis Lynch is on the phone line.*

*Lisa Martin: January 24, 2020, a Summary Abatement Order was issued to "remove all electronics, scrap, and improperly stored items throughout the rear yard and near alley, compliance date of January 30, 3 more violations within 12 months, there is a history there, assessment cost of \$157."*

*Marcia Moermond: Was it the same incident that caused the 2 assessments to be generated: not done by the deadline, more than 3 violations in 12 months?*

*Martin: Correct.*

*Lynch: My wife called the City to complain about the company dropping these things off. My son contacted the company. My wife said we want it to stop. The guys were dropping stuff off next to the garage. The City said to call the inspector. They sent the pictures. This company continued to do this. Finally, we confronted them. We told them we are going to call the police now. That finally convinced them, and they haven't been back. I talked to Sean (Westenhofer). He has given me an extension to get the stuff moved. I took care of it. I did the work myself. The City didn't have to remove it. There are personal issues going on with the family.*

*Moermond: You put a written statement in. How are things going now with your family? Are things a little more settled? COVID has been happening for a while. You've got all the kids there.*

*Lynch: There was a major financial burden. The other inspector came out and told me I needed to have a driveway put in. That was a huge expense. Of course, I did it, I had to do it. I have lived here for 34 years, and the driveway was not a problem. Now anything that's wrong with the house—it's an old home—it's all going to keep coming*

down. Other things that were put on the paper weren't true. That's the only reason I brought it up. They said the car was inoperable, but that's not true. That was incorrect.

Moermond: It sounds like you are back in the driver's seat in terms of the problems at your property. You have the company your son talked to, you've got that squared away. That is not happening anymore. If you don't have any founded violations from now until the end of this year, I will recommend the 2 assessments get deleted. You have to be on top of it. If somebody dumps, figure it out, get it in your garage. The City's garbage hauling program, they will do pickups of major items.

Lynch: I don't have a problem taking things to the dump.

Moermond: Depending on the size of your garage can, you should get some 2 or 3 items taken. Whoever your hauler is just call them and they'll take care of you for a few items. Let's get you through the end of this year without any problems, and I'll get these 2 things deleted. If you do have problems, I will recommend approval. I'm going to say let's keep it clean and organized through January 6, 2021. If you can do that, these 2 assessments will go away.

Lynch: I appreciate that very much. That should not be a problem.

**Referred to the City Council due back on 8/19/2020**

**6**      [RLH TA 20-531](#)

Ratifying the Appealed Special Tax Assessment for property at 1941 FREMONT AVENUE. (File No. J2012E, Assessment No. 208318, public hearing continued from September 16, 2020)

**Sponsors:**      Prince

Public hearing continued to January 6, 2021 and no same or similar violation(s), will delete the assessment.

1941 Fremont Avenue – 2 assessments at this property: RLH TA 20-531 for \$157, RLH TA 20-532, \$157

Dennis Lynch is on the phone line.

Lisa Martin: January 24, 2020, a Summary Abatement Order was issued to "remove all electronics, scrap, and improperly stored items throughout the rear yard and near alley, compliance date of January 30, 3 more violations within 12 months, there is a history there, assessment cost of \$157."

Marcia Moermond: Was it the same incident that caused the 2 assessments to be generated: not done by the deadline, more than 3 violations in 12 months?

Martin: Correct.

Lynch: My wife called the City to complain about the company dropping these things off. My son contacted the company. My wife said we want it to stop. The guys were dropping stuff off next to the garage. The City said to call the inspector. They sent the pictures. This company continued to do this. Finally, we confronted them. We told them we are going to call the police now. That finally convinced them, and they haven't been back. I talked to Sean (Westenhofer). He has given me an extension to get the stuff moved. I took care of it. I did the work myself. The City didn't have to

remove it. There are personal issues going on with the family.

Moermond: You put a written statement in the record. How are things going now with your family? Are things a little more settled? COVID has been happening for a while and you've got all the kids there.

Lynch: There is a major financial burden. The other inspector came out and told me I needed to have a driveway put in. That was a huge expense. Of course, I did it, I had to do it. I have lived here for 34 years, and the driveway was not a problem. Now anything that's wrong with the house—it's an old home—it's all going to keep coming down. Other things that were put on the paper weren't true. That's the only reason I brought it up. They said the car was inoperable, but that's not true. That was incorrect.

Moermond: It sounds like you are back in the driver's seat in terms of the problems at your property. You have contacted the company your son talked to and got that squared away. That is not happening anymore. If you don't have any founded violations from now until the end of this year, I will recommend the 2 assessments get deleted. You have to be on top of it. If somebody dumps, figure it out, get it in your garage. The City's garbage hauling program, they will do pickups of major items.

Lynch: I don't have a problem taking things to the dump.

Moermond: Depending on the size of your garage can, you should get some 2 or 3 items taken. Whoever your hauler is just call them and they'll take care of you for a few items. Let's get you through the end of this year without any problems, and I'll get these 2 things deleted. If you do have problems, I will recommend approval. I'm going to say let's keep it clean and organized through January 6, 2021. If you can do that, these 2 assessments will go away.

Lynch: I appreciate that very much. That should not be a problem.

**Referred to the City Council due back on 9/16/2020**

- 7      [RLH TA 20-380](#)      Ratifying the Appealed Special Tax Assessment for property at 2095 GERANIUM AVENUE EAST. (File No. J2011E, Assessment No. 208316) (Legislative Hearing on August 18)

**Sponsors:**      Yang

Approve the assessment.

2095 Geranium Avenue East

Xee Xiong is on the phone line

Marcia Moermond: You were sent the photographs.

Xiong: Yes, that is the car that was towed that we didn't have a key for. We told the insurance to tow it where the City needs to plow. We had talked to him and had told him that.

Moermond: If you towed it one place why can't you tow it another place?

Xiong: The insurance would only allow a tow once a month.

Moermond: *That isn't a parking spot.*

Xiong: *We told him we didn't have the keys and couldn't tow it anymore. We found the money and got the keys. And we finally were able to move it.*

Moermond: *You asked for an extension, one was granted, the work was not done. They want to charge for the extra trip involved. I'm not understanding why you shouldn't have to pay for the extra trip since you were given the extension you asked for.*

Xiong: *Because I thought he was going to come here. When he came, we didn't get to see him. He came on his own account. I didn't know we were going to be charged for that. We kept towing it out of the way so the places can be plowed.*

Moermond: *That is not a reasonable expectation.*

Xiong: *Why is that? He kept coming back. We kept telling him the tent was frozen. There was a lot of different things that he kept coming around for. We kept getting charged for stuff. He didn't tell me that. I don't want to pay for that bill when he came on his own account and charged me.*

Martin: *The reinspection is on or after a certain date. We don't typically meet with people. It's clear in the orders what the situation was and what needed to be taken care of.*

Xiong: *No. I spoke to him on the phone. When we spoke on the phone, it was my understanding we were going to meet.*

Martin: *You can always file an appeal and you could have appealed those orders at that time.*

Xiong: *At that time, we were so frustrated. It was going to be on our taxes already and we would be paying for it already. And now he comes to my address and it is still here. I talked to the supervisor of the City. She said she couldn't take it off because it was already sent to collections or something.*

Moermond: *The only notes in the system for January 31 indicated you called and requested an extension and it was granted. There are no notes that you asked for and the inspector scheduled an appointment with you.*

Xiong: *It was recorded. You guys have proof on your end, but how do I show my proof on my end?*

Moermond: *The City phone calls are not recorded. I have no idea who you talked to. Unless you call 911, there is no recording at the City.*

Xiong: *I talked to her and she said everything was being recorded. I said okay, that's fine.*

Moermond: *Are you sure she wasn't referring to the cleanup?*

Xiong: *No.*

Moermond: *I am looking at quite a history here of things not being resolved at your*

property. Your property was transferred from the inspector to the supervisor because it was an ongoing problem.

Xiong: It got transferred because the City guy kept coming to harass us. We didn't want him to come here anymore. We wanted a different City person. That is why it got transferred.

Moermond: That is not how it works. You don't get to pick the cop that pulls you over on the highway either. You get the inspector that you get. It was transferred to the supervisor.

Xiong: He was harassing us. If a cop was pulling us over that was harassing us, we can't call for another cop? I don't get it.

Moermond: We got your car on the boulevard, you have an order that it was on the boulevard, you don't think it should be charged out as an excessive consumption because you think you should have had another opportunity to discuss this with the inspector. The inspector's notes don't indicate that. You have ongoing problems at your property that follow that through July 1.

Xiong: We have ongoing problems because the City keeps harassing us. When he came, we cooperated. He kept changing his story. We just want a different City person now.

Moermond: You have the supervisor.

Xiong: People keep saying different things. You need a permit, then you don't need a permit. You guys are making things frustrating on us. We are trying our best to talk to the supervisor. That's why she came here. That's why we are having a problem now. I don't know how to resolve this issue. You keep taking money out of our pockets. It's frustrating me. They say we don't comply with them. What you have written on your side, just makes you guys look good. You are continuing to harass us.

Moermond: What I'm looking at is an order dealing with a number of things. You thought you would get another extension to talk to the inspector. You thought you'd be able to do it. He didn't grant an additional extension. I don't know why you thought you would have a default extension. I didn't see an appeal on the orders. You got this excessive consumption bill and you have another one coming down the pike. Is your property in compliance now?

Xiong: Yes.

Moermond: I'm going to charge one of the 2 excessive consumption bills. I'm going to charge this one and delete the next one.

Xiong: It is what it is. I don't know why it's not logical for me to think that he had an appointment and he told me over the phone he was going to be here and I was here waiting.

Moermond: I'm not going to go over that again. I will give you information about your appeal rights. It will also be in writing in the letter you already received from the City. If you want to provide testimony to the City Council, the letter explains that you can e-mail, you can send documents, and leave voice mails that will be transcribed and added to the City Council record. You can do all of those things to communicate to

*the City Council to look for another outcome. You can also, if the Council decision does not go your way, there will be instructions on the invoice on how you can appeal this again. I want you to be clear about the next process. Again, I am going to recommend approval of this assessment; on the forthcoming assessment—looks like it was originally billed in March--I will recommend deletion because you are in compliance. That is the best I can do for you today. Enjoy the rest of your day.*

*Xiong: Okay. You, too.*

**Referred to the City Council due back on 8/19/2020**

- 8 [RLH TA 20-372](#) Ratifying the Appealed Special Tax Assessment for property at 75 ISABEL STREET EAST. (File No. J2011E, Assessment No. 208316) (Legislative Hearing on August 18)

**Sponsors:** Noecker

*Approve the assessment. Owner is no longer appealing.*

*75 Isabel Street East*

*Mai Vang: There are 2 property addresses. The owner realized he was talking about Suburban instead. He is not appealing 75 Isabel.*

**Referred to the City Council due back on 8/19/2020**

- 9 [RLH TA 20-353](#) Ratifying the Appealed Special Tax Assessment for property at 975 REANEY AVENUE. (File No. J2020A, Assessment No. 208535)

**Sponsors:** Prince

*Delete if no same or similar violation(s) by March 21, 2021. (March 21, 2021 is in error. It should be 3/3/21)*

*975 Reaney Avenue*

*Stavros Haidos is on the phone line.*

*Olympia Haidos is on the phone line later.*

*Moermond: We spoke on July 7. We were going to send you additional information. Mai resent it. Now that you have had a chance to look at the additional information.*

*Stavros: I have to get my wife on the line.*

*Moermond: Sure.*

*Stavros: Hold on for a minute.*

*Olympia is on the phone line.*

*Moermond: You would have received the video by this time. It was sent on July 10. You seem to be interested in looking at the time stamp.*

*Olympia: There is no time stamp on it.*

Moermond: We do have a time stamp on it here. From what I can see, the crew arrived and did the before video at 8:32 a.m. and the after video is at 10:37 a.m. That is what the time stamp on the video record shows. We can send you a screen shot. The video I am looking at has the time stamp right in the beginning. There is a time stamp across the bottom of the video. How does that effect the testimony you are providing in this matter?

Olympia: This is a testimony I am giving you?

Moermond: We had a long conversation on July 7. We had you get additional information in case you wanted to use that to bolster your argument as to why you shouldn't have to pay this assessment or decrease it.

Olympia: You can see in the video that not all the mattresses were removed. In the letter that was sent that we never got, that is the issue: we never received that letter. We weren't properly served with that notice to respond to it. They removed things off the property. The handrail was not supposed to be removed. Those are some of the issues that we have.

Moermond: You said that last time, as well. I want to bring you back to the present. You're saying that after your review of the video, they didn't remove all the mattresses?

Olympia: Yes, they were ready for the garbage people anyway. When I received that description, those were not in the description. Those were garbage bags for pickup. I am looking for pictures when the complaint was written up. I'm not looking for the video. I'm looking for pictures showing what was written up. When the inspector comes and writes up the complaint.

Moermond: One mattress was frozen into the ground. They weren't able to remove that.

Olympia: I am looking for pictures.

Moermond: I have an order that says to remove "garbage, rubbish, loose and scattered litter, discarded furniture, appliances, vehicle parts, scrap wood and metal, recycling materials, household items, building materials or rubble, tires, brush, etc., from entire property including yard, boulevard, alley, and driveway." Then it mentions specifically "loose litter, bags of refuse on ground, plastic containers, tree parts on the ground and all loose debris on the ground throughout property."

Stavros: That is very generalized. Those bags were not loose litter. I had just brought them out. I personally tied them up. I put them on the side of the building, between the two buildings. They were not bothering anybody. I was waiting for the man to come to take them to the dump. They were sealed bags. They were not scattered bags throughout the yard. They were neatly placed. I see that everyone else is able to put things out and no one seemed to complain. That is why we want the before photos. You guys are talking about stuff that was supposedly complained about and we don't have a before photo. Those were put out that morning. I was waiting for the person to come. I don't see how that could have anything to do with what we are talking about here.

Moermond: So, you're adding to your argument that you don't think the garbage bags should be included. They were okay where they were. The description does include bags.

Stavros: Yes, of course it's there. You guys have written these things up to be so generalized that they are not legitimate. It's way to generalized.

Olympia: We never received that notice. Those mattresses were not included in the first notice. The second notice we received, we responded to that properly. I don't know why we didn't receive the first one in the mail.

Moermond: There is no indication of returned mail to the City. When letters are bounced back, we do make a note of that.

Olympia: You cannot justify that as proper service. It was never received.

Moermond: I'm pulling up your records. This has been in the vacant building program for quite a while. What are your plans for this?

Olympia: We are actively working on the property.

Stavros: That's why there are construction bags there. There is work that we're doing. Of course, there is going to be tied up neat bags. It was not scattered throughout the yard. We had it between the buildings. No one could even see it where we had it.

Moermond: And that's not exactly how it works. You have received enough summary abatement orders in the past to have a better idea of how it works. I'm looking at this file, and you don't have a great history of maintaining the property. There are a lot of work orders out there cleaning up your property. You're saying in this case you didn't get the order.

Stavros: Where? We haven't had one for a while.

Moermond: May 29, 2016, another work order; 11-16-18, another work order; March 16, 20, another work order, June 4, 20. And we have a fair number of excessive consumption things. The arguments you are making: 1) You did not receive the notice, 2) problem was not that bad, garbage bags were organized, you didn't think the other items in the yard were a problem, the handrail was lying there and it shouldn't matter that it was laying in the middle of the yard, 3) mattresses were not removed, there was a mattress remaining that was frozen in place and that should have been removed as well. Am I missing a point you are trying to make?

Olympia: You don't have pictures of any of this information that you have given us. You don't have a before picture of when they wrote the complaint. That is a big issue.

Moermond: I gather you think it is a big issue. I am really struggling because you are not maintaining the property up until now. Since March, there have been additional orders on the property. I don't know what to do with you on this.

Olympia: It is the neighbor causing this issue. It's the neighbor putting this trash out. You have the inspectors come out there. It is not on our property. It is on their property. I am a vacant building and it is an easy complaint to write against me, but it's not us. We have had a conversation with the vacant building inspector. I think his name is Gavin.

Moermond: The inspector who wrote this is Rick Gavin. He has written other orders, as well. For the order to be written, the inspector has to go there in person and write

*this out. It is them making a finding in the field that these are violations.*

*Olympia: If it was a complaint called in.*

*Moermond: All of these have to be founded complaints, so whether or not the inspector was making a regular visit or there was a complaint based inspection, there has to be a determination by the inspector that an actual violation exists to justify the order. It doesn't matter where it came from. We had discussion last time and we found it was a complaint based inspection. Is a neighbor calling it in? Could very well be. They get to call these in. Whether or not it's founded is another matter. I don't know how often you go there. The legal obligation of the City is to provide you notice via first class mail. With no returned mail, I don't know what was going on with that. You said you received mail in Chicago, but you live here?*

*Olympia: We never received anything.*

*Moermond: Ms. Martin, do you have anything to add?*

*Martin: When we receive a complaint, the inspector does go out there. If they find the complaint is valid, they will issue a summary abatement. We do not take photos at that time. We take photos when we send a work order or the work crew will videotape it if any of those items do exist. We don't take photos every time we go out there on a complaint.*

*Moermond: This is scheduled for City Council March 21, 2021. I'm looking at since February 2016, 13 summary abatement and vehicle abatement orders that your property has received. I'm wondering what you can do different to manage this situation better?*

*Stavros: We have not had anything against this property in the last 5 to 6 months. We are actually doing a good job for the last 6 months.*

*Moermond: June 25 is not 6 months ago. June 25 is not even 2 months ago.*

*Stavros: What happened in June?*

*Moermond: A summary abatement letter was sent to you on June 25.*

*Olympia: Again, are there pictures?*

*Stavros: Have we received anything Olympia?*

*Olympia: No.*

*Stavros: I haven't seen a thing.*

*Olympia: What is the description of that complaint?*

*Moermond: We just had a report from the inspector indicating they take photos when they go out to make a determination if a work order has been issued, and this summary abatement was not work ordered. I asked you a question about how you think you can manage this moving forward. Your answer is that you are managing this okay for a little while. How are you going to keep this in good shape?*

Stavros: We have cameras around the building now that we're monitoring outside. When people dump stuff on the property, we right away see it and clean it up. We have a house next to us; people there are very unruly. Police have been called there numerous times. I'm sure you can see that in your records. These people continually throw garbage. They throw it over the fence. I have garbage falling over from their yard into my yard continually. When the visitors come, the first thing they do is empty out their cars full of garbage into our lot. Daily, I have to clean up. This is a vacant building, so it is not from us. It is from the building next door. I have cameras. That is how I am taking care of it. I'm keeping on top of it. It's an unfortunate situation that we have a building next to us that is very poorly managed.

Moermond: Martin, how would you suggest they reach out to the neighboring property owner to have a discussion about this?

Martin: Usually you can find the information for the owner or responsible party and give them a call.

Olympia: It's a property management company. I've tried reaching out to them. They are unresponsive. I haven't been able to reach the owner.

Moermond: That's the best advice that I have is to do what you did: install the cameras and reach out. In terms of the work the City did, I believe the City met their legal obligation to send this first-class mail and we do not see returned mail. My first priority at this point is to keep this from being a nuisance property moving forward. It clearly has been a nuisance property to date. This is scheduled to be in front of the City Council on March 21, 2021. If you can keep the property clean without orders, I will recommend the whole thing be deleted by the time it has its public hearing.

Stavros: Thank you very much. I appreciate that.

Moermond: No orders to March 21, 2021. Good luck.

10/14/20: Update: Legislative Hearing Officer has indicated a March 21, 2021 public hearing date which is in error. This should be on public hearing for March 3, 2021. Will delete if no same or similar by March 3, 2021. mv

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

**10**     [RLH TA 20-526](#)

Ratifying the Appealed Special Tax Assessment for property at 1252 SEVENTH STREET EAST. (File No. J2011A, Assessment No. 208510)

**Sponsors:**     Yang

Reduce from \$470 to \$150 if no same or similar violation(s) by January 16, 2021. PH is in error. It should be January 6, 2021

1252 Seventh Street East

Thomas Demarco is on the phone line.

Lisa Martin: A summary abatement order was issued October 25, 2019, to "remove mattress next to garage," compliance date of November 1, total assessment \$470, no returned mail, no history at the property.

Demarco: My wife and I bought it in April. We moved out and we weren't seeing any of

*the letters. We now know we have to change our address to several entities. We now know that. Beyond the garbage, people dump things. We pay for neighborhood trash to be removing things. I was out of the country for work, and we were relying on people to check the property. Mail was being forwarding to us. We acknowledge our responsibility to maintain our address and be informed of these things. Mattress and tire are extremely high. We are asking if it can be waived one time. We now know the full process. We apologize. I was just curious if it can be waived this one time.*

*Marcia Moermond: Duplex?*

*Demarco: It is a duplex. We owner-occupied it for the first 6 months.*

*Moermond: Breakdown of costs?*

*Martin: \$308 for the cost, \$162 was the service charge, for a total assessment of \$470.*

*Moermond: \$308 is comprised of a minimum hourly charge of \$260 plus the fee for removal of the box spring?*

*Martin: That is correct.*

*Demarco: I'm just curious: could you explain why somebody is receiving \$260 for an hour of this work?*

*Moermond: There is a minimum one hour charge. Parks and Rec sends a crew out. They are not a garbage hauling service. They are just there to handle this single problem. The City charges it in a way that encourages it to never happen again. Are you aware you get bulky item pick up because you have the city's garbage hauling service?*

*Demarco: Yes and we have used it many times. We never received the letters. I understand it is our responsibility to keep the property maintained.*

*Moermond: This is on the public hearing in 2021. I'm willing to work with you, but not willing to forgive it entirely. No violations by 2021, I will get it down to \$150.*

**Referred to the City Council due back on 1/6/2021**

### **Special Tax Assessments-ROLLS**

- 11 RLH AR** Ratifying the assessments for Property Clean Up services during April 30  
**20-123** to May 13, 2020. (File No. J2023A, Assessment No. 208539)

**Sponsors:** Brendmoen

**Referred to the City Council due back on 6/2/2021**

- 12 RLH AR** Ratifying the assessments for Property Clean Up services during May 15  
**20-124** to 28, 2020. (File No. J2024A, Assessment No. 208540)

**Sponsors:** Brendmoen

**Referred to the City Council due back on 6/2/2021**

**11:00 a.m. Hearings****Summary Abatement Orders**

- 13 [RLH SAO 20-10](#) Appeal of Michelle Pettit de Dimayuga to a Summary Abatement Order at 199 DUKE STREET.

**Sponsors:** Noecker

199 Duke

*Michelle Pettit de Dimayuga is on the phone line.*

*Marcia Moermond: I had a chance to look over the document you provided. I think that's a great start. I've got a really good idea 2 dimensionally of what's going on. What I don't have is that 3-dimensional idea and I don't have timelines for the things that need to be fixed about when they should be fixed. Lisa Martin and I are going to visit the exterior of your property, if that's okay with you, on Friday morning at 9:00 a.m. so we can go through things a little bit.*

*Dimayuga: Sure.*

*Moermond: If you're there, that's great. If you're not there, I'm just looking for permission to walk around your yard.*

*Dimayuga: I'll be here.*

*Moermond: Lisa Martin and I will be there on Friday morning at 9:00 a.m. to review the plan and put in place what the expectations will be for addressing things, okay?*

*Dimayuga: Okay. Sounds good. Thank you. I appreciate it.*

*FOLLOW-UP: September 1, 2020 deadline to fill in trenches abutting sidewalks and curbs. October 1, 2020 deadline to decrease height of mounds and plantings to 18 inches within 30 feet of the intersection. Legislative Hearing officer recommends the Council find the rest of nuisance condition has been abated.*

**Referred to the City Council due back on 9/2/2020**

- 14 [RLH SAO 20-15](#) Appeal of Joe Sansotta to a Summary Abatement Order at 400 HATCH AVENUE.

**Sponsors:** Brendmoen

Grant to October 16, 2020 for compliance.

400 Hatch Avenue

*Joe Sansotta is on the phone line.*

*Marcia Moermond: We talked last Tuesday, and you were at a clinic.*

*Sansotta: I had an inner ear infection that I had to take care of.*

*Moermond: My job is to hear the appeal of this order on your property.*

*Lisa Martin: On July 20, we issued a summary abatement order to remove overhanging tree vines. As of this morning, the alley is still not in compliance.*

*Moermond: When you go out and look at these conditions, he believes it was City property, but that is not how the City interprets trees on the alleyway.*

*Martin: All of the properties in Saint Paul have sidewalk and boulevard areas that belong to the City but it's the owner's responsibility. Same way with an alleyway. In this situation with overhanging trees, the alley right-of-way has to be cleaned edge to edge. That is to make sure our emergency vehicles can get through.*

*Moermond: The sidewalk and alley belong to the property owner, but the public has an easement over that portion of the property so vehicles and pedestrians can pass over the property. You have to shovel the walk, mow the lawn between the sidewalk and the street. You were thinking it isn't your responsibility and legally it is. You have a new job to do on your property that you weren't expecting to do. You obviously weren't aware, and a lot of people aren't. I want to be reasonable to give you a chance to deal with this.*

*Sansotta: I bought the property 20 years ago. Ten years ago, I got tired of picking up tires and things dumped back there. I contacted the City, I told him what I wanted to do back there, put down some plastic, and make it look nice and easy for me to maintain. He said that homeowners cannot claim an easement on City property. Anything they do can be undone. If I have to clean it and maintain it, I want it to look nice. I maintained it for the first 10 years and the City has been maintaining it. I cut down a tree that was hitting the property line. The branches are in my yard in a compost pile. I cleaned up 30% back there. The overgrowth, I don't have the money now to fix it up and make it look nice. As soon as I cut the vines out, I don't have my privacy.*

*Moermond: I wasn't hearing that the expectation was you cut it all down, but to trim it down. The City didn't trim the area across the back of your property; it was Xcel Energy. I don't know what your conversation was with the inspector. Looking at your situation now, the vegetation just needs to be flush with the alley line so it's clear for trucks to go through. Ms. Martin, How do you talk to people about alleyways?*

*Martin: You just make sure the alleyways are trimmed. Xcel will trim their part. The City will charge property owners if it does the trimming.*

*Moermond: There is an encroachment (of vegetation) in the alley way from 1 to 2 feet.*

*Martin: If you look at the photographs and the edge of the alley, it is 2 feet. The pavement and 14 feet up have to be clear.*

*Moermond: There is a chore back there. I'm still coming back and saying that I have to hold you accountable for doing this work. It doesn't sound like the conversation you had with City was as clear as the conversation we are having now.*

*Sansotta: I called the number on the order. First of all, the order was an order. There was a thing that says criminal action. I'm riled up about that wording. I called the*

*inspector. I left a message. I called him at noon. I left another message. That's when I filed an appeal. I spent a good 10 hours trimming the tree down and severing a lot of the vines that are growing. Now, it's crystal clear that I don't have to trim everything off. That would have been nice to know. I severed everything that was grown down to the ground. I realize they are busy, but a callback would be nice.*

*Moermond: Ten years ago or today?*

*Sansotta: No, that was today. I told the City guy he could put the garbage cans here. He says I can't claim an easement on the property. From the retaining wall to the pavement, I just wanted that to look nice. He said you can do whatever you want to do, but anything you do can be undone by the City. That was 2010.*

*Moermond: It would be useful to talk to an inspector about the way things are and to talk about what will work and what will not work*

*Sansotta: If the inspector would like to meet with me, I'd like to talk about what I want to do back there. There are garbage cans back there. Everything could get lined up against the wall.*

*Moermond: Do you have a thought about how to move forward.*

*Martin: Richard Kedrowski is very well versed in boulevard plantings. I would be happy to pass on his phone number.*

*Sansotta: That would be great.*

*Moermond: There are plantings you can do as long as it doesn't encroach. Between the pavement and the retaining wall, I don't see that there is an issue. I think you should have until mid-October to do whatever, going in another direction, trim. October 16.*

*Sansotta: Yes. I'll put all the branches and vegetation on my portion of the fence.*

*Moermond: Kedrowski will be giving you good insight, as well. October 16.*

**Referred to the City Council due back on 9/2/2020**

## Correction Orders

- 15 [RLH CO 20-12](#) Appeal of Alan Hausladen to a Correction Notice at 103 MAGNOLIA AVENUE WEST.

**Sponsors:** Brendmoen

*Layover to August 25.*

*103 Magnolia Avenue West*

*Kim Anderson is on the phone line.*

*Marcia Moermond: You are representing Alan Hausladen (appellant). What capacity?*

*Anderson: Just a friend. He does not quite understand terminology and stuff.*

*Moermond: I respect that he's asked you to represent him, but ultimately he is responsible for answering this.*

*Anderson: He is aware of that.*

*Lisa Martin: Correction notice issued July 31, 2020. A lot of serious issues. Looks like he is renting out the place, converting it to a triplex, people sleeping in the basement, no permits pulled for work done, 11 different deficiencies. We are asking for them to convert back to a single home.*

*Anderson: That is what we are trying to do. We are running into a problem. The person staying in the basement will not leave. He refuses to go anywhere. We tried the police. That is where we are now. We want to put it back to where it was.*

*Martin: The owner clearly rented out this space. With no egress window, it is not legal for anyone to be sleeping there.*

*Moermond: There situation would normally result in a condemnation of that space for human habitation, and I don't see where your inspector condemned this.*

*Martin: The inspector talked to the owner. The inspector was under the impression that the owner was going to get him out. It is up to the owner.*

*Anderson: I had the police out there. We are trying to get him out of there. We didn't know it was not up to code. We are trying to get him out. He refuses to go.*

*Moermond: Why has he created this as an illegal triplex? He built the house to be rented out in a way that creates this problem situation.*

*Anderson: He was having me move in with him. He was not making it a triplex. There is only one kitchen in the whole house. We put in a door so he could lock it. We put another door upstairs. We put 2 doors with locks on them to keep him out of our areas.*

*Moermond: You know this puts you in danger of having to leave the house, as well. The department is looking for the house to be safe for human habitation. He as the owner created the situation that got him in trouble: Work without permits, electrical problems, person he rented to, the doors separating the places, safely getting out from a sleeping area.*

*(connection was lost; we called appellant back)*

*Moermond: There is trouble with the situation and how long it's going to take to get this resolved. Sleeping in a basement will get a person killed.*

*Anderson: We requested an expedited hearing. We're waiting to hear.*

*Martin: What we need to do is condemn that basement which means that whoever is living there will need to be vacated. From 8 to 8 they can clean out their belongings, but they can't cook, shower, etc.*

*Moermond: Inspector?*

*Martin: Williams. The owner can contact the police department that there are people illegally occupying the basement.*

*Moermond: Ms. Anderson, I'd like to talk to you next week. At that point, we will have Hausladen on the line, too. Right now, Willie Williams will condemn the basement. I'm thinking the very fact that the space is being condemned is in your interest. Once you have that condemnation in your hands, you should get it to the court system. You should continue on both tracts. If the court system knows that information, you will be in a better position.*

*Martin: There definitely needs to be a plan.*

*Moermond: Are you home tomorrow?*

*Anderson: Yes.*

*Moermond: When should she expect someone?*

*Martin: Between 9 and 10 a.m.*

*Moermond: We will talk next week between 11:00 and 11:30. You and Mr. Hausladen will get an e-mail. Address?*

*Anderson: (Gave it.)*

**Laid Over to the Legislative Hearings due back on 8/25/2020**

## **11:30 a.m. Hearings**

### **Orders To Vacate, Condemnations and Revocations**

## **1:30 p.m. Hearings**

### **Fire Certificates of Occupancy**

- 16**    [RLH FCO 20-98](#)    Appeal of Cheryl Golden-Black to a Fire Certificate of Occupancy Approval with Corrections at 905 MARYLAND AVENUE EAST.

**Sponsors:**        Yang

*Grant to November 20, 2020 for compliance.*

*No one appeared*

*No answer, Moermond left voicemail at 1:37 pm August 18, 2020 – following up of July 28 hearing, we will try back in 10 mins.*

*voicemail at 1:54 pm August 18, 2020 – we sent you a letter July 31 indicating we'd follow up today between 1:30 and now, and you were going to contact Mr. Perucca.*

*Moermond: in the letter we sent, we noted we were unable to get ahold of her when we called her and Mr. Perucca tried to get ahold of her and stopped by the store, and she*

did not reach out to him so my recommendation is based on a paper review of the orders in front of me and Mr. Perucca's insights.

Commercial Fire Inspector Supervisor Perucca: looking at photos, the second photo down shows a piece of plywood and this is a story and a half and what is unique is we're looking at the ceiling as starting at the knee wall on the left and going up. The code section she called out was General Storage 315.3.1 ceiling clearance. It talks about sprinkled areas of the building; the intent is for firefighters to be able to get a hose stream above and over storage to parts of a room should they be trying to put out a fire. Here, that second photo shows storage that is up against the ceiling and there would be little chance for penetration for a hose stream to pass the storage.

Moermond: if that shelving unit with the wire baskets on top, that looks not flush against the wall. If it was flush would we have the same concern?

Perucca: no, one of the exceptions is storage along the wall, that doesn't have to be 2 feet down. So if there was a square room, you could have it against the wall to the ceiling and not affect hose stream.

Moermond: like the white shelving unit there.

Perucca: yes, if you happened to go to the next photo, this is stuff stored on the plywood, which goes virtually up to the peak of the ceiling. This area is the area of appeal, the other issues have been abated.

Moermond: right.

Perucca: it might reduce some of what she can put there, but anything up along the knee wall would be fine if there was something parallel and have storage on either side down the middle that would be acceptable. It is an odd space and I don't think they're using it to its full potential.

Moermond: if I say reconfigure so storage within 2 feet of ceiling is flush with wall is there any sort of depth concern with that? She could do 4-6 feet of storage, is there concern that way?

Perucca: if we concentrate on the center under the plywood, like if the white shelving was turned 90 degrees she could achieve the same if not more storage, and then use whatever wall space for additional storage. What is above the plywood needs to be reduced, there could perhaps be some low profile items but I don't know exactly how far back we are in the room to be able to get a hose stream above. I'd suggest removing it all together.

Moermond: is the suspended piece of plywood itself a code problem?

Perucca: not per se.

Moermond: you cannot store anything underneath unless it is 2' below and can't store anything above it.

Perucca: I would say, it would be to her benefit to remove the plywood and get more storage using shelving following the roofline and still meet the 2' requirement from clearance from the ceiling and peak of room. Removing plywood would be a plus and rearranging things she could achieve better access.

*Moermond: without having had access to the property, Mr. Perucca noted that removal of the plywood may create more storage by utilizing center storage units and wall units that are higher. We can volunteer that to her.*

*Perucca: It would appear it is probably close to the lamp, so I would be concerned about both layers.*

*Moermond: no storage at all on top of the plywood. We will send a letter saying that, with a deadline of Nov 20. The only enforcement mechanism after that is revocation so we might as well give her until then.*

**Referred to the City Council due back on 9/2/2020**

17 [RLH FCO  
20-104](#)

Appeal of Kodjo Alagbo, Sunrise Grocery, to a Reinspection Fire Certificate of Occupancy With Deficiencies at 440 UNIVERSITY AVENUE WEST.

**Sponsors:** Thao

*Grant to November 1, 2020 for compliance.*

*Kodjo Alagbo, owner, appeared via phone*

*Moermond: following up on appeal of orders with the fire inspector. When we spoke August 4 I said I would talk to supervisor of commercial inspections for any alternatives. You had slide bolts, that wasn't acceptable, then you put the bar in place, that wasn't acceptable. I have on the line James Perucca, the supervisor of commercial inspections. He's seen the photos and talked with his staff to see if there are any alternatives.*

*Commercial Fire Inspector Supervisor Perucca: I have reviewed some of Inspector Huseby's photos and wanted to go over what conditions have existed and what is acceptable to fire code and life safety concerns. Within your occupancy. It is a mercantile use. You do have the two double doors with the panic hardware. Anytime we're looking at exiting requirements to get out of a business like yours, we're looking at one motion. Any other additional locking devices that weren't designed with the door, those take additional movements to open and in some cases, like in a fire, it is possible that changing heat and other conditions will make those option inoperable, so that's why from a safety standpoint we need a better solution. The first thing that comes to mind is a 3-point locking system that can be applied to panic hardware, those are very secure and resistant to break in and tampering.*

*Moermond: can you describe how a 3-point locking system works?*

*Perucca: you'd have the panic bar with one motion to activate the locking system, there's a device that connects the two leaves of the door together and then a point above the door frame and into the floor that's activated at the same time. So, when they are secured in lock position, all 3 points are making contact with the frame. Each door has 3 points of contact from the exterior and it is extremely secure. Your intent appears to be to keep your merchandise safe, exiting would still only take one motion and the panic hardware bar would open the door. There are a number of different manufacturers of this type of hardware, price we do not look at.*

*Moermond: going back to the beginning, the double panic release doors are code*

*compliant themselves, but I understand you want a higher level of security. The bar doesn't meet code but a 3-point locking system does meet code and doesn't impede exit in an emergency.*

*Alagbo: when you're talking about exits and stopping time. This isn't locked during business hours, it is only at night when I leave at 10 pm. When the store is open it is not there. That's the only in and out right now.*

*Moermond: right, the problem is the fire code is 24/7. I hear what you're saying, no one is supposed to be there, but if someone did break in and needed to get out then they can't in an emergency. I want to give you a chance to scope out the cost, figure out how you want to deal with it, talk to contractors. I'm inclined to recommend you get a couple of months to deal with this.*

*Alagbo: yes, I'm going to try to get some contractors to come out. That door was like \$12,000.*

*Moermond: we'd be happy if you didn't need to replace, just added the new locking mechanism.*

*Alagbo: I had a locksmith come look at it, that's when we added the bar. I want to make sure I get the right thing, if they could give me samples that are appropriate and allowed that would be helpful so I can get someone to add it.*

*Moermond: we will send a letter and we will grant to October 16, and we'll say one of the ways to come into compliance is to put in a single motion 3 point locking system on the door. Any locksmith will understand that. Mr. Perucca can send a diagram and we will put it in the letter. If you have any questions, we'll include Mr. Perucca's contact information to ask about specifics*

*Alagbo: can you give me longer than October?*

*Moermond: I'm concerned about the bar, I'm uncomfortable even giving you even the two months.*

*Alagbo: I'd like to December*

*Moermond: I'll give you until November. It's a serious fire code violation. I'm seeing it as a red flag issue, Mr. Perucca do you see it that way too?*

*Perucca: yes, it is a major concern, we need free access at any time.*

*Moermond: I will give you 2 months and 2 weeks, to November 1, 2020, I can't do anything more than that. I know businesses are affected by civil unrest and Covid, I am sympathetic, but this is also dangerous. We will send you the letter confirming the details and will give you the contact information.*

**Referred to the City Council due back on 9/2/2020**

## **2:30 p.m. Hearings**

### **Vacant Building Registrations**

18 [RLH VBR 20-56](#) Appeal of Cory Johnson, Renova Homes, to a Vacant Building Registration Notice at 1670 SEVENTH STREET EAST.

**Sponsors:** Prince

*Allow permits to be pulled; layover to September 1, 2020 for permits to be finalized and further discussion.*

*Corey Johnson, owner, appeared via phone*

*Staff report by Supervisor Leanna Shaff: this started out prior to the Fire Certificate of Occupancy as a referral to fire safety inspection for over-occupancy, February 4, 2020. Inspector Thomas responded to the complaint and found that there were actually 8 people living in the house, on February 11, 2020. It was due for a Fire C of O inspection, so Thomas performed that. We have been there since: on March 12, April 8, April 24, July 6, and August 5. This was in your hearing room and before Council that it was revoked for life safety issues and long-term noncompliance, they got a deadline and then an extension to August 5. They had someone replace the water heater, in doing so they bought it at Home Depot and had someone install it, and no permit was pulled and he pulled the chimney liner and tried to stuff it back in. It needs a chimney liner and part of the extension was so the previous owners could get the funds to do this. They didn't get a permit, or the work done. There were a couple other items, if they didn't have it done by August 5 the property was supposed to be vacant, which we did so it was sent to the Vacant Building program for the second time.*

*Moermond: Lolita Francisco was representing at the time on behalf of her son Lowell.*

*Supervisor Matt Dornfeld: nothing to add, we opened a Category 2 Vacant Building per fire inspection referral, we do believe the home remains occupied and there have been some neighbor complaints referencing inoperable pickup, junk in the rear yard. I have spoken with the new property owner and told him the process and advised him to file the appeal.*

*Moermond: we have property maintenance issues on the exterior, and we talked before about the tenants.*

*Johnson: my company, Renova, purchased the house July 31. I was aware of the water heater and dryer vent. My intention was to get the contractor in and pull permits by August 5, but the tenants changed the locks and the Lowell's didn't have access to their own property, nor did I. I didn't realize this until the day of closing. I wasn't aware of the chimney liner either. I have letters detailing the deficiencies and didn't see that in there. The contractors were unable to get in by the August 5th deadline. That's why I'm asking for the extension. I have talked to the tenants, and they have indicated they are going to cooperate. I still have to deal with the locks and the refuse in the yard, they are a nuisance to the neighborhood. I'm trying to figure out how I can get them out. As far as code violations, that's my intention. I would also ask the vacant building fee be removed so I don't have to pay it while I fix the violations.*

*Moermond: what is your long-term vision for the property?*

*Johnson: I didn't want to be a landlord. They're supposed to be on a month to month lease. The 8 people living there is news to me. Nicolas and Jaden are who is supposed to be on the lease. My intention was to get them out, repair it and sell it to family, just to flip it. I'm trying to figure out how we can make that happen.*

*Moermond: I'm in a public policy quandary on this one. On the one side I have Lolita Francisco, which is get the City act as her eviction agent to turn the property without tenants, so she was not doing the repairs. This is the middle of Covid and this isn't housing court. I wasn't eager to be her henchman, I wanted her to do the fixes and deal with the tenants herself. On the other side, if we pursue this as a revocation and people must be out, then the city has cleaned house for you. If we do that, the price for you, is that you are in the VB program. Both of these policies are in play. I don't know who these tenants are, but when I was looking at it, I didn't want to be in that chair. The code issues are not horrible, they are doable, you're a flipper and familiar with the work. I'm going to lay this over for two weeks and allow permits to be pulled. I'm going to hold the Vacant Building fee over your head and the vacate over. If the permits can be signed off in 2 weeks you are out of the Vacant Building program and the C of O is in place. If you can't, you're in the program and your certificate is pulled.*

*Johnson: this is new to me, with the landlord aspect. My understanding is the City wouldn't give them the boot because of Covid, so is that something that could happen? I've approached one of the tenants with paying them to leave. The other I'm not sure I'm in agreement with. If it goes into the Vacant Building program, will the City remove them?*

*Moermond: I'll say the problem your faced with was considered for the price of the building, and I'll turn it to staff for the current process of vacating a registered vacant building.*

*Dornfeld: currently, unless it is an extreme life safety issue with imminent danger, we are not legally allowed to vacate properties at this time. I don't see those imminent life safety issues in this case.*

*Moermond: not until winter with the venting.*

*Shaff: using the furnace, come early October is going to make the issue worse, but right now we're not property venting, we don't know that the water heater installed without a permit is installed correctly and venting correctly.*

*Moermond: We have you dealing with this in two weeks, the cleanest thing is to not be in the Vacant Building program for you, I want to give you that chance. You inherited problems from the previous owner, but you knew that prior to the transaction. You have this two week grace period.*

*Shaff: I'd be curious what your attorney says about evicting them.*

*Johnson: I've asked but I haven't retained him, I'm kind of gathering evidence. I'd rather just pay them off to leave, that would be my preference.*

*Moermond: if you go to the City's website, to the Police Department, there is a link for landlords there and you can find out if there is activity there with police calls and such. That is public information up to a point.*

*Shaff: we're not attorneys and can't give legal advice but even in the pandemic there are some situations where you can follow through on a legal course, and I would encourage you to retain an attorney for advice rather than doing it on your own.*

*Moermond: we'll talk in 2 weeks and hopefully we'll see 2 final trades permits.*

**Laid Over to the Legislative Hearings due back on 9/1/2020**

**3:00 p.m. Hearings****Other**

- 19 [RLH OA 20-7](#) Appeal of Heather Appert to a denial of a Request for Fence Variance at 1055 BRADLEY STREET.

**Sponsors:** Brendmoen

*Grant a 1-ft variance on the height of the proposed fence.*

*Heather Appert, owner, appeared via phone*

*Staff report by Building Official Steve Ubl: I'm looking at the building code for residential dwellings and the legislative code for St. Paul. In this case you asked to entertain a fence, which is greater than 7 feet allowed by building permit, seen as accessory structures. A building permit isn't required if they are 7 feet or less, you are asking for 10 feet so it needs one, and we're asking how you would structurally design that to design the wind loads in Minnesota. I'm looking at your drawing and it appears you want to use 14' cedar posts at a 4' depth, the photographs I've seen appear that you are attempting to put this on top of a sloped retaining wall, is that not correct?*

*Appert: that is incorrect, I received a permit for a 7' fence, it is constructed, we're just waiting for this to see if we need to trim it down to the level what we can do. It is flush in our yard on our ground.*

*Moermond: does that boulder retaining wall belong to you or the neighbor?*

*Appert: the neighboring property. This is the tricky piece, there has been a neglected strip of about 18 inches that is on our property, but it is their property line.*

*Moermond: that doesn't make sense.*

*Appert: they have this boulder wall, the retaining wall, and then a 4' piece of fence on top of the retaining wall. From that point there property lies in our backyard about 18 to 20 inches.*

*Moermond: how is there property on your property?*

*Appert: it appears like it is our property, but they have never kept it up.*

*Moermond: so their fence is constructed in their property line, and between that fence is the boulder retaining wall that belongs to them that isn't maintained. The place you constructed the fence is within your property line?*

*Appert: correct, I had a survey done. Again, I don't know if fence is the correct word, it is more of a screen, so there is no panel, there's a post with cables strung between spaced 12" apart, and ivy will grow up the cables. It was my effort, they have a camera that sees into our kitchen and our backyard, it is to attempt to block that. They also have two large animals that bring a lot of flies, so we're hoping a large fence will prevent and help that.*

*Ubl: the top of the retaining wall, can you tell me how far away that is from your fence?*

*Appert: it is their property line, plus six inches.*

*Ubl: so six inches?*

*Appert: from their property line, it would be 2 and a half feet.*

*Moermond: from the pictures it looks like there's boulders holding up a small hill.*

*Appert: in the back there is a retaining wall. The previous owners put a fence in the alley and used it to prop up their fence because it is falling in.*

*Ubl: I appreciate the information, it helps, however to continue, I have a situation where it appears you have 4x4 posts staggered connected by a cable.*

*Appert: I will be yes, after this process.*

*Ubl: we have to look at how it withstand the elements. At some point there will be a load factor with the vegetation, we have to anticipate those loads at their maximum. Is it far enough away from the retaining wall so there isn't an impact on its surcharge. I had to ask about that. We also have to consider, it doesn't appear you can connect those cables beyond the last 2 posts, they will be self-supported, meaning there will be some tension. We calculate that and the lateral loads, size of footings, and can you tell me what the size of the posts and footings are.*

*Appert: 3 feet, and the have 2 feet of concrete and peat rock. My brother is a contractor and we had someone who is an inspector for the City of Cottage grove. We felt burying the posts 3 feet and creating a supportive structure on top would be enough to withstand the elements, the posts are 6x4, the 6" are the fatter end to the north if that helps.*

*Ubl: I appreciate that information, I'm not too concerned about design as far as vertical loads, it's the tension. How far is it from the retaining wall and it listing. All that fun stuff would have to be calculated, I can talk to our structural engineer, and the legislative code says anything beyond 7' has to have a variance by the building official. The variance affords me two criteria to assess the design and the purpose. The purpose doesn't necessary reflect what I can sign off on, the topography and animal nuisances, which I don't hear is the case. I'm handcuffed on a couple angles on signing off on the fence variance. So that's basically why I'm saying no to the variance.*

*Moermond: would you call this a structure in terms of the building code?*

*Ubl: yes, it is an accessory structure.*

*Moermond: ok so the building and legislative code chapter 33 is in play. I read in your statement you have concerns about an antagonistic relationship with your neighbors. I did see record of the barking dog called in and a pig. I did talk to animal control about this, and they do have the exotic animal license with no complaints. I sent an officer out to check conditions and they found the yard to be clean and organized and not smelling, an no pig was present. They noted that 75% of the neighbors within 100 feet of the property need to agree to get the exotic animal license, but they met that threshold. What I was trying to do was see if the complaint record met a nuisance condition and I don't think it can be made. What your biggest concern is the camera*

*pointed at the house and that is creepy, I do agree. There is a lot of neighbors who do this, we don't really have any legal recourse on this. If it becomes a matter of feeling harassed by it, then the means to deal with it is a civil action. There's no obvious provision for me to say that that is a reason to recommend a 10 foot fence.*

*Appert: they've done a better job on the yard since they've had calls, but the dog does bark all the time when it is outside. My initial offer to them was to replace the cedar panels in their fence, and the wife panicked that we would own their home and they accused me of harassing them when I tried to share the letter I had done by a lawyer to put in writing that wasn't the case. I'm a good neighbor and have lived in St. Paul my whole life. I get there are rules, but we really are 4' down, so if they put a 7' fence on their property that would be 11 feet over my property. It's a drastic elevation change, they aren't taking care of their fence and they don't have the money to fix the retaining wall when it falls in. I wanted to create something both sides can enjoy. It is an unfortunate situation, it is an unnerving thing with the camera, if I don't get the variance they can still see in our backyard. The 7' fence would go to the top of their fence which doesn't hide it from the camera.*

*Moermond: what's stopping them from moving the camera up if you do that?*

*Appert: they could, but that would be really bizarre. They have to use a ladder to go up there now. I don't know what to say about that right now. It wouldn't seem feasible to me.*

*Moermond: I'm struggling here. I get the quandary that you're in, but I'm trying to keep the reason for the 7 foot height maximum, which is to keep neighborhoods feeling residential. I'm sensing you're wanting to do with the plantings so it has a softer impact than a privacy fence would have. At the same time, that's a tremendous variance in a residential area. I'm not convinced it is going to solve your problem either. I will recommend a 1' variance, not a 3'. They could look at it differently. You'll get a letter outlining how you can submit additional information to Council, they will see the notes you already submitted. Right now, I would only recommend the 1' variance. It is difficult to have a bad neighbor.*

*Appert: I'm getting emotional, this might be kind of evolving but we're so close to the City and it is tough. We're in a tough block. At what point do you say uncle. I understand the inspector's point. I appreciate the 1'. I will probably try with the Council.*

*Moermond: I sympathize, I know it can be an uncomfortable situation.*

**Referred to the City Council due back on 9/2/2020**