



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, December 13, 2022

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 22-48](#) Ordering the rehabilitation or razing and removal of the structures at 523 BEAUMONT STREET within fifteen (15) days after the September 21, 2022, City Council Public Hearing. (To refer to December 13, 2022 Legislative Hearing)

Sponsors: Brendmoen

Layover to LH January 10, 2023 at 9 am to discuss rehab plans and schedule and prelim bids.

Ed Drops, Greater Midwest Realty o/b/o GITSIT Solutions, appeared via phone
Araiza Hargrove, GITSIT Solutions, appeared via phone

Staff update by Supervisor Joe Yannarely: after the last meeting it was determined close of business Nov 9 an updated statement from the financial institution saying they will address all items in the Code Compliance Inspection Report that was just issued November 30. Bids, schedule.

Moermond: and my understanding is the Code Compliance Inspection Report wasn't issued until November 30. When I saw that date I thought you'd need more time to develop bids and a plan. Is that right?

Hargrove: I actually called in November 29. When I didn't receive it, then I got it and we immediately sent it out to contractors to look at. We just sent in the letter and updated bid this morning.

Zimny: we haven't seen an email.

Moermond: respond to the letter you got from Joanna Zimny. I don't see that email in my inbox. I'm glad things are moving forward. Without seeing that, can you tell me do you need more time to pull together bids?

Hargrove: it was definitely a rush.

Moermond: I can schedule a Legislative Hearing in four weeks. Will you want to pull permits before then? Or does that timeline work to review your plans then?

Hargrove: we have the title issue and redemption period too.

Moermond: that's right. Let's review plans January 10th and we'll have something in place that will still be relevant. August of 2023 is the end of the redemption period?

Hargrove: yes.

Moermond: I'm going to put out there that this Councilmember for this area will be leaving the Council the end of 2023 and it would be great to have it done by the end of the year. With this much lead-time hopefully the contractors can be scheduled in a concise way to get through this.

Hargrove: that could definitely be possible. Speed and efficiency benefit everyone. We want to market it as soon as possible.

Yannarely: just one snow work order last week. Other than that, it has been ok.

Hargrove: we have that set up now reoccurring. There's a vendor ready to go after each snow.

Dropps: I can confirm that I have explained to them that this needs to be done quicker than some other properties.

Moermond: photo December 7 show it hasn't been touched. As you know the weather isn't going to be great here. Let's make sure that's looked at a couple of times this week. Mr. Yannarely is going to keep a sharp eye on this. If we are delaying action, the least we can do for the neighborhood is make sure the property is maintained and isn't a nuisance.

Dropps: what are the rules regarding snowfall?

Moermond: 1 inch of snow in 24 hours.

Yannarely: and when someone complains it generates a letter automatically. An inspector goes out 48 hours later and they will send a work order to remove it. Let's not wait until letters are generated.

Laid Over to the Legislative Hearings due back on 1/10/2023

2 [RLH RR 22-57](#)

Ordering the rehabilitation or razing and removal of the structures at 1501 CLARENCE STREET within fifteen (15) days after the November 9, 2022, City Council Public Hearing. (To refer to December 13, 2022 Legislative Hearing)

Sponsors: Yang

Layover to LH January 10, 2023 for update on foreclosure status. Property should have cleanout done and be broom clean by December 31, 2022. Apply for CCIR by no later than January 6, 2023. (CPH 1/18/23).

No one appeared

Voicemail left at 10:54 am: this is Marcia Moermond from St. Paul City Council calling you about 1501 Clarence Street for our hearing. We will try back in 10 to 15 minutes.

Voicemail left at 11:54 am: this is Marcia Moermond from St. Paul City Council calling

you again about 1501 Clarence. We haven't been successful in getting ahold of you. I see in our records the Performance Deposit was posted October 28 and we have a Code Compliance Inspection paid for but we had a cleanout issue. We're looking for an update on the cleanout and foreclosure status to put on the record so there is progress. I need to send it to Council and ask for more time to work on it. I'd love substantiation on why that would happen. You'll get a letter from Joanna Zimny, reply to that.

Moermond: let's send a letter for written follow-up on cleanout which should be done by end of year and we'll schedule it for Legislative Hearing January 10th if we have those things.

Laid Over to the Legislative Hearings due back on 1/10/2023

- 3 RLH RR 22-22** Ordering the rehabilitation or razing and removal of the structures at 1508 COMO AVENUE within fifteen (15) days after the June 8, 2022, City Council Public Hearing. (Refers to June 28, 2022 Legislative Hearing)

Sponsors: Jalali

Refer back to LH March 14, 2023 at 9 am for proof of cleared title and discussion with potential investor/purchaser.

Chris Boylan, owner, appeared

Moermond: we received a letter from your attorney working on the title issues here. Tell me what is going on from your perspective.

Boylan: I have a new attorney working on clearing title so I can transact the property. They have a quiet title action mid-process. Helen Hudson has some dementia so they are trying to avoid it becoming adversarial so they were trying to have the granddaughter there when it is served.

Moermond: Ms. Hudson is the daughter of the deceased owner.

Boylan: they have to serve her; I think the granddaughter has Power of Attorney.

Moermond: they are getting paid to really take their time. This was in front of Council June 8, 2022 and it will be fully spring before they even decide if they are rehabbing.

Boylan: I am going to sell it.

Moermond: I know you are but the person you sell it to needs permission from the City. So you may not be able to get it sold. I'm struggling. I'm being pulled by inches; I know you're along for the ride too. I have a problem property that languishes at the end of the line.

Boylan: I got told to stop doing anything on this last November, and it was six months later before I came before you. The City could have told me before this happened saying I should sell. I realize it is all my fault, I own that, but the City did have opportunities to tell me.

Moermond: it has been a Vacant Building since 2003.

Boylan: and I've spent 10 years on the bathroom floor. I'm out of town in February. Even if they got it done in January I'm gone. I'm going to have them look at the

sample contract for deeds Joanna sent me so I can have that prep done. To the extent we can, we will get it done as quickly as we can.

Yannarely: there has never been a maintenance issue at this property.

Moermond: they didn't identify Ms. Hudson and serving her between the letter in October and December.

Boylan: and I would have done it at thanksgiving so I don't have information on me. The daughter of Ms. Hudson sent them a document. The board member I spoke with said they send a nice letter to try and make it non-adversarial. I don't know why they haven't got with Helen's daughter to do so. I'll follow up when I'm here with you. For all I know she is waiting for the Holidays. I do know the daughter hasn't probated the deceased person's estate in 20 years. They're shy on their paperwork. We may need to just do it and suffer the consequences. I don't have first-hand data, but I don't want her served and she flips out and something bad happens. Richard told me they are looking for a default judgment. This is all outside of my expertise. I just know what is in this letter.

Moermond: "once service is completed"—we've been waiting on that for at least a couple of months. October letter referenced that needed to happen. Once that happens they will move forward with a default judgement. At that time, it is unknowns exactly when we'd be heard by the examiner of title. It feels like we could have been at that for six weeks already. I know you're struggling with the attorney too. They are your attorney

Boylan: and this is why I switched attorneys. What do you want me to do at this point? I've done everything I can to make this go faster. I don't know how long it should take. You think it should go faster; I tend to agree. Do you want to call me up and yell at them?

Moermond: do we even know that granddaughter has power of attorney?

Boylan: I haven't seen paperwork. Maybe that's the problem.

Moermond: it feels like they aren't on this. I'm granting grace on this when for other ones I pull the Performance Deposit and I need to hold them accountable to a standard I'm not applying to you because of the title issue. Am I seeing progress at least by inches? I'm struggling to see a chance from last time to now.

Boylan: there is progress.

Moermond: you have a different attorney

Boylan: they did the service by publication. They're doing kid gloves with the Hudson thing. I can prod them on that. I think it doesn't change the timing at this point. All I can do, which I will do, is prod them on that. If this schedule isn't going to happen I can send you an email

Moermond: are you working with a real estate broker about selling?

Boylan: he can't list it.

Moermond: he can't list it legally period

Boylan: he can't sign a contract with me because I don't legally own it. He just called

me last week. I have things lined up. It should move quickly once Helen doesn't do anything.

Moermond: does your realtor have an investor?

Boylan: in theory, he won't just go to one. He hasn't done it because they have rules about signing contracts.

Moermond: your attorney says it makes the most sense to set a hearing up for March 7 or 14.

Boylan: I told him that because I am gone for 3 weeks of February and you have hearings only certain days.

Moermond: you are out of town when? Would you have someone representing you?

Boylan: I'm working on this in January. February I'm out until the third Wednesday. Honestly, March 14 I'd like to come in and have it sold.

Moermond: if you have it sold don't have that closing document signed because that needs to be approved.

Boylan: can I have you look at that? Email it in?

Moermond: yes. Typically, we have one of three types of documents. A purchaser acts as financier so they have a mortgage on the property. Their insurance on title is foreclosing on the mortgage. The second thing is a contract for deed. The third is a purchase agreement with an addendum that talks about how title wont transfer until the Code Compliance work is completed. I think Ms. Zimny has probably shared those. That will depend on what your purchaser and broker are looking at that gives them insurance that their investment is protected.

Boylan: the real estate agent said he could do it.

Moermond: and people can proceed more quickly with samples.

Boylan: I gave both the realtor and the attorney office have those.

Moermond: I'm looking to know what we'd be looking at is a scope of work, and evidence of financing to execute. That person you are "partnering" with needs to produce a document that would describe the steps that need to be taken, have bids incorporated into it. How they are approaching the project. Almost a test to show they know what they are doing. If it's a \$120,000 project, is there \$120,000 available to do it? Some people have a line of credit. Some have a business account. I need to make sure that out of the gates they have their act together and get it done.

Boylan: I assume in selling this we'll have to sort people with money from those that do. A buyer doesn't necessarily mean qualified.

Moermond: right. You want to look at it before I do. It is frustrating on our end when we have people in your seat bringing forward multiple investors and we're filtering it here on their behalf. They're cancelling purchase agreements. We have to refund Performance Deposits. I'll go with the request for March 14, albeit hesitantly, and saying I want to turn the screws to get this into someone's hands who will do the work. I know that is your goal as well.

Boylan: requirement is a better word. I want to get rid of this.

Moermond: I need this nuisance condition abated. That means fixed or down. Down is an option. I know you want to fix and I want to work with you but I need to see progress that I haven't seen. We talked first in May and have had the same issue. The Councilmember is going to conclude her term at the end of next year. The one-year anniversary is in May. I want a proposal to Council well in advance of that one-year anniversary.

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

- 4 [RLH RR 22-55](#) Ordering the rehabilitation or razing and removal of the structures at 1366 FREMONT AVENUE within fifteen (15) days after the October 26, 2022, City Council Public Hearing. (To refer to December 13, 2022 Legislative Hearing)

Sponsors: Prince

Layover to LH February 14, 2023 at 9 am for discussion on demo vs. rehab based on completed CCIR. Property must be "broom clean", lockbox installed, and CCI applied for by no later than January 13, 2023.

Sam Coleman, Trott Law o/b/o Wells Fargo, appeared via phone

Moermond: you folks were going to look at the building and do some assessments. We will have Joe Yannarely update us.

Staff update by Supervisor Joe Yannarely: they needed to post a \$5,000 Performance Deposit.

Moermond: last time we spoke it sounded like you hadn't had boots on the ground to assess the interior of the structures. Our folks were saying the house and garage were full and trashed and broken into numerous times. Multiple boardings. Maybe the paper assessment in house wouldn't look the same as one after seeing the property in person. You indicated your client wasn't feeling comfortable ordering the Code Compliance Inspection until after the redemption period ended. Tell me where things are at?

Coleman: Wells Fargo is not the fee owner of the property yet. The property has been fully secured. We are in the process of judicially foreclosing. I did get an order, a default judgment granting foreclosure back on July 20, 2022. When we were about to notice the Sheriff's sale we noticed our title work missed a junior mortgagee. I needed to bring a motion to correct that and add a new defendant. That was heard November 28 to add that defendant and to get an order allowing Wells Fargo to at least go in and tidy it up. The court granted that relief on December 6, 2022. We have proceeded with getting the new defendant/junior mortgagee served with an amended summons of complaint. It looks like that was done yesterday. They have 21 days to answer. I'm not anticipating an answer from them. We'd get another hearing scheduled with a judge, I'd guess late January, then we'd have the order granting the foreclosure. Then we'd schedule the sheriff's sale. I would think the sale would happen in March, that would be my hope. Because its vacant we shouldn't have an issue reducing the redemption period to 5 weeks. If everything goes smoothly, I think probably Wells Fargo would be the fee owner in May. At that point my client would have more options with regard to the property. We did have contact from a legitimate business who rehabs condemned property. I've briefly discussed this with them. That may be an option even prior to the sale. At this point we're moving as quickly as we can to get Wells Fargo into title. They would prefer if we could do the cleanout after it

becomes the fee simple owner. That would happen in May. My preference is as long as they are moving forward with foreclosure to allow us to keep it boarded until May.

Moermond: I am not comfortable with this. You have the court order to get it cleaned out. I'm concerned given the property's condition it won't wash financially for Wells Fargo given the mortgage amount and estimate of damages. I'd like them to make an informed decision on that. Even to get it cleaned out to have an inspector to walk through. The tickets to get layovers involves getting a Code Compliance Inspection Report. Perhaps you could ask the court for permission to have inspectors do a walkthrough. That doesn't change anything besides getting more information that helps everyone. Nothing can happen until that is done.

Yannarely: has someone been there to look at the interior?

Coleman: I have personally been there.

Moermond: inside?

Coleman: the door was ajar when I went there. I stuck my head in. I didn't go in because I was concerned about safety. I took a few photos and left. I contacted my client right after that and they went out and re-secured the property. I've looked. It is a pretty fantastic piece of land.

Moermond: land.

Coleman: right. It is a good-sized lot.

Yannarely: you are evaluating the lot. We're talking about the structure. If someone demos it--

Coleman: I'm aware of that.

Moermond: I am glad you go the cleanout order, but I was anticipating you would get permission to get that Code Compliance Inspection done. I think the house itself is absolutely tiny.

Coleman: the order that allows Wells Fargo to "tidy" the property. There is no reason we couldn't have an inspector in after that.

Moermond: that's great.

Coleman: my biggest concern is the liability dealing with someone else's personal property before they have title. I have no problem having Wells Fargo go there and check it out. I don't think we need a court order to do that.

Moermond: and it would require a lockbox on the property so the four trades inspectors have access so they can go in and create a punch list to bring it into minimum code compliance. Clearly that would be after the cleanout. Then everyone would have better information on how to move forward.

Yannarely: we're still in arrears and penalties of over \$8,000 in taxes. No taxes paid this year.

Moermond: and the City can ask the County to shorten the forfeiture for nonpayment of taxes to five weeks. I'll put that out there. For a problem property of this nature that would be a tool in the toolbox. It would be reasonable to have the cleanout done no

later than the first week in January and you could make application for the Code Compliance Inspection the week of January 9th. We could have a more meaningful conversation February 14 after the inspection.

Coleman: it is faster than I would like.

Moermond: and slower than I would like.

Coleman: ok. The nonpayment of taxes is for which years? Must be multiple?

Moermond: looking at this, I think the DSI staff got that wrong. I see zero balance on taxes.

Laid Over to the Legislative Hearings due back on 2/14/2023

- 5 RLH RR 22-43** Ordering the rehabilitation or razing and removal of the structures at 1802 ROSS AVENUE within fifteen (15) days after the August 10, 2022, City Council Public Hearing.

Sponsors: Prince

Grant 180 days pending submission of work plan including updated bids & schedule by noon on Friday, December 16, 2022.

Peter Yahiayan, representative and financial partner, appeared via phone

Moermond: you were to have those things in by close of business last Friday.

Yahiayan: I was waiting on the last contractor. I was planning to send that first thing in the morning to Joanna. It has been difficult to arrange everyone with the weather. A lot of people who don't want to come and work in St. Paul or deal with the Category 3 status. The last thing I needed was HVAC. I'm putting my final statement in tomorrow. I know I missed the deadline.

Moermond: this is scheduled to go to Council next weds for a vote. I need to see that. Have it in by noon on Friday at the latest. We need time to review it. I hate to be doing this on the fly. The results are never good then.

Yahiayan: sounds good.

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

- 6 RLH RR 22-46** Ordering the removal of the structures at 1600 SEVENTH STREET WEST within fifteen (15) days after the August 24, 2022, City Council Public Hearing. (To refer to March 14, 2023 Legislative Hearing)

Sponsors: Noecker

Refer back to LH March 14, 2023 at 9 am to discuss demolition and project timeline.

Jacob Steen, attorney o/b/o Burger King Corporation, appeared

Kate Karogi, Primus Companies o/b/o purchaser, appeared

Frank Richie, TransWestern real estate broker o/b/o purchaser, appeared

Moermond: Mr. Yannarely, how has the nuisance circumstance been at this property since we last spoke

Yannarely: it has been good. Once it has been fenced it.

Moermond: so the nuisance abatement plan has done the trick. I love that. We're taking steps to address the problem. When we last spoke you had a prospective purchaser and a closing date and a due diligence time period. I wasn't clear at that point whether they were doing rehab or demo and reconstruction

Steen: I did confirm we are completely fenced. Not sure how long ago that occurred. We were still getting bids on the correct fencing. It is fenced, they may have done temporary fencing. WE are seeking the proper bids for the black chain-link fence. We should have an update in weeks, if not days. Ms. Karogi and Mr. Richie are here on behalf of the buyer. We have a buyer at the table with a spring closing.

Moermond: do we have a fence permit issued?

Yannarely: I don't see any permitted.

Steen: and given that we weren't aware it was up—

Moermond: and Council wanted black vinyl.

Steen: it may just be temporary. It is working right now. They know they need the black vinyl and a permit.

Karogi: I work for Primus company, a design-build company who specializes in medical and dental companies. I've been retained by the buyer for future development.

Moermond: are they rehabbing or knocking it down?

Karogi: leveling it. We are in the preliminary stages on determining size of building, amount of parking. We just got a civil engineer on. They will begin the conversations with the City about size of building with drainage and stormwater requirements. We're looking at about a 7,000 to 9,000 square foot building as of now.

Moermond: when you do these projects I would assume that the asphalt that exists would be pulled and you would be laying new surfacing?

Karogi: typically, the demo and excavating we do rip of most of it. If there is a case any portion that would remain it would be marked on the drawings, but my guess given the size of the building it is unlikely. Soil testing was bumped to next week. And phase one testing at the same time. We typically have a civil engineer at the same time. We try to do a site plan at the same time as the due diligence phase. That's our intention.

Richie: signed November 8 with 120-day due diligence with 2 options for 60-day extensions. That does require extra non-refundable money if that happens.

Moermond: the current plan is closing by February 8?

Richie: March 8. The potential extensions could take it out to early July.

Moermond: what kind of a basement is there here, if any?

Steen: it is slab. No basement.

Moermond: in cases with planned reconstruction on the site, to address the nuisance the demo happens instead of being melded with the beginning of construction there would be a lag between demo and construction. Questions about basement and asphalt were towards additional costs and anything salvaged for future use.

Karogi: as of right now there is no intention of salvaging anything with the building. Typically, we'd apply for a demo permit after closing and concurrent with excavating.

Moermond: if the City were to do it, it would become an assessment you would need to deal with. The City would pull the asphalt and redo the curbs. I know you get really good bids for demo at the Department. I want to give this some time, but after X number of months we'd do the demo so if your construction is delayed we don't still have Burger King sitting there longer when the orders have been out there a while.

Karogi: when would that decision be?

Moermond: that's what I'm trying to figure it out. We're looking at March 8 and that sounds like we could sit down March 14 and do a specific plan about moving forward and timing. You would have had a chance to talk to City staff about how things would look. I assume

Yannarely: \$59,450 was the low bid.

Richie: and that's to turn it into a grass field?

Yannarely: yes. The caveat is those bids don't include the hazardous materials ("haz mat") survey. The additional asbestos cost on top of that.

Moermond: and in a case of a building with this era it seems less likely. But no predictions.

Yannarely: that was the low bid for structure, asphalt removal, and haz mat survey. H&T Trucking.

Moermond: we can email their contact information and the bid spec as public information. I wouldn't want to make it much more expensive than what it would be but given the circumstances it sounds nominal if the City did it versus you, depending on the construction timeline. That would be better for the neighborhood if were in March and it is another six months before things start. It would be a sign of good faith to get that first step taken care of.

Richie: could we look into demolition?

Karogi: 100 percent.

Richie: I think Burger King's preference would be the buyer post-closing is responsible for demo.

Steen: agreed.

Moermond: from the order hanging out there, we have steps being taken to deal with the nuisance conditions at the site that buys us town from Council and the neighborhood. The longer time goes on the less grace there is. As we look at the spring. I'd like to talk in March and see how things look then. You would have had a chance to work on plans and numbers on your end. As soon as the building is down, I'm out of your hair. That's all to the good for most people. The City's issued are

addressed at that juncture.

Steen: we'd want to keep it up until it is sold but we will know a lot more in the coming weeks. March 14 sounds like a good point for an update.

Moermond: six months without checking in with Council is a long time. I'll send this back to them January 4, and ask them to refer it to Legislative Hearing March 14. If they have one question it will be about the black vinyl fencing.

Steen: does it require a permit if it is just placed, no digging?

Moermond: yes.

Steen: I will provide an update before the 4th to assure it is done.

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

- 7 RLH RR 22-65** Ordering the rehabilitation or razing and removal of the structures at 346 SHERBURNE AVENUE within fifteen (15) days after the December 14, 2022, City Council Public Hearing.

Sponsors: Balenger

Grant 180 days pending submission and approval of electric bid and updated work plan including cost of building supplies.

Russ Waletski, owner, appeared via phone

Staff report by Supervisor Joe Yannarely: post the \$5,000 Performance Deposit, submit subcontractor bids, updated work plan with labor and materials done by yourself. Maintain the property, which it has been.

Moermond: so the Performance Deposit was posted. It looks like there was some electrical work in the plumbing bid, but that wasn't a general electrical bid. I wasn't seeing that in the plan. Are you doing the electric yourself? I don't have information on that. The other piece is I didn't have any indication of the cost of building materials, just your labor costs.

Waletski: I was planning on doing it myself. I went through that with the electrical inspector of how to do it. He said to do 200-amp service. The power company said there was no issue with that. The meter has been taken out of the socket and a new one will be installed. I'll do all the wiring. For ease of wiring, I spoke with the inspector and asked to do the entire house 200 amp. He said no problem. I do have an electrical contractor I am meeting with tomorrow.

Moermond: yes, we would look for that bid. I know electrical supplies aren't terribly expensive compared to labor. If you are doing the work we need indication of that as well as building supplies.

Waletski: let's go back to the electrical contractor, I assume it will take a couple days to get. I can get that to you and then the estimation of material costs. Go through Home Depot and price accordingly.

Moermond: and you can update that work plan with your hour estimate and add on supplies? That works for me. And then get the electric piece added in. Of course, maintaining the property. Anything else Mr. Yannarely?

Yannarely: no, it has been maintained so that is good.

Moermond: this goes back in front of Council next Wednesday, the 21. Let's have those remaining items in by close of business Friday.

Waletski: I'll ask the contractor tomorrow when to expect a bid, I assume a couple of days.

Moermond: I need time to look at it before the Council vote. I had to be tracking it down on Wednesday. Or telling them we're held up because we're tracking down an electric bid.

Waletski: I will let him know you need it.

Moermond: we're close, we just need to wrap up those few details. Any questions?

Waletski: not at all.

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

8 [RLH RR 22-63](#)

Ordering the razing and removal of the structures at 1011 BURNS AVENUE within fifteen (15) days after the December 7, 2022, City Council Public Hearing.

Sponsors: Prince

Layover to LH January 24, 2023 at 9 am for further discussion. Property to be broom clean, lockbox installed and ready for CCI by Wednesday, December 21, 2022.

Victoria Cree, owner, appeared via phone

Staff report by Supervisor Joe Yannarely: apparently there was an issue with the credit card for the Performance Deposit. The Code Compliance Inspection did go through.

Cree: I called my bank and upped the limit and now it went through. I sent my applications in on Friday.

Moermond: good, good. The Code Compliance will probably take a couple weeks, maybe longer with the holiday. That would be the punch list of things to be addressed before it can be reoccupied. When we spoke, you indicated you wouldn't be doing the work, but were looking for someone to work with you. Knowing title can transfer but you also wouldn't be managing the rehab. I know you said a couple people reach out to you. I know Joe Steinmaus I think it was in to attend the hearing today. I know staff said you broke your leg and that's why you aren't here in person.

Cree: no, I haven't talked to him.

Moermond: since he was here he had talked if we would share your phone number. We said we had to ask your permission. Is that acceptable or would you prefer not?

Cree: yes.

Moermond: ok, so we'll pass that along. I just mention it because he did come to City Hall to meet you. On the strength of that Performance Deposit being posted and Code Compliance application made. I'll continue this to January 24. At that point I would expect you have a Code Compliance Inspection and you would be getting

ready to go in terms of talking with someone to buy it and develop plans to do the work. If you're talking to flippers they will situated to turn around a plan more quickly. You are aware you will need a lock box on the door for inspectors to get into the property?

Cree: I wasn't aware. Everything is boarded up really well.

Moermond: you'll need to figure that out and make one of the doors accessible and put a lock box on it. The inspector won't unscrew a door to get in. I wanted to flag that for you. Figure that door situation out.

Yannarely: the City has done a lot of work out there are far as cleaning up, cutting down trees, shoveling. When I was out there last it had been shoveled.

Moermond: that's good news. We have contact information for you. I know you've been talking to Joanna Zimny. We'll send an email confirming today's conversation. Is the property cleaned out?

Cree: people pretty much took it all.

Moermond: so you aware, if they come out and they can't see to do an inspection they will put you at the end of the list.

Laid Over to the Legislative Hearings due back on 1/24/2023

10:00 a.m. Hearings

Making Finding on Nuisance Abatements

- 9** **RLH RR 22-67** First Making finding on the appealed substantial abatement ordered for 939 CHARLES AVENUE in Council File RLH RR 21-68.

Sponsors: Balenger

Grant an additional 180 days pending approval of updated work plan.

Voicemail left at x9602: this is Marcia Moermond from St. Paul City Council calling you about 939 Charles. We received the additional information which looks good. There is just the work plan remaining to make a recommendation for additional time which is that updated schedule to finish in the next six months. Need that schedule to accompany the bids. We'll confirm this via email.

Update: grant 180 days and continue the \$5,000 performance deposit as the conditions are met.

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

- 10** [RLH RR 22-68](#) Making finding on the appealed substantial abatement ordered for 1628 DARLENE STREET in Council File RLH RR 22-44.

Sponsors: Yang

The nuisance is abated and the matter resolved.

No one appeared

Moermond: we have a Code Compliance certificate issued?

Yannarely: yes, that was issued November 2.

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

11 RLH RR 22-26

Third Making finding on the appealed substantial abatement ordered for 318 EDMUND AVENUE in Council File RLH RR 22-1.

Sponsors: Balenger

Grant additional 3 months (to March 28, 2023) to complete rehab, or PO will forfeit both \$5,000 PDs.

Aychoeun Tea, mother of owner, appeared

Moermond: Mr. Yannarely, can you update where we left things?

Yannarely: at the last hearing it was agreed that by November 9 we would have an updated work plan, proof of financing including proof of paid contractors and it must continue to be maintained. It has been maintained.

Moermond: permit status? Has anything changed?

Yannarely: mechanical issued October 28, as well as warm air. Plumbing too.

Moermond: Water, warm air and 2 mechanicals. Because we just got this information, not December 9 when I asked for it, we're looking at it now. You know this. Walking in with the paperwork makes it really difficult for us to do our jobs properly. You'll have to sit and wait while we figure this out. I'm at the end of my rope on your stuff. We have checks. We were looking to see if contractors were paid and if they were paid in full. And any money left needed to pay them and if you have that. So these cancelled checks need to correlate to the bids you submitted.

[recess while staff reviews documents]

Moermond: we were looking for a work plan, proof of financing including proof of paid contractors. No orders to maintain?

Yannarely: no.

Moermond: any closed permits?

Yannarely: no.

Moermond: and the last indication from Mr. Bruhn was this was half done. Six months before that it was 45%.

Yannarely: yes.

Moermond: tell me what I'm looking at today, Ms. Tea. Summarize what you just provided.

Tea: my work plan. I need to finish insulation, sheetrock, the doors. Kitchen. Fixing the siding and floors. The garage.

Moermond: okay. That addresses a few of the remaining items. But not all of them.

We still have the issue of open permits for plumbing and mechanical. Any comment on those? You told us in the past that your contractor for heating would be Neil Heating, that was the bid provided. You changed that and now you have Vivella, though your permit isn't with them.

Tea: the heating that I pulled before with Don, he can't do the duct work anymore.

Moermond: General heating and air pulled the permit. You are playing games on switching contractors. You say one thing, different people pull permits, now other people.

Tea: he had different people pull permits.

Moermond: no, Vivella wouldn't have General Heating and AC pull a permit for them. That makes no sense.

Tea: I only know this guy, the one I paid. I hired Don Heating. He didn't have---

Moermond: we had Comfort Makers Mechanical, also someone we didn't have a bid from.

Tea: he didn't have someone to do duct work, I had to find someone else. I see the different people pulled permits.

Moermond: you showed to checks to Vivella. You didn't show us a bid for the work. The checks were not cancelled and didn't have a receipt indicating they received the payment. They were just written out for a total of \$15,000, but I have no way of knowing they actually received this payment lacking a bid or receipt from them. That was asked for in the letter. You didn't provide it.

Tea: that is what I paid him.

Moermond: you gave me proof the cashier check cleared. The other is a person check. Neither of those have a bid attached. I don't know and they don't have a permit. The one out there is in another company's name.

Tea: I have his bid on my phone. My phone broke down. I called him and he didn't call me back.

Moermond: you provided me with a statement when some of the building items are done. I have no schedule from any contractors on heating, plumbing or other items. We just have open permits you may or may not actually be using. No schedule for when they are done. You can't even get him on the phone?

Tea: I paid him in full already. He said the inspector passed it. I shouldn't have given him the full amount I guess. The agreement said the full inspection. The inspector came and he took the money.

Moermond: when will they be done?

Tea: when I finish the sheetrock. He said it was done. I can't turn on the heat because it does something to the sheetrock. I have to keep the heating new.

Moermond: who is "he"?

Tea: the heating inspector.

Moermond: you are responsible to know this stuff. You are doing this on the cheap because you are the manager. I respect you are trying to do this. You've done other projects in the City. You are failing on this one. I have a rough-in but no final. You need to sheetrock.

Tea: yes.

Moermond: if your contractor Richard McCallister of General Heating and AC? I don't see bids or payment in what you submitted. The estimated value is \$55,000.

Tea: I only did to Vivella. He took care of the rest.

Moermond: we have a mechanical refrigeration permit pulled. Nothing appears to have happened with that permit. The next one we just talked about was issued October 28, 2022 to Comfort Makers Mechanical out of "Brooklyn", MN. That is approved a rough-in with corrections. October 20 we have a warm-air which was approved at the rough-in stage on November 17. We have a plumbing permit from Lane approved to issue June 7. It says inspected but I see no notes. IT got a letter indicating 135 days have passed with minimal action. June 16 had an air test. Nothing on it since June. Electrical permit rough-in was okayed September 27, 2022. Nothing since. When are you going to be done? The whole thing. All permits finaled.

Tea: could I have 3 months?

Moermond: you're saying it will be done in 3 months?

Tea: yes.

Moermond: does the Department have an opinion on this?

Yannarely: it hasn't been a problem as far as maintenance. It is half done.

Moermond: literally. And until it is all the way done it still constitutes a nuisance. You have \$10,000 posted in Performance Deposits. You have to get us the Vivella bid. I don't care what is going on with your bids. This is game playing from where I am sitting. It isn't ok. We need that by no later than Friday of next week. Can you please meet a deadline for once? That is December 23. We will put this in front of Council January 4. I will recommend you have to March 28 to have all your permits finaled. If you do not I'll recommend you forfeit your entire \$10,000. You finish or lose \$10,000.

Tea: what month?

Moermond: you got your 3 months but if you fail you lose \$10,000. The entire thing. All gone.

Tea: Don heating, I didn't change my find from him. He couldn't have people do the duct work. He went and bought the ductwork and it is sitting in my basement. All brand new. I lose money because of him. He said to find someone else. That's why I found these others. I pulled him to pay a permit, he didn't do it. He took my money to go buy the heating stuff. You can ask the inspector. That's what he did to me. Now I can return it because they did something with it. He left me with that.

Moermond: what does that have to do with what we're talking about?

Tea: because he did a bad thing to me.

Moermond: so when you give me a new work plan, you don't tell me new contracts, and I don't see a new permit from the contractor you are working with. You see my issue. We will talk March 28 to see if it is done on deadline. If it isn't, I will tell the Council to forfeit your entire \$10,000. I can't create a bigger carrot for you to finish in the time you asked for. You understand that money is one the line?

Tea: yes.

Moermond: and that's conditioned upon you getting us that bid from Vivella.

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

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

12 [RLH SAO 22-53](#) Appeal of LaVonne Willier to a Summary Abatement Order at 308 SUPERIOR STREET.

Sponsors: Noecker

Grant to February 13, 2023 for compliance.

LaVonne Willier, owner, appeared via phone

Moermond: we heard from your sister and we're asking, do you want her added to the hearing? Or would you like to proceed on your own?

Willier: no, you can just talk to me.

Moermond: we left last time with the department getting more specific information to inform our discussion.

Staff update by Supervisor Lisa Martin: we had a Summary Abatement Order issued on this; we did take extra photos showing where it was connected as well as strapped down. This is just a temporary membrane structure and does not meet the building or fire code.

Moermond: and I spoke to the Building Official and head of Fire Inspection and they say 180 days as the definition for temporary structure. Ms. Willier, we have a temporary structure that will need to come down. Tell me where you are situated with that.

Willier: where does 180 days take me?

Moermond: you said it went up 13 years ago, then 180 days expired a long time ago. That's a lot of wear and tear. The photos show the posts into the cement have significant rust.

Martin: it isn't in good shape. It has been up a long time. There are so many straps trying to keep the top together. It isn't something we'd allow to stay up for any length of time

Willier: what I did was put a new top on there and another tarp underneath because

the old roof ripped out. I put a whole new one on top. I just reinforced it. What do you want me to do? It doesn't sound like I have much to stand on here.

Moermond: it has to come down and it is a question of timing. Do you have help? Or do you have to hire someone?

Willier: I have to hire someone.

Moermond: I am going to recommend you get through February 13, 2023. Eight weeks to get it down. We'll have a hearing February 14 to check to see if it is down. If it isn't then I'll recommend the Council the next day they authorize the dept to take it down.

Willier: ok. February 13.

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

13 [RLH SAO 22-54](#) Appeal of Brian Tuminelly to a Summary Abatement Order at 5 GEORGE STREET WEST.

Sponsors: Noecker

Grant to April 3, 2023 for compliance.

Brian Tuminelly, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: a Summary Abatement Order was issued November 16, 2022 to remove and dispose of an unapproved structure by Nov 23. The wording should have read "temporary membrane structure" which aren't allowed in St. Paul

Moermond: why are you appealing?

Tuminelly: I read it as it was and read through the building Code and didn't see anything about membrane structures. I have it because there is a lot of theft in my neighborhood. When I keep my lawnmower and snowblower in something they can't see from the street the temptation is not there. If they are just left in my backyard, people jump the fence and take my items. I put it up to protect property.

Moermond: that's why most people put up sheds. You used this because it is more affordable I assume?

Tuminelly: correct. And when I read through the building code it said anything that size doesn't need a permit.

Moermond: unless it's a temporary membrane structure. According to our Building Official it can't exist for more than 180 days. The Fire Code calls out the membrane structure and tents. What I'm thinking is you will want to build a shed to replace this so you continue to have safe storage but in a code compliant way. I don't think you have a garage, is that correct?

Tuminelly: I do have a one-car garage.

Moermond: so the question is whether it could accommodate the lawn things in addition to a vehicle?

Tuminelly: it's a very small garage. It is a 100-year-old home. I don't think it was originally put up to house a vehicle, more likely a carriage. My wife has a small car and it does fit, but my vehicle doesn't. No additional room. I would like the shed if this is considered a temporary structure. I guess I would ask it could sit through the winter. It is expensive to construct in the winter. Maybe to March to build something?

Moermond: I'm comfortable with that. I'm thinking that we could go with a deadline of April 3. I will schedule a hearing to confirm that the temporary membrane structure is down by then. That will be April 4 and on April 5 my findings will go to Council. So there's some time to deal with it. Hopefully that helps and gets you through the worst of the weather.

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

14 [RLH SAO 22-55](#) Appeal of Edward Pooley, Jr., to a Summary Abatement Order at 1676 NEVADA AVENUE EAST.

Sponsors: Yang

Grant to June 1, 2023 for compliance.

Edward Pooley, owner, appeared via phone

Pooley: I had a fire here a week ago yesterday. So, the front is gutted. I was trying to explain the bricks----

Moermond: I'm going to slow you down for a second.

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: Nov 7, 2022 a Summary Abatement Order was issued regarding no outdoor storage allowed, disposal of concrete block and miscellaneous debris from rear yard and driveway. Compliance date was November 24. Photographs are attached.

Moermond: and I'm seeing here the Fire record from December 7. House was determined to be uninhabitable. The order had to do with the bricks the dresser and a freezer. Is the dresser and freezer gone?

Pooley: they were gone right away. I was hoping a scrapper would take it so sometime complained. I had 3x that many bricks. I'm 61. I moved one pallet moved by the garage and covered them with a tarp. I've had a lot of work comp issues and I had to go in through the VA to get a cortisone shot. The inspector told me I had to get rid of them. I told him the front yard was started. He told me I had to move them into the garage. They're 40 lbs. I tried to explain I had them delivered to do projects. I had about 1,000 pavers. I sold them on Marketplace. I have no help. What I have left I was trying to use and then my shoulder went out. I moved one pallet by hand. I just got Social Security disability approved last week.

Moermond: I think the bricks are ok. I just want the dresser and freezer gone.

Pooley: they are gone. I have a boat and a white pickup truck. I'm waiting to sell that to my daughter. It is legally parked in front of the garage. There's a bin next to my boat in the yard covered with a tarp. Bricks for the most part are out of the way. Trash is gone. There is some glass from the patio door. All my furniture is going, I worked it out with the contractor. I will maybe work it out with the contractor for him to take it.

Moermond: I think we can work this out. I am inclined to ask the Council to give to June 1, 2023 to deal with the bricks. You have a lot going on with the fire. Six months, will that do the trick?

Pooley: yeah, it should be. I'm in a hotel now.

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

15 [RLH SAO 22-52](#) Appeal of Greg Trentman and Rachel Goligoski to a Summary Abatement Order at 1317 SELBY AVENUE.

Sponsors: Balenger

Layover to LH February 21, 2022 at 11 am for further discussion. Property owner's to follow up with Public Works about encroachment permit.

Greg Trentman, owner, appeared

Rachel Goligoski, owner, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: a Summary Abatement Order was issued November 4, 2022 to remove the Little Free Library from the boulevard. Deadline of November 14. It should have been written under § 106.1, obstruction on the boulevard. They can be on people's property, just not on the public boulevard. Compliance date of November 14. Photos are in the record.

Moermond: we have what amounts to a post being installed in the public right-of-way. That is one of those things someone couldn't put in that area in the laundry list of items. I would love to hear about your appeal and what you are looking for. I read your submitted materials.

Goligoski: I have a list of questions. When I got the order I thought it was a joke. We have improved this property for 17 years. We got an award from the City, a Residential Blooming award. We put this in during the Covid lockdown. We have a retaining wall. We would have to remove it from the neighborhood. There are only 2 in that whole stretch to dale street. It has been nothing but loved on the boulevard. It makes me sad to take it away from our street. We don't have covered bus stops. We don't even have curbs in some parts. Have you made up your mind yet what you will say to Council?

Moermond: I'm hearing you guys.

Trentman: it's a stretch of 20 blocks without another Little Free Library or pantry. We also put food in there. It is about the community. It would be another example of how Rondo-Selby is left vulnerable or neglected. It is just a free library, but with everything the City has going on that's kind of the point. We can't install it on our lot with our retaining wall.

Goligoski: people even leave money in there. It is remarkable.

Trentman: we did have it marked when the retaining wall was put in. We weren't just installing it anywhere. Is there a process to get a free permit to put a library in the boulevard? It could be done through language, right? We used to not be able to have a boulevard garden. Now you can. The international headquarters of Little Free

Library. They have relocated to St. Paul.

Moermond: ward 4.

Trentman: this is a great time to work together to draft language.

Moermond: did you work with them? I saw they had language in their materials about not putting it in the boulevard. I just want to say their branding and information---and one thing that happened during Covid that I heard from another similarly situated property---who had an artist installing things like this and installing in the boulevard without checking requirements. I wanted to distinguish for purposes of our conversation that the Little Free Library is a brand versus more informal installation that are for books or food. Perhaps without the information this organization has developed over time. But yes, is it a little library? Yes. Is it free? Obviously.

Goligoski: is it a danger to anyone? What was the actual complaint?

Moermond: the actual thing is this is in the public right-of-way. Is it possible to have a permit for an installation in the right-of-way? I did ask Public Works. It is a projection or encroachment and to allow use of the public right-of-way for purposes that can't be reasonably be satisfied on private property. You would need permission from the director of Public Works. That measure the director uses is whether or not that can be accomplished on private property or not. What kind of engineering or whatever would be necessary for this kind of use? Sean Kershaw would look at that and make a determination about whether that is possible. I believe that would be appealable back here again. But I would have his reasoning why.

Goligoski: is it possible to have this written in. a lot are incorporated into gardens.

Moermond: the reasoning is access to underground utilities and no obstructions for someone wanting to use the right-of-way. The general public holds an easement on the right-of-way so anyone can pass through. Same is true for alleys. You aren't paying taxes on the public right-of-way but you are responsible for maintaining it.

Trentman: the right-of-way we are specifically talking about is about 30 feet long. There is a tree. A streetlight. If we're talking about that. Those are already there but we're going to say a 3-and-a-half-inch post can't be on there? Trees could rip up the sidewalk, but they're allowed to be planted with a permit.

Moermond: and there's been a public purpose finding there. The post itself is an obstruction. The argument Public Works is looking for is it couldn't be accommodated on public property. I'm not an engineer. You are saying it can't be moved because of the retaining wall. Is this set in concrete?

Goligoski: yes.

Moermond: so that gives us some breathing room to discuss with Public Works whether this is an acceptable installation, given frost and winter. I get the neighborhood building aspect of this. Almost all of them are on private property which is where they need to be. If it can't be done on your property at the end of the day are there ways that needs can be met working with the district Council in identifying a nearby property who would take that on. Communally finding the right answer. I can say this doesn't give me a ton of latitude but I do have time. Let's give you a chance to work with Public Works and see what answer they give and use that to figure out next steps. Is that fair?

Goligoski: yes. I asked about the complaint, did someone call this in?

Moermond: let me see if I can call. It kind of doesn't matter because it is now whether the situation exists. Often inspectors can't go out and look for things, if they drive around they look for mattresses and graffiti.

Goligoski: it just feels selective. I walked around the neighborhood and all of these properties have things in the boulevard.

Moermond: I can't tell looking at the record how it was generated. It just says "complaint".

Goligoski: is there any chance you'd recommend the Council address Little Free Libraries on boulevards?

Moermond: we talked about that when we had another case recently. The way it is headed I think is figuring out how to help people financially relocate things and figure out other solutions so they aren't footing the bill for figuring it out. So that people are made whole if it needs to move. You have a unique situation with the retaining wall.

Trentman: we also wanted it accessible for people in wheelchairs. Why not take this opportunity to work with the Little Free Library organization? We went to talk to them. They want to be a part of this.

Moermond: that is happening from the Council office I've talked to. Involving them would be to help us solve this problem that arose during Covid. That was the nature of it. Your geography isn't flat like most people's so you have unique circumstances. That would be part of what you are talking to Public Works about. In the meantime, we can put a pin in this so you can have that conversation and figure out next steps. I can't guarantee you get to keep it. But we want to figure out a good solution for the neighborhood. 2-month layover, to February 21.

Laid Over to the Legislative Hearings due back on 2/21/2023

Correction Orders

- 16 RLH CO 22-13** Appeal of Ilie Horvath to a Correction Notice at 1947 FOXRIDGE ROAD.

Rescheduled to Jan 3, 2023 at 11 am per appellant's request.

[Note: changed to grant the appeal as permit review found the fence in compliance 12/16/22 JZ]

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

Making Finding on Nuisance Abatements-Summary Abatements/Vehicle Abatements

- 17 [RLH SAO 22-56](#)** Making finding on the appealed nuisance abatement ordered for 202 GOODRICH AVENUE in Council File RLH SAO 22-51.

Sponsors: Noecker

The nuisance is abated and the matter resolved.

No one appeared

Supervisor Lisa Martin: the one vehicle is gone that we had an issue with. Now there's another vehicle there.

Moermond: same spot?

Martin: different spot but in the back yard. But the original vehicle is gone.

Moermond: so maybe new orders but she's in compliance.

Voicemail left at 1:08 PM: this is Marcia Moermond from St. Paul City Council calling you following up on the moving of the car on deadline. It appears it was. I understand from the inspector that while it was moved you continue to have a vehicle violation in the backyard and I suspect orders are forthcoming on that. You should reach out to the inspector on that, Richard Kedrowski.

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

1:30 p.m. Hearings (late start)

Vacant Building Registrations

- 18 [RLH VBR 22-61](#) Appeal of Lorn Ross McDowell to a Vacant Building Registration Notice at 1219 FIFTH STREET EAST.

Sponsors: Prince

Layover to LH December 20, 2022 to discuss findings of Inspector.

Lorn Ross McDowell, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: they had a fire late November 2022. Code Enforcement condemned due to it being uninhabitable due to the fire. Sounds like electrical issues. Transferred to Vacant Building. We opened this as a Vacant Building fire file. If the appellant fills out the Vacant Building registration form it can start that 90-day waiver.

Moermond: Mr. McDowell, at the very least there can be a 90-day waiver but it sounds like they need a form filled out to do that. They would mail that to your house, and I'm not sure with your mail with the fire. Would it work better to email it to you?

McDowell: the mail is fine. James explained to me and I have been expecting it. He said it possibly needed to be done depending on how this appeal goes.

Moermond: we can send it to you. That gives you an automatic waiver. You check the box saying there was a fire. After that there is a fee that would come forward. That is appealable as well, that would be a proposed assessment. Depending on how long it takes to get back in your house we can talk about prorating it. What are your insurance people and contractors telling you how things are looking? Fires are hard and disruptive.

McDowell: the three things the condemnation appeal listed was the electricity and

heat are off, and then the fire damage itself. The electricity and heat are back on. Now we have exterior fire damage and interior remediation my insurance company wants done. The fire didn't come into the house. It damaged the outside. It isn't a structural issue. Just siding, some soffits and fascia and shirring up the rafter in one corner. Everything else is done. The only thing left is that exterior damage. It doesn't sound like something that's a concern for occupancy. James Hoffman was saying his only concern was the utilities being restored, which they have been. As far as the insurance company, the restoration will take about 4 months and they are providing off-site housing so work can move forward without hindrance. The main reason I am appealing is going through the condemned list adds an additional burden with fees and fines.

Moermond: as far as building permits and inspection. When you have a fire like you did, it goes in as a Category 1 Vacant Building so you don't have to do a punch list inspection. The assumption is the insurance company and contractors are doing what is necessary. There are no additional inspections beyond the scope of the permit itself.

Dornfeld: I think you nailed it. The deficiencies get identified, permits pulled by licensed contractors when need, and trades come sign off on those permits and out of the program you go.

Moermond: the other question was whether the condemnation would be listed and considered habitable. For that, I hear what you are saying, but I think an inspector needs to review it and take a look. I see David Smith did the condemnation and order to vacate. I'd ask for him or his supervisor to revisit and do a report back on whether a condemnation was still merited. In looking at this under appeal, I'm definitely open to granting your condemnation be lifted but I would want that additional information. Would you be willing to schedule that so I can have that information?

McDowell: yes. That is fine. What time-frame?

Moermond: you are saying there isn't any reason it can't be occupied now; I'm thinking coordinating calendars with the inspector. It should be able to be done in a week. The other piece is filling out the Vacant Building Registration Form so you don't get stuck with a bill inadvertently. That doesn't trigger any additional fees or fines. This is because it is fire damaged and other rules apply. Let's talk next week at 1:30 about that inspection.

McDowell: that's fine. You said a 90-day waiver, and then after that I'd have the additional fee. That was my concern in appealing. Those fees add up. I understand there's a possibility of it being waived, but could I get it in writing if I meet a certain criteria I wouldn't have the fee?

Moermond: I can't jump ahead. I only have the original bill in front of me. A lot of people get these fees covered by the insurance company as part of their claim. If your condemnation is lifted then I think you don't have to be in the Vacant Building program.

Laid Over to the Legislative Hearings due back on 12/20/2022

19 [RLH VBR 22-59](#) Appeal of Lee Yan to a Vacant Building Registration Notice at 1093 EUCLID STREET.

Sponsors: Prince

Layover to LH December 20, 2022 at 1 pm to assess whether Xcel has restored

power and sidewalk has been maintained.

Lee Yan, owner, appeared via phone

Moermond: we're calling about your appeals for 1093 Euclid and 991 Rose.

[Moermond gives background of appeals process]

Staff report by Supervisor Mitch Imbertson: this is a residential one-unit property in the Fire Certificate of Occupancy program. We received a referral that Xcel electric service was disconnected on October 24. Issued orders to restore that service by November 3. In the follow up the inspector found service had not been restored and it was condemned for lack of basic utilities and referred to Vacant Building staff.

Staff report by Supervisor Matt Dornfeld: I opened a Category 2 Vacant Building per the Fire inspection referral. At the time of inspection, it appeared vacant and secure. We did however have quite a load of snow and ice on the sidewalk and orders were issued on that. It still remains today, December 12. So a Category 2 Vacant Building and snow and ice on the sidewalk.

Yan: the property has been listed for sale since October, around the time this was happening. We had a buyer and they were going to close. They ended up backing out. We went over there, restored service and cleaning up to rent out versus selling. It will have our full attention. We were trying to sell the property as is. I apologize for the snow service, the company we have is short staffed. We were switching to a new management company. I know it is ultimately our responsibility. We weren't abandoning it; the transfer didn't happen.

Moermond: no electrical and not shoveling the walk? It sounds like abandonment. It tells a neighbor you don't care.

Yan: you are correct, that is our fault.

Moermond: I'm happy to have the City do it for \$325. So that will be \$750, you hear me on that?

Yan: yes.

Moermond: why is electrical off if you're trying to sell? Wouldn't a buyer want to see if that worked? It has been a while. It has been sitting like this since October. Xcel usually waits 4 to 6 weeks to tell the City. I don't understand why you didn't if you're actually marketing the property.

[silence]

Moermond: are you going to do that?

Yan: we'll get it done this week.

Moermond: and that is the difference between it being a Category 1 Vacant Building and Category 2, which has significant differences in expectations. I'm going to continue this for one week. We'll see about the electrical and maintaining the sidewalk and assess then.

Laid Over to the Legislative Hearings due back on 12/20/2022

Notice to Remove Snow and/or Ice From Sidewalk at 991 ROSE AVENUE EAST.

Sponsors: Yang

Grant the appeal and release the property from the VB program, noting the property cannot be reoccupied until Fire C of O is reinstated.

Lee Yan, owner, appeared via phone

Staff report by Supervisor Mitch Imbertson: this is a duplex in our Certificate of Occupancy program. Most recently, it was approved with corrections March of 2022. There was an open permit still with 7 issues that appeared to be related to that open permit. The inspector made multiple follow-up attempts and issued updated letters June 3, July 6, August 8, September 9, and October 14 to close out that permit. The October 14 report had four remaining issues. That had an November 15 reinspection date. The inspector revoked the Certificate of Occupancy for non-compliance. At that time when we give notice of a pending revocation and there was a reinspection date sent to comply or vacate on November 29. At that time the inspector found it in noncompliance, so it was referred to Vacant Building program.

Moermond: revoked for long-term noncompliance. We have electrical problems and no access?

Imbertson: the inspector was getting access but wasn't seeing work done.

Moermond: got it. Mr. Dornfeld, any observations?

Supervisor Matt Dornfeld: Inspector Hoffman took this and opened a Category 1 Vacant Building December 1, 2022 per that Fire referral. He said it appeared vacant and secure and maintained.

Moermond: tell me what you're looking for here Mr. Yan.

Yan: I have a letter from our electrician. I can send it to you. Basically, the work was to be done in June. We had an elderly tenant that attacked him and broke his windshield. We couldn't get him back out there until October.

Moermond: that letter is dated February 22.

Yan: no, I have a new letter. I can send it to you. As of last Friday the permit is closed. There are no tenants in there. They were evicted in September. We filed in June. Tom started going back in October. We are leaving it vacant until we have the ok to sell or rent it out.

Imbertson: what I am seeing there is an electrical permit that from February and I can't tell from the description covers the remaining work on the orders, but it was finalized December 9. The inspector would need to confirm with the electrical inspector to confirm the scope of work matches up.

Moermond: and if those were addressed, would you reinstate the Certificate of Occupancy?

Imbertson: yes, we would reinstate the Certificate of Occupancy if we can confirm it included the remaining work on our orders. Hopefully they can connect tomorrow.

Moermond: I'm inclined to recommend that the Council grant your appeal to be

released from the Vacant Building program. You need to have your Certificate of Occupancy before you can re-rent it. It hasn't been empty that long and it does appear measurable steps have been taken to get your Certificate of Occupancy reinstated. Mr. Dornfeld, maybe make it a preliminary file for the vacant building program and check in 3 months. I will grant the appeal noting you cannot reoccupy without your Certificate of Occupancy.

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

2:00 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

- 21 RLH VO 22-30 Appeal of Atnafu Yeshidagne to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 510 SNELLING AVENUE NORTH.

Sponsors: Jalali

Grant to March 1, 2023 for compliance.

Atnafu Yeshidagne appeared
Menderen Gebreisadik appeared
Abay Gebre appeared

Moermond: when last we spoke we were looking for you to work with some people and put together a plan in addressing these items. I have a plan. I saw permits being pulled. I saw you working with a contractor. This is looking pretty tight and good, as far as I'm concerned. I wanted to learn a little bit more about that contract you have with Olson Sheet Metal. This document says its attached but it wasn't. You must have it handy? I would want to see that as part of the plan. It seems their bid and timing is the main thing still needed in that plan.

Staff update by Supervisor Mitch Imbertson: I have an update from Inspector Huseby. We see there was some progress made and permits pulled. Plumbing gas permit issued just December 2 for that gas range. That needs to be inspected and finalized. Not sure of the status of the work under that permit. There is one pulled under 506 to replace sheetrock and drop ceiling and repair flooring. That is currently active as well. The understanding would be that work needs to be completed before reoccupying. The work with Olson Sheetmetal. Inspector Huseby did discuss it with our Sheetmetal inspector. They appear to be a Sheetmetal fabrication shop, but they aren't licensed as an installer. So there was concern that the actual repair work would have to be performed and permit pulled by a licensed HVAC contractor. Olson may be involved as provider of materials but they wouldn't be qualified to obtain the permit.

Moermond: and they may partner with a contractor. Tell me where you folks are at? You have made good progress.

Atnafu: door glass we pulled a permit. Gas connector, we paid for the permit, we got that. We removed wood from the back. I have the letter from Olson here.

Moermond: they are saying they can pull the permits. Sounds like something the permit desk would need to work with them on.

Imbertson: yes, our inspector spoke with Inspector Chris Whiskur and was told they

wouldn't be able to pull it. They can discuss that there and if they can come to an understanding for the work we wouldn't have any need to override that.

Moermond: so let Chris Whiskur make that call. They're thinking they can be done the end of January. Any permitting issues they would want to talk to Chris Whiskur. We will get you his contact information and copy him on the letter. The correction letter under appeal is dated October 17 with a deadline of November 9. We've been talking about an extension. What I'd like to do is put an extension to March 1. If there are any concerns about them not having the right license to pull a permit or anything else, you have 4 weeks buffer time to handle that. Does that sounds ok?

Atnafu: yes.

Moermond: March 1 for compliance. We'll make sure Chris Whiskur is looped in so he is up to speed. Any questions?

Atnafu: so they can do the fixing?

Moermond: with a permit. And that will be under Chris Whiskur's purview. The restaurant can continue to operate indefinitely.

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

22 RLH VO 22-34

Appeal of Patrick C. Smith, Attorney; representing Kevin P. Ramirez, buyer; to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 492 PRIOR AVENUE NORTH.

Sponsors: Jalali

Grant the appeal of the revocation of the Fire C of O conditioned upon roof leaks temporarily repaired & fire load decreased (confirmed by Inspector) by January 4, 2023. Grant to February 1, 2023 for installation of a permanent heating facility, grant to June 1, 2023 for permanent roof repair or replacement.

Patrick Smith, attorney o/b/o Kevin Ramirez, appeared
Kevin Ramirez, buyer, appeared
Ron Anderson, owner, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Mitch Imbertson: this is a commercial building in the Certificate of Occupancy program. F1 Factory occupancy. This process started back in September 2021. September 3 we received a referral from Xcel about a gas shut off. The gas powers the heat for the building and potentially other required facilities. Normally lack of heat we would treat as an emergency but given the use of the property as a minimally occupied factory building, non-public, it isn't treated as an emergency like in a residential building, but it is still a requirement. Noticed were issued to restore service. We weren't aware of any other issues with the heater. We simply go the notice as a disconnect from the utility company. October 2021 some addition notes there were some concerns about the furnace and heat. The gas was restored on October 29, 2021 so it could be used by the furnace company to repair the furnace. At that time, it was still the same concern but the orders were modified to match the updated information with the heating system issues. Originally some notes about waiting for parts and repair that went on for a while. Then it was looking like it wasn't likely it could be repaired and possibly needed a new heating system in the building. This went back and forth for some time. Eventually this resulted in a revocation of the Certificate of Occupancy for noncompliance.

Moermond: this started September 2021. Here we are, December 2022. The problem is not resolved yet.

Imbertson: the current list of orders is not the same as the letter from September 2021. However, this stems from the same issue. The most recent report from Dec 1 2022 has a requirement the property be vacated or in compliance by December 14 at 10:30. There are a number of issues on that report including a leaking roof. Licensed contractor maker repairs to heating system. Reduce the amount of combustible storage by 50% and create aisles through the building. The last item is the notice of revocation. That is where we are at. We need those items completed to restore the Certificate of Occupancy. Otherwise, we'd need it to remain vacant until recertified.

[letter submitted and attached to the record by Ramirez read]

Ramirez: we have maybe 10% of the fire load left to remove. We have a heater going to help the roofer ascertain the issues. If we don't allow ice to layer on the roof we may be able to do the roof work sooner. I just spoke with his son. I paid \$8,000 and change in delinquent taxes. We have a contract for deed.

Moermond: tell me about that.

Ramirez: I have purchased from Mr. Anderson. There is no mortgage on the building.

Moermond: so, you currently have a contract for deed?

Ramirez: correct

Moermond: you are next door. You are a mason and general contractor and expanding your business to also operate out of the building?

Ramirez: to continue welding. EZ-Masonry incorporated is going to begin welding out of that building. I've spoken to zoning several times, including with Yaya Diatta, updated him. He said my plan satisfies the previously established nonconforming use.

Moermond: so, a welding component of your business will expand into Mr. Anderson's shop and Mr. Anderson will continue to have a space in there for whatever period you all decide so he can continue doing his thing for as long as he wants to. He will have a shop within your shop.

Ramirez: we have a stipulation of a 3-year period and then I pay the remaining balance.

Moermond: when did you execute the Contract for deed with Mr. Anderson?

Ramirez: last Tuesday. We already have it recorded with the County.

Moermond: access for emergency personnel is the concern.

Imbertson: it looks considerably better, I am impressed.

Moermond: Mr. Imbertson, when you hear about temporary heating for the building, how does that work permit-wise? That occurred to me about the temporary comment.

Imbertson: we did speak briefly on the phone. He'd spoken with Pat McCullough by

the time I returned his call. I was told Mr. McCullough approved that installation. Permits for temporary heat goes through my division if it is used for an event or temporary structure. If it is more than 100 lbs. of propane on site we do the permit. If it is for construction purposes it goes through a mechanical permit. I don't know their threshold for the size requirement that triggers a permit. That would be to Mr. McCullough to answer. If you discussed with him I have no reason to question it.

Ramirez: it is sitting outside, not in the building. That seemed to be his concern.

Imbertson: that seems consistent with what I know.

Ramirez: and the contractor says they can be in there as early as Tuesday.

Moermond: I hear you would like it done in 90 days but have supply chain issues. Ice on roof is a concern. And that's going to happen tomorrow with this weather. The heating you'll have addressed in a matter of weeks; you have something temporary now. We have the fire load down and egress passages open. So, we're talking establishing deadlines now. I'm inclined to grant the appeal of the revocation of the certificate, so it can be occupied, but we need deadlines for the roof and heating to be addressed. If those deadlines aren't met we'd be back in a position of being revoked. The last hanging issue is maybe temporarily fixing holes in the roof. Do we want to address those so there isn't further damage? Maybe we're so far down that road it doesn't really matter in the next 90 days.

Ramirez: it is pitch and gravel roof. Some of the roofers have come and done core samples and then they didn't fill the holes. You can see straight through looking up. We can repair easily from underneath temporarily. We can do that wherever we see holes. The most egregious openings. I think it is reasonable to say we can do that in coordination with the roofing work and be done no later than Christmas break.

Moermond: permanent heating facility deadline of February 1, 2023.

Ramirez: absolutely.

Moermond: then we have some room for corrections if needed. I'll put this in front of Council January 4. Holes plugged by January 4. The actual roof repair or replacement let's push to June 1, 2023.

Imbertson: my only concern is just going off pictures of storage but I would hope we could get an inspector in there to confirm onsite.

Moermond: let's do that before January 4. We'll send Brian Schmidt the contract for deed and your contact information.

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

3:00 p.m. Hearings

Water Bill Appeals

- 23 [RLH WB 22-2](#) Appeal of Kevin Kurpierz, Minnesota Mutual Life Insurance, c/o Cushman & Wakefield-JIT Energy dba Sagiliti, to a Water Service Bill at 401 ROBERT STREET NORTH.

Withdrawn by appellant.

Withdrawn**24 RLH WB 22-3** Appeal of Donald Sobania to a Water Service Bill at 1660 CUMBERLAND STREET.

Recommendation forthcoming.

*Don Sobania, owner, appeared via phone
Derek Olson, SPRWS, appeared via phone*

[Moermond gives background of appeals process]

Sobania: I agree with the process as you laid it out.

Staff report by Derek Olson, SPRWS Customer Service Lead: this appears to be an apartment building. Unsure of number of units

Sobania: 17.

Olson: the September bill was creeping up, and October was the apex of the large bill. 503 units used in a 32-day period. The bill was \$4,316. We sent a letter about the hike in consumption. WE didn't make a call since it is an apartment building, so it doesn't often flag our team about an issue. The owner fixed some toilets. Tenants don't speak much English and didn't report things leaking. So that didn't help. After talking to Don, a while back we thought maybe a hearing would be good. He is asking for it to be reduced down to a normal usage level.

Moermond: tell me what you are looking for Mr. Sobania. Sounds like a reduction?

Sobania: I don't disagree with any of those facts. They managed their end of it as is appropriate. I took actions and sent my interpreter. I got this building in foreclosure six years ago. It houses people who speak Karen. It is difficult to communicate such things as letting the manager know to let the toilets running. We have to catch those things. It isn't as timely as if it was my other buildings. This is part of my social justice campaign in life. They are good people who have hard time finding housing. That is part of why I own it. It is a lot of extra work. They pay their rent, they don't fight. They are good tenants. So, I'm throwing myself at your mercy if you give me a buck relief I'll take it but anything you can do to soften the blow. Affordability for tenants is tough. And the City voters passed their rent increase. It is a tough business to be in. There is my whining appeal for mercy.

Moermond: so a reduction and the basis is the cultural and language difference of your tenants and diminished ability to communicate in a relevant way about building deficiencies in need of repair?

Sobania: yes, you are more eloquent than I am.

Moermond: I just want to summarize. I'm glad to hear they are good tenants. You've been the fee owner for longer than six years, have you not?

Sobania: we bought in 1994. We sold and it was mis-managed. I wisely sold it as a mortgage. The previous owner took in the Karen folks in a bit of desperation to save it I took it back out of foreclosure six years ago. We cleaned it up. We got a six-year cycle on our Certificate of Occupancy program. We're proud of that.

Moermond: I'm going to look over the past bills here and go ahead and send you

follow-up letter with my recommendation. I anticipate this going in front of the Water Board at their February meeting. Can I confirm they are meeting February 14 at 5?

Olson: yes, 5:00.

Sobania: I won't be able to attend that in person. We'll rely on a staff report.

Moermond: would March be better?

Sobania: we'll be south long enough to avoid all the winter stuff.

Moermond: we'll do that February 14 meeting and you'll have my letter in advance so if you want to comment additionally you have that ability.

Referred to the Board of Water Commissioners due back on 2/14/2023