



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, April 4, 2023

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 23-98** Ratifying the Appealed Special Tax Assessment for property at 1162 BLAIR AVENUE. (File No. J2306B, Assessment No. 238105)

Sponsors: Jalali

Approve the assessment.

Logan Moe, fiancé of owner, appeared via phone
Hannah Horsch, owner, appeared via phone

Moermond: we talked just a little bit last time and found out you didn't have a chance to look at the copy of the police we had sent. Did you review that? We know we had a boarding contractor out. The police report says they arrived at 5:30 p.m. and the boarding contractor got there at 7:15 p.m. tell me where you are at with this assessment?

Horsch: that all sounds accurate. I've reviewed everything on the police report. As far as the actual break in, there hasn't been anything. I talked to the sergeant once afterwards. No follow up with the case. We haven't even got a bill for the boarding. A week or two after we just got a notice of the charges. Then this all got scheduled.

Moermond: yes, this is the bill. You wouldn't receive a separate bill; it is processed straight through as an assessment. No invoice, we would have this conversation.

Horsch: that makes more sense. I wanted to voice I think it is inappropriate to be charged this much. We didn't have an option at the time. We were four hours away. The responding officer didn't know what the charge would be. I think it is inaccurate to have portrayed we chose to have it boarded when it was our only option. We live four hours away in Iowa. Our house had just been broken into. That was the person's second time returning. For the most to come out of this besides a 5-minute conversation with a sergeant is---this is the most conversation we have had and it is around a \$450 charge. All they did was four screws in the door. The screen door wasn't even fully shut when they left so we had to call to call to have the police come out again because the camera kept going off because the door was flapping. It made it looked like someone was coming back. Just feeling taken advantage of. We already

paid \$2,000 to have a new door and frame installed, now we're being charged this crazy high fee to have someone come out to put four screws in the door when we are victims of a crime and had no other option. We weren't given full information at the time about the charge.

Moermond: Mr. Yannarely, the vast majority of the charge is the emergency board-up fee. I assume that is because this is after-hours? Can you talk on why this is an emergency versus a regular hourly charge?

Yannarely: that is just it. Contractually, whenever the St. Paul Police Department calls it is \$250 just to get them in the truck at any time of day and respond within 30 minutes.

Moermond: I know the sergeant didn't explain exactly what the charges would be. You are saying I was out of state and didn't have a choice. I hear that, that was a rock and a hard place for you. I get that. You were victims of a crime and then you have this as well. It isn't a service the City provides as part of say, a victim's fund, or some source of funds. The St. Paul Police Department at that point are about making sure they have closed up a crime scene and it isn't readily available for someone else to come in and cause additional problems. The notion being that ultimately the private property owner's responsibility to make sure the house is closed up. Am I remembering right that there was nothing missing?

Horsch: we are very equipped for this with a security system. The camera scared her off. The most damage done was the door and camera system that had to be replaced. I just think it is incredibly irresponsible for whoever—St. Paul Police Department or the City—to not fully inform someone who is in a crisis situation of what is going to be a \$400 fee. I feel taken advantage of as the victim of a crime and the most that is coming out of this is this conversation. There has been no follow-up of whether there was any pursuit of who violated our home.

Moermond: I don't know where that is at. We can reach out and see and ask them to get ahold of you.

Horsch: I know it has been closed. The conversation with the sergeant was follow-up and her agreement that this fine is excessive and we should not pay it.

Moermond: let me look into any statements she made. This isn't a fine this is the bill the City had to pay to get the contractor out. It isn't a penalty; this is the cost of securing the property. The additional fee attached is a processing charge. I get you weren't invoiced on it and can't pay without the service charge. I don't know what is going on with the police that they would have said that to you. Honestly, calling it a fine and second not knowing what the contract reads or that is competitively bid, I'm not sure what the deal is.

Yannarely: they send out the most boardings of any entity in the City so they should be aware of the situation. They have no choice. They can't leave the building unattended or unsecured and you aren't there to shut it. There is no good alternative. Something has to happen.

Moermond: you live in Iowa? Or were just visiting?

Horsch: we were visiting my parents in Iowa.

Moermond: I would like to learn more about what the police said. I'll be honest, while I have sympathy for the situation, the police don't have the choice but to leave the site secured from entry. That is how they operate both to protect your property and to protect the general public from ongoing criminal activity. We've seen people go in to deal drugs or commit assaults. We don't want to create a space for that to happen. That is playing out in the background of what the police have to deal with. This \$250 call out fee has been in place for many years. Mr. Yannareilly?

Yannareilly: the call out fee has been standard. Securing has gone up for the boards.

Moermond: this is secured and not boarded.

Horsch: you shouldn't call it "boarded-up" then.

Moermond: the title of the assessment is securing and boarding.

Yannareilly: it says secured on the letter.

Horsch: all of that to say that is not at all what happened in the moment. I understand contracts and pricing, we work with a lot of them. My issue is the City of St. Paul, regardless of the fee, treating the victim of a crime this way and not giving full information on the aftermath. I can't afford \$450 extra dollars coming out of this, on top of the \$2,000 we've already spent as victims of a crime. I have yet to talk to anyone who has any support or knowledge of how to get any victim's support in paying for this. I am wondering if this is the fee, where is the City coming in with any sort of advocacy programs? Payment support for victims of a crime?

Moermond: I guess that is a good question to ask any government entity whether that is the City, County or State. Maybe the County attorney's office. I don't know. There is a lot of victim support out there; perhaps this is something the Councilmember would want to look further into. I don't know. I am definitely leaning towards recommending the Council ratify the assessment but I want to follow up with the St. Paul Police Department and see if I can find out a bit more about the narrative that was used with you from their perspective. Maybe their standard script. Honestly, if you don't have anyone who can show up, regardless of the cost, they have to take this action.

Referred to the City Council due back on 4/19/2023

2 RLH TA 23-140 Ratifying the Appealed Special Tax Assessment for property at 1039 BRADLEY STREET. (File No. VB2307, Assessment No. 238806)

Sponsors: Brendmoen

Approve the assessment.

Jay Mitchell, o/b/o Quality Residences, appeared via phone

Mitchell: I think there may have been a mistake on what we filed the appeal for. This is for 1039 Bradley?

Moermond: yes.

Mitchell: the Vacant Building fee? I think they filed the wrong appeal.

Moermond: I did hear an appeal on this in September of 2022 on the Vacant Building

status. A 90-day waiver was given. We're looking at the Vacant Building fee following that waiver period having the Certificate of Occupancy not reinstated.

Mitchell: I think we won't be appealing; it was the wrong one. I apologize.

Referred to the City Council due back on 5/17/2023

3 RLH TA 23-145 Ratifying the Appealed Special Tax Assessment for property at 953 CLARK STREET. (File No. J2307B, Assessment No. 238106)

Sponsors: Brendmoen

Delete the assessment.

Eric Lundquist, owner, appeared via phone

Staff report by Supervisor Joe Yannarely: December 23, 2022 at 11:30 p.m. the St. Paul Police Department responded to a burglary alarm. Called in the contractor to secure the house from entry. Total proposed assessment of \$474.

Moermond: and the breakdown of those costs?

Yannarely: \$250 for the emergency call out. \$60 for the boarding of the opening and \$164 for administrative fees.

Moermond: Mr. Lundquist, why are you appealing?

Lundquist: I'd like this dismissed and the reason is while the St. Paul Police Department was still at my house, did a great job, I went down to my basement and pulled out plywood to board my window. They said I can put it away because they would send someone out. So, I did. They didn't mention any fee or costs. I literally had the wood in my living room. The St. Paul Police Department waited while the repair man came. If you look at my house right now you would see that there are two different types of wood because the repair man didn't have the correct sized wood. We ended up using my wood anyway, and I had to help him because he was unable to board it by himself. I ended up helping and using my own materials anyway.

Moermond: you are telling me concerning things, you know what those are. That the police provided the wrong information to you, and that the crew who showed up to do the work didn't have the materials they needed to do the job. That isn't great off the bat. I'm going to trust you on all this and recommend this is deleted. I will also ask Mr. Yannarely to follow up with the boarding contractor about what happened that night with that person who was dispatched. Doesn't sound like it was done professionally or organized. The St. Paul Police Department was clearly not providing the correct information either, which needs to be rectified too. I'll commit to doing that.

Referred to the City Council due back on 5/17/2023

4 RLH TA 23-100 Ratifying the Appealed Special Tax Assessment for property at 1040 GRAND AVENUE. (File No. J2306B, Assessment No. 238105)

Sponsors: Noecker

Approve the assessment.

Voicemail: I'm trying to reach Dan Sullivan. This is Marcia Moermond from St. Paul

City Council calling you about your appealed tax assessment for 1040 Grand Avenue. A boarding back in November. We tried you a couple of weeks ago, trying again now. We'll give you one more call this morning and then come to a determination.

Voicemail: good morning again Mr. Sullivan. This is Marcia Moermond from St. Paul City Council calling you again. You appealed the special assessment for boarding at 1040 Grand and we have been unsuccessful in getting ahold of you. I'm going to recommend the Council ratify this assessment. If you have questions or want to testify on the matter I refer you to the hearing notice that told you about today's hearing.

Referred to the City Council due back on 4/19/2023

- 5 RLH TA 23-133** Ratifying the Appealed Special Tax Assessment for property at 1361 MARYLAND AVENUE EAST. (File No. J2307B, Assessment No. 238106)

Sponsors: Yang

Approve the assessment.

Nengshy Vang, owner, appeared via phone

[Moermond gives background of appeals process]

Vang: I talked to the tenant this morning and he will pay me for that.

Moermond: oh okay, so your tenant will cover the cost of the boarding from the break-in.

Vang: yes.

Referred to the City Council due back on 5/17/2023

- 6 RLH TA 23-120** Ratifying the Appealed Special Tax Assessment for property at 689 PARKVIEW AVENUE. (File No. VB2306, Assessment No. 238805)

Sponsors: Brendmoen

Reduce assessment from \$2,616 to \$1,308.

Matthew Brown, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this is the annual Vacant Building fee paid in advance. Category 2 Vacant Building opened June 27, 2019 and it was closed as in compliance with its Code Compliance certificate on January 1, 2023. It was roughly six months into the year. Total proposed assessment of \$2,616.

Moermond: when we spoke last time, we talked about you getting out of the Vacant Building program and prorating this fee possibly. Six months and 4 days in the program. I can cut it in half. Where are you at with it Mr. Brown?

Brown: that would be fine with me to cut it in half. That was my appeal. Rick Gavin was really helpful, I couldn't have done it without his help.

Referred to the City Council due back on 4/19/2023

7 RLH TA 23-139 Ratifying the Appealed Special Tax Assessment for property at 929 YORK AVENUE. (File No. VB2307, Assessment No. 238806)

Sponsors: Yang

Layover to LH May 16, 2023 at 9 am to see permit status and possible proration of fee.

Michael Meyer, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this Category 2 Vacant Building file was opened November 4, 2022. It was referred to the program, the house was vacant and the electric was off. Some siding issues. It was found vacant. The total proposed assessment is \$2,616. There has been two Summary Abatement Orders sent and one work order from March 16.

Moermond: why are you appealing Mr. Meyer?

Meyer: we bought the house meaning to fix it up for family. It needed more work than we thought. We also have a place in Florida and I came back and all of a sudden I got all this information. My question is, can you have two houses and not live in one for a certain amount of time? And have to pay this Vacant Building tax? I've bought houses for years; we spend two to three months in Florida. The house is in horrible shape, but that is how I bought it. No one lived there before I even bought it. No one paid the vacant tax then. I'm curious why now? We're fixing it up because it was falling apart when we bought it.

Moermond: do you have mail forwarded to you in Florida?

Meyer: no. We come back. That isn't my house-house. That was a secondary house for family. My mailing address is 297 Copp drive in West St. Paul.

Moermond: I see that. That isn't really what we're talking about today. The notification of being in the Vacant Building program went out in November 2022. We do hear appeals at that point in time from people. What I see is that without services from Xcel—they are the ones who notified the City they shut the power off to the property. That was the trigger for it to be looked at it. It is considered a basic facility so when the City gets those notices they send an inspector out. They wait six weeks before they notify the City. That's what the inspectors came across. It wasn't a judgment about whether you get to own two houses. It was based on that referral. You also don't have this as the address where you live, which also probably help informed that. Do you have an action plan for dealing with it? You said the house was worse than you expected. How long before you can get out from under these problems? Mr. Yannarely, due to the type of Vacant Building, can you describe what is required?

Yannarely: the inspector deemed it a Category 2 because it had multiple Code violations including lack of electricity and exterior maintenance of the building. Before it can be occupied it needs a certificate of Code Compliance. That Code Compliance Inspection needs to be done to find out what needs to bring it up to code.

Meyer: I understand about the Code, but you go around that neighborhood and all the houses look like cr@p. Yes, we turned off the electricity because we were not going to

be there. We were clearly having to redo the siding and stucco. The plan is to have it done within 2 months now that we're back.

Yannarely: you need a Code Compliance inspection to pull permits.

Meyer: I understand all that.

Moermond: you think you can get out from underneath this in a couple months. How long are Code Compliance Inspections taking, Mr. Yannarely?

Yannarely: four to six weeks.

Moermond: I don't see any returned mail in the system. Did you have anything about the letters from November and December?

Yannarely: I don't see any notes indicating returned mail. It was sent to Mike's Contracting, LLC on Copp drive in West Saint Paul.

Moermond: when did you buy this?

Meyer: January 2022.

Moermond: a lot of times when I am talking to people and people are appealing the fact that it is a registered Vacant Building when it is put into the program I can talk to them about possibly prorating the Vacant Building fee if they can get out within less than six months. The Code says I can hear an appeal of that action within 15 days. I had a window until the end of December to hear an appeal on whether or not you should be in the program or not. After that, my hands are tied about that piece of it and the appeals process moves into the conversation about the assessment itself. That's today's conversation. I know you want to talk about having two places. I wasn't hearing this was a homestead based on the fact you have an LLC as the owner. I am kind of stuck here. If you get it done sooner rather than later you could maybe make a case to the City Council you be given an opportunity to have it prorated. As it stands, we're at April 4. Get that Code Compliance ordered right away and get to work.

Referred to the City Council due back on 5/17/2023

10:00 a.m. Hearings

Special Tax Assessments

- 8 RLH TA 23-106** Ratifying the Appealed Special Tax Assessment for property at 424 ENGLISH STREET. (File No. CRT2305, Assessment No. 238204)

Sponsors: Prince

Approve the assessment.

Referred to the City Council due back on 4/19/2023

- 9 RLH TA 23-147** Ratifying the Appealed Special Tax Assessment for property at 452 BIDWELL STREET. (File No. CRT2306, Assessment No. 238205)

Sponsors: Noecker

Approve the assessment.

Referred to the City Council due back on 5/17/2023

- 10 [RLH TA 23-143](#) Ratifying the Appealed Special Tax Assessment for property at 1840 IOWA AVENUE EAST. (File No. 2306T, Assessment No. 239005)

Sponsors: Yang

Layover to LH April 18, 2023 at 10 am.

Laid Over to the Legislative Hearings due back on 4/18/2023

- 11 **RLH TA 23-42** Ratifying the Appealed Special Tax Assessment for property at 905 MARYLAND AVENUE EAST. (File No. J2310A2, Assessment No. 238527)

Sponsors: Yang

Approve the assessment.

Referred to the City Council due back on 4/19/2023

- 12 **RLH TA 23-137** Ratifying the Appealed Special Tax Assessment for property at 942 AURORA AVENUE. (File No. J2307E, Assessment No. 238306)

Sponsors: Balenger

Delete the assessment.

Referred to the City Council due back on 5/17/2023

- 13 **RLH TA 23-144** Ratifying the Appealed Special Tax Assessment for property at 1079 MARYLAND AVENUE EAST. (File No. J2307E, Assessment No. 238306)

Sponsors: Yang

Approve the assessment.

Referred to the City Council due back on 5/17/2023

- 14 **RLH TA 23-117** Ratifying the Appealed Special Tax Assessment for property at 693 WESTERN AVENUE NORTH. (File No. J2307E, Assessment No. 238306)

Sponsors: Balenger

Approve the assessment.

Simon Everest, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: October 12, 2022 there was a Summary Abatement Order issued to repair a sewer line that hadn't been done. We issued two Excessive Consumption fees for non-compliance and sent it over to Vacant Buildings October 25, 2022. The total proposed assessment is \$283.

Moermond: Mr. Everest, tell me why you are appealing.

Everest: I did speak with Mai and I sent her information the sale of the property. I closed in this house in December. I am also in contact with the title company. There were some other charges that the title company passed onto the seller that were from before I took ownership. I am hoping to settle this in a similar way. This happened before I owned it and I wasn't informed of it happening. They were sent to the previous owner. I did email the title company and she said she will reach out to the underwriters to see if it can be settled on that end. Can we delay or get an extension to see if I can get it settled through the title company or seller than this way? That is why I am appealing.

Moermond: I am afraid I don't have good news. What you are describing is an issue between you and the seller. The City wasn't party to that closing and I'm not hearing there was a problem with notification or an appeal disputing the order. Your title company will give you the best advice. These things should be disclosed by the buyer to the seller. The responsibility lies there. The City Council doesn't have this in front of them until May 17 so hopefully you have resolution by then.

Everest: I heard you say it is the responsibility of the buyer to disclose to the seller?

Moermond: the other way around. Seller to buyer.

Everest: oh, ok, that makes sense. It isn't so expensive it is worth fighting with the seller, but there are larger issues I'm trying to work out with them. I'll keep working with the title company to hopefully get this resolved.

Martin: there is still an open permit for the sewer repair from December. It doesn't appear to be resolved yet.

Everest: my understanding was it was repaired. I do have a lien labor for that. Maybe it just needs to be inspected? To get the permit closed?

Moermond: the contractors who pulled the permits need to reach out to the City. Three were three permits One was finalized. One is active, never been inspected. Another one received an inspection and had corrections. A – Z Underground is one of the active permits, the other one is Bonfe.

Martin: I am noticing also that the Certificate of Occupancy still is listed as condemned.

Moermond: we can shoot a Certificate of Occupancy change of ownership form out to Mr. Everest. Are people living there now? Is this a rental?

Everest: no, I live there.

Moermond: if you are live there then you don't have to have a Fire Certificate of Occupancy. Although, the house is condemned because of the sewer, that applies whether you live there or not. Those permits really need to be resolved sooner than

later if you are living there. As far as the City is concerned, you have yourself a major sewer problem that got the house condemned and moved into it, which is a problem.

Everest: absolutely. I wasn't aware.

Moermond: you may want to talk to the seller about that as well. Those permits were pulled before the closing.

Referred to the City Council due back on 5/17/2023

Special Tax Assessments-ROLLS

- 15 RLH AR 23-33** Ratifying the assessments for Collection of Vacant Building Registration fees billed during August 11 to November 16, 2022. (File No. VB2307, Assessment No. 238806)
- Sponsors: Brendmoen
- Referred to the City Council due back on 5/17/2023**
- 16 RLH AR 23-34** Ratifying the assessments for Securing and/or Emergency Boarding services during December 2022. (File No. J2307B, Assessment No. 238106)
- Sponsors: Brendmoen
- Referred to the City Council due back on 5/17/2023**
- 17 RLH AR 23-35** Ratifying the assessments for Demolition services from November 2022. (File No. J2303C, Assessment No. 232002)
- Sponsors: Brendmoen
- Referred to the City Council due back on 5/17/2023**
- 18 RLH AR 23-36** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during October 25 to November 27, 2022 (File No. CRT2306, Assessment No. 238205)
- Sponsors: Brendmoen
- Referred to the City Council due back on 5/17/2023**
- 19 RLH AR 23-37** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during October 24 to November 21, 2022 (File No. J2307E, Assessment No. 238306)
- Sponsors: Brendmoen
- Referred to the City Council due back on 5/17/2023**
- 20 RLH AR 23-38** Ratifying the assessments for Removal of Diseased and/or Dangerous Tree services during January 2023. (File No. 2306T, Assessment No.

239005)

Sponsors: Brendmoen

Referred to the City Council due back on 5/17/2023

11:00 a.m. Hearings

Making Finding on Nuisance Abatements

- 21 [RLH SAO 23-8](#) Making finding on the appealed nuisance abatement ordered for 5 GEORGE STREET WEST in Council File RLH SAO 22-54.

Sponsors: Noecker

The nuisance is abated and the matter resolved.

No one appeared

Moermond: 5 West George what are we looking at? The compliance date was April 3. Was the work done?

Supervisor Lisa Martin: yes, it was. The temporary membrane structure and frame have been removed.

Moermond: so it was abated and the matter is resolved.

Referred to the City Council due back on 4/5/2023

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

- 22 [RLH VO 23-14](#) Appeal of Arnold Kampa to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1084 LARPENTEUR AVENUE WEST.

Sponsors: Brendmoen

Grant to April 26, 2023 for compliance.

Referred to the City Council due back on 4/26/2023