



City of Saint Paul

15 West Kellogg Blvd.
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Minutes - Final

Legislative Hearings

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Tuesday, October 10, 2023

9:00 AM

Room 330 City Hall & Court House & Remote

- 8 [RLH VBR 23-59](#) Appeal of Greg Lehman to a Vacant Building Registration Notice and Fire Certificate of Occupancy Revocation Notice at 839 FOURTH STREET EAST.

Sponsors: Prince

Layover to LH October 24, 2023 at 1 pm to discuss findings of Thursday, October 19, 2023 inspection.

Greg Lehman, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Mitch Imbertson: this is a residential building in the Certificate of Occupancy program. We were following up on previous orders granting an extension through September 1, 2023 under appeal. Inspector followed up on September 5, and he was unable to gain access but it did appear unit 1 was vacant. After confirming there was no extension or modification of previous deadline he referred unit 1 to the Vacant Building program which is where the September 12 letter revoking the Certificate of Occupancy for unit 1 comes in. Some items weren't able to be checked off since the inspector couldn't get in to verify.

Moermond: one unit has the Certificate of Occupancy revoked, the other three have one. That one unit was referred to the Vacant Building program.

Staff report by Supervisor Matt Dornfeld: we opened a Category 1 Vacant Building per that referral.

Moermond: when you have a Category 1, it means it can be reoccupied by non-owner as soon as it has its certificate reinstated?

Dornfeld: yes.

Lehman: the fire inspector failed to tell you I called him to reschedule from that date which he refused to do. It should have been done before the first. Having one on the 5th, I told him the Friday before I couldn't make it. He refused because he Council decision. All the councilmembers said we were going to sit down and resolve this. No one ever called me. Jane Prince never called me. She finally left me a message saying she forgot all about me and would figure something out. Never heard back from her. Then around September 5 I called her when I called the fire inspector to reschedule, she said she did talk to the Fire Inspector. Then she called me back and said maybe I should have someone come in to look at the heater and see what they said about the

cover. I had a friend who is a heater guy come in and said just make a cover for it. It is all you can do. That's where I'm at. And all this because of a disgruntled tenant who was made because I wouldn't set the heat to 75 degrees. Now she's evicted because she didn't follow my rules.

Moermond: right, we talked about it last time. The Council made no such commitment. The Council voted 7- 0 to deny your appeal. Ms. Prince said she wouldn't mind working with you come up with a solution. That isn't the same as saying she's going to facilitate the solution.

Lehman: she called me and said she'd work with me.

Moermond: that's fine, but I'm telling you that you summarized the Council record inaccurately. They voted 7 – 0 that you needed to come into compliance.

Lehman: what about when I called the Fire Department to reschedule and they wouldn't budge.

Moermond: the Council then granted an additional extension beyond the original one, so that is the one the Fire Inspector is following up on. Mr. Imbertson can speak to rescheduling; I do know that last minute for these types of deadlines it isn't a great thing to be asking for.

Lehman: the deadline was September 1 and the Fire Inspection wasn't until the 5th. That was five days late. It should have been in August.

Imbertson: the inspection was schedule to the 5th to allow the full of time from the Council extension. Typically, at our soonest availability on the following business day we will schedule inspection so there is no disagreement about you having the full amount of time granted by Council. We can always set up earlier reinspections if we are notified the work is done ahead of deadline but we try to avoid situations where we set an early reinspection and we're holding someone to a shorter deadline given by the Council.

Moermond: could we, to have the most current information, set an inspection with the inspector or supervisor so we have eyes on? Right now, I have orders from September 12 when Mr. Lehman wasn't available. Can we get someone in and get fresh information and use that. Mr. Lehman are you good with that?

Lehman: when is that going to be?

Moermond: we're not there yet, I'm asking in principle if you are ok with rescheduling this inspection.

Lehman: yeah. When do you want to reschedule?

Imbertson: I'd like to have Ryan Tessman there who did the previous inspections.

Lehman: he has only been there one time in his whole life. He's never done a Certificate of Occupancy here.

Moermond: in any event, do you want to schedule this now Mr. Imbertson?

Imbertson: as quickly as possible?

Moermond: I'd like to allow a 2-week layover to get eyes on and fresh orders.

Lehman: 2 weeks is fine.

Moermond: within the next two weeks is what I'm saying. Two weeks here in Legislative Hearings.

Imbertson: are you available this Friday?

Lehman: that would be too soon. I'm going to have the heater guy look at it.

Moermond: I thought you had a guy in there?

Lehman: that was my friend. I'm going to have a company come in.

Moermond: you've had a lot of time to do exactly that.

Lehman: I didn't know what the City's Council resolve was to fix my problem. What's the inspector going to look for?

Moermond: the City Council isn't responsible for fixing your problem. That's something you need to work with inspectors on and we discussed at great length in our hearing.

Lehman: I'll just appeal to the City Council.

Moermond: why don't we get an inspection so the Council has current information.

Lehman: I told you two weeks. You said two weeks.

Moermond: I said I wanted to lay the matter over for two weeks to allow the inspector access. They can see what you have in that time period, at the same time you can talk to a heating contractor about it and you can bring that information to a hearing that occurs in two weeks from now. We can pull the pieces together.

Lehman: two weeks from today would be perfect.

Moermond: for a hearing. I want an inspector in before the hearing. Updated orders understanding that in the same two weeks you will be reaching out to a contractor. As an article of good faith, I'd like to see you get an inspector in to do at least a progress check on the set of orders from early in the year.

Lehman: what do you mean progress? There's no cover there. I don't know what to do with the cover.

Moermond: there are seven items in the orders appealed.

Lehman: those are done. What else is there?

Moermond: I'm glad to hear that and if an inspector can put eyes on it, they can be crossed off the list. I'm saying that as an article of good faith you would allow access to the inspector to review them. We will have current information then and working on the remaining item.

Lehman: cut it down to a week and a half, give me a week and a half. Otherwise, I'll just go to the City Council.

Moermond: you do what you need to. Are you going to allow access to an inspector? Mr. Imbertson offered Friday.

Lehman: I'm working Friday. Anytime the week after is fine.

Imbertson: 11:30 on Thursday the 19th?

Lehman: that will work.

Laid Over to the Legislative Hearings due back on 10/24/2023