



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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

Tuesday, October 5, 2021

9:00 AM

Remotely

8 [SR 21-161](#)

Review Request of Steven Little, on behalf of Maureen Honish, to a Ratifying the Appealed Special Tax Assessment for property at 284 ALBERT STREET SOUTH adopted by Council September 15, 2021. (File No. VB2111, Assessment No. 218817)

Sponsors: Tolbert

Recommendation is forthcoming. Staff needs to confirm with inspector on permit(s). If amended, will do new resolution to go before Council.

*Steve Little, SRL Law PLLC, Attorney for Maureen Honish, appeared via phone
Maureen Honish, owner appeared via phone*

[Moermond gives background of appeals process]

Moermond: In this particular case, I am looking at this assessment because the Council received a letter objecting to the assessment. The letter came in a day after the assessment was ratified. However, rather than going to district court immediately, we are having a hearing to establish some fact and if you still want to go to district court that is still an option that is available to you. What I like to do in this setting is start with a staff report, and have staff lay the groundwork for why there is an assessment at all, then we can come back to you and hear your reason for appealing and what you are looking for in the appeals process.

Staff report by Lisa Martin Supervisor in Code Enforcement with the Department Safety and Inspections: Yes, it looks like the cost of the vacant building fee is \$2127 with a service charge of \$157 for a total assessment of \$2284. This is a vacant building fee that has been unpaid. There has been no returned mail to the owner and this property has been vacant since 2018. I actually did the original inspection on this property and this was one of the worst hoarding and sanitary cases I have seen in a long time. March 8th of 2018, I did issue a group of orders. The home has been condemned and this has been a vacant building since 2018 and has been monitored by Matt Dornfeld. We have had a few conversations with Ms. Honish regarding not reoccupying the building until everything was resolved. She did do a code compliance inspection in 2019. It looks like the last notes I have from Mr. Dornfeld shows that the house was possibly reoccupied in July of 2021. Then August of 2021, the house appears occupied while permits remain open. September of 2021 permits still remain open, so I am not sure if this home has been reoccupied or if it still remains vacant at this point.

Honish: So, the house has been rehabbed completely. I hired a contractor and

construction began in March on 2019. Deconstruction began, the whole project on the house was to be done by the fall of 2019. There has been a number of problems with the contractor, so it has been delayed but the city inspectors have been out inspecting it at every stage of the construction. Per their statement I was given permission to reoccupy the house in Nov of 2019 because it had been reconstructed and had cleared code at that time, well they gave me permission. There was a number of things that needed to be done. There had been problems with the contractor that have caused delays. The framing was done, and the roof was put on in July of 2019. No work was done in August or Sept of 2019. In the fall small amounts of work was done. By winter they had come and framed the garage including a new garage putting new trusses on. There was a debate between us because the pitch of the garage roof did not match the house roof so they stated they would not do any work until the discussion about what to do with the pitch of the garage roof had been done. Which delayed work more than two months almost three months. There were other relatively small problems with the inside of the house where they had put PBC pipe into the basement floor rather than sealing what was an access pipe out to the exit line. We have been debating over a number of things like this which caused delay. By winter 2020, 2021 there had been enough problems with that contractor, so I hired a new contractor to come. They had done concrete work with the deck, so I hired them to finish the rest of the project. They did some work in February, but in March 2021, they told me they had bigger projects and they needed to spend their time focusing on bigger projects. They would not finish the work, so I contacted other contractors. I spoke to three people; my attorney Mr. Little has put me in contact with another and by April they all said they would not be able to do the work at all based on their schedule or not until the fall, which leads us to this point. I spoke to another contractor who said he could come and finish the work in possibly the 3rd week of November, and I spoke to the contractor that Mr. Little had put me in contact with and was looking at this from the two of them. The things that need to be done by the city to meet code are part of the railing on the front steps needs to be raised one or two inches, they did not put an access port in the ceiling to the attic area and that needs to be done and they put sheet rock on the inside of the garage for a fire wall adjacent to the neighbor but they oriented it differently and I believe that has to be reinstalled. Instead of hanging horizontally it should be hanging vertically and I believe those are the only things that have to be done to pass the city code. Hardware has to be put on storm doors and things like that to meet code.

Moermond: I feel like I am getting a picture of this. You stated a building inspector said you can reoccupy?

Honish: That is correct.

Moermond: Do you remember who that was and when that was? You said a date and I can't remember?

Honish: I got that information in November from the contractor. Then in the spring..

Moermond: November from the contractor not directly from the building inspector?

Honish: No, that's not true.

Moermond: Please expand.

Honish: I heard it from the contractor in the fall but then the inspector came back out in April of 2021 to go over the whole project with the first contractor, who was claiming

that everything had passed inspection. I knew it hadn't, so that inspector came out to the property and I met with him and the contractor on the property. He again stated it was fine for me to stay in the house but those were the three things that had to be done to meet city code, the three things that I had listed.

Moermond: Mr. Little do you have additional comments?

Mr. Little: No, other than we are in an active litigation with the general contractor who had provided the Ramsey County District court file number 62-CV-21-524. This project should have been done in the fall of 2019, but this has been ongoing and now we are in active litigation with subcontractors that hadn't been paid and the general contractor, is currently in default and is not actively defending in the lawsuits.

Moermond: Here is my assessment on this, as you were speaking staff were checking computer records on any written correspondence that would confirm that building inspection staff allowed reoccupation pending completion of those tasks. We were unable to find anything. What we are going to do is reach out to the chief inspector for vacant buildings and find out what is going on with that. In the normal course of events, if reoccupation was allowed there would be a letter saying this is a temporary or provisional certificate and you are expected to do the following things usually with a particular deadline. In absence of seeing that I need to do some confirmation of that. I can say that you probably should have know that getting the certificate of code compliance is the bright line for being able to reoccupy. That would have been the communication received over the years and you don't actually have that. So, it would have been legitimate and expected for this vacant building fee to come forward at this time. We will follow up with the inspection staff and find out what is going on with this. I understand you are in litigation, that isn't going to affect this, but I do understand how it impacts your lives. I will confirm with him and we can talk again if we need to. If he says absolutely, we said reoccupation, we can forward that email over to you and we don't have to meet again in a hearing setting. Do we have a email address for you and for you Mr. Little?

Honish: Honi0003@umn.edu

Moermond: Alright we are going to reach out and see what we can figure out with that and what is going on with the permits. The permit situation is really complicated in the computer system here, so it confirms where you are with the contractors. We will get more information and can deal with this at that point. This will not go forward to council until we get some resolution on these things and you would still be able to talk to the council if you are in disagreement with what I recommend to the council at that point. To your benefit the vacant building fee covers April 2021 to April 2022, if they did indeed allow reoccupation back in April of 2021, there is no question the vacant building fee would go away entirely ok. So, I just need to wrap this up on my end. Do you have any questions?

Honish: I do not have any questions.

Moermond: Okay we will follow up and get some information back to you okay. I wish you a great rest of your day.

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