



# 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**  
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**651-266-8585**

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Tuesday, September 27, 2022

9:00 AM

Room 330 City Hall & Court House/Remote

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

##### Remove/Repair Orders

- 1 [RLH RR 22-52](#) Denying a stay of enforcement of demolition for property at 587 COOK AVENUE EAST. (To refer to September 27, 2022 Legislative Hearing)

**Sponsors:** Yang

*Layover to LH October 11, 2022 at 9 am. Recommendation forthcoming. (CPH 10/19)*

*Gerald Krippner, owner, appeared*

*Moermond: we heard from Heather Mylin who had the intent to buy the property and bids came in high and was backing out, perhaps giving you a counteroffer. I'm kind of at the end for me. The Council sent this back quite a while ago for a plan to be developed. Do you have any next steps?*

*Krippner: we could talk about that but you kind of ended that saying what you said right there.*

*Moermond: do you have an end game that will get us out fast?*

*Krippner: I do have something important I wanted to bring up before, but you were on vacation. I talked to talk about it but got the last client in and tried to resolve it that way.*

*Moermond: I will only talk to you on the record. Regardless, it would have had to be in writing or in hearing. Me being on vacation is beside the point.*

*Krippner: just saying I made an effort. In the July meeting it was discovered that I potentially didn't receive a document. You said it was December. When I asked Ms. Zimny and she sent me the document. I couldn't bring it up in the July meeting because I wasn't 100 percent sure if I got it or not. I went home and got my file. I didn't receive it. I don't know how that happens. But it is very important to the process because what would have happened is I would have taken my offers at that time and sold it as a Vacant Building Category 2. Why did I not receive it? I did come up with a potential reason. Whether it was not sent or forgotten, I can't tell you for sure. I did come across some things.*

*Moermond: December?*

*Krippner: that's what you said but the letter she sent was dated January 7.*

*Moermond: perhaps an appointment letter in December? An order to abate a nuisance building was posted February 2 based on a January 13 inspection.*

*Krippner: I was always puzzled with that because it was so abrupt. I brought that up in July and that's when you mentioned the December letter when I was supposed to meet Matt Dornfeld. I would have remembered because I had the same meeting with Matt in June.*

*Moermond: if there was a lack of an appointment letter, the inspection did occur. The building was posted, it was sent first class mail and person service was served. The cure for lack of information would be giving you additional time to deal with the lack of notice, which you have received.*

*Krippner: had I received the letter it would have given me the opportunity to appeal it. My appeal would have been that after I pulled the Code Compliance I was ordered to contact the next person in line with the City to see what I was to do. I was given the date I had to have to listed for sale, August 16. I was given the option to rehab or sell. I said I would sell since I have a real estate license but am not a general contractor. They said I had until August 16, call me when it is listed. August 11 I called him and said it was listed. He said ok, now remember you can't do any work to it. I said what? He said I can't do any work to the property. I said I'm glad you told me this because my plan was to rehab while it was for sale to improve it.*

*Moermond: you mentioned a window previously.*

*Krippner: he said Gerry, you can't work on it. I asked if I could pull the plywood off the front window. He said I wouldn't do it; people always get caught. I guess in my February 7 time frame, I called Mr. Yannarely and asked why I got this letter. He said no work was being done. I said I was told I couldn't do any work. Now we're this far down the line and I should have been told if I don't have it sold by a certain date it would become a Category 3. I have the text on my phone. I followed Matt's instructions about pulling the Code Compliance, which I did by June 8. I met him at the building June 8, 2021. I said I pulled the Code Compliance and he said you did? I said yes. He said, I didn't get anything. I said I had a feeling when I pulled it, I took pictures. He asked me to send them to him. He said I don't need to look at the property then. Through text we talked about time frame and pulling the Code Compliance. In that text he says, you have to have it pulled and done in 60 days. If it wasn't done it will move to a Category 3 Vacant Building. I know you are all busy, but I'm just saying that is a critical important thing that was missed when I talked to the next person in line. Then we get to January. I didn't get that letter. I have been racking my brain about what happened, and I have no solution or reason. I can't believe anyone would do that on purpose. When you send out snow removal abatements, do you fill those out yourself Mr. Yannarely?*

*Yannarely: typically, they are auto generated by a neighborhood complaint.*

*Krippner: I got a snow removal abatement January 7, the same day I was supposed to get that letter from the City about meeting Matt. My question is, is it possible that when these were generated that this conflicted with the process of sending this abatement order? That it thought this abatement order was actually the letter to meet*

*Matt Dornfeld?*

*Moermond: I see a January 6 appointment letter from Mr. Yannarely. The snow abatement letter is automatically generated that lists you because you are the default inspector.*

*Yannarely: Matt sends out the appointment letter, but when it becomes a Category 3 it comes under my name.*

*Moermond: right. It wasn't shoveled in February either.*

*Krippner: it was.*

*Moermond: someone complained anyways?*

*Krippner: I was going to mention it before. We had snow, I was ready to shovel, then it was going to snow again so I waited for both snowfalls before I removed. February I was very concerned because I do take care of the property, I was very surprised when I got that one and it said you have to have it removed 24 hours. I still got it even though it was. It was always gone.*

*Moermond: it says if it is resolved then ignore the letter.*

*Krippner: I did make a video in March, took pictures, because I was very concerned. I still have that on my phone. I kind of was worried where this was going, and things had got more serious. Big concerns. I always remove the snow. My neighbor doesn't.*

*Moermond: or maybe there is a person who simply calls in the addresses on their way to the bus stop. We often get entire blocks called in. It wouldn't be surprising. What was checking was to see if I had any records of clean ups, which I do not. You took care of it before a reinspection. I need to land the plane on this. You are saying I wouldn't be in this mess had I gotten an appointment letter. And I'm saying you've been in this mess since 2005.*

*Krippner: no, 2007.*

*Moermond: you bought your friend out after buying at a foreclosure sale. It has been in your hand since 2008.*

*Yannarely: the first time you went through this in June 2021 with Matt, you were told if you got a Code Compliance and start pulling permits and working on this in 60 days, everything is good.*

*Krippner: no, I had the opportunity to sell.*

*Moermond: in other words, if you get the Code Compliance and start pulling permits it is considered dealing with this and you won't pursue an Order to Abate a Nuisance Building.*

*Yannarely: and it wasn't two months; it wasn't revisited until six months later.*

*Moermond: and a conversation with Reid about not fixing the window without a permit. We discussed in hearing it doesn't require one to pull a permit to take the board off but replacing the window would need a permit. We've covered that territory.*

*Krippner: not with me. I don't remember that conversation.*

*Moermond: we have records of that. We've talked about that and I said it was a mistake on the City's part if that was said. I don't know what the conversation with DSI staff was. You are saying I want time because I feel I was mistreated with not getting an appointment letter and it would have changed my life. I personally am not buying into that, but what exactly is the cure in your mind?*

*Krippner: what do you think is fair? In meetings you have minimized it, but through the process I've proven the property has great value because I've brought people to the table. I have interested people at a much higher price point at that time. I could have sold it as a Category 2 Vacant Building.*

*Moermond: that didn't involve me at all since I only saw it since I became a Category 3. Everything before that is water under the bridge.*

*Krippner: not to me.*

*Moermond: I understand. You are saying you have this history, and it changes my future. You want the bell un-rung.*

*Krippner: absolutely. That is what fair. You have to send me that letter. You took that opportunity away from me. You know that Marcia.*

*Moermond: Mr. Krippner, I don't actually agree with you.*

*Krippner: how can you not?*

*Moermond: you didn't take the steps along the way you could have to address the problems, up to and including the fact that the Order to Abate a Nuisance Building was clear about the \$5,000 Performance Deposit and that wasn't done until the day before our first hearing. You couldn't have even acted before then. Any kind of action.*

*Krippner: \*that\* is water under the bridge.*

*Moermond: I have the Council having considered the entire record in front of them, including the testimony about the appointment letter. You did talk to them. They took a vote and they said on balance they believe it should be removed or repaired within a narrow time frame. On my request it was sent back to consider a stay of the order they already voted on. We are in overtime right now.*

*Krippner: no.*

*Moermond: they voted. You need an attorney then because I have a Council vote saying it should go down and now we have consideration of a stay of that vote because you came forward with someone who could rehab it. Fantastic. I need to look at that stay and do that on condition. I can't relitigate facts already in front of them. They had the record they had, including your statement, and made the decision they made.*

*Krippner: not ok.*

*Moermond: I hear you saying that. And I would love to bring them a package from you. If I don't have that, the only answer is that I don't have anything to hang my hat on to*

stay enforcement. If you bring me one, I can ask for that stay. You've come close. She said she counter offered. I don't know if you have other people out there. You need to figure out after this Council vote what actions you would take. I am giving you a path. You need to do a cost benefit analysis for your own self on the best steps forward at this point. The door was open for you to get a stay.

Krippner: it is reopened because the Council wasn't given the fact I didn't get that January letter. Everything changes with that you and you know that.

Moermond: I do not agree. Are you saying you aren't going to bring a rehab plan?

Krippner: are you saying you won't bend at all or consider what I'm saying?

Moermond: I asked the City Council, based on the strength of you coming forward with a purchase agreement—with someone else, not even the one we were talking too--

Krippner: you wouldn't have had the opportunity had I received a January letter. When I talked through my February 7 letter, I asked Mr. Yannarely twice, Ms. Vang, twice, when the meeting was set up. The May meeting. I said is this an appeal meeting. Four times I asked that. They said yes. I came in that meeting it wasn't an appeal meeting. We are moving forward not backward. I would have appealed it right away, that's why I was asking.

Moermond: different process entirely.

Krippner: no, it isn't, let me finish. I would have appealed right away because I called a person at the City and we talked about the Vacant Building number 2 with this letter, stuff like that. It was told to me, literally, a Vacant Building number 3 has never moved back to a number 2.

Moermond: correct.

Krippner: that is actually not true because I have a current buyer that made an offer, and he did have a Category 3 that was moved back to a number 2. It was maybe because it was early in the process. Had I received that January letter it would have been early in the processes, and I could have discussed that with someone.

Moermond: if I may. The process begins with an appointment letter. Then there is a building deficiency inspection. That is the inspector reviewing the exterior and hopefully the interior of the building, all past reports and photographs. The entire thing and deciding about whether this is a dangerous or nuisance structure. That inspection occurred; a determination was made. A letter was issued saying you have 30 days to cure this. If the person you are talking to cured the problem, got their Code Compliance and pulled permits when they got that letter, that would have turned the train around and hearings would not have been scheduled. That is the only scenario I could see it changing. Once 30 days expires and those things aren't in hand it does to Public Hearing. That is the only scenario where someone could have experienced that.

Yannarely; and in a way that's what he got the previous summer. Matt sent the appointment letter and Mr. Krippner said he was going to pull a Code Compliance Inspection and get permits and post the Performance Deposit within 60 days. He did not do those things and six months later Matt sent another appointment letter which he is claiming he didn't receive, to start the process again. That is what he is hanging his hat on.

*Krippner: I forgot to mention I didn't know anything—*

*Yannarely: you saw the notices on your front door? The Order to Abate, the Public Hearing notices. You did see those.*

*Krippner: yes, there was no January 7 notice.*

*Yannarely: no, we don't post the appointment letter.*

*Krippner: what you are saying is it seems like it is consistent with the February 7 letter where I had to March 9 to bring it up to certain requirements. You don't believe me I didn't get that January 7 letter. Do you send it certified?*

*Yannarely: US mail.*

*Krippner: I didn't receive it and that took away my opportunity to sell it as a Category 2 Vacant Building.*

*Yannarely: the previous 14 years not being enough time?*

*Krippner: I acquired it in 2008. I lost my career in 2008. I didn't know what a Vacant Building 2 is. We did all this work and cleaned it up. Didn't require a permit. Now I learn what a Vacant Building 2 is. I talked to someone with the City. When you lose your career you have no income. This was an expensive rehab. I can't do the work myself. Through time I kept it clean and maintained it hoping for a financial victory of some kind. Unfortunately, I was in the printing industry. A diminishing industry. That isn't your fault, or mine. Things are what they are. I sat with it, the City decided to move on the situation, April 1, 2021. I consulted some people I knew, and they said you can fight it or try to work with them. I believe in trying to work with people. That's what I tried to do. First contact I had was with Matt Dornfeld. I told him I wanted it in stronger hands. That's been my goal the whole way. But when I have discussions along the way, after pulling the Code Compliance and finding out I can't work on it and having it sold. I brought up the plywood.*

*Moermond: from when you bought the property to the present, let's just say 12 years. There have been a couple grand in taxes every year, plus the Vacant Building fee. So that's \$24,000 in holding costs. That doesn't seem like a good investment without specific action. I think looking at that thinking there is some dysfunction in the system where you didn't see it was in your financial interest to stop writing those checks. Both post mortgage foreclosure crisis. Now you are looking at a demolition that will run you \$25,000 to \$30,000. I don't know the financial analysis on the offers you are getting that you need to get back out the \$25,000 in holding costs in the last 12 years. That would be your hope to break even at the very list.*

*Krippner: \$25,000.*

*Moermond: I'm spit balling based on the Vacant Building fee. That is your personal business. The Council heard your statement about the appointment letters. It heard your testimony on that and read the record. They voted and issued an order. I cannot un-ring a Council determination. I can look at whether I stay should be issued. I am really hoping you can give me a reason to put together a resolution to do a stay. It isn't sufficient in my mind to say the lack of an appointment letter, if indeed it wasn't misplaced---and we don't know what happened---I just know a finding was made, an*

order was posted and sent to you, and all the wheels were turning to give you an opportunity to do this. You can continue to litigate this matter after Council consideration. I am suggesting to you there is a calculus in your own interest to engage in, to see the best plan moving forward. I had this case first August 21. They sent it back to me with our first hearing on August 21. They issued their order June 8. The following month they referred it back to hearing. Then I heard it as indicated in August. Now we are at the end of September. You've had 2 different purchase agreements discussed. If you bring forward a viable plan in a couple of weeks, whoever that is with, I am thrilled to send it back with a recommendation you get time to get it taken care of. If you don't I am stuck with saying I recommend you don't grant a stay, at which point you can make your argument at the next level. I can't give you advice on that.

Krippner: at the council meeting?

Moermond: they would vote on whether or not to grant a stay of enforcement on its already issued order to remove.

Krippner: can I address the time frame and accrual of the Vacant Building fees? You go down the road and add all those Vacant Building fees together it is a big number. The income I had coming into rehab is a chunk of money or pay the Vacant Building fee and property taxes as a smaller amount. I prayed hard and had that money to pay the taxes and the Vacant Building fee. Didn't have the money for the rehab.

Moermond: you had the option to sell as well.

Krippner: I didn't know that.

Moermond: you were a licensed realtor and you say you didn't realize you had the opportunity to sell?

Krippner: right, I held a license to get into the investment side. This was my first property. I sat with this lying in wait, waiting for something to happen that I could afford to tackle it. The other part of it is, as I mentioned May 10, I thought it odd when I tried to sell it as a Vacant Building Category 2 they required the approval process to make sure the people buying it had the funds to purchase and rehab. I said, I wish that was done for me. I never would have been here at all. I never had the money to rehab. You said the rule was changed because immigrants were taken advantage of by lenders

Moermond: that was one of the reasons. The foreclosure crisis was the wild west of real estate, it appears you dove into that.

Krippner: I am a victim of that. That was my point. It wasn't only immigrants, I got hit with this too. It all gets lost as we get farther out and has to be reexplained. I don't want to go away saying there hasn't been grace given along the way. But I do want to mention had a receive that January 7 letter. I am not lying. I would have sold it as a Category 2 and transferred title. After all I've been through—when you made that decree that that is what it is going to be—we're not moving forward. We are moving backward [sic]. You said it would be tough in the May 10th meeting. I didn't realize how tough. I've talked with these people. From all that has happened, when I talk with these people they are sharks. I just feel like I'm going to be taken advantage of. This is a process that has put me out there for liability. You are pressing me for a plan. I have said it a few times. If a bomb hit Wisconsin and I walked away from this thing and I quit paying taxes and taking care of it and you charge me \$30,000 to tear it down, the

*answer I got from Mr. Yannarely, and twice from you, is that the cost goes to assessment and goes with the property, not the person. It is almost unbelievable to have to consider that. Nothing is going right. It is a simple letter. I know you think I am lying. I am not. I didn't receive it. It means everything. You've got your decrees you have done--*

*Moermond: I have done no decree; I work for the Council. They sit in the quasi-judicial role. Not me. I review and create the record.*

*Krippner: you do work for the public. And I am a member of the public.*

*Moermond: I work for the St. Paul City Council who are elected officials. I do not work for the general public. Insofar as they do, then yes. I need to help them to do the best job they possibly can. Right now they have asked me to re-examine this case to see if there is a reason to put a stay in place. I'm begging you to give me one. We have tried twice. I'm laying this over for 2 more weeks and then I'm sending it back to Council. Please do something to recoup as much equity as you can and create a win for yourself. If you choose to litigate that is your business, but I am convinced I would have given it a fair shake under the terms sent to me by the Council with them having decided based on the record in front of them at the time. We have spent a long time today, as well as in the past, talking about this. What you have said is of record. If you want to submit other information for the record that is fine. You know what you are looking for. I believe I know what you are looking for. I have to send back a resolution with a recommendation and that is my next step.*

*Krippner: so you believe that I am lying about the January 7 letter?*

*Moermond: sir, I am not going to litigate that matter with you. I am continuing this to October 11 and then close the book. Hopefully you will have something. A package ready to go. That's what I need.*

**Laid Over to the Legislative Hearings due back on 10/11/2022**

**2**      [RLH RR 22-53](#)

Ordering the rehabilitation or razing and removal of the structures at 39 HILLTOP LANE within fifteen (15) days after the October 12, 2022, City Council Public Hearing. (Grant 180 days)

**Sponsors:**            Tolbert

*Grant 180 days to rehab on condition of CCIR being issued. PO to submit: revised bids addressing all items in CCIR, revised schedule, and affidavit (submitted and approved 9-28-22)*

*Tom Distad, purchaser, appeared*

*Moermond: is Leslee Mogul alive?*

*Distad: I believe Ms. Mogul is in a home.*

*Moermond: what is your position in the property.*

*Distad: I am under contract to purchase once I have it up to code. A month ago.*

*Moermond: that needs to be approved by the City.*



*Distad: I send in the purchase and rehab agreement. Full package.*

*Moermond: I know you missed your previous understood.*

*Distad: I thought it was a formality and I was to appear on the 13th. I already had a rehab agreement in place and purchase agreement at that time.*

*[Moermond gives background of appeals process]*

*[Joe Yannarely reads September 16 letter into record]*

*Moermond: this goes to hearing October 12. By that time it seems like we will have a package together. Sometimes it isn't possible by the first Public Hearing. I don't think that's the situation here. I need for Mr. Yannarely to put the staff report in the record.*

*Staff report by Supervisor Joe Yannarely: the building is a one-story, wood frame, single-family dwelling with an attached one-stall garage on a lot of 9,148 square feet. According to our files, it has been a vacant building since October 15, 2013. The current property owner is Leslee G Mogol, per Amanda and Ramsey County Property records. On June 16, 2022, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on June 27, 2022, with a compliance date of July 27, 2022. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$168,600 on the land and \$267,500 on the building. Real estate taxes for the first half of 2022 have not been paid. Total amount due is \$4,579.30, which includes penalty and interest. The vacant building registration fees were paid by assessment on November 1, 2021. As of September 12, 2022, a Code Compliance Inspection has not been done. That has now been done. As of September 12, 2022, the \$5,000 performance deposit has not been posted. That has now been done. There have been two summary abatement orders since 2013. There have been two work orders issued for Garbage/rubbish and Boarding/securing. Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$40,000 (interior is in a gross-unsanitary condition; hoarding situation).*

*Moermond: Performance Deposit?*

*Yannarely: September 16.*

*Moermond: and Code Compliance Inspection should be done this week.*

*Distad: I have been engaged with her since end of August. I've been going as fast as I can.*

*Moermond: we're ok.*

*Distad: just wanted you to understand I'm trying my best.*

*[Moermond reviews the purchase agreement]*

*Distad: line 462.*

Moermond: signed by both parties. Perfect. Line of credit agreement. You showed me account balances which were sufficient. Let's talk about your bids.

Distad: we put the scope of work together, but I need to have him put information on it.

Moermond: who is your general?

Distad: same person as Cleveland and Scudder. Bella is the contractor.

Moermond: the scheduling component is good. What I'm not seeing with the building items is an indication they hit the items on the punch list. I would look for a statement from your general saying this is my bid for all the items in the Code Compliance Inspection Report. I can go back and forth between the two lists but I'd rather you just say that.

Distad: I put miscellaneous in there.

Moermond: doesn't quite do the job. Add something about the Code Compliance Inspection Report. The thing about the bids are they were written without the Code Compliance Inspection Report in hand. I'm sure are familiar.

Distad: HVAC is just doing ORSAT test and dryer vents and some additional work outside the Category 3. The plumber is doing the gas lines. I told them to look at as an inspector doing a Category 3, what they need to do to get that up to that.

Moermond: and that's great. Let's get that in all the bids. We often do this for preliminary bids, so we don't have to sweat the details. We are in good shape except for taxes.

Distad: she just paid about \$33,000 in back taxes. Obviously I'm trying to move this along, and it is in the purchase agreement she is going to pay all taxes when it transitions.

Moermond: it isn't in danger of forfeiting since it's the first half of 2022. If she were the person fixing the property it would be a red flag about not having the finances to do the rehab. In your situation you have provided me with sufficient documentation of financing for the rehab. I do need that affidavit. This goes to Council October 12; I'll look at this October 11 and make sure everything is taken care of.

**Referred to the City Council due back on 10/12/2022**

**3**      [RLH RR 22-42](#)

Ordering the rehabilitation or razing and removal of the structures at 1803 IVY AVENUE EAST within fifteen (15) days after the August 10, 2022, City Council Public Hearing. (Amend to grant 180 days)

**Sponsors:**      Yang

Grant 180 days to rehab or remove.

No one appeared

Moermond: there was one item we were waiting on to complete the file, that was the Code Compliance Inspection Report. The bids were all in order and referenced they will cover that work listed in the Code Compliance Inspection Report so based on that I'm satisfied the conditions are met to get a grant of time.

Yannarely: agreed.

Moermond: send this to Council next Weds granting 180 days. Permits can be pulled prior to that.

**Referred to the City Council due back on 10/5/2022**

4 [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. (To refer back to August 23, 2022 Legislative Hearing)

**Sponsors:** Prince

Layover to LH October 11, 2022 at 9 am. PO to make sure property is clean and accessible for CCI. Po to submit 1) evidence of financing, 2) affidavit, 3) work plan including schedule and remaining bids and 4) property must be maintained.

Peter Yahiayan, representative and financial partner, appeared via phone

Moermond: following up with you on 1802 Ross. When we last spoke we talked about a few things to be done. A follow up letter went out August 26. Mr. Yannarely, can you summarize?

Staff update by Supervisor Joe Yannarely: by close of business September 23 the following items should have been completed: evidence of financing, submit an affidavit, work plan including schedule and bids. Property must be maintained.

Moermond: we don't have a Code Compliance Inspection Report on which to develop those bids. I guess the inspectors were there and it wasn't cleaned out.

Yahiayan: they couldn't get inside because they didn't install that lock box in time. Last time we spoke we had the missing Code Compliance Inspection fee. Then we'd talk about the next steps. That was the last thing I remember.

Moermond: I have an email dated last Thursday from Nathan Bruhn indicating there was considerable clutter and it needs to be cleaned out before it can be properly inspected.

Yahiayan: I spoke with him directly and he couldn't get in. As far as I know he wasn't able to get inside, and I was going to coordinate that. I was hoping the groundskeeper could get a lock box by end of week. The house inside is clean. I learned he couldn't get inside.

Moermond: when are you getting this together because I have nothing from you. Do you have these items and you just aren't sending it?

Yahiayan: last we spoke you said we were waiting for that money and registration form and then this hearing to submit everything. That was my understanding.

Moermond: and we did send a follow up letter that Mr. Yannarely just summarized.

Yahiayan: I can send financials and a proposal from the contractor before the end of the day.

Moermond: respond to the email you got from Joanna Zimny. Paragraph 3 lists the item we were looking for today. That was sent August 26.

Yahiayan: I am sending it now.

Moermond: I am taking Mr. Bruhn's information at face value so you should have someone local confirm it is cleaned out. That should include the porch as well.

Yahiayan: I will have someone look.

Moermond: this proposal looks like all building items. No electrical plumbing or HVAC, and it needs to indicate it covers all the items in the Code Compliance Inspection. So, it needs to be revised when you get that.

Yahiayan: electric was done and cleared. We pulled permits to power it back up.

Moermond: there's difference between power up the building and inspecting the electrical system.

Yahiayan: maybe. I'll submit those documents.

Moermond: I don't see any electric permits pulled. You would need one to power up the building

Yahiayan: we used Early Bird electric.

Yannarely: December of 2020.

Moermond: alright. Let's get those bids in and evidence of financing. We need confirmation to Mr. Bruhn it is cleaned out and ready for inspection.

**Laid Over to the Legislative Hearings due back on 10/11/2022**

**5**      [RLH RR 22-19](#)

Ordering the rehabilitation or razing and removal of the structures at 694 SHERBURNE AVENUE within fifteen (15) days after the May 25, 2022, City Council Public Hearing.

**Sponsors:**      Thao

Layover to LH October 11, 2022 at 9 am. PO to submit updated work plan/construction bid including labor, and zoning information to PED.

Tia Lee, owner, appeared  
Mai Vang interpreted

Moermond: in terms of the work plan we still need a plumbing bid and then also revising the building bid.

[Joe Yannarely reads August 16 letter into record]

Moermond: you submitted this as your work plan for the building items, and you are intended to do that work?

Lee: yes.

*Moermond: you are selling yourself short and making it look cheaper than what it is because you aren't indicating the value of your time spent. If you paid someone else to do the labor, would they be charging \$50 an hour? There is no estimate for labor. It should be considered.*

*Lee: I will revise that.*

*Moermond: perfect. The other item is the zoning matter. I just called Planning and Economic Development and talked with them about what they need to process your application. They said the initial paperwork you filed needs to be corrected, which we just worked on. What Planning and Economic Development wants is for you to send this new version back to them with the corrected thing you are applying for. They want you to say I am withdrawing my old application and sending in this new, revised, application. There are 3 things you need to address and attach to this application. Those things are in this code we are giving you a copy of. You want to make the argument it was a productive duplex in the neighborhood for many years. I would suggest the District Council, whoever you were working there, could help you make a written statement addressing points one through three. Let's talk again in 2 weeks. They will want a copy of this document scanned. You need to tell them you are withdrawing your original application and submitting this amended one and write out your arguments of why it should be a duplex. I think you should speak with someone with DSI and ask if they can tell you how many years this has been a duplex. Savings, labor on the work plan, and zoning information. All this we will summarize in a letter.*

**Laid Over to the Legislative Hearings due back on 10/11/2022**

**6**      [RLH RR 22-24](#)

Ordering the rehabilitation or razing and removal of the structures at 1457 THIRD STREET EAST within fifteen (15) days after the June 8, 2022, City Council Public Hearing. (Amend to grant 180 days)

**Sponsors:**      Prince

*Grant 180 days for rehab.*

*Dale Savasten, o/b/o Carl Berger, appeared via phone*

*Moermond: just following up on Carl Berger's property. We got your submission this morning. One remaining question is where we are at with title. We wanted to confirm that is squared away. Looks like something was posted yesterday, House of dreams properties LLC is now the owner?*

*Savasten: no. I spent all day Friday at Ramsey county and got nowhere. All day yesterday. Basically they told me they would get back to my wife sometime this week because they were doing "an in-depth inspection" of the title. They couldn't answer my questions. They were confused. The title company was confused. They said they would reach out when they had more time. That is where we are at.*

*Moermond: previously it showed Wilmington Savings Fund Society was the owner. It appeared your Uncle bought it and title didn't get transferred. We were worried he may have been swindled. He paid the property taxes due and owning before the title was cleared. We were concerned.*

*Savasten: yes, and that's when we got involved.*

Moermond: and we can see from Ramsey County records online that on September 26, 2022, they changed the name of the owner to House of Dreams Properties, LLC out of Burnsville, MN. It doesn't make sense if you find out you need to litigate the title that Council should give time for the rehab. Don't spend good money after bad.

Yannarely: it says House of Dreams, LLC is owned by Carl Berger online.

Moermond: so that is the owner on Ramsey County's site.

Savasten: thank you for that.

Moermond: that is assurance to me we have everything we need on our end. Next Wednesday we will ask the Council to grant 180 days. You can pull permits as soon as Thursday. We'll get this greenlighted.

**Referred to the City Council due back on 10/5/2022**

- 7 [RLH RR 22-54](#) Ordering the rehabilitation or razing and removal of the structures at 342 THOMAS AVENUE within fifteen (15) days after the October 12, 2022, City Council Public Hearing. (Legislative Hearing October 11, 2022)

**Sponsors:** Balenger

Layover to LH October 11, 2022 at 9 am. PO to pay past due taxes, submit evidence of financing, affidavit, construction statement/work plan, bids & schedule. (CPH 10/12).

Manuel Crespo, owner, appeared

Moermond: you missed your first hearing, so we are starting over since we had a hearing without you.

Crespo: I apologize for missing it. I work long hours. I knew there was a hearing here, but I forgot about it. I remembered at 10 am. I started this 2 years ago. I should have had it done earlier but with Covid and family issues it got behind. I have other properties on the same schedule in Minneapolis.

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: The building is a two-story, wood frame, single-family dwelling with a detached two-stall garage on a lot of 6,534 square feet. According to our files, it has been a vacant building since August 22, 2019. The current property owner is Manuel Crespo, per Amanda and Ramsey County Property records. On June 17, 2022, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on June 27, 2022, with a compliance date of July 27, 2022. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$20,000 on the land and \$120,900 on the building. Real estate taxes for the first half of 2022 have not been paid. Total amount due is \$2,903.99 which includes penalty and interest. Taxes for the second half of 2022 are due on October 17, 2022, in the amount of \$2,640.00. The vacant building registration fees are due in owing in the amount of \$2,459. A Code Compliance Inspection was done on December 26, 2019 and has since expired. He submitted a new one on September 14. As of September 12, 2022, the \$5,000 performance deposit has not

been posted. This also was done September 14, 2022. There have been three Summary Abatement notices since 2019. No work orders have been issued. Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$40,000. We sent a Summary Abatement Order this morning as well as an NCC order. It may be illegally occupied.

Moermond: you were saying you have a few properties in Minneapolis. This became a Vacant Building in 2019. Mr. Yannarely, it looks like in 2019 it was condemned and ordered vacated and that was how we ended up in the Vacant Building program?

Yannarely: yes, August 21, 2019. Condemned by Code Enforcement.

Moermond: interior sanitation issues. Rodent infestation. A litany of life-safety problems. At that point the Certificate of Occupancy person was Rosalie Davis. Who is she?

Crespo: previous owner I believe.

Moermond: you have your Performance Deposit posted and applied for Code Compliance. That's fantastic. Is the house cleaned out and ready for inspection?

Crespo: I'm not sure what report they have, inspectors went out last week. It is pretty much cleaned out.

Moermond: no Code Compliance Inspection Report in your hands yet.

Crespo: no.

Moermond: I need an indication in your bids that it will cover all the items in the Code Compliance Inspection Report. We also need to see you have the financing to pay for that work. If your bids come in for your subs at \$25,000, I would need to see you have that money plus any out-of-pocket money you have to spend on the building items if you are doing those items yourself. I need to know how you finance that end, even if you are the labor on it. And the schedule you will be doing that work.

Crespo: pretty much everything is ready on exterior. We did the concrete already. The main costs will be plumbing. It is old cast iron and galvanized pipes. Some electrical work. I know I need to cover those costs. I should be able to get it done in less than 2 months. I have to do the garage siding. We'll get permits.

Moermond: looks like the trades haven't gone out yet, so I'm not sure who may have been out. Looks like Robert Humphrey talked to you.

Crespo: it has a lock box, so it is ready to go.

Moermond: based on the strength of you posting the Performance Deposit and Code Compliance Inspection I'll continue this to hearing in 4 weeks. I don't know how long it will take to get the Code Compliance Inspection. I know they are busy inspecting permits.

Crespo: I want to get it done ASAP so we can do the exterior work. I can get those other documents over. Heating has nothing wrong. It is clean inside. Bathrooms need to be updated and redone.

*Moermond: let's talk in 2 weeks then and we can close the book on this. We'll send a follow up letter. This goes to Council October 12.*

**Referred to the City Council due back on 10/12/2022**

- 8 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.

**Sponsors:** Prince

*Layover to LH October 25, 2022 at 9 am for update on bank's decision on demo vs. rehab.*

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

*Moermond: we are calling you about 1366 Fremont. We have had significant delays this morning. Does this time still work for you, or should we reschedule?*

*Coleman: this is fine.*

*[Moermond gives background of appeals process]*

*Moermond: we're also talking about ownership in this case, and conditions for doing rehab.*

*Staff report by Supervisor Joe Yannarely: the building is a one-story, wood frame, single-family dwelling with a detached two-stall garage on a lot of 14,810 square feet. According to our files, it has been a vacant building since August 10, 2020. The current property owner is Betty J Luna, per Amanda and Ramsey County Property records.*

*On July 13, 2022, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on July 26, 2022, with a compliance date of August 25, 2022. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$36,600 on the land and \$136,900 on the building. Real estate taxes are current. The vacant building registration fees were paid by check on September 21, 2022. As of September 26, 2022, a Code Compliance Inspection has not been done. As of September 26, 2022, the \$5,000 performance deposit has not been posted.*

*There have been ten Summary Abatement notices since 2020. There have been seven Work Orders issued for: Garbage/rubbish: Boarding/securing and Tall grass and weeds. Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$40,000.*

*Moermond: can you tell me what the situation is with Ms. Luna and the bank? Is Ms. Luna still with us?*

*Coleman: she is deceased since 2019. They do have a couple heirs, but they are uninterested. We did start a judicial foreclosure action, filed late March 2022. It is being foreclosed judicially because of title issues that need to be cleaned up. My understanding from Wells Fargo agents secured the property July 18, 2022. In an*



*email from them August 25 they were waiting for bids on fixing the deficiencies. That is all the information I have now. We were going to have a sale schedule in November, Sheriff's sale but for reasons it was cancelled. So now we're looking at December. Should be before end of year. I don't know what Wells Fargo will find out. According to you it is over 100,000 to rehab. My guess is their contractors will provide Bids on fixing it and then they'll have to decide what they want to do. The foreclosure will move forward, and we'd bring a motion to reduce the redemption period from six months to five weeks since it is vacant.*

*Moermond: we don't have a Code Compliance Inspection Report on this property, nor a Performance Deposit. I'm not sure of what Wells Fargo position would be as far as entering the property to get that report. That is the basis for any rehab. I do have in my record one from July 31, 2020, with a condemnation imbedded in it. Looks like it was a rental property managed by Gary Gomez on site. I don't know if he is a relative or not. It appears to be hoarded, blocked egress, sleeping in the basement. A very long list of problems. That's what triggered it going into the Vacant Building program. In order to get out of the starting blocks it needs to be cleaned out and inspected. Not sure where you are at with that.*

*Yannarely: has anyone assessed it?*

*Coleman: no.*

*Yannarely: the garage is filled to the rafters. Cops have cleared the building numerous times. \$100,000 is conservative.*

*Coleman: can we lay this over a month? How fast can we get an inspector in?*

*Moermond: I can ask it to be expedited once it is cleaned out and application made. This goes to Council October 26, and I can ask them to continue it two weeks. If you want anything beyond that I want that \$5,000 Performance Deposit posted. That gives you time for a cleanout and someone to go through the property. Let's talk again October 25, the day before the Public Hearing and talk about your client's assessment. How much is the mortgage Wells Fargo is holding on this?*

*Coleman: it isn't that much. As of June 13, it was about \$79,000 owing. They will have to do a cost benefit analysis on this. Current assessment is \$130,000?*

*Moermond: yes and that doesn't consider that it has been a Vacant Building. Once it is cleaned out and a lock box on the property I can ask them to expedite the Code Compliance Inspection report.*

**Referred to the City Council due back on 10/26/2022**

- 9 RLH RR 22-56** Ordering the rehabilitation or razing and removal of the structures at 771 IOWA AVENUE WEST within fifteen (15) days after the October 26, 2022, City Council Public Hearing.

**Sponsors:** Brendmoen

*Layover to LH October 25, 2022 at 9 am for confirmation house is cleared and ready for inspection. PD must be posted by COB Friday, October 21, 2022. (CPH 10/26)*

*Joseph Yanta, owner, appeared*

*[Moermond gives background of appeals process]*

*Staff report by Supervisor Joe Yannarely: the building is a one-story, wood frame, single-family dwelling with a detached one-stall garage on a lot of 6,534 square feet. According to our files, it has been a vacant building since May 28, 2009. The current property owner is Joseph J Yanta and Mary Muraski, per Amanda and Ramsey County Property records.*

*On July 7, 2022, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on July 14, 2022, with a compliance date of August 13, 2022. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$60,000 on the land and \$150,300 on the building. Real estate taxes are current.*

*The vacant building registration fees were paid by check on July 21, 2022. As of September 26, 2022, a Code Compliance Inspection has not been done. As of September 26, 2022, the \$5,000 performance deposit has not been posted. There have been four Summary Abatement notices since 2009. No work orders have been. Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish exceeds \$30,000.*

*Moermond: when it went into the Vacant Building program in 2009 it looks like we had a building that was found to be vacant, is that right? Then later the water was shut off?*

*Yannarely: yes, no condemnations or Certificate of Occupancy referrals. That's how we typically get engaged.*

*Moermond: have you owned the property this whole time?*

*Yanta: we've owned it.*

*Moermond: tell me how you got here and where you want to go. You've been holding the building for several years. Empty since 2009, does that sound right?*

*Yanta: yes. We used to live there. We moved about a mile away. We had things stored in the house. I was planning to move those out and sell some time ago, but I haven't had much time to do that. Both my brother and wife have had medical issues. Since we got this notice in May I've been cleaning things out. It is in a state similar to the previous case. It is accessible but I have things to clean out. I'm hoping to continue that clean-out and file for the Code Compliance Inspection and post the Performance Deposit. If the rehab isn't that expensive I'd do it myself. If it is I'd like to sell to someone who could rehab.*

*Moermond: let's talk about a little bit of time to get yourself to square one on this. What those conditions are and the things I'm looking for are. The \$5,000 Performance Deposit for working on a Category 3 Vacant Building has not been posted. I would look for that to be posted because you are asking for time, the only thing I can ask for in return is for you to show up and post that in good faith. Have some skin in the game and put some money on the table. That Performance Deposit shows you are in. It is a safe bet for you because if you don't get time it is returnable. If you complete the work it is eventually returned. There are people out there who can help with this. Ramsey County House calls may have companies they recommend. You may need to look at*

*that kind of assistance to move things along. This has been a Vacant Building for 13 years and my job is to push you to get it cleaned out, inspection, permits pulled and back on its feet. Then you can move back in or sell. The Department is expecting the cost of fixing your house in excess of \$75,000.*

*Yannarely: that's ballpark based on exterior items. Code Compliance Inspection will inform that.*

*Moermond: we need it cleaned out and Code Compliance Inspection applied for. It doesn't make sense to do that until it is cleaned out. If you were moving back in, it makes sense to move heavy furniture to the center of the room. Unless you are moving back in you should get rid of those items now. Workers don't have to work around them, and you don't have to get rid of it before a sale. Bids are coming in so high now anything you do to make it easier and faster for trades the better.*

*Yannarely: would you consider it cluttered?*

*Yalta: not very cluttered. It is possible to get into every room.*

*Yannarely: it becomes harder when it is emotional things, and you may need some help to move those things.*

*Moermond: do you intend to move back in?*

*Yalta: no.*

*Moermond: so they are going to go, whether it is your house, a garage sale, or somewhere else. Based on my experience it says get rid of it without a storage locker and don't move it into the house you're living in outside of a family heirloom. I would strongly recommend you get help in making these decisions.*

*Yannarely: a storage facility is still cheaper than taxes and Vacant Building fees.*

*Moermond: the storage facility will pay for itself if you can unload the property. I kind of thing you should move things now. I hate to see you losing all your things two years from now because you didn't make the decisions now. If you've lived without this stuff since 2009 a lot has been made for you about what you need close. I think is reasonable for you and me to talk in 4 weeks and have this house cleaned out. That feels like a heavy lift to you when I put it to you that way. If it is overwhelming it is time to start calling around and finding out. Do you have the ability to pay someone to help?*

*Yalta: yes.*

*[Ramsey County House Calls brochure is given and explained they may have a list of referrals for assistance in cleanout]*

*Moermond: there are work arounds but there are hard. You would need to find a partner in the rehab process to help with that too, but that may not be in your long-term financial interest. I would like to see that Performance Deposit posted by no later than Friday October 21. Your Council Public Hearing is October 26. We will talk October 25 and confirm the house is cleaned out. Then we will figure out the rest of it.*

*Yalta: you mentioned holding out on the Code Compliance Inspection, so I can submit this before I put in that application?*

*Moermond: yes. I don't think it makes sense to apply until you are ready to go. If they go out and find they can't access the space it is a wasted trip.*

*Yalta: the compliance inspection itself, is it one inspection?*

*Yannarely: the four trades go through it at their convenience and develop their list of deficiencies. They'll come up with a comprehensive list and you take that to contractors to get estimates. That's the next step once it is cleaned out.*

**Referred to the City Council due back on 10/26/2022**

## 10:00 a.m. Hearings

### Other-Repurchase Applications

- 10 [RLH OA 22-8](#) Making recommendation to Ramsey County on the application of Aretta-Rie Johnson, Resurrection Temple Church, for repurchase of tax forfeited property at 0 ATWATER STREET, Parcel ID 302922330239.

**Sponsors:** Balenger

*Allow repurchase.*

*Moermond: looking at a repurchase application from Resurrection Temple Church, Inc. The parcel is adjacent to the church, appears to be the parking lot they use. Not sure logistically that they didn't pay the taxes, but they want to repurchase. No police issues at the property. Are there any code concerns?*

*Supervisor Joe Yannarely: no.*

*Moermond: the City can say this hasn't been a municipal problem and recommend the County allow for repurchase of this parcel.*

**Referred to the City Council due back on 10/5/2022**

- 11 [RLH OA 22-9](#) Making recommendation to Ramsey County on the application of Jeffery William Guertin for repurchase of tax forfeited property at 824 COMO AVENUE.

**Sponsors:** Brendmoen

*Allow repurchase.*

*Moermond: we have a repurchase application from a Jeffery William Guertin. No police issues over the last 5 years it appears. Any Code concerns?*

*Yannarely: one minor one in 2018. Other than that incident it is clean.*

*Moermond: nothing in terms of the City's history to indicate it is a municipal problem. We will indicate the County Board allow repurchase.*

**Referred to the City Council due back on 10/5/2022**

**11:00 a.m. Hearings****Correction Orders**

- 12 [RLH CO 22-10](#) Appeal of Fred Sasse to a Correction Order at 1197 BURNQUIST STREET.
- Sponsors:** Yang
- Grant to November 15, 2022 for compliance.*
- Fred Sasse, owner, appeared via phone*
- [Moermond gives background of appeals process]*
- Staff report by Supervisor Lisa Martin: this is a correction order issued September 9, 2022, to owner to remove, repair, or replace a fallen privacy fence. Compliance date of October 10. There are photos in the file.*
- Moermond: appears we have 3 sections of fence that just went down. Sounds like you want more time and have a contractor. Tell me what is going on.*
- Sasse: it isn't because the fence was in disrepair. It is down because of straight-line winds.*
- Moermond: understood. I believe it was implied the winds created the disrepair.*
- Sasse: I have a psychotic neighbor who reports me because he has nothing to do. He goes around all day and look for things to complaint about. He lives on Lane Place. I know what he has done, and he is sick in the head. He calls on weeds because he is sick in his head. You can look this up. I know because I know. This is the guy who is calling about this. It was filed because he said the fence was laying on the sidewalk. I cleaned it up that night. The boards were off the sidewalk. Not a hazard to pedestrians. So that is a lie. I have snow fence in place right now where it is down. I have a written contract with a licensed contractor. They may even get it done by the 10th. But they may not. I've had the City come out and mark lines for digging.*
- Moermond: sounds like we're in good shape. Are you looking for an extension to be on the safe side?*
- Sasse: yes, I'm wanting to get this fixed even more than this [redacted] guy. I've had a complaint on mattresses by my garage. I keep getting hit on by this jerk who has nothing else to do. We have car jackings. Rape right by the Governor's office at the light rail station. And people like [redacted] who have nothing better to do than complain about mattresses for pickup. People living here who just dump it. I'm doing the right thing. I want it fixed more than you.*
- Moermond: absolutely.*
- Sasse: it is hard to find people to do work now. Maybe 30 days worked great in 1972. It is asinine. You hear the sirens? It is asinine if people can't do it themselves. All I'm asking is for more time. Maybe another 30 days.*

Moermond: I don't have a problem with that. First, I'm absolutely ok with you getting an extension to deal with this so I will ask the Council to give you until November 15. It needs to be fixed or moved elsewhere before the snow flies. I need to tell you that I don't happen to know who the complainant is. I never do. And the City can't disclose that. I just wanted you to know that so I can't confirm or deny that.

Sasse: I know who it is because they have taken people to court. That's how insane he is.

Moermond: and I respect that, I just wanted you to know what rules govern what I can say.

Sasse: I get it. It doesn't matter who complained. It breaks the code and whatever, yes. Thank you neighbor for bringing it to the City's attention. I'll work with you to come to a reasonable solution. I have no privacy and sirens going by, taxes going up to live in this wonderful City. I want to sell and get out.

Moermond: there are people who end up in your situation with neighbors who do these calls. In the future it would be helpful for you to reach out to the inspector and just say, I got the letter, it says I need to do this, can I have an extension and save us all the trouble of a hearing? Whatever it is, reach out to the inspector and they understand there are neighborhoods or houses that some people seek out to make calls on. Ms. Martin, can you speak on how that is handled? You are not alone on that.

Sasse: I will agree if they are public safety I would expect and appreciate someone calling it in. This isn't that. This is weeds and mattresses next to the garage waiting for the garbage company you pick out for us to come pick up. This is bogus. Minor stuff. It is mental illness. Lori [sic] doesn't need to talk to me about that.

Moermond: sounds good. You have your extension through November 15. If for some reason—

Sasse: it may be done before. I told him the October 10 deadline.

Moermond: sounds good, but you have the backup in case you need it. We'll send a letter confirming this. Any questions?

Sasse: no, this is agreeable.

**Referred to the City Council due back on 10/12/2022**

## 11:30 a.m. Hearings

### Orders To Vacate - Fire Certificate of Occupancy

- 13 [RLH VO 22-27](#) Appeal of Jacob Smith to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 627 MENDOTA STREET.
- Sponsors:** Prince
- Grant to October 31, 2022 for compliance with September 22, 2022 orders or property must be vacated.

*Jacob Smith, owner, appeared via phone*

*Moermond: a couple things fixed, but a couple things added. We're talking about a deadline for the property to be fixed or vacated. I know you have an eviction hearing October 6.*

*Smith: yes, and I have a couple questions about that. Our basis for eviction is 1) collection of rent and 2) abuse of property. Because of the first one and the Certificate of Occupancy we shouldn't have been collecting rent anyways, so my lawyer may say the judge may dismiss the case. They don't pay in the meantime. I'm confused about how to handle that.*

*Moermond: prior to September 7, when the condemnation was sent, would be the magic day. Your attorney should be telling you this.*

*Smith: so I could still have a basis for eviction?*

*Moermond: I am not a lawyer or an housing court judge. There were no orders before that. That is the magic set of orders. Sounds like the problem has existed for a much longer period than before September 7. Other questions?*

*Smith: no. That was my main one.*

*Moermond: talk to your lawyer about that. Do you have the September 22 letter?*

*Smith: no.*

*Moermond: we can email that letter and the photos, so you have them. I'll ask the Council to put a deadline of October 31 in place for it to have the corrections done or vacated. I imagine we are talking about vacated based on the difficulty you described getting into the property. Any orders that follow an inspection on November 1 are also appealable so we can continue this conversation. I wanted you to have a time certain. I chose that date because the inspector wrote in his letter a date of October 24. It is common practice to go with lease cycles. I was picturing that may be the decision anyways.*

*Smith: what are the red flags on the new list?*

*Moermond: the smokes and carbons, I see that there is an illegal occupancy created in the attic.*

*Smith: they should be gone.*

*Moermond: that jumps out. Then I look to things like windows and doors being functional and not blocked. That is for egress for escaping and first responders getting in. Sewer cleaning, backup uncleaned. Other items appear to be more standard maintenance and repairs.*

**Referred to the City Council due back on 10/12/2022**