



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 4, 2022

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 22-352](#) Ratifying the Appealed Special Tax Assessment for property at 1079 MARYLAND AVENUE EAST. (File No. VB2301, Assessment No. 238800)

Sponsors: Yang

Layover to LH December 20, 2022 at 9 am to check permit status and possible fee proration.

Dani Araya, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this is a Category 2 Vacant Building, entered program June 11 2018 after revocation by Fire inspectors. Initially appealed the Vacant Building status which was denied in July 2018. Code Compliance inspection done April 22, 2019 with a list of deficiencies. Numerous permits pulled on various trades and finalized but no building permit was ever pulled. I contacted Nathan Bruhn and he confirmed that needs to be addressed. Whether he needs a new Code Compliance Inspection or not I don't know. The total proposed assessment for the yearly fee is \$2,216.

Moermond: sounds like you have 3 out of 4 permits done, that's great. Tell me about where you are at with the building issues and fee.

Araya: we purchased this in 2019 with the purpose of rehabbing. We pulled a permit and got a little lost. I closed 3 permits. Nothing structural for the building. I was under the impression that we're in compliance. I called in for a final inspection and to be honest, I really got lost in the process. I got a different person for everything. I put the house under contract but we haven't been able to finalize the process. I'm trying to understand my next steps for us to finish the process and be in compliance. I'm appealing the Vacant Building registration is because we've done about 90% of everything to fix the property. We alleviated any crime related to the Vacant Building to the point that there has never been a police report at this property. I would like to see it finalized and appeal that Vacant Building fee after putting tens of thousands of dollars

into the property. See if we can help each other.

Moermond: I'm looking at the Code Compliance Inspection done April 2019. That was prior to your purchase and sale review. That indicates clearly a building permit is required. It is spelled out at the bottom of the list. I'm not sure where that confusion comes from. The other trades do appear to have been dealt with. You need to pull that permit; I assume you did the work. You can pull that permit which makes it simpler. The rub is that this is an old inspection report you are working off of. I'm not 100 percent sure the building inspector you're working with, Nathan Bruhn, will accept a 3-year-old inspection report to base that permit off of. He may. I simply don't know. That is pretty old. You need to reach out to him and talk to him about whether you need a new Code Compliance Inspection. If you did, it would only be the building items, so it would cost less. If he will go with the old report then there would be nothing new inspection-wise. We'll send his contact information. I'm willing to look at prorating this Vacant Building fee, but it won't be deleted entirely. Let's try and get this sorted. If you have it done it should move quickly. Right now, the fee covers June 11, 2022 to June 10, 2023. If you're only 5 months out of 12 in the program I can prorate it down. Reach out ASAP to Mr. Bruhn and see what you can arrange with him about the building permit situation and explain your confusion. See what his position is. We'll email you Nathan's contact info and the Code Compliance Inspection Report from 2019.

Araya: I will do what I need too. I know it is dragging on.

Moermond: this doesn't go to Public Hearing until January 2023. You and I should talk before then and confirm it is wrapped up so I know how much we can prorate the fee. Let's talk December 20. We'll confirm that in an email as well. We will square up the fee at that time.

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

2 [RLH TA 22-319](#)

Ratifying the Appealed Special Tax Assessment for property at 820 WHITE BEAR AVENUE NORTH. (File No. VB2301, Assessment No. 238800)

Sponsors: Prince

Layover to LH December 20, 2022 at 9 am to check permit status and possible fee proration.

Shirzad Raimi, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this is a Category 1 commercial Vacant Building that went into the program May 5, 2022 on the revocation of the Certificate of Occupancy. The prospective assessment is \$2,616. It appears a building permit remodel permit was just issued yesterday.

Moermond: looks like there are 2 commercial spaces?

Raimi: yes. We owned this in 2018 and then we sold it to a buyer on a contract for deed, but she gave it back to us. We took it back, paid her back, and it has been rented. Then we got letter with corrections. They are from the 1950's, the balconies. We've never done any work on them. I would like an inspector to come give advice. I

was told someone would call and then stop by. I wanted to show this wasn't work done in the last few years. It has been like that since we bought it. They said we had to pull permits before they would come. I tried to pull a permit. They wouldn't do it without drawings. JAW construction finally took the job. Now he is doing the drawing and meeting with the inspector. I have emails and texts from the last 3 weeks about getting the permit. Yesterday he submitted the application and went in person and we finally got it. We also have a plumbing permit; I hired a plumber. It took us longer because the City was hard to work with. It was being delayed because we thought we did work there. They've been like that for at least 30 years. The doors are from the 50's. Not a problem to pull a permit. The previous owner passed away so there is no way to prove it has been like this. I'll do whatever you want me to do. We have permits pulled. We just need your help getting some time to get it done. At most 30 days.

Moermond: I see a building permit pulled. [Certificate of Occupancy letter reviewed] Mechanical permit probably needed. What I'm wondering when I look at plumbing they are saying no permits were pulled but not a specific correction. Because it was a Fire inspector not a plumbing inspector that isn't surprising. I think a plumbing inspector does need to look at it.

Raimi: a Fire Inspector never came into the building. I tried to set up a time with that. I called Morrison electric and he said everything is up to code. They said they would charge me two fees. They said they would just send me a letter with corrections.

Moermond: I have a Fire Certificate of Occupancy letter issued to the purchaser of the Contract for Deed from you. It looks like the items were identified in 2019 originally. Lacking access and confirmation they were addressed from that 2019 inspection I believe they were repeated on the more recent 2022 letters. We can send that 2019 report. I believe that is how that happened. She got that letter as the owner at the time. Let's get that in your hands as well. Sounds like you may need to call a mechanical contractor. The plumbing work being done without a permit does need an inspector to look at it.

Raimi: we hired a plumber. Morrison electric. JAW construction. CV Mechanical. Steve told me it would cost \$970 and can complete the work.

Moermond: and there's no plumbing permit pulled with the City. He may need to come in person since it's a Vacant Building. Alerting you to that. I don't see a current mechanical permit either. Let's see if we can get this fee prorated once you complete these. When will you have the building reoccupied?

Raimi: hopefully the work done in the next sixty days. It is hard to find contractors.

Moermond: 60 days to get the work done. Will you be looking for new tenants during that time?

Raimi: yes. New tenants.

Moermond: your Public Hearing isn't until January 11, 2023. We are currently 5 months into a billable year. Your bill covers May 5, 2022 to May 4, 2023. I can look at prorating it. I tend not to prorate much more than half a year, then I charge the full thing. Sounds like you'll be moving quickly. Let's talk December 20 to see where things are at.

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

10:00 a.m. Hearings

- 3 [RLH TA 22-322](#) Ratifying the Appealed Special Tax Assessment for property at 459 LAUREL AVENUE. (File No. CRT2210, Assessment No. 228211)

Sponsors: Balenger

Reduce assessment from \$387 to \$230.

Julie Wilson, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this was the Fire Certificate of Occupancy fee for a single-family home. Total proposed assessment of \$387. We had an appointment letter on March 1, 2022. Compliance date of March 23, 2022. Billing dates are March 25, April 25, and May 3. Normally we only send 2 bills but the 4/25/22 billing was returned to us. We sent another on May 3. The first two bills and all other billings sent to Lance Bondhus on Nicollet Ave. Rebill sent to property owner at building address.

Moermond: why are you appealing?

Wilson: I went overseas from July 2021 until July 2022. My regular mail was redirected to a friend who was opening it for me. The beginning of that period I entered an arrangement with Lance Bondhus of Minnestay who runs Air BNBs which is why I got the Certificate of Occupancy. He was managing the house which is why it was going to his address. I had a few problems and in October let him know it wasn't working out and discontinued. Unbeknownst to me the renewal notices continued to go to him. He was unprofessional since he didn't let me know or forward anything on to me. I was in Europe at the time. I didn't receive the main notice, I had friends staying April, May and June staying there while their house was renovated. They didn't see that notice either. April 1 I was contacted about the fact there had been an inspection or something and that's when I became aware the Fire Certificate of Occupancy documentation was still going to Lance Bondhus.

I filled out a form the City staff sent me, a Change of Responsible Party form. I emailed that April 1 and acknowledged it would be forwarded on to the inspector. That is probably why the renewal notice was sent to me instead of him in May. However, I didn't get it because I was still overseas. I came back in July and found all this happened. I found out it was too late and it had already gone to assessment. No one was living here in March when there was the first appointment I believe. I don't know what happened, but obviously you've given me a service and strangely enough on September 19 I got the paper copy of the Fire Certificate of Occupancy. I'm happy to pay the \$230 I just don't think it is fair I pay the additional \$167 because I was unaware I was being invoiced. I suppose it was my responsibility to keep track and realize I should have been receiving that notice but unfortunately I didn't. the person supposed to be forwarding it on didn't do that. I tried to contact him but because the business relationship didn't end well. He's not very willing to be cooperative.

Moermond: one thing in error is when I look at the May 3 bill, the due date is April 25. It looks like the Inspector sent it with no chance to be able to pay it. In light of that clerical error, I'm going to recommend the service charge is deleted. Ms. Wilson, I will recommend it is reduced from \$387 to \$230.

Wilson: I will pay that today.

Moermond: you can do that, but I would suggest you put it on your calendar October 20th so the website is updated to that reduced amount after the Council vote.

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

- 4** **RLH TA 22-333** Ratifying the Appealed Special Tax Assessment for property at 150 ROBIE STREET WEST. (File No. J2301A, Assessment No. 238500)

Sponsors: Noecker

Approve the assessment.

No one appeared

Moermond: you received an email from this woman's employer?

Mai Vang: she sent an email to the Legislative Hearing email saying "we were advised there was an assessment pending for this property. I have attached an invoice from Ventura's lawn service that verifies this cleanup was done for a cost of 1,920 to do the property cleanup. Can you advise the next steps regarding the assessment?"

Moermond: and you responded with an email with orders attached and the videos of the work, but never got a phone number.

[videos are reviewed]

Moermond: video shows tall grass and weeds and cardboard on front walk. A sled. Brush pile. tall grass and weeds alongside the house. Appliances on the side of the house plus a grill which does belong outside. tall grass and weeds in backyard at least 2 feet high. I believe the crew was just dealing with the tall grass situation. The tall grass and weeds were cut but no cleanup of the items in the yard. I will recommend approval of the assessment. It is obvious the work was done by the City.

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

- 5** [RLH TA 22-354](#) Ratifying the Appealed Special Tax Assessment for property at 792 ROSE AVENUE EAST. (File No. J2214A1, Assessment No. 228530)

Sponsors: Yang

Approve the assessment.

Ricardo Gonzalez, owner, appeared via phone

Mai Vang: Mr. Ricardo Gonzalez wanted to appeal this fee at the Council meeting on March 23. We didn't have a file created so it was referred back to Legislative Hearing April 19. A TA file was not created so it didn't get on the April 19 agenda. An error. Owner did not call either. Assessment is doing a cleanup of files to be sent to Ramsey County and came across this. They emailed me to create a TA for a hearing. I put this together.

Moermond: we will call him and talk to him about this cleanup.

Gonzalez: I lost the property.

Moermond: are you no longer interested in appealing?

Gonzales: they took over payments and assessment fees.

Moermond: then we don't need to have a hearing, correct?

Gonzalez: right.

Moermond: it appears that in May 2022, five months after the cleanup and original Legislative Hearing the property went to MAP Homebuyers LLC. It still has \$21,000 in assessments showing online. He must have been buying from them and not been able to make payments and went back to them. Recommend approval of the assessment.

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

Special Tax Assessments-Rolls

- 6 RLH AR 22-89** Ratifying the assessments for Collection of Vacant Building Registration fees billed during March 1 to May 16, 2022. (File No. VB2301, Assessment No. 238800)
Sponsors: Brendmoen
Referred to the City Council due back on 1/11/2023
- 7 RLH AR 22-90** Ratifying the assessments for Securing and/or Emergency Boarding services during June 2022. (File No. J2301B, Assessment No. 238100)
Sponsors: Brendmoen
Referred to the City Council due back on 1/11/2023
- 8 RLH AR 22-91** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during April 26 to June 3, 2022. (File No. CRT2301, Assessment No. 238200)
Sponsors: Brendmoen
Referred to the City Council due back on 1/11/2023
- 9 RLH AR 22-92** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during April 22 to May 20, 2022. (File No. J2301E, Assessment No. 238300)
Sponsors: Brendmoen
Referred to the City Council due back on 1/11/2023
- 10 RLH AR 22-93** Ratifying the assessments for Removal of Dangerous Tree service during April 2022. (File No. 2301T, Assessment No. 239000)
Sponsors: Brendmoen

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

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders-Making Finding

- 11 [RLH SAO 22-46](#) Making finding on the appealed nuisance abatement ordered for 319 FULLER AVENUE in Council File RLH SAO 22-42.

Sponsors: Balenger

Nuisance is not abated; Department authorized to take action to abate the nuisance.

Daniel Fix, owner, appeared via phone

Moermond: we're making a determination about whether or not the nuisance condition has been abated. This went to Council September 21 and they gave to October 4 for compliance.

Staff update by Supervisor Lisa Martin: an inspector went out this morning, photos are in the file. Some of it has been taken care of but quite a bit remains. Noncompliance for this property.

Fix: I am working on it.

Moermond: and it isn't done by the date Council gave you. I'm glad you are working on it. Since the Council issued that order, they ask me to look at it on the deadline to be able to tell them if it has been taken care of or not. It hasn't been. I'll send them a finding that it isn't done and they will authorize DSI to do the cleanup. That will be in front of them next Wednesday, October 12. If you are done by then the crew won't have anything to pick up October 13. If you aren't done then the City crew could do that cleanup. You are welcome to go to Council and testify but the report I have to give is they gave an extension and that extension didn't get the job done. Any questions?

Fix: where is the Council meeting again?

Moermond: it is Wednesday October 12 at 3:30 at 15 W Kellogg Blvd in room 300. We'll send you a letter confirming that, but the September 9 letter from our office describes that location as well. The more you have done before the crew shows up the less it will cost for the City to do the work.

Fix: what exactly don't they like?

Martin: improper storage. Bagster. Construction materials. Tarp over boat. Overgrown vegetation. There is so much there it is hard to describe.

Fix: I'm getting down to the bottom of the pile and make some room in the garage and am taking a couple loads to the scrap yard today. I've gotten rid of one Bagster full, this one is ready to be picked up. Another Bagster available to continue the cleanup.

Moermond: I appreciate you are making progress. You missed the deadline but the City crew won't show up until next week so you could get it done before that. City Council could also change things, that is under there authority.

Fix: when does this crew show up?

Moermond: if the Council goes with the way it is written now they will authorize the City Crew to do the cleanup. I'm not sure when exactly that cleanup would be.

Martin: we normally send a work order to the Parks crew; it normally takes a couple days for them to get out there.

Moermond: so there is a default extension to finish things up.

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

- 12** [RLH SAO 22-39](#) Making finding on the appealed nuisance abatement ordered for 1930 NORTONIA AVENUE in Council File RLH SAO 22-31.

Sponsors: Prince

Nuisance is not abated; Department authorized to take action to abate the nuisance.

Mary Tate, owner, appeared via phone

Moermond: we're following up on Council's deadline for the tent structure to be removed. My job today is to make a finding for the Council for the status of taking down the tent.

Staff update by Supervisor Lisa Martin: we do have a current photo showing the owner removed part of the structure but the tent stakes themselves are still up and the tarp is still at the front of the structure. It hasn't been removed or disposed of.

Tate: so I have to take the whole darn thing down?

Moermond: yes.

Tate: I didn't know that.

Moermond: you do now. Leaving the skeleton up and one of the tarps puts you halfway there.

Tate: I want to build a car port on there. I'm trying to get a contractor to do that. Do you have someone to come build that?

Moermond: they would need to pull a building permit. Are you asking for a referral? We wouldn't have that. We don't make referrals to specific contractors, that would be unethical. You'll have to find one through other resources I'm afraid.

Tate: I will take it down, but I will need help. I will try and get a contractor to help me take it down. It will take me time to do it.

Moermond: how did you get it down so far?

Tate: act of God. The wind took the tarp down.

Moermond: we kind of suspected that may happen.

Tate: I unhooked it and pushed it over, and the wind took it the rest of the way.

Moermond: this goes before Council next Wednesday, October 12. I need to report to them the job is halfway done. They will authorize the City crew to take the rest of it down. If you want a different outcome you should let the Council know.

Tate: how do I do that?

Moermond: you have a letter dated July 28 with instructions for the hearing next Wednesday. We can send a follow-up letter with that information again. But its next Wednesday at 3:30.

Tate: I'm at work at that time.

Moermond: you can submit testimony in writing. That is in the letter as well. You could also testify by phone if you have that ability at work.

Tate: I don't have a computer.

Moermond: we sent it US mail last time, we understand that.

Tate: could I mail you a letter?

Moermond: you could, you'd have to hurry so we have it on time.

Tate: can I drop it off?

Moermond: yes, room 310 of City Hall.

Tate: I will do that then.

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

1:00 p.m. Hearings

Vacant Building Registrations

- 13 [RLH VBR 22-48](#) Appeal of Elizabeth Sibet, representing Sibet Renovations LLC, to a Vacant Building Registration Notice at 227 FULLER AVENUE.

Sponsors: Balenger

Layover to LH October 18, 2022 at 1 pm for PO to provide documentation of being owner-occupant of property.

Elizabeth Klimmek, owner, appeared via phone

Staff update by Supervisor Matt Dornfeld: October 29, 2022 I was referred to 227 Fuller Avenue via a referral from Fire Inspection who I believe received a referral from Code Enforcement that this was vacant and had a list of multiple code violations. At the time of my inspection, I did find it vacant. It was secure except for the garage. There was a large amount of miscellaneous junk and debris on the front porch and the grass was close to 12" high. The garage service door is in a state of dilapidation. It is ready to fall. I opened a Category 2 Vacant Building, posted placard, issued a Summary

Abatement Order for the junk on the porch, grass, and the garage. As of today the yard is better, grass has been cut, garage door remains the same.

Moermond: any additional information from Fire?

Supervisor Leanna Shaff: we do not, it was referred from Code as unoccupied with multiple code violations. Inspector Heitman referred it to the Vacant Building program.

Moermond: I have an appeal of the Vacant Building registration. Did you intend to also appeal the Summary Abatement Order for the garage?

Klimmek: just the Vacant Building fee. I think I had it cut soon enough?

Dornfeld: I haven't issued any work orders.

[Moermond gives background of appeals process]

Klimmek: that property had an active rental license. John Peterson is someone who has been living there. That is one of my residences also. I was at the Cabin and in Mexico. That is my stuff in the garage. I had my Ford in the driveway, I've had it towed away. It is my furniture in the house. It just the timing. I didn't have a lawnmower. I have a quote by a garage door company. I'm going to try and fix it myself since they are so far booked out. I can absolutely fix it. It isn't vacant. It just happened when I was out of town, the cabin and Mexico.

Moermond: is this a rental property?

Klimmek: no. It was, but I had the other tenants move out. It is just me and John Peterson.

Moermond: duplex or single-family home?

Klimmek: single-family home.

Moermond: so you aren't going to rent it anymore?

Klimmek: no, it I just me and him. We don't need a rental license.

Moermond: the business address for Sibet Renovations is in Andover. But you are now an owner-occupant?

Klimmek: yes.

Moermond: it was found to be empty and in very bad condition.

Shaff: our Legislative code is clear that to be considered owner-occupied it is a person not an entity. Ramsey County has it owned by an entity. It would still be required to have a Fire Certificate of Occupancy unless they choose to put it in an individual's name.

Moermond: or they can prove they own Sibet Renovations and they own the property. Not a great situation.

Shaff: it has had a Certificate of Occupancy since 2017.

Moermond: your driver's license will indicate you live here?

Klimmek: it has never been changed. I've been going through a divorce for 3 years. That's why there's that Andover address.

Moermond: I'm concerned you are just saying this to be out of the Vacant Building program. I'm looking for more from you.

Klimmek: does someone just want to come over?

Moermond: I guess I'm looking for some paperwork. Some documentation. Why don't we push this a couple of weeks to finish this process you're midway through. Reassess the situation then. Let's talk again October 18 and see where things are at.

Laid Over to the Legislative Hearings due back on 10/18/2022

**14 RLH VBR
22-49**

Appeal of Jesse Olson to a Vacant Building Registration Requirement at 717 HOPE STREET NORTH.

Sponsors: Prince

Waive VB fee for 90 days (to December 12, 2022) to have Fire C of O reinstated.

Jesse Olson, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this was a referral January 5, 2021 it was being rented. Mice and roach infestation. Inspector Franquiz went January 7. Both units answered, he was told the upstairs tenant was father of daughter downstairs. Owner lives in WI. February he got a call from the owner asking for more time. March owner wanted another inspection because he is out of state and had no one to give access. Still no provisional Certificate of Occupancy. He got access to both units in April. Mice droppings. No working smoke alarms. It was pretty bad. He did get a provisional application. On the 29th of April 2021 he was allowed access again. Smoke alarms were installed outside bedrooms. We have a new owner in July, guessing Mr. Olson. New deficiencies and needs action. Met again later in July. This is all 2021. We just have a lot of trouble getting access. November 2021 he met the owner and was given access. Entire house was unoccupied. Owner's plan was to fix and rent out. He has been informed of the revoked unoccupied process of about 90 days, then it would be referred to Vacant Building program. I took this file on earlier this summer when Mr. Franquiz left the City. August 2 I spoke with Mr. Olson, and emailed again in July, and he assured me it would be done quickly. August I told him September 1 compliance or it was going to Vacant Building as a Category 1. He told me everything on the list was done and I explained he had open permits and I wouldn't inspect without those permits finalized. No compliance by September 1. September 8 still no compliance, so I referred to the Vacant Building program.

Staff report by Supervisor Matt Dornfeld: September 12, 2022 Inspector Hoffman opened a Category 1 Vacant Building per that referral. He noted it was vacant and secure at time of inspection.

Olson: I don't dispute those fact. Inspector Shaff is accurate in all of that. Right off the bat I have to own that we did do a much larger renovation and pulled permits for the

entire building. Those are closed as of September 13. A lot more work than the list from the Fire Inspector. I inherited that from the previous owner and they were simple things to do. We could have just cleared the list when we purchased and then started renovation and doing things twice. We decided to do the renovation and it took a lot of time. We bought November 30 2021 and the final permit just got closed. It could have been done quicker. It hasn't been occupied.

Basically, my appeal is I think Inspector Shaff and I had clear communication. I appreciated she called me early August and said I want to get this done by September 1 and off the books. We did complete the orders. I asked for a reinspection and she said I needed to close the permits. I had no problem with that. That was a couple days before the end of the month. I gave the electrical inspector the wrong code, and then he went on vacation. So that was 2 weeks there. Potentially I could have communicated more with Leanna. I gave him the wrong lockbox. I was very surprised with just clearing a couple permits it would be sent to the Vacant Building program. Shocked by that. I didn't feel it was in the spirit. It isn't a problem property. It is set up to be a good property for a long time. I don't think she has every visited the property. I've requested inspections a few times. I get not wasting her time. I just do think it was clear I had to clear permits for the whole renovation when 80% doesn't apply to the other orders.

Moermond: when did you buy it?

Olson: November 30, 2021 from George Richie.

Moermond: and I see a letter sent November 30, 2021, indicating the Certificate is revoked with an order to vacate. They gave to February 28, 90 days, to deal with those corrections. I am wondering how you are surprised it was referred to the Vacant Building program when this order existed 11 months ago. This isn't new.

Olson: I can understand that.

Moermond: you bought a building that was vacant with a revoked Certificate of Occupancy. We did what I thought was the best things for the community and property which is to do it right and bring it up to snuff. In doing that we are taking care of the items on the list. I assumed that if I pull permits and make steady progress and am communicating it would be ok. Additionally, it took longer than what I thought. I have to own that. I can see on its face how you would say to just get it done. AT the same time when Leanna called in August she was frank and said get it done by the end of the month. That was fair. I feel like I did that. There wasn't a discussion to clear every permit. Maybe we both made assumptions. I assumed it meant every item on her list. Then when I called for reinspection and she told me about clearing permits and I scrambled to do so. It went to Vacant Building program September 8 and permits were closed September 13. Five days.

Shaff: it looks like Bruhn did sign off on the building permits, so he would have required the trades permits.

Moermond: looks like Brian Ventsch of B&B plumbing was trying to pull a permit recently to fix sinks and toilets. That probably has to be done in person since it was sent to Vacant Buildings.

Olson: that makes sense on my side. This last week in the spirit of getting it occupied we decided to replace the permit.

Shaff: a Fire Certificate of Occupancy would mean the building is minimally code compliant. That means all permits are done and all the work is approved. I've been clear with Mr. Olson about that process. He keeps referring to the list he was given. I also explained it was quite old and more than likely didn't represent current conditions and I needed to go through the whole property.

Moermond: we have an old list, one permit for sure that needs to be pulled and inspected. That's the plumbing permit from September 27. That needs to be done in person. Then when that is finalized we need a full inspection of the building. That looks at the old list and making sure those are addressed and also with an eye for any new conditions.

Shaff: correct.

Moermond: so a reinspection on old list and double checking everything else is in order.

Shaff: minimally code compliant through interior and exterior of property.

Moermond: the Vacant Building file was opened September 12. I'm willing to recommend the Council waive the Vacant Building through December 12, 2022. 90 days. If you have your Certificate of Occupancy issued before then you will have no Vacant Building fee. If you can't, you will have that fee.

Olson: I'm fine with that. Thanks so much.

Referred to the City Council due back on 10/19/2022

**15 RLH VBR
22-47**

Appeal of Lee Cooper to a Vacant Building Registration Notice at 1040 SELBY AVENUE.

Sponsors: Balenger

Grant the appeal and release the property from VB program. Grant to December 9, 2022 for compliance with Fire C of O orders. Property can be reoccupied for 90 days (Dec 9, 2022).

Lee Cooper, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Mitchell Imbertson: was a Fire Certificate of Occupancy renewal, originally scheduled back in January 2022. The initial inspection was started February 2022. There were several corrections needed to approve the renewal of the Certificate of Occupancy. Various conversation with the inspector. Some reinspections along the way. Several months passed with the work progressing which got us to where we are at now. September 2022 there was a reinspection made and the property still was not in compliance and was also found vacated. The business was not currently operating and the building wasn't in compliance with outstanding correction orders so it was referred to the Vacant Building program. I do understand there have been complications with work at the property with contractor issues. Some delays outside the property owner's control which is part of why it has gone on this long. Normally we wouldn't allow seven months to work through the renewal process before we revoked. At this time our position would be the work would need to be for our report and all

permits finalized before reinstating the Certificate.

Staff report by Supervisor Matt Dornfeld: September 9, 2022 I opened a Category 1 Vacant Building per the Fire inspection referral. September 28, 2022 I received notice from Inspector Humphrey, who was advised by Manager Magner, to downgrade this from a Category 1 Vacant Building to a preliminary Vacant Building file. That means the property remains turnkey however we are monitoring it, just not enforcing the fee. I did the paperwork and the decision was made by them. There is no Vacant Building fee due at this time.

Moermond: attached to the appeal form I have the Vacant Building registration dated September 13. Fire orders September 9. Appeal filed timely on September 16. I don't know what to make of the change to preliminary. Seem to have been a note for the front desk to issue permits to me.

Dornfeld: Mr. Humphrey is new to his current position. This could have just got lost in the shuffle. I will certainly talk to him about it.

Moermond: Mr. Lee, tell me what you are looking for today?

Lee: we do have several permits open and we were operating the restaurant from January 2021 to September 7, 2022. We would like to finish the permits and open back up and continue operating and not be on the Vacant Building list. Not have to add any additional process to get it back up and running. IT was discussed the Certificate of Occupancy renewal and compliance issues way back. We did have to find licensed contractors to do the projects. We did find people and have contracts. They applied for permits in May. We paid more than 10,000 in permit fees. The contractor on July 13 said his work was done and they want their second payment. We paid that payment. We thought it was done. August 31 there was a reinspection by Laura Huseby and that is when we found out a lot of the inspections we paid the contractor for weren't performed. We started scrambling and working with the City to satisfy the inspectors. We've been doing that. Additional requirements were added. We've opened up and took down previous work for a better view. Submitted additional permits. I would say it isn't necessary to revoke the Certificate of Occupancy if we continue working towards resolving this.

Moermond: when do you think you'll be done with this work?

Lee: three components. B unit where we operate the restaurant. A unit we use for storage. And then exterior roof and brickwork. A unit work should be done within weeks. Depends on the inspections because there have been new requirements. B unit side is the dining area and should be done in a couple of months. Also depends on inspections and any additional requirements. The roof and brickwork I had to find new contractors. The ones I initially talked to were booked out a few months. I would expect that to be done before the winter hopefully. November December for everything.

Moermond: I am going to say with the Fire Certificate of Occupancy file that you be given an additional 90 days to complete the repairs before it is reviewed again for referral to the Vacant Building program. Permits finalized and Certificate of Occupancy reinstated by December 9 it won't go to the Vacant Building program.

Lee: the Certificate of Occupancy is pending?

Moermond: you don't have a Certificate of Occupancy right now. I want you to have it

reinstated by December 9 so you aren't referred to the Vacant Building program again.

Lee: the reason for the building being seen as vacated is because on September 8 the Fire Inspector issue the vacate order. We were operating up until that point. That order from Laura Huseby closed us down. Told us to vacate.

Moermond: I will say you can occupy the structure for an additional 90 days. Get those permits finalized.

Referred to the City Council due back on 10/19/2022

**16 RLH VBR
22-50**

Appeal of James Greeman, PG Companies Thomas Avenue LLC, to a Vacant Building Registration Notice at 1418 THOMAS AVENUE.

Sponsors: Jalali

Appeal is granted as orders are withdrawn from Department.

No one appeared

Moermond: the orders on 1418 Thomas have been withdrawn and communicated to appellant. The appeal is granted as the orders are withdrawn.

Referred to the City Council due back on 10/19/2022

17 [RLH VBR 22-44](#)

Appeal of Adero Riser Cobb to a Vacant Building Registration Notice at 1790 UNIVERSITY AVENUE WEST.

Sponsors: Jalali

Layover to LH October 11, 2022 at 1 pm (rescheduled per owner's request).

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

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

18 [RLH VO 22-28](#)

Appeal of Benjamin Kaufman, SMRLS, Representing Tenant, Virginia Gibbons to a Fire Certificate of Occupancy Approval with Correction, including Condemnation and Order to Vacate at 1300 WILSON AVENUE, #1211.

Sponsors: Prince

Layover to LH October 18, 2022 at 1:30 p.m. with findings from October 12 1:30 p.m. inspection.

Benjamin Kaufman, SMRLS, appeared

[Moermond gives background of appeals process]

Moermond: we have Mr. Kaufman representing the tenant and Fire Orders.

Staff report by Supervisor Leanna Shaff: this is an individual unit, 1211, The orders are to allow access. Illegal locks. Blocked exits. We haven't been able to gain access to the unit to date. Tenant has blocked the door. She has put a chair there. A Chain lock on the door. Issues with the smoke alarms. Inspector Thomas told me on the first inspection he could hear the smoke alarms chirping. She won't let people in. Not us or St. Paul Public Housing. The Fire Certificate of Occupancy was approved with corrections. This and another unit need corrections. I have left messages for the tenant to call me with no call back. I know it is sensitive but I understand they may not reside there now, or soon.

Moermond: this is a Public Housing high rise with 187 units. We have someone who is talking about accommodation concerns with access to her unit and she has some trust issues universally it sounds like.

Kaufman: she has diagnosed disorders. I have some additional materials, which is the original letter to the Public Housing Agency [PHA] requesting reasonable accommodations. That is dated June 13. It is a letter from her health care provider identifying what she suffers from. Ms. Gibbons describes pounding on the door when dressed in only her nightgown and requested time to change. In her words Thomas tried to force the door. Those are her words. She says there was shouting in subsequent inspections. PHA staff came, that doesn't help. I also have difficulty getting ahold of her. She does eventually call me back. I can help coordinate a call. She essentially describes it as starting off on the wrong foot and that created a panic state for any subsequent inspections. I'm not aware of a chair, but she essentially shuts down.

Moermond: how do units within a building gain access?

Shaff: we always require a responsible party to allow access. We don't inspect by ourselves. For routine Certificate of Occupancy inspection, there will be the housing manager or a maintenance manager. We don't just have keys. The orders to go the building because the tenant has no legal responsibility for the building, though they are required to give access. Our orders would go to St. Paul Public Housing. We have no way of tracking every resident or means to contact them typically.

Moermond: I just wanted it clear that it wasn't a solo fire inspector trying to force entry into an individual unit. Procedures are they go with the Responsible Party for the structure.

Shaff: she was not a new tenant to the building.

Kaufman: she did move from another unit into this one. That is the origination of the reasonable accommodation letter I have.

Moermond: I don't know that reasonable accommodation concepts apply to inspections. I understand she would like special arrangements and I'm sure PHA is sympathetic but they aren't set up for this kind of situation legally.

Kaufman: sure. I'd like one more opportunity to set up a specific date and time so she can have someone support her through the process. Even if Ms. Gibbons herself is in a corner that someone else is there she trusts to make sure this happens.

Shaff: I can do that inspection. That would probably alleviate trust issues with the original inspector. Maybe a female inspector would help.

Kaufman: I think that would be appreciated.

Moermond: I'd like to continue this, what's your timeline on getting a report on the interior?

Shaff: would next Wednesday the 12th work? 1:30 p.m.?

Kaufman: that should be fine.

Moermond: I will lay this over 2 weeks, October 18. Hopefully she will be able to remove the placard.

Laid Over to the Legislative Hearings due back on 10/18/2022

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 19 **RLH FCO
22-94** Appeal of KBD Investments LLC to a Correction Notice-Reinspection Complaint at 1008 CASE AVENUE.

Sponsors: Yang

Grant to December 1, 2022 for compliance.

Brett Hesley, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: August 11 we received a complaint of black mold throughout the property. Inspector Thomas responded to the complaint. He has been there on multiple occasions. We still have a basement moisture issue. Pictures are in the file. It needs a sump pump according to the appeal. We concur.

Moermond: why are you appealing?

Hesley: the tenant complained a couple of years ago and I did tons of work on it. I'm not saying the basement doesn't have an issue but they've been breaking window covers and running hoses next to the house. I told them if it is an ongoing issue I'll release you from the lease. This was years ago. They've had various inspections so I kept the basement as dry as I can and running dehumidifiers. It got to the point this last inspection with the mental health resource people and I'm not renewing your lease since you aren't doing what you need to do. I'm willing to make the repairs but there are 11 people living there. IT is a major construction project and I can't do it with them there safely. They are scheduled to move out October 31. Inspector Thomas told me he couldn't give more time and told me to appeal. The issues prior were because for some reason when we updated the Responsible Party form for all our properties a couple didn't happen so it was going to the wrong address. I'm going to do the work when they are out and putting the house up for sale.

Moermond: so vacated the end of the month. Why don't I grant an extension to December 1 for compliance? The next step is the certificate being revoked. If you are selling you either want the Certificate of Occupancy or a TISH inspection report. I don't

think this will be a bad recommendation for you.

Hesley: that works great. The inspection would have been yesterday and there is no way I could install it in that amount of time. It is a major project.

Referred to the City Council due back on 10/19/2022