



Minutes - Final

Legislative Hearings

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Tuesday, November 8, 2022

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [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.

Sponsors: Prince

Layover to LH Nov 22, 2023 at 9 am. By COB November 18 Property Rep to submit 1) work plan, schedule, updated bids, 2) updated incorporation papers showing Yahiyayan's interest in 3 Packet, LLC, 3) updated financials specifically showing demonstration of funds from both Property Lovers LLC & 3 Packet LLC separately.

Peter Yahiyayan, representative and financial partner, appeared via phone

Moermond: we left things with the City Council referring this back to hearing because at 2:45 you sent financial information and a joint venture agreement. I have reviewed it and a couple of things jumped out with respect to what you sent. One is that the money shown is all from Property Lovers, LLC but in the Joint Venture Agreement number 5(a) indicates you will be contributing \$30,000 and they will be contributing \$50,000. We have no proof from you of your capacity to provide that funding for your portion. We also need the work plan and scheduled. What is going on there?

Yahiyayan: did you get an updated report? I remember last time we spoke you indicated things would be changing because of the inspector's going through and they would be sending a new Inspection report. Property Lovers is my and my cousin's company. That's where we come in. This is the same joint venture agreement we sent off to Reid 2 years ago. I can also get 3 Packet on to provide financials as well. My contribution is coming from Property Lovers.

Moermond: then the legal agreement you sent absolutely doesn't make sense. It lists the owner as 3 Packet. I need incorporation papers on 3 Packet indicating your interest in 3 Packet. We have an investment contribution from Property Lovers and I don't have any incorporation materials from them indicating you are a part of that. Finally, the \$80,000 may or may not suffice to do the rehab once your bids come back in. That may need to be revisited.

Yahiayan: do we have an updated—

Moermond: you don't have one I gather? I know your house need to be cleaned out and that put you at the end of the line. We do have a Code Compliance issued October 26. You would have gotten that already.

Yahiayan: I haven't received it.

Moermond: haven't you? It was sent to 311 W. Polk Ave in Anaheim.

Yahiayan: that's 3 Packet, usually they send things right away. I thought it was coming via email.

[Code Compliance Inspection Report is emailed to Mr. Yahiayan]

Moermond: so although this was issued the 26th you haven't had contractors in?

Yahiayan: correct. I can send them this week to revisit and reupdate the scope of work and their bids.

Moermond: who is they?

Yahiayan: I had that bid by Legvold I submitted a couple months ago.

Moermond: this indicates it "doesn't address electrical, plumbing and HVAC. To be provided by others." This doesn't include much.

Yahiayan: I know the electrical was done and already permit issued. Early Bird had pulled a permit to address all items in 2020.

Moermond: and they never closed it. They will need a new one. We'll need bids from your subs as well as a schedule. I'm very concerned about the finances and the way you presented them. These are LLCs with no humans attached from the documents I can see. The representation an LLC will pay for something when I don't know who officers are and who is signing things, that won't work. Get me those documents to support your information. That would be helpful.

Yahiayan: not a problem.

Moermond: Ms. Zimny just emailed you that Code Compliance Inspection Report from October 26. We need to rest of that information. I'm going to put this in front of Council December 7, they don't meet November 23 or 30th. We will look at this November 22 in hearing. If you get that in and approved, permits can be issued soon. If it isn't in it will be delayed at least 2 weeks.

Yahiayan: not a problem, I'll send this off to contractors to get going.

Laid Over to the Legislative Hearings due back on 11/22/2022

2 [RLH RR 20-22](#)

Ordering the rehabilitation or razing and removal of the structures at 678 SNELLING AVENUE NORTH within fifteen (15) days after the May 27, 2020 City Council public hearing. (To refer to October 25, 2022 Legislative Hearings, pending roof permit is pulled and finalized)

Sponsors: Jalali

Layover to LH January 24, 2023. PO to submit written update by close of business Friday, January 20, 2023 making sure to address the pending financing approvals discussed at November 8 hearing.

*Lisa Kugler, consultant, appeared via phone
Gene Gergelu, AEDS, appeared via phone*

Moermond: we're here to update the record on where things are at and where we go from here. Ms. Kugler, I have your written statement from October 21.

Kugler: the report said we are waiting on the last big piece of money which depends on the City of St. Paul which depends on money from the Main Street program. We were the first ones into that process and we've had our technical assistance meeting and meet the requirements. That decision will be made end of December. If you don't spend all your money the legislature will never give more, so it is likely to be made. The small request to Ramsey County Critical Corridors program they said they were going to decide in November. The city can't make a decision until it knows about that and the St. Paul Foundation money. We're thinking the City can give us a preliminary indication in January, assuming the St. Paul Foundation is going to give a decision towards the end of December. We feel really good about both of those big ones. The request to Ramsey County for \$105,000 for the cost of putting in a water line. Most of that money is targeted to municipalities that aren't St. Paul. So, if there is a reason we don't get that, that would be it. Typically, programs get a lot more applications from St. Paul because it is bigger so they want to focus on the suburbs deliberately. I know this has taken a long time, not from anything we have done. This is the inefficient way these projects are funded. The same with housing projects. If we could fund the way the private sector does it would be nice and wouldn't take 3 or 4 years.

Moermond: I'm wondering what the right timing would be to talk again and also update the Council on where things are at. This last went to Council in July. I think we will have much better information on financing available in January.

Kugler: yes, two of the decisions should be made before end of year but the City can't accept a request until those decisions are made. Towards the end of January would be the right time.

Moermond: we'll talk here January 24 and confirm with Council that they don't want any briefing before Council before then. We'll let you know if that's the case, but we'll for sure talk again January 24 to see about those two decisions and the application to the City based on hopefully positive decisions.

Kugler: we did talk to the site plan committee, and generally, aside from the water line issue, there is almost nothing that hasn't been thought about or City staff wasn't approving of. Architects have done a thorough job. They wanted a traffic study and the water issue which has always been an issue of who is crying uncle: MNDot or St. Paul water.

Moermond: who is the main person you're working with?

Kugler: Ashley Skarda. Tia was there as well as people from Public Works, Parks, and Sidewalks.

Moermond: sounds good. We have a plan and I think you are doing as well as you can

under these circumstances. We'll send a follow up letter and I'll talk to Council about if they need a briefing between now and January.

Laid Over to the Legislative Hearings due back on 1/24/2023

- 3 [RLH RR 22-65](#) Ordering the rehabilitation or razing and removal of the structures at 346 SHERBURNE AVENUE within fifteen (15) days after the December 14, 2022, City Council Public Hearing.

Sponsors: Balenger

Layover to LH November 22, 2022 at 9 am. PO to 1) post \$5,000 PD with DSI, 2) submit work plan including schedule and bids, 3) proof of financing to do rehab and 4) affidavit dedicating funds to the project.

Russ Waletski, husband of owner, appeared via phone

Moermond: let me clarify before we start. Our records show Katherine Waletski is the legal owner of this property. Do you have an ownership position? Are you representing her?

Waletski: 3 daughters and 2 grandchildren, and marriage for 20 years.

Moermond: she's your wife?

Waletski: yes.

Moermond: so she is your wife and you are representing her, should we add her to call?

Waletski: just me, she's on her way to the office.

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarelli: The building is a one-story, wood frame, single-family dwelling with a detached one-stall garage on a lot of 3,001 square feet. According to our files, it has been a vacant building since April 25, 2016. The current property owner is Katherine Waletski, per Amanda and Ramsey County Property records. On August 18, 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 August 29, 2022, with a compliance date of September 28, 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 \$97,200 on the building. Real estate taxes are current. The vacant building registration fees were paid by assessment on June 1, 2021. A Code Compliance Inspection was done on October 17, 2022. As of November 7, 2022, the \$5,000 performance deposit has not been posted. There have been fourteen Summary Abatement Notices since 2016. There have been five work orders issued for garbage/rubbish, boarding/securing and snow/ice. Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish exceeds \$30,000.

Moermond: it looks like it used to be a rental property historical and the Certificate of Occupancy was revoked in 2016. The current owner purchased in 2017 after that revocation for \$34,500. So they weren't using it as a rental yet but maybe were headed that way. What are your intentions, Mr. Waletski?

Waletski: we own the building behind this property, an old VFW. 1047 University as well. What we intended to do was work with MN Housing Authority since January 2021. We hired a consultant that does proposals for MN Housing Authority to secure funding for building housing. We were going to build at 1047 University a 43-unit apartment complex with MN Housing Money and our own funds. We have architectural drawing that I sent to Joe to show we aren't blowing smoke. We have a general contractor and a budget. Larissa Ripley is the top consultant that does most of the proposals by MN Housing for MN Housing. \$50,000 contract with her to walk us through this. Then we purchased 347 University and then saw 346 Sherburne became available 3 months later. We bought it and I was told by the neighbor it was owned by an elderly gentleman who bought it and completely gutted it. Our intent was for this parcel and the building at 346 University, we planned on building our second building. 347 would be high priority homeless and some market, not just subsidized. They are opportunity zones for developers on the tax side. Then with MN housing financing the terms are manna from heaven should our project be accepted. Now, back to the house at 346 Sherburne. We bought intending to sit on it. We wanted the construct at 25-million-dollar building. The house to the east we have been waiting for it for years to come up to sale. It came up for sale the week after rent control. We would have bought it for cash. We would have had a double lot double wide. Everything was looking good until rent control. We looked at financing and bailed out of both buildings. It is too dicey of a proposition, even with the financing, to build in St. Paul with rent control. You already have wage control, now rent control. So now what do we do? We're sitting on it and now we want to put in a laundromat at 1047 university. Far cry from 12 million we were going to put in there. We have a firm that has done the work. It is T2, I've talked to zoning and planning.

Moermond: I really need you to focus on 346.

Waletski: now what we decided was to just rehab and put it back in original condition. Livable condition. I met with Nathan at the beginning of August, met with the plumbing inspector, met with the other inspector and just talked to electrical a short time ago. Then we pulled permits. We're going to rebuild it. We have the Code Compliance report. We intend to comply with the Code Compliance Inspection and homestead it.

Moermond: as I indicated at the beginning there would be conditions to get time to do the rehab. Those include the posting of the \$5,000 Performance Deposit and time from Council. I spoke with the Building Official yesterday in preparing for today's hearing and it appears there was a building and electrical permit issued. I inquired how that happened without the posting of the Performance Deposit or clearance from Council. He said those were issued in error, largely due to a staff transition. The money will be refunded and you will have to reapply. We have to un-ring that bell until you go through this process. DSI was clear they were in error and extends apologies for any confusion that arose because of that. Hopefully we can get through this quickly. I just wanted to insert that since Mr. Yannarely didn't touch on that. Tell me more, you're going to rehab as a single-family home?

Waletski: our intent is to move there. We have a house in Minnetonka that is way too big. We want to get out of the business we have and move into laundromats. It isn't the most ideal neighborhood to live in. We have faith the City Council will get their act together and the Sears site will be pushed and that neighborhood will blossom. I rented in Frogtown in 1980. Compared to then it is paradise. We don't want to be in the rental property business because of rent control. We'll be right behind another laundromat we plan to do. We intend to homestead and spent winters in Arizona or

southern California.

Moermond: sounds like you'll have no issues with posting that Performance Deposit or demonstrating financing.

Waletski: absolutely. There's no structural work that needs to be done. It is pretty simple stuff. I know buildings inside and out.

Moermond: absolutely. I'm looking for a scope of work, a work plan, something that describes in detail things that will be done and bids for that. Based on that total, let's say a \$90,000 project, I would want to know you have \$90,000 to dedicate to the rehab of this property. Reflective of the bids you are using. You have your house in order of people you are going to tap to do some of this work and it won't be a big lift for you to pull this together. Am I reading that right?

Waletski: for me, yes. Not for Kate. This is simple stuff. Frankly, drywall, insulation, and wiring, I could be doing all of that. I can wire it in 3 days. You don't cover up anything until the inspector comes. We're not going to do the bare minimum here. I talked to Nathan about this. We'll do 2x6 studs and do R21. We're not trying to get it to a place to rent. Since we're in there we want to put more into it and make it better on the energy side. I can do this work.

Moermond: can you put together a plan showing that?

Waletski: absolutely. I already have a crude drawing of the ceiling heights and all of that.

Moermond: and I'm not plan review, I am just looking at the business and financings side and whether they cover all the items in the Code Compliance Inspection. That's my focus. I think we're at the basics here of posting that Performance Deposit, plans, bids and financing. Your case doesn't go to Council until December 14. We can talk in two weeks and if we can approve those items we can approve you pulling permits.

Waletski: can we do it the week after thanksgiving?

Moermond: we don't have hearings that week

Waletski: my daughters are coming into town.

Moermond: if you have the materials in ahead of time we can look at them and put something on the record that they are or aren't acceptable. We could give you a call about ahead of time then. Just have that formality. If we need a deeper discussion we can figure that out. I don't want to slow you down.

Waletski: then that is what we will do. I'll have it in end of the day November 18.

Moermond: we'll send you a letter Friday confirming the details.

Waletski: I fixed airplanes; I think I can get this house back together.

Moermond: we'll have to check to make sure you can pull the electrical since you haven't lived here previously. Mr. Yannarely could follow up on that and we'll get back to you. Don't want you to spin your wheels on that.

Laid Over to the Legislative Hearings due back on 11/22/2022

10:00 a.m. Hearings**Making Finding on Nuisance Abatements**

- 4 [RLH RR 22-60](#) Making finding on the appealed substantial abatement ordered for 975 HUDSON ROAD in Council File RLH RR 22-18.

Sponsors: Prince

By no later than COB November 10 PO to submit 1) updated financial statement sufficient for completing rehab, 2) updated schedule (including bids if new contractors) and 3) property must continue to be maintained in order to have PD continued and receive additional 180 days.

Derek Thooft, attorney, appeared via phone

Lorrie Miller, owner, appeared via phone

Staff update by Supervisor Joe Yannarely: the result of the last hearing by close of business Friday October 21 you were to have submitted updated financial statement and bids and work plan. There is a current Summary Abatement Order issued to secure and clean up rubbish.

Moermond: I haven't seen plans or financing for this project, Mr. Thooft, Ms. Miller can you tell me what's going on?.

Thooft: there was some confusion on my end on the dates I gave Lorrie. I do realize now in talking with her that I relayed the wrong dates to Ms. Miller. We have them almost completed. I would like a 48-hour extension to get those in. There has been difficulty in getting plans finalized because contractors are hard to pin down.

Moermond: can I pause, and I have a gripe here, Ms. Miller you have once again changed your email address. We've gone through so many emails and phone numbers. You have to call our office to let us know when you change that information or effectively communicate with your attorney on these things. We won't give extensions based on you changing information frequently and not letting our office know.

Miller: I apologize Ms. Moermond I have had some intense personal safety issues.

Moermond: How does that affect letting us know what your gmail address is? That's not personal safety issue. I have this headed for Council next Wednesday. If you have those plans into me by close of business November 10th, great. What was the deadline on the Summary Abatement Order to clean up the yard?

Yannarely: tomorrow.

Moermond: I'll definitely be asking for an update on that. They witnessed that it was open to entry and yard was a mess. That was a random sort of a thing. I hate to think the neighbors have to deal with a potential for squatting. Be monitoring that very closely. I'll look for that information to reach my office by close of business November 10 so I can review it Monday November 14. Please have it in on time this time

Miller: I understand.

Referred to the City Council due back on 11/16/2022

- 5 [RLH RR 22-39](#) Second Making finding on the appealed substantial abatement ordered for 575 PARK STREET in Council File RLH RR 21-71.

Sponsors: Balenger

Layover to LH November 22, 2022 at 10 am for further discussion and update from owner and/or contractors on remaining items. (CPH 12/7)

Frank Viggiano, owner, appeared via phone

Viggiano: I wasn't aware of this hearing.

Moermond: we sent a letter November 2. Your contractors needed set expectations. Our inspector sent that to you.

Viggiano: Hector told me after the last meeting he had the inspector out and he thought they were going to finalize things. He came up with 3 more things. Hector had a contractor out.

Moermond: we talked like a month ago.

Viggiano: this was after the City Council meeting. This is what he told me. He said the inspector added 3 items and have to try to get contractors back to finish. I call him every day. I am on his back, believe me. I want this done more than anyone. It is killing me. He keeps giving excuses. He said there were 3 items, I told him that he was killing me. He makes promises that don't get done. I'm on his back all the time. It is in my interest to get it done. Trying to start all over and get new people is even more difficult. They take on too much work and they're behind on everything because they are greedy. I don't know what to do. I had surgery so it is hard for me. I'm asking for more time; he isn't following through. I already paid him so what can I do? I'm over 200k in this project and not getting any rent. Paying the mortgage. It has been difficult. I appreciate your patience. I don't know what else to do. I talked to him Friday, he said everything should be done. I called Monday. He didn't call me back of course. Excuses. I've paid for it, I'm committed. I even put up that extra 10k. there's no reason for me not to want to get it done. I don't know what else to do besides sue which doesn't accomplish anything.

Moermond: this is 95% done and I need it across the finish line. We aren't knocking it down but we're going after money on this thing. This cannot keep going on. You have to activate them or hire someone else to finish this. It is in your financial interest to do so obviously

Viggiano: I agree.

Moermond: and when we get them on the line they blame you. It has been a big finger pointing game and we're caught in the middle.

Viggiano: and I've given you two letters showing they've been paid. And by doing so it's a disincentive to do anything. I agree with you, you're in the middle. I have very few ways to motivate them other than ask them nicely. They already have my money. Why wouldn't I want to get it done. This is coming out of my retirement. My kid's college fund. We started this project almost two years ago.

Moermond: we'll talk again November 22 and this goes to Council December 7. And you know you have another Vacant Building fee hanging over your head.

Laid Over to the Legislative Hearings due back on 11/22/2022

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 6 [RLH SAO 22-38](#) Making finding on the appealed nuisance abatement ordered for 139 DUNLAP STREET NORTH in Council File RLH SAO 22-33.
- Sponsors:** Balenger
- The nuisance is abated and matter resolved.*
- Referred to the City Council due back on 11/16/2022**
- 7 **RLH SAO 22-48** Appeal of Daniel Feess to a Vehicle Abatement Order at 952 EUCLID STREET.
- Sponsors:** Prince
- Grant to December 30, 2022 for compliance. (Making Finding 1/3, CPH 1/4/23)*
- Daniel Feess, owner, appeared*
- Moermond: we laid this over so the inspector could do some measurements, see if it constituted a commercial vehicle, any other concerns. I wanted to find out from Ms. Martin what her staff said.*
- Staff update by Supervisor Lisa Martin: November 2 we did go out to measure. It is so large; it is almost a trailer home. It is 40 feet long. Another 3.5 feet with the tongue. 8 feet wide. 11 feet tall. It is extending onto both neighboring properties. It is a fenced in yard, there are steps going into the trailer. It is parked on roof shingles and up on jacks. I did include photos of the trailer. Again, it is very large, it is off the alley. It is something you'd see on a commercial job site.*
- Moermond: repeat the specific code violations you think are in play.*
- Martin: definitely oversized vehicle.*
- Feess: what is the maximum footage for length for oversized purposes?*
- Moermond: so 151.02, does 158 expand on this at all? Not for our purposes today. Ms. Martin, commercial truck, and overweight vehicle, comes into play.*
- Feess: how can it be a commercial truck? Don't they have motors and engines?*
- Moermond: transportation of property but not persons. It is clean as a commercial vehicle but not a truck by the definition.*
- Feess: it was licensed as an RV would that commercial aspect not come into play?*

Moermond: I think it's the size aspect. Ms. Martin, you mentioned it being parked on other properties, setback from a structure, commercial vehicle definition. Are those the things you're concerned about? I'd like that on the record.

Martin: 151.02. 157.11. 157.03. This is the largest "vehicle" we've run across.

Moermond: and with respect to its being classified as an RV? Is that in Legislative Code or is that State law?

Martin: even if it was an RV, being that is parked in the alley obstructing 2 other properties, it is on a trailer. You hook it up to a vehicle.

Moermond: without an engine therefore not an RV.

Martin: we also don't have an approved surface.

Moermond: and that would be the apron of the garage is approved but the other parts aren't paved. Sec. 157.11. - Parking for larger vehicles. (a)Recreational vehicles. No vehicle or combination of vehicles except those licensed under chapter 331A.04(d)(17) as a mobile food vehicle, or those registered as recreational vehicles pursuant to Minnesota Statutes, section 168.013, subdivision 1g or as amended, twenty-two (22) feet or more in length and seven (7) feet or more in width, measured between the two (2) most widely separated points or proportions on either side of such vehicle or combination of vehicles, shall be parked on any street or alley for more than thirty (30) minutes.

So, it is oversized, it isn't currently an RV, and its location is problematic. The setback requirements are imbedded in the zoning code.

Martin: residential zoning code. This is zoned RT1.

Moermond: I'm also struggling with the extent that this would be considered a structure since it exceeds 10 x 20 feet and any permits it may need. Thoughts on that?

Martin: it is larger than any of the tiny houses we've seen come through. We'd normally see this on a commercial construction site.

Feess: it is going to be a really nice mini-home though.

Moermond: and it's a question of whether it will be a mini home you construct on your parcel or have to do it somewhere else.

Feess: obviously the distance from the garage isn't an issue for me. I store my car during the winter in there. It is too big for my property. It boils down to, I know I need to move it, but how much time will you allow me?

Moermond: and you wanted a long period of time because you wanted to do all the work on it before you move it.

Feess: yes, there's no power where it is moving.

Moermond: got it, no infrastructure.

Feess: I am curious about footage because I would like to get an RV eventually.

Moermond: I think we have a situation that isn't good for the winter.

Feess: I think it will be fine. I know who goes down the alley.

Moermond: it doesn't have a 3-foot setback. I want to speak to the Building Official about it being a building that needs a permit to be on the parcel.

Feess: what kind of time do you have in mind for me?

Moermond: I'm definitely in 2022. I am initially inclined to say to December 30, 2022. My question will be to the building official and if he calls this as a building there is another layer of enforcement. I am not in control of that. That's where I'm coming from and if he says yes, it is a building and it is either permitted or gone by December 30. I'm feeling it is more a structure.

Feess: it is a building with wheels.

Moermond: that's literally what it is, and how does it fit into the law?

Feess: but it isn't foundational at all.

Moermond: and you can put a shed or garage on wheels too. It happens all the time. That's my inclination. I'll put this in front of the City Council December 7. We can get back to on what the building official says and a building code appeal if you need it; if he even calls it that way. We'll articulate in the letter we send the violations, commercial trailer in residential neighborhood, set back issues from parcel boundaries and the garage structure. Those 2 things are also in play. December 30 right now. We'd have an inspector go by January 3. I'll send it to Council again January 4 and if it is still there and they go with my recommendation the department is authorized to remove it.

Feess: it isn't an easy proposition moving it.

Moermond: I know you want more, but it is an answer. Council could look at it differently than I do. I would suggest if the neighbors have agreed to encroachment they should say so, but it doesn't change the law about the 3' set pack. That's a fire concern. 948 Euclid appears to have a garage as well, that's a concern. Both your garage and his garage are too close. 958 appears to be further away. 948 appears to be bumping your property

Feess: it is my garage, which there is nothing near aside from my trailer.

Moermond: but if your trailer runs parallel with the alley and it is the length of your parcel plus.

Feess: there is not a structure there. The garage was demoed, It is just parking.

Moermond: that makes it moderately better. It doesn't change the law. You know my recommendation.

Referred to the City Council due back on 12/7/2022

1:00 p.m. Hearings

Vacant Building Registrations

- 8 **RLH VBR
22-56** Appeal of Charles Forrest to a Vacant Building Registration Requirement at 995 BURNS AVENUE.

Sponsors: Prince

Waive VB fee to December 9, 2022 and to have Fire C of O reinstated.

Charlie Forrest, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Mitch Imbertson: this is a duplex in the Fire Certificate of Occupancy program. Scheduled for renewal inspection. The initial attempt to get in for the inspection was July 12, 2022. No access. Then a number of other inspection attempts were made. August of this year the Certificate of Occupancy was revoked based on long-term noncompliance with the process to give access for inspection. A couple additional attempts were made after that and the inspector was still unable to gain entry, which resulted it being sent to the Vacant Building program to enforce the vacate order.

Staff report by Supervisor Matt Dornfeld: not much to add. James Hoffman opened a Category 1 Vacant Building August 31, 2022 per that referral by James Thomas. He documented the house was secure but was unable to confirm vacancy. He confirmed the property area was maintained. He went back October 12 and 20th and noted similar things. Secure, maintained, but unable to confirm vacancy.

Moermond: you indicated in your appeal that the building isn't vacant. I think Fire inspections agrees but you need a Certificate of Occupancy to have it occupied. Tell me what is going on with the appointments and not having someone there?

Forrest: what was happening was I had another person, an ex-girlfriend, who was supposed to be managing. I was not made aware any of this was going on. I had no idea I was to be there. The only time I knew anything was when I got the actual Vacant Building notice. I didn't know, I didn't get notice of this. I've been fighting in court with my ex-girlfriend with other things she's tried to do and mail-wise. I would like to get the Certificate of Occupancy so I don't have to pay the Vacant Building fee. We've owned this property for 70 years and I just want to make this right so I can rent it and be in good standing with the City.

Moermond: I am showing all kinds of information going to Artist Forrest in Maplewood. Who is that?

Forrest: that is my mother, she is on the deed as well. She hasn't lived there for 3 years.

Moermond: it does appear that's the address the Fire Certificate of Occupancy program has on record for you. So she has been receiving the letters, not your girlfriend. That's maybe a good thing. She is listed as a trustee as the owner.

Forrest: that's correct.

Moermond: moving forward, are you going to be the Certificate of Occupancy responsible party?

Forrest: yes, me.

Moermond: so you're representing her in this matter. We can send you the Change of Responsible Party form. We can send that to your email. Fill it out, because she lists as the owner she will have to sign to confirm that you're the Responsible Party to get the mail. I think within 90 days, the fee won't come into play at all. You have until January 3 to have that reinstated. We will get you Mr. Thomas's contact information.

Forrest: what time are they in the office?

Imbertson: 7:30 to 9.

Moermond: I have a question for staff. One letter says it went into the Vacant Building program October 3 but another document says August 31. When did that referral actually happen?

Imbertson: I am showing it was revoked August 9.

Moermond: a 90-day waiver looks different from August 31 than October 3. How far is he booking out?

Imbertson: it was originally referred to the Vacant Building program August 24. Not sure about the discussions between the referral and when the notice went out.

Moermond: Mr. Dornfeld, would it work if we went to a waiver to December 5? A specific date?

Dornfeld: I can accommodate whatever you would like.

Imbertson: James is booked to about the week of the 21.

Moermond: can you schedule it on his calendar now?

Imbertson: sure, we can look at something the week of November 21?

Forrest: any time.

Imbertson: 1:00 Monday November 21. There is a possibility the inspector may need to reschedule if he has something that hasn't made it to his calendar yet.

Referred to the City Council due back on 12/7/2022

**9 RLH VBR
22-57**

Appeal of Jason Stockwell to a Vacant Building Registration Requirement at 1006 THIRD STREET EAST.

Sponsors: Prince

Waive VB fee for 90 days (to January 31, 2023) and allow permits to be pulled.

No one appeared

Voicemail at 1:49 pm: this is Marcia Moermond from St. Paul City Council calling you

about your appeal of the Vacant Building fee for 1006 East 3rd. We will try you again. My inclination is to allow the fee to go unpaid and to assessment and permits be pulled. We'll keep that Vacant Building fee but my concern is it not blocking your ability to pull permits. You also need to have contractors who go in indicate to the clerk there are notes allowing permits.

Referred to the City Council due back on 12/7/2022

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

- 10 [RLH VO 22-32](#) Appeal of Jarett Harmon to a Reinspection Fire Certificate of Occupancy With Deficiencies (which includes condemnation) at 548 MINNEHAHA AVENUE EAST.

Sponsors: Brendmoen

Third-floor unit must be vacated by November 14, 2022 until such time as stairway is repaired/replaced under permit. Stairway to third unit is condemned immediately and cannot be used.

Jarett Harmon, owner, appeared

[Moermond gives background of appeals process]

Imbertson: this is a residential triplex. Originally scheduled quite some time ago, and in June 2021 for a renewal inspection for the Fire Certificate of Occupancy. At that time a number of orders were issued including repairing exterior fire escape stairway that serves the third floor. In an R2 occupancy building we require a second exit from the third floor of the building. The purpose of this escape stairway would be to meet the second exit requirement in addition to interior stairs that serve this unit. A number of reinspections have been done and we're down to the orders on this exterior fire escape stairway. A structural review was done, per our request, on September 20, 2022 of that exterior fire escape stairway and based on the findings of that report the stairway was determined to be unsound and unsafe for continued use. After receiving that notice it was changed to an immediate condemnation of the third floor of the building. The report says the stairway would need to be replaced to come up to code compliant situation and it references a number of issues with construction that wasn't done per code when originally built.

Moermond: I have a lot of photos of the stairway from August 2021. That may be when it was first written up. I was wondering how long it has been an outstanding issue? I am assuming since August of 2021.

Imbertson: since at least August 2021. June 17, 2021 is the first report it is referenced in.

Moermond: That was a repair order at that time?

Imbertson: it was written as maintenance of the fire escape, good working order, provide documentation fire escape meets above criteria and any deficiencies will need to be corrected

Moermond: We have an engineer report was forward to Ms. Huseby, your inspector, and based on that we have the revised orders.

Imbertson: yes, when we received the information confirming the stairway was unsafe for continued use.

Moermond: Tell me why you are here Mr. Harmon and a little bit of your circumstances?

Harmon: I didn't know it went back that far. There has been a change in management. Our maintenance manager, he was let go a couple of weeks ago. It is bad timing for this because we were given that order to get the structural engineer report, he was let go 2 days after that report was requested. That report that we paid for went to his inbox which I am now managing, but the changing of the guard is what led to the delay. That's why there was a delay between when you asked for it and when you got it. I talked to Laura and asked the history of things because my maintenance manager had overseen maintenance from 2014 to October 12. Unfortunately, he was the front person on this and is no longer around. I am now asking why we had no action on this. I don't think he read the report before he gave it to them. We talked for a long time with Clint Zane yesterday, but its how much time I want to put into repairing vs. something new. We of course have an emergent timeline here. We'll probably end up just removing the whole thing. The tenant just moved in with her 9 year old daughter, now I have to tell them to leave 45 days later. Talking with Laura and Bill I'd like to propose putting a window ladder out and keep the tenant in the property. It has been there for 7 years. We bought it 7 years ago. It is of course deteriorating over time. It is being used daily. I don't doubt it needs replacing but the cost benefit ratio is we will take it down. We'd like to use an exit ladder for the second fire escape.

Moermond: I see that the owner is CCF2 MN LLC. Is that you?

Harmon: That is the fund manager and I am part of that fund

Moermond: and the Certificate of Occupancy is you at Albris Management?

Harmon: ye,s and they are a division of Albris Management.

Moermond: You were in this morning fill out this appeal and talked about moving this tenant to another unit that you have. Can you talk about that?

Harmon: We could do that temporary or long term. We own a couple hundred homes in Saint Paul. We have a couple of vacancies, If it's necessary, I could move her to a Wells Street location. But they (the tenants) have to be ok with that. Since they just got settled, I am assuming her preference would be to not move. She likes it and wants to live there. From what I assume she wants it would make more sense to keep her where she wants to stay. I certainly could do it, but I think it would be a last resort.

Moermond: Mr. Imbertson, two things. First. the requirement for this exit is because it's a triplex. Would you talk a little bit more about that. Can you touch on the fire code's position on an exterior ladder?

Imbertson: The Fire Code's position since it is a triplex, is it isn't a matter of escape window or bedroom egress, it's more of the unit itself. You need 2 ways safety out the unit. Even if it is a single unit up there, the distance off the ground makes it less safe and that triggers that additional requirement for the third floor.

Harmon: it would be two floors, because it would go on top of the garage. It doesn't go to ground level, it would be on top of the garage level with unit 2. I am not sure if its relevant.

Imbertson: it isn't really relevant as far, as I see. It is a third floor unit which requires the second exit in the first place. It is based on the occupancy of the building and position of the unit. It isn't just a properly sized bedroom escape window. It is held to the higher standard proper exit of a stairway. The ladder isn't something that would do a lot for me. I view the escape latter as more of a means to make an existing bedroom egress window more usable.

Harmon: Sure, I looked into them. I know some are pretty substantial.

Imbertson: Even the more substantial ones aren't anywhere close to meeting what we would consider a proper stairway. That is my professional opinion based on Code. If this is allowed to be occupied, the other question is the timeline on making the permanent repair. How long would it be occupied with a stairway under construction.

Moermond: Mr. Imbertson is that your professional opinion base on code?

Imbertson: Yes, that's my professional opinion.

Moermond: Your inspector wrote a 24-hour vacated based on the engineer's report, as they made a determination that was an unsafe exit. It cannot be used safely in any situation?

Imbertson: that is correct.

Harmon: when I talked to the engineer he was recommending replacement. We've had tenants in that third floor unit for 7 years and no one has had an issue.

Moermond: isn't that a good thing?

Harmon: right. I'm just saying a week or so until we can get it removed and her relocated or potentially making it a duplex. That's the other way to go. We may just sell at this point.

Moermond: have you looked into the Rental Rehabilitation program? Mr. Imbertson, what grade did this building get?

Imbertson: C

Moermond: It looks like it's a no interest loans. We can get you that information. Reach out to City staff on that. You could incorporate that into your analysis. I'm thinking a ladder escape is a big step backwards code-wise, decades even. There is reason the code is what it is on a stairway exit. I'm not included to recommend your appeal of that matter be granted. In terms of the vacate date, rather than the 24 hours, I'm going to say it needs to be vacated as of next Monday, given people the weekend and 9 year old in school. You have work crews if you have 200 properties to help facilitate the move. I do know they would have legal rights based on the lease to get something out of this but if you can come to an arrangement and you have a decent tenant.

Harmon: I'm not interested in making our issue someone else's. We'll certainly do what's right. The 2 I have would certainly be upgrades.

Moermond: do we have a sign on the door in her unit leading the stairway indicating it is condemned.

Harmon: I was as just there an hour ago, I didn't see one.

Imbertson: the inspector was going to be out at 3 today and was told to put that on hold regarding the outcome today.

Harmon: I would like to talk to her (the tenant) before the inspector does that. Give her a heads up on what is happening and where she is going between now and next Monday..

Moermond: I need that stairway closed down ASAP. I need signage and cordoning at the bottom. No one goes up or down. That is firefighters in full gear if there is a fire need to know. I wouldn't want a firefighter to have a problem going up or a tenant coming down, so both sides need to be closed down.

Imbertson: Additionally, I'd be concerned if the tenant is moving out is planning to use those stairs.

Harmon: Everyone uses those stairs primarily, rarely the interior stairs. It was there when we bought it. Yes, I understand.

Imbertson: we can go out still this afternoon at 3. Caution tape on the stairway. Condemnation placard.

Moermond: It sounds like the inspector can be there at 3. The placard it has to be at both ends. The inspector has to post those placards. You have until Monday. I can put you in front of the Council November 16.

PROPERTY MUST BE VACATED BY 11/14 and STAIRWAY TO 3rd FLOOR CONDEMNED IMMEDIATELY.

Referred to the City Council due back on 11/16/2022

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 11 [RLH FCO 22-109](#) Appeal of Keith Denison to a Fire Certificate of Occupancy Correction Notice at 1059 MINNEHAHA AVENUE EAST.
- Sponsors:** Prince
- Layover to LH November 22, 2022 at 2 pm. Property to be reinspected by Supervisor Neis to assess egress options as they relate to Fire Code.*
- Keith Denison, owner, appeared via phone*
- [Moermond gives background of appeals process]*

Staff report by Supervisor Mitch Imbertson: this is a six unit building schedule for renewal of the Fire Certificate of Occupancy started September 2022 by James Thomas. On that report was egress windowsill height in unit 6. In the appeal document I see an attached diagram which shows layout of unit six which shows 2 ways out of the sleeping room. Based on that information it does appear the layout of the unit may meet an exception under the fire code, 1104.26 exception 4. That allows for the lack of an egress window when 2 approved ways are provided out of the sleeping room. However, based on the observations from the original inspection we wouldn't feel comfortable retracting that without an additional on-site inspection at the property. We would also be interested in verifying what the egress is from the rest of the basement. There was also a question brought up from my manager, Supervisor AJ Neis was at the property to look into this. He had a question of bars on the windows not being able to open from the interior and additional bars may have been placed on windows or moved to different windows. If we were using egress windows as the way out versus a second doorway you cannot have a bar across that isn't openable from the inside.

Moermond: so you need eyes on to confirm the other exits are acceptable?

Imbertson: yes.

Moermond: is that acceptable to you Mr. Denison?

Denison: absolutely.

Moermond: should he reach out to Inspector Thomas?

Imbertson: we'd like him to contact Fire Supervisor Manager Neis.

Moermond: [Neis's number given], and we'll also include that in the follow up letter. We'll continue this to November 22 and I think we can put this to bed then.

Denison: I would like some feedback on the bars on the windows. You can tell from the history I take care of business. I bought it 23 years ago. I take the Inspector's advice and I do it. It was an A building last time. It will be again. I'm not a slumlord. In terms of the bars, 6 years ago my inspector was Efrayn Franquiz. When he came out and saw the bars on the first floor of the building he was questioning whether it was legitimate or not. He talked to his Supervisor and he came back and said it was ok. I assumed that all of my bars are good. I have a different 2 bedroom on the same level, a studio, those have bars with a pin that pull out and they open up like doors. I wondered if I should have those on the others. I would certainly do that. I can have someone come out and do that. That's easily done. When Mr. Thomas recommended I put a step in since the sill height was too high, I assumed it was also to make the bars swing out. I already knew if my appeal was denied and I needed to remove the bars. My question is should I take care of that before the 22 or wait until Mr. Neis comes out and looks and tells me whether it needs to be done or not? I like to take care of business as quickly as I can.

Imbertson: I would wait until after the inspection. If it meets the exception from the egress window requirement then we wouldn't be looking for a complaint egress window at all so you wouldn't have to change anything with the bars. It may be something you will want to do as an optional change if your tenant feels more comfortable, but for our purposes it would be as if the window doesn't exist. For the other unit, if the bars open as they suggested I believe that is why they were accepted. We may need to verify the operation. Finally, the question on where the windows exit to you do have to be able to

safely get to a public way once out of the building. It does appear there is a locked courtyard.

Laid Over to the Legislative Hearings due back on 11/22/2022

**12 RLH FCO
22-110**

Appeal of Alfredo G. Cayetano to an Amended Fire Inspection Report for the Fire Certificate of Occupancy With Deficiencies at 1143 PAYNE AVENUE.

Sponsors: Yang

Deny the appeal as it relates to the drive through window, and grant to December 9, 2022 for balance of the orders.

*Alfredo G. Cayetano, owner, appeared
Cora Cayetano, owner, appeared*

[Moermond gives background of appeals process]

[Woman gives Ms. Moermond a written statement]

Staff report by Supervisor Mitch Imbertson: this is a business occupancy for restaurant less than 50 occupants. This is a Certificate of Occupancy inspection with Laura Huseby. On inspection of the property an initial walk through was made October 10 and a report was issues with a number of corrections. Included was a drive through window found to be added without proper review or permits. I believe that is the main issue in contention here. It appeared to be constructed without a building permit and would also require review by Zoning. The City's Zoning code has special rules for drive-through windows and needs to review that to make sure that criteria is met. Inspector Huseby did review with the Building Official who confirmed plans were needed on that new construction and it needed review and inspections by his staff. Further, trade permits may be required for related trade work such as mechanical and electrical work done as part of this addition.

Alfredo Cayetano: inspector Laura went there October 10 and I received mail from her with the Fire Inspection Correction Notice. Number one is the building permit. I went to Planning already and applied. They advised me to get a drawing and they said to get an architect. I tried to call one but most of them don't do work under 100 square feet. It is only a 4x8 foot space. So I can't get a permit from them. Now I received another notice from Inspector Laura which she dropped off telling me we had to close the drive-through. I came in right away to appeal. Closing the drive through will have a big effect on us. It has really benefited us a lot. Benefited safety. The business. The small employees there. Number one is that since we had the drive tough there it has become safer. My car almost got hit by a bus there. Another car came from the north side on Payne. The bus shelter is at the end of my driveway, about 7 feet away. The cars going inside make a turn and the customers are parking and walking in, they almost get hit. That's my main concern. By closing it down, it will affect business and safety. Since we had the drive-through I noticed the customers have stopped going in the exit, so it is 100 percent safer. The rest of the orders Inspector Huseby wrote, we are going to comply with. But the number one concern is the drive through.

Imbertson: I was told in information from Steve Ubl that the plans submitted were incomplete. I'm not aware of it specifically requires an architect. That discussion is typically between you and the building department. They did note the plans submitted were incomplete and needed additional information.

Alfredo Cayetano: during the pandemic in 2020, I went to DSI and there was no person face-to-face. There was a computer, and I did register. After a week I called the inspector. They said I had to talk to Supervisor. He said he would call me back. I never got that call.

Moermond: would it be ok if I read your wife's statement?

Alfredo Cayetano: yes.

Moermond: Cora Cayetano indicates that first of all please excuse I have to write that as opposed to telling you personally as I am always short of breath which makes it difficult to speak for a prolonged time. My name is Cora Cayetano and I've dedicated my entire life to providing for my family by means of which I only know. I have been a cook my entire life. My husband and I have worked hard in this business for over 30 years to provide for our family. It has not been an easy road for us. There were times when business was slow. My husband and I both worked our two locations apart from each other with no help so we could make enough money to continue the business. As the years progressed and we aged our business grew enough so we could afford employees. As I said, nothing in life comes without any challenges. In 2020 the world got hit with Covid, though we were one of the fortunate ones to stay open, it was still very difficult. We built sneeze-guards to protect our employees and customers. None-the-less Payne Avenue location staff were all hit with Covid and the business was shut down for over 3 weeks. Our staff demanded better protection so we decided to convert a non-used door into a drive through. Business continued and our staff decided to stay. As Covid eased up business continued to grow. The food costs more than doubled due to rapid inflation. We continued to persevere with sacrifices. June 19, 2022 businesses at the west-side location on Caesar Chavez was held up at gunpoint with 2 gunmen. The entire incident was recorded on our surveillance camera. That evening all 3 staff members quit due to the trauma they endured. We tried to fine employees but couldn't find any. After over 30 years that location finally closed by no choice. The staff at Payne Avenue felt it could also happen to them so my husband decided to close the walk-in portion of the business and keep only the drive-through open. This was done to make sure staff felt safe and did not quit as well. We aren't asking you to turn a blind eye to the noncompliance of our drive-through What we ask is that you please allow us to continue to serve in the drive-through while we work closely with the State to be 100 percent compliant. If the drive-through closes we may lose our staff and this could end the only business left which provides the additional income we need to sustain our living. I beg you to please have a little compassion and allow us to keep serving as we comply with the requirements presented to us.

It sounds like you are looking for an extension to get approval on the building permit. I know from looking at the computer and the letter they are in the process of reviewing your permit application. Mr. Imbertson, where is DSI in looking at this? They have the permit application in and plan review has it and they've asked for additional information. I just gave you a copy of the letter you already received. What is your ability to do the things they've asked for in this letter? They are talking about architectural plans. Needing a permit. They don't want you to use the drive-through until everything is approved. Do you have those materials for them? They seem quite serious that they want it closed down. Do you have drawings? I see you have a building permit application in. Any other permit applications?

Imbertson: I'm not aware of any other permit applications. Regarding the backlog, my understanding is it can be up to two weeks or more to process initial permit

applications. In the case of the building permit is already existing in our system so the delay would be whatever the workload is for Dori Dufresne.

Moermond: who did the electrical work for you?

Cora Cayetano: my family. They just did the additional 4x12 space that used to be storage.

Alfredo Cayetano: it used to be a 4x8 storage space with a small window in the side. We figured out during the pandemic we could use it for serving food. I opened it up. I didn't pull a permit when I built the storage shed.

Moermond: I'm seeing a couple warm-air and mechanical permit from July 2020. Did you have Derrick Ski, commercial plumbing and heating pull a permit?

Cora Cayetano: yes, we have a contractor for that. We asked them to do the work.

Moermond: your orders indicate an electrical and mechanical permit.

Imbertson: the reference in the orders that it was built without a permit originally but was intended for storage, however I'm seeing a building permit application that was withdrawn from October 1, 2020. At that time, it specified as a window box for handling food orders, which would basically be a drive-through. I think even back in 2020 there was an understanding that the intent was to use it as a drive-through and an acknowledgement that permits would have been required. Hence, why they applied for that permit in 2020. If you compare older street-view photos this shows the entire shed was added to the property. This was in addition to the sidewall of the property.

Moermond: lots of extension cords. How long is it going to take you to get these things taken care of? To get the permits? Do you have contractors you are ready to work with to pull the permits and get the work inspected?

Alfredo Cayetano: probably this month we can get them in.

Moermond: so you are saying you want an extension through the end of November to get things taken care of?

Cora Cayetano: yes.

Moermond: there is an inconsistency between the orders your folks wrote and the letter that came from Clint Zane. His building permit letter sent asking for additional information says that there should be no use at all. Your letter indicates use through October 31. That is a few days difference, I guess it is pretty consistent.

Imbertson: my understanding is that was based on the same conversation but one of the letters may have been issued first.

Moermond: I see, you're right.

Imbertson: there is still the question of the Zoning and whether this would be accepted. The building permits would address the construction itself but to actually use it as a drive-through it needs Zoning approval. Even if the construction was accepted. That's the reason for similarly ordered but different orders. Item one references Zoning code.

Moermond: at the end of the day there is very little I have control over for your appeal. I work in the area of the Fire Code, and you have Fire Code, Building, and Zoning issues. There are orders right now on Zoning and Building Code. I can only deal with the Fire Code area. Building code people want to close you down immediately. They wrote that in this November 1 letter saying you need to stop operations.

Cora Cayetano: the drive-through?

Moermond: yes.

Cora Cayetano: but not the restaurant?

Moermond: not the rest of the business. The drive-through. I have no control over that order. I would have some control over the order the Fire Inspector issued and the only control I have is about extensions. Even if I were to grant you an extension for compliance with the Fire Certificate of Occupancy orders, you still have this letter on the building permit saying you can't use that drive-through window. You could appeal this and we could give you a Building Code appeal form. I can't change that. That is where the rub is. I'm going to recommend that the Council deny your appeal. I don't feel like I have any choice in the matter but to do that because I have no authority over Zoning or Building codes. You need to get contractors in to provide information, pull permits, and get that use approved. Ms. Vang is going to print you a Building Code appeal form, there is no charge on that. We'll try to get this in front of Council November 16, but we don't really have any control on our end. You still have those other problems that we can't deal with.

Imbertson: the same concern I had was if an extension was granted of our orders, how that would interface with the deadlines set from the Building department. We have both building and Zoning recommending no use of the drive-through. The building code orders take precedence over the Fire code orders in this case. I'm sorry I wasn't able to be more helpful, I really am. Would the intent before us to keep the November 16, 1 p.m. reinspection for the remaining orders that were not appealed? They were on hold.

Cora Cayetano: November 16 we have to remove the drive-through?

Alfredo Cayetano: the reinspection is November 16, so we have to take it out now?

Moermond: you can get permits or you can take it out. I don't know if you need permits to take it out or not.

Alfredo Cayetano: I have an email from Clint Zane and he advised me to work with him.

Moermond: that's perfect. In terms of the November 16 inspection for the other things on the orders, does that day still work? Do you need an extension?

Cora Cayetano: I need a couple more weeks.

Moermond: for all the other things, not the service window, in the orders we will recommend the new deadline is December 9. The week of December 12 you will have a reinspection on the rest of your orders.

Cora Cayetano: if it happens that we pulled everything together before that date we could call?

Moermond: if they have time they could come early, sure. Good luck and take care.

Referred to the City Council due back on 12/7/2022