



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

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

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Tuesday, November 22, 2022

9:00 AM

Room 330 City Hall & Court House/via phone

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

##### Remove/Repair Orders

- 1      **RLH RR 22-52**      Denying a stay of enforcement of demolition for property at 587 COOK AVENUE EAST. (Amend to grant a 180 day stay of enforcement)

**Sponsors:**      Yang

*Layover to LH December 13, 2022 at 9 am. PO to submit updated financing for additional \$14,000. (CPH 12/21)*

*Note: all items approved 11/30/22; amend to stay enforcement 180 days (CPH 12/14)*

*Gerald Krippner, owner, appeared*  
*Matt Heimann, potential purchaser and developer, appeared*

*Staff update by Supervisor Joe Yannarely: last we spoke was an updated financial documentation, affidavit, signed purchase agreement, and the new partner must post a Performance Deposit.*

*Moermond: we have Mr. Krippner and Mr. Heimann here. When that letter was written your partner was Mr. Jesse Williams*

*Krippner: yes. Same thing as before. It appears he presented himself as someone he wasn't and took advantage of the situation I was in. He wanted to renegotiate it.*

*Moermond: I don't trust that assessment. My perception is the purchase prices have been coming in higher than are feasible once the pro forma is run and rehab costs are done. You've had 4 people back out and given the same reason. I'm looking very carefully at the acquisition costs and the rehab costs. I am done. I am so done with this property. I want to hear from Mr. Heimann. I've heard from you a lot and if it is going to be a story you've told multiple times, I don't need to hear it again.*

*Krippner: the other two were contingent upon inspection. The one before that wasn't. It didn't go through because they were using hard money. The lender wouldn't let it go through—*

*Moermond: this is number four. Staff's phone rings off the hook because you are treating staff like your receptionist. That is not ok. We have one last person; it was laid over per the completion of that offer by the previous person. Here we are now*

*and this is the last bite at the apple.*

*Krippner: I had him do all his inspections before we came in today. Different than in the past. We have a signed purchase agreement. I imagine he's given you everything you need. That's the change I made to make it successful this time.*

*Moermond: we have materials that have all came in the last couple of days.*

*Krippner: I said in the May 10th meeting this would be difficult. I didn't understand the games people were going to play. That's what happened. I thought people's intentions were good and true. Had I known that I would have done this before.*

*Moermond: you were given solid advice to hire a real estate person and you assured us your real estate license would suffice. It doesn't appear that way. Again, I'm done with the excuses.*

*Krippner: this isn't a regular sale.*

*Moermond: and there are people who do this a lot and could have saved everyone a lot of time with their expertise. Things you have run into problems with that they wouldn't have.*

*Krippner: I'm sorry. I overlooked it.*

*Yannarely: are you financing the \$60,000 thorough the Home Equity Line of Credit (HELOC)?*

*Heimann: the purchase will be done after the CO.*

*Yannarely: so your \$44,000 statement and your \$90,000 HELOC is for a \$96,000 rehab. This financing is for both?*

*Heimann: yes.*

*Moermond: I need to see the bids on this.*

*Heimann: from the subs? This is a general contractor.*

*Moermond: it says "project complete upon CO." We need it to say certificate of code compliance on the work plan. These items may or may not cover things in the Code Compliance Inspection Report and I need to plain it does. I need to see money on what that will cost. I need to see money for purchase and for the rehab. I want to know this is going to click. You are catching a history. I know that. Hopefully the purchase price makes that worthwhile. But that needs to be fleshed out.*

*Heimann: I'm connected with Element but they are serving as the General Contractor.*

*Moermond: what is your relationship?*

*Heimann: I am their employee; we build new construction. They have subs and are willing to take this on.*

*Moermond: what does helping with the building process mean? You are taking on as the investor the building contractor components and you do construction yourself? What is that?*

*Heimann: I work as a project manager for Element. The reason I was interested in this property is because I rehabbed 1010 Edgerton that was a Category 2. A little different than this, but the process is the same. I acted as the GC for that one since I was the owner. They were all licensed contractors. In the same manner I will be acting as PM, as well as investor. There is a note on the timeline that it does follow the Code Compliance Inspection Report.*

*Yannarely: on the Element page it says it is based on all items in the Code Compliance Inspection Report dated July 20, 2021.*

*Heimann: just over \$100,000.*

*Moermond: got it, that's what I was looking for.*

*Yannarely: Performance Deposit posted November 21. Some discrepancy in funds available vs. project cost.*

*Heimann: the way the bank loan works is that there is some equity in the project.*

*Moermond: let's see it. There's a \$14,000 gap between cost for acquisition and rehab and the financing. There's an additional \$10,000 in a savings/checking account. Is that your personal account you pay bills out of?*

*Matt: no, it is a separate account.*

*Moermond: so we're looking for \$14,000 to make sure all the numbers come together. I don't see other documents needed at this time. The pieces are here and ready except for the money. A revised affidavit and financing for those funds. We can talk again December 12th. If you can get something to us before then, we can deal with the case and green-light the issue and send straight to Council.*

*Heimann: the last piece was zoning.*

*Moermond: I did confirm with Tony Johnson, and in this particular case the zoning is RT1 which does allow for duplexes. The problem that it may have required a reestablishment of nonconforming use was because the lot size was under 5000 feet. But since this is RT1 versus R1 you don't have to go through that process So permits will be issued as a duplex.*

*Krippner: the Vacant Building fee? How does that work?*

*Moermond: this fee is October 14, 2022 through 2023. My business practice is I may prorate it if it is less than the six-month juncture. Given what I look at here it seems unlikely it would be done within the window.*

*Krippner: I thought once work starts it isn't under Vacant Building status.*

*Moermond: nope, not a chance.*

**Referred to the City Council due back on 12/14/2022**

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**2**      [RLH RR 22-56](#)

Ordering the rehabilitation or razing and removal of the structures at 771 IOWA AVENUE WEST within fifteen (15) days after the October 26, 2022, City Council Public Hearing. (To refer to November 22, 2022 Legislative Hearing)

**Sponsors:** Brendmoen

*Layover to LH January 10, 2023 at 9 am. PO to complete cleanout of property no later than December 20, 2022. Staff will reinspect ability to do CCI on December 19.*

*Joseph Yanta, owner, appeared*

*Staff update by Supervisor Joe Yannarely: they were to have the house cleaned out for a recheck by November 7 and at that time it still needed much work. I took some photos.*

*Moermond: so still sufficiently hoarded that it wouldn't be a good candidate for a Code Compliance Inspection at this juncture*

*Yannarely: yes, that is my assessment.*

*Moermond: so that was November 7. We're 2 months down the road so I think it is time to hire some professionals. We haven't gotten to a place yet. We don't have the same definition of "broom clean". That is what I said was the expectation last time. It still isn't sufficiently cleaned out for the Code Compliance Inspection. What is your intention? This is square one to get the inspection done.*

*Yanta: I have been cleaning it out since the 7th. I still have things in the attic and emptied some bookcases and moved them away from the walls.*

*Moermond: I want everything out. I looked at photos showing things moved away from walls. I have a kitchen table stacked with chairs, magazines, and bags. Is it away from the wall? Yes. Is it adequate for an inspector? No. I have photos showing things up to the ceiling. It needs to be everything. I know it is hard but we have to get over this hurdle. Do you have help?*

*Yanta: I'd been doing it myself. My son was able to help me for a day and a half.*

*Moermond: do you have a dumpster?*

*Yanta: I filled 3 Bagsters earlier this month. Those are gone.*

*Moermond: how long will this take?*

*Yanta: no longer than 30 days, I think I can do it.*

*Moermond: we can't even get in to do a Code Compliance and that will be the three month mark. That is sufficient to get it done. I'm done after that. So you know there won't be another extension for this purpose. I'm sorry I'm being so hard on this but we've really missed understanding on this one. I'm not looking for things in the middle of the room. It needs to be gone. That is your interest too because you've indicated you will be selling. It won't sell with your possessions in there. Workers will be happier to work without things to climb around. It is really what you need to do. The cleanout should be done by December 20 and Mr. Yannarely if you could go by soon thereafter.*

*Yannarely: I can go by the 19th.*

*Moermond: then the Code Compliance Inspection team could be notified it is ready to go. I'll ask them to expedite that. We'll have a hearing January 10th. We really need to green-light that Code Compliance Inspection team to get in so you have that inspection report in your hands so you can figure out where you go from here.*

**Laid Over to the Legislative Hearings due back on 1/10/2023**

- 3      [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 December 13, 2022 at 9 am (CPH 12/21). PO to submit 1) updated bid(s) including subcontractor bids and a schedule.*

*No one appeared*

*Voicemail left at 10:44 am: this is Marcia Moermond from St. Paul City Council calling you about your property 1802 Ross. We'll try you again in 15 minutes or so.*

*Voicemail left at 11:06 am: this is Marcia Moermond from St. Paul City Council calling you again about 1802 Ross. We received your financials and corporate information and they are acceptable but we don't have a new plan or bids to do the work. Those need to be forthcoming. We'll talk again on December 13th and we expect those materials in by no later than December 8.*

**Laid Over to the Legislative Hearings due back on 12/13/2022**

- 4      [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 December 13, 2022 at 9 am (CPH 12/21). PO to 1) Post \$5,000 PD, 2) submit sub-contractor bids, 3) updated work plan including labor & materials done by PO.*

*Russ Waletski, husband of owner, appeared via phone*

*Moermond: we got some materials, just need a couple more things before we green-light this. Those would be posting that Performance Deposit and the subcontractor bids to support the work plan. Are those an easy ask?*

*Waletski: subcontractors are busy as heck so I couldn't get anyone in there in a week. You want individual bids for electrical and building, even if I do the work myself?*

*Moermond: you don't have to show me the money to pay yourself but show me you have the supplies and what you would charge yourself.*

*Waletski: I can do that. The Performance Deposit I'll put that in certified mail this afternoon. You'll have it tomorrow, hopefully. I'd like to send that certified. I'll talk to our General on the commercial property and get the name of the plumber. I for sure need to hire that. I'll see when he can get in. These guys are really busy. My own work I will estimate. Supplies, I have to list out what is going in, insulation and plywood?*

*Moermond: I don't need that level of detail. That would be an out-of-pocket expense. Building materials would run \$20,000 let's say, we would want to take that into*

account.

*Waletski: and you can see by my one checking account we have more than enough funds to put this back together.*

*Moermond: and in your affidavit you would confirm that \$100,000 is dedicated. I need to see the subcontractor bids and the out-of-pocket building supply costs be \$100,000 or less, otherwise I'll need a new affidavit.*

*Waletski: where do I send that Performance Deposit?*

*Yannarely: send to DSI to the attention of Robert Humphrey. You could always call in with a credit card.*

*Moermond: your schedule to be in front of Council Public Hearing December 14. It sounds like we can finalize this paperwork before then. I want to talk to you and confirm December 13.*

**Laid Over to the Legislative Hearings due back on 12/13/2022**

**5**      [RLH RR 22-54](#)

Ordering the rehabilitation or razing and removal of the structures at 342 THOMAS AVENUE within fifteen (15) days after the October 12, 2022, City Council Public Hearing. (Legislative Hearing October 11, 2022)

**Sponsors:**            Balenger

*Layover to LH January 10, 2022 at 9 am. PO to submit 1) work plan and schedule 3) subcontractor bids for plumbing & HVAC, 2), affidavit and 3) proof of financing to do the rehab.*

*Adam Schmitt, friend of owner & financial advisor, appeared*  
*Manuel Crespo, owner, appeared*

*Staff update by Supervisor Joe Yannarely: he was to submit evidence of financing, affidavit, work plan and schedule, and maintain the property.*

*Moermond: you submitted financial information which appeared to be several spreadsheets but no actual account balances.*

*Adam Schmitt: correct. I am Mr. Crespo's financial advisor. I've known him 12 years and we reconnected last week. I've been doing what I can to get the items. I did what I thought based on the information I was given. I reached out to Joanna and she sent me the Code Compliance Inspection Report and that's what this long thing is based off of. Manuel has 2 contractors that can do it for much cheaper and he can do the rest himself. The total amount is 27,000 to make it Code Compliance. In regard to the financing, that's why I submitted that balance sheet and income statement. He has 900k of equity in his houses. He has 3 loans. 1.7 million is the value of his house based on Zillow. And he has \$900,000 of debt. I want to get a HELOC on his main residence. I spoke to a banker today and we're going to start that today but it takes 3 weeks. I want to consolidate as much debt as possible and on top of that pay for the 27,500 to fix the house to make it code compliant.*

*Moermond: you submitted an electrical bid, is that the person you don't have on your team?*

*Schmitt: yes.*

*Moermond: I don't have bids for the other trades. I know you are working with them and have a different arrangements, but can I get a plumbing and mechanical bid?*

*Schmitt: I have a plumbing bid. We can get HVAC.*

*Moermond: so you are doing the building stuff and what I'm looking at in this work plan is estimated cost of labor you are providing for yourself. That isn't cash out-of-pocket for you. There are materials you would need cash for. You had a total of \$27,500.*

*Schmitt: It is based on \$20/hour for his time.*

*Moermond: we have some family friend loans listed. Is that a more preferable option than refinancing at market rates? I just need an account with money that can pay the bills. Line of credit specific for work on this property. I hate to see you spending a lot of money refinancing a lot of properties to get something you could get with less overhead.*

*Schmitt: I understand. The family loan has already been lent. He owes that. The Adam loan is me. I'm not charging him anything, neither is his family. The only one charging him anything are the mortgages.*

*Moermond: I can't connect with mortgage connects to which property, which I actually don't need to know. I am seeing values from Zillow, but it does look like there is sufficient equity to do this rehab work. I am willing to give you time to figure this out. Mr. Yannarely, thoughts?*

*Yannarely: it follows the Code Compliance verbatim. \$27,000 seems light but there's a lot of sweat equity involved. It seems possible.*

*Moermond: no schedule?*

*Schmitt: we need the inspection, then he knows when he can work.*

*Crespo: some of the stuff I had a permit before but I didn't have a chance to call the inspector to look. All the materials are there pretty much. I need permits to work on it.*

*Moermond: what inspection are you waiting on?*

*Crespo: permits from 2 years ago.*

*Moermond: we talked about those being expired. You need to pull all new permits. Reinspecting on the old permits—*

*Crespo: I know. Some of the stuff has been done. They need to show me what to do.*

*Moermond: I need a work plan. You can imbed this in. You would need to tell me when you have that rough in inspection. When are plumbers coming? Spelling out what you are asking for over a six-month window to get the work done. This is a map of this work. I have a lot of people pass through and this is the only house they only rehab. I know that's not the case for you. You know how you want to approach this. I just need to be able to show the Council this gentleman does know his business and how he will approach it so it is successful in the time given. Keep in mind inspectors may be delayed a couple of weeks.*

*Yannarely: I don't think there's a big back-log anymore.*

*Schmitt: is that taking what I sent and putting a schedule on it? What is a reasonable amount of time?*

*Moermond: the Council grants a period of six months. To be clear, if the work is not done we'll be doing a hearing at that juncture. If it isn't done we'll look at the percentage complete that property is. That is important because it has to do with the Performance Deposit. We make determinations at the six-month juncture. Obviously the Council is giving six months with the intention it is done in six months. I understand in this current market of contractors and supplies things can be done as intended. But I need that "as intended" plan. Then we can talk about it. If you get in earlier and we can review it, we can give it clearance to pull permits before it hits Council.*

*Schmitt: so the work plan by January 10th?*

*Moermond: the work plan and the money. An affidavit dedicating the funds. An account in 'XYZ' bank for at least \$28,000. My concern when I think about you putting together a work plan is you give yourself enough time that you don't say you'll have it done in 3 month-- I know you want to--but I also know you're working 2 jobs. If this is job three, I want you to be fair with what you are able to carve out of your time so that timeline is reasonable and you are using those six months the way you need to be. Be fair to yourself in setting this up. If you exceed the expectations you set for yourself, fantastic. We will talk again January 10th and if materials have been submitted prior to that and we can review and say yes, we can green-light permits. You'd get another letter confirming that. If we don't, we'll talk again January 10th.*

**Laid Over to the Legislative Hearings due back on 1/10/2023**

## Staff Reports

- 6      [SR 22-197](#)      Referring to Legislative Hearing for review of a potential stay of enforcement of demolition for Tracey Halliday, LOGS Legal Group LLP, on behalf of Reverse Mortgage Funding, LLC at 1722 REANEY AVENUE.

**Sponsors:**      Prince

*Layover to January 10, 2023 at 9 am. Purchaser to submit updated work plan, affidavit, and final PA.*

*Melissa Porter, attorney o/b/o Reverse Mortgage Funding, appeared  
Holly Anrst, Inspire Renovation, purchaser, appeared*

*Moermond: this is kind of unique. Where are we at with the Performance Deposit, was that forfeited, or returned?*

*Yannarely: the original? I don't know offhand.*

*Moermond: do we have a Code Compliance Inspection Report and a date on it?*

*Yannarely: January 6, 2022*

*Moermond: through a series of small events you end up in the position of perhaps having a chance to rehab that. Tell me how you will do exactly that and how it will be finance. What circumstances changed?*



*Porter: they found Holly who is interested in doing the rehab. We have a purchase agreement; I'll have to email it because my printer didn't print the first six pages. I do have the critical piece about title transfer. I can give you that now. I will send over the balance when I get back this morning. Holly does have a plan she can submit. We have a printout from her bank with the funds. No affidavit.*

*Moermond: tell me about your plans*

*Arnst: we have a five-month plan. I know we need the electric plans. We are going to do central heat and air. There's an addition without adequate heat and air. Needs new flooring, plumbing. Exterior siding repairs. Garage resided. The roof has some issues from lack of insulation in the past. The previous estimate was about \$100,000. I got access to the property Saturday. Realistically its about \$125,000, I estimate \$113,000. There are some trees and things to bring it up to a single-family home status. We'll work with the bank and provide the documents. I have cash in the bank and our company has a line of credit we can tap into. We assume a \$20,000 plumbing bill. Tim's plumbing. We have contractors we work with regularly. All licensed in St. Paul. I'm a licensed general contractor.*

*Moermond: does the department have any comments at this juncture?*

*Yannarely: only that there are some additional costs in starting the demo. The haz-mat survey.*

*Moermond: that will be an assessment on the property.*

*Porter: do you have that amount?*

*Yannarely: he's been on hold pending this outcome.*

*Moermond: we turned the truck around. I think reconnecting the property is Xcel dependent and there's a different permit for that. You're going to have modification to the work plan once you have subs in?*

*Arnst: I think my plan more than adequately covers it. I think we can get the Code Compliance in April and do the finishes afterwards. We can even do the roof after since it wasn't on the Code Compliance Inspection.*

*Moermond: let's get it included. The project in its entirety. I need to make sure you have the money. You want it done in April which is within that six-month window. When will you be ready to swing hammers?*

*Arnst: whenever you say we can go. We just need to get that electric restored.*

*Moermond: let's get updated paperwork and the subcontractor bids. Financing, affidavit, complete purchase agreement. No title issues remaining when we concluded our conversation with Mr. Rossman?*

*Porter: I don't believe so. I can double check. Holly mentioned she didn't have a format for the affidavit.*

*Moermond: we can get you one. We'll put this one for January 10th to wrap it up if we can get things approved before then we are happy to do that so you can start sooner. That will be the follow-up hearing to lock it in and we'll send it to Council January 18th. A recommendation with a grant of time you don't need to come to that hearing*

*since everyone is in agreement.*

*Yannarely: as an aside, the neighbor says the previous owner's son is apparently the one who has been breaking in. I'd consider making it as secure as possible.*

*Arnst: I could tell there were some toilet activities.*

*Yannarely: it appears he may go there to do drugs.*

*Moermond: in 2021 there were multiple orders that the property needed to be maintained. In 2022 I see 5 cases where the City had to issue orders to maintain the property and work orders associated with that. I know you do rehabs and you are full time at this. With this history and were I a neighbor I am going bananas at this point. When Mr. Yannarely is getting those calls. Consider this property under a microscope. We're trying to be helpful but we need you to be really good neighbors to people who've been dealing with a problem property for several years. If someone dumps tires in the yard. You get them ASAP. You have 24 hours to shovel. This needs to be taken care of and it shouldn't take City inspectors saying you need to do it. You are inheriting the difficult situation the neighbors have had. All the good-will you can generate is going to make me and the Council happier. If I see any problems at all between now and when we pull the trigger I will ask for a nuisance abatement plan to address how we will keep it from being a problem moving forward. To provide assurance to the neighbors.*

*Arnst: I agree. It's a corner lot with a lot of old trees. A big pile of garbage and a falling down pergola in the back yard.*

*Moermond: can I suggest—that is Ms. Porter's job. Mr. Yannarely can write orders on it today. Your client has been in control for this entire time. We're doing your client a favor by looking at this again and they haven't been doing the City any favors. I assume there is an REO to deal with this and they've been falling down on the job. Perhaps a different REO should be hired. But if there's garbage and a falling down building that is on you guys to deal with. Until closing you need to be shoveling the walk and picking up trash. Now we are all on the same page for expectations*

*Porter: I absolutely understand. And we've communicated that to them numerous times. I've lost count.*

*Moermond: and if it isn't, I'm going to have a Public Hearing in front of the Council saying Reverse Mortgage has not been maintain the property. They haven't been doing this, this and this. You already voted to have the property removed because they walked away saying they weren't going to rehab it. They are asking for your indulgence to be able to do a rehabilitation at this juncture. They still have not been maintaining, although they do have a purchaser who has a history of taking care of these things. I'm not afraid to say that on the record. I don't like doing that. But here we are.*

*Porter: I understand. We are on the same page.*

*Moermond: they need to get their act together.*

**Laid Over to the Legislative Hearings due back on 1/10/2023**

**10:00 a.m. Hearings**

**Making Finding on Nuisance Abatements**

- 7 [RLH RR 22-67](#) First Making finding on the appealed substantial abatement ordered for 939 CHARLES AVENUE in Council File RLH RR 21-68.

**Sponsors:** Balenger

*Layover to LH December 13, 2022 at 10 am (CPH Dec 21). PO to submit updated work plan/schedule and financing. Continue \$5,000 PD.*

*Lorrie Miller, owner, appeared via phone*

*Moermond: we're doing the follow-up to see where you are at here at the 180-day mark.*

*Staff report by Supervisor Joe Yannarely: we've been out at the property numerous times issuing orders the last few months, one work order was issues for garbage in the backyard. That was a large abatement order. Inspector Nathan Bruhn indicates 75% complete.*

*Moermond: that puts you outside of the range of forfeiting the Performance Deposit. Given that you are 75% along, what I would recommend the Council continue the Performance Deposit and not require a new one. That's a good thing. I'm going to ask you for an updated work plan. What we have on file shows you being done now, so we'll need a current one based on where things are at. We'll also need updated financials for completing the project. Usually, some contractors have been paid partially, so you can show how that is situated so we know how much money you need to complete. We'll look at this December 13 and send it to Council December 21.*

**Laid Over to the Legislative Hearings due back on 12/13/2022**

- 8 [RLH RR 22-26](#) Third Making finding on the appealed substantial abatement ordered for 318 EDMUND AVENUE in Council File RLH RR 22-1.

**Sponsors:** Balenger

*Layover to LH December 13, 2022 at 10 am. PO/Rep to submit updated work plan and schedule and proof of financing to complete the rehab (including proof of paid contractors and any outstanding balances owed).*

*Aychoeun Tea, mother of owner, appeared*

*Moermond: we've been at this for more than a year and a half. We've had 3 rounds of six-month grants of time. This would be asking for a fourth. Every time you come, Ms. Tea, you say it will be done in six months, it never is.*

*Tea: just a little bit more time.*

*Moermond: the building inspector said you were at 45% and if you made some progress. He inspected yesterday; he says 50% complete. You have told me three times already you will have it done in six more months. You are barely at the 50% mark. What is different now? Can you finish?*

*Tea: yes. It is slow because when you approved the people wouldn't do the job and I*

*had to find new people. I talked to you about that. Now I had to find others to do it.*

*Moermond: this isn't your first or second time doing this. I see a lot of people who can address issues with contractors without it going this long.*

*Tea: he wanted more money.*

*Moermond: you may be well served to pay him more money if you are going to lose your Performance Deposit for not having things done.*

*Tea: I found a guy. He did the blow air. It cost more money, \$5,000 more. I already paid. Electrical already passed. Plumbing passed. Insulation and then we can do the sheetrock. Then I can put the kitchen in. Insulation will be done today and I'll call the inspector again. Then we can do sheetrock*

*Moermond: I don't see any finalized permits.*

*Tea: all permits are complete.*

*Moermond: I see a note saying halfway done as of November 22. So we can say 50% as of today. I have one electrical contractor listed as Oudam Tea. And a second under his name as well. What's going on with that?*

*Tea: the electrical inspector came.*

*Moermond: it says approved with corrections. You have those done?*

*Tea: yes.*

*Moermond: I have plumbing permit pulled by Lane Plumbing, LCC. Are you still working with them?*

*Tea: yes, he is done.*

*Moermond: I see it was approved to issue in June, but nothing else.*

*Tea: the inspector came and passed it.*

*[long discussion of permit status]*

*Moermond: have you paid these contractors?*

*Tea: yes.*

*Moermond: how much longer to finish?*

*Tea: 3 months. It is cold now. The heating is done, and we can turn it on but I had to sign off. The inspector said he doesn't want it on. He wanted me to use the regular heat until I do the sheetrock.*

*Moermond: I need a schedule with a plan on getting this done. You say the contractors are paid, I need to see documentation of that. If there are balances due I need to see a balances. I'm not sure what my recommendation will be with your Performance Deposit.*

*Tea: I need that Performance Deposit money to pay the bills.*

*Moermond: you won't get that money back until you get that Code Compliance certificate. We've been at this more than a year and half. We are in uncharted territory on this. Bring me documentation from each of your contractors they have been paid in full. If they haven't been you need to show me you have the money to finish paying them.*

*Tea: you mean the gas people?*

*Moermond: any contractor working on the property. If they haven't been paid, how much is due and owing. They need to provide that. I won't accept you telling me. I need to see a schedule for how you will finish. I have trouble taking you at your word since you've told me 3 times you will have this done in six months. I have low confidence.*

*Tea: after insulation, the plastic has to be done.*

*Moermond: I'm telling you things overall and every time you answer with one specific item of the rehabilitation. You need a plan with everything in writing. A verbal account from here and there isn't something I can show anyone. I also don't have inspector reports saying that is what needs to be done. Show me.*

*Yannarely: no maintenance issues.*

*Moermond: we'll send a letter confirming this. We'll talk December 12 with you having things in no later than December 6.*

**Laid Over to the Legislative Hearings due back on 12/13/2022**

## **9 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

*Sign-offs on remaining permits must be done and CC certificate issued by January 1, 2023 or additional \$5,000 PD will be required to be posted.*

*Frank Viggiano, owner, appeared via phone*

*Moermond: so the permit still isn't finalized?*

*Viggiano: I got a text today saying the plumber is doing the chimney liner today.*

*Moermond: you have chimney liner, dryer vent and adequate combustion. Is the same person taking care of all 3 of those?*

*Viggiano: that's my understanding*

*Moermond: you've already lost \$5,000 in Performance Deposit for failure to complete in time. You have coming up another Vacant Building fee due. That would be the fee covering November 13, 2022 through November 12, 2023. That is in play. There are two other things in my toolbox, one would be an additional \$5,000 Performance Deposit and the other is forwarding this to the City attorney for action. I've been at this for a long time with this property and clearly my toolbox tools haven't gotten the job done. You need to have the sign-offs done by January 1 or I'll ask the Council impose another \$5,000 Performance Deposit and you'll be responsible for the full Vacant Building fee. I've either sweetened the pot or made it horrible. That's a lot of*

money to be done by January 1.

Viggiano: I hope it is done way before that, believe me.

Moermond: if your certificate is issued January 1 your Performance Deposit won't come into play and neither will your Vacant Building fee.

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

## 11:00 a.m. Hearings

### Summary & Vehicle Abatement Orders

- 10     [RLH SAO 22-51](#)     Appeal of Tanya M. Elliott to a Vehicle Abatement Order and Summary Abatement Order at 202 GOODRICH AVENUE.

**Sponsors:**             Noecker

Grant to December 8, 2022 for compliance with Summary and Vehicle Abatement Orders.

Tanya Elliott, tenant, appeared via phone

Elliott: I am sorry I missed your call last week

[Moermond gives background of appeals process]

Staff update by Supervisor Lisa Martin: November 2, 2022 a Vehicle Abatement Order was issued to John Taylor in Minneapolis as well as occupant at 202 Goodrich. Vehicle in back yard on unapproved surface, under a tarp. Inspector went by this am and saw a car there, uncovered. A Summary Abatement Order was issued the same day, to the same people, to dispose of mattress and trash with a compliance date of November 9.

Moermond: it looks like you are the tenant?

Elliott: yes.

Moermond: tell me why you are appealing.

Elliott: the car that is there, I do have the tabs I can put on. The car there belonged to my son who died August 20 in a car accident. It can be moved to the cement slab. I had, and then moved it back, because people come down the alley and drive through my yard when they realize they can't get through. There's no sign saying it's a dead end. I have two cats and two children and I don't want people driving through my yard possibly killing one of my cats. I appealed because I don't want people to drive through my yard. The mattress and trash have been removed. The car is back, I had moved it to the cement. Once I moved it from there people started driving through my yard again like it's a normal street. That's why it is where it was. I want to keep the car and fix it since it was my sons. I am clearing the title now. I just want some time. I'd like to keep it where it is but I understand if I have to have it on the cement slab. I'll ask the City to post signs in the alley to stop people from coming down and driving through my yard. That's all I have.

Moermond: I think you answered your question. It needs to move to the slab. It can't

*be next to the house. The other problem was that the car was too close to the property line as well.*

*Martin: yes, if it is on the slab with current tabs we would be fine with it.*

*Moermond: and its current location isn't 3 feet from the property line or on an approved surface.*

*Elliott: why do tabs have to be on it if it isn't on public streets?*

*Moermond: if it was in a garage and not visible it would be a different matter. The law applies on private property as well.*

*Elliott: so even on private property without tabs it is illegal?*

*Martin: the letter will list the different violations. If it is just expired tabs but the vehicle appears drivable, often we won't write that. But if there are more than one violation, and it is parked in the grass, then we write it up too.*

*Elliott: can I have until tonight to move it? My husband has the key.*

*Moermond: not a problem. How about we say it should be moved by Monday? You'll have through the weekend. You are saying the yard is cleaned?*

*Elliott: Yes. The mattress was picked up and I put the things I could in my basement.*

*Moermond: I am satisfied. Ms. Martin, anything else?*

*Martin: no, get it moved and get tabs on. I understand the situation.*

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

**11**      [RLH SAO 22-53](#)

**Appeal of LaVonne Willier to a Summary Abatement Order at 308 SUPERIOR STREET.**

**Sponsors:**              Noecker

*Layover to LH December 6, 2022 at 11 am for further discussion. Inspector to take updated photos prior to hearing.*

*LaVonne Willier, owner, appeared via phone*

*[Moermond gives background of appeals process]*

*Staff report by Supervisor Lisa Martin: November 14, 2022 a Summary Abatement Order was issued for a temporary membrane structure to be removed and disposed of by November 21. There are photos in the record.*

*Moermond: what is going on Ms. Willier?*

*Willier: I have a car port. 3 walls are blocked. I can have a car port and it has to be open on the front and back. I put fencing up for my dog so the back isn't open. Now I have opened the front and back and cleared out what was in there. I just need something to cover in the winter. I don't want to slip and fall trying to climb into my truck. It is important for me to have. It is a car port.*

*Moermond: there is a difference of opinion between the inspector and yourself on*

*what this is. A car port is an actual building.*

*Martin: our Building Official has said these temporary membrane structure. A car port would meet the building code. This is considered temporary use. Not permanent use.*

*Willier: I was going to say this isn't something like a garage. It isn't permanent.*

*Moermond: when I was trying to get a better angle of where this was located was an aerial photo with a map and it was there. When I looked at Google maps street view you had that same thing there in 2013 when they went by. These structures are temporary and shouldn't be up more than six months. We are well past that*

*Willier: I didn't know that. I've had this a long time. I didn't know if this was a new law. Did someone call in on this?*

*Moermond: must be. If you want to have a car port, that is something you'd have to build with wood and a roof. That's what they mean in the Code by carport. This is a temporary structure with a membrane for roof and walls that isn't intended to be used for a long period. It is a tent for all intents and purposes.*

*Willier: it is fastened to the ground.*

*Moermond: but not fastened in a way it is considered a permanent securement. The membrane isn't intended to last this long. It would be deteriorated by now.*

*Willier: so you are saying if I take it down and I put 4x4's up with a slanted roof I would be ok?*

*Moermond: you would need a building permit. That would cost you some money. They would want your plans and intentions.*

*Willier: oh ok. It is bolted to my cement with 12-inch screws. Do I have time to take it down? Can I wait until spring?*

*Moermond: Ms. Martin, what is the Department's perspective?*

*Martin: we typically give 30 days. Longest is 90 I've seen.*

*Willier: it did look tacky with the gray door on there. I understand. It looks better. In the spring I can hire someone. I can take the sidewalls down so it is all open. Nothing under there except my truck. I have to leash my dog in the backyard now. It is hard for me.*

*Moermond: what is your ability to put up temporary fencing for the dog? Snow fencing?*

*Willier: I had some fencing up but it was going from the car port pole to the pole and then I had a piece of wood to block it. I've been to the dump.*

*Moermond: I'm not crazy about this. We'll have an inspector take a look. Is there snow where the posts are fastened in the cement?*

*Willier: no.*

*Moermond: Ms. Martin, would you be able to send an inspector for fresh photos and look where the posts connect and the fasteners on the roof? Take some fresh*



*photos. I don't have a problem with the temporary fencing you had before.*

*Willier: I got rid of the fencing. I've been pecking away at this. I don't like the idea of getting rid of the car port. It really helps me in the wintertime.*

*Moermond: I would say hold off on buying anything until this is resolved. The next time we can talk is December 6.*

*Willier: I don't have a lot of money and I don't want to pay a bunch. I'm willing to work with you guys.*

*Moermond: those new photos will help inform if we can do an extension and for how long*

*Willier: even until March would help.*

*Moermond: we'll get more information before deciding. We'll talk again December 6.*

**Laid Over to the Legislative Hearings due back on 12/13/2022**

## 1:00 p.m. Hearings

### Vacant Building Registrations

- 12 RLH VBR 22-58** Appeal of Dennis J. Gmur to a Vacant Building Registration Notice at 1318 ELEANOR AVENUE.

**Sponsors:** Tolbert

*Grant the appeal and release the property from the VB program. Grant to April 30, 2023 for compliance with the July 2021 Code Enforcement orders.*

*Dennis Gmur, brother of owner, appeared via phone*

*[Moermond gives background of appeals process]*

*Staff report by Supervisor Matt Dornfeld: this has been an ongoing file with Code Enforcement since 2017. We started with a cluttered, hoarded home. Some interior and exterior violations documented. House Calls was called to help. The property owner had made some progress over the years on the interior. As of today, a lot of exterior and interior violations remain. It is my understanding the property owner has deceased and it sits vacant. It was transferred to the Vacant Building program October 25, 2022. We have some pictures in the file. It appears the appellant has ordered a TISH inspection and that is on file. That documents some of the code violations we've seen as well.*

*Moermond: We have a house with some code violations, most recently documented in July of 2021. That was done by Dick Kedrowski. There are 18 violations on it, some significant. It sounds like those types of issues were reflected in the TISH report. I understand you are looking to get this out of the Vacant Building program. Sounds like you want to offload the property, am I correct?*

*Gmur: yes. To amplify that I have in the last week cleared out the house of all items and cleared the garage. Through my real estate agent have signed an agreement to sell the house. Because of the time constraints for probate, I cannot sign the closing*

documents until November 28. The probate process was completed and I had to wait 30 days to close. It was done the end of October. It took so long because I needed to determine if the sale of the house was going to get enough money to pay Jenny's debts. In doing that, I determined there would be enough to do that from the sale so I handled it. Otherwise I would have just walked away. I have gone through all those steps. I have an agreement and the title company is working on documentation to complete the sale. If all goes well the end of November I will have executed a sale to a developer who plans to redo the house.

Moermond: who are you selling it to?

Gmur: Steady Properties, LLC.

Moermond: here's my thinking. If he is going to be moving on this in short order and pulling permits, I'm sympathetic to getting him out of the Vacant Building program. One thing that concerned me when I looked at the file was there was never any follow-up from the City on the violations issued in July 2021. Technically that list carries forward and someone should be addressing those violations and a follow-up inspection. There wasn't. It was just sent to the Vacant Building program once empty. This is hanging out there. I want to figure out the best way to handle this. The Dept said there was a bunch of violations and to be reoccupied we want it required to have a Code Compliance Inspection. That would be a big inspection involving the four trades going through. That would affect your sale. I'm looking for a middle ground on this. You have the Disclosure list and selling to developer which tells me they will be pulling permits and taking care of business and addressing those items. I'm going to recommend the Council let you out of the Vacant Building program. I'm going to ask DSI to revisit the issuance of these orders and the best way to deal with them moving forward. They are all things I think would be taken care of in the normal rehab process. Such as animal feces, carbon monoxide alarms, combustible materials. All normal development things. Sanitation I'm sure you probably dealt with.

Gmur: when my son and I came out in January when Jane was having a kidney transplant we cleaned up the feces in the basement. That has been taken care of. When I came back after she died I cleaned the bathrooms thoroughly. It is an ancient house without much maintenance done. Most haven't been addressed. I hoped the developer would be able to take care of those items. No one would want to live there. If you want to do another inspection we'll have to figure it out. I'm in Seattle. I've come out three times this year.

Moermond: does your realtor have keys?

Gmur: yes.

Moermond: so they could facilitate. I was hoping to knock off some of these items and give a six-month extension. Fixing exterior walls and gas shut off valves will be in the work they do to turn the property.

Gmur: right. I remember that list, I found it in her papers. I can't lay my fingers on it at the moment.

Moermond: we can get it to you.

Gmur: that would be great. Then I could address as many items as possible

Moermond: I'm not saying you need to address them before the sale. I'm just saying I'll remove the Code Compliance Inspection requirement and finish these items that

*are a year and a half old. I'll push it to April 30 to address the items.*

*Gmur: not being in touch with the people doing the work, I can't speak to that. I think your reasoning is reasonable.*

*Moermond: who is your realtor?*

*Gmur: Michelle Tighe.*

*Moermond: you let her know that the City wants this list closed out and we want a lock box for the inspector to get in so there's a smaller list.*

*Gmur: I'm not sure it will close on the 28th. The title company has asked for a number of documents. I don't know the timeline.*

**Referred to the City Council due back on 12/14/2022**

### 1:30 p.m. Hearings (None)

#### Orders To Vacate - Fire Certificate of Occupancy

### 2:00 p.m. Hearings

#### Fire Certificates of Occupancy

- 13**     **RLH FCO  
22-109**     Appeal of Keith Denison to a Fire Certificate of Occupancy Correction Notice at 1059 MINNEHAHA AVENUE EAST.

**Sponsors:**     Prince

*Grant the appeal noting the orders were withdrawn by DSI.*

*No one appeared*

*Moermond: for the appeal on this property Supervisor AJ Neis went out to review the inspector's orders and reevaluate them in the context of new parts of the fire code. Based on that evaluation he is withdrawing orders 2 and 5 from September 14th, 2022 letter. That does resolve the appeal; therefore I am recommending the Council grant the appeal noting the orders were withdrawn by the Department.*

**Referred to the City Council due back on 12/14/2022**

### 3:00 p.m. Hearings

#### Water Bill Appeals

- 14**     [RLH WB 22-2](#)     Appeal of Kevin Kurpierz, Minnesota Mutual Life Insurance, c/o Cushman & Wakefield-JIT Energy dba Sagiliti, to a Water Service Bill at 401 ROBERT STREET NORTH.

*Layover to LH December 13, 2022 at 3 PM for further discussion.*

*Joe Tronson, SPRWS - Water Meter Tech Lead Worker, appeared  
Kevin Kurpierz, Sr Facility Manager, appeared via phone  
Dana Anderson - Sr Building Engineer, appeared via phone*

*[Moermond gives background of appeals process]*

*Staff report by Joe Tronson, SPRWS: August 26 the main on 7th Place broke. I believe they had the water for the main break controlled within 2 hours. The water was shut off between Robert and Jackson on 7th Place. They left the water off until the following morning when they made the repair on that Saturday.*

*Moermond: tell me more about the history of the bills and the usage of this building and what that pattern is.*

*Tronson: the usage/billing history for this property shows that everything was lower during Covid, and it looks like it was consistent up until February of 2022. Then there have been slight increases monthly throughout the year. We billed them on August 23, before the break, it was 300 units of water. September it was about 670 units. October it was 564 units. February it was 166 units. The usage has been slowly creeping up throughout 2022.*

*Moermond: so, when the line broke, how did that impact this building. Is that the line that feeds this building?*

*Tronson: the service lines for this building come off of Robert Street. They were not in the shut-off.*

*Moermond: so that is serviced by a different line?*

*Tronson: the water mains are like a grid, so if we shut off two valves, we isolate the break and no one knows the difference realistically, unless you are in the shut-off. That is why they waited until the following day to make the repair, because there was no one affected by it.*

*Moermond: are you saying that on 7th Place there isn't service to a particular building?*

*Tronson: not that is active, domestic service.*

*Kurpierz: 8:30 we saw a river of water running down the street. We had no pressure on our pumps. They were running without any water coming in. Whatever water was supposed to be coming to our building was going out the leak. We had to shut our pumps off. The 401 Building was completely drained of water from people using sinks and commodes. The fact that it didn't impact us isn't correct.*

*Moermond: did I misstate something? What are your thoughts on that Mr. Tronson?*

*Tronson: what he is saying is true. The building drains from top to bottom so as the floors would flush the water would be somewhat normal when you flushed. But that water was used. Their building didn't drain because of the main break, in my opinion, it drained just because the building used the water.*

*Kurpierz: and I don't discount that, but the fact is we weren't able to replenish our water. Our complete system was drained down to the 4th floor, from the 13th.*

*Tronson: that is because the main break took enough of the water so the building's*

pressure wasn't---can I ask, you turned your pumps off but floors 1 through 4 had water?

Anderson: I wasn't physically on the floors, but when the building lost pressure the pumps shut off.

Tronson: automatically, right?

Anderson: yes, so they don't burn up.

Tronson: is your building normally split like that? Meaning the first four floors run off City pressure then 5 through 20 run off of pumps?

Anderson: no, that's the 400 building. 401 building is just first through 13.

Tronson: I understand that, but are the first four floors ran off City pressure and then 5 through 13 run off of pumps?

Anderson: no, not in that building I don't believe.

Moermond: where does the pressure on those floors come from?

Anderson: the water leaves that pump, goes up to pressure reducing stations—not sure which floor that is off-hand—and feed down.

Tronson: so they have a reservoir somewhere?

Anderson: no, no reservoir. It just maintains on a VFD of pressure up at the highest part of the loop. It feeds the pressure reducing stations. Let's say they're on 10, and they then feed down to 8. And then the one on 13 would feed down to 11. It is maintaining that 160 pounds. I don't dispute that we used water even though we didn't have much for occupancy, Mondays and Fridays we're empty. I'm sure there was some being flushed. Our biggest concern is we think based on the spike. We have a reader on your meter calibrated by you folks. I saw an astronomical spike in that period between 9 and noon. It is almost that the usage was so massive the meter was spinning by like air in the lines or something that made it spin like crazy. The amount of water we're talking about, I don't think its possible unless we were fully occupied.

Tronson: I understand what you are saying. The spike also occurred in October and September.

Anderson: I'm trying to investigate that one, because there was a spike over a weekend in October, 3 days in a row when no one is in the building.

Kurpierz: Saturday and Sunday, Monday came down significantly, by about 60%.

Anderson: I don't understand that one either. All of this points to something goofy with the meter. We aren't using water when there is no one here.

Tronson: right, but I've done this enough to know that on these meters, I've never seen one over-register. They are in about 60% of homes and businesses. If there was a problem with them over-registering we'd all be at our water utility asking for a handout. I've been doing this for 12 years and I've never seen one over-register. We change them every 2 years because they lose accuracy the more water that runs through them. We change them and test them every year because the buildings are money-makers. We won't do that in homes because homes don't use enough water

for us to see a revenue loss if the meter drops.

Moermond: was the meter at this building pulled and checked after this event?

Tronson: no. If you look at the usage report, the second line over is the meter number. It is the same until it changes January 19, 2022. That's the date we changed it. January 20 has a new meter number. That was calibrated up to 100% at AWW specs.

Moermond: in this case if you pulled the meter, you could check to see if it is correctly calibrated. Certainly Mr. Anderson or Kurpierz could be present for that or how is that done?

Tronson: normally there is a \$125 fee for a meter that size to run a special test. The plumbing code says they are welcome to come and watch it. They can watch us take it out, come to the shop and witness the test, and have the results. If they are interested I can waive the fee.

Moermond: are you interested in having the meter checked?

Kurpierz: first of all, I don't know how we get a spike. I'm looking at your document R-900 I Data logging report. We have a spike on a Saturday and a Sunday when we have maybe 24 people in the building the entire weekend. We also have this spike of over 1500 cubic feet of water on the exact day we had this situation happen. For us to investigate we have to pay?

Tronson: I said I would pay the fee. But if you think about a toilet in a building. Whenever you turn pumps off then back on and the pressure returned, the building is drained so that could have been makeup water for floors 5 through 13.

Kurpierz: weren't the numbers in that trend near 45,000 gallons? I don't see that being possible.

Tronson: I'd have to look further. What line are you looking at?

Kurpierz: I'm not looking at the sheet you sent, which is kind of confusing to me. I was going off of—

Tronson: the one sent today is your billing history. That was for the month of October. We read the meter October 24. The low-flow used 500 billion [sic] units of water and the high-flow used 64 units. It is a compound meter with both registers on the meter. We billed you for 564 units of water. A unit of water is 748 gallons. The building from September 23 to October 24 used 421,872 gallons of water.

Kurpierz: in comparison to the month before?

Tronson: the month before it used more. 587 plus 79, 666 units in total. 498,000 gallons. I want you to keep in mind, you see spikes on Saturdays and Sundays. Days that aren't around the main break.

Kurpierz: right, it goes up to a certain point, maintains, and then comes back down on Monday.

Tronson: what is happening is someone is flushing a toilet and it is running for 2 days and then when it is occupied again someone goes back and flushes again and stops it.

*Kurpierz: that is altogether possible.*

*Anderson: yep. Kevin, when you got the water bill for this, how much higher was it? Wasn't it 50% higher than the month previously with the same amount of occupancy? What do you bill the water under? The vendor name.*

*Moermond: St. Paul Regional Water Services. As I look at the bills I can give you the last 5. July 5 was \$2,431. August 2 was \$3,530. September 2, \$2,841. October, with the spike October 3, \$8,872. November 2, \$5,081. So we do have another pretty high bill also in November.*

*Tronson: your typical Sloan valve, or urinal or toilet without a tank. If you flush and hold it down they run between 25 and 35 gallons per minute. A 24-hour period of that running at 25 gallons a minute is 1,500 gallons an hour. 36,000 gallons in a day.*

*Anderson: I can probably agree with that for the November bill. But September the only real spike was that day, in that period.*

*Tronson: if you look at the hourly reading sheet we sent over, I remember a number of 670-some odd cubic feet in an hour?*

*Anderson: I can understand that but if there was hardly anyone in the building—*

*Tronson: was your building the same occupancy in March?*

*Anderson: yes, more than likely on a Friday. Occupancy grew throughout the year, starting in March. That gradual increase is noted, but on our biggest day we have about 30% occupancy at most. For us to go from \$2,500 to \$8,000 is a big jump, especially because we were trending down some in occupancy.*

*Tronson: the spike you refer to the day of the main break: your building drained. Your building filled. If you had to guess, how many gallons of water would you say are in that building.*

*Anderson: I wouldn't have a guess. I suppose it could have drained through an all-day flusher.*

*Moermond: the difference in the bill and how much water would have to pass through in order to refill—do some math for me here.*

*Tronson: let's just say their building holds 10,000 gallons. In a piece of 1 in copper, 20 feet long, I believe there is about 5 gallons of water in it. If you take your whole building, called it 10,000 gallons and divide that by 748, that's only 13 units of water to fill the building. Billing units that you are charged for. If your building drained throughout the day of the main break from either the toilets hanging open and it drained or the building used that much water and had to fill back up, the bill should only have gone up 13 units of water if that was the only problem in the building. 13 units you wouldn't even have blinked an eye because it is under \$100.*

*Anderson: this is why my initial question is when we drain the building we get a lot of air back in the system. When you got that isolated and the building was back to full pressure isn't there an abundance of air and cr@p in the lines that could cause this meter to spin to do that?*

*Tronson: if you look at that data log your building used water every hour on August*

26. Before the pipe broke the meter was moving forward, after it broke the building was taking in water. That means you lost pressure but not total pressure. The meter was still moving forward. The water is flowing towards the break. It goes past your building, going towards the break. There is no air in the line, all the air is going out the break. Similar to if we turned a hydrant on in the building, there would still be no air in the line.

Anderson: that's basically---it is just a lot of water.

Tronson: I've done this enough to say that you have a Sloan toilet that is hanging open periodically. That's why the bills are high and were creeping up. If you look at historic usage they were creeping up in July. They used double the water in July and March. He said occupancy went up 30%, it didn't double, but the usage did.

Anderson: no, I said the occupancy is 30% on a typical day. It went from 80 people to about 650 people a day. I agree the usage went up, but to have bill go from \$3,000 to \$8,000. I'm looking at your graph here that shows a spike of over 1500 cubic feet of water on the 26th. It just doesn't make sense. I know we weren't replenishing that water. I know our building drained. For us to have a spike like this—

Tronson: if your building drained because of the main break then that means the check-valve that you guys own in the building failed. It should never have drained. There's a check-valve in front of the meter that is not properly functioning if the building drained. Your pumps have check-valves on them so they don't pump against City pressure. That means there is an internal problem in the building. In the graph you see, do you notice you didn't see any gray bars going up?

Anderson: I've never seen this graph before so how would I even know there are gray bars to look at?

Tronson: gray bars on the graph mean the meter went backwards. That's never happened.

Anderson: I don't think it went backwards, I just think something funky went on and the meter spun more rapidly. I attested it to air. To fill our whole building would take 13CCF and we used 1,500?

Anderson: so that would be more than one toilet running for 24 hours.

Tronson: if we say your building holds 10,000 gallons it would be 13 billing units of water, 748 gallons. The cost for that is roughly \$100. If your building was bone dry and took 10,000 gallons to fill, with sewer it would cost about \$100.

Anderson: right, so there is something goofy when the bill is astronomically higher.

Tronson: I agree with you.

Anderson: I'm not trying to blame anyone; I'm just trying to understand it.

Tronson: from my experience there is a toilet hanging open. August 26 wasn't the only day with a spike.

Moermond: so we have the possibility of plumbing fixtures not being maintained, then there is the check-valve on the meter.

Tronson: that is on the building's plumbing.



*Moermond: so those are 2 possibilities.*

*Kurpierz: I know from experience if we have a toilet that is continuously flushing it will overflow. That water will be noticed. It isn't going to take that much water down the toilet. We may have some that run for a period of time that may account for some of it. If we have one that is stuck all weekend we would have a flood. I can guarantee you that.*

*Tronson: I can't attest to your sewers.*

*Moermond: did you want that water meter pulled and tested?*

*Anderson: yes, but I don't—*

*Tronson: I'll do it and I'll waive the fee but you guys have to come with. I'm not going to do it for my own peace of mind. I know it is accurate.*

*Anderson: I will go.*

*Moermond: why don't you two exchange contact information.*

*Tronson: give me a date and time and I'll send my guys down to put a different one in and you can come watch the test.*

*Anderson: Kevin, do you want to move forward with that?*

*Kurpierz: yes, I think it is appropriate to have it tested. I don't see us having these spikes and having it attest to a toilet running 48 hours straight. I just don't think that is what is going on.*

*Tronson: it is the same meter that's been in there since January. You were fine with the usage up until it started spiking in July.*

*Anderson: Mr. Tronson it seems like you are trying to belittle us on this call.*

*Tronson: I'm not—*

*Anderson: you are, I think you really are.*

*Tronson: I just know what a water meter does.*

*Anderson: yes, and I know what happens when a toilet runs 24 hours. Trust me, it would be flooding our entire building from that floor to the basement.*

*Moermond: from where I am sitting I would like that test information. I will say that the bills are based on the water passing through the meter. What happens within the building, I've seen toilets run for months before it is caught because it is a residential property that is empty. That doesn't lead to a flood. I am hearing you say that isn't what would happen with the particular fixtures you have and your setup. I respect that, you have a different kind of layout. I don't think we'll land the plane today with the meter tested. We'll get that information and see where we go. Did you folks have a particular time that would be good for the meter technicians to switch out the meter and then come into the shop?*

*Tronson: usually we pull it and you can follow us right back there. Takes about half an hour to pull it, 20 mins to drive back, the test takes about an hour. So about 2*

hours.

Moermond: with travel, 2.5 hours out of his calendar.

Anderson: can I just give my phone number? If you can just take it and give me a call tomorrow to set up the date. I know the holidays are in there. I'm thinking maybe the 6th or 7th.

Tronson: we can do it the 6th at 9:00.

Anderson: that's fine.

Tronson: with that data log, do you see there is two—one with the high, one with the low. When we read your meter every month we get a package of information. Your building always has a continuous leak on the low flow. So does every large building in downtown St. Paul. Your building also had a continuous leak on October 24 on the high flow. Between 17 and 20 gallons a minute has to be asked for in order for that high-flow to move. Whatever time we read it on the 24th, let's say noon. That tells me from noon on the 23 until noon on the 24th, every 15 minutes the high-flow of that meter moved. If you take 2 through 5 am, every 15 minutes the high-flow is moving when the building is not occupied. That was roughly 2 months after the break.

Anderson: yep. I'm not arguing that fact on that one at all.

Tronson: historically your building has never had a continuous or intermittent leak on the high-flow ever, except the month of October.

Anderson: the only one anyone is going after here is that single day of August 26.

Kurpierz: we have a meter that has an instant-demand usage. Between 10:10 and 12:40 when they shut the water off we had a spike at about 11:00 that was almost 5,000 units. I'm not sure if this is gallons, CCF, or what. Then it came back down to normal usage later in the day. That happened during that event.

Anderson: it is only a 4-hour time-period we're talking about.

Kurpierz: I'd be happy to share this. If you are reading it every 15 minutes—

Tronson: no, it is every hour. We have to get inside the building to get that information. Whatever the data log is, we don't have it unless we physically go inside.

Anderson: what Kevin is talking about is we purchased a thing that goes on top of our meter, I think we got it from you, that's the 15-minute interval he is talking about.

Tronson: they didn't give you alarms on them?

Anderson: I don't have alarms on them, no. Just for a trend basis for reporting. I can share that.

Tronson: no, I'm ok. Even if it is \$5,000 it is six units of water, if it is 5,000 cubic feet it is 37,000 gallons which is 50 units. Which if you multiply by 8 is \$400.

Moermond: let's get that meter tested. If that happens December 6, does it work to conclude this conversation on December 13?

All: yes.

**Laid Over to the Legislative Hearings due back on 12/13/2022**