



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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651-266-8585

Tuesday, January 17, 2023

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 22-390](#) Ratifying the Appealed Special Tax Assessment for property at 984 TUSCARORA AVENUE. (File No. VB2302, Assessment No. 238801)

Sponsors: Noecker

Approve the assessment and make payable over 5 years.

Grace Dejong, owner, appeared via phone

Moermond: we're following up to see if you would qualify for proration of the fee since we last talked on November 1.

Staff update by Supervisor Joe Yannarely: this was a Category 1 fire damaged Vacant Building, opened March 15, two 90-day waivers. Multiple permits pulled, but none finalized and the total assessment for the Vacant Building fee of \$2,616 is within 2 months of its anniversary date.

Moermond: any information on open permits?

Yannarely: they are all open except one plumbing permit. Open warm air, mechanical, another plumbing. Looks like it is in progress.

Moermond: what can you tell me about where things are at?

DeJong: we are very close to being able to move back in. My project coordinator says by the end of January we'll be able to move back in.

Moermond: that is good news. I am hoping you have the inspectors scheduled to go back out so you get those sign-offs on those open permits. I'm sure your contractor is working on that. Just a heads-up on this. I am kind of stuck on your Vacant Building fee here, and I'll tell you why. This covers mid-March 2022 to mid-March 2023. We're 10 months into the fee, so it is almost impossible for me to prorate it at this point. A lot of people bring this to their insurance company as a cost of having a fire. We're happy to provide any documentation if you want to do that. I'm stuck recommending approval of the assessment to Council. I can ask them to spread payments over a number of years. Most people have a lot of financial impact after a fire. There is a small interest rate, listed on the back of your letter, we can do it over 2 to 5 years.

Council may look at it differently, as I mentioned before. Would payments over a couple years be helpful?

DeJong: if you do recommend that do we still have the option to pay in full?

Moermond: yes, of course.

DeJong: yeah, I guess we'd like to have the option to pay over time. We'd like to pay it off sooner. My insurance company is saying they've never heard of this, so any documentation your office could send. They sound dubious about it.

Moermond: there are two sections of the City's legislative code that talk about this fee, as well as the waiver for fire-circumstances, which you did get. We'll send you the law, and again we'll send you copies of the letters telling you about the fee. You have the letter about the assessment, do you need another copy?

DeJong: I think what I have for that is ok. If it is easy to include that then yes.

Moermond: we can talk to the assessment office about that. Would a record of today's hearings help?

DeJong: sure, that would be great.

Referred to the City Council due back on 1/25/2023

2 [RLH TA 23-23](#)

Ratifying the Appealed Special Tax Assessment for property at 701 FRONT AVENUE. (File No. J2309A, Assessment No. 238508)

Sponsors: Brendmoen

Layover to LH February 7, 2023 for further discussion. Staff to talk to PW about PO contact with hauler.

Gholam Kian, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: September 26, 2022 a Summary Abatement Order was issued to remove and dispose of mattresses, tv, and other rubbish near the bins. Compliance date of September 26. Rechecked the 26 and found in noncompliance, abatement was done on September 29 for a total assessment of \$548. Orders sent to occupant and Mr. Kian 3817 Beard Ave.

Moermond: why are you appealing today?

Kian: this is a rental property. We do have garbage service through the City. Basically, we received the letter, no doubt about it. The items were left in the front on the main street. We then moved them inside the property. We have a 96-gallon cart, with 3 bulky item pickups. We made the call to the garbage hauler for the extra items and then they came inside the property and moved them. We moved them from the sidewalk to get ready for the garbage pickup. Then we got this letter. I'm paying both places, both for garbage service and this citation.

Moermond: I have to tell you, Ms. Mai Vang sent you the video. When I look at the photo in the order the mattresses and so on are next to the garbage with a lattice fence behind it. I saw the exact same thing when the crew showed up on the 29th. Doesn't look like they moved location.

Kian: the letter with a picture showed the stuff in the front by the street.

Moermond: it is in exactly the same location in the photos and video. We'll reach out to Public Works on our end and ask them what is going on and when you called for the pickup to occur. You did get the order with a clear deadline. If you were unable to meet the deadline, I know you know you can call the inspector and say you've arranged for pickup of the mattresses. The inspector always will give time for that. We will check those hauler records. I'll put this on my agenda to loop back with you—

Kian: I am not disputing it was picked up. I'm saying the original letter shows it was on the boulevard, and then we moved it. They won't come into the yard to pick it up. I wanted that clear.

Moermond: and I look at the documentation differently. Why don't we talk again February 7 so if we need more time we have it? You can find out what we learned then and we'll conclude the conversation then.

Kian: I just want to make the point clear that I cleaned it up before you passed the law about using the garbage service and we tried to use our bulky pickup. So now we didn't use them last year, and I'm paying for this. It should only be done once, not a duplication. That isn't fair to the society and environment.

Laid Over to the Legislative Hearings due back on 2/7/2023

3 [RLH TA 23-24](#)

Ratifying the Appealed Special Tax Assessment for property at 917 FULLER AVENUE. (File No. J2309A, Assessment No. 238508)

Sponsors: Balenger

Layover to February 7, 2023 at 9 am (unable to reach PO).

Voicemail left at 9:41 am: this is Marcia Moermond from St. Paul City Council calling you about your appealed tax assessment for 917 Fuller. We'll try you back in about 5 minutes.

Voicemail left at 9:54 am: this is Marcia Moermond from St. Paul City Council calling you again. I will try reaching you again in 3 weeks' time, Tuesday, February 7th between 9 and 10 am. We'll send an email confirming that.

Laid Over to the Legislative Hearings due back on 2/7/2023

10:00 a.m. Hearings

Special Tax Assessments

4 [RLH TA 23-21](#)

Ratifying the Appealed Special Tax Assessment for property at 1075 ARCADE STREET. (File No. J2302P, Assessment No. 238401)

Sponsors: Yang

Delete the assessment (waiver on file).

No one appeared

Moermond: you are recommending deletion?

Supervisor Lisa Martin: yes, there is a waiver on file so we recommend deletion

Referred to the City Council due back on 2/22/2023

- 5 [RLH TA 23-5](#) Ratifying the Appealed Special Tax Assessment for property at 199 DUKE STREET. (File No. J2308A, Assessment No. 238507)

Sponsors: Noecker

Layover to LH February 7, 2022 (time TBD). PO requested time change (CPH 2/15/23)

No one appeared

Moermond: the property owner called this morning and was hoping to reschedule to a later time today which we can't accommodate but we will reach out to reschedule the hearing. I'll continue this to February 7. Council Public Hearing is February 15.

Laid Over to the Legislative Hearings due back on 2/7/2023

- 6 [RLH TA 23-25](#) Ratifying the Appealed Special Tax Assessment for property at 1520 ALBEMARLE STREET. (File No. J2310A, Assessment No. 238509)

Sponsors: Brendmoen

Layover to February 7, 2023 at 10 am for PO to view videos of cleanup.

Femi Ogunleye, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: a Summary Abatement Order was issued October 10, 2022 to cut and remove and dispose of overhanging vegetation from the alley right-of-way. Compliance date was October 18, 2022. Work was done by Public works. Photos and video attached.

Moermond: why are you appealing today sir?

Ogunleye: I don't believe there was actually work done. I was traveling at that time. In general, is there any reason that was flagged? I moved there a year ago and no one ever mentioned it and it was the same length. The main thing is that there wasn't anything done, I had to call someone and get it all cleared up. I have my receipt from the person who did it. When I came back everything was still there.

Moermond: did you get an email from Mai Vang? It would have included a video of the work that was done.

Ogunleye: I can look, I'm driving now.

Moermond: we'll continue this conversation in a few weeks so you can look at that. Let's talk February 7 after that video. We'll email you and if you want to share the receipt for the work you had done, that would be helpful as well.

Laid Over to the Legislative Hearings due back on 2/7/2023

- 7 [RLH TA 23-34](#) Ratifying the Appealed Special Tax Assessment for property at 501

LYNNHURST AVENUE WEST. (File No. J2302P, Assessment No. 238401)

Sponsors: Jalali

Delete the assessment (waiver on file).

No one appeared

Supervisor Lisa Martin: the recommendation is deletion. There is a waiver on file.

Moermond: so recommended.

Referred to the City Council due back on 2/22/2023

Special Tax Assessments-ROLLS

- 8 RLH AR 23-7** Ratifying the assessments for Property Clean Up services during October 1 to 12, 2022. (File No. J2309A, Assessment No. 238508)
Sponsors: Brendmoen
Referred to the City Council due back on 3/1/2023
- 9 RLH AR 23-8** Ratifying the assessments for Property Clean Up services during October 14 to 26, 2022. (File No. J2310A, Assessment No. 238509)
Sponsors: Brendmoen
Referred to the City Council due back on 3/1/2023
- 10 RLH AR 23-9** Ratifying the assessments for Equipment and Labor for Clean up services during July 2022 at 138 Cesar Chavez St. (File No. J2311A, Assessment No. 238510)
Sponsors: Brendmoen
Referred to the City Council due back on 3/1/2023
- 11 RLH AR 23-10** Ratifying the assessments for Equipment and Labor for Clean up services during September 2022. (File No. J2312A, Assessment No. 238511)
Sponsors: Brendmoen
Referred to the City Council due back on 3/1/2023

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 12 RLH SAO 23-9** Appeal of John Weinand to a Summary Abatement Order at 1068 CHATSWORTH STREET NORTH.

Sponsors: Brendmoen

Grant to February 7, 2023 to clear sidewalk to width and remove the lowest branches from the public right-of-way and to May 1, 2023 for the balance of the orders.

John Weinand, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: we had a Summary Abatement Order issued January 3, 2023 to cut and remove and dispose of overhanging vegetation over the sidewalk right-of-way. Compliance date of January 10. There are photos in the file by Inspector Hesse.

Moermond: the photos Code Enforcement took had no snow load on the shrubs at that point in time. Mr. Weinand, why are you appealing?

Weinand: typically, we have our landscaping done and they will trim it to the property line. They're actually redoing the entire landscaping this spring. I know originally the City was to take care of it, but in our planning it would be done in the spring as soon as the contractor feels they can do their work. That's where I stand on that. I'm not disagreeing it is there. I know a lot of people walk by, but I also have a contractor that shovels my walk. I would think this would be brought to your attention by some passer-by that didn't get full use of the sidewalk. Just saying we have plans to take care of it.

Moermond: what kind of timeline are you looking at?

Weinand: landscaping contractors don't work when there's snow. So however the weather works, but typically first of April.

Moermond: what is your ability to prune back a couple of the more egregious branches there? Could you do that?

Weinand: yes. After this hearing, I can take care of it within the next 10 days. I'm 75 but I still work full time so my days off are Fridays and Sundays.

Moermond: who does your snow removal?

Weinand: we have it contracted, given to me by my son. He owns rentals and their contractor takes care of it. They've done that for Christmas the last 5 years.

Moermond: I'm just worried about people passing without getting hit in the face. If we could trim back the worst of it. If we could maybe have your snow removal folks widen the sidewalk some.

Weinand: sure, I can talk to them.

Moermond: a little more space and I will recommend Council gives to April 1 for the balance. Today is January 17, I will put this in front of Council February 1. Could you have it done by February 7?

Weinand: no problem.

Moermond: we'll have someone check to see if it is done by that day and then follow up then. Otherwise, the balance of the work I'll give to May 1, 2023 so that you can definitely get on their schedule.

Referred to the City Council due back on 2/1/2023

1:00 p.m. Hearings

Vacant Building Registrations

- 13 **RLH VBR 23-2** Appeal of Kyaw Die and Myint Aye to a Vacant Building Registration Requirement at 729 HAWTHORNE AVENUE EAST.

Sponsors: Yang

Waive the VB fee through April 7, 2023.

*Ki Ri, interpreter, appeared
Kyaw Die and Myint Aye, owners, appeared via phone*

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: this is a Category 1 Vacant Building that entered the program December 7, 2022 as a result of a fire in the attic. The damage has caused the home to be uninhabitable.

Moermond: Mr. Dornfeld, the fee?

Dornfeld: there is a Vacant Building registration fee but there is an inclusion for properties damaged by fire.

Moermond: tell me about the fire and your circumstances

Die: I don't know what happened. Someone knocked on the door and said the house was on fire.

Moermond: so the Fire Department came and put out the fire and you had to move out. Are you working with an insurance company?

Die: yes, I do have insurance.

Moermond: and you're in discussions with them now?

Die: yes,

Moermond: I was just wondering if there were interpreting issues with your insurance company.

Die: I did call them to try and find an interpreter, but they couldn't find one.

Moermond: we could look around and see if we can make a referral for you to help, and we'll include that in our follow up information. About what we are talking about today, I imagine you'll need a contractor in to pull permits to do the repairs. Have you talked to someone yet?

Die: I haven't since I can't live there.

Moermond: did you live there alone?

Die: I lived with my family.

Moermond: so your entire family is displaced. Are you still living together, or in separate places?

Die: we are all at my younger brother's house.

Moermond: I am guessing you want to have the Vacant Building fee significantly delayed due to financial concerns, am I correct?

Die: I am living at my younger brother's house, does in the insurance pay this fee?

Moermond: often they do cover the Vacant Building fee. The question is often how big of a claim on the insurance there will be and what the cap on the insurance will be.

Die: can I send a picture of my house on fire?

Moermond: we have photographs taken by inspectors on the record, as well as the Fire Department's report.

Die: what is that fee for?

Dornfeld: it pays for the City's Vacant Building staff to deal with the hurdles it takes to get it through the process and monitor the building until it is occupied again.

Moermond: what I'm thinking is due to the fire we can give you an automatic 90-day waiver of the fee. I just need more information from you for the form that needs to be filled out.

Die: yes.

Moermond: what is your current address at your brother's house?

Aye: 1652 Pacific Street, St. Paul.

Moermond: is there a mortgage on the property?

[long discussion of mortgage and contact information for brother's wife who has that information]

Moermond: I've filled out the form for you to get this initial waiver, but I am thinking it will take more months than this to talk to insurance company and contractors. We'll waive the Vacant Building fee through April 7. I'm thinking we'll be talking about this again as a tax assessment. I want you to definitely appeal that. I'm going to have someone from CM Nelsie Yang's office to assist you. We'll send a follow-up letter, is it helpful to have that interpreted into Karen?

Die: yes.

Moermond: we will send both English and Karen versions. I'll have the City Council consider this on February 15.

Referred to the City Council due back on 2/15/2023

Notice at 1219 FIFTH STREET EAST.

Sponsors: Prince

Grant the appeal to be released from the Vacant Building Program; balance of orders to be converted to Correction Orders with June 1, 2023 compliance.

Lorn Ross McDowell, owner, appeared via phone

Moermond: where we left things at the end of our last hearing was that we thought that you would need to pull another electrical permit because we thought the one you had wouldn't cover both the Xcel hookup and service panel work. The electrical inspector said he is ok with the permit you had covering both those things but that he found wiring that was installed without permit and required that additional permit, which it appears you did right away.

Ross McDowell: yes. And I just got done meeting with the building inspector for the building permit. James Bond, he just told me there was no structural damage, just exterior damage. That's where we're at. I'm working with Gary and James Bond, and also Richard Kedrowski. I'm working with them to get it done.

Moermond: fantastic. Since you're working with them, I am understanding from Mr. Kedrowski he believes it is habitable, so I'm going to say that these orders can be converted to correction orders and out of Vacant Building program. Keep working to get those sign-offs. I'll work with Kedrowski on a deadline, I'm thinking 4 – 6 weeks out.

Ross McDowell: I was hoping to talk with him to see what he wanted done, but that sounds reasonable at the moment. I just got the permit earlier paid for so I just called to set up a preliminary inspection with him.

Referred to the City Council due back on 1/25/2023

15 [RLH VBR 23-4](#)**Appeal of Neil Scott to a Vacant Building Registration Notice at 928 GOODRICH AVENUE.**

Sponsors: Noecker

Layover to LH February 7, 2023 at 1 pm for further discussion. PO to touch base with inspector on permits. Waive VB fee for 90 days (to March 28, 2023).

Neil Scott, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: DSI received a neighborhood complaint on 12/2/22 which says "I've filed this under Vacant Buildings, but this probably fits a number of incident categories. This house presumably was a rental at one point but has been uninhabitable for at least 2 1/2 years if not longer. It's being "renovated", but fairly certain the permit is not valid, which for the level of work needed to be done on the house this is very problematic. The owner insists they are fixing the place up but will go months without even briefly checking in on the place let alone spending any time working on it. Owner makes no effort to maintain sidewalks in winter or yard in the summer - only reason the sidewalks get taken care of in the winter is because random neighbors take turns dealing with it. The garage is full of construction debris, which is regularly just left open as people snoop through. The house generally is in pretty bad condition as a result of being left abandoned and I wouldn't trust any work

done on the house previously or in the future. Broadly, it is a fire hazard, pest/rodent hazard, safety hazard, etc... general blight on the area." Clint Zane was the responder. He documented permits were pulled in 2019 but they expired due to lack of activity. Those were closed and it was transferred to the Vacant Building program. We opened a Category 2 Vacant Building due to it being vacant with multiple code violations.

Moermond: why are you appealing Mr. Scott?

Scott: I have been residing there, I also have a rental place in Florida. I spent about six months down there and six up here. We had the hurricane in the Fort Meyers area, so I was down there all fall. In the last year I have resided there, but not all the time. My son was supposed to be taking care of the yard and the shoveling. Maybe he didn't do that good of a job when I was away. I was going to sell last year and then this hurricane came up. I will definitely be selling it this year.

Moermond: where are you now?

Scott: I'm at 928 Goodrich.

Moermond: as we speak?

Scott: not as we speak, I'm at an internet coffee place.

Moermond: in Minnesota or Florida?

Scott: I'm in Minnesota now.

Moermond: you had a lot of permits pulled in 2019. What is going on with those?

Scott: we did the roof and the siding and my understanding was we completed and it was reinspected. Other than that, there are no code violations issued. I thought we had closed those out. I know it was reinspected after we did the roof and siding.

Moermond: August of 2019 it had an inspection with corrections required on the roof, then no one called to show those corrections were done. That was closed as inactive in December of 2022. Another one June of 2019 with corrections required and there was no follow-up inspection to show those corrections were done again. That's what happened there. Not sure if the contractor didn't make the fixes, but there were things that needed to be done.

Scott: do I take out new permits on those?

Moermond: you will have to work with the Department on that. You are going to sell it this year?

Scott: yes. I was planning to sell it last year, but this hurricane stuff makes it hard to get people. They have so much work. We lost our roof, soffits, eaves. Had hurricane shutters so the windows were ok. I would hope to get it on the market as soon the end of March. I'll call and ask on those permit things. I will be up here and taking care of the place, making sure it is shoveled.

Moermond: are you here through the sale of your property?

Scott: yes, I'll be here.

Moermond: I'm going to continue this matter to give you a chance to talk to Mr. Zane. Mr. Dornfeld, any other code violations you observed that influenced you putting it in as a Category 2? Or how were you looking at that?

Dornfeld: due to the inactivity on both the siding and roof permits, we determined that equaled multiple code violations. If he got those permits squared away, that is fine on our end.

Moermond: we'll refer you to Clint Zane. Call him before 9 am. [contact information given] We'll talk again February 7th.

Laid Over to the Legislative Hearings due back on 2/7/2023

1:30 p.m. Hearings (NONE)

Orders To Vacate - Fire Certificate of Occupancy

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 16 RLH FCO 23-2** Appeal of Andrew Eisenhart, AJE & Co. LLC, to a Fire Inspection Correction Notice at 708 HAWTHORNE AVENUE EAST.

Sponsors: Yang

Grant to February 17, 2023 for compliance with all items related to electric repairs, grant to March 17, 2023 for basement wall corrections, and grant to June 16, 2023 for the balance of the items.

Andrew Eisenhart, owner, appeared via phone

Moermond: we got your timeline today. I think we're getting there, but not quite there in terms of a work plan. Ms. Shaff, when you reviewed it what were your comments?

Supervisor Leanna Shaff: looking at the engineer recommendations, I have questions on when that will start and by whom? The exterior paint and alley fix, I see you have a company you have set up for that. I'm wondering when that will commence or if there is a bid or signed contract? Also, the dryer exhaust will need a permit, they tried to pull and it was rejected.

Eisenhart: from Perfection Plumbing? Originally it was scheduled for 11th of January.

Shaff: it was abandoned. Basically, we have a list still and parts are being addressed with names of contractors. I'd like to see when it will happen.

Moermond: I'm seeing in your spreadsheet some information on dates but it isn't clear start and end times, that would be helpful. Ms. Shaff when you look at this from Mastery Builders for the week of February 13th, you would be looking for a bid and the dates he has listed, what more would you be wanting?

Shaff: typically, on the bid I'd be looking for a signed agreement, usually on those there is a done date. We don't have any say over that civil agreement, but we do on a compliance timeline. If we aren't given any documentation it is hard to guess.

Moermond: we can approach this one of two ways. One is to create deadlines based on the schedule for starting in this spreadsheet. We would want to know more about the specific bids that Mr. Eisenhart got. Alternatively, I could put into place deadlines without that information working with what we have. Those deadlines would need to be met regardless of what the bid says. I'll turn it over to you Mr. Eisenhart. Where are you at?

Eisenhart: the weather last of month they had an accident in the morning when they were to come out, they rescheduled to January 23. My builder also had to reschedule. He won't be able to meet until next week, the tenants are tied up this week. The electrician was also there on the 11th, he is one of 3 that did show up. He removed the duct tape and said it was perfectly fine and attached appropriately. He told me what types of light I need on the exterior; they will be installed on the 23rd when the dryer vent is installed.

Moermond: the exterior?

Eisenhart: the sidewalk on the west side I can't do much with until the spring. I'll be using Anthony for that. Likely April would be the earliest we could repair that. Don't know what to do with it. The guidance and violations are so general in nature. Any additional feedback on number 4?

Shaff: you are supposed to have drainage away from the building. It has obviously been patched before and that is deteriorating. However you achieve the drainage away from the building is up to you. That would be a conversation with your contractor.

Eisenhart: I don't think the engineer noticed any drainage into the basement on that side of the wall. He didn't see any drainage into the basement. Number 5—

Shaff: yes, both sides of the steps the brick walls have bricks missing.

Eisenhart: we can fill it in with concrete, again that would be spring with guaranteed good weather. Number 6, I agree with. Again, deep into spring. Peeling paint, what is considered the right fix there?

Shaff: any paint that is peeling front exterior. All exterior surfaces must be maintained. You have numerous areas of peeling paint. How you address that is up to you.

Eisenhart: gutters we will address at the same time as paint and soffits. Garage same thing. Fire pit too close to the house, we talked to the tenants about 25 feet from house and property lines. I gave the smoke detector affidavit to Sarah.

Moermond: we have interior and exterior items. You have instructions from the engineer indicating what needs to be happen, but you don't yet have a bid to do that work. You're going to be out of town, so you think a few weeks before someone can go in to do a bid?

Eisenhart: yes. The contractor I have, hopefully will schedule with him February 13th when I am back in town. The tenants are not that responsive, but it is well documented. The interior work can happen this winter, but exterior work I won't spend money until we have good weather.

Moermond: and I don't disagree with that. I want to look at interior items and any

hazard. I don't see a hazard in your engineer's report. Item one in this letter says get that report. Can you tell me more about the light switch?

Eisenhart: it was never held up by the duct tape, there was just tape and it peeled off.

Shaff: it was over the face of the switch.

Eisenhart: that has been removed.

Moermond: can you share a written bid from the electrical person?

Eisenhart: I do.

Moermond: I'd be looking for a sense of when they are doing that work.

Eisenhart: they would have done it that day if I had the exterior lights.

Moermond: Number 3 seems to be the one exterior item that isn't weather dependent.

Eisenhart: that's scheduled for next Monday.

Moermond: let's have the electrical work done, a receipt and bid would do the trick there, probably wouldn't need a permit.

Shaff: they need their license number on their receipt or official document.

Moermond: today is the 17th, I will put an expectation that the electrical is completed by February 17th. We'll push the basement wall corrections to March 17, 2023. The balance of the exterior items I'll recommend you have until June 16, 2023. For the interior work on the wall a bid and receipt would be proof of compliance.

Referred to the City Council due back on 2/1/2023

17 [RLH FCO 23-5](#)

Appeal of Greg Lehman to a Correction Notice-Complaint Inspection at 839 FOURTH STREET EAST.

Sponsors: Prince

Grant to March 1, 2023 for compliance.

Greg Lehman, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: December 23, 2022 DSI received a complaint of a gross unsanitary, no heat, property owner unplugging heaters. December 29 we also received a complaint of smoke alarms not working and still had heating issues. Inspector Tessman responded to the complaint. Unit 1 he saw rodent feces in multiple locations in the home. Other code violations. Looks like what is being appealed are a couple things, first being the heating unit in a vertical configuration that the property owner says has been that way for 30 years and a receptacle in the floor. Inspector Tessman did talk to the mechanical inspector who said "That fin tube radiation is definitely installed improperly. That work would require a Mechanical Steam or Hot Water permit as to install this the boiler system would have to be modified. That radiation is actually a baseboard type and is installed horizontally near the floor "baseboard" it also has a cover that is installed over/around

it to protect anyone from the scalding temperatures and sharp metal edges. As installed this is definitely a safety hazard and concern. Also, with that work being performed without permit or inspections it would leave me to question the safety of the boiler and hot water piping system as a whole.”

Please note inspector Tessman didn't have access to the basement, thus the orders that tenants have access to basement to their electrical panels. The floor receptacle the property owner is saying it has been there for 30 years. It is improperly installed using improper materials. Electrical code is clear things can't be in the way of damage. In the floor they are typically recessed so floor and cover aren't physically damaged. No matter how long they have been there, the code has been consistent, and just because it has been there doesn't mean it can continue to be there.

Moermond: to restate your comments on the heater. The order itself indicates the heater was installed without a permit, which I believe is correct, but you said the installation itself is a violation of the mechanical code and presents a safety hazard. The outlet in the floor is improper because it isn't recessed in the floor which means cords plugged into it are above the floor and present a trip hazard and probably a fire concern.

Shaff: the whole receptacle is subject to physical damage. Both pieces of that.

Moermond: so physical damage that includes water, kicking, those types of things.

Shaff: yes.

Moermond: a refinement of explanation behind those two items. Mr. Lehman, you are talking about items 1 and 2 in unit one.

Lehman: yes, those are the two things. That outlet—both have been there—since I bought the house. The outlet is recessed if I remember right. It was underneath the carpet when I saw it there, then I opened up the carpet to have it there. She's got so many plugs plugged into it.

Moermond: there is an orange extension cord plugged in and I can clearly see the plug is above the floor with a silver cap on it.

Lehman: she's the one who put that cord in there, I don't allow extension cords in my house. She also plugged in heaters, which I also don't allow.

Moermond: let's talk about the outlet. You are saying it is recessed and properly installed.

Lehman: I believe so. It has been there since I owned the house. I've had Section 8 inspections, prior inspections. No one has ever said anything.

Moermond: it either is or isn't a safety hazard based on its installation. If it has existed there for 30 years, so be it. The fact it wasn't called out in the past doesn't make it ok today. Bad on them if they didn't see it if this is a valid issue today.

Lehman: it has been there 30 years and even in the past inspectors have told me she needs to remove things into the extension banks.

Moermond: space heaters have to be plugged directly into the wall.

Lehman: I don't allow them in any apartment. I sent a letter back in September or

October. She was running two space heaters in front of her chair on the carpet. I'll just take it out then if it is the problem.

Shaff: it is clear Inspector Tessman's pictures it comes up above, also causing issues with the door swing. Any removal of the receptacle needs to be done by a licensed electrician.

Lehman: it has been there 30 years, but if I have to remove it then that is what I want to do.

Moermond: I can have an electrical inspector review the photos to confirm if it is a hazard. As we talk about the heater, there was a consultation with the mechanical inspector and there is an email exchange forwarded to me today. We can send a copy of that email to you, Mr. Lehman. They confirmed the inspector's conclusion. So ironically both the space heaters and the heating fixture itself presents a hazard.

Lehman: it isn't even an electrical heater; it is a hot water heater.

Moermond: and the inspector said it is unsafe.

Lehman: how can it be unsafe? It has been there 30 years. You guys come through there all the time with the Certificate of Occupancy. He's even told me to put the metal cover back over the heater. It has been there over 30 years. Since I bought the house.

Moermond: and it has been improper that entire time.

Lehman: I've never had a problem before, then this new guy comes in who has worked there 2 months and he's going to tag me on it? You said I can appeal this to the City Council?

Moermond: absolutely.

Lehman: I'd like to do that.

Moermond: we will put this in front of Council on February 1, and I'll recommend compliance date of March 1.

Lehman: I'll be out of town January 27th to February 8th.

Moermond: you understand my recommendation is March 1. If your Council Public Hearing is later and you lose, you'll have a shorter length of time for compliance.

Lehman: what if you schedule me for a week before and I can't find a contractor?

Moermond: we can put you on January 25th.

Lehman: yeah, let's do January 25th.

Moermond: we'll put this in the follow up letter we send.

Lehman: why do I need a contractor? I can cut all the heat vents off myself and all that is left is the pole for the hot water line. I need a contractor to peel all those little fins off? I can do that myself.

Moermond: there's more to it than that.

Lehman: that's all you do is cut them off and you are left with the parallel heat.

Moermond: I will talk to--

Lehman: I'll cut them off and take a picture for Council--

Shaff: that is unsafe.

[Woman in background: these people are all crazy as bedbugs!]

Lehman: that's unsafe even though they are all bent to hell? Can I straighten them back out? It doesn't make sense.

Shaff: If you keep talking I can't answer your question, can I? The installation is incorrect. Cutting the fins off won't do anything for it. The mechanical code requires this.

Lehman: can you tell me about the mechanical code?

Shaff: I have people who go to school for a long time to learn the mechanical code.

Lehman: well, what is the mechanical code for the heating element?

Shaff: I can't answer your question at all if you talk over me.

Lehman: you aren't answering the question at all.

Shaff: the mechanical code requires that when it is non-owner-occupied it is a licensed mechanical or plumbing person.

Lehman: I'm owner occupied. I live there.

Shaff: not in that building.

Lehman: apartment 2 I do.

Shaff: but that is apartment two.

Lehman: right, I live in the building. I own the building. I'm the owner.

Moermond: this is four units.

Shaff: you may be able to do the work in your own building but not the rest of the building.

Lehman: what do you mean that I can do my own work on the building but I can't do it on the rest of the building, that doesn't make any sense.

Moermond: I think Ms. Shaff misstated that, and that she means your own unit, not your own building. You are looking for the citation from the mechanical code that this would be violation or and we can certainly provide that to you. Any other questions before we wrap up?

Lehman: if I take a picture of the outlet and it is sunken, what happens then?

Moermond: that would be good information, then they can be compared to the

inspector's photos.

Lehman: and that is all we have, those two items?

Moermond: those are the two you listed on your appeal. It appears you are not appealing the other items such as the rodent infestation.

Lehman: no, I already had an exterminator there. So I wait until after my appeal to get re-inspected?

Moermond: that is correct. The City Council will make its decision and I've given a recommendation to them of March 1. If they go with that recommendation, that you need to fix those things by March 1, you will have an inspection after that date to make sure things are taken care of.

Lehman: if I go see them and talk to them, will they extend the date if I need an extension because I can't find a contractor?

Moermond: when the Council decides it the Department is responsible for enforcing that deadline. They would write another set of orders for not being compliant with the Council's decision. That would likely result in the revocation of your Certificate of Occupancy. A new deadline would be placed on that. That revocation is also an appealable thing.

Lehman: then my tenants would all have to leave?

Moermond: the revocation is appealable, so if you are in a place where you haven't been able to get a contractor by deadline, the stakes would be raised. That could be talked about at that point. If it is under appeal that stays enforcement action while we process that appeal.

Lehman: ok. That's fine.

Referred to the City Council due back on 1/25/2023