



Minutes - Final

Legislative Hearings

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Tuesday, February 21, 2023

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 23-4](#) Ratifying the Appealed Special Tax Assessment for property at 938 ARKWRIGHT STREET. (File No. VB2304, Assessment No. 238803) (Continue public hearing to March 8, 2023)

Sponsors: Brendmoen

Continue CPH to March 8, 2023 to see if electric permit is finalized. If it is, reduce assessment from \$2,616 to \$2,308, otherwise approve assessment in full.

Rodrigo Cardozo, owner, appeared via phone

Moermond: we were looking for the electrical permit to be finalized to consider a reduction. Checking today it isn't finalized. What is going on?

Cardozo: I didn't answer before because was trying to get in touch with them about today. They are just telling me they haven't been able to get an answer from Randy. Which we obviously need to that to finalize it. I finalized a complaint today with the Attorney General. We appreciate the extra time to deal with this, but we haven't been able to. We don't know what else to do. It is hard; I've left a couple messages with Randy in the last week or two and haven't gotten an answer from him to see if what they are telling me is true. I know his time is valuable and he is busy.

Moermond: I have Joe Yannarely here on the line, do you have any further information on that electrical permit?

Yannarely: all I see is he went out February 3 and corrections were required and the electrician didn't show.

Cardozo: that is correct. They scheduled the appointment and they didn't show. We were there with Randy.

Moermond: It looks like February 22 you'll be 7 out of 12 months in the program. I'm willing to give you a couple more weeks but otherwise I'll have to recommend approval of the whole assessment. The 22nd is tomorrow, so I'll recommend 2 weeks on that, to March 8. March 8 if there isn't a finalized permit I'll recommend approval. If you get the

approval or reduction would you like it made payable over a couple years?

Cardozo: no, we can pay it when we sell.

Moermond: we'll give you two weeks and then make a call.

Cardozo: how do I know? I have no access to information.

Moermond: we'll check on the 8th and can shoot you an email Wednesday morning and let you know what the computer says.

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

2 RLH TA 23-45

Ratifying the Appealed Special Tax Assessment for property at 619 MENDOTA STREET. (File No. VB2305, Assessment No. 238804)

Sponsors: Prince

Reduce assessment from \$2,616 to \$2,459.

Ashley Dubose, owner, appeared via phone

Moermond: we have two assessments, a Vacant Building fee, and a boarding assessment after the fire. Does that sound correct?

Dubose: yes.

Moermond: let's start with the more straightforward one. The first one is the Vacant Building fee. [Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: as a result of a fire this entered the Vacant Building program August 15, 2022. Originally given a 90-day waiver as standard after the fire. It is now 6 months past the entry into the program. Total proposed assessment of \$2,2616.

Moermond: it looks like you have some permits pulled. I'm assuming there's a contractor working with you and the insurance company. Have you been in communication with them? How is that going?

Dubose: it has been a slow-moving process. Pulling teeth to get communication. It is moving along, slower than I realized. The intention is to restore it to livable and rentable status.

Moermond: have they given you any deadline of when they think they will be done?

Dubose: the insurance company told me the end of April but the General Contractor said they won't make that deadlines. They've had delays in permission from insurance on plumbing. He told me 8 and 9 months. That's a huge difference.

Moermond: it sure is. I want to ask, is your insurance covering housing for you while this is going on?

Dubose: this is an investment property, I had tenants. One moved out the day before the fire and the other tenant started the fire, so everyone's situation is taken care of. I never resided there.

Moermond: I asked because Ramsey County shows this as your address. Your title company registered this in your name at this address.

Dubose: I don't know why they did that. That must have been a mistake, I did give them my mailing address and primary residence.

Moermond: can we get your address?

Dubose: 1247 Russell Ave North, Minneapolis 55411.

Moermond: thank you. I'm thinking two things about this. One is the insurance company should be covering both the Vacant Building fee and the boarding expense. I'd like to make sure you have all the information you need to make sure they understand this is part of your insurance claim. That is the first thing. The second is give you a fallback position in case they push back and you have to argue it longer. I'm thinking that making it payable over a couple of years may be helpful in the event they don't cover it. The interest rate is between 3 and 4%. Is that something that is useful for you?

Dubose: Travelers seems easy to work with, so I don't anticipate issues getting it covered. I just thought it was supposed to be waived but sounds like that's just for 90 days, not the duration of the work.

Moermond: we're about six months after the fire now. I'm hearing you say it will be a good nine months at least. That is very common for rehabs after fires.

Yannarely: absolutely, if it does go longer you should for sure request an extension of the Vacant Building fees for the following year.

Moermond: if you make it to July and you don't have your Certificate of Occupancy to use the building again, you'll get another Vacant Building registration letter; a renewal. Definitely appeal that and you can ask for another 90-day waiver. It sounds like they would for sure be done in 15 months so you'd have no fee at all for the next year. Just so you know that is out there. Do you feel like with the assessment letter you have enough information to go to the insurance company or would it be useful to send the packet of information?

Dubose: one email with that information would be helpful. Does this Vacant Building fee include any late payments? Is that additional or just the base fee if it was paid in August?

Moermond: there is \$157 administration fee since it was processed as an assessment. You look for people to have their Vacant Building registration form to be filled out on this one Mr. Yannarely? The fact the address with the county is incorrect probably means the correspondence means it was going to the address at Mendota?

Yannarely: yes.

Moermond: we'll also send you a Vacant Building registration form. If that had been filled out right away there would have been a waiver of the fee and you would have received a bill at the end of the 90. Because of that there is that charge.

Yannarely: it was returned.

Moermond: not surprising.

Dubose: are you willing to waive that part of the fee?

Moermond: no, you are responsible to make sure your address is correct with the County. You paid your title company to do that. Let me check one other thing quickly. It looks like the Certificate of Occupancy was issued to the previous owner in 2021 and we don't have your information current as the Fire Certificate of Occupancy owner.

Moermond: if the Fire Certificate of Occupancy had been switched to your name that would have persuaded me more, but it looks like that is still in the previous owner's name. You'll need to change that as well. We'll send that form as well.

Vang: I think that is changed now.

Moermond: I was looking at the last bill. The Fire Certificate of Occupancy folder doesn't show that. So I will go ahead and delete the administration fee and get you down to \$2,459.

Dubose: do Vacant Buildings get taxed at a lower rate? How does that work? My taxes went up significantly and obviously now it isn't worth a whole lot.

Moermond: the Vacant Building fee is a flat fee but you bring up a good point that your appraised value with the County would be different. I'm going to suggest you reach out to the County Assessor's office and share the information about the fire and they may be able to prorate your value downward.

Dubose: ok, thank you.

Referred to the City Council due back on 3/22/2023

3 RLH TA 23-46 Ratifying the Appealed Special Tax Assessment for property at 619 MENDOTA STREET. (File No. J2303B, Assessment No. 238102)

Sponsors: Prince

Reduce assessment from \$1,793 to \$1,419.

Ashley Dubose, owner, appeared via phone

Moermond: let's talk about the boarding. We have a small reduction already, Mr. Yannarely?

Staff report by Supervisor Joe Yannarely: as a result of the fire the boarding contractor came out and there are two different invoices, but they are from the same event. The fire was the evening of the 3rd but they came back to do some more work after the building had cooled and they could reach the top floor. Right away one of the emergency board-up fees should be removed.

Moermond: so \$250 off the top.

Yannarely: the cost before us is a total assessment of \$1,793. There are two service charges but it should be one for the whole event.

Moermond: two from DSI but not the other entities.

Yannarely: correct, so another \$124.

Moermond: so my math gets us subtracting \$250, to \$1,543, then further subtracting the DSI portion of the fees and take of \$124, which brings us down to \$1,419. I'll recommend that reduction. To confirm, when the boarding contractor with back they boarded different openings than the ones the night of the fire?

Yannarely: yes.

Moermond: so they didn't go back and redo work?

Yannarely: yes, different things on the second floor which they didn't want to do until it cooled.

Moermond: this sounds like a straight up insurance claim. What would you like to add, Ms. Dubose?

Dubose: they are the company I ended up going with to do the repairs so I don't expect insurance to have any issues paying them. Similarly, I didn't even know about he charges until I called about the Vacant Building, and they mentioned the boarding. I had not contracted yet. They were just onsite the same day and did the boarding. I'm not opposed to the charge; I just never got the bill.

Moermond: these are billed after the fact and go straight to assessment since it is an emergency. There is no bill in advance to prevent that. It is just simply assessed. The address issues don't affect this one.

Dubose: got it, that's ok.

Moermond: this goes to Council Public Hearing March 8. March 22 is the Public Hearing for the Vacant Building fee.

Dubose: what is that?

Moermond: it's the hearing to ratify the assessment. It isn't officially on the taxes until the Council votes, after that is when that invoice is issued for the cost of the assessment. Usually, a week or two after the Public Hearing. You don't have to go if you agree with what I'm recommending.

Referred to the City Council due back on 3/22/2023

- 4 RLH TA 23-78** Ratifying the Appealed Special Tax Assessment for property at 1985 MINNEHAHA AVENUE EAST. (File No. J2313A, Assessment No. 238512)

Sponsors: Prince

Approve the assessment.

Barbara Larkin, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: in response to a complaint about tall grass and weeds an inspector went out and issued a Summary Abatement Order August 18, with a compliance date of August 22. It was rechecked on August 26, and gave an extension to August 30. He rechecked August 30 and found noncompliance. Work was done by Parks on September 1 for a total assessment of \$322.

Moermond: the original order gave 6 days but the inspector gave additional time so it was 2 weeks before the crew arrived?

Yannarely: yes, correct.

Moermond: what are you looking for today?

Larkin: it used to be a 12-inch cut off? Now it is 8 inches?

Yannarely: it has always been 8 inches?

Larkin: I had a neighbor who harassed me for several years, eventually I had to get a restraining order, but he would constantly issue complaints for my yard not being up to his liking. He's since passed. I'm very on top of staying on top of my grass as a result. I'm single and have health issues and can't afford to pay someone. Specific to this past summer, I got Covid the beginning of August and went back to Wisconsin to tend to an elderly relative and was stuck quarantining there. The relative passed away and in the meantime I didn't even know this letter arrived. I was out of town for several weeks. I guess that's on me, I don't have anyone to get my mail and if I would have anticipated being gone as long as I was I perhaps could have arranged someone to do it. I didn't think it was long enough to be a concern.

Since the gentleman harassing me has passed away I didn't know other neighbors cared. The boulevard had an intended butterfly garden. They are pre-grown and I had spread them on the boulevard, it was before the pandemic. It took 3 years for it to grow. That's what it was. It wasn't weeds. He kind of swooped across the boulevard fast in the video but you can see purple flowers. It didn't impact anyone's ability to walk down the sidewalk. I thought it was beautiful and was happy it was growing. Whoever cut it doesn't know what it is and what to look for in terms of native plants. Should I register that with the City? I thought it was beautiful.

If the grass on my yard was too long while I was out of town while battling an illness and burying a relative then I guess, ok, I can't do anything about that. I called the City when I got home and asked what happened. He just told me I could appeal. I don't get the prairie grass and butterfly garden back now. After this I got another statement in the mail about a tree that had fallen down in my backyard. It had been there a year and a half and suddenly it was an issue? Why didn't they take it when they cleared everything else? The whole thing is upsetting. The tree is gone, obviously. I think I take good care of my yard and do the best I can by myself. I don't want to get into a game with some crabby old dude down the street who has nothing better to do than criticize other people's yards. There's nothing hazardous about my property, that's what I'll say in closing. The whole thing had felt really sketchy.

Moermond: sounds like that tree order was issued October 17 and was a separate matter. I can tell you the crew wouldn't have been authorized to do anything beyond the original letter. That would have been overreach and a bigger charge associated with the work if they had. That wouldn't have given you the legal opportunity to dispute it.

Larkin: I'm not disputing it; my point was it was a small mulberry tree I was letting decompose naturally and it wasn't bothering anyone but me and suddenly I am getting a letter. The only reason I got the letter was because of the contractor being on my property in the first place.

Moermond: I think that's unlikely since that correction didn't come forward until six weeks later and the contractor was the City. They also don't have a practice of referring matters like that. With respect to the tall grass and weeds in front of me. The butterfly garden seems to be in equal measure dandelions and butterfly garden and perhaps an inspector not being educated. I am looking at a front yard in excess of 8 inches. I need to look at whether the work was noticed, whether you had the opportunity to do it, and whether the costs were associated with it.

Larkin: where the dandelions, are you seeing it on the photo? Primarily they are in the back yard. I don't remember them being on the boulevard at all.

Moermond: it is in the video and in photos.

Larkin: because of the dandelions he assumed that?

Moermond: I think it's a reasonable assumption based on the balance of the yard.

Larkin: how do we fix this going forward?

Yannarely: generally speaking, these type of gardens are much more labor intensive than regular yard upkeep to make them look good.

Larkin: right, but this was the first year it started and I didn't have a chance to cultivate it before it was cut down.

Moermond: I can see where people arrived at the conclusion, especially in the context of the front yard. I am sympathetic you were out of state, but at the same time the City did have to deploy a crew and that isn't without cost. That's what I'm balancing. I am hearing you manage all this on your own and know this can be hard to do. I also see the inspector gave a long period of time to deal with it compared to what most people get. I'm going to recommend approval of this. You can definitely ask Council for a different outcome. In the event this approved, would it be useful to have payments made over a couple of years? The interest is between 3 and 4%. Some people find it useful.

Larkin: no, I'd rather just deal with it.

Moermond: your Public Hearing is April 5 and you are more than welcome to provide something in writing or testify, they may look at it differently than I do. We can send a follow-up letter with that information. I know this isn't the outcome you were looking for.

Larkin: there is nothing to prevent this from happening again?

Moermond: if you get future letters, my suggestion would be to speak to the inspector and have a conversation about what compliance looks like to them and how to maintain native plantings. There are also height requirements in the boulevard, so the inspector may look at that in the future as well.

Yannarely: and you can also always file an appeal as well.

Moermond: absolutely

Larkin: meaning what I will do with Council?

Moermond: you would get a letter and it would include how to file an appeal. I do deal with cases where people are trying to establish these types of things and we talk through how to balance that interest along with what is going to be Code compliant. We can usually find something acceptable to both the inspector and private property owner. We definitely hear this in the summertime. We do also see people who just stop mowing and call it a prairie planting; that isn't the case with you. But that is also something in the inspector's mind and at play as well.

Larkin: an appeal at the first stage when you get the letter?

Moermond: yes, exactly right?

Larkin: I tried to do that. I called several times. It would have been after the fact since the work had already been done.

Moermond: when you appeal in a timely fashion, the matter is stayed until that conversation happens. I would explore that avenue if it comes up again.

Referred to the City Council due back on 4/5/2023

- 5 RLH TA 23-77** Ratifying the Appealed Special Tax Assessment for property at 708 WESTERN AVENUE NORTH. (File No. J2305B, Assessment No. 238104)

Sponsors: Balenger

Layover to March 21, 2023 at 9 am for further discussion. Property Rep to send in photos.

Marissa Schaar, property representative, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: according to the police report they came across a broken window at the property at 3:36 am. They called in a contractor to secure the window. The total proposed assessment of \$474.

Moermond: why are you appealing?

Schaar: after the maintenance man went and took pictures and assessed it, I called the tenant and said "it looks like the glass is on the inside." It is 2 pane glass. The other pane was still intact. It was only inside, so I challenged her and she said she was worried since she just moved in and thought she was in trouble. It didn't need to get boarded because it was a double-paned window. If anyone would have called us, we have 5 maintenance men. We even have someone living at 687 Western and he could have boarded it if it did actually need to be boarded.

Yannarely: she called the cops after breaking her own window?

Moermond: the police report indicates the brick was thrown by someone else.

Schaar: she filed an incorrect police report. She admitted she broke it.

Moermond: why did she break it do you suppose?

Schaar: I don't think a brick was actually thrown.

Yannarely: it said the brick was on the sidewalk.

Schaar: yeah, I have pictures showing the glass is only inside. Glass on the outside was intact.

Moermond: I have to say, as I look at this I am not sure we aren't looking at some sort of domestic situation where she isn't covering up for some boyfriend and not herself. Reading into this after having done this a number of years, there may be a lot more going on here than what your conversation would lead us to.

Yannarely: if you think the tenant is responsible then that is between the tenant and management company. Why would the City bear the cost?

Moermond: if you'd like to send in those photos I'm happy to look at those before I come to a conclusion of this assessment. I think you have our email, but we'll send an email confirming and we will talk Tuesday, March 7 between 9 and 11. Send those photos and I can take that into consideration.

Schaar: do I need to be at that hearing? I'm going on vacation. That's the day I'm leaving Maui. I may be on the plane.

Moermond: are you available the 21?

Schaar: yes.

Moermond: we'll do that, but no continuances because the Council Public Hearing is the next day.

Referred to the City Council due back on 3/22/2023

10:00 a.m. Hearings

Special Tax Assessments

- 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

Recommendation forthcoming (PO submitting additional documentation before noon on 2/24/23).

2/24/23: received and attached to record. MV

Femi Ogunleye, owner, appeared via phone

Moermond: the first time I called you were driving we determined that to be unsafe.

Second time I tried you didn't answer. We're talking about some overgrown vegetation. [Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: 1 October 10, 2022 Summary Abatement Order was issued to owner and occupant to remove overhanging vegetation from alley right-of-way. That was rechecked, it wasn't done, we sent a work order October 25. No returned mail. March 25, 2019 we did a work order for garbage at the property. Total proposed assessment of \$378.

Moermond: I looked at the video. Why are you appealing?

Ogunleye: I wasn't aware that it was sticking out. I moved into this place last year in August. Through the following August. No one said anything. There are a lot of trees and vegetation in that area. It has been like that over a year. There was no mention when I was moving in. When the mail came in I was traveling at the time, so I didn't know until it was pretty late. As soon as I saw it I asked who takes care of my lawn, and they did come and help. If you look at the video, I'm not sure you can see any difference from before and after. The guy who did it for me. I have receipts and photos. If I knew the City had already done it I wouldn't have bothered but there was no difference between it. I don't think the vegetation was an issue. They said it came 1 foot out. There was nothing significant. The guy who did it for me actually made it look clear and different.

Moermond: I did review the video, but my initial review was that there was a difference between when the crew arrived and left. I also see the order went to both you and the occupant. You moved in August of 2021?

Ogunleye: yes.

[Moermond reviews videos again]

Moermond: I do see it is trimmed back so the pavement line is discernible. If you had it cut back as well, it doesn't look like it isn't in the same time period because the photos in the October 10 looks very much the same to me as the video taken before the work was done by Parks. I can see where someone driving by would have been running into them every day. Do you not live there anymore?

Ogunleye: I do live here. I wasn't in the state so there's no way I would have seen it. I got back and immediately started calling to have someone do it.

Moermond: there's a full 2 weeks between the letter going out and the crew doing the work which is longer than is usually given for this. I'm struggling because the City did do the work on this. If you paid someone else I'm not sure exactly what they did. If you want to submit receipt and photos I can review them before your Council Public Hearing. Would you like to do that?

Ogunleye: I am trying to see if I can find footage from when it was clear.

Moermond: I will look at whatever you would like to submit. You can send it to our email address, you should have received an email from Mai Vang with the orders and videos. Reply to that with your information.

FOLLOW-UP: Based on the text chain, it looks like the contractor was asking the

owner to come out of house and point out what needed to be taken care of on 10/26. The City crew was there on 10/25, following up on 10/10 orders. Also, he noted that the deadline of 10/18 was the day after he opened the envelope with the orders. However, even considering this, there still was a week to act before the city crew actually arrived. It did not sound like there was either an effort out reach out to the inspector or file an appeal.

It seems like he must have had his contractor do work on 10/26. It sounds like that work was to cut the overgrowth down, whereas the city trimmed it back so it wasn't encroaching on the alley right-of-way. So, was there a good faith effort to address the problem? Partially. It sounds as if, had he opened his mail in a timely fashion, the matter would have been resolved – but that's his responsibility. Recommendation – if no same/similar through September 15, reduce by \$100. Ask Council to continue public hearing to September 20. LHO Moermond

Referred to the City Council due back on 3/1/2023

7 [RLH TA 23-42](#)

Ratifying the Appealed Special Tax Assessment for property at 905 MARYLAND AVENUE EAST. (File No. J2310A, Assessment No. 238509) (To refer to March 7, 2023 Legislative Hearing)

Sponsors: Yang

Refer back to LH March 7, 2023. Owner will submit their call history to be cross referenced with inspector call history.

No one appeared

Voicemail left at 10:49 am: this is Marcia Moermond from St. Paul City Council calling you about your appealed tax assessment for 905 Maryland. I'm going to conclude looking at your appeal, we left 2 voicemails February 7. We'll use the email you submitted January 16 for this hearing.

[attached email is read into record]

Moermond: for the record, Ms. Vang did send an email January 19 after we received this appeal, and that included the orders and the video of the work done. It sounds like they are saying it wasn't done on their property and their property is fenced in.

Martin: I don't believe this property is totally fenced in.

[video is reviewed and Google street view looked at]

Moermond: it looks like we have the appellant talking about two separate things. The first thing was there was an order on a sofa and staff did send a Summary Abatement Order to them in error and later notes indicate that their property was in compliance at 905 Maryland and were sent to the wrong addressed. That matter was closed. With respect to the tall grass, when I looked at the backyard it looked pretty messy and there was tall grass but almost more importantly there was a lot of debris and trash strewn around the yard.

We are going to take a look at the last thing in the email indicating they were reaching out to the inspector to confirm the code violation and Ms. Martin was going to check Inspector Thao's call record. Ms. Vang, can you send an email to the appellant asking for any record they have of those calls. This goes to Council Public Hearing March 1

and we can review this on Friday. Ms. Martin is going to be working with Mr. Thao on the calls, and he is out of the office. That has to be looked at next week. It goes to Council Public Hearing March 1 and I will ask them to continue it to April 5 so we can look at it March 7.

Referred to the City Council due back on 3/1/2023

- 8 [RLH TA 23-53](#) Ratifying the Appealed Special Tax Assessment for property at 115 SYCAMORE STREET EAST. (File No. J2310A, Assessment No. 238509)

Sponsors: Brendmoen

Approve the assessment.

No one appeared

Moermond: the original appeal just said it was contested, she didn't have a number. Joanna Zimny sent a follow-up email and asked for that but we haven't heard anything further, so I recommend approval of the assessment.

Zimny: I had emailed to follow up on the phone number and she said she couldn't attend. I asked for clarification on whether she was withdrawing the appeal and told her she could also submit testimony for review and consideration and I could follow up with the recommendation. She just responded, "yes I will" and it was unclear whether that meant she was withdrawing or submitting testimony. If she meant testimony it was never received. [Note: email chain is attached to record]

Referred to the City Council due back on 3/1/2023

- 9 [RLH TA 23-82](#) Ratifying the Appealed Special Tax Assessment for property at 754 COOK AVENUE EAST. (File No. J2314A, Assessment No. 238513)

Sponsors: Yang

Layover to LH March 7, 2023 at 10 am (unable to reach property rep).

No one appeared

Voicemail left at 11:14: we're calling about an assessment at 754 Cook and we can try you back in a few minutes.

Voicemail left at 11:43: this is Marcia Moermond from St. Paul City Council calling you about 2 appealed assessments, one for 754 East Cook and 522 Sherburne. These go to Council Public Hearing April 5. I'm going to continue this to March 7 so we can reach back then to talk to you.

Laid Over to the Legislative Hearings due back on 3/7/2023

- 10 [RLH TA 23-83](#) Ratifying the Appealed Special Tax Assessment for property at 522 SHERBURNE AVENUE. (File No. J2314A, Assessment No. 238513)

Sponsors: Balenger

Layover to LH March 7, 2023 at 10 am (unable to reach property rep).

No one appeared

Voicemail left at 11:14: we're calling about an assessment at 754 Cook and we can try you back in a few minutes.

Voicemail left at 11:43: this is Marcia Moermond from St. Paul City Council calling you about 2 appealed assessments, one for 754 East Cook and 522 Sherburne. These go to Council Public Hearing April 5. I'm going to continue this to March 7 so we can reach back then to talk to you.

Laid Over to the Legislative Hearings due back on 3/7/2023

- 11** [RLH TA 23-79](#) Ratifying the Appealed Special Tax Assessment for property at 820 WESTERN AVENUE NORTH. (File No. J2305E, Assessment No. 238304)

Sponsors: Balenger

Layover to LH March 7, 2023 to be discussed with appeal on next EC assessment (at PO's request).

Priscila Moreno, owner, appeared via phone

Moreno: I thought this was March 7. I told my husband it had been changed.

Moermond: that was a new letter for a different assessment. You have four separate assessments for Excessive Consumption of code enforcement services. That's four different letters and four different hearings. We'll do 2 of them March 7th.

Moreno: okay.

Laid Over to the Legislative Hearings due back on 3/7/2023

Special Tax Assessments-Rolls

- 12** **RLH AR 23-21** Ratifying the assessments for Property Clean Up services during November 1 to 10, 2022. (File No. J2313A, Assessment No. 238512)

Sponsors: Brendmoen

Referred to the City Council due back on 4/5/2023

- 13** **RLH AR 23-22** Ratifying the assessments for Property Clean Up services during November 17 to 28, 2022. (File No. J2314A, Assessment No. 238513)

Sponsors: Brendmoen

Referred to the City Council due back on 4/5/2023

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

**14 RLH SAO
22-52**

Appeal of Greg Trentman and Rachel Goligoski to a Summary Abatement Order at 1317 SELBY AVENUE.

Sponsors: Balenger

Grant to July 1, 2023 for compliance.

Greg Trentman, owner, appeared

Moermond: we were doing follow-up on this one. We have Lisa Martin on the phone. When we reviewed we offered the opportunity to talk to Public Works about an encroachment permit. In the letter we sent we tried to be clear about prospects and costs so you went in eyes wide open about them and their expectations for this type of installation. Wondering how that went? That would inform where we go forward with the orders in your hands. We obviously want to work with you because of weather conditions and this being installed with cement. What is going on there?

Trentman: that doesn't interest us at all if it is \$250. It is a matter of privilege. I'm against it in principle. To be clear with Public Works, the whole discussion about the Little Free Library is about the post in the right-of-way?

Moermond: it is the installation itself. The posts are specifically listed out in the types of items that can't be put into the right-of-way. Also, though it talks in more general terms, about encroachments into the right-of-way. You are kind of caught in the net of the encroachment. I am sympathetic. Our appeal fees are \$25, which it has been from the 1990's. Did you ask them about waiving or decreasing the fee?

Trentman: no.

Moermond: and I don't know where that conversation would go anyway. It isn't my department. Without them signing off on this I don't have any options other than to give a date for it to be dealt with. We can definitely create a record with the costs being prohibitive, which is why we spelled it out so clearly in the letter. It is a big lift.

Trentman: is Lisa Martin with Public Works?

Moermond: no, she's with Code Enforcement with Department of Safety & Inspections. She essentially does the public works enforcement on encroachments, planters, plantings in the boulevard and height, parked vehicles. Other things in the right-of-way.

Trentman: could it be on wheels? Or even attached to the tree?

Moermond: you definitely cannot attach to the tree.

Trentman: a post could come from that 40 foot tree. And the tree isn't an issue but a 3.5" post is?

Moermond: at the City has policy about urban forestry for the greater public purpose of the tree canopy. As far as that being comparable to a post, the Council may consider that argument.

Trentman: it is just so ironic. The post could come from the tree. The tree could rip up the sidewalk. I'm all for having trees in the City. So, could it be on wheels?

Moermond: Ms. Martin, how would your folks respond to a mobile installation?

Martin: that's fine as long as it is on your side of the property, not on the boulevard. It just cannot be on the boulevard.

Moermond: and the photos show a sidewalk with a wide boulevard but a lovely retaining wall that is 3.5 feet tall and a hesitancy to put a post there. It couldn't move onto private property unless it was installed behind the retaining wall. If it is on wheels, it wouldn't be accessible if it was on the private property.

Trentman: yes, ma'am. It can't be mounted and maintain its accessibility.

Moermond: did you reach out to the District Council about other options?

Trentman: no.

Moermond: and I did make the Council Ward office aware. This is the second one in their area. I know they've talked with the little library folks. I don't know where that conversation has gone. I want to give a generous length of time so if this can be rehomed there is time to do that and talk to the right people. That's the best outcome I think. If I say July 1, 2023 then there is time for that to happen. I invite you to say more if you want to so it is in the record. The Council, when it looks at your appeal, is acting in a quasi-judicial way. You can't approach Councilmembers outside of a public setting to have this conversation. We're doing that now and preparing background, comments, paperwork. You can definitely add more things to the record. I want you to feel like you've put everything you need to to make it as persuasive as you can. I know they are looking at this kind of thing and hopefully they are able to work with people who do this and find a new home in the near proximity. It could be the legislative aide can reach out to you as well. After the Council Public Hearing the conversations can happen. Does March 8 work on your calendar?

Trentman: I work out of town, I'm gone.

Moermond: we could do any of the Wednesdays in March. Do any work?

Trentman: I think March 15 works.

Moermond: and if it doesn't, reach out to Joanna and let her know. But there is no Council Public Hearing March 28

Trentman: I understand. You're saying worst case July 1 is the removal date?

Moermond: yes. Hopefully it can be proactively dealt with and rehomed nearby so people who enjoy it can continue to use it.

Referred to the City Council due back on 3/15/2023

1:00 p.m. Hearings

Vacant Building Registrations

- 15 [RLH VBR 23-7](#) Appeal of Tyler Anderson to a Vacant Building Registration Requirement at 992 ARCADE STREET.

Sponsors: Prince

Layover to LH March 14, 2023 at 1 pm for further discussion. Property to be reinspected March 6 at 10:30 am.

Tyler Anderson, property representative, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a Certificate of Occupancy inspection done by James Thomas, it is a mixed-use building with commercial space and then 2 residential units. The initial letter went out 5/26. We have had no entries on 6/21, 7/11, 7/27. Pending Revocation on 9/26. Again on 10/20. 11/21 we did get into the building. In the meantime, at the end of July a vehicle did hit the building. We do have outstanding orders since last November, basically uncertifying the restaurant and a few items on the apartments. We haven't gotten back in during December, January, or February. Long-term noncompliance so referred to the Vacant Building program.

Moermond: when was the last time an inspector was in there?

Shaff: November 21, 2022.

Moermond: the letter from January 19 I see attached to the appeal indicates the building was inspected November 21, you indicated there were inspections also scheduled when? December?

Shaff: December.

Moermond: with a separate appointment letter?

Shaff: correct.

Moermond: so not this letter that did the notification, got it. You referred it to the Vacant Building program recently. You said a vehicle hit the building so there is some impact there. Do the orders reflect that?

Shaff: the orders Imbertson wrote have been taken care of. There aren't that many remaining items. Some walls damaged in the bar and stairway leading to basement. Provide and maintain approved directional exist signs in the east rear exit of bar. The glass on the south side of the building was taken care of. Unit 1 is uncertified and also needs a deadbolt.

Moermond: so close, except for Unit 1. I saw a number of photos in the file, am I correct in thinking Unit 1 is in rough shape?

Shaff: that is what it looks like.

Moermond: those violations for unit 1 don't impact the rest of the building, just unit 1 itself.

Shaff: as long as it isn't occupied, correct.

Staff report by Inspector James Hoffman: this is Supervisor Dornfeld's file. His notes indicate that on February 7, 2023 the file was opened as a Category 2 Vacant Building per referral from Inspector Thomas. Refers to the violations in the revocation letter. At

time of inspection the bar appeared vacant and secure. Unable to confirm other portions of the building as far as occupancy. That's all the information I have on it.

Moermond: why are you appealing?

Trentman: we had a lengthy list so we went through that and everything was addressed through November 21. This list from January 19 for the 4 items have been corrected. I have had two different maintenance people in. 2 different notices he was coming after the November 21 date. They were there both times and doors open. Inspector Thomas said he was there and no one was. I don't know if he didn't try the doors or what. But I did have someone there and we never heard anything after that. As far as the list, everything has been addressed. Unit 1 isn't occupied until it gets approved by the office. Everything else should be up to code.

Moermond: so the other violations are addressed?

Trentman: yes, as of the end of November. We took it seriously and got it done within a couple weeks. The stairway had a \$20,000 remodel job. Exit signs are up. Commercial space is up for lease right now.

Shaff: there are no permits for any of this work.

Trentman: we just did updating work, no demolition work.

Hoffman: any work over \$500 in value needs a permit regardless.

Trentman: I wouldn't call it electrical. It is cosmetic work. We aren't replacing circuit breaking and panels.

Moermond: were you dealing with wiring at all?

Trentman: no. The picture shows holes in the wall and things needing to be fastening and secured and painted. That's what was addressed.

Moermond: reviewing the photos I see some wire along the floor.

Shaff: what about the toilet that says out of order?

Moermond: there are significant wires in some of these photos. I guess the fire inspector needs to look at this from photos to what is current and decide on the electrical permit. I'm not sure how much is in unit 1 versus other parts of the building.

Trentman: most is in unit one I would say. As far as no one being there for appointments, I had people there and no one ever came inside.

Shaff: I noticed you stated that the doors were open and people were there. We aren't necessarily going to go open a door and look through a building. Were people out front waiting for the inspector?

Trentman: there were company vehicles outside and the doors were propped open. They were there and making sure no one was standing outside. I don't know specifically what the issue was.

Shaff: they won't go around poking around for people. There are notes from Inspector

Thomas in July that a comment was made to the Responsible Party's maintenance people not being where they were supposed to be or not showing up. I'm reluctant when you start talking about \$20,000 and electrical and plumbing issues with the out of order toilet.

Trentman: we hired a maintenance guy who replaced wax seals and mechanical parts of the urinals. No heavy plumbing work.

Shaff: if it is electrical, all you can do without a licensed contractor is replace a light bulb or a receptacle cover. It all needs to be done—

Moermond: it is hard to tell what might have been done. There needs to be an assessment so we have better information. Ms. Shaff, what does the calendar look like?

Shaff: we're shorthanded. Inspector Thomas has time Monday March 6th at 10:30 am.

Moermond: let's get that on his calendar. Does that work for you Mr. Anderson?

Trentman: yes. I will make it happen, along with the property owner.

Shaff: make yourself visible. I know it might be cold.

Moermond: I will continue this to March 7th or March 14th if you have a preference?

Trentman: yes, March 14th so we have time to do any corrections.

Moermond: Mr. Hoffman put a 90-day fee waiver in place please while we sort this out.

Laid Over to the Legislative Hearings due back on 3/14/2023

16 RLH VBR 23-8

Appeal of Leah Frenning to a Vacant Building Registration Notice at 640 CHARLES AVENUE.

Sponsors: Balenger

Make property a Cat 1 VB and waive VB fee for 90 days (to May 3, 2023). If C of O reinstated no VB fee will be forthcoming.

*Leah Frenning, property manager, appeared via phone
Greg Prosch, property manager and owner, appeared via phone
Kim Tennyson, attorney o/b/o Pro Realty, appeared via phone*

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: Fire Certificate of Occupancy by inspector Hector Caballero. 2/1/23 he did an exterior inspection; it was boarded up. He revoked the Certificate of Occupancy and referred it to Vacant Buildings.

Staff report by Inspector James Hoffman: based on the revocation of the Certificate of Occupancy and the property condition, we opened a Category 2 Vacant Building since it was secured by other than normal means. As far as the legal processes of the eviction, we don't get involved in that. This was more this was vacant plus secured by other than normal means. There was also a lot of exterior issues otherwise like garbage and furniture. I believe there was also a fire within a few days of this all

happening.

Moermond: a lot going on here. Any knowledge of the fire Ms. Shaff? A Form 4?

Shaff: I'm looking now.

Moermond: Ms. Frenning, why are you appealing?

Frenning: we are appealing the Vacant Building status and revocation of the Certificate of Occupancy.

Moermond: what are the conditions like inside that house?

Frenning: we're working on it. The short version is on the bottom of our appeal. February 16 we did send a contractor in to remove all the personal property. 99 percent of it has been removed, which we couldn't do until that date. WE are hoping that stops people from coming in. We've had lots of squatters the last 6 months while trying to get her out. We have the estimate for the repairs and they are starting work on Thursday.

Moermond: what is the estimate?

Frenning: painting, flooring, cleaning the junk out, broken windows.

Tennyson: a dollar amount?

Moermond: yes. As an indicator of scope.

Frenning: I don't have it in front of me. It is a lot. There are some unknowns since they keep breaking in.

Prosch: we've been working closely with law enforcement. They were arresting people and taking people out. We were following everything law enforcement told us to do.

Moermond: you definitely have your hands full

Prosch: it has been going on since before Covid. Then the eviction moratorium happened.

Moermond: there are two ways to get out of the Vacant Building program right now. Should it be a registered Vacant Building? A strong case could be made. One way out is to have it continue to be a Category 2 which requires a Code Compliance Inspection and then going through that whole punch list. Another way, a simpler way, is to get the Certificate of Occupancy reinstated. My concern at this juncture is I don't have a good sense of what is going on inside and the scope of the problems, the permit situation as part of the repairs. I would like one of our inspectors to do a walkthrough and write some orders on it so we have a shared understanding of that baseline. I think I'm ok with the Certificate of Occupancy reinstatement but I'd like to have that shared understanding of a baseline given what a bad situation you are coming out of. Ms. Shaff, would you or someone on your team be able to undertake that?

Shaff: this is Supervisor Imbertson's team.

Prosch: to reinstate the Certificate of Occupancy we'd appreciate. We did have a fire 7

years ago so it was brought up to code then, everything inspected. All electrical, service panel, building permits. It was in really good shape until this tenant and her guests trashed it.

Shaff: it looks like Supervisor Imbertson would have time Tuesday, February 28 at 10 am.

Frenning: we can make that work.

Moermond: we'll make this a Category 1 registered Vacant Building and ask the Vacant Building fee be waived for 90 days, from February 3. To May 3, 2023. If you have your Certificate of Occupancy reinstated during that time there will be no fee. If you don't, the Vacant Building fee will move forward. It can also be looked at as an assessment and prorated.

Tennyson: question on process. The first step is to get the Certificate of Occupancy reinstated. That allows us to take it off the Vacant Building list?

Moermond: I am going to recommend the Council change this to a Category 1 Vacant Building meaning that as soon as you have your Certificate of Occupancy reinstated you are out of the program.

Tennyson: this eviction took months and months because they're so backed up. Our hearing was in December and the Sheriff couldn't even get in there until February 17th. I just wanted that clear. It is unfortunate timing. We appreciate the fact you are trying to expedite it.

Moermond: the faster it gets reoccupied the less attractive it is for squatters.

Referred to the City Council due back on 3/8/2023

17 [RLH VBR 23-10](#) Appeal of Mohsen Aghamirzai to a Vacant Building Registration Requirement at 834 SEVENTH STREET WEST.

Sponsors: Tolbert

Layover to March 7, 2023 at 1 pm for further discussion. Waive VB fee for 90 days (to May 7, 2023).

Mohsen Aghamirzai, managing partner & license holder, appeared

Moermond: your business address is on Robert but we are talking about West 7th but they are connected.

Aghamirzai: correct.

[Moermond gives background of appeals process]

Staff report by Supervisor James Perucca: two Certificate of Occupancies for this property. One for storage and one for business occupancy. Last inspected and approved April of 2021 and are due next April of 2024. Both approved by Inspector Migdal. Since then, it looks like Code Enforcement has been out to the property to follow up and made the observation it appeared to be unoccupied. That was February 7, 2023. Hoffman made that referral to Vacant Building and contacted Inspector Migdal with his observations and both concurred to send it to the Vacant Building program.

Moermond: what was the condition that elicited a Code Enforcement response?

Staff report by Vacant Building staff James Hoffman: Code Enforcement received complaints about not maintaining the sidewalks. They referred that to Manager Magner who requested that Vacant Buildings go look to determine if it was vacant or not. I observed nothing going on at the property. No sign of people. Completely empty. The sidewalks weren't being maintained at the time, which is what prompted Mr. Magner's request. I deemed it a Vacant Building and that it be registered as so. I opened a Category 1 Vacant Building file on it.

Moermond: Mr. Perucca, this was basically a used auto dealership?

Aghamirzai: it continues to be.

Moermond: those two uses, the storage and business occupancy are traditionally looked at for a used car dealership?

Perucca: correct, that is consistent with that use.

Moermond: ok, got it. Mr. Aghamirzai, why are you appealing?

Aghamirzai: I wanted to respond, after hearing MR. Hoffman and Mr. Perucca's comments. Before I do that I would like to provide you with some background as to who we are and what we do and why we are here. We have 4 locations in the twin cities, Robert street, 7th street which we acquired in 2018 which we did considerable renovations on before opening in 2019, Richfield on corner of Portland and 494 subject to eminent domain taking by MNDot. We also have a store in Burnsville. Our store at 7th street is a great location. We had been at Robert Street for 20 years and were excited to open an operation on 7th. Unfortunately, Covid changed things. In the last two years we have had those problems, and the last 8 months especially.

In December we received a notice to vacate the property in Richfield by March 1 because of the 494 expansion. 8 days' time. With Covid things changed and we had to make operational changes. Staffing was an issue. Inventory has been an issue. One of the decisions we had to make was about six months ago we moved our inventory from 7th street to other stores. We lost our 3 staff members out of that office.

We maintained a store for our training, meetings, and my office operations. Because of the taking of our Richfield store we are expanding Burnsville location. We moved inventory there and we will wait until the taking occurs and move it back to 7th street. It didn't make sense to hire new people in six months and then fire them later. These last six months is the time period we are talking about and making these business decisions.

Moermond: so there will be quite a push in the next couple weeks, that lot will fill back up?

Aghamirzai: yes, exactly right. We are rearranging staff, some to 7th street, some to Burnsville. We've had to make these strategic decisions in the last six months to make sure a closing doesn't put us in a worse position than Covid did.

Moermond: so we have these cars on the move and all these business changes.

Aghamirzai: my goal here is to show what is happening with our business operations to show that 834 West 7th isn't vacant or abandoned. It is very much an important asset and location and one that we are continuing to operate.

Mr. Hoffman mentioned on Feb 7, 2023 and it looked vacant. It is absolutely not vacant. If you stand at the door and look through the window and look at just one side of the building, not the showroom or the bathrooms, just one side where 2 desks used to be, you may say I see no activity. The table and TV and coffee tables are in the showroom. All of those things are there. The 2 desks are gone because the furniture in the Burnsville store matches, so we moved them there for the new construction done last October. Upon closing of the Richfield store we will bring that furniture to the 7th street store.

Moermond: I'm familiar with the location, if I were to go to the site and see no vehicles on a car lot, no one in the office, and empty desks I would say it isn't operational as a dealership. Also, the walk not being shoveled. That's a sign someone isn't there managing it. You know I'm going to say over the next several days over the sidewalk needs to be taken care of. I assume the parking lot will be cleared for the incoming inventory.

Aghamirzai: our sidewalks were maintained, or not maintained as the case may be, by a local company. We found out they weren't doing it on 3 occasions. We had to go to it ourselves. It is getting done today by our own employees. I understand his conclusion. I'm also sensitive to the neighbor's complaints about the sidewalk. We aren't seeing it daily.

*Moermond: I didn't call this in, but I did live nearby for a long time and it is a busy thoroughfare.
If I'm walking up the sidewalk to Jefferson that would be an ankle breaker.*

Aghamirzai: it would be. We had our sales meeting there last Friday. Of course it was a beautiful day.

Moermond: I'm hearing it has been used as an occasional office and meeting space. It will be used again?

Aghamirzai: as of March 1, next Thursday.

Moermond: this sounds reasonable to me. I think I'm going to say on March 7th I'll have James Hoffman drive by in the morning and be ready to grant your appeal after that. There's no rush on this, it won't affect permits or anything. It is a Category 1 status, which means yes it's a Vacant Building but it is also turnkey and as soon as it is occupied it isn't one anymore. It will be super obvious with the cars back I would say. You handle the sidewalks, whether it is you or a contractor.

Hoffman: it is a nice-looking building, but the pictures I saw from Code with the snow walk complaint it was pretty covered.

Moermond: to keep the Vacant Building fee from going out, let's put a 90-day waiver and this should be resolved well in advance of that. Does that work Mr. Hoffman?

Hoffman: perfect.

Laid Over to the Legislative Hearings due back on 3/7/2023

1:30 p.m. Hearings (None)**Orders To Vacate - Fire Certificate of Occupancy****2:00 p.m. Hearings****Fire Certificates of Occupancy**

- 18 RLH FCO** Appeal of Curtis Persson to a Fire Certificate of Occupancy Correction
23-10 Notice at 1436 SNELLING AVENUE NORTH.

Sponsors: Jalali

Grant to March 10, 2023 for compliance with the February 17, 2023 Fire C of O orders.

*Lauren Ross, House Calls, appeared via phone
Curt Persson, owner, appeared via phone
Peter Persson, occupant, appeared via phone*

Imbertson: we were out at the property. We still haven't had a Certificate of Occupancy inspection. The inspection was pretty complete and entail the same items that would be looked for on a normal Certificate of Occupancy inspection. That was done February 17. That had quite a few corrections needed at the property based on that inspection. A number of those items are relatively minor but there are some more serious concerns as well. My most serious concerns would be two get some additional cleaning and sanitizing in the house. A bunch of items were removed since the initial form 4 but may have uncovered some areas with pet accidents and debris that needs to be cleaned.

The bed in the basement I was told that was not being used but a bed is still set up and we explained the importance of not having it arranged as a bedroom so we didn't have to make any assumptions. It did appear that was a second unused bedroom on the second floor of the house so there shouldn't be a concern with housing everyone safely in approved bedrooms. There were no working smoke and carbons at the time of inspection but they did have them onsite and installed them at time of my inspection.

Moermond: Ms. Ross, you were there and I imagine you have findings and may have some programs that could assist possibly?

Ross: I came right after the fire inspector and met Peter and his girlfriend. I saw the main level of the home, I didn't go upstairs or basement. I see the need for cleaning but my concern is there are so many animals that if those aren't decreased it won't stay clean for long. The bird cages were really dirty. They aren't clean animals to begin with. There is a high number of animals in a small home. It isn't mean to have that many animals. A cleaning crew could help clean, he didn't seem receptive to that help. I've spoken to him a few times and explained we need a copy of him and his girlfriend's income to get the grant funding we have. I did talk to them about getting a dumpster. They live on a busy street but we could put it on a side street. He wasn't receptive to that. I'm not sure he is open to getting help from House Calls.

Moermond: was it your observation a dumpster is warranted?

Ross: absolutely. There are a lot of things there. But the homeowner has to be willing to get rid of them but that wasn't my impression when I was there. He felt he got rid of things that were trash.

Peter Persson: I didn't say it wasn't going to go. That it was going to stay.

Ross: we can probably help with a dumpster on a side street.

Curt Persson: when would that show up? There's going to be a snowstorm.

Moermond: the House Calls program needs Peter and his girlfriend to fill out some paperwork showing their income and then they would qualify for a free dumpster and help with the cleaning. I was hearing Ms. Ross say he didn't seem willing to do that. In my experience, if someone isn't ready to get rid of things that dumpster sits empty unless the neighbors have things to throw.

Ross: Peter shared he has chronic long-term back issues and I don't think him and his girlfriend would be doing the cleaning. They'd need to have a crew like ours, or hire their own. I don't think that household is willing or able to do it now, we'd need to know who is filling it.

Moermond: Mr. Imbertson, it sounds like they may rise to the level of unfit for human habitation. I know you were doing follow-up for information. Where does it fall on this spectrum from your perspective?

Imbertson: I wasn't making a determination on the amount of time to clean since it was under appeal. If additional cleaning isn't done quickly it does appear to be at a level to be declared unfit for human habitation. Cleaning would be primary to me at this point. The number of animals doesn't affect it directly, aside from it staying clean.

Moermond: Peter Persson, where are you at with getting things removed and sanitized?

Peter Persson: im not opposed to it. I've had two trucks in to have stuff hauled out. I have to clean and organized things better. I haven't gotten to it. We're only a few weeks into this.

Moermond: the question is whether you do that organization and cleaning while you are allowed to live there or whether you have to leave and live somewhere else and do that work between 8 am and 8 pm because it isn't ok to live in. This needs to be expedited. When I hear you talk about sorting items, I understand what you want to do but that is also the vocabulary I often hear from hoarders who have to go slowly and find value in things that need to go due to size of the house, any number of things. No value in making the space immediately livable. That is my goal. Quickly have it sanitized so it is healthy and safe to live in and keep you in there but your cooperation is required. Ultimately this house belongs to your parents and they are going to be left holding the bag on it. Are you willing to cooperate with House Calls and move forward with a more aggressive approach?

Peter Persson: yes.

Moermond: so you will fill out that paperwork and cooperate with the crew to fill the dumpster?

Peter Persson: yes.

Curt Persson: where are they going to put the dumpster with the snowstorm?

Moermond: it won't be coming that fast.

Curt Persson: you make it sound like you want it done immediately. The weather has to cooperate.

Moermond: we're going to need that paperwork done. What kind of schedule are you under, Ms. Ross?

Ross: I have emailed Peter, if he can email those documents showing their income that's all I need.

Moermond: after you have that information, how long does it take to put together a crew and a dumpster? Next week?

Ross: yes, they could do the estimate this week and the work next week. Dumpster would have to go kitty-corner on the street just north of them.

Moermond: does that answer your question Mr. Curt Persson?

Curt Persson: that's fine. When St. Paul plows snow there will be big banks there. That's what I'm worried about. I don't know where you are going to put it. But if you can do it, that is fine.

Moermond: sounds like Ms. Ross can do it.

Ross: the permit gets approved through DSI, and only can be there for a day or two so you have to really coordinate with the crew.

Curt Persson: that might work if its quick.

Ross: Randall is just north?

Moermond: we don't need to deal with these details, it is Ms. Ross's job and it is the cleaning crews' responsibility for transporting it to the dumpster. That's on them and we'll let them worry about that piece of it. I am looking for some action here which is filling out those forms with Ms. Ross and getting the crew in. I'm worried about sanitation and health issues. We'll need to get a Fire Certificate of Occupancy in. We have orders now with no deadline. Let's put a deadline on this set of orders. Let's say March 10th as a deadline. Council will look at this March 8, so if you disagree with the March 10 deadline that opportunity is then.

Peter: as I explained to Lauren Ross I can't get into my email so I gave her my girlfriend's email for my paperwork. I don't know if that's been sent.

Ross: give that to me please.

Peter: hypergirlbaby@yahoo.com

Ross: I'll send an email now.

Moermond: and what is her name?

Peter: Melissa Bardwell.

Referred to the City Council due back on 3/8/2023

**19 RLH FCO
23-15**

Appeal of Mark Thieroff, Siegel Brill PA, representing Sibley Plaza Limited Partners, LP, to a Fire Certificate of Occupancy Correction Notice at 2463-2515 SEVENTH STREET WEST (Suite 2473).

Sponsors: Tolbert

Grant to June 1, 2023 for compliance with item 12 of Feb 6 orders (by reoccupancy of the space).

Mark Thieroff, attorney o/b/o Sibley Plaza, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Jim Perucca: this is part of a multi-tenant strip mall with roughly 11 tenant spaces. It is part of a range for this Certificate of Occupancy. This Certificate of Occupancy inspection process started October 2022. There have been several reinspections with the same number of deficiencies. A few have been abated over time. We do have several unoccupied spaces in the mall. Beyond the 2473 which is somewhat consistent with businesses moving in and out at any given time. The orders under appeal are for that vacant space and to ensure the space is kept clear of any combustible materials. Code requires it to be "broom clean."

Moermond: Inspector Huseby came to the vacant t mobile space and indicated the space needed to be cleared out from its existing fixtures and cabinetry

Perucca: yes, display cases, fixtures, cabinets are required to be removed.

Moermond: is that the normal process for vacant retail spaces?

Perucca: it is, and consistent with the approach that Fire staff has taken in these situations. The reasons are it is in unoccupied but the intent has more meaning when you address any potential fire. Things like this are unoccupied vacant spaces and all combustible storage, waste and refuge, belongings, fixtures, be completely empty even with fixtures and left behind items it adds to the fuel load and can contribute to the fire spread.

Moermond: this seems to me that if we had a pizzeria that is owned by one party, they sell to another, it is down for a certain period of time but they want to keep the tables and chairs, that could happen it would just need special consideration?

Perucca: yes, that is correct. In the case for this space, we haven't had any communication as to any tenant taking occupancy or what type of tenant hasn't been conveyed to inspector Huseby. It can't be allowed to continue without any concrete plans to reoccupy in a reasonable time.

Moermond: it sounds like you have a similar operation going back into the space? What are you looking for today?

Thieroff: I am only recently involved in this. My partner, Josh Grossman, has talked to Inspector Huseby and did explain we were in process of negotiating with a new tenant. So that has been provided. There are 20 items in the list and the property owner is going to address 19 of those and hasn't asked me to raise any of those. It is just this one operational issue. You often have tenants coming and going and it is more leasable if it is built out for a new tenant. One goes and one comes. I appreciate we need a time period and some consideration of time between tenants but the idea that the day after one tenancy ends everything is deemed 'storage'. We were referred to section 311.6 of the state fire code and it talks about combustible waste and there is no waste in that space. There are some fixtures. The question then becomes at what point does anything become storage? Obviously we haven't put anything into the space since the last tenant left. The buildout for the previous tenant is still there and we threw away anything loose and flammable, like leaflets.

There is a Letter of Intent that has been signed between the new operate and the landlord. They are in end stages of negotiating the lease. I can't give a firm date on a new tenant. We would like some guidance in terms of a timeline to re-tenant that space without having to remove fixtures.

Perucca: typically it is a 90 day process with inspections and reinspection until any possible actions taking place. We're into this 5 months at this point, and while commercial settings are fluid we do need to look at moving towards compliance and working together. We will certainly take in any consideration of legitimate actions to reoccupy. From my reports we aren't at that point yet.

Moermond: are we looking for the Certificate of Occupancy that covers the entire strip mall, or individual spaces? We have really different uses.

Perucca: it is one Certificate of Occupancy for the entire range of addresses, 2463 through 2513. Eleven spaces under the one Certificate of Occupancy.

Moermond: a lot of moving pieces. Sounds like this will be turned sooner versus later. I am positive that what the inspector was calling storage was storage of the fixtures. How much time do you think before its reoccupied? What is reasonable in your view?

Thieroff: I'm expecting the lease to be finalized no later than March. I don't know if reoccupancy would be April 1. If we could get a length of time to complete it would be helpful.

Moermond: June 1 looks reasonable to me to have it reoccupied with a similar use or to have them relocated to storage elsewhere. Deadline for item 12 in orders to June 1.

Referred to the City Council due back on 3/8/2023

3:00 p.m. Hearings

Special Tax Assessments-Garbage

- 20 RLH TA 23-68** Ratifying the Appealed Special Tax Assessment for property at 435 ARBOR STREET (File No. CG2204A1, Assessment No. 220113)

Sponsors: Noecker

Reduce assessment from \$80.31 to \$69.81.

No one appeared

Staff report by Clare Pillsbury: the property owner stated that she paid this invoice on August 24, 2022. Hauler records show that the payment made on August 24 was applied to an old account that the property owner had with Waste Management. This payment was applied to the property owner's current account in January 2023 and was used to pay their Quarter 1 2023 invoice. Therefore, staff cannot recommend removal of the assessment in full. However, we are recommending that the late fees of \$10.50 be removed and the assessment be reduced to \$69.81 since it is unclear as to why the payment was applied to the wrong account.

Moermond: \$80.31 to \$69.81, so recommended.

Referred to the City Council due back on 3/8/2023

- 21 RLH TA 23-69** Ratifying the Appealed Special Tax Assessment for property at 1111 RANDOLPH AVENUE. (File No. CG2204A1, Assessment No. 220113)

Sponsors: Tolbert

Reduce assessment from \$111.04 to \$96.56.

No one appeared

Staff report by Clare Pillsbury: the property owner stated that she paid this invoice on August 24, 2022. Hauler records show that the payment made on August 24 was applied to an old account that the property owner had with Waste Management. This payment was applied to the property owner's current account in January 2023 and was used to pay their Quarter 1 2023 invoice. Therefore, staff cannot recommend removal of the assessment in full. However, we are recommending that the late fees of \$14.48 be removed and the assessment be reduced to \$96.56 since it is unclear as to why the payment was applied to the wrong account.

Moermond: so recommend the reduction from \$111.04 to \$96.56.

Referred to the City Council due back on 3/8/2023

- 22 RLH TA 23-70** Ratifying the Appealed Special Tax Assessment for property at 308 COMO AVENUE (File No. CG2204A3, Assessment No. 220115)

Sponsors: Balenger

Reduce assessment from \$245.66 to \$213.62.

No one appeared

Staff report by Clare Pillsbury: Property owner stated that they never received a notice their account was shifted from Waste Management to Republic Services. They also stated that they never received any of the invoices or notices of nonpayment, which should have been sent to the property tax address at the time. Staff was not able to confirm that Waste Management notified the property owner when the account switched over to Republic Services. Hauler records also show that both Waste Management and Republic Services had the incorrect mailing address for the property (11672 Evergreen St NW Coon Rapids MN 55448). The mailing address should have been updated to 1029 Paul Pkwy, Apt 301, Blaine, MN 55434 following the February

2021 hauler update. Therefore, staff recommends removing the late fee amount of \$32.04 and reducing the assessment to \$213.62 since the property owner would not have received the invoices or notices of nonpayment.

Moermond: recommend reduction from \$245.66 to \$213.62.

Referred to the City Council due back on 3/8/2023

23 RLH TA 23-75

Ratifying the Appealed Special Tax Assessment for property at 2171 MOHAWK AVENUE. (File No. CG2204A1, Assessment No. 220113)

Sponsors: Yang

Delete the assessment.

No one appeared

Staff report by Clare Pillsbury: the resident states they have been paying Republic for services, yet continue to receive assessments. Republic Services confirmed receiving payment from the property owner on October 5, 2022 for the Quarter 4, 2022 invoice. Therefore, staff recommends removing the assessment.

Moermond: so recommended.

Referred to the City Council due back on 3/8/2023

24 RLH TA 23-67

Ratifying the Appealed Special Tax Assessment for property at 235 SHERBURNE AVENUE (File No. CG2204A1, Assessment No. 220113).

Sponsors: Balenger

Delete the assessment.

No one appeared

Staff report by Clare Pillsbury: the resident states they have been paying Republic for services, yet continue to receive assessments. Republic Services confirmed receiving payment from the property owner on October 5, 2022 for the Quarter 4, 2022 invoice. Therefore, staff recommends removing the assessment.

Moermond: so recommended.

Referred to the City Council due back on 3/8/2023

25 RLH TA 23-85

Ratifying the Appealed Special Tax Assessment for property at 1307 OSCEOLA AVENUE. (File No. CG2204A1, Assessment No. 220113)

Sponsors: Tolbert

Reduce assessment from \$69.49 to \$23.27.

No one appeared

Staff report by Clare Pillsbury: the property owner stated that they submitted a Unoccupied Dwelling Registration Form in July 2022. However, the assessment for

Quarter 3 2022 appears to be the full-service charge for a 35-gallon cart. City records show that an email was sent to Waste Management on July 7, 2022 to notify them of the Unoccupied Dwelling Registration Form. Therefore, staff recommends reducing the assessment to \$23.27 to reflect the time period of July 1, 2022 to July 31, 2022 for the time period when there was service at the property.

Moermond: so recommended

Referred to the City Council due back on 3/8/2023