



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Joanna Zimny, Executive Assistant
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651-266-8585

Tuesday, August 1, 2023

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 23-279** Ratifying the Appealed Special Tax Assessment for property at 698
DESOTO STREET. (File No. VB2310 Assessment No. 238113)

Sponsors: Brendmoen

Delete the assessment.

No one appeared

*Moermond: this is for a Vacant Building fee, this looks straightforward. Code
Compliance certificate issued?*

*Supervisor Joe Yannarely: Code Compliance certificate issued less than 7 weeks after
the anniversary date.*

Moermond: we agree deletion in that situation.

Referred to the City Council due back on 9/13/2023

- 2 **RLH TA 23-283** Ratifying the Appealed Special Tax Assessment for property at 1762
ENGLEWOOD AVENUE. (File No. VB2310, Assessment No. 238813)

Sponsors: Jalali

Approve the assessment.

Mike Mortimer, owner, appeared via phone

[Moermond tries to give background and intro]

*Mortimer: the abandoned building thing is a joke, ma'am, I'm there almost every day. I
pay the water, electric, taxes, and then the City comes along to rip me off for \$2,500
every three months.*

*Moermond: it isn't every three months and it is a registered Vacant Building as a result
of being condemned from the fire.*

Staff report by Supervisor Joe Yannarely: this is the annual Vacant Building fee that was due on December 2021, next year's fee will be twice this much.

Moermond: this is a Category 1 though, because it's a fire?

Mortimer: why is it a Category 1? If you go to the Fire Department and get the tapes, they put the fire out in 15 minutes. I know no one wants to listen to any of this.

Moermond: it was originally opened as a Category 1 Vacant Building because all buildings that have a fire are, under the presumption that necessary repairs will be done under supervision of insurance. That is the simplest, easiest, category for someone to have. That's the one you want to have. You have converted to be a Category 2, my question to staff was when did that happen and how? You were a Category 1 for a long time. I don't know it has any functional difference at all from where you sit because you're going to be done with the rehab within the next year, I am assuming. Where are things at? We did do a three-month waiver last spring. I know you were hopeful you'd be further along. How are your contractors doing?

Mortimer: we have the lower unit, 20% of the building, is in good shape. It is a 150-year-old building. As soon as Rest Pro gutted the building—

Moermond: we've been down this road--

Mortimer: I know you don't want to hear the truth.

Moermond: we've had this conversation twice before. We told you file a formal complaint with Steve Wagner and we checked before today's hearing, you did not do that.

Mortimer: I've never gotten anything from the City in the way of help, I've only ever gotten harassment. I applied for a building permit and got one only because of you. It was a year after the demolishing. One of Rest Pro's syndicates the City has said they had to find out if I you need a sprinkler system and when they sent the 7 people out to inspect, some were pretty nice, but then the building inspector said you can't be in here working because I didn't have a permit. I asked if Rest Pro needed a permit to demolish? I never signed anything. The morning of the fire my kid died, Rest Pro showed up and I signed something and the guy lied to me. Told me they do everything to take care of the building. I had two people sleeping in the building, fire alarms never even went off. No smoke in the building. The only thing the City is interested in, I don't know, in screwing the people that have buildings in the City. I work there every day and no one from the City ever shows up.

Moermond: you're yelling at me but I need to know what is happening in terms of getting this back online? What is the timeline?

*Mortimer: I had to jack up the building and get the floors straight, put in new floors. It is hard to describe. I have a guy that works with me that's d*mn good and he and I jacked the whole basement up. No one from the City comes to see, they just--I'm not b*ching at you—but there's nothing the City does to help out someone that's--all the did is send Rest Pro to destroy the building.*

Moermond: and you didn't file a complaint. You can still do that. You can sue Rest Pro. Steve Wagner, we can give you his contact information again. That has nothing to do with them being able to represent they can do Rehabs and the City recommends.

Quite the opposite. If that is what happened, the contract says they can't do that.

Mortimer: the contract says they can't do that the day of the fire.

Moermond: I am frustrated you keep bringing this up but don't do things to address it. Me hearing your story once again isn't going to change its path. You need to file a complaint if you want to change how this moves forward with Rest Pro. I want you go finish the rehab and get to the other side of this. You got a 90-day waiver earlier this year, that expired and that's why we're talking about the Vacant Building fee this year. I'm struggling to find out if you will be done by the time the anniversary comes up again the end of December. Will it be done by then? I'm rooting for you to have that be the case. I'd like you to have a contact in inspections.

Mortimer: can you tell me Magner's cell phone number?

Moermond: [spells Mr. Magner's name]. His number is 651-266-1928 and he is at his desk every day from 6 am to 9 am. Then he is in the field and works at different places throughout the City. He's hard to reach by phone after 9 am. You're best trying to get him then. If you leave him a Voicemail he will call you back.

Mortimer: I've done all of that. I've told him numerous times, but that's fine.

Moermond: he says he hasn't heard from you. You need to say—

Mortimer: I was on his phone a year ago I bet, never heard from him. Never seen him, I know that.

Moermond: I have this fee that went to assessment, 7 months into the 12-month billable year. I'm trying to figure out how we can get you out of the Vacant Building program as fast as possible. It may help for you to have a contact in inspections would be who?

Yannarely: Clint Zane would be a good person to start with.

Moermond: [gives Clint Zane's phone number] Jim Perucca is also your contact from Fire Inspection.

Mortimer: do you understand that they gutted the building?

Moermond: yes, sir.

Mortimer: then the list they sent was ridiculous. Because they sent a list about bathrooms and kitchens. They were gone.

Moermond: and if that stuff is gone, you have a claim against Rest Pro. You need to pursue this against them and look for financial compensation from them through the Court system.

Mortimer: Rest Pro sued me for \$78,000 because they wanted the money for demolishing the building. They sued me. I got a lawyer and we wrote them a letter and told them about a building in Minneapolis they did the same thing too, and they didn't back down at all. They have a big law firm. They wanted that \$78,000 and I got a lawyer and my lawyer said I have to pay them something. I sent them a check for \$25,000.

Moermond: and that's your lawyer and the way you handle business. That's a private argument. I'm not your lawyer. All the City can do is say "hey, Rest Pro, you may have said things that represent us, and our contract says you can't say that." Write a letter, do something to take steps to make that claim. That still won't put money in your pocket. I can't get you over the finish line based on the history you're telling me.

Mortimer: I signed something saying I said I would never sue them.

Moermond: I can't do anything about that, I didn't have anything to do with that. You may want to talk to your attorney before sending a complaint to the City. Run it by your attorney to make sure you should even send it. That is a private decision for you to make. Get that private advice. I need to come back to the Vacant Building fee. We've covered this in 3 previous hearings. I'm sorry you're in it and I'm sorry you had a fire and lost your son. I am so sorry that happened. I really want this to be the last time we talk about a Vacant Building fee and a story of success in getting this fixed and working and generating income. I'm at a loss besides talking to inspectors, getting some information from them.

Mortimer: I sent a letter to the Mayor of St. Paul on the lawyer's thing, and I never heard back from the Mayor or any of his people.

Moermond: I'm afraid I don't work for the Mayor's office, so I can't speak to that. I have no idea how they deal with those types of concerns.

Mortimer: I called my City Councilperson and got an answering machine and told them about it. They never called me back either. Who do I file a complaint with?

Zimny: a letter was sent July 12, 2022 with contact information for Steve Magner to file a formal complaint.

Mortimer: can you send those again? I don't have any complaints against you.

Moermond: and we're trying to get you to the other side.

Yannarely: where are you progress-wise with the rehab?

Mortimer: we fixed the floors and beams and sistered all the joints on the second floor. I worked with an engineer on that. The City never comes.

Moermond: did you call for an inspection? The guy you can call is Clint Zane. I would say that would be a great call to make. We'll send you a follow up letter with all this information and hopefully you can get all this done and start the new year fresh. I'll personally ask Clint Zane if he will visit the property and check in with you about things he's looking for and his thoughts.

Referred to the City Council due back on 9/13/2023

10:00 a.m. Hearings

Special Tax Assessments

- 3 RLH TA 23-181 Ratifying the Appealed Special Tax Assessment for property at 399**

BLAIR AVENUE. (File No. J2307E3, Assessment No. 238322) (To refer to August 1, 2023 Legislative Hearing)

Sponsors: Balenger

Approve the assessment and make payable over 2 years.

Ki Ki, interpreter, appeared

Nyar Pwo, owner, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: October 12, 2022 a Correction Order was sent regarding inoperable and unlicensed vehicles on the property. Compliance date was October 26, 2022. This was an Excessive Consumption fine for noncompliance, total assessment of \$159. Today we have four separate Excessive Consumption fines, for noncompliance of the orders, not removing the vehicles from the property. One issued November 10, 2022, the next November 28, 2022, another January 6, 2023 and the fourth February 6, 2023. We had a lot of fees until the owner finally called Inspector Kedrowski and finally resolved the issue.

Moermond: Chronologically we have bills for noncompliance with the orders for inspections occurring November 10, November 28, December 7 and January 6, January 24 and February 6. Ms. Martin, if you want to talk about those being bills for what exactly?

Martin: each one of the bills are for Excessive Consumption of City services, where we had to go reinspect each time for compliance, and finding noncompliance.

Moermond: we have orders indicating there are too many vehicles on the property lacking current licenses and appear to be in some state of repair. Also, commercial vehicles that indicate it was a car repair business.

Moermond: that is correct, and during the winter he plowed his entire car from snow and parked even more vehicles.

Pwo: I few months ago I started removing the cars that didn't belong to me. Then friends brought a car that wasn't working. I don't put the commercial vehicles at the house anymore.

Moermond: and you spoke with the inspector and understood the problem with the car repair happening there?

Pwo: I don't do car repair; they donated my car to me. I can go to the shop to repair my car.

Moermond: Ms. Martin, do your records indicate when he spoke with the inspector about it?

Martin: it was a couple of months ago. Parking inoperable vehicles throughout the yard. Cars were in pieces. Many not registered to the property. Parked on unapproved surface. This has been an ongoing issue since 2012 that just recently came into compliance.

Moermond: what were you thinking when you got the letters from the City? The original

orders saying you can't have the cars there, that would be last October, then all the bills because the cars were still there. Why didn't you come into compliance earlier, or call? Take some action?

Pwo: it was a lot of work, having to deal and move them in the snow. I couldn't reach anyone. Then I finally went to 375 Jackson.

Moermond: there wasn't snow when the original orders were issued back in October.

Pwo: October I didn't know I had a letter. After the letter came in November in December I got a lot of cars coming to the yard.

Moermond: in the past, there have been orders to stop doing illegal car repair in the yard. You bought your house in 2012 it looks like, and in 2018 there were a lot of orders and work with the City around illegal car repair then. I'm thinking this isn't a new issue to you and not new types of orders. You weren't getting something you weren't familiar with.

Pwo: I moved in 2013. I worked at a car repair shop in New Brighton, I brought some of the cars to my current homes. I tried to find a car repair shop near my house. I started repairing cars. I'm getting rid of the cars that don't belong to me because of the law that says you can't repair cars at your home.

Moermond: but it happened in 2018 and again in 2022.

Pwo: I started getting rid of the cars when I got the 2022 notice, but I'm the only one who does it so it took a lot of time. Most of the cars that don't belong to me are gone now.

Moermond: I'm reviewing aerial photos that are taken every couple of years to see if I can get any understanding.

Pwo: before I moved here, one of the auto repair owners owned a house there and kept cars there. There wasn't a problem then, but it became a problem after I moved in. The owner left some of his cars there.

Moermond: I'm looking at Google image photos, and I see cars throughout the years.

Martin: the inspector did just let me know that during the issuance of these orders vehicles continued to be brought onto the property. When he called Inspector Kedrowski he spoke very good English and they were able to resolve the issues after that.

Moermond: 2018 shows only 5 cars on the property. I'm assuming that was after you talked with the inspector in 2018. 9 vehicles in 2019.

Pwo: they belonged to the renter who lived with me.

Moermond: we've established a pattern. You're saying you weren't operating a business, rather your friends are giving you cars to do with them what you want to. What are you looking for today, Mr. Pwo?

Pwo: I just came to hear your opinions and suggestions so I can stop getting letters from the City.

Moermond: honestly the best way to not receive letters from the City is not have a tow truck and a ton of cars in your yard.

Pwo: I got rid of the tow truck and commercial cars, the only cars left are the ones I collect for the show for when my kids grow up.

Moermond: Ms. Martin, any comments on what he can do moving forward to not get these bills?

Martin: make sure they're parked on an approved surface, parked legally, licensed to the home. Keep tow trucks and commercial vehicles off of the property.

Pwo: after I got the letter I tried to get rid of the cars, but after I parked it I got another letter saying it should face the house. While I was doing that I got another letter. I'm the only one living there and have no help, so I don't have enough time to finish everything. Is there anything you can do to help with the bill? I am also building a fence, there's been shootings and I want to protect my house and have safety.

Moermond: that doesn't sound good. It sounds like building the fence was a good choice for your circumstances, pulling the permit is great. I hope it does increase safety at your house. It doesn't impact the situation with the number of vehicles you can have or the car repair situation, whether or not there is a fence there. The total assessment is \$884 between the four different ones. I would be more flexible on reducing this except for your experience four years ago. You knew the laws. If the Council ratifies these assessments, they would be invoiced within a couple of weeks of the Council Public Hearing, you will get a bill then. If it goes unpaid it will be on your 2024 taxes, so it wouldn't immediately be due. Because of the history I'm going to recommend they approve these assessments. I can request they make it payable over two years, that would be half 2024 and half 2025 taxes. I can ask that of them if you want me too. If you want it decreased from \$884 downward, the Council may disagree with me and lower it.

Pwo: over two years, please.

Moermond: I can do that. If you want something different you can ask Council for that. If it is an email we can have that translated, if you come in person we can have an interpreter there.

Pwo: I will testify in person.

Moermond: sounds good, we will have an interpreter on September 13th.

Referred to the City Council due back on 9/13/2023

- 4 RLH TA 23-182** Ratifying the Appealed Special Tax Assessment for property at 399 BLAIR AVENUE. (File No. J2308E1, Assessment No. 238323) (To refer to August 1, 2023 Legislative Hearing)

Sponsors: Balenger

Approve the assessment and make payable over 2 years.

*Ki Ki, interpreter, appeared
Nyar Pwo, owner, appeared*

[Moermond gives background of appeals process]

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Moermond: we have orders indicating there are too many vehicles on the property lacking current licenses and appear to be in some state of repair. Also, commercial vehicles that indicate it was a car repair business.

Moermond: that is correct, and during the winter he plowed his entire car from snow and parked even more vehicles.

Pwo: I few months ago I started removing the cars that didn't belong to me. Then friends brought a car that wasn't working. I don't put the commercial vehicles at the house anymore.

Moermond: and you spoke with the inspector and understood the problem with the car repair happening there?

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Moermond: what were you thinking when you got the letters from the City? The original orders saying you can't have the cars there, that would be last October, then all the bills because the cars were still there. Why didn't you come into compliance earlier, or call? Take some action?

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Moermond: there wasn't snow when the original orders were issued back in October.

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Moermond: in the past, there have been orders to stop doing illegal car repair in the yard. You bought your house in 2012 it looks like, and in 2018 there were a lot of orders and work with the City around illegal car repair then. I'm thinking this isn't a new issue to you and not new types of orders. You weren't getting something you weren't familiar with.

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Moermond: but it happened in 2018 and again in 2022.

Pwo: I started getting rid of the cars when I got the 2022 notice, but I'm the only one who does it so it took a lot of time. Most of the cars that don't belong to me are gone now.

Moermond: I'm reviewing aerial photos that are taken every couple of years to see if I can get any understanding.

Pwo: before I moved here, one of the auto repair owners owned a house there and kept cars there. There wasn't a problem then, but it became a problem after I moved in. The owner left some of his cars there.

Moermond: I'm looking at Google image photos, and I see cars throughout the years.

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Moermond: 2018 shows only 5 cars on the property. I'm assuming that was after you talked with the inspector in 2018. 9 vehicles in 2019.

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Moermond: that doesn't sound good. It sounds like building the fence was a good choice for your circumstances, pulling the permit is great. I hope it does increase safety at your house. It doesn't impact the situation with the number of vehicles you can have or the car repair situation, whether or not there is a fence there. The total assessment is \$884 between the four different ones. I would be more flexible on reducing this except for your experience four years ago. You knew the laws. If the Council ratifies these assessments, they would be invoiced within a couple of weeks of the Council Public Hearing, you will get a bill then. If it goes unpaid it will be on your 2024 taxes, so it wouldn't immediately be due. Because of the history I'm going to recommend they approve these assessments. I can request they make it payable over two years, that would be half 2024 and half 2025 taxes. I can ask that of them if you want me too. If you want it decreased from \$884 downward, the Council may disagree with me and lower it.

Pwo: over two years, please.

Moermond: I can do that. If you want something different you can ask Council for that. If it is an email we can have that translated, if you come in person we can have an interpreter there.

Pwo: I will testify in person.

Moermond: sounds good, we will have an interpreter on September 13th.

Referred to the City Council due back on 9/13/2023

- 5 RLH TA 23-183** Amending the previously ratified assessment to ratify the assessment for Excessive Use of Inspection or Abatement services billed during December 23, 2022 to January 19, 2023 at 399 BLAIR AVENUE. (File No. J2309E, Assessment No. 238311)

Sponsors: Balenger

Approve the assessment and make payable over 2 years.

Ki Ki, interpreter, appeared

Nyar Pwo, owner, appeared

[Moermond gives background of appeals process]

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Pwo: I will testify in person.

Moermond: sounds good, we will have an interpreter on September 13th.

Referred to the City Council due back on 9/13/2023

6 RLH TA 23-184 Ratifying the Appealed Special Tax Assessment for property at 399 BLAIR AVENUE. (File No. J2310E, Assessment No. 238315)

Sponsors: Balenger

Approve the assessment and make payable over 2 years.

Ki Ki, interpreter, appeared

Nyar Pwo, owner, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: October 12, 2022 a Correction Order was sent regarding inoperable and unlicensed vehicles on the property. Compliance date was October 26, 2022. This was an Excessive Consumption fine for noncompliance, total assessment of \$159. Today we have four separate Excessive Consumption fines, for noncompliance of the orders, not removing the vehicles from the property. One issued November 10, 2022, the next November 28, 2022, another January 6, 2023 and the fourth February 6, 2023. We had a lot of fees until the owner finally called Inspector Kedrowski and finally resolved the issue.

Moermond: Chronologically we have bills for noncompliance with the orders for inspections occurring November 10, November 28, December 7 and January 6, January 24 and February 6. Ms. Martin, if you want to talk about those being bills for what exactly?

Martin: each one of the bills are for Excessive Consumption of City services, where we had to go reinspect each time for compliance, and finding noncompliance.

Moermond: we have orders indicating there are too many vehicles on the property lacking current licenses and appear to be in some state of repair. Also, commercial vehicles that indicate it was a car repair business.

Moermond: that is correct, and during the winter he plowed his entire car from snow and parked even more vehicles.

Pwo: I few months ago I started removing the cars that didn't belong to me. Then friends brought a car that wasn't working. I don't put the commercial vehicles at the house anymore.

Moermond: and you spoke with the inspector and understood the problem with the car repair happening there?

Pwo: I don't do car repair; they donated my car to me. I can go to the shop to repair my car.

Moermond: Ms. Martin, do your records indicate when he spoke with the inspector about it?

Martin: it was a couple of months ago. Parking inoperable vehicles throughout the yard. Cars were in pieces. Many not registered to the property. Parked on unapproved surface. This has been an ongoing issue since 2012 that just recently came into compliance.

Moermond: what were you thinking when you got the letters from the City? The original orders saying you can't have the cars there, that would be last October, then all the bills because the cars were still there. Why didn't you come into compliance earlier, or call? Take some action?

Pwo: it was a lot of work, having to deal and move them in the snow. I couldn't reach anyone. Then I finally went to 375 Jackson.

Moermond: there wasn't snow when the original orders were issued back in October.

Pwo: October I didn't know I had a letter. After the letter came in November in December I got a lot of cars coming to the yard.

Moermond: in the past, there have been orders to stop doing illegal car repair in the yard. You bought your house in 2012 it looks like, and in 2018 there were a lot of orders and work with the City around illegal car repair then. I'm thinking this isn't a new issue to you and not new types of orders. You weren't getting something you weren't familiar with.

Pwo: I moved in 2013. I worked at a car repair shop in New Brighton, I brought some of the cars to my current homes. I tried to find a car repair shop near my house. I started repairing cars. I'm getting rid of the cars that don't belong to me because of the law that says you can't repair cars at your home.

Moermond: but it happened in 2018 and again in 2022.

Pwo: I started getting rid of the cars when I got the 2022 notice, but I'm the only one who does it so it took a lot of time. Most of the cars that don't belong to me are gone now.

Moermond: I'm reviewing aerial photos that are taken every couple of years to see if I can get any understanding.

Pwo: before I moved here, one of the auto repair owners owned a house there and kept cars there. There wasn't a problem then, but it became a problem after I moved in. The owner left some of his cars there.

Moermond: I'm looking at Google image photos, and I see cars throughout the years.

Martin: the inspector did just let me know that during the issuance of these orders vehicles continued to be brought onto the property. When he called Inspector Kedrowski he spoke very good English and they were able to resolve the issues after that.

Moermond: 2018 shows only 5 cars on the property. I'm assuming that was after you talked with the inspector in 2018. 9 vehicles in 2019.

Pwo: they belonged to the renter who lived with me.

Moermond: we've established a pattern. You're saying you weren't operating a business, rather your friends are giving you cars to do with them what you want to. What are you looking for today, Mr. Pwo?

Pwo: I just came to hear your opinions and suggestions so I can stop getting letters from the City.

Moermond: honestly the best way to not receive letters from the City is not have a tow truck and a ton of cars in your yard.

Pwo: I got rid of the tow truck and commercial cars, the only cars left are the ones I collect for the show for when my kids grow up.

Moermond: Ms. Martin, any comments on what he can do moving forward to not get these bills?

Martin: make sure they're parked on an approved surface, parked legally, licensed to the home. Keep tow trucks and commercial vehicles off of the property.

Pwo: after I got the letter I tried to get rid of the cars, but after I parked it I got another letter saying it should face the house. While I was doing that I got another letter. I'm the only one living there and have no help, so I don't have enough time to finish everything. Is there anything you can do to help with the bill? I am also building a fence, there's been shootings and I want to protect my house and have safety.

Moermond: that doesn't sound good. It sounds like building the fence was a good choice for your circumstances, pulling the permit is great. I hope it does increase safety at your house. It doesn't impact the situation with the number of vehicles you can have or the car repair situation, whether or not there is a fence there. The total assessment is \$884 between the four different ones. I would be more flexible on

reducing this except for your experience four years ago. You knew the laws. If the Council ratifies these assessments, they would be invoiced within a couple of weeks of the Council Public Hearing, you will get a bill then. If it goes unpaid it will be on your 2024 taxes, so it wouldn't immediately be due. Because of the history I'm going to recommend they approve these assessments. I can request they make it payable over two years, that would be half 2024 and half 2025 taxes. I can ask that of them if you want me too. If you want it decreased from \$884 downward, the Council may disagree with me and lower it.

Pwo: over two years, please.

Moermond: I can do that. If you want something different you can ask Council for that. If it is an email we can have that translated, if you come in person we can have an interpreter there.

Pwo: I will testify in person.

Moermond: sounds good, we will have an interpreter on September 13th.

Referred to the City Council due back on 9/13/2023

- 7 RLH TA 23-291** Ratifying the Appealed Special Tax Assessment for property at 340 LAWSON AVENUE EAST. (File No. J2310E, Assessment No. 238315)

Sponsors: Brendmoen

Delete the assessment.

No one appeared

Moermond: Lisa, we've already had this address in front of us, right?

Supervisor Lisa Martin: yes.

Moermond: this is the one where the car hit the deck posts, and they had Excessive Consumption bills but they're working with insurance. We assessed a couple but are deleting the balance, and this is one of those?

Moermond: that is correct. Recommend deletion.

Referred to the City Council due back on 9/13/2023

- 8 RLH TA 23-278** Ratifying the Appealed Special Tax Assessment for property at 2255 MARGARET STREET. (File No. J2310E, Assessment No. 238315)

Sponsors: Prince

Delete the assessment.

Mary Staples, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: January 11, 2023 we issued a notice to remove snow and ice from the public sidewalk. Reinspected January 13, wasn't done. We issued an Excessive Consumption letter for noncompliance. Total assessment of

\$159. No returned mail. Previously we have had a garbage order, march of 2022, done by owner, and July 2019 tall grass and weeds, done by owner.

Staples: what wasn't shoveled is a bike path. You can clearly see on the City's website it is labeled as such, in green. The Q&A says they are maintained by St Paul Park and Rec. They turned that sidewalk 10 feet wide versus normal sidewalk width. The only time they've ever plowed it was when Channel 5 came about a hit and run. As far as the tall grass and garbage, my husband died December of 2021 and were emptying things out. I had things sitting before the dumpster was delivered in April. I've been very compliant since then. As far as a sidewalk versus a bike path that is a huge deal.

Moermond: yes. While you were talking I pulled up an aerial photo and map of your property and the intersection at Margaret and McKnight. I notice that in the top of the first photo there is a turn lane with an arrow in it. That exists on McKnight, but there is no turn lane on Margaret. The bike path is obviously blacktop and along McKnight. It isn't clear to me there is any sidewalk there at all. Some cement between the blacktop bike path and the street, but I wouldn't say that is sidewalk area. I can understand why the inspector may think that, but I that isn't the case and I can see that in the aerial photograph. Ms. Martin, I know you have the same photos and information, do you see this the same way?

Martin: I think you are looking at it the correctly. The only concern I have is about any potential bus stop on McKnight. The bike path definitely confuses things. It doesn't appear there is an actual sidewalk.

Moermond: we appreciate you appealing this, and sorry you have this experience. I'll recommend deletion of this assessment.

Referred to the City Council due back on 9/13/2023

- 9 [RLH TA 23-277](#) Ratifying the Appealed Special Tax Assessment for property at 817 MARSHALL AVENUE. (File No. J2310E, Assessment No. 238315)

Sponsors: Balenger

Layover to LH August 15, 2023 at 10 am per owner's request.

Moermond: we have a request for this to be laid over to August 15, the owner sent an email. No problem, that will be laid over.

Laid Over to the Legislative Hearings due back on 8/15/2023

- 10 **RLH TA 23-284** Ratifying the Appealed Special Tax Assessment for property at 1171 MINNEHAHA AVENUE EAST. (File No. J2310E, Assessment No. 238315)

Sponsors: Yang

Delete the assessment.

No one appeared

Moermond: there is a note that no photos were taken?

Supervisor Lisa Martin: correct.

Moermond: that's a deletion then?

Martin: correct.

Referred to the City Council due back on 9/13/2023

- 11 RLH TA 23-275** Ratifying the Appealed Special Tax Assessment for property at 1348 MINNEHAHA AVENUE EAST. (File No. J2310E, Assessment No. 238315)

Sponsors: Prince

Continue PH to October 4, 2023 and if no same or similar violations, delete the assessment.

Emily McDonald, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: orders were sent January 10, 2023 with a compliance date of 24 hours. Rechecked on January 13. This was for failure to shovel the public sidewalk. A work order was sent but it was done by the owner when the crew went out February 4. No returned mail. The only history we have are some dumping complaints in 2023.

Moermond: why are you appealing?

McDonald: no one shoveled it.

Moermond: that's what she said. It wasn't done by the deadline you were given in the order, so they want to charge you for the inspection. It is basically for the crew that was dispatched—

McDonald: no one even came onto my property with a shovel or snowblower.

Moermond: exactly. They drove by, saw it was done, and they're charging you for the trip they made. The inspector came by and saw it wasn't done, sent the crew. They aren't saying you didn't do it; they're saying you did not have it done by deadline so a crew was sent.

McDonald: I didn't know I had to shovel the corner I have legally no responsibility for. I thought the City was supposed to plow the street. I didn't know I had to snow blow the street. I had 3 people helping me, with photos and signatures because I knew I'd probably have to have this conversation. Same thing happens with dumping.

Moermond: I see photos were sent from Mai Vang on July 14. That was a photo showing snow and ice buildup and it was taken from the corner looking down the sidewalk. It looks like shoveling did occur, but there was 4 or so inches of ice and salt had been put down. It wasn't clear though.

McDonald: we put salt down, it worked, and then it was cleared. I don't understand this asinine charge when the City drives around all the time. It is so petty. You don't take enough out of my taxes already?

Moermond: you're saying you shouldn't be responsible for shoveling the sidewalk?

McDonald: no, it isn't mine.

Moermond: it is. You own to the curb, what the City has is a right-of-way, an easement, from the sidewalk to the curb. That means the public has the ability to cross your property through that area. The same is true of an alley. You own to the center of the alley, you don't pay property taxes on it, but you would find on your deed that was indeed your property and your responsibility. The City isn't sending out shoveling crews to handle private sidewalks. Corners, I get your argument. Should the City hold you accountable if there's a bunch of snow on the corner and the plow can't clean it out close enough, there shouldn't be an expectation you shovel into the street. It isn't safe, and I get it. In terms of clearing the sidewalk, that is basic property ownership. People have to be able to get to buses.

*McDonald: I never lived in the City before. I guess I wasn't aware I needed to clean it to the concrete every time. As soon as I got the letter I went out and threw salt down and took care of it. I shouldn't have to pay a \$200 bill for that. IT is ridiculous, I just wanted to voice my opinion on that. if I didn't take care of it, I understand it. I busted my *ss along with 3 other people to make sure it was clear.*

Moermond: you bought in April of 2022. Is this your first property?

McDonald: yes.

Moermond: Ms. Martin, any issues after this incident? April 2022 to present?

Martin: dumping complaints.

McDonald: I made those complaints, to be fair.

Moermond: if dumping happens again, I hope it doesn't, if you reach out to your hauler there are a couple of bulky items you get picked up as part of your regular bill. I can see you haven't had issues. I'd like to help you on this, I know you've learned this for moving forward. On September 13, I will as the Council to continue it to October 4, I'll recommend this is deleted if there are no other issues.

Referred to the City Council due back on 9/13/2023

- 12 RLH TA 23-285** Ratifying the Appealed Special Tax Assessment for property at 1694 MINNEHAHA AVENUE EAST. (File No. J2310E, Assessment No. 238315)

Sponsors: Prince

Delete the assessment.

No one appeared

Moermond: no photo on file of the sidewalk. There are a few like this, where there's a photo of the house, not the sidewalk.

Martin: this is for a PA EC.

Mai Vang: I confirmed with Sean Westenhofer, there are no other photos, just the

house.

Moermond: so that's maybe a quality control issue for your guys.

Martin: got it.

Mai Vang: he's taking photos of the house number and not the sidewalk.

Referred to the City Council due back on 9/13/2023

13 RLH TA 23-289 Ratifying the Appealed Special Tax Assessment for property at 865 UNIVERSITY AVENUE WEST. (File No. J2310E, Assessment No. 238315)

Sponsors: Balenger

Approve the assessment.

Chris Johnson, o/b/o Meineke, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: January 6, 2023 a Summary Abatement Order was issued, including the corner. Compliance date of 24 hours, rechecked January 9 and the work was not done. Work order was sent, by the time the crew got there they had made an attempt to resolve it. Cost is essentially a trip charge, total assessment of \$159.

Moermond: why are you appealing?

Johnson: that's more information than I was aware of before. This was an exceptionally hard year for ice. It was hard to keep the path clear. I spoke to a City crew about the sidewalk and its condition, he gave me the expectations of what was supposed to be done. I thought I met them. there was a path cleared, though it wasn't completely, until the ice was soft enough to clear down to the concrete. It was difficult to keep up with all the ice. I felt I did my best to keep it clear. It was the worst year I've had in 8 years. I wasn't aware of any excessive charge that could be assessed against me. I'm asking for that to be waived. I know the expectations; it was a difficult year.

Moermond: I am looking at a pathway that appears to be maybe 3 feet wide. Not sure if it is shoveled or not, it appears to be trampled by heavy foot traffic. So maybe not addressed or addressed frequently enough. I am seeing we had significant snow fall January 3 and 4, 15". 5 days after those 15 inches fell, we had compacted and thick snow and ice. The high temps between the 4th and the 9th were pretty high, 30, 19, 21, 35 and 22. All more than adequate for salt to work to loosen the snow and ice. I don't see any evidence of salting. I am not seeing any effort. It is hard, it is University Avenue. There is a lot of foot traffic. I can see the Green line right there. There was a lot of snow, but this was five days later. It isn't great. I'm leaning towards recommending approval. That is a lot of time to handle it.

Johnson: I hire someone who takes care of this sidewalk and Best Steak House as well. He couldn't even chop through the ice. He was saying the ice melt, more in December when it started, it was difficult to get through until later in January when we could finally break it up. I know I hired someone, he couldn't do it, we finally were able to get a bobcat to break it up.

Moermond: a lot of places did figure it out. In terms of December, the last week of December everything was above 20 degrees even some high 30's. I'm going to recommend approval, but the Council could really look at it differently than I do. For my piece I will recommend approval.

Referred to the City Council due back on 9/13/2023

- 14 [RLH TA 23-276](#) Ratifying the Appealed Special Tax Assessment for property at 2417 UNIVERSITY AVENUE WEST. (File No. J2310E, Assessment No. 238315)

Sponsors: Jalali

Layover to LH August 15, 2023 at 10 am (unable to reach Property Rep).

Voicemail left at 12:16 pm x6897: this is Marcia Moermond from St. Paul City Council calling Tim Jordan about your appealed tax assessment for 2417 University Avenue West. I'm sorry we are running late this morning and we had a time slot between 10 and 11:30, we'll continue this to August 15th and I'm sorry we are behind and we'll get you early on the calendar that day. Reach back to my team if that doesn't work, Mai Vang at 266-8585

Laid Over to the Legislative Hearings due back on 8/15/2023

- 15 **RLH TA 23-292** Ratifying the Appealed Special Tax Assessment for property at 863 JUNO AVENUE. (File No. J2310E, Assessment No. 238315)

Sponsors: Noecker

Reduce assessment from \$159 to \$75.

Referred to the City Council due back on 9/13/2023

Special Tax Assessments-ROLLS

- 16 **RLH AR 23-61** Ratifying the assessments for Collection of Vacant Building Registration fees billed during November 16 to February 22, 2023. (File No. VB2310, Assessment No. 238813)

Sponsors: Brendmoen

Referred to the City Council due back on 9/13/2023

- 17 **RLH AR 23-62** Ratifying the assessments for Securing and/or Emergency Boarding services during March 2023. (File No. J2310B, Assessment No. 238110)

Sponsors: Brendmoen

Referred to the City Council due back on 9/13/2023

- 18 **RLH AR 23-63** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during January 23 to March 3, 2023. (File No. CRT2309, Assessment No. 238208)

Sponsors: Brendmoen

Referred to the City Council due back on 9/13/2023

- 19 RLH AR 23-64** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during January 20 to February 17, 2023. (File No. J2310E, Assessment No. 238315)

Sponsors: Brendmoen

Referred to the City Council due back on 9/13/2023

- 20 RLH AR 23-65** Ratifying the assessments for Graffiti Removal services during January 27 to March 28, 2023. (File No. J2306P, Assessment No. 238405)

Sponsors: Brendmoen

Referred to the City Council due back on 9/13/2023

- 21 RLH AR 23-66** Ratifying the assessments for Removal of Dangerous and/or Diseased Tree(s) services during March 2023. (File No. 2307T, Assessment No. 239006)

Sponsors: Brendmoen

Referred to the City Council due back on 9/13/2023

- 22 RLH AR 23-67** Ratifying the assessments for Removal of Diseased and/or Dangerous Tree(s) services during March to April 2023. (File No. 2308T, Assessment No. 239007)

Sponsors: Brendmoen

Referred to the City Council due back on 9/13/2023

11:00 a.m. Hearings (NONE)

1:00 p.m. Hearings

Vacant Building Registrations

- 23 [RLH VBR 23-44](#)** Appeal of Taylor Swartwood to a Vacant Building Registration Requirement at 856 EUCLID STREET.

Sponsors: Prince

Layover to LH August 8, 2023 at 1 pm. Property to be reinspected Tuesday, August 8, 2023 at 9:30 am.

Taylor Swartwood, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a Fire Certificate of Occupancy with Inspector Thomas. The first appointment letter was mailed December 22, 2022 for an inspection January 17. We had a no entry then, a no entry February 3, and March 3, March 28, and April 19. We got in on May 12, a few deficiencies. No entry June and July, resulting in referral to the Vacant Building program for long-term noncompliance.

Staff report by Supervisor Matt Dornfeld: Inspector Hoffman made this a Category 2 Vacant Building July 12, 2023 per the Certificate of Occupancy revocation and referral. He states it appears occupied, toys in the yard, a Summary Abatement Order issued for garbage, but that is now in compliance.

Moermond: why are you appealing Mr. Swartwood?

Swartwood: we had a mail error when I got sick in December. My property owner box got cancelled. For several months no mail came. I was in contact with Thomas, he called and the tenants were there and he wouldn't go in without me. We walked the building on the next occasion, we did the repairs, and were ready for him. I spoke with him in emails about setting up a new inspection and then he just sent it to Vacant Building. James Thomas has a long-term act to grind with my father, James Swartwood. He really doesn't like him. I don't understand why when he had email and numbers for me, I was willing to fix the problems, but he seems dead set to find a way to harm me. I don't know—I am in compliance. We were working with them. He has walked through the building and issued orders. I was in contact with him. He did this behind my back. I talked to Leanna Shaff and begged forgiveness. Several thousand dollars because he has an axe to grind with my father is a lot of money. I have small children to feed. It would be easy to sink my boat, please don't do that.

Moermond: I see four appointment letters there was certainly an attempt to reach you at the address given.

Swartwood: and I appeared, I complied with orders. He is not being honest with you. I was in contact with James Thomas. Do you want the emails between me and Thomas showing I was in contact?

Moermond: I'm looking for an inspection.

Swartwood: the tenants were there for the inspection; they can tell you about it. It isn't vacant.

Moermond: Ms. Shaff, I do see orders issued May 12 to include interior items—

Swartwood: James Thomas has---

Moermond: please let me speak for a second. The May 12 orders include interior items, so interior access was given at that time. I'm not seeing any updates to that, the same items in those orders are the ones in the June 27th orders.

Shaff: that is what I am seeing.

Moermond: with respect to communications between Mr. Swartwood and Mr. Thomas, I see a couple of notes in the file here. I imagine you may have better notes.

Shaff: I see one note.

Swartwood: that inspector has a lot of complaints against him. I have my father here with me.

Shaff: the note is dated May 12 and it does say spoke with owner, says he's having health problems, paid his box fee after some mail. Says a reinspection February 14, not sure what that is about. It doesn't coincide with any of the dates.

Swartwood: it isn't what he says it is.

Moermond: do you want to provide those emails? They weren't submitted with the appeal.

Swartwood: how would I do that? I've never done an appeal, my father had to take me by the hand on this.

Moermond: they would be emailed into our office.

Swartwood: I can look for them in Outlook.

Moermond: the bottom line is the inspection needs to be completed and the items checked off. It has been long enough the inspector was punting on it. I am not seeing by looking at the paperwork there is anything untoward going on here. I see letters with clear dates and expectations. I hear you didn't pay your property owner box fee. That is the address provided to Ramsey County taxation and the Certificate of Occupancy program as the contact. You're not providing the accurate information and not getting the letters is on you.

Swartwood: he was in contact with me by email and phone. I remedied the problem with the P.O. box but for several months after that no mail was showing up. I'm not a government employee, I can't solve those problems. I do have email and a phone and do respond. I did make the repairs requested. He has a long history of being out to get my father, and one way to get someone is to go after their kid.

Shaff: Mr. Swartwood, when you and I spoke about this I was clear the issue was on you for not showing up or getting your mail. You stated you understood.

Swartwood: I showed up. James Thomas could have gone in on another one of those inspections, he refused to go in without me being there even though the tenant would have let him in. That is strange. I don't have to be there. He refused to do his job unless I was there. Why? This is a man with an axe to grind. May I have a different inspector, someone who doesn't hate my father. No one in the landlord community likes this guy.

Shaff: that isn't a true statement.

Swartwood: you don't hear anyone singing his praises.

Shaff: I do actually.

Moermond: we can stop this reputation stuff; we don't need to go there. We are talking about facts about this particular building—

Swartwood: I have this email; he could have told me he was doing this—

Moermond: if you want to have a hearing you better let me talk, instead of talking over me. I'm kind of over that. You need that Certificate of Occupancy inspection signed off to keep out of the Vacant Building program. Right now, your inspector is James Thomas, Ms. Shaff is his supervisor, AJ Neis is the manager of the division. I can't give you a different inspector. That's the structure over there—

Swartwood: I'll bring someone to supervise him to make sure he behaves himself.

Moermond: you'd have to show up there too. I'd like to give Mr. Swartwood one chance to get this scheduled and signed off on. Can we get it scheduled right now so we are all on the same page.

Shaff: you stated all the work is completed? Is that correct?

Swartwood: as far as I know—the tenants are still in there.

Shaff: the list you were given—

Swartwood: that list is completed.

Shaff: and you've been though the building to make sure all the life-safety issues were done?

Swartwood: I think the tenants may have broken the windows.

Shaff: is that done?

Swartwood: no, I drove by recently.

Shaff: so it isn't finished?

Swartwood: I will finish it within a week. Even less than that.

Shaff: Can we continue this to next Tuesday? And he needs to be there at 9:30 next Tuesday morning. I will meet him there. I won't be sending a letter.

Moermond: we will include that in our follow up letter we send out on Friday August 4. That inspection is Tuesday, August 8 and 9:30 am. I would encourage you to be there 15 minutes early and do a walkthrough prior to make sure all standard things are addressed from smoke and carbons to windows and screens. Let's get this off your plate.

Laid Over to the Legislative Hearings due back on 8/8/2023

24 [RLH VBR 23-46](#) Appeal of Ashley DuBose to a Vacant Building Registration Renewal Notice at 619 MENDOTA STREET.

Sponsors: Prince

Layover to LH August 8, 2023 at 1 pm (unable to reach property rep).

Voicemail left at 1:31 pm: this is Marcia Moermond from St. Paul City Council calling you about your appeal of the Vacant Building registration fee for 619 Mendota Street. We will try you back in 15 to 30 minutes.

Voicemail left at 1:51 pm: this is Marcia Moermond from St. Paul City Council trying to reach you again about your appeal for Vacant Building registration 619 Mendota Street. I'll continue this case to next Tuesday afternoon between 1:00 and 3:00. You'll get an email confirmation on Friday of this.

Laid Over to the Legislative Hearings due back on 8/8/2023

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

- 25 **RLH VO 23-16** Appeal of Monica Mogren to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1604 MARGARET STREET.

Sponsors: Prince

Grant the appeal as property is not a C of O building.

Monica Mogren, owner, appeared

Moermond: we're touching base on where things are at with this property. Checking and saw you have a TISH done May 31, 2023. Wondering where you are at with selling it and so on. You said you were fixing to sell and we were balancing the whole thing with having a Certificate of Occupancy and its necessity if you were selling to an owner occupant.

Mogren: I did put it on the market and then we received three inspections from potential buyers. Five people with over full price offers. But every time they inspect they highlight something, like mold on insulation in the attic where we couldn't get. Now we have it off the market and have contracted a professional mold company, cut a hole through the drywall to remove any potential mold and replace it. Then it will go back on the market. Prior to that some inspector found dry rot in the dormers, so replaced those completely and put it back on the market. We are committed to selling this house in a state that is absolutely safe to purchase. It has been quite some time, we've had it off the market for 5 weeks, and on the market since the end of May.

Moermond: you're close to putting it back on again?

Mogren: the mold remediation people come August 15; they say it will take 2 days.

Moermond: I only had to look at whether you needed to go to the Vacant Building program. Looking at the TISH report, it certainly doesn't appear to be in bad shape.

Shaff: nothing gives me heartburn. Outlets near the sink that need to be rewired.

Mogren: those were redone. I encourage anyone to come visit the house and look at anything you want. It has come a long way since last fall. It is absolutely beautiful. It is so gratifying. It was way under rented. We rented to a Latino family for \$800 for months forever.

Moermond: you don't need a Certificate of Occupancy moving forward. I'm going to simply say you don't need it and there is no reason to send to the Vacant Building program unless there is a problem like it gets broken into along the way. We don't

have that going on right now. Ms. Shaff, can you categorize this somehow in the system that it doesn't need a certificate?

Shaff: our system is limited.

Moermond: we'll have a resolution granting the appeal and releasing the property from the Certificate of Occupancy program. That can be attached to your record and have it be not a Certificate of Occupancy building for the moment.

Referred to the City Council due back on 8/16/2023

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 26 [RLH FCO 23-59](#) Appeal of Susan Dunlop to a Fire Inspection Correction Notice at 631 SNELLING AVENUE SOUTH.

Sponsors: Tolbert

Layover to LH August 22, 2023 at 2 pm for further discussion.

Susan Dunlop, o/b/o Joan's in the Park, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Jim Perucca: The Certificate of Occupancy inspection started June 30, 2023 by Inspector Huseby. She did find about 10 deficiencies throughout the building. One has been addressed that I'm aware of. Some of the deficiencies pertain to repairs for roof, which didn't have a permit, now one has been pulled as of July 26. A leaking interior pipe by the water meter, which may be the responsibility of Saint Paul Regional Water Service (SPRWS). We need the annual fire extinguisher maintenance done. There are a few items in the kitchen of concern. It is more of the type of equipment being used, along with what food items are being prepared and having the proper types of ventilation and makeup air to properly remove heat and grease laden vapors from the building. A couple of those orders are directed toward the kitchen hood ventilation system. There is an order regarding permits for an AC mini-split unit that would appear to have been installed July 2019 that permits were never closed, neither mechanical nor electrical inspection. We do have some structural issues with an exterior south-side wall, some gaps in the wall. It was pulling away from the other walls. Making sure the building is not in danger of further deterioration, asking for an engineering analysis to determine if there are issues and if there are what may be needed to address those concerns. Also removing ceiling tiles that have been damaged by either water intrusion near the wait station and also tiles collecting deposits of grease materials in the kitchen. We do need to have the existing commercial hood system cleaned and there was concern about some material on the patio walls, a roof cover and curtain between wait station and bar that needed the correct flame spread treatment and rating.

Moermond: it looks like the building permit has been pulled on the roof, you touched on that. Can you expand on the impact on your order?

Perucca: the correction reads "no building permit was pulled". As of July 26, the building permit for a roof tear off, rubber mill install poly and metal cap has been

applied for and issued.

Moermond: and number two we can address easily. To be clear, that means the City is incurring the cost of the water that is leaking because it hasn't passed through the meter, but there does need to be a repair made. Would you like us to make the call to have the repair people, do you want the contact information?

Dunlop: I'd love for you to have someone come out.

Moermond: we will reach out to the supervisor for that area at SPRWS, Joe Tronson, not a problem. Mr. Perucca, I think we have a citation that needs to be corrected. I know we have a Code problem listed in item 7, but I think the Code reference is incorrect. It is out of date. It lists St. Paul Legislative Code § 417.08. It is actually related to a parking garage; I think there may be a more pertinent section. It doesn't discount the structural issue; we just need the correct code.

Perucca: absolutely.

Moermond: I have the record from our last conversation and think I know where you are going. Where are you at, and what are you looking for today?

Dunlop: everything other than the fire suppression and makeup air, everything else are things we can and will take care of. The structure and the crack that is on Bayard. The sidewalk is pitched toward my building, which causes water to go under my building and the back part with the kitchen is an addition on a slab. The other part has a basement. We have called the City numerous times to fix the sidewalk. As soon as I saw the crack in the building I saw it. It was winter and they said there was nothing they could do until the snow is gone. Joan made these calls. They had to take care of potholes until the sidewalk is corrected, that's what they said when we called again this spring. I don't want to fix anything until the cause of it is fixed.

The first picture I dropped off is taken from the service station into my kitchen. I have three induction burners on the far wall and one to the left when you walk in the kitchen. When we bought 12 years ago we painted the ceiling. Two different paints were used, it is kind of white, so what looks like grease build up is the paint age differing. I'm not saying there is no grease, it isn't as bad as it looks. Where the induction burners are is where it is white. As we talked in 2016, there is no open flame. The hottest it ever gets above the oven, in that hood area, is 150 degrees. It is about six feet of space. I think this is made into a much bigger—there are better things we could be spending our time on. I included a copy of our menu. We have a course menu. We bake the bread in the oven. The only other thing in the oven is a filet, rack of lamb, and a fish. We also have a copy of our reports. We feed 30 people a day. We don't have huge volumes of food. I get we're the only restaurant in St. Paul with this system and you want everyone on the same page, but you're asking me to spend \$102,000 that I just don't have. That is the quote I received.

Moermond: I'm struggling with the paint situation. I can see where the inspector is coming from. I hear what you are saying. It makes sense both ways.

Dunlop: I can do a new ceiling, but I can't do that until the building gets fixed, and I can't fix the building until that sidewalk gets fixed. One thing that strikes me is that it is a suspended ceiling. Could you do new tiles?

Dunlop: I could, but the framework is original and it is rusty. I could, it would be temporary. When we called our contractor in February we had Niagara Falls coming in. Where the building is sinking, that's where the rubber was coming away from the side

of the building, where it was leaking. He thought he pulled a permit; he charged us for it. Part of the problem is the sidewalk, we need to get that shored up.

Moermond: I understand what you're saying, but I don't see any photos of the sidewalk.

Dunlop: Laura took photos of the sidewalk when she was there.

Moermond: she did? I'll look more carefully. Oh yes, I see that.

Dunlop: you can see where it pitches down. It is on a slab.

Moermond: it does look like some temporary fix will need to be put in there and maybe a temporary fix if we can't get a new tile put in there. I understand the Public Works piece. You have a request in with them.

Dunlop: since February we've been asking. No one has even been to look at it.

Moermond: and you have an engineer?

Dunlop: no engineer. I've been trying to find someone. I've reached out but no one will inspect and say what they think. They want a description of the work to be done but I don't know what that work is. As far as the fire extinguishers, they're done. The hood cleaning is being done tonight. I had a hard time finding someone to do that too.

Moermond: I need to find out more from Public Works to find out their schedule to put together a decent plan on how to move forward and schedule out some of these repairs. I would like to consult with the mechanical inspector. I look at the ceiling it is kind of like, some of the photos even you provided, where the caramel-colored paint has speckled, is that due to heat and grease? I don't know.

Dunlop: that is from water damage. I am not proud of that ceiling. But it isn't because of grease buildup.

Moermond: we have to pull the threads apart on this situation. Things are not going to get worse or better in the next few weeks, I think we can take the time to talk to Public Works. Give me a chance to talk to the mechanical inspector, find out the correct code citation for the structural piece. We'll reach out to the SPRWS folks. When can they reasonably go out?

Dunlop: I can be there almost any time. We're open Wednesday through Saturday, but I'm there Monday and Tuesday doing things. I can be available any time.

Moermond: when do you arrive typically?

Dunlop: the days were open someone is there at 8 am until 11 pm.

Moermond: we'll let them know that and they'll contact you to figure out a time.

Dunlop: I have an email from Ross Currier. He's helping us get a STAR Grant.

Moermond: we can copy him on our correspondence. We'll figure out a path forward. Last, around the roof leaks, were temporary repairs done? Is it obvious where that was done?

Dunlop: I don't know. You can see inside, but we had the whole roof replace.

Moermond: oh, of course.

Dunlop: you can see it from the bottom.

Moermond: got it. I will look into this more deeply and see if we can't take things forward another couple of steps to get this solved. We'll talk in 3 weeks.

Laid Over to the Legislative Hearings due back on 8/22/2023