



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, August 15, 2023

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 23-296](#) Ratifying the Appealed Special Tax Assessment for property at 381 FRY STREET. (File No. J2324A, Assessment No. 238531) (Public hearing continued to October 11, 2023)

Sponsors: Jalali

Reduce assessment from \$562 to \$100 and continue PH to October 11, 2023. If no same or similar violations, delete the assessment.

Shukfri Sheik, interpreter, appeared
Halima Yussuf, tenant, appeared via phone
Mohamed Amin Omar, son of tenant, appeared via phone

Moermond: is she able to hear the hearing Mr. Omar?

Omar: yes.

Moermond: we also have an interpreter here, who will introduce herself. You have appealed a special tax assessment for a cleanup that happened on April 26th. That's what we're talking about today.

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: March 29, 2023 a Summary Abatement Order was issued to occupant and owner at 381 Fry Street to remove mattress and the scattered trash from the yard by April 6, it was not done. Work was done April 26 for a total assessment of \$562.

Moermond: I did receive photo you took April 3 and some text messages. Notably, it doesn't show the area along the chain-link fence where the crew picked up the items. Why are you appealing?

Yussuf: I have some health conditions so my son does everything for me. He handled it, so talk to him now.

Moermond: and I want to make sure you are aware of the proceedings and can comment. I believe you are the primary tenant?

Yussuf: yes, I'm sitting right by him.

Moermond: I'll turn it over to you then Mr. Omar.

Omar: we got the notice and the pictures we were given by the landlord, on the 29th. The day we got it we were talking to the landlord and we went outside the same day and cleaned it up from the morning to the afternoon. I even watched the videos you took. The video showed you only cleaned up whatever was in front of the garage. N one went into the fence and cleaned up the mattress, it was already removed and in our garage.

Moermond: that is correct, the mattress was already removed. The question then becomes the other items listed in the order. The scattered trash and garbage in the yard. The question in front of me is whether the action you took was a good faith effort to address the items in the order. I think that an earnest effort was made to address the items, but there were still items left for the Parks crew to clean up.

Omar: the other thing is the video shows you cleaned it up on the 26th and we got warning on the 29th and the landlord gave us the papers on the 3rd. We had three days to clean it up. We did what we could. From the pictures to the cleanup was 29 days. You cleaned in front of the garage and told us we didn't clean anything.

Moermond: you are correct that there was some length of time between when the orders were issued, the deadline, and the crew going out. the items in the photos look very settled, but largely the items in the orders were addressed, but it is hard to say if the trash existed or was new to the location.

Martin: it is always hard to tell in situations like this what was addressed and what wasn't with items like this.

Moermond: the photo taken shows no trash on the ground, but the video does. It seems it came between the two and was new. Any comments on that Mr. Omar?

Omar: we complied on our side on. I made sure to take a photos. You didn't warn us about the front of the garage. It was already clear; I took a picture just in case anything comes up. I took one of the whole back yard.

Moermond: I do have that, yes. It does look like you took care of the items on the march 29 deadline on time. What I don't have confirmation of, looking at your photo, is the items stacked up against the chain-link fence was removed or not. Everything else is how you state for sure. The fact there were snow and ice on the items on the April 13 photo makes me think they had been there a while. As tenants I think this has been a learning experience for you and it isn't likely to repeat itself. I think the items collected were mostly items that had come new to the property in that time period and weren't in the original orders. I'm going to recommend two things, I'll ask the Council to reduce the assessment from \$562 to \$100. Then if there aren't any violations between your Council Public Hearing on August 23 and October 11, it will be deleted entirely. We can send an email to both you and the property manager.

Omar: what are the violations that will make it not be deleted. If its clean by the fence it will be deleted?

Moermond: what I mean by no future violations is that there aren't any complaints that come in on the property that are valid between now and October 11. A valid complaint would be tall grass that hasn't been mowed, garbage bags in the yard, those kinds of things. If there's nothing like that, everything is maintained, it will be deleted entirely. That's from this point through October 11, nothing having to do with what already happened.

Referred to the City Council due back on 8/23/2023

- 2 [RLH TA 23-301](#) Ratifying the Appealed Special Tax Assessment for property at 110 MANITOBA AVENUE. (File No. J2326A, Assessment No. 238534)

Sponsors: Balenger

Layover to LH September 5, 2023 at 9 am (no contact number for appellant).

Moermond: we did receive information that Gilmer Leon Rivera wanted to appeal but we don't have a phone number to call. Email was sent on August 10th containing the packet and videos for today's hearing and asking for a number to call. We'll lay this over 3 weeks, September 5 and hopefully by then we'll have received a phone number.

Laid Over to the Legislative Hearings due back on 9/5/2023

- 3 **RLH TA 23-294** Ratifying the Appealed Special Tax Assessment for property at 344 UNIVERSITY AVENUE WEST. (File No. J2310E, Assessment No. 238315)

Sponsors: Balenger

Delete the assessment, snow and ice determined to be on adjacent parcel.

Robert Haliburton, Spielman Mortuary, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: orders sent January 10, 2023 to remove snow and ice from public sidewalk. 24 hours compliance. We rechecked January 12. Took photos. No salt or sand, and the driveway was plowed so it blocked the sidewalk. You can see further down the street the sidewalks were clear down to the pavement. We did send a crew, but it was done by the time they got there. This is a trip charge.

Haliburton: that property belongs to 320 University Avenue.

Moermond: let's get an aerial, Ms. Martin, and eyes on the property and report back. We'll plan on talking September 5. If we do get confirmation we'll just send that to you and say the matter is resolved.

Martin: there was a work order sent for 320. The orders do say specifically it was the curb cuts not clear and blocking sidewalk. It would be at the corner.

Moermond: I don't have a photo of that. I have a photo looking in the opposite direction, unless it was taken from the corner, this is the photo dated January 13. Not sure what to make of that in terms of documenting. I'll take a look at the aerial map. We'll get back to you on that, and we'll have a hearing if necessary.

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

4 RLH TA 23-303 Ratifying the Appealed Special Tax Assessment for property at 879 RICE STREET. (File No. J2326A, Assessment No. 238534)

Sponsors: Balenger

Delete the assessment.

Nou Vang, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: a Summary Abatement Order was issued May 16, 2023 to occupant and owner to remove and dispose of the construction debris and trash behind the building. Compliance date of May 23, reinspected that day. The work wasn't done. The work was done May 30, 2023 for a total assessment of \$478. There is a history at this property, work order for garbage on June 15, 2023, October 6 tall grass and weeds, no action. March of 2022 graffiti, but waiver is one file. I did see a permit applied for remodel and under review, so it was never pulled.

Moermond: reviewing the video I saw a pallet or two at the base of the stairs and the rest was removed, but still some sheetrock on the deck level. Is that consistent with your observations?

Martin: yes.

Moermond: so mostly gone and good faith effort to address. Why are you appealing Mr. Vang?

Vang: that's what I saw. It is a bar, so when I bought it I tried to complain. We're converting it to an office. We've been cleaning it up. Some of the stuff was ours, but when we got the notice we did clean it up. Some of the sheetrock we were going to put back but when we came it was gone, we thought someone took it. We complied and cleaned it up. We didn't know that putting things on the stairs wasn't allowed, it didn't say the stairs had to be cleaned in the orders. It is confusing.

Moermond: I can see what you mean about the deck. That was something the crew took. You did make a good faith effort; I would just take note about maintaining the property. The City doesn't want to have to write orders to keep it cleaned up. That's the takeaway today. I'm going to agree that I think this order was addressed and it wasn't clear the order included the sheetrock on the stair level. At least not explicit enough that you understood it, a reasonable person would think you addressed it. I'll recommend this is deleted.

Vang: I do go by almost every day, but we want to move in there and then we'll be seeing things every day. We do our best.

Referred to the City Council due back on 9/27/2023

10:00 a.m. Hearings

Special Tax Assessments

- 5 **RLH TA 23-5** Ratifying the Appealed Special Tax Assessment for property at 199 DUKE STREET. (File No. J2308A, Assessment No. 238507) (To refer back to August 15 Legislative Hearing, 2023; Public hearing continued to October 4, 2023)

Sponsors: Noecker

Delete the assessment.

No one appeared

Moermond: Any other violations on this one?

Martin: no.

Moermond: so no same or similar violations, so this will be recommended for deletion in full.

Referred to the City Council due back on 10/4/2023

- 8 **RLH TA 23-293** Ratifying the Appealed Special Tax Assessment for property at 1062 SEVENTH STREET WEST. (File No. J2310E, Assessment No. 238315)

Sponsors: Noecker

Reduce assessment from \$159 to \$80.

Darin Beseman, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: this is an Excessive Consumption fee for orders sent on January 27, 2023 to remove snow and ice from the public sidewalk.

Compliance date of 24 hours. Rechecked January 31, found packed snow and ice on sidewalk, including ramps, not full width. No salt or sand. By the time the crew went out February 12, it was done by the owner. This is essentially a trip charge for the cost of deploying the crew, total assessment of \$159.

Moermond: looking at the snowfall chart I have the snowfall preceding January 27th we're looking at snow January 19, 3.5" and January 25, .7", and January 27, 2.2". That's the snowfall we're probably talking about.

Beseman: the problem lies in the fact that we don't live there and it is a rental. No one was living there at the time. By the time we got the notice, I went in there on Saturday or Sunday. The other problem is that corner is where all the plows down West 7th leave a massive amount of snow. It was cleared by the time they got there, as she said. My truck broke the time before that, that's why we paid \$126 the week or two before.

Moermond: what you need to do then is reach out to Ramsey County property taxes about what address is on record with them. The City pulls their information on owner and address from them, since they can result in a tax assessment. Reach out to them. What is hard for me is we got like 6.5" between the 19th and 31st and I can't tell looking at the photo. I see a fair bit of compact snow and ice and I don't know—January 12, 2023, there was an order—you took care of it.

Beseman: I have been trying to stay on top of it. I did have to pay a fine for that. Neither time did the City do anything but drive by and take a photo. I don't know why I was charged when they only took a photo.

Moermond: Ms. Martin, you have an inspector going out four days after orders were issued. Then the inspector goes out again two weeks later and finds it done. Was the second trip because you would send a work order if it wasn't done? What's going on with that.

Martin: the crew went out February 12 and did the PAEC. Again, we have an address on 396 Fulton-

Beseman: that is the right address.

Martin: orders did go there as well. It is a requirement in St. Paul it has to be done within 24 hours.

Beseman: but if you remember the plows didn't come within 24 hours, so then they plowed after I had shoveled.

Moermond: the plows ran and ran and ran. When I look at the packed snow and ice there is a winder area in the boulevard that accounts for throw from the plows. Definitely not clearance in the other area. I can see reducing it, but it isn't done enough. I'll cut this in half, down to \$80. It was there for long enough there was an impact. The Council could look at it differently than I do.

Beseman: I would do \$60 because they didn't do anything.

Moermond: they sent out their trucks to take care of it. I'll recommend that reduction to \$80 and not negotiate further.

Beseman: that's fine.

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

- 7 [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 September 5, 2023 at 10 am (by request of PO) .

Tim Jordan, owner, appeared via phone

Jordan: I didn't think it would be today, I don't have my paperwork in front of me.

Moermond: we left a couple messages on August 1. If you'd like to have a conversation here September 5, we can do that.

Jordan: okay.

Moermond: put it in your calendar, September 5, same time slot between 10 and 11:30 to discuss this assessment.

Laid Over to the Legislative Hearings due back on 9/5/2023

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

Sponsors: Balenger

Reduce assessment from \$159 to \$79.50.

No one appeared

Voicemail left at 10:42 am: this is Marcia Moermond from St. Paul City Council calling you about your appealed Special tax assessment for 817 Marshall, an Excessive Consumption. We called August 1 on the same thing. I'm going to recommend this is reduced by half. That's what they did with the previous assessments. September 13 when they consider that I will have it reduced to \$79.50.

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

Special Tax Assessments-ROLLS

- 9 RLH AR 23-54** Ratifying the assessments for Graffiti Removal services during January 3 to 12, 2023. (File No. J2305P, Assessment No. 238404) (To be referred back to August 15, 2023 Legislative Hearing)

Sponsors: Brendmoen

Referred to the City Council due back on 9/27/2023

- 10 RLH AR 23-68** Ratifying the assessments for Property Clean Up services during May 12 to 30, 2023. (File No. J2326A, Assessment No. 238534)

Sponsors: Brendmoen

Referred to the City Council due back on 9/27/2023

- 11 RLH AR 23-69** Ratifying the assessments for Equipment and Labor for Clean Up services during January to May 2023. (File No. J2328A, Assessment No. 238537)

Sponsors: Brendmoen

Referred to the City Council due back on 9/27/2023

- 12 RLH AR 23-70** Ratifying the assessments for Tree Removal service from January 2023. (File No. J2329A, Assessment No. 238538)

Sponsors: Brendmoen

Referred to the City Council due back on 9/27/2023

1:00 p.m. Hearings

Vacant Building Registrations

- 13 [RLH VBR 23-48](#) Appeal of My Lam, CTW Group Incorporated, to a Vacant Building Registration Requirement at 945 CONWAY STREET.

Sponsors: Prince

Layover to LH September 5, 2023 for update after full fire inspection of building. PO to submit work plan for completing repairs and proof of financing for executing repairs by COB September 1, 2023.

My Lam, CTW Group Incorporated, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Mitch Imbertson: residential duplex in the Certificate of Occupancy program. The initial inspection was March 2023 and only the lower unit and a report with 12 corrections was made, including needing access to the upper unit. A couple of reinspections made in April and May with minimal progress. In May we were told it was being sold. On the June 6 reinspection it went to pending revocation, notice for tenant to vacate unless property is in compliance by reinspection date. Ultimately the work wasn't done and the property was referred to the Vacant Building program in July since the work was still not done and unable to approve the Certificate of Occupancy.

Staff report by Supervisor Matt Dornfeld: Hoffman opened a Category 1 Vacant Building July 28, 2023 per that revocation referral. August 11, 2023 Inspector Hoffman did note it appeared vacant and was secured and maintained.

Moermond: why are you appealing Mr. Lam?

Lam: the March and April inspections we weren't aware of. We are new owners and closed the first week of June. Those orders were undisclosed to us from the seller. I had no opportunity to address it. With section 8 tenants there was a lot going on. Our intention is to repair to a safe building. In the future retain that Certificate of Occupancy to sell later down the road. That's my position on it.

Moermond: is the property occupied now?

Lam: yes, it is occupied.

Moermond: both of the units?

Lam: the main unit is occupied. The upper unit we have notices to vacate, we may have to file an eviction to get possession. We are assuming both units are occupied.

Moermond: you don't know for sure?

Lam: the bottom is. Top is vacant but we have to assume it is occupied because they haven't given notice they have vacated or responded to us.

Moermond: the orders not being disclosed isn't a City problem. The seller should have disclosed that. I'm surprised, but it does happen. Did you reach out to them?

Lam: they were trying to sell it really fast and move up the closing date, this was probably why. At the end of the day, we have to deal with it. I don't know what it would resolve at this point. I don't think it would solve today's issues.

Moermond: I was just curious if you tried to talk to them about the disclosure issues but it sounds like you haven't. Did you do a walkthrough of the building before you bought it?

Lam: I was unable to get through.

Moermond: did you look at the TISH report?

Lam: all we got was the TISH, but that didn't include the inspections. That wasn't on the MLS.

Moermond: it wouldn't have been. You closed on May 25 according to Ramsey County. Then we had the revocation and another letter in July. You didn't appeal the July 27th letter, why is that?

Lam: I didn't get that letter until I called in to Inspector Thomas. I wasn't appealing the fact because we are going to do the repairs. I didn't feel like I needed to appeal that since I already agreed to fix it up.

Moermond: the letter says it needs to be vacated unless repairs are done or you appeal, and you didn't appeal. I'm trying to figure out if you're really at the table to do this, or did it take the vacant building fee to get you to this table. Do you have a repair plan?

Lam: I've had people there working on it. We changed the door jams and cleared stuff from the yard. I can provide pictures and work orders to show good faith we are looking to repair it.

Moermond: and in terms of providing access to inspectors to all areas of the building?

Lam: no problem with that. Thomas did email me around July 4 and I wasn't in a position to do an inspection with the short notice to tenants, and replied with a different time. I didn't get a response to that email. But I did get notice he did show up to the property.

Moermond: a June 6 letter that was sent to you with a July 3 inspection, and you're saying around July 4 you told him you couldn't meet him there?

Lam: he emailed me July 3 to schedule for July 6th at 2 pm. We weren't in town that week. I asked him to choose a different time.

Imbertson: that may have been a call to check on a missed appointment, or a reminder of the appointment. The June 6 letter scheduled that inspection.

Lam: no there was an email. [reads email stating it was changed to July 6]. I responded July 5 at 8 am. I didn't realize there was an inspection scheduled, can we get more time to let our tenants know and get you in both units, and got no response.

Moermond: I do see a letter July 13 scheduling for July 26. Did you show up for that

inspection?

Lam: I didn't. I wasn't anticipating that.

Moermond: I am looking at a letter right now that states 2 pm July 26. You weren't aware?

Lam: no, I would have been prepared and made my tenants aware.

Moermond: I'm struggling to be helpful here.

Imbertson: there was a June 6 letter that appears to be sent to the current owners, so setting aside any discrepancy of dates of inspection they did have a list of items that needed repair. So the conversation doesn't explain not having the work completed or property vacated.

Moermond: how can I trust you will get this work done very quickly? How will you demonstrate that?

Lam: can I get a chance to demonstrate that?

Moermond: I would love to know besides a random picture, a work plan and evidence you have the money to do the work. I'm also looking at this TISH report with some hazardous items, so I hope the work includes that kind of thing as well. Can you do that? Work plan and evidence of money to execute it.

Lam: I don't intent to buy a property I don't have the money to fix. What does a work plan mean to you. Groundwork?

Moermond: the tasks that need to be undertaken, who will do the work, pulling permits if necessary, money to pay any contractors and deadlines when things will be done. I would expect that you would need to have a more thorough inspection by Mr. Thomas before you can lock in a real work plan since he hasn't had access to the whole building. That needs to be step one. I imagine in your head you've thought through these things but I need you to reduce it to writing. Step one is getting Mr. Thomas to do that walkthrough and have access to the entire building. Can you make that happen?

Lam: I can, he just needs to schedule with me and not just show up.

Moermond: I'm over that when I see letters with appointment times and that you didn't show. Blaming him, I'm over that. Mr. Imbertson, can you schedule him?

Imbertson: if he can call Inspector Thomas tomorrow morning to set up a time for that, when he is in the office.

Moermond: call him before 9 am tomorrow morning?

Imbertson: it depends on how quickly we are trying to do this.

Moermond: it was ordered vacated a long time ago. We're already in overtime. Are the folks in the first unit the Section 8 folks?

Lam: second level. The main level she has support from a program.

Moermond: we just have obligation on copying people, we don't need to worry about it for this then. Call Mr. Thomas and get that inspection, I'd love it if he could get out there in the next week?

Lam: I thought we had an appointment the 22nd?

Moermond: supposed to be empty on August 22, that's what that is. He sent you to the Vacant Building program. We need that inspection by the 29th so Mr. Lam has a chance to put together the plan. We'll talk on September 5. Get that plan to us by close of business September 1.

Laid Over to the Legislative Hearings due back on 9/5/2023

**14 RLH VBR
23-49**

Appeal of Julin Moua to a Vacant Building Registration Requirement at 1139 ROSS AVENUE.

Sponsors: Yang

Grant to October 1, 2023 to have receive Fire C of O certificate (not provisional), or property will remain in the VB program.

Julin Moua, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: Code Enforcement received a neighborhood complaint about the house being vacant, garage door was off its framing. Garage was filled with garbage and refuse that spilled into the driveway and backyard. Code Enforcement responded to that complaint, they deemed the house to appear to be vacant at time of their inspection. They transferred it to the Vacant Building department and noted in 2019 this property had been condemned due to lack of water service. From their findings the water was restored in 2019 a month later, which is why it didn't go into the program then. I did call the water department yesterday and it is current and has usage. No water issues. When I went out, it appeared vacant to me. No one answered the door, garbage everywhere, garage still off the frame. They are in the file for your viewing pleasure. I made it a Category 2 Vacant Building. Four sets of eyeballs on it saw it being vacant. If it isn't vacant, we aren't showing owner occupancy in Ramsey County property tax records, and it doesn't have a rental license on file.

Moermond: Ms. Moua, what is going on?

Moua: I had no idea about the water in 2019, we bought after that. We bought it and in the past 2 years we rented it, we do have a family living there. Maybe they don't take care of the property well. They have the garage issues and when we gave the abatement orders on the 31 of July, we went there and told the tenant and they did clean it up by the fence. The tenant is moving out because they are moving out. it is a single mom with small kids, she is very slow and has a lot of stuff in the backyard. They are loading their stuff from the house to the backyard to the U-Haul. August 31 when we get the abatement order we could just clean outside the fence in front of the garage, then close the garage door. The stuff inside the yard we can't touch because it belongs to the family. They have been moving for two weeks. They were done around August 5 or 6. They're moving stuff to the U-Haul and moving out of the property.

Moermond: it is hard to explain how little sympathy I have for you on this. You bought

in January 2020. The name of your company 10th Rental Housing, LLC. You are obviously a company that acts as a rental agency and yet for 3.5 years you've gone without having a Fire Certificate of Occupancy required for all rental property in the City. Ignoring all law and regulation doesn't set you up for exceptions at this point. You name your business that but act differently than that completely. It looks like you're trying to get out from regulation to maintain decent housing when you do that.

Moua: how do I do that? I know for some properties they have come out and inspected and got a certificate.

Moermond: you're just making your hole worse.

Moua: no when the City inspects they send a letter and I know that they come.

Moermond: the City has to take responsibility to send you a letter but you never looked, as a responsible landlord, that you need a Certificate of Occupancy. I don't believe you. With respect to the yard, you're saying you have no responsibility at all. Have you considered getting a small dumpster out there so tenants can put their things in that? I see garbage bags, torn open, a total mess all over the place. That isn't acceptable. You haven't done the things you could do as a property owner. The City can go in and clean this up and charge you for it.

Moua: it is all cleaned up. After they moved out I cleaned it up. No trash.

Moermond: what do you think you'll do in terms of re-renting the property?

Moua: if you say we have to do the certificate I'll look to see how to apply for that.

Moermond: that will be sent to you at the email address you provided in your appeal. You cannot rent the property until you have your Certificate of Occupancy. Not your provisional, we need an actual certificate of occupancy. Work with Fire inspections to do that. you need that to stay out of the program. I will give you to October 1 to get your Certificate of Occupancy or you are in the Vacant Building program.

Referred to the City Council due back on 9/6/2023

**15 RLH VBR
23-45**

Appeal of William Nichols to a Vacant Building Registration Fee Warning Letter at 1752 SCHEFFER AVENUE.

Sponsors: Tolbert

Grant the appeal and release the property from the VB program.

William Nichols, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Mitch Imbertson: this is a one-unit property in the Fire Certificate of Occupancy program. An initial inspection was done in 2019, a report was issued with 35 items. The file was never approved but wasn't referred to Vacant Building monitoring. The inspector had left the City and the file wasn't properly transferred, so nothing happened for a while. We set that up for a new inspection November of 2022. Due to the length of time we started fresh with a new inspection and we found it to be unoccupied and being remodeling. We revoked the Certificate of Occupancy and monitored building permits, it was monitored for 6 months in the

Certificate of Occupancy program and then referred to Code for Vacant Building monitoring. No progress on permit sign offs.

Moermond: permits were pulled but not finalized?

Imbertson: extensive remodel and they are still open and work is ongoing.

Staff report by Supervisor Matt Dornfeld: June 11, 2023 this was made a Category 2 Vacant Building per the revocation referral. I was out at the property and took photos. Appears to be a full remodel job. There are open permits from 2022. I did speak to the property owner on the phone and advised him to file this appeal.

Moermond: what is going on Mr. Nichols?

Nichols: I'd like to not be in the Vacant Building program. It seems redundant to me. Anything the vacant housing people would want done will get done. It is getting a complete rehab, inside and out. That's all new mechanical. New roof. Tuckpointing. New front porch. Seems redundant to have multiple entities inspecting it, though I don't care. Though I don't want to write a check for 2500 for the benefit of having more inspectors in, and I don't see what the point is in having it duplicated. I am a remodeling contractor, have been since there was a licensing system. I've been doing it awhile. I've done a number of Vacant Buildings. I'm familiar with the process. I've also done a lot of remodeling similar to this and probably any one of those projects could be considered if you looked at the vacant house rules. People often move out and we often have to board to keep it secure. I had bad renters in there in 2019. I had conversations with Steven in June 2019. Told him I had to get rid of the people so if you can write a bad report it may help me. He did what he could do. I talked to him after that and said you can't get rid of them, neither can I, unless I move in. so I did. Lived there and then recently moved out because it isn't livable in this condition. This blindsided me. Mitch and I had a heated conversation a couple of months ago. Remember that Mitch? It was over 3 years between that report to when I was notified that this is still on the books. I thought this was gone since I didn't have any renters. When the gal called me from Fire Inspections I told her all of this. I don't think anyone even came out in October. It was a duplicate of Steve's report. It doesn't matter because it is all getting rehabbed. I'm moving as fast as I can. I talked about Covid issues. I ordered windows in May and they took 10 months to come. That usually takes six weeks. There have been issues in other parts of my life as well. We're plodding along. I don't want to be in the program, or if you want to stick your nose in there---I thought it was Chris that came out, was it you Matt? I thought a guy named Clint or Cliff came out.

Dornfeld: that was Clint Zane.

Nichols: that was the gap between people being there. That's the first time unless someone drove by and took photos of the outside. No one could get in without calling me. Anyway, that is neither here nor there. I am looking at being in good shape in six months. I need the fall to wrap the outside and get my in-floor heat in the basement. I can't finish the plumbing until that happens. That's the efforts going on now. I've got brick guys on the outside and people finishing the leveling of the floors so we can get the heating contractor in. Then we can do plumbing and charge ahead with the rest of the mechanical. We don't have electric or heating permits yet since we haven't started. When I look at this Category 2 thing they're saying I can't pull permits, that won't help if I get hung up on permits. I'm willing to work with you but it isn't going to work if I am hung up on this thing. It is hard enough given the economy. I'm not seeing the benefit

of paying you \$2,500 for an extra level of management.

Moermond: I see permits pulled last October. I'm wondering if you were living in the house up until when the permits were pulled in October? That would be less than a year it would have been in its current state which is part of the definition.

Nichols: I left in December, because I had to pull the furnace and it got too cold. I had temp heat to keep it from freezing, but it was too cold for me.

Moermond: I want to work with you, I'm looking at the Vacant Building definition and it does say major code violations, but these are being addressed. You're working on it. I don't hear it is secured by other than normal means, I don't hear that. has it been empty for more than 365 days, I wasn't hearing that. Then I can recommend your appeal be granted, but the whole thing could be reopened in December potentially if something changes.

Referred to the City Council due back on 9/6/2023

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 16 [RLH FCO 23-64](#) Appeal of Lorenzo Montiel to a Correction Notice-Complaint Inspection at 400 VAN BUREN AVENUE #2.

Sponsors: Balenger

Layover to LH September 5, 2023 for update after August 24 reinspection.

*Lorenzo Montiel, tenant, appeared via phone
Spanish interpreter appeared*

[Moermond gives background of appeals process]

Staff report by Supervisor Mitch Imbertson: this is a seven-unit property in the Certificate of Occupancy program. We were at the property July 26 after a referral regarding a fridge that wasn't working and an exterior stairway issue. The inspector noted 3 items in apartment 2 and 2 in the common area of the building. Inspector Hector Caballero did confirm just now the fridge was replaced; the other items were set for reinspection August 24 at 2 pm.

Moermond: the other items of concern for this unit are what?

Imbertson: the rear deck is listed as an apartment 2 item, I'm not familiar with the building to know if that is particular to unit 2 only or just a factor of how the location was described. The other urgent item is a toilet bowl with a crack in apartment 2.

Moermond: the deadline was August 24?

Imbertson: correct.

Moermond: have you spoken with the landlord and has he said he would repair the items by August 24?

Montiel: I haven't spoken to him and he hasn't said anything.

Moermond: what are you looking for today?

Montiel: I need things to be repaired, also the fridge is dirty and infected. I don't want the fridge infecting the rest of the kitchen. I can clean it.

Moermond: what does "infection" mean?

Montiel: animals and rusted.

Moermond: does that mean evidence of mice? Animals that live in stagnant water? What does that mean?

Montiel: they're little bugs. Very little.

Moermond: fruit flies?

Montiel: no, smaller. I have to use my cell phone camera to see them.

Moermond: you can't see them with the naked eye?

Montiel: no, you can't see them with your eye, just with the camera on the phone.

Moermond: I don't know what that would be.

Montiel: I talked to him a day after he bought the fridge and told him about the infection. After that he responded, this is all I can do for you, the best I can give you, and he said he will call the City and the landlord said he didn't care, call whoever you want.

Imbertson: the inspector found the replacement fridge to meet minimal code compliance and couldn't write up the fridge being dirty as a code violation.

Montiel: he told me that, but I didn't tell him what I found with the phone inside the fridge.

Moermond: where inside the fridge?

Montiel: under the freezer. Where you stick the food and on the door. I had to buy another small fridge because I couldn't put my food in after seeing that.

Moermond: I'm not sure what to do with this information. Mr. Imbertson, in terms of their being further analysis, it may be a treatment kind of an issue. I'm not sure.

Montiel: I cleaned it with chemicals and it stayed the same.

Moermond: whatever it was didn't die?

Montiel: no.

Imbertson: if we document we do observe insects in the fridge we may write it as an infestation rather than the fridge being non-working.

Moermond: right now, we have an existing order that the fridge was in disrepair. The landlord's choice was to repair or replace.

Imbertson: correct.

Moermond: he chose to replace it with one that Mr. Montiel is having problems with. Is that something the inspector can look at? The landlord met the terms of the order, but this other thing wasn't known.

Imbertson: we can analyze that at time of reinspection or sooner if we give an extension. An infestation would be a new issue we weren't aware of.

Moermond: Inspector Caballero did have an appointment to go back August 24, does he still have that on his calendar?

Imbertson: yes.

Moermond: would it be ok if the inspector looks at the replacement fridge when he's there August 24?

Montiel: yes, of course.

Moermond: let's have him check into that August 24, 2:00. The next hearing we have is September 5 to talk again.

Montiel: yes, I can wait.

Moermond: we can send a letter confirming the details that the inspector will check on August 24 and that I will continue this case to September 5. I can hear back whether or not it has been addressed or other orders needed. Where we go from here at that time. You'll get a paper letter from Sonia Romero in our office, or would you prefer a call as a reminder?

Montiel: a call would be more convenient.

Moermond: we'll call to remind you of the inspection on August 24 and the hearing on September 5.

Laid Over to the Legislative Hearings due back on 9/5/2023