



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, August 22, 2023

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Remove/Repair Orders

- 1 **RLH RR 23-7** Ordering the rehabilitation or razing and removal of the structures at 901 FULLER AVENUE within fifteen (15) days after the March 22, 2023, City Council Public Hearing. (Amend to remove only)

Sponsors: Balenger

Remove within 15 day with no option to repair.

Jessica Zeletes, attorney o/b/o Towd Point Mortgage, appeared

Moermond: Mr. Yannarelly, we were looking for a couple of things after the Council Public Hearing?

Supervisor Joe Yannarelly: that the Performance Deposit needs to be posted and Code Compliance Inspection be applied for.

Moermond: has anything been posted?

Zeletes: no, but I do have an update on the lock box.

Moermond: is the application made for the Code Compliance Inspection?

Zeletes: they didn't fill out that paperwork but I did stop by the house this weekend and there is a lockbox on there now.

Moermond: and Performance Deposit?

Zeletes: we are waiting on the draft language.

Moermond: it is in the resolution; the resolution wouldn't be adopted until the Council--ok. This goes to Council tomorrow.

Zeletes: have you heard from the Rays?

Moermond: we have not. We have made several efforts. Have you, since it is your

foreclosure that we are talking about?

Zeletes: we're just lienholders. They're the homeowners.

Moermond: Ms. Zimny followed through several times with the attorney, who was on the paperwork you gave us, and also found a mailing address for one of the family members and sent a letter. We have heard nothing from anyone.

Zeletes: were they served?

Moermond: we don't have a responsibility to serve, and we did not. We simply called and sent mail. We have a responsibility to contact owners and anyone on the ownership and encumbrance report. We did check title work yesterday and that indicates there has been absolutely no change since the beginning of this process. Nothing on title at all.

Zeletes: as to the assignment of mortgage, the issue is from the servicer before Towd Point. We are now trying to go around them and get a new assignment of mortgage. The client is equally frustrated.

Moermond: why hasn't that happened yet?

Zeletes: slow process I guess.

Moermond: any paperwork filed anywhere?

Zeletes: yes.

Moermond: what? Where? When?

Zeletes: that I didn't ask. The assignment of mortgage, like I said, we just got the update that it has been the servicer before us. For the last couple months we've been trying to go around them. That screwed up the assignment.

Moermond: the language change is in the resolution in front of Council tomorrow. I didn't anticipate they would be voting on it should you have taken care of the posting of the Performance Deposit, which didn't happen, nor Code Compliance Inspection application made. My recommendation to the Council remains unchanged, I'm going to ask them to order it removed within 15 days with no option for its rehabilitation. It is a public hearing, share your piece with them. I've done what I can under the direction I got from Council. I don't feel I have any tools in my toolbox left to deal with this. I can only imagine that the smoke, water, and mold damage from two years ago has probably gotten worse.

Zeletes: with the inspection and getting in, we can't prevent the City from coming in, but we also can't allow it. We're not the homeowners.

Moermond: if as the lienholder you can't do it, the City can't get an emergency search warrant for doing a Code Compliance Inspection. It isn't a matter of needing to exercise police powers to get in for a break-in or a fire. This is just an inspection. If the court won't grant you permission to have the City come in, then we would not go in to do this type of inspection. If there was some sort of imminent public safety issue, the City certainly would. You have the lockbox there but the City won't go in without permission--we just don't do that.

Zeletes: is there a reason why demolishing is the only option?

Moermond: the City has been seeking for a long time to abate the nuisance condition and ownership has the ability to bring forward rehab proposals, none have been forthcoming. We have a dangerous and/or nuisance structure standing for a long time. The City won't rehab a structure it doesn't own or have any financial interest in. Being guardians of public dollars can only choose the most expedient way to abate the nuisance, which is demolition. We can't spend money in another way. That's the only thing on our table.

Zeletes: the City is not willing to exercise its police powers?

Moermond: to exercise a Code Compliance Inspection? No, not at all. If permission is granted by the owner—

Zeletes: which we are not.

Moermond: which you are not. No one has said we can go in. I haven't seen any paperwork filed with anyone to move this forward. I don't have the basic first two things I look for which is the Performance Deposit and Code Compliance Inspection. There is no reason I can continue to treat this differently than any other situated property. Again, I'm out of options without those two conditions met. If you have an argument to make to the Council, but without that direction we are done here.

Zeletes: I understand.

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

2 [RLH RR 23-31](#)

Ordering the rehabilitation or razing and removal of the structures at 455 ROBERT STREET SOUTH within fifteen (15) days after the August 2, 2023, City Council Public Hearing. (Refers back to August 8, 2023 Legislative Hearing)

Sponsors: Noecker

Layover to LH September 12, 2023 at 10 am to discuss any potential plans for rehab with purchaser. (CPH 9/20)

*Thomas Radio, attorney representing ownership, appeared
Jeff Hauge, managing director of Wakota Commercial advisors, appeared via phone
Bob Craft, o/b/o WSCO, attended but did not speak*

Radio: he has been retained by owner to broker, list and sell the property.

Staff report by Supervisor Joe Yannarelly: \$5,000 Performance Deposit received, representative from marketing to attend hearing.

Radio: you've heard conversation from our client regarding a potential Auto supply zone. That came in through Mr. Hauge, a commercial broker, with expertise in this neighborhood. His office is not far away. It is still in consideration from the auto company, it doesn't match size but it does for location. Given the interest and type of building he's going to market locally to businesses and restaurants. Will continue talking to the Auto supply company. Will give advice to owner as far as value, price, any further improvements that should be done at this time. WE do have that Code

Compliance Inspection. Some may make sense if it remains as a restaurant. We're looking for insight from him on what we should be doing now, and which can be deferred so there isn't economic waste.

Moermond: you said that there was a letter of interest with the Auto supply, they can concern with size of the building? Or parcel?

Radio: the building size. No letter of intent, just contact.

Hauge: Tom stole my thunder. I don't have a lot to add. Tom is correct, we office less than ½ a mile from this location the last 5 years. We've spent a lot of time in the area, and know the west side well. For the last 10 years we've been in the area. We have been working with AutoZone, I've represented them for almost 15 years for site selection throughout the upper Midwest. Knowing what they look for in sites, it drew me to this area. We relocated an AutoZone on South Robert in West St. Paul two years ago. We moved them south four blocks into a former Chucky Cheese. AutoZone is just one example, I think we'll have decent activity on this once it is fully marketed. We know what they look for. I know it was vacated in September 2022. I did some research at it, and contacted my contacts with AutoZone and let them know this was a market they have coveted a while. The challenges with any urban site, the building is not reusable to them. They have two prototypes they use nationwide, typically. They have a third prototype they've only used in major metropolitan areas. They really like the site they just have to convince everyone internally to go with the seldom used third prototype. I have a relationship with Houston foods by talking about my clientele and knowing the area.

Moermond: you represent AutoZone, looking at this parcel. It is just south of 30,000 square feet which isn't quite what is normally in the portfolio. I do see the neighborhood, and I would ask, what is the likelihood of Autozone moving forward with this when there are very large parcels further north on Robert that are undeveloped?

Hauge: we have looked at some of those in the past. They have to be one of two places, they have to be nearer the rooftop.

Moermond: that means?

Hauge: residential housing, as much as possible, or the middle of the retail hub. That would be further south on Robert. The west side is primarily residential.

Radio: when we talked yesterday you were going to marketing to local community for restaurant use?

Hauge: the way we work on marketing properties, we look at the highest and best use. It is a great restaurant location. One is marketing to the brokerage community; one is marketing directly to the neighborhood. First 30 days is marketing to that immediate area, every commercial business on the west side into west St. Paul. As that goes on we spread the geographic net out to try and hit more logical uses. Absolutely our first thrust will be the local restaurant community. That's the highest and best use. The market dictates that more than I do.

Radio: we have that Code Compliance report, making some of those repairs. We have the Performance Deposit on file. We're up to date on everything asked, you requested we energize the marketing efforts.

Moermond: I was under the impression that those efforts were already underway, and there was a letter of intent. What I see here is a letter dated August 11, after that August 8 hearing. So it was initiated following that conversation.

Radio: how long have you been working with AutoZone, jeff?

Hauge: since last September or October.

Moermond: that's not on behalf of the owner though.

Radio: he has been in conversation with Nancy W, who signed it, over that time period as well. He wasn't acting as our marketing person or broker but he was in contact with the person making the sale decision.

Moermond: and he is now the broker for Burger King, which is a different thing entirely. That is different than representing the purchaser. It wasn't his sign in the front. That's where I was going. Mr. Hauge, you were saying something.

Hauge: I will say one of the things brokers do when they identify property is show it to Bridgestone Firestone and Valvoline, another realtor we do a lot of work with. I have shown to some retailers. Anything under an acre shrinks the spectrum of potential uses. Those three I know have prototypes that can fit on smaller sites. I was trying to bring a buyer to the property.

Moermond: this agreement in my hand is you are trying to sell it for \$900,000?

Hauge: that is correct.

Moermond: and there is an offer for less than that?

Hauge: I have to submit all offers; it is up to ownership as to what they sell at.

Radio: just a starting point.

Moermond: in the case of the West 7th Burger King there was limited time given for the marketing and sale agreement. I'm willing to look at that. not a full 90 days. I need a plan for the site. If it's a rehab site, I'm fine with that. I don't have a problem with demolition if someone needs a different layout. That takes the City out of the equation entirely. I'll put a calendar together. If you have additional information, a sale, we can pencil you in for Legislative Hearing September 12, otherwise we'll send this to Council September 20 to check in on it and they can give more time. I'm willing to put a calendar in place, so long as I'm treating it in a similar fashion. Knowing there is community investment here as well, same as the other one.

Laid Over to the Legislative Hearings due back on 9/12/2023

3 RLH RR 23-33

Ordering the rehabilitation or razing and removal of the structures at 1356 REANEY AVENUE within fifteen (15) days after the August 16, 2023, City Council Public Hearing. (Refer back to August 22, 2023 Legislative Hearing)

Sponsors: Prince

Grant 180 days pending submission of updated financing (either alternate funding source or final loan approval document) and affidavit.

Jessica Darrough, purchaser, appeared

Moermond: when I read the original letter from the bank, what I saw and what was told back to you was the letter said that the financing was contingent upon appraisal, so I was concerned it meant it wasn't locked in. I'm reading this now and it says you are preapproved for up to 150k. I'm struggling, I'm not a banker, the term preapproved also shows up in my mail every day for credit cards and isn't the same as having the actual money there. I'm wondering how we get from preapproval to you have the money and good to go to pay the bills. I don't want to tell the Council you are good to go without the dollars being there. That's where my questions are.

Darrough: I do have the funds in my business account, I was going through the bank for a loan.

Moermond: are you willing to put those on the table with an affidavit?

Darrough: yes.

Moermond: let's do that. If it changes and you have a closed loan and paperwork around that, great. I do see the New Day Investments piece.

Darrough: if I talk to the bank and get approved? We went through the steps to get preapproved; the contractors went through and I presented to the bank. The loan people want to know that I can do the rehab.

Moermond: so they're waiting for a City decision, and City is waiting on you showing those funds. City is in the stronger position. If you replace the financing down the road, I'm happy to look at it, but I need to see real dollars. I appreciate where they are at, I just couldn't ask Council to approve this.

Darrough: you need the approved letter.

Moermond: right. I'm fine looking at your money, it doesn't matter to me. That's all I need on this side. Otherwise, things look tidy.

Darrough: so just the funds?

Moermond: you can handle that by way of email and we don't have to have another Legislative Hearing. That's the last hurdle, and once we review we can green-light permits and recommend a grant of time from the Council for the rehab. I will plan on putting this in front of Council September 13. If you get it in tomorrow, we can work with you to get moving more quickly.

Darrough: sounds good.

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

- 4 RLH RR 23-40** Ordering the rehabilitation or razing and removal of the structures at 401 ROSE AVENUE EAST within 180 days after the September 6, 2023, City Council Public Hearing.

Sponsors: Brendmoen

Grant 180 days to rehab pending posting of \$5,000 PD.

Joanna Zimny update: everything is in and you've reviewed and approved it, we are just waiting on them posting the Performance Deposit. I had Department of Safety & Inspections staff look yesterday because they'd said it was mailed in, but they didn't find anything. Mr. Mitchell is going to have them stop payment and will go in person.

Moermond: this goes to Council September 6, so advise Mr. Mitchell that is the last piece to fall into place and if it comes in and we have a receipt he can begin pulling permits. If we are still waiting, I'd like it no later than close of business September 5.

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

- 5 RLH RR 23-44** Ordering the rehabilitation or razing and removal of the structures at 1213 WOODBRIDGE STREET within fifteen (15) days after the September 13, 2023, City Council Public Hearing.

Sponsors: Brendmoen

Refer back to LH October 24, 2023 for discussion of preliminary bids based on completed CCIR, pending posting of \$5,000 PD and application for Code Compliance report by no later than Friday, September 8, 2023.

Michael Sauer, attorney o/b/o Penny Mac, appeared

Voice-mail left at 9:54 am for Roark at x6051: good morning I am trying to reach Andrea Roark, this is Marcia Moermond from St. Paul City Council calling you about your property at 1213 Woodbridge, trying to call you into a hearing about the proposed order to remove or repairs. We'll try you back in a few minutes, hopefully you can call then.

Tried calling x7842 number at 9:57 – unable to connect or leave voicemail.

Voice-mail left at 10:02 am: this is Marcia Moermond from St. Paul City Council calling you again about your property at 1213 Woodbridge. We will talk with Michal Sauer, attorney for Penny Mac, hopefully we can talk to you. I understand you talked to staff about this hearing, concerned you aren't present, but we'll touch base later I guess.

Moermond: I was hoping we could go thorough the basic bullets on this so she had the same background as you, but isn't quite the same thing.

Sauer: I'm cautiously optimistic we'll have the Rest Pro mechanics lien resolved this week. I need to speak with her anyway. I'll talk with her about this property, I do have approval if she didn't show today and commit to making the Performance Deposit we will post the deposit and get the second Code Compliance Inspection report and move along until she comes along for the ride. We'll get that done by the 8th. I have it lined up to take care of it. They wanted to make sure we heard from her in case she appeared. But since she didn't show we will do that. What is the next step when that happens? Wait for the Code Compliance Inspection Report? Contractor estimate for rehab? Timeline on that as of today?

Moermond: we need to get that Performance Deposit posted and the Code Compliance Inspection conducted and the first step is applying for it. Because you are working with the owner on that, I don't anticipate problems with that. And the house was gutted following that Code Compliance Inspection?

Sauer: looks like we'll be paying that contractor for the work they had done.

Moermond: when was the contract executed with Rest Pro?

Sauer: a year ago at least, probably the first time you saw permits being pulled. Then insurance pulled because they were upset with how Rest Pro handled it. There have been electricians and plumbers out. The roof has been replaced.

Moermond: do you know exactly when?

Sauer: it may be part of the lawsuit.

Yannarelly: building permit July 2022. Electrical October 2022. Expired plumbing December 2022.

Sauer: everything was on track until the issue between insurance and rest pro. It no longer became a fire damage job, it was a full remodel, so they weren't going to fund it.

Moermond: are there approvals for parts of work that have been done MR Zane

Zane: no inspections as far as the Rest Pro work.

Sauer: I'm optimistic a new contractor come in and pick up where they left off. Our client is very responsive on this one. We do have some leftover insurance funds we can use, it won't be enough, but our client has to cover it.

Moermond: fire December 1, 2021. Mid 2022 some permits being pulled. We also have in that time period the contract having been signed and Rest pro working with insurance for approvals to do the things they proposed and what presumably was in the contract that was signed between MS. Roark and them. that's where the no comes in? Did they start insurance approval.

Sauer: there were funds issued by insurance, but they applied for supplemental funds. Once they saw that they said no, we're not going to remodel your whole house and that's where things fell apart. Penny Mac got more involved once the City got involved and began learning the extent of what was done.

Moermond: does the supplement require a signature by the owner?

Zane: it is a document submitted by Rest Pro to insurance. They deal directly with insurance typically once there's an initial contract.

Sauer: it is essentially in the contract. The contractor just runs with it.

Moermond: if we can get that code compliance ordered, access legally for Mr. Zane's team. He needs assurance for access with property.

Sauer: in the extent she doesn't ever return my call, which I don't think will happen, there's something in the loan document to allow access for inspection to protect damage.

Moermond: that should be doable. Get those items done, and I'll ask the Council September 13 to refer it back to Legislative Hearing on October 24.

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

- 6 **RLH RR 23-45** Ordering the rehabilitation or razing and removal of the structures at 50 FILLMORE AVENUE EAST within fifteen (15) days after the September 27, 2023, City Council Public Hearing.

Sponsors: Noecker

Remove within 15 days with no option to repair.

No one appeared

Staff report by Supervisor Joe Yannarelly: The building is a one story, cement block, commercial warehouse on a lot of 556,261 square feet. The Fire Certificate of Occupancy was revoked on February 22, 2008 and the property was referred to vacant buildings with files opened on February 26, 2008. The current property owner is Fillmore Avenue Apartments, LLC, per Amanda and Ramsey County Property records. On May 24, 2023, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on June 14, 2023, with a compliance date of July 14, 2023. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$3,893,800 on the land and \$390,500 on the building. Real estate taxes are current. The vacant building registration fees were paid by assessment on April 3, 2023. As of August 21, 2023, a Team Inspection has not been done. As of August 21, 2023, the \$5,000 performance deposit has not been posted. There have been sixty-one Summary Abatement notes since 2008. There have been thirteen work orders issued for boarding/securing.

Also, for the record, an Order to Abate an open and free flowing well was issued to the property owner/responsible parties on January 31, 2012 with a compliance date of March 1, 2012. The owner requested an extension to comply with the orders on February 23, 2012 which was granted. When compliance was not achieved, a letter was sent to the owner by the Minnesota Department of Health on April 3, 2012 advising that the unsealed well was in violation of state law. On April 9, 2012, the inspector noted that the well was no longer leaking and the order to abate was now in compliance. Code Enforcement Officers estimate the cost to repair this structure exceeds \$500,000. The estimated cost to demolish exceeds \$100,000.

Moermond: 61 notices, but only 13 work orders.

Yannarelly: they are fairly responsive. We have also issued orders for cleaning up. The only work orders have been to board. We don't send notices on those, if it is open, we're boarding it.

Moermond: the work orders are late 2021 through the present, they took care of things prior to that much better. No graffiti orders in spite of it being plastered with graffiti. And the number of work orders because--

Yannarelly: it has been discovered by the unsheltered.

Moermond: no question this has to be ordered removed within 15 days with no option to repair.

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

- 7 **RLH RR 22-48** Ordering the rehabilitation or razing and removal of the structures at 523 BEAUMONT STREET within fifteen (15) days after the September 21, 2022, City Council Public Hearing.

Sponsors: Noecker

Grant 180 days pending submission of updated work plan/bid and updated letter of financing.

*Ed Drops, Greater Midwest Realty o/b/o GITSIT Solutions, appeared via phone
Araiza Hargrove, GITSIT Solutions, appeared via phone
Joy Zimmerman, REO o/b/o GITSIT, appeared via phone 714-640-2657*

Moermond: this was an opportunity to touch base on the foreclosure. We have some updated information from you, let me find out how the foreclosure process has gone.

Hargrove: the redemption period has expired, so we are now the owners and can move forward with starting the repairs. The last we spoke regarding the rehab was our contractor had an earliest start time of September 5, so we're looking to move forward.

Moermond: I see a new letter dated August 21 indicating 60,000 is set aside for the project.

Hargrove: yes.

Moermond: my question is that the bid you submitted from Konower previously was \$114,963. I'm confused by either the bid or the amount of money, whatever it is doesn't line up.

Hargrove: initially we went through and got a complete fully renovated bid, as time has gone by costs on supplies and construction have gone up and our position in the asset may not provide with the best benefit in doing a complete rehab. We look at the violations you provided and a bid based on that Code Compliance Inspection Report.

Moermond: so the work plan is no longer relevant, and that needs to confirm and address the items in the Code Compliance Inspection Report dated October of 2022. I assume that can be generated quickly?

Hargrove: I can send it today. It was just an itemized list of the Code Compliance Inspection Report and making sure they'd all be addressed.

Moermond: is it the same contractor?

Hargrove: yes.

Moermond: let's see that updated bid with the cost so we can add that to the record.

Zimmerman: the bid will come over in the name of GITSIT solutions,

Moermond: and it isn't clear who even put together this bid—if Solid Rock is putting together this bid.

Zimmerman: I was noticing that as well, I need to have the rehab department add that in with the contact information.

Moermond: and then the confirmation that the dollar amount matches. I wouldn't hate an account with the dollar amount.

Hargrove: we were originally asked to provide that letter. That isn't something I am privy too or able to do. My point is we have complied and done everything you've asked us to do. We rehab properties all the time, we want to get started. We provided what we were asked to provide.

Moermond: I can live with this letter.

Hargrove: we can get you those.

Moermond: I can live with this; I don't have any approved work plan.

Hargrove: and we'll get you everything you requested in the letter.

Moermond: let's get the updated plan in.

Zane: you're saying the \$60,000 covers the scope of the bid, but you're saying the contractor, Solid Rock—who I'm familiar with—has filled out the construction bid form that is telling us the cost of the rehab will be \$115,000. That's a significant difference.

Hargrove: that's for a brand new house. That's to reach top market value, not just addressing the renovation. For complete renovation.

Moermond: Ms. Zimmerman you have the bid sheet with the \$60,000 total.

Zimmerman: I apologize for not having that information in there.

Moermond: we'll get that updated, the schedule is acceptable. I can live with not seeing an account, but what I would like to see is a sentence added to the letter indicating that if there is a change order or something happens along the way, that there is a commitment to finishing the project.

Hargrove: that makes sense.

Moermond: that would ease some of my concerns.

Zimmerman: I'll walk you through our thought process because the market has softened, interest rates have gone up. Our plan is if you approve the work, we complete it and go on the market and if it doesn't get sufficient offers, we'll go back in and finish the fluff work on the interior. That's the plan on the property.

Moermond: let's see those documents and we can do this by email. We don't need to do another hearing, we can save you some time there. This goes to Council Public Hearing September 13.

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

10:00 a.m. Hearings

Making Finding on Nuisance Abatements

- 8 **RLH RR 23-48** Making finding on the appealed substantial abatement ordered for 1508 COMO AVENUE in Council File RLH RR 22-22.

Sponsors: Jalali

The nuisance is abated and the matter resolved.

No one appeared

Supervisor Joe Yannarell: Code Compliance certificate was issued, Vacant Building file is closed.

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

- 9 **RLH RR 23-46** First Making finding on the appealed substantial abatement ordered for 342 THOMAS AVENUE in Council File RLH RR 22-54.

Sponsors: Balenger

Refer back to LH September 26, 2023 to check status of CC certificate. If not issued, PO to submit updated work plan.

Manuel Crespo, owner, appeared via phone

Moermond: we are checking in on your progress here at the property.

Staff report by Clint Zane: I determined it was about 80% completed.

Moermond: that is fantastic. Mr. Crespo, tell me where you are at for finishing.

Crespo: a couple more months we should be done.

Moermond: your \$5,000 Performance Deposit it is automatically continued for six months because you are 80% done. If you are really sure you can get this done in a few weeks, I can continue this case, or you can give me a plan with a schedule and contractors and I can give much longer to finish. I need that plan if it will be more than 3 or 4 weeks. Either option I'm fine with. Realistically 8 weeks, we can work on a longer schedule, you don't have to work day and night.

Crespo: I'm losing a lot of money and I think I can be done in a month. We're trying to get it livable soon.

Moermond: this goes to Council September 13, I'll ask them to refer this back to Legislative Hearing with me on September 26. That's a month. We'll check in then and make sure you're done. If you aren't we will need a plan to finish.

Crespo: yes, definitely.

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

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 10 RLH SAO
23-34 Appeal of David Wilson to a Tall Grass and/or Weeds Abatement Order at 820 RANDOLPH AVENUE.

Sponsors: Noecker

Grant the appeal (PO meets definition of managed natural landscape).

David Wilson, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Richard Kedrowski: a tall grass and weeds complaint came into us, those letters go out automatically and then they are reinspected 3 days later. Photos were taken showing matted, grassy, surface that appeared to be tall weeds, not native plantings, and an appeal was filed having to do with that.

Moermond: Mr. Wilson, talk about the nature of your argument.

Wilson: I bought this house last year, after purchasing I had plumbing work done so my front yard was essentially bare dirt. This spring I put some fill in to correct the grading and began the transition to native species planting based off what my understanding was at the time. I thought the native seed packet from MN Native seed packet. I know it does look very weed like the first year, it doesn't bloom the first year.

Wilson: my best friend is a well-known firefighter and on his recommendation I went to MN Native Landscapes. I purchased a backyard prairie seed kit. I started with bare dirt due to some plumbing work. It was dug out to the water main. I put fresh topsoil on it. The patch that was replanted shouldn't have had any other root systems of non-native species. I've done my best to pull out the non-native species. There may be some around the edges that are weeds, but I've done my best to keep them trimmed and removed. I try to pull anything like that on a weekly basis, thistle or dandelions, things like that. I spoke with the people who sold me the seed to see what I can do to encourage it. I just want to express I am actively working to manage it.

Moermond: this is year two of establishing this?

Wilson: year one, planted this spring.

Moermond: I'm trusting where you are going with this and that you will be doing the managing piece moving forward. You seem to be learning about that and engaged in doing that. That's really great. I would recommend that the Council grant your appeal and I think Mr. Kedrowski's recommendations are good. I'll recommend your appeal is granted and you are doing managed natural landscape.

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

Correction Orders

- 11 RLH CO 23-11 Appeal of Gary Blair to a Correction Notice at 1121 MINNEHAHA AVENUE EAST.

Sponsors: Yang

Recommendation forthcoming.

Gary Blair, owner, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Richard Kedrowski: July 11, 2023 orders were written regarding a semi parked in the parking lot at the property. There was a 2011 appeal to the planning commission to allow the trailer for storage. That was granted, noting it be maintained in good condition. It is sinking into the ground, has numerous flat tires, and the owner stated to Lisa Martin that it would fall apart if it was moved. We are contending it isn't in good condition.

Moermond: why are you appealing Mr. Blair?

Blair: I didn't say it would fall apart if it was moved. It isn't drivable, the brake system is locked up because it has been sitting so long. All the tires hold air except one. They are into the blacktop about $\frac{1}{2}$ " from settling. All 8 tires are good with the exception of one. What I told the inspector is I had someone look at it is because it had been sitting so long it would break the lug nuts because it has been sitting so long. We wouldn't be able to get one back on. It is in beautiful condition. We did have this come up a couple of times before and they approved it. At that time, it was the same as it is today. One tire that doesn't hold air. One tire that is flat doesn't take away from the beauty of the trailer. Same issue happened last year, and it was approved last year. I've heard that comment from the Department before that they want it moved. We use the trailer regularly. It doesn't look bad. When we did the variance the Council agreed it was best not to skirt it since rodents or kids could go underneath.

Moermond: it says, "shall be maintained in good repair". If we have a tire that can't be fixed because the lug nuts will break, it doesn't sound like it is in repair.

Blair: the repair is to make it drivable, that isn't the purpose of the trailer. The purpose is storage. The neighborhood needs a lot more attention than my tire, by the way.

Moermond: is the pavement yours?

Blair: yes.

Moermond: and the chain-link fence?

Blair: yes.

Moermond: those appear to be in bad repair too. No orders written on this.

Blair: not sure what you are talking about.

Moermond: I see the chain-link fence is just hanging there, there are weeds growing up through the parking lot.

Blair: we have someone who comes in once a week. I'm not sure who the fence belongs too. I didn't put it in, there are no orders on it. I have repaired the fence before, but because of the neighborhood being so undesirable the kids and whoever have a tendency to abuse the area. We've taken care of all the things they've dumped over the years. Mattresses, sofas. We've never been cited on those. I do get the

comments the neighbors appreciate having the building there. We've never had any issues with graffiti. I've been there 45 years and support the community with my taxes and the work we provide. We're talking about one tire. Not a trailer that is falling apart. It is in excellent condition. The brakes wouldn't work because it has sat so long. We're talking about one flat tire out of 8. You can barely tell it is flat.

Moermond: the crux seems to be what in good repair means. You're giving me a definition as being "decent in appearance" as opposed to operable as intended use. A workable trailer. How do we define "maintained in good repair." As a side comment, I was mentioning the condition of the blacktop and that fence does appear to belong to you. It is not connected to a top post, it is in very bad condition. I was surprised Code Enforcement didn't write anything on that. I would say that I find that noticeable, especially when looking at the trailer. I'll give this some consideration.

Kedrowski: take note that if you look at all the tires and the reveal at the top of the tire vs. the bottom, the flat tire is on the right-hand side in the rear. You can see the mud-flaps. All 3 other tires show signs of thinner sidewalls at the bottom than the top because of how far they have sunken into the asphalt.

Blair: any vehicle is going to settle. It isn't settling to the point of being flat by any means. A tire low on air would have that same appearance. The tires are all good, it is just the one. The tires are settled into the pavement, but after 40 years I'd be settled in too, but they aren't to the point where they are really down to the mud and down to the rim. I agree the fence doesn't appeal to me, I would be willing to take care of the fence.

Moermond: and I'm not going to negotiate the fence. That is something that if Department of Safety & Inspections thinks it is a Code violation, it is its own issue. I'm not going to include this in a conversation about the trailer. I do see the resolution from the Planning Commission was from 2011, has the trailer moved since then?

Blair: no it has not.

Moermond: I will give this some more though.

Blair: we've been east-side people for almost 80 years, supported the downtown police department. Worked for the Fire Department. Worked for the City of Saint Paul. I'm getting called for a tire that's flat, out of 8 tires. I guess when I look at the neighborhood, the whole lower east side of St. Paul needs a lot more attention than my tire. I guess that's where I'm coming from. If we're looking at details and splitting hairs, my definition of maintaining a trailer is to have it look good. Not to put it on the road and drive it. I would think the City would give small businesses who take care of the community and City itself some consideration. I appreciate whatever you can do for me, and I understand you have to go by rules and regulations, but whatever can be done to help. We would rather spend our time helping the public and the City than worrying about a tire that will be difficult and costly to take care of. I appreciate your time.

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

1:00 p.m. Hearings

Vacant Building Registrations

- 12 RLH VBR
23-41** Appeal of Chris Boylan to a Vacant Building Registration Renewal Notice at 1508 COMO AVENUE.

Sponsors: Jalali

Grant the appeal (CC certificate issued and VB file closed).

No one appeared

Moermond: we have a code compliance certificate issued, right?

Dornfeld: yes, it is closed out.

Moermond: grant the appeal.

Referred to the City Council due back on 9/5/2023

- 13 RLH VBR
23-51** Appeal of Peter Ratsamy to a Vacant Building Registration Notice at 575 UNIVERSITY AVENUE WEST.

Sponsors: Balenger

Deny the appeal, but make property a Cat 1 VB and allow permits to be pulled.

Peter Ratsamy appeared

Jin Chen, contractor, appeared

Staff report by Supervisor Mitch Imbertson: commercial office building in the Certificate of Occupancy program, approximately 11,000 square feet. 3 year inspection cycle as commercial office occupancy come due for renewal inspection August 4. At that time when the inspector went out he observed it was vacant and undergoing remodel. Multiple code deficiencies noted. Needs an interior inspection. The Certificate of Occupancy was revoked since the building was vacant and referred to Vacant Building program as it meets definition of being unoccupied and multiple code violations.

Moermond: and those are the window glass?

Imbertson: window glass, exterior surfaces, needs full interior access.

Moermond: chipped and peeling paint and window glass are considered major code violations? I don't know, it could be really bad.

Imbertson: I didn't intend to say major, the multiple violations are the issue. But understood.

Moermond: under rehab right now. If a commercial space is occupied and you have a Certificate of Occupancy on it, and the owner of the building is remodeling to suit to the new occupant is that something you'd hold the file on for a while? How do you treat transitional cases?

Imbertson: we try to be reasonable as much as possible while following chapter 40

Vacant Building definitions. That can be a challenge sometimes when we don't have construction specifics, we are acting on best information at the time. There are circumstances where we would monitor a file. often one factor in that is seeing active permits on file, and I don't see any permits yet for construction.

Moermond: that's what I was looking for too.

Imbertson: that would have given us additional context at time of inspection as well.

Moermond: Mr. Dornfeld, you got a referral?

Staff report by Supervisor Matt Dornfeld: we opened a Category 2 Vacant Building per that referral due to multiple exterior violations, being vacant, and Inspector Hoffman documented no active permits on file for trades work.

Ratsamy: I bought this building December 22, 2022. After I bought, I was trying to decide what to do, lease it or run a business myself. While I'm waiting for that, with the weather, there is offices inside, I cleaned it up myself. I contacted Chen in July, my family and I decided to open a restaurant or bakery. I still did some of the work myself, there is exterior metal, so I contacted a stucco company to give me an estimate. It won't sit like that.

Moermond: I see we had an appeal by you of the neighboring parcel in 2019. 585 University. Released from the program in June 2019, worked with you on the fee. You bought the building in 2022, didn't know what you wanted to do. I can see there are other people leasing, or are they gone now?

Ratsamy: they're gone now. No one is occupying it now.

Moermond: and you've been doing some interior demolition work?

Ratsamy: right.

Moermond: so it is missing a lot of things then.

Chen: no sheetrock, no ceiling tile.

Moermond: that's problematic as well, not just the glass outside and the trim. I see you're estimating \$489,000 to build this out for future use. I'm not seeing a timeline in this agreement.

Chen: depends on how long the City takes to issue a permits. I submitted for a building permit first, my mechanical and plumbing engineer are still working on the drawing. I've done this a lot for commercial buildings.

Moermond: architectural plans are submitted?

Chen: they're with the City already.

Moermond: that doesn't show up in the system.

Chen: they said we had to resolve this Vacant Building piece first.

Moermond: right, the Vacant Building letter went out August 9 so that would have been

the case the last 12 days.

Chen: I have paid the mortgage 8 months now. I am trying to speed him up. I have to solve this problem; I don't want it to keep sitting.

Moermond: this is a lot of work, how long?

Chen: 5 or 6 months. I built the Asia Mall in Eden Prairie in 9 months.

Moermond: it seems to me that this is no doubt a Category 2 Vacant Building but wouldn't really benefit from a team inspection because it is all going through plan review anyway.

Imbertson: I would agree.

Moermond: that leaves the fee. Honestly, I think you owe the money, I hear you say it has been 5 months and looking at another six. The question is when its due. I'm concerned hearing you say you've done demo work without a permit because it clearly requires it for the dollar amount. That's a problem for me. I don't want to make it a Category 1, but it needs a Certificate of Occupancy before it can be reoccupied.

Imbertson: correct. As long as we understand it needs a Certificate of Occupancy prior to reoccupancy, it could be a Category 1.

Moermond: Mr. Dornfeld, any thoughts?

Dornfeld: no comments other than it is always helpful to put the Vacant Building fee money into the rehab.

Moermond: I'm going to recommend that the Council not require a team inspection, the Code Compliance Inspection, I'm going to recommend they allow permits to be pulled without the Vacant Building fee having been paid. I won't recommend a waiver. You can pay the Vacant Building fee or allow it to go to assessment on the taxes. That assessment is also appealable. If you are done in six or fewer months I sometimes look at prorating this fee. You have a half a million-dollar project that isn't moving forward for want of a 2500 fee. I'm not going to waive it, but I'm asking Department of Safety & Inspections to allow permits so they can process your plans. We'll change it from a Category 2 to a 1 so the permit desk knows permits can be issued without the Code Compliance Inspection. The fee goes forward but you can pull permits without paying it. You need your Certificate of Occupancy before re-occupancy.

Ratsamy: so I have to pay this fee?

Moermond: you can choose to now, or if left unpaid it goes to assessment on your taxes. That assessment is also appealable.

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

14 RLH VBR 23-50

Appeal of Carolyn Brown, Community Stabilization Project, and Shai Leibovich to a Vacant Building Registration Notice at 1129 BEECH STREET.

Sponsors: Prince

Layover to LH September 5, 2023 for results of August 31 inspection.

Shai Leibovich, BPH Homes, LLC appeared via phone

Voice-mail for Carolyn Brown at 1:50 pm: this is Marcia Moermond from St. Paul City Council calling you about 1129 Beech Street. We do have Shai Leibovich on the phone.

Staff report by Supervisor Mitch Imbertson: this is a one-unit residential property in the Certificate of Occupancy program. This was up for a Certificate of Occupancy renewal, due January 2023. A number of attempts to get in, leading to pending revocation notice to either comply or vacate the property. That was extended a few additional times and ultimately the Inspector did get access. Most recent order was June 26, 2023 and at that time the items noted were repair of basement stairway, toilet seat, and smoke alarm affidavit so it was referred to the Vacant Building program for noncompliance.

Moermond: 5 orders, 4 appointment letters since December of 2022.

Imbertson: yes.

Staff report by Supervisor Matt Dornfeld: I made this a Category 1 Vacant Building July 19, 2023. Obviously was occupied. I looked at the revocation and saw the stairs, a smoke detector affidavit and loose toilet cover so did not make it a cat 2. I did note some overflowing trash and two severely inoperable junk cars in the rear which have current Summary Abatement Orders on them and are placarded. A Tow order will be going out after this appeal if there is no resolution today.

Moermond: we have a pattern here of no one showing up for inspection so its revoked and sent to Vacant Building program. What can we do about this?

Leibovich: he got the smoke detector affidavit and was sent a photo of the stairs. The toilet is fixed. Everything is addressed. Tow the cars, it isn't on me. I don't know what legal right I have or if I can tow it from the property even if she is occupying. I will contact her today to give her 24 hours, otherwise I will send someone to tow at her expense. The rest was addressed already, the inspector can come anytime. We will make sure someone is there.

Imbertson: the next opening Inspector Thomas has is next week.

Leibovich: I agree, I've met with Hector this week, Frank this week, I don't know, I'll make it happen.

Imbertson: 11 am on Thursday August 31.

Moermond: I'll continue this to September 5, and we'll check in and make sure everything is crossed off the list and then we can grant your appeal.

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

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

- 15 RLH VO 23-32** Appeal of Carolyn Brown, Community Stabilization Project, and Shai Leibovich to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 852 JACKSON STREET.

Sponsors: Balenger

Grant the appeal as it relates to the condemnation, property must still have its Fire C of O reinstated prior to reoccupation.

Shai Leibovich, BPH Homes, LLC appeared via phone

[second hearing of day so appeals background not given again]

Staff report by Supervisor Mitch Imbertson: due for a renewal inspection with a June 2, 2023 letter for a June 29 appointment. He was not met at the property. He was told by a neighbor the house was vacant. He left a Voicemail for property management. Sent a second appointment letter July 31. He didn't get in the property again. Appeared unoccupied and so he revoked the Certificate of Occupancy and there are a number of violations noted including lack of electric to the property.

Moermond: and one of the appeal attachments was an online receipt from Laura at RBK paying the Xcel bill.

Leibovich: we woke up 3.5 months ago and tried to pay a bill and discovered someone did fraud and sold two of our houses, this was one. A title was transferred to a different entity. We just got possession again two weeks ago. We couldn't do anything. It wasn't in our name. we paid a lawyer, went through a title company. That's when we paid the bill. Now it is back in our hands. The inspector gave us to October to fix everything. We already spoke with him. Somebody walked with a lot of money.

Imbertson: I wanted to clarify my understanding is that there is an inspection that was set for October, which was intended to be the furthest out the inspector could extend the next reinspection before referral was made to the Vacant Building program. It would still need to be recertified prior to reoccupancy.

Leibovich: of course. We'll be ready way before that.

Moermond: we'll recommend your appeal is granted, so your Certificate of Occupancy is revoked but it is no longer condemned.

Leibovich: I appreciate that.

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

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 16 RLH FCO 23-59** Appeal of Susan Dunlop to a Fire Inspection Correction Notice at 631 SNELLING AVENUE SOUTH.

Sponsors: Tolbert

Layover to LH Sept 12, 2023 at 2 pm (to accommodate LHO schedule).

Moermond: this is to be laid over to September 12.

Laid Over to the Legislative Hearings due back on 9/12/2023