



# 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**  
**legislativehearings@ci.stpaul.mn.us**  
**651-266-8585**

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Tuesday, September 26, 2023

9:00 AM

Room 330 City Hall & Court House/Remote

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#### 9:00 a.m. Hearings

##### Remove/Repair Orders

- 1     **RLH RR 23-50**     Ordering the rehabilitation or razing and removal of the structures at 594 BRUNSON STREET within fifteen (15) days after the November 1, 2023, City Council Public Hearing.

**Sponsors:**     Noecker

*Remove within 15 days with no option to repair.*

*No one appeared*

*Staff report by Supervisor Joe Yannarely: the building is a two story, wood frame, duplex on a lot of 4,792 square feet. A Notice of Condemnation, Unfit for Human Habitation, and Order to Vacate was issued on April 16, 2021, which revoked the Fire Certificate of Occupancy. The property was referred to Vacant Buildings with files opened on May 4, 2021. The current property owner is Sibet Renovations LLC, per Amanda and Ramsey County Property records. On July 20, 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 July 24, 2023, with a compliance date of August 23, 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 \$20,000 on the land and \$139,800 on the building. Real estate taxes for the second half of 2021 and the second half of 2022 are delinquent in the amount of \$3,624.79, which includes penalty and interest. Taxes for the first half of 2023 are due and owing in the amount of \$5,284.42, which includes penalty and interest. The property is scheduled for tax forfeiture in 2025. The vacant building registration fees were paid by assessment on June 1, 2023. A Code Compliance Inspection was done on June 24, 2021 and has since expired. As of September 25, 2023, the \$5,000 performance deposit has not been posted.*

*There have been twelve Summary Abatement Notices since 2021. There have been nine work orders issued for: garbage/rubbish, boarding/securing and tall grass/weeds. Code Enforcement Officers estimate the cost to repair this structure exceeds \$125,000. The estimated cost to demolish exceeds \$30,000.*

Moermond: it looks like we had the fire June 21, 2021.

Yannarely: condemned April 16, 2021.

Moermond: the fire report says the fire was on June 18.

Yannarely: right, it was after it went vacant.

Moermond: so already a Vacant Building and then 2 days later it had a fire.

Yannarely: it was a Vacant Building in April. The fire was June 21.

Moermond: that makes sense. There was a form 4 on this in December and said they thought the conditions were dangerous so it sounds like Fire Certificate of Occupancy was working with them trying to get it fixed and it ended up being vacated, then a fire a couple of months later. We don't have an owner here. We do know they purchased it April 20, 2021 for around \$75,000 but hasn't paid taxes since. It is scheduled to forfeit for nonpayment of taxes in 2025. We do know there were two addresses for the owner, Elizabeth Sibat, and one had returned mail and another in East Bethel it said it was never claimed at the Post Office. Certified letter never was claimed. Building was placarded. We happened to have this owner in another hearing so we have an email for her. Joanna flagged this by email for her.

Yannarely: I had a call from her once and I explained what was going on.

Moermond: when was that?

Yannarely: August 23, 2023.

Moermond: only a month ago, and you explained the process. She knows what is going on.

Yannarely: I spoke at length with her and explained the hearing process and what was expected.

Moermond: so, she was fully informed by you in addition to all the legal notices. That is good to know. She has chosen not to step forward at all. I will recommend removal in 15.

**Referred to the City Council due back on 11/1/2023**

## 10:00 a.m. Hearings

### Making Finding on Nuisance Abatements

- 2     [RLH RR 23-46](#)     First Making finding on the appealed substantial abatement ordered for 342 THOMAS AVENUE in Council File RLH RR 22-54. (Amend to grant 90 days)

**Sponsors:**     Balenger

Grant an additional 90 days to complete rehab & continue \$5,000 PD.

*Manuel Crespo, owner, appeared via phone*

*Moermond: I understand from when we last spoke you're 80% done. I said ok, because you committed to having it done by now or you were going to give me a plan on how you are getting it done. Which I'm happy to look at a plan to finish in the next 5 months or so. I don't have that plan.*

*Crespo: definitely. I'm headed down there.*

*Moermond: I need something in writing. We have other hearings this morning.*

*Crespo: I'm 10 minutes away.*

*Manuel Crespo, owner, appeared*

*Moermond: is that a work plan?*

*[Moermond & Yannarely review plan]*

*Moermond: looking at your permit status compared to your statements. I have a warm air permit pulled in October 2019.*

*Crespo: that is correct.*

*Moermond: that was finalized. Building plumbing and electrical still open.*

*Crespo: they've been inspected. The plumber told me yesterday the final was supposed to be today but there was some issue with the faucet and the stove so I had to replace them. The electrical guy he told me he will finish the lights and outlets. The building permit is pretty much done, just some hardware as I indicated on the plan.*

*Moermond: I just want to make sure you don't have to pull a mechanical.*

*Crespo: that's what the plumber is saying. He is correcting those.*

*Moermond: it does say a mechanical permit is required, ORSAT the furnace.*

*Crespo: that's been done.*

*Moermond: the plumber, there is a tag on the boiler. Air combustion to support duct to code.*

*Crespo: there's no duct work, its radiators. Just duct work from the fan in the bathroom. That was done by the electrician and plumber.*

*Moermond: and the gas lines are the plumber? Radiator valves?*

*Crespo: plumber*

*Moermond: masonry on the chimney?*

*Crespo: I didn't see any damage; I can check on that one.*

*Moermond: the report says opening in kitchen area in first floor.*

Crespo: that's been fixed.

Moermond: windows in bathrooms?

Crespo: that's been replaced.

Moermond: asbestos removal?

Crespo: it is covered, we didn't touch it.

Yannarely: sounds like he's close.. There's never a problem out there.

Moermond: plumbing rough in approved August 25. That's great. Electrical says approved with corrections May 12. The rough in bath in kitchen add "recs" to code in new kitchen layout.

Crespo: he corrected that.

Moermond: this is the first time we've sat and talked about completing. 80% done August 22.

Crespo: hopefully a couple of weeks. Electrical is done. I just need to do some details on the woodwork.

Moermond: to be on the safe side I'll ask the Council gives you 90 days so you have some cushion to handle that.

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

**3 RLH RR 23-49**

Second Making finding on the appealed substantial abatement ordered for 1941 UNIVERSITY AVENUE WEST in Council File RLH RR 23-6.

Sponsors: Jalali

Grant an additional 90 days to rehab.

Ruth Ogbaselassie, treasurer Eritrean Community Center of MN, appeared via phone  
Dawit Solomon, President Eritrean Community Center of MN, appeared via phone  
Belainesh Tekle, PR Eritrean Community Center of MN, appeared via phone  
Essey Asbu, Secretary Eritrean Community Center of MN, appeared via phone

Moermond: this is the one-year mark basically for the rehab of this building. We're trying to figure out the plan to finish the work and the schedule. I do see I was given a chart from DJ Steele dated September 21, 2023 and that has the project being done the end of October. I also checked in with Planning and Economic Development to see what was going on with the Neighborhood Star money and they indicated you requested \$22,500 of the total \$65,000 grant so far. That's been requested and processed. So about one-third of the money. It looks to me to be optimistic, but who wants to talk about how this will get finished?

Solomon: in the last two weeks the bulk of the work is complete. We had an inspection before putting on the roof. What is left is electrical work and doors. D&J indicated the work would be completed in three to four weeks. End of October is the plan. 95% of the work is complete.

*Moermond: I do have a note from the building inspector on August 18th and he indicated the 50% mark and it sounds like you're making progress. They're giving you and end of October finish time.*

*Solomon: yes. We're close to 90% done, the roof was put on after that August 18 inspection. We just need electrical and doors. We will be done by the end of October.*

*Moermond: I want to make sure you are able to get it done in the time given by Council. I'm glad to hear this is moving along. Normally this far into a project and not done we'd be talking about requiring another Performance Deposit but since you're operating with public funds that doesn't make sense here. If Planning and Economic Development tells me that \$22,500 has been drawn on the grant, is there anything that may slow you down in terms of paying the contractor or is that going as expected?*

*Solomon: there shouldn't be any hiccups. The first reimbursement was delayed due to paperwork, but we're in the process of submitting our second request, but I don't foresee any hiccups. We're completing the required forms to send in. Almost 90% is done and D&J is expecting a payment now.*

*Ogbaselassie: we have to invoice everything and the checks take time.*

*Moermond: is the contractor waiting for the second check before they proceed?*

*Solomon: they expect payment but it isn't stopping them.*

*Moermond: I'll recommend the City Council gives you 90 days. This will be on the Council agenda October 11.*

**Referred to the City Council due back on 10/11/2023**

## 11:00 a.m. Hearings

### Summary & Vehicle Abatement Orders

- 4**     **RLH SAO 23-36**     Appeal of Paul Busch to a Notice to Cut Tall Grass and/or Weeds at 1523 LAUREL AVENUE.
- Sponsors:**     Balenger
- Grant the appeal on condition there be 4' clearance around the fire hydrant and all vegetation removed from sidewalk by November 1, 2023.*
- Referred to the City Council due back on 10/11/2023**
- 5**     [RLH SAO 23-37](#)     Appeal of Richard Heller to a Summary Abatement Order at 1223 MARION STREET.
- Sponsors:**     Brendmoen
- Layover to LH October 10, 2023 at 11 am at request of PO.*
- Laid Over to the Legislative Hearings due back on 10/10/2023**

**Making Finding on Nuisance Abatements****6**      [RLH SAO 23-38](#)      Making finding on the appealed nuisance abatement ordered for 34 SYCAMORE STREET in Council File RLH VBR 23-54

**Sponsors:**      Balenger

*The nuisance is not abated and Department is authorized to remove the four vehicles outlined in VAO.*

*Randall Radunz- Appellant*

*Lisa Martin- DSI Code Enforcement Supervisor*

*Moermond: voicemail, second number called.*

*Moermond: Good morning, Mr. Radunz, this is Marcia Moermond from Saint Paul City Council. I'm calling you this morning about the vehicle abatement order. On the phone line with us we have Lisa Martin. She's a supervisor and code enforcement and is standing in today for Mr. Kedrowski, whose order this is. This hearing is about determining whether or not there was compliance with that August 24th vehicle abatement order. It sounded like when we had our hearing before that you're going to have it done a couple weeks ago, so just kind of confirming around that.*

*Radunz: Well, just to let you know is move vehicles out of here. One of the vehicle that was on the abatement order is now got current plates and stuff. I moved out a couple different vehicles. We're working on getting the rest of the out of here as we speak. I am working on things but they should be done today.*

*Moermond: I'm just taking notes from what you're saying. When we had a hearing before you said you'd be able to have it done by the end of the week.*

*Radunz: They gave me 2 extra weeks or something at the first hearing.*

*Moermond: That's what we're talking about today. We're doing that follow-up because things should have been done by today.*

*Radunz: I moved 2 different vehicles out of here. Other than the ones that were on the list. Like I said, the one black Cadillac that they have on the list has now current tabs and plates, which I know doesn't matter but be in effect it does. We are right now in the process of one of them is on the trailer ready to go. Exceptionally should all be gone today. What I am saying is that the black one is legal right now.*

*Moermond: No, it's actually not. The car was written up for 4 violations and those were lacking tabs , missing, vital parts are dismantled, appears and drivable inoperative and parked on an unimproved surface. You've addressed 1 of those 4 items but there were 3 I don't have confirmation or know that those have been taken care of and for the white Cadillac, silver Acura, and a second white Cadillac so far act he rot and why in a second white Cadillac.*

*Radunz: Well, that's the second question. We don't have a white Acura. I don't believe we have one here.*

*Moermond: It's silver. We have also a plate number, CAS 671; that's pretty specific.*

*Radunz: I'll take another look and see if that's what I'm thinking. Like I said, everything is being taking care of. Things are being moved and I got rid of 2 different vehicles, too.*

*Moermond: Ms. Martin, you said that your inspector made a finding that these orders for these 4 vehicles were not addressed. Is that where you're at?*

*Martin: That is correct, they were not all moved. He has moved other vehicles off the lot but the black Cadillac has front end damage, obviously it is inoperable.*

*Radunz: Well, it has a front fender that drives.*

*Moermond: Mr. Radunz, give her a minute to finish.*

*Martin: Clearly the photographs of all of the vehicles with the plate numbers are listed in the file showing that they are inoperable. If they're not gone, these are the vehicles that were starting with that will be towed off the property and bill back to the property and then we're going to go with the next 10 vehicle. We will continue to make sure that it is clear. There's about 70 vehicles that will need to be removed.*

*Radunz: I'll tell you what, I'm being honest here, I'm supposed to be closing (on another property) in less than a week. We are packing things, we're moving. Please, I am begging you people. Where I'm holding the vehicles is an hour in the wrong direction. I have a property inked. I'm moving there. Please give me a week or something. Like I said, I'm moving things again today. You understand?*

*Moermond: I understand that you made a commitment to have it done already. What we have is 4 vehicles listed in the order. Those are 4 vehicles out of what's been described between 55 and 70 vehicles on this residential parcel. That is a very small number of vehicles to get this process started of removing them. If you are removing vehicles as you described, I don't know why these 4 can't be prioritized to be the first ones removed from the property so that you're not looking at a situation where the city is going to tow them and charge you for the cost of towing and storing at the police impound bought. This seems pretty easy to me. Why are you are finding this so difficult?*

*Radunz: I have moved 2 vehicles. I am in the process of moving the other 4. Like I said, what I am trying to do is avoid a 3-hour additional \$100 per vehicle trip. I understand you're going to tow them ,all but I'm trying to tell you that I have purchased, another property and I was supposed to close today. However, the closing got delayed. I'm going to be moving everything out of here, I'm gone. What I'm asking is that City listen instead of demanding everything. When this all started, when everything started, I was having my foot cut off. I understand this problem. But please understand that on 6/26 I had my foot cut off. I can still drive it and doing things. 2 vehicles have been removed out of here and I have one more on the trailer, and the other ones are ready to go. If somebody drove by and looked they can see things have been moved around. What I'm asking for is and when I tried to ask for it in the last hearing, and nobody listened to the fact I have a new property inked. It is set to close. It was supposed to close today but there was issue with the title company right now. I am moving out of Saint Paul. I'm trying to make this as effect of and cost efficient as possible. We are packing the house right now. If you put yourself in my position, I understand this problem and you don't think that I'm doing anything, I am. If you drive by here and look, you can see that things are dramatically they've been moved around, so that we*

can do what we need to do. I don't know what else to say. I know we have the hearing tomorrow. Like I said, I have one vehicle that is on the trailer now. I thought the Cadillac being license and whatever, however, what I don't understand about the whole thing is for years this place has been what it is. I know there's too many vehicles here. I've said it all along with me being hospitalized and not being able to run the business and other factors that's what happened. One last thing that I would like to say is, if you will put a dot in my little circle here, anywhere on the block, there is not one property in this whole neighborhood that is compliant. I'm under the understanding right now, this one vehicle or 70 vehicles, everybody in the neighborhood to be compliant, am I correct?

Moermond: We're talking about your property and honestly, the reason we're talking about, and this was discussed at council, as well in the previous legislative hearing, is that your property was flagged as having significant problems by fire or EMS. They wrote a report and said to the Department of Safety and Inspections, this guy is in trouble. His property is in terrible shape and there's so many vehicles on the property were having trouble navigating to provide him with the necessary services that he needs. That's a very long time ago and you did describe how you have employees who were moving vehicles and you're running a business on this residential property for a long time because it's existed for a long time doesn't make it OK. There were correction orders on the vehicles long before this summary abatement order on the vehicles went out. It was a simple correction. It was saying please address this, it has been out there for months. They got frustrated because they weren't getting compliance. You kept saying you're going to do things and you didn't do them. They wrote this order that means if you don't, they'll tow it. You told me that you will have it done in which you don't. Council gave you a little bit more time still not done. You're saying I'm buying a new property and asking if you can wait on those 4 vehicles. I am saying no, and all I can tell the City Council is you (the Council) gave them a deadline City Council and he didn't meet the deadline and it's their choice about whether or not they want to grant an extension beyond and say to the Department of Safety and Inspections, please wait to remove those vehicles until such date or whether they're going to say no we are done.

Radunz: The 4 vehicles are going to be move by today.

Moermond: Well, that's what we're looking for is for those 4 vehicles, that are on the order. They can be compliant by being fixed, having their tabs, being parked on legal surface and so on. You can either do that or you can take them off the property. It sounds like from all this conversation that getting them off the property is the way you want to go. That's fine with me. But those 4 are the only ones we are concerned with as that starter list. I'm glad to hear that is going to get clear it out more. That's fantastic.

Randunz: Truthfully, the property is sold. Like I said I am gone. If everything works out I will be gone in 30 days from now, it should be cleared all gone.

Moermond: Well, I'm glad to hear that. I'm just going to focus on these particular vehicles today and you're telling me that they will be gone. That's great. Tomorrow. I will report back to City Council and say the Department of Safety and Inspections reported that there is not compliance with the order. I will recommend that they authorize the department to proceed to remove those 4 vehicles. If they're gone, they're gone. You can definitely testify at the City Council meeting and let them know if you want additional time. If you're not going to have the done tomorrow, that's absolutely your right to do. You know what my report is going to be to them. I would suggest testifying to look for something else if that that's what you want or send something in

writing.

*Radunz: I will be there. I've been looking for a property since before getting sick, and I know the situation here and I don't want to be here anymore either. I don't want to keep funding your paycheck. I want to go to someplace else. Like I said, the property is inked and if everything works right I'm gone. It hasn't closed. I will get the vehicles out of here. They should be all gone by Council time tomorrow.*

*Moermond: All we're looking at is the 4 that have those orders on them.*

*Radunz: I will have to figure out where the Acura is, but that's beside the point.*

*Moermond: It used to be close to the front; that's why they wrote the orders that they did, was to remove the vehicles that you needed out to be able to remove other vehicles. It sounds like you've moved things around so that the vehicles that are blocking the removal of other vehicles may have changed. That was the intent from the staff report I heard was let's get the vehicles that are closest to the entry way out and work our way so that totality of vehicles could be remove through the opening. I will see you tomorrow.*

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

## 1:00 p.m. Hearings

### Vacant Building Registrations

- 7 [RLH VBR 23-56](#) Appeal of Stephanie Powers to a Vacant Building Registration Requirement at 914 COOK AVENUE EAST.

**Sponsors:** Yang

*Layover to LH October 3, 2023 at 1 pm (unable to reach PO).*

*No one appeared*

*Voicemail: Hi I am trying to reach Stephanie Powers this is Marcia Moermond at the City of Saint Paul. I am calling to discuss your appeal at 914 E Cook. We will try another phone number.*

*Voicemail: I am trying to reach out for your appeal for 914 Cook Ave E. We will call you back in 15 minutes.*

*Voicemail: Good afternoon Ms. Powers . We are calling you back again for 914 E Cook. What I am going to do is continue this next Tuesday, October 3rd between 1-3pm.*

**Laid Over to the Legislative Hearings due back on 10/3/2023**

- 8 **RLH VBR 23-58** Appeal of Allison Kirwin to a Vacant Building Registration Requirement at 433 ROBERT STREET SOUTH.

**Sponsors:** Noecker

*Waive the VB fee for 90 days (to January 9, 2024).*

Allison Kirwin- Appellant  
Matt Dornfeld- DSI Inspector

Moermond: I have an appeal here for the vacant building registration at 433 Robert Street S. Also, on the phone line we have Mr. Matt Dornfeld, he's a supervisor in the vacant building unit over at the City's Department of Safety and Inspection. We also have Mitch Imbertson from fire and inspection. If there's anything from the O-team inspection, it looks like it's a probably expired, but he's on the line anyway. My job today is to hear your appeal and I need to make a recommendation to the Council on your appeal. If you're okay with that we're going to go with that. If for any reason, you're not okay with that it comes forward as a public hearing. You would just simply need to indicate you wanted to be heard and they will conduct a public hearing. You be able to talk to them about what you're looking for. They do see things differently than I do from time to time, so that's definitely available to you. What I'd like to do is start with a staff report. I will be turning it over to Mr. Dornfeld to update the record what the history is here and then talk with you about what you're looking for and try to sort it through.

Dornfeld: 433 South Robert st made to the category 2 vacant building back in October of 2017. There was a team inspection that was completed back in 2018. We have had no permit activity on the property, but I could since 2019 the property has been relatively maintained throughout this process. We have had some minor graffiti issues that certainly are out of the property owners' control but they've done a good job to cover that up when there was an issue. My guess is we're here to discuss the vacant building fee that are coming due here in October.

Moermond: There's a lot going on here. I'm thinking you've been in the vacant building program for a long time. Things seem to have come to a stop, but tell me where you're at and what you're looking for today?

Kirwin: We have owned the building since 2018, and we did kind of a number of things that we're on our vacant building checklist to get us off of the checklist. We also own the building that right next door. Our original plan was that in the building next door we're going to put a little diner because I own a dinner in Minneapolis, and as it turns out it just wasn't suited for that. Our intent is to move that back into the 433 building where there already was a restaurant. There's lots of thing's kind of already in place, and we are moving forward with that. We actually have a STAR neighborhood grant application in right now to help us with the exhaust hood, which is kind of the biggest expenditure that we have to deal with in that space. COVID slow us down a lot because of managing other business, so we just kind of fell behind on that. We are kind of actively getting that going to get ready to make it into a restaurant again, and the vacant building, and I am sure that you all know this, but the cost to the vacant building fee doubled this year. That is making it somewhat hard to be able to spend money on the project that we are intending to take care of on that space.

Moermond: I am willing to work with you on a waiver but it's not going to carry you that far forward to tell you the truth. You said you're preparing an application for STAR money- grant, did you ready submitted one?

Kirwin: No, we submitted an application that was due a month and a half ago or something. There's going to be a meeting about that next week.

Moermond: The exhaust-hood issues would have been identified in the code compliance report from 2018.

*Kirwin: Yeah, they were in the original report.*

*Moermond: I'm thinking you're not going to be able to pull permits to do any work at this point because it's been such a long time since that compliance was done that they're going to want to see a new one, especially since you said you are working on things. It's probably best to just start fresh on that. Let me ask Mr. Imbertson where his folks are at with that.*

*Imbertson: That's correct the code compliance report is valid for one year to pull permits. Based on the reports you've made that request at the new code compliance, and it would be helpful to know if that's going to be at least a few weeks between the time we get the request and when you have the report between schedules.*

*Moermond: The application for that is online but we can also send a link to that in the letter that we send out to you. Definitely hood systems cost a lot of money, and it's not just you with that situation. How are you doing with property taxes right now? Are you keeping up?*

*Kirwin: Yeah.*

*Moermond: I think there's a couple of things we could talk about first is, I can definitely help you with a 90-day waiver on this. What that's going to do is make it possible for you to apply for that inspection reports without paying your vacant building fee ahead of time. Normally, the permit desk wouldn't take the application unless the fee is paid, so we'll set that off. What I'm thinking is going to happen in your circumstance is that the STAR board will review the application and you'll get more information along the way. You wouldn't be able to pull permits like with you waiting on the money. There's going to be a little bit of a wait for that, it's just bureaucratic. I think you might end up going beyond the 90 days. I think that that's super likely for that to happen. With the building fee even with a 90-day waiver on it, you're still going to be a little bit stuck. What we can have happen is that it would roll to be an assessment. I don't know if you've paid by way of assessment in the past or not, but it would roll to be a special assessment on your property taxes. 2 things about that that I think are important for your situation. Thing one, if you are able to get the work done before 6, maybe 7 months into the year the billing cycle, I would be more than happy to pro rate that vacant building fee. There's that it has kind of a midpoint thing we can deal with. There's also the ability to make it payable over 5 years for a vacant building fee. What that does is that puts on your property taxes. If you didn't pay this year it would show up in your 2024 taxes through your 2029 taxes, much smaller grants and hopefully prorated by that, so that you're able to move more quickly. But I will go ahead and put that waiver through. Please, go ahead and order that code compliance reports, so that you are able to start pulling permits as soon as you get the financing in place. Mr. Imbertson do you how much those costs those inspection reports, routine inspections.*

*Imbertson: The fee is going to be in the range of 6 to \$700 for the base. I don't know the exact amount, but part of the fee is based on the size of the buildings I don't have to.*

*Moermond: That's a smallish building there, am I thinking about that, right?*

*Kirwin: Yes. Its next to the old ALAMO bar. Its not a huge building.*

*Moermond: It will be on the smaller side of the fee's if its through square footage.*

*Imbertson: I would expect it to be in the \$100 range. I just don't have an exact number.*

*Moermond: I will get that form to you, and if you want to look at it beforehand it's also online. We will process that waiver, that helps you out in the short term. In the longer term we'll talk about when you get the assessment letter, which I'm assuming that you will go ahead and appeal that and we can start talking about that and see where you're at then. We've been a little bit helpful today and I know you still have a lot to deal with. I hope that things move smoothly for you, and we'll be talking in the future. It went into the vacant building program on Oct. 9, so the a 90 day fee waver gives then till Jan 9th of 2024.*

**Referred to the City Council due back on 10/11/2023**

## 1:30 p.m. Hearings

### Orders To Vacate - Fire Certificate of Occupancy

- 9**      **RLH VO 23-33**      Appeal of Anna Smith to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1271 EDGERTON STREET.

**Sponsors:**      Brendmoen

*Grant to June 1, 2024 for item 3 related to driveway and grant extension to January 1, 2024 for balance of the orders.*

**Referred to the City Council due back on 10/11/2023**

- 10**      [RLH VO 23-35](#)      Appeal of Si Nguyen to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 353 UNIVERSITY AVENUE WEST.

**Sponsors:**      Balenger

*Layover to LH October 10, 2023 at 1:30 pm for further discussion. Staff to speak to Building Official re: permits.*

*Si, Kim, Joan Nguyen- Appellants  
Mitch Imbertson- DSI*

*Moermond: 353 University Ave, and one of the I'm assuming that Si Nguyen, and what we have here with you today?*

*Nguyen: Yes, I am Si Nguyen and this is my wife Kim and daughter Joan, which she will be helping me translate for things I don't understand.*

*Moermond: OK, how old are you?*

*Joan Nguyen: 26 years old.*

*Moermond: I always ask a question. I understood Joan, Kim Nguyen, perfect. I am Marcia Moermond, and I am the City Council's hearing officer and it's my job to hear your appeal today. I need to make a recommendation to The City Council on your appeal. What I'm giving them is a recommendation, if you're OK with what that is they*

are going to go with that without discussion. If for any reason you're not okay with what my recommendation is you can talk to the City Council testify and make your case with them. They do see things differently than I do from time to time. Do you need any of that interpreted before we go further you?

Nguyen: I understand perfectly.

Moermond: what I like to do in this setting is to start with the staff report and we have Mr. Mitch Imbertson, who is here representing fire inspections from over at that City's Department of Safety and Inspections. He will be talking about the conditions at the building and why the orders are written the way they are, and why we're looking at a revocation. He will put that on the record and then we'll talk with you about why you're appealing, and what you're looking for today and we'll see if we can come to some resolution now. Now and then there's additional information that we need and we can't conclude a conversation in one setting, usually we can but I just want to let you know that sometimes it happens that we don't. I'm going to turn it over to Mt. Imbertson to break it down and then talk about the conditions in the orders.

Imbertson: The Building at 353 University Avenue West is a commercial mercantile occupancy in our Fire Certificate of Occupancy program. The building is about 9,900 Square Feet Urgent commercial mercantile, like I mentioned in our records. Looks like this process started with a complaint that was received March 31st of 2023. The complaint was that there was boarding in place at the exterior of the front entryway and the electric sliding doors had been installed without permits that would have been required for that work. Our inspector assigned to that property was Laura Huseby went out to the property in response to that complaint and made an inspection at that time which orders were issued, and the report was sent out, including the need for permits on that work and some issues with the door operation that made the exiting noncompliant from the building. Looks like there was some back and forth with her attempting to gain compliance over the next few months which resulted in eventually August 18th of 2023 which it went to a notice of pending revocation. That is a notice to either comply or vacate the building by the next set. Reinspection date of the letter looks like at that time the work still was not completed. The inspector had asked for the building to be vacated. I do see that electric permit has been pulled as of September and it has not been inspected or approved yet. We would also still be watching for a building permit for the other aspect of that work. The electrical permit covers the electrical connections to the door. The building permit would be for the actual construction work that was done to install that door.

Moermond: Before we turn it over to the Nguyen. The complaint came in March 31st of 2023 and there were several inspection conversations between then and August 18th when the pending revocation letter went out.

Imbertson: What it looks like several conversations judging by the notes, the letters go from March 31st until the next notice was sent out August 4th and then on. On August 18th there was a third letter which was when it turn to a pending revocations.

Moermond: So, there wasn't any written order between original orders in the beginning of April and August?

Imbertson: That looks like that's correct.

Moermond: In the original set of orders what was the deadline that was given?

Imbertson: The original set of orders has a deadline of April 12.

Moermond: The deadline for April 12 came and went, and Inspector Huseby continued to work on the matter verbally with the building owners about correcting the problem.

*Imbertson: Unfortunately, I was unable to discuss it with the inspector Huseby, who left to another job. The notes from that time are just going off of what she did. Her note from April 12th was that there were no plans or permits submitted very little information on what was installed knowledge of contractor to fire alarm system with automatic doors.*

*Moermond: We have the doors and anything else in here that I need to be aware of besides the door issue?*

*Imbertson: The other items related to the doors for the most part. There's also at least some miscellaneous items such as number 8, which is excessive accumulation of combustible materials for some cardboard and trash inside the building. There are some issues noted with the door locks which I assume are related to the new work that was done on those doors.*

*Moermond: We have like a gas power pressure washer inside the building.*

*Imbertson: Yes, which that would more miscellaneous items from the door work.*

*Moermond: Last question, the first paragraph it said the permit history was review discussion with the owner on September 15th of 2023 there is a condemnation and a long-term noncompliance. Was she on site on September 15th?*

*Imbertson: Yes, it appears she was.*

*Moermond: I just wanted to confirm because some of the orders could have been old and taking care of like the combustibles or the gas, powered power washer and so on. If it was from April versus from not too long off. You've got some new doors and you have some other things going on. Tell me the story and how did we end up here and where do we want to go from here?*

*Nguyen: I get the letter from the fire inspector on the April 23. They talk about removing the wood in the front and the doors how we would need a permit, and how the inspector would have to come and inspect. When I get the letter, I report to the company that installed the door. I didn't get a response back. I called the inspector on the phone and gave her the company name and the project manager name. She contacted the project manager only once, but they never followed up with her. She left messages. The inspector came back in August, she told me that things were not finish. I contacted the contractors again to pull the permit. I show them the letter that the city sends us, and I told them the things that the City wants us to do. They said that they were going to do it. I told them that we had gotten a condemnation form the City because no permits were pulled. I don't keep in contact with that project manager anymore, till this day it's really hard to get a hold of them. Show them [referring to Joan Nguyen] the messages with Kraus Anderson.*

*Joan Nguyen: Yes, we have everything filled out of the general building permit application. We just need the architect, and the contractor, I was told. I remember trying to submit this information that we need that information. I contacted the project manager, back in May, asking who do I put on here. Essentially, they were pretty serious about getting that information. He said that he will contact his company about it, and that was since May. I haven't received any information since I contacted him 11 days ago since the store was condemned. I still haven't gotten any information like for the contractor or the architect, which is what we need to submit this permit application.*

*Moermond: Mr. Imbertson, is their record in the file of these different folks. Did Ms. Huseby write notes on that.*

*Imbertson: I don't see anything regarding the building. I would add that the building permit should generally be filled out by the contractor who did the work. That likely explains their reluctance to provide a license number and other information for a permit to be filled out on their behalf.*

*Moermond: But they didn't fill out one night, so I can see where these people are trying to get things moving since the contractor didn't. What I would like right now if we can pause is to get the names and the companies and the contact information that you have for this project manager as well as the company's. I'm saying that because if they are licensed contractors in the state of Minnesota, they could lose their license because they haven't pulled the permit to do this work. I think that's where this conversation needs to go is for the city to officially approached the state and say these guys did this work and they didn't pull permits. Things might fall into place them if they aren't licensed contractors, but they're doing this work there might be another path for dealing with them. I think that this is becoming an enforcement issue. I'm picturing that this is the building official basically reaching out. Is that the Department of Administration?*

*Imbertson: That sounds accurate. It would typically be the building department taking those actions with what's appropriate to follow up with the contractor and what they have leverage with. Typically, we're not getting involved with the relationship between the contractor and the building owner who hired them. Unfortunately, that leaves a situation where we just need to see the building safe and compliant. Even if that means hiring a different contractor or taking an old contract or whatever needs to happen to get the building to mission that we can improve.*

*Moermond: The first thing is getting this information nice, neat and clean and put together so that we can send it to the City's building official so that he or the acting building official, because our guys on vacation right now, can pursue this with the state. That would be an initial set of phone calls or emails that could be undertaken sooner than later to get these folks maybe a little bit more organize. That might be helpful having it come from the building officials, they are pretty high up. That may inspire them if they're losing their license. I hope that people who are doing the work have licenses and that they were qualified to do this. Like Licensed building people, licensed electricians and so on. I'm going to let you give us the contact information. What do you have to have with you today?*

*Joan Nguyen: It's all in my phone if you don't mind. The person that I've been in touch with his name is Brendan Ward.*

*Si Nguyen: We have emails from him.*

*Kim Nguyen: He is a project manager and Kraus Anderson. We have emails from him from April 8th. My daughter contacted the man who is says he is the project manager to ask for the permit or asking for more documentation to submit to the City so we can open our business as soon as we can. I have papers here with me.*

*Moermond: I'm going to look at this. Are these for me or what should we scan them and give them back to you?*

*Kim Nguyen: These are for you.*

Joann Nguyen: Those are Recent text messages between Friday the 15th of September up until yesterday .The names are Brendan Ward and then his phone number is 612-987-9224 and he works for Kraus Anderson.

Moermond: Kraus Anderson, it's a big company. They are definitely license there is no question about that. You're talking to Brendan Ward, 612-987-9224. He's a project manager at Karus Anderson.

Joan Nguyen: Yes, I do know that he's not in state. They moved him to a different state to work on a different project. I think within my text messages there he referred this problem to someone named Doug who have yet to been in contact with.

Imbertson: Do you recall if the electrician is someone you hired or is that a subcontractor from Kraus Anderson?

Kim Nguyen: From Kraus Anderson.

Nguyen: We don't buy anything. We don't know who came in to install.

Kim Nguyen: Because our building was broken before. They broke into my building during the unrest and stole the lottery tickets.

Moermond: When did that happen?

Kim Nguyen: During the unarrest. They broke into my store and took all the lottery. We called the lottery state to report that. That's how they came to us, Kraus Anderson. They said that they had funds to help with rebuilding the City.

Moermond: So, Kraus Anderson approached you guys?

Joan Nguyen: It was someone from the Triple R fund from Minneapolis, is what they introduce themselves as. Then they referred Karl Anderson to help us with the project.

Moermond: Wait, Karl Anderson?

Joan Nguyen: Kraus Anderson.

Moermond: Okay, I just want to make sure that we're talking about Kraus Anderson and Triple R found?

Joan Nguyen: Yeah, it was Triple RRR Found.

Moermond: Let's just take the door, and the electric in the building pieces out for a minute and talk about the other kind of miscellaneous things that are covered here. I just want to inquire where your at with those other things, and if they have been addressed. For example, has the gas power washer been removed from inside the building?

[Joan Nguyen interpretating to Si and Kim]

Nguyen: Right now, inside we clear the machine that was broken. Everything is clean.

Moermond: So, there's no gas powered electric?

*Nguyen: We remove the board Infront of the building.*

*Kim Nguyen: We called somebody to come to test everything.*

*Moermond: Do you have any receipts, reports or anything from Century from when they came to look at it? let me ask is this for me or do we make a copy of that?*

*Nguyen: You can have it.*

*Moermond: I will make a copy so you can keep the original receipt. By the way, the colors are great.. I've seen that building it looks good.*

*Kim Nguyen: Before we bought it the owner we tried to clean and try the building. We also try to clean up the outside. The pest inspection happens every month. We try to keep it clean so we can be open. With the new door install it looks so beautiful. I'm worry about right now because of my employees. They don't speak English, so it is hard for them to find another job. They call me almost every day asking when we will be open.*

*Moermond: Are you still open?*

*Nguyen: No.*

*Moermond: Open up tomorrow or later today. This is under appeal that means this is stayed. You can be in this building until we resolve this problem open up your doors again. I'm sorry that wasn't made clear when you filed your appeal, get your people back in. What I need to do, and this has been hanging out there since the end of March, and the inspector let it go for many months. I don't see a problem taking a few weeks or whatever to resolve it now and try and get this taken care of. I'm not feeling pressure that has to be instantly done. Are you going to be able to get your people back to you?*

*Kim Nguyen: I will call them right away. Because they don't speak English they work for me. If they were to speak English, they would look for another job.*

*Moermond: So, you were close ever since the letter said you need it to be close?*

*Joan Nguyen: Yes, since the 15th.*

*Moermond: And you filed the appeal on the 15th. Who took the appeal? they didn't tell these folks that the enforcement was stayed. That is also something that should be discussed with Kraus Anderson. Are you thinking that any of the miscellaneous orders not covered under the doors and the electric and building permits related to the doors need to be reinspected sooner than later?*

*Imbertson: If we're told that the gas equipment was already removed, and we saw the picture on the front door, I don't know that it's useful to set stage for a reinspection.*

*Moermond: You could remove the placard from the front door. I need to have a conversation with the City's building official and see what they have to say about the situation and kind of take the ball right now from you and trying to move things forward a little bit and find out some more. I know that because this company is really big they have a lot of permits that they would have processed all the time coming through. I'm*

*quite sure that the building official and other folks in that area would have relationships, just because they're big company and a lot of business, they're going to know each other. That would probably help to resolve this problem. Let's give that a minute, to happen. And I'm thinking we can talk again in 2 weeks' time. Open your doors and if you end up having to close their doors again you will have plenty of notice. I don't foresee that being an issue. We'll keep working as hard as we can to get this problem solved, and the fact that the inspector who was working with you along the way is and here, I want to give you every benefit of the doubt of that time that she would have been doing that back and forth. She's a very good inspector, she was hired by the state Fire Marshal's office away from us. They plucked her way and so good for her. But let's get your stuff taken care of now. Do you have any questions right now?*

*Joan Nguyen: I have one. Would it be up to you to find out the rest of the information for this building permit?*

*Moermond: Actually, you could tear that thing up for all. Here's the thing people who did the work are the ones who need to fill out that form. You are not responsible for filling out that permit, you're not responsible for scheduling things right now at all, they are. They're going to have all of that information and they should be able to do it very quickly online. You don't need to worry about it. Did I make a mistake in any of that?*

*Imbertson: That's correct.*

*Moermond: Just remove the tape. I wish you well. We'll be in touch, 2 weeks would be October 10th. We will send you a letter by email on Friday confirming the details of what we talked about today. We will talk in a couple of weeks. Reach out if there is any new information between now and then.*

**Laid Over to the Legislative Hearings due back on 10/10/2023**