



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

**Marcia Moermond, Legislative Hearing Officer**  
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Tuesday, October 10, 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 23-51**     Ordering the rehabilitation or razing and removal of the structures at 1726 FOURTH STREET EAST within fifteen (15) days after the November 8, 2023, City Council Public Hearing.

**Sponsors:**     Prince

*If \$5,000 PD is posted and CCI applied for no later than COB October 27, 2023 refer back to LH November 28 at 9 am for further discussion.*

*Shai Leibovich, BPH1 LLC, appeared*  
*Jack Pierce, attorney, appeared*  
*Brice Michka, attorney, appeared*

*[Moermond gives background of appeals process]*

*Staff report by Supervisor Joe Yannarely: the building is a two story, wood frame, single-family dwelling, with an accessory woodshed, on a lot of 5,097 square feet. The Fire C of O was revoked on January 6, 2020 and the property was referred to Vacant Buildings with files opened on May 1, 2020. Fire Certificate of Occupancy has this property listed as two units; however, the property is zoned single-family dwelling. The current property owner is BPH 1 LLC, per Amanda and Ramsey County Property records.*

*On July 26, 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 31, 2023, with a compliance date of August 30, 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 \$24,000 on the land and \$185,800 on the building. Real estate taxes are current. The vacant building registration fees were paid by assessment on June 1, 2023. A Code Compliance Inspection was done August 12, 2021 and has since expired. As of October 9, 2023, the \$5,000 performance deposit has not been posted. There have been eleven Summary Abatement notices since 2020. There have been five work orders issued for: garbage/rubbish and tall grass/weeds Code Enforcement Officers estimate the cost to repair this structure*

exceeds \$100,000. The estimated cost to demolish exceeds \$30,000.

Moermond: I am assuming you represent BPH?

Pierce & Michka: yes.

Moermond: where are you at with this?

Michka: their intention is to sell to an investor who would then complete the repairs. I understand there is a process for that, the Performance Deposit and the Code Compliance report and an addendum to the purchase agreement. That's my client's intention.

Moermond: this has been in the Vacant Building program for three and a half years. July 26 the Department called the question on it. Why wasn't action taken during the previous 3 years? Rather you sat on it and experienced significant holding costs. Was there a problem that inhibited moving forward with a sale?

Michka: it has been maintained. It was mainly a question of timing. My client understands the importance of repairing it, doesn't want it to be demolished, and wants to sell it to someone to do the repairs.

Leibovich: last time we met in person was before Covid. During Covid a lot of people stopped paying rent. People owe over \$200,000 in back rent. We did a lot of evictions. We just couldn't get to everything. As you know we also speak to you about fixing different process. We decided six months ago to sell. We were under contract and had a closing date and a week before we saw the house went into the status it is right now. We had to cancel that contract, because the second we understood we couldn't transact the house we contacted the City. So now we're in the same spot as six months ago. It doesn't work for us to fix it, though we will if we have to. We're fixing four other houses right now We just don't have the time and manpower to do it.

Moermond: what will throw you off in terms of seeking a permit is that the Code Compliance inspection report lives for one year. As of August of 2022, you wouldn't have had a current report which would have been required before pulling permits. That would have been the hiccup in that process. It expires after a year because house conditions can change dramatically in a year, for better or worse. It also means you entered into a contract without a current Code Compliance Inspection report which would be a requirement under City code. I'm happy to talk about how we handle situations like this where current owners won't be handling the repairs.

Michka: we have a purchase agreement dated July 30, 2023 for someone to Purchase, Eric Clark, for \$140,000. There were a couple of amendments. August 10 and 4th 2023 which extended the closing dates. Before that closing occurred they discovered they wouldn't be able to sell.

Moermond: if you move forward with that purchase agreement you'd still need an agreement with an addendum.

Leibovich: they didn't want to keep going. They canceled it.

Moermond: so you're looking for someone.

Peirce: we'd like clarity so we can provide a clear understanding to an investor with

what is required so we don't end up in the same situations. Tie a bow on what needs to be done to sell to an investor.

Moermond: the TISH did indicate it was a Vacant Building. 17 hazardous items. 13 below minimum.

Leibovich: when we're pulling a TISH report the City needs to change whether it says vacant and the category. 1 or 2 not just vacant because ---

Moermond: or you could read the correspondence that comes to you. Notice is provided that these are the requirements, both in the annual notices and the order to abate the nuisance building.

Yannarely: if you went through sale review the City wouldn't have taken that action because you wouldn't need a TISH because you'd have the Code Compliance Inspection report.

Leibovich: we're learning.

Moermond: 11 occasions for orders to maintain since it became a Vacant Building. What I am looking for here, I'm not opposed in any way for someone else to rehab. You haven't even ordered the Code Compliance Inspection report and the Performance Deposit hasn't been posted. Those things need to happen. Honestly, if I'm a buyer and I know I need to bring it into compliance within a certain period of time (180 days), so they need that Code Compliance Inspection Report to have contractors to do walkthroughs to make bids. I noticed the old Code Compliance Inspection report didn't include a complete plumbing inspection. For some reason the plumber didn't have access to the basement, and that seems necessary to review to make it a thorough report. The purchase has to show they have the financial capacity to do the rehab. We need that Performance Deposit. I now a lot of people in your position may say the Performance Deposit should be posted for the person doing the rehab. My response is you can handle it in the closing or apply to have it back and they can post their own. What you are looking for now is the Council to put a pin it to give you time to get an investor into place. That Code Compliance Inspection Report needs to happen sooner than later. It needs to be maintained. The City isn't your property manager and you are under a microscope now.

Michka: I wanted to clarify I meant the inside was maintained.

Moermond: I thought maybe that's what you meant. It does need to be cleaned out before a Code Compliance Inspection can be done.

Michka: we'll work on those next steps and move towards a potential sale.

Moermond: let's get that done. Whoever the party is, I would give a short leash. The agreement should be in place when I'd ask them to send it back to Legislative Hearing November 28. That would give a good six weeks from today for things to develop. Get that Code Compliance application in as soon as possible.

Leibovich: we've been in contact with Clint. We'll pay for that Code Compliance inspection.

Moermond: we have a plan. Performance Deposit and Code Compliance Inspection Report. Whoever is purchasing would need to show the money, a work plan that

*addresses all the items in the Code Compliance report, bids supporting that. The addendum to the purchase agreement which indicates they are the ones doing the rehab and that you don't close until the Code Compliance certificate is issued. You cannot sell a property with an order to abate over it. Title wise can we stop it? No. Permit issuance wise can we? Yes. I'm happy to work with you all, this is a large outfit so I assume it won't hang you up.*

*Michka: how detailed is that work plan?*

*Moermond: most purchasers for Category 3 buildings are outfits that can put detailed sworn construction statements. If they aren't, it is fine, they will have separate bids for the trades and we'd look for them to indicate they are covering the Code Compliance items and the amount of money.*

*If that Performance Deposit is posted and Code Compliance Inspection applied for we'll ask the Council to send it back to Legislative Hearing on November 28. Once you have the report I expect you to shop it around to buyers so November 28 we can have more specific information about what this is looking like. Maybe have a buyer at the table.*

**Referred to the City Council due back on 11/8/2023**

## 10:00 a.m. Hearings

### Making Finding on Nuisance Abatements

- 2 RLH RR 23-55** Making finding on the appealed substantial abatement ordered for 46 FRONT AVENUE in Council File RLH RR 23-1.

**Sponsors:** Balenger

*The nuisance is abated and the matter resolved.*

*No one appeared*

*Moermond: this got its Code Compliance certificate September 7.*

*Supervisor Joe Yannarely: correct.*

*Moermond: abated, fantastic.*

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

- 3 RLH RR 23-54** Making finding on the appealed substantial abatement ordered for 1618 HAMLIN AVENUE NORTH in Council File RLH RR 23-2.

**Sponsors:** Brendmoen

*The nuisance is abated and the matter resolved.*

*No one appeared*

*Supervisor Yannarely: this received its Code Compliance certificate on October 2, abated as well.*

*Moermond: great.*

**Referred to the City Council due back on 10/25/2023**

- 4 RLH RR 23-53** Making finding on the appealed substantial abatement ordered for 771 IOWA AVENUE WEST in Council File RLH RR 22-56.

**Sponsors:** Brendmoen

*The nuisance is abated and the matter resolved.*

*No one appeared*

*Supervisor Yannarely: this one was done a while ago.*

*Moermond: June 9 of 2023. Wonderful.*

**Referred to the City Council due back on 10/25/2023**

- 5 [RLH RR 23-52](#)** Second Making finding on the appealed substantial abatement ordered for 1006 THIRD STREET EAST in Council File RLH RR 23-14.

**Sponsors:** Prince

*Layover to LH October 24, 2023 at 10 am to review updated work plan/schedule and updated financing. PO may be required to post additional \$5,000 PD.*

*Jason Stockwell, owner, appeared via phone*

*Moermond: this is the one-year point, we follow up every six months. Mr. Yannarely will update us on what the building inspector found, then we can talk about where things are at.*

*Supervisor Joe Yannarely: Building Inspector Clint Zane visited the property yesterday and estimated it about 60% complete. Active building, active electrical, mechanical, and warm air, and plumbing. None finaled.*

*Moermond: 60% as of yesterday. Mr. Stockwell, tell me about where things are at? You indicated in your April work plan you'd be done by now.*

*Stockwell: Jared, the contractor, says they are close to done now. They were busy and behind this summer. HVAC should be closing soon. I don't know the order of how these go, if someone is waiting on another one. They should be soon. Plumbing is done because they put the concrete in the basement. So hopefully that 60% includes the new electrical service and new bathroom and concrete in the basement. Contractor delay. I check every week, believe me. I have all my money into this, I can't get a loan on it. I want it done and have someone move in.*

*Moermond: we don't have finals on those permits, which I wish we did. We don't even have inspections on some of them. I hear what they are telling you but I am not seeing they've connected with inspectors for rough-ins or finals. Certainly that is required. Plumbing was issued November 3, 2022 but there was no rough in on it. Not sure if that will cause problems, but they do need an inspection. We do have a rough in on electric and mechanical. You don't have any inspection for plumbing and warm air. I don't think there's any order in terms of inspectors going through and doing those*

*inspections except the building permit is the last to be finalized.*

*One year in it is at the Council's discretion of handling the Performance Deposit. They could forfeit it, continue it, require an additional Performance Deposit. Right now, you're scheduled to go before the City Council November 1. I'm inclined to do three things, get an updated work plan with more specifics than submitted previously, I also need some information on where your financial position is on this rehab. The account information from mid-March shows adequate financing. I don't know how much you've paid; how much is still available. Essentially I need to check the receipts to make sure you aren't out of money and that's why work has stopped. I'm inclined to recommend they require an additional \$5,000 Performance Deposit. Not to forfeit the previous one, require more to up the ante. I could be persuaded otherwise possibly depending on how much progress can be made sooner than later. I want to see finalized permits if they are as far along as they say. If we talk again in 2 weeks they'd have the opportunity to get the inspectors in and we'd know more specifics. The more done the less inclined I am to ask that \$5,000 be posted.*

*Stockwell: is Jared there? Or on the call?*

*Moermond: no one is here.*

*Stockwell: I'll relay this to him. I'm on him every week. The plumber --- I don't know why. The electrician has final payment so I need to make sure he's closed out.*

*Moermond: it has been 5 months since the rough in and there's no final on it.*

*Stockwell: I'll get on him.*

*Moermond: we can send a letter summarizing this.*

**Laid Over to the Legislative Hearings due back on 10/24/2023**

## 11:00 a.m. Hearings

### Summary & Vehicle Abatement Orders

- 6 RLH SAO** Appeal of Richard Heller to a Summary Abatement Order at 1223  
**23-37** MARION STREET.

**Sponsors:** Brendmoen

*Grant appeal allowing wheelbarrows, step ladders, picnic table, and other items manufactured for exterior use that are in good repair. Grant to November 1 for compliance with balance of the orders, including proper storage or removal of extension ladders, card tables, and all other items.*

*Richard Heller, owner, appeared*

*Moermond: what we have today is the regular hearing we would conduct talking about the orders that were issued and your appeal of them. As I understand it you have received all of the documents in a readable format, the only items left not readable were headers on the documents but the bodies describing the items in question and appeal process were rendered readable. Unless you say otherwise I would consider that you have the information necessary to participate in this process.*

*Heller: October 10, approximately quarter after 11 at the hearing with the City of St Paul, I have reviewed the documents and if I could have them in front of me I can walk through them but there were some problematic. If a person would manually check your documents, for instance the images were tagged, yet there was content on that page that was inaccessible with the adobe reader. If this would be helpful in manually checking documents to review to make them closer to compliance.*

*Moermond: in terms of your participation in today's hearings are you impeded by the fact the headers were not readable? We can certainly put those on the record. You didn't bring any materials associated with your appeal?*

*Heller: that is correct. I wanted the same thing you have in front of you. It would help to walk through the process. Important feedback to a process that can frustrate people using screen readers. I am one of those people.*

*Moermond: we'll have these documents run through the color copier. The problem is you have indicated you require all of these in PDF readable format, but you don't seem to have brought a computer rendering those documents accessible to you during the course of the hearing. I am concerned you are relying on a different method now than what you have indicated thus far is necessary.*

*Heller: I expressed that I use Outlook that reads HTML out loud as well. I sent correspondence this morning from the Southern Disability Law Center. If you look at that as well, I was following up with the waiver piece with them as well. I don't believe it was a complete record since my previous email wasn't in the packet. I don't believe it was a complete record, you have a current one now. It was the 8th of this month.*

*Moermond: it is attached to the record.*

*Zimny: I didn't include that in the packet I sent since he had submitted those himself and assumed he knew what it says.*

*Heller: I included correspondence with the director of the Southern Disability Law Center. That doesn't really have anything to do with inspectors, as you know. I'm going to let you go on recess.*

*Moermond: the only thing we're going to do is make copies of the photos. I am satisfied you have been provided information in a format readable to you in one of the methods considered acceptable and unless you tell me otherwise you have had access to the information in a format that makes you able to participate today. We can talk about niceties on the header but we need to move forward with this and believe we have met your accommodation request.*

*Heller: since you tagged images another option is when I see and hear a printed word I understand it more effectively which is relative to my engagement.*

*Moermond: and we are doing that now. You can read what is being said on the computer in front of you, so that accommodation has been made.*

*Heller: also since the screen reader does read your images simply having the printed word down below re-supports what my accommodation was. If it possible, it is one thing to have the picture tagged but to have the captioning below it enforces the spoken and seen word, just as the photo would itself. I was trying to explain it how*

*people can more effectively acquire information in this process.*

*[recess taken while photocopies are made]*

*Moermond: I understand you would like information on the dates connected with the photos. We can walk through them individually right now, but I think it best to handle them as staff report occurs.*

*[Moermond gives background of appeals process]*

*Staff report by Supervisor Richard Kedrowski: September 5, 2023 an inspection was done at the property at 1223 Marion and at that time numerous items of outside storage were found including tables, ladders, vacuum, fans, tires, wheelbarrows and other miscellaneous items in the front yard and throughout entire property. Orders were sent for removal of outside storage items and an appeal was filed before any action was taken.*

*Moermond: the deadline in the orders was September 12?*

*Kedrowski: that is correct.*

*Moermond: and an appeal was filed the day after the compliance date and it was accepted. So received and accepted September 13. City Council staff Racquel Naylor spent 90 minutes to 2 hours assisting Mr. Heller reducing his appeal to writing and walking through what the orders indicated. The appeal was scheduled for September 26 and continued two weeks to today to make sure every single document associated with the appeal was reduced and rendered in a format that was readable. There are several photographs in the record that Mr. Heller has indicated his reader couldn't understand so we will walk through each of those.*

*[photos are described in detail including dates, angle, where photo was taken from, where on property it shows and what is in the photo]*

*Heller: excuse me, the sequence I got them in may not be the same.*

*Moermond: you are moving the photos around they won't be in the same order. It seems like you are trying to obstruct the process.*

*[recess taken and photos reorganized for Mr. Heller and stapled together]*

*[photos are re-described starting from beginning]*

*Moermond: those are the photos in the record and they show the conditions that existed at the time of orders September 5 and how they appear at this time. We have nuisance conditions ordered corrected. What are you looking for today Mr. Heller? Why did you appeal?*

*Heller: I appealed because I was contesting because I had prior discussions about being able to have decorative ladders and wheelbarrows in the yard. The other thing was understanding the tables. I had a discussion with Richard. I put chicken wire and chained the ladders together and the wheelbarrows were already. He had issue with the tables, which are picnic tables. That was my rationale for the appeal.*

*Moermond: you wish to keep the ladders and the wheelbarrows and making an*



*argument that the tables present are picnic tables.*

*Heller: yes. It has an umbrella in the center of it.*

*Moermond: September 25 the photo shows a white picnic table with silver umbrella. I also see a card table and shelving, with many other items.*

*Heller: I've been busy in the front yard again. Those are in the process of being moved today. The first picture on the left in page two is really what closely resembles the picnic table. If its ok to have a container with slide drawers on top of my picnic table. The tag did mention the water barrel I use to collect rain; it has secured mesh on it. Mr. Richard allowed the wheelbarrow before. I use that water to water the City tree they asked me to water. That isn't required but I do it because we want trees to grow. Page two on the right-hand side the image says there are two ladders, but there are 3 there. Those sunflowers have been picked and discarded now. When they removed the tree and put the sod in those grew on their own. Richard informed me I had a responsibility to keep them shortened to 3 feet, which I was unaware yet. I do address things as they come up. Those bicycles are going away today. Again, the second to last photo. And the clothes. The tarp on the steps relates to the ladder on the left-hand side. I've been painting the fascia that is peeling. I don't know if that's problematic.*

*The other thing is being able to have wheelbarrow and ladders. Richard said I could have them in the backyard. If you look closely you can see one on the second to last page of images, it has a metal tire it is decorative. I don't know the scope of the City ordinances, and maybe new people coming in may not either.*

*Moermond: what new people?*

*Heller: I believe Victor is new.*

*Moermond: and Richard Kedrowski is on the line saying he would defer anything to this hearing process. Enforcement is stayed until the appeal is resolved.*

*Heller: meaning, my discussion is only with you then?*

*Moermond: the City Council is the decisionmaker.*

*Heller: so the recommendation goes to the Council.*

*Moermond: the matter is resolved when the Council votes on your appeal and the stay is lifted.*

*Heller: and the file you are reviewing is the same as what I have now?*

*Moermond: you have all the information as far as I know. We didn't provide documents you submitted back to you since you submitted it yourself.*

*Heller: I'm waiting for the Minnesota Southern Disability Law Center the outlook does read out loud their information. You will make that correspondence I sent this morning part of the record and will you review to see if the decision will come relating to a waiver?*

*Moermond: what are you talking about, a waiver?*

Heller: the City of St Paul waiving the \$25 fee. You recommended to contact SMRLS. They don't do such work for representation regarding Summary Abatement Order. The phone number is on there. The other thing is your retention of records, I asked for the transcribed conversation.

Moermond: are you talking about something in front of me this morning you don't have access too?

Heller: the last meeting wasn't sent to me for my memory recall was I asked wasn't set to me so I can "prereview" so the discussion from the first hearing would be helpful for re-reviewing to prepare. I was trying to follow through with my prior written request which is part of your handout. Your staff helped me for a substantial amount of time to put the correspondence together on the request. I don't have that in front of me, but I believe you would. I do have the photos in front of me.

Moermond: we can provide you with the notes that were taken at the earlier hearing. You were present at that hearing and discussion and at the end of the day the conclusion was the documents needed to be rendered in a format that were understandable by you and we did not discuss content of your appeal but rather formats for receiving information. We can deal with that, however, my question was "what are you looking for today's appeal?"

I understood you to say you would like to keep the ladders, the wheelbarrows, the picnic table, the associated umbrella, and something that appears to be a blue plastic barrel that you are treating as a "rain barrel". Did I understand that correctly?

Heller: yup.

Moermond: anything else you want considered as part of your appeal? For example, how long do you need to clean up the balance of the items in the yard?

Heller: since there is no narrative on the other photos, I don't have the pages numbered here, I'm unsure about the picture in the back of the garden that is empty. I'm not sure it has relevance. If there's something out of compliance Richard can certainly talk to me.

Moermond: while I appreciate the photos have been provided for reference, the orders as indicated earlier by Mr. Kedrowski as well as in the PDF and when you met with Ms. Naylor in person, indicate quite specifically "please remove and properly dispose of the tables, ladders, vacuums, fans, tires, wheelbarrows and other miscellaneous debris from the front yard and entire property. Comply before September 12, 2023." I heard you say you didn't want to remove some of those items and other items clearly you didn't address and I'm asking if there is a different deadline you're looking for? Obviously the September 12 deadline came and went and my assessment from the photos is things have worsened since orders were issued. What specifically are you looking for in terms of a deadline?

Heller: I guess with the given photos, to the end of the month?

Moermond: Mr. Kedrowski, are you in agreement the blue plastic barrel is a rain barrel? I don't see it connected to a gutter system.

Kedrowski: I didn't see it connected either. At this point it is just a blue plastic barrel.

*Heller: there is a nozzle and a hose hooked to it. Those are visible in a couple of the photos. The last picture shows it.*

*Moermond: I can see a hose strung throughout the front yard. Rain barrels are traditionally connected to a gutter system.*

*Heller: up above in the first photo there is a short gutter where the water hits the open barrel, which has reinforced and netting of it. It goes into the barrel and collects. I open it as needed.*

*Moermond: I don't see that collection system in the photos.*

*Heller: you see something hanging out on the edge of the roof, it is open without a spout.*

*Moermond: freefall from the second story. So the barrel is open?*

*Heller: that is correct. It has a secure top on it.*

*Moermond: how does it collect water then?*

*Heller: it has a heavy screen on it. Below that is a quarter by quarter galvanized that sits inside. Because it could be a potential hazard if it didn't have a lid on it, so I put that on to let the water free flow instead of a downspout from above. If the City can agree and I have to put a cap on with a specific tube going down, but I just freefall it into the enclosed barrel. Do they allow the collection of rainwater? I know many cities encourage it.*

*Moermond: the City partners with Ramsey County in the provision of at-cost rain barrels to encourage their use. This is not a traditional rain barrel set up and my concern with an open system like this is it becomes a nuisance because it provides harbor for mosquitoes. Whether or not the screening is adequate is a question. The freefall of water is certainly not the way these things are usually done.*

*Kedrowski: I agree with your comments as far as the open storage of water related to mosquitoes and standing water.*

*Moermond: the inspector would need to review and determine whether or not that screen that Mr. Heller is describing is adequate to prevent mosquitoes from breeding. A closed system and a spout directly into the barrel you've eliminated the public health issue. The other items that are located throughout the yard you are saying you will address and are requesting until the end of the month?*

*Heller: that is correct and can a riding lawnmower be in your yard?*

*Moermond: that is clearly an exterior item and can be stored there.*

*Heller: is there a list the City has or can create for the public at large, things that are considered outside and allowed to be in the yard so there is a clear understanding.*

*Moermond: let's stick with your appeal on these items today.*

*Kedrowski: a comment about the riding lawnmower; that requires it be functional, no missing components, it isn't just parts of a riding mower.*

*Moermond: I do think that's an important clarification. With respect to the wheelbarrows, ladder, and picnic table I would recommend that you be allowed to keep them. Those are exterior items, although I don't think they add anything to the area. I understand you believe them to be artistic expression, but more importantly there is nothing wrong with storing them on the exterior. The ladders are borderline creating an attractive nuisance and do present a danger, especially to children. I think the ladder that is in the September 25 Photo—I don't think storing one against the house is safe.*

*Heller: absolutely.*

*Moermond: it is no problem for the ladder to be stored safely. Propped up against the house isn't safe. You encourage climbing to a height one could experience injury. That needs to come down unless you are using it.*

*Heller: that is why I secured chicken wire and chained them, to keep them off even though they are on private property.*

*Moermond: that appears to be fine for the 4 and 5 step ladders that are appearing in the left-hand front of your property but that isn't what we have for the extension ladder.*

*Heller: I agree.*

*Moermond: based on the dates of the photos it has been propped in that position for at least two weeks. That shouldn't exist long term.*

*Wheelbarrows may remain. Picnic table and umbrella may remain. Four to five step ladders may remain. The other items need to be made code compliant so that means they need to be removed or properly stored elsewhere. That includes things like the tires, the clothes hanging from the rod, the rod system, the bicycles, a lot of things I cannot determine from photos.*

*Heller: the pipe system for the clothes has to be removed? I hang planters off of there as well. There's four different pipe systems and I have planters that hang on there. I would ask you allow them to remain for that decorative purpose. The photos with the chairs that fold up around the fire pit, to the back side of the picnic table and those are foldable and are considered items for outside, can I have them outside? Around the fire ring?*

*Moermond: what are you talking about?*

*Heller: the third photo from the back you can see some red nylon foldable chairs. They can withstand weather. They fold up. For sitting. Can those be left around a fire ring in the front yard?*

*Moermond: where is your fire ring, Mr. Heller?*

*Heller: I had a barbeque thing there. I don't have one there now, the other day someone wanted to use it. I let them for the week. It was on the back side of the picnic table. You sit around that. I call that the fire ring because it is a barbeque made for outside.*

*Moermond: it is a grill?*

Heller: you can put charcoal in it but you can also have fire in it. It is about 8" off the ground. Sits low to the ground. If you want to cook something you can put a top on. It is 18" to 20". Small. If I can have an extension cord, I was using the fan during the hot days. I can wind it up and store it in the back yard. The cord is useful. Obviously the fan won't be there now except stored in the way back. Just to clarify. I thought it was acceptable because the before and after photos I've never reviewed those but those would show wheelbarrows and ladders in the front yard. If they were reviewed before they were cited we would perhaps not have to do this.

Moermond: we've been at it an hour so far today. The extension cord cannot be permanently stored on the outside unless you can produce a manufacturer's statement that the cord is intended for exterior use on a permanent base, no, it cannot. You can see on holiday lighting displays there is a card attached indicating they are acceptable for exterior use up to 90 days and then they're not. The same would apply to an extension cord. It isn't acceptable unless you can show the manufacturer intended for it to be stored indefinitely on the exterior of the home. I very much doubt that.

Kedrowski: you are correct, they are meant for temporary use, not in lieu of permanent wiring. On the exterior it would have to be weather rated to remain outside for any length of time.

Heller: it wasn't my intention to keep it permanently outside. Thank you for that clarification. The garden hose is ok?

Moermond: I personally think it's a trip hazard, but that's your problem. If you want wheelbarrows and step ladders for decoration, fine. Other items can't remain. I would say the blue/gray plastic bin turned upside-down isn't ok to be stored outside like that. I see a blue milk crate and other types of things pulled together. This isn't for a particular use.

Heller: I agree, it isn't permanent. What photo is this?

Moermond: third to the last. You asked about the chairs, the chairs can remain. Mr. Kedrowski can provide specifics on other items but I would say that the exception would be for the items we have mentioned unless enforcement decides it is acceptable. I did look at the aerial maps on this and 2022 map shows completely cluttered. 2017 I don't see that. It is much more orderly. I point that out, it seems like things have deteriorated over time of your management of the space. I don't see the same circumstance for neighboring properties and that may be a reason complaints are made and City inspectors are deployed. You may want to consider that in the future. I am happy to have Council give you until November 1 to come into compliance with orders as we discussed. This will go in front of Council October 25. You will receive a letter confirming that recommendation.

Heller: Richard will make the determination?

Moermond: on miscellaneous items that were not discussed. Those seem to change from photo to photo.

Heller: it is a changing picture scheme.

Kedrowski: I would ask Mr. Heller remove the obvious items and not wait for the first of November when I come out. Remove the obvious items as soon as possible and we can discuss the remaining items.

*Moermond: so a reinspection November 2 at which point you make a determination about compliance and noncompliance could result in deployment of a City crew to remove the noncompliance items or the issuance of a bill for Excessive Consumption of code enforcement services.*

*Kedrowski: I want to make it clear to Mr. Heller that anything that isn't normally used on the exterior of the property need to be removed. I can work with him on a last few item that may need clarification. He needs to remove the majority of the items as soon as he can.*

*Moermond: and if it is broken it is considered trash and needs to be removed. Broken chairs, broken lawnmower.*

*Kedrowski: that is correct.*

*Heller: can what we be discussed be sent in an accessible format, including the prior meeting?*

*Moermond: of course.*

*Heller: I do want to suggest when you provide captioning to people who request it, regarding data subject, for some reason there's another phone number on here that could be considered data subject in the future somehow that would be addressed.*

*Moermond: thank you for your comment.*

*Heller: manually check your documents, the first page as you described it today it doesn't read out loud.*

*Moermond: we have received and noted that comment for the record.*

*Heller: can Mr. Heller sit at this chair to follow the process more?*

*Moermond: sure, it is a public meeting.*

**Referred to the City Council due back on 10/25/2023**

## **Correction Orders**

- 7**      [RLH CO 23-12](#)      Appeal of Peyton Hurst to a Correction Notice at 823 ENGLEWOOD AVENUE.

**Sponsors:**      Balenger

*Layover to LH November 28, 2023 at 11 am to allow time for PO to speak to Plan Review staff and contractors.*

*Peyton Hurst, owner, appeared via phone*

*Moermond: I know we didn't connect last week, but more documents were found and emailed to you. You received those right?*

*Hurst: I did. I can speak to some things that can be substantiated with photos of the*

*current set up. I'm assuming this is egress for the basement space?*

*Moermond: exactly. And I think you're still thinking duplex right?*

*Hurst: right, that's what is more important. It is the duplex piece I'd like to work with you guys on. I'm not using it as a triplex.*

*Moermond: the plans submitted it would be worth meeting with plan review staff on what would be required to make it a legal duplex. Its great we found these documents so you don't have to hire anyone to do the work. This seems doable now without hiring more professionals outside maybe a few layout changes. You have a map for moving forward. The next question is how long that would take you and a reasonable timeline for that.*

*Hurst: do you have a contact with plan review I can work with?*

*Moermond: yes, Meilissa Doody. They were rejected because of the basement diagram not dealing with that egress. Otherwise, I don't think she mentioned anything specific. The ceiling issues with fire separation.*

*Hurst: I'll have to work with her on that because I took off a lot of basement ceiling to replace the boiler. That will be done on the 16th. I can take some photos at that point. I'll work with her.*

*Moermond: talking this over with her is the way to go.*

*Hurst: do I have to circle back with you after we land on a solution with her?*

*Moermond: right. First, figure out what needs to be done and then the second is how long it will take to execute. single-family home to duplex is different than single-family home to triplex. Then we'll come back and put a deadline on the record. Let's talk again in about six weeks after you've talked to Ms. Doody and any contractors.*

*Hurst: I'd like to meet with her next week if I can. I should at least know enough to send an email and let you know how that goes.*

**Laid Over to the Legislative Hearings due back on 11/28/2023**

## 1:00 p.m. Hearings

### Vacant Building Registrations

- 8 [RLH VBR 23-59](#) Appeal of Greg Lehman to a Vacant Building Registration Notice and Fire Certificate of Occupancy Revocation Notice at 839 FOURTH STREET EAST.

**Sponsors:** Prince

*Layover to LH October 24, 2023 at 1 pm to discuss findings of Thursday, October 19, 2023 inspection.*

*Greg Lehman, owner, appeared via phone*

*[Moermond gives background of appeals process]*

*Staff report by Supervisor Mitch Imbertson: this is a residential building in the Certificate of Occupancy [program]. We were following up on previous orders granting an extension through September 1 2023 under appeal. Inspector followed up on September 5, and he was unable to gain access but did appear unit 1 was vacant. After confirming no extension or modification of previous deadline he referred unit 1 to the Vacant Building program which is where the September 12 letter revoking the Certificate of Occupancy for unit 1 came in. Some items weren't able to be checked off since he couldn't get in to verify.*

*Moermond: one unit has the Certificate of Occupancy revoked, the other three have one. The one unit was referred to the Vacant Building program.*

*Staff report by Supervisor Matt Dornfeld: we opened a Category 1 Vacant Building per that referral.*

*Moermond: when you have a Category 1, it means it can be reoccupied by non-owner as soon as it has its certificate reinstated?*

*Dornfeld: yes.*

*Lehman: the fire inspector failed to tell you I called him to reschedule from that date which he refused to do. It should have been done before the first. Having one on the 5th, I told him the Friday before I couldn't make it. He refused because he Council decision. All the councilmembers said we were going to sit down and resolve this. no one ever called me. Jane Prince never called me. She finally left me a message saying she forgot all about me and would figure something out. Never heard back from her. Then around September 5 I called her when I called the fire inspector to reschedule, she said she did talk to the Fire Inspector. Then she called me back and said maybe I should have someone come in to look at the heater and see what they said about the cover. I had a friend who is a heater guy come in and said just make a cover for it. It is all you can do. That's where I'm at. And all this because of a disgruntled tenant who was made because I wouldn't set the heat to 75 degrees. Now she's evicted because she didn't follow my rules.*

*Moermond: right, we talked about it last time. The Council made no such commitment. The Council voted 7- 0 to deny your appeal. Ms. Prince said she wouldn't mind working with you come up with a solution. That isn't the same as saying she's going to facilitate the solution.*

*Lehman: she called me and said she'd work with me.*

*Moermond: that's fine, but I'm telling you that you summarized the Council record inaccurately. They voted 7 – 0 that you needed to come into compliance.*

*Lehman: what about when I called the Fire Department to reschedule and they wouldn't budge.*

*Moermond: the Council then granted an additional extension beyond the original one, so that is the one the Fire Inspector is following up on. Mr. Imbertson can speak to rescheduling; I do know that last minute for these types of deadlines it isn't a great thing to be asking for.*

*Lehman: the deadline was September 1 and the Fire Inspection wasn't until the 5th.*



*That was five days late. It should have been in August.*

*Imbertson: the inspection was schedule to the 5th to allow the full of time from the Council extension. Typically, at our soonest availability on the following business day we will schedule inspection so there is no disagreement about you having the full amount of time granted by Council. We can always set up earlier reinspections if we are notified the work is done ahead of deadline but we try to avoid situations where we set an early reinspection and we're holding someone to a shorter deadline given by the Council.*

*Moermond: could we, to have the most current information, set an inspection with the inspector or supervisor so we have eyes on? Right now, I have orders from September 5 when Mr. Lehman wasn't available. Can we get someone in and get fresh information and use that. Mr. Lehman are you good with that?*

*Lehman: when is that going to be?*

*Moermond: we're not there yet, I'm asking in principle if you are ok with rescheduling this inspection.*

*Lehman: yeah. When do you want to reschedule?*

*Imbertson: I'd like to have Ryan Tessman there who did the previous inspections.*

*Lehman: he has only been there one time in his whole life. He's never done a Certificate of Occupancy here.*

*Moermond: in any event do you want to schedule this now Mr. Imbertson?*

*Imbertson: as quickly as possible?*

*Moermond: I'd like to allow a 2-week layover to get eyes on and fresh orders.*

*Lehman: 2 weeks is fine.*

*Moermond: within the next two weeks is what I'm saying. Two weeks here in Legislative Hearings.*

*Imbertson: are you available this Friday?*

*Lehman: that would be too soon. I'm going to have the heater guy look at it.*

*Moermond: I thought you had a guy in there?*

*Lehman: that was my friend. I'm going to have a company come in.*

*Moermond: you've had a lot of time to do exactly that.*

*Lehman: I didn't know what the City's Council resolve was to fix my problem. What's the inspector going to look for?*

*Moermond: the City Council isn't responsible for fixing your problem. That's something you need to work with inspectors on and discussed at great length in our hearing.*

*Lehman: I'll just appeal to the City Council.*

*Moermond: why don't we get an inspection so the Council has current information.*

*Lehman: I told you two weeks. You said two weeks.*

*Moermond: I said I wanted to lay the matter over for two weeks to allow the inspector access. They can see what you have in that time period, at the same time you can talk to a heating contractor about it and you can bring that information to a hearing that occurs in two weeks from now. We can pull the pieces together.*

*Lehman: two weeks from today would be perfect.*

*Moermond: for a hearing. I want an inspector in before the hearing. Updated orders understanding that in the same two weeks you will be reaching out to a contractor. As an article of good faith, I'd like to see you get an inspector in to do at least a progress check on the set of orders from early in the year.*

*Lehman: what do you mean progress? There's no cover there. I don't know what to do with the cover.*

*Moermond: there are seven items in the orders appealed.*

*Lehman: those are done. What else is there?*

*Moermond: I'm glad to hear that and if an inspector can put eyes on it they can be crossed off the list. I'm saying it is an article of good faith you would allow access to the inspector to review them. We have current information then and working on the remaining item.*

*Lehman: cut it down to a week and a half, give me a week and a half. Otherwise, I'll just go to the City Council.*

*Moermond: you do what you need to. Are you going to allow access to an inspector? Mr. Imbertson offered Friday.*

*Lehman: I'm working Friday. Anytime the week after is fine.*

*Imbertson: 11:30 on Thursday the 19th?*

*Lehman: that will work.*

**Laid Over to the Legislative Hearings due back on 10/24/2023**

## 1:30 p.m. Hearings

### Orders To Vacate - Fire Certificate of Occupancy

- 9 [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 24, 2023 at 1:30 p.m. for further discussion.*

*Moermond: this is being laid over 2 weeks for a situation where we did not have a building permit pulled, an alarm and electric permit in play. I have put out the word to the folks writing the checks to the contractor to help us navigate.*

**Laid Over to the Legislative Hearings due back on 10/24/2023**

**10**     [SR 23-215](#)

Review Request of Wamoua and Sheng Lee for the Appealed Special Tax Assessment for Property at 1236 ROSS AVENUE. (File No. VB2310, Assessment No. 238813). (Adopted by Council September 13, 2023).

**Sponsors:**     Yang

*Delete the assessment.*

*No one appeared*

*Moermond: we have a Vacant Building fee ratified as an assessment and the owner brought this to attention that he had his Certificate of Occupancy and the reason for the condemnation was addressed immediately. So we had some things to untangle to figure out how we fix this.*

*Staff report by Supervisor Imbertson: it started as a complaint February 6 of no water in the building, which led to it being condemned and to the Vacant Building program. The inspector was out there again to follow up and approve the property May 23, 2023. The Certificate of Occupancy was approved then. It isn't clear there was any communication with Vacant Building staff. It was long enough ago it is difficult to run on memory on who spoke to who. Inspector Thomas said he was under the impression his approval would have notified Vacant Building staff but that doesn't happen automatically. If it was reoccupied right away we'd assume that would show up as the Vacant Building checks, but sometimes they may not reoccupy right away which leads to the potential of keeping the Vacant Building folder open even though it was approved on our end.*

*Moermond: the note says no water, it doesn't say SPRWS shut off. Any idea there?*

*Imbertson: it wasn't referred from the standard shut off list. Inspector's recollection was it may have been shut off by owner due to plumbing issues. I wasn't able to determine the exact issue. It does appear the tenant was without water in the unit.*

*Moermond: so the inspector writes an order that you need to provide water and I see no follow up by the inspector to verify water or unit vacated.*

*Imbertson: I assume it was vacated.*

*Moermond: it is a big assumption since there are no notes.*

*Imbertson: it may have been voluntarily since it was immediately referred to the Vacant Building program. If the tenant was still occupying we'd set a timeline to comply or vacate before referring it.*

*Moermond: but no documentation at all about what happened in the file.*

*Imbertson: that is correct. My best speculation is the property was likely already*

*vacant at the time it was referred to the Vacant Building program.*

*Moermond: that doesn't make sense a tenant would call in for no water. The owner certainly wouldn't call.*

*Imbertson: right; there are limited notes.*

*Moermond: there are no notes. None. That I can see.*

*Imbertson: it is standard practice to notify Vacant Building staff via email but the inspector was under the impression they also received a note from the Automated Amanda notification. That was a misunderstanding at the time of approval.*

*Moermond: this is not a new inspector.*

*Imbertson: no.*

*Moermond: so Vacant Building has had a file open since February and have visiting every couple of weeks. It looks like from Hoffman's notes it appeared vacant when he visited.*

*Dornfeld: that's what James claims as of this morning. It looked nice and tight.*

*Moermond: nice and tight with its Certificate of Occupancy as of May. As a Category 1 that is all he needs until it is empty for a year. It is a waste of City services that Vacant Buildings has made 15 trips to the property because of this mistake. If you would kindly close the Vacant Building file. I'll recommend the Council delete this ratified assessment as incorrectly handled by the Department.*

**Received and Filed**

## 2:00 p.m. Hearings

### Fire Certificates of Occupancy

- 11 [RLH FCO 23-78](#) Appeal of Lisa McCormick, Attorney, representing Grand Holding Co., LLC, to a Correction Notice-Reinspection Complaint at 236 GRAND AVENUE.

**Sponsors:** Noecker

*Layover to LH November 7, 2023 at 2 pm. Fire C of O staff to reinspect property to determine if service garage door provides legal egress and signage from garage area and area with conveyor belt indicates not an exit and trip hazard.*

*Elias Saman, Grand Holding Co. LLC, appeared  
Lisa McCormick, attorney, appeared*

*[Moermond gives background of appeals process]*

*Staff report by Supervisor Mitch Imbertson: this is a commercial building in the Certificate of Occupancy program the use is a repair garage and mercantile/gas station. This originated from a complaint inspection starting in July 2023. A Number of items were cited. The main item being appealed is item 1, an exit obstruction created*

by a conveyor belt system blocking an exit door and use of stairway to the second floor of building. That second floor is storage and office space with minimal use but is considered an occupied area of the building. The conveyor belt on the stairway restricts the width down to 26 or 27" of space. At the bottom where it comes to the exit door he measured down to a minimum of 16" between edge of belt and wall of building. That would be the minimum width from the back service hallway.

[photos are reviewed]

Imbertson: the stairway itself is 40" wide. 26" is the measurement from the edge of the conveyor belt to the brick wall.

Moermond: and the photos today are showing distance to wall and exit door.

Imbertson: Inspector Schmidt was trying to show different angles. 16" is the narrowest measurement from corner of conveyor belt to outside wall.

Moermond: and what exists to the left? A corridor?

Imbertson: I believe a service corridor to the repair garage and car wash.

Saman: If you exit the second floor and want to exit it is wide open. If you come down, make a turn, and want to go to the service garage, it is 16" between the wall and end of the machine. Not blocking the exit door.

Imbertson: there was a concern that is still a potential exit path from the service garage.

McCormick: he did accurately state it. There is a service corridor that runs along the side of that stairwell, on one side is the car wash and the other is an entrance into the repair garage. To his comment about exit from the repair shop. There is an exit door in the repair shop as well as 3 garage doors. There's ample exit availability from the repair garage.

Saman: one exit from upstairs, you just exit to the backdoor.

Moermond: what's stored up there?

Saman: washer fluid in the winter. Parts for the repair garage.

McCormick: [aerial layout submitted for record] the storage room upstairs has the boiler and electrical panels. They store fluids and products for the repair garage. While the occupancy is considered office, it is for owners use only and he just stores records there.

Imbertson: without more detail I'm not certain, if you're in the car wash area it is still considered an occupied area of the building. You have to have one exit properly available from the service areas. I'm not clear that if you're standing in the back area in the service hallway you'd have access to the front or have to walk past this conveyor belt.

McCormick: at the entrance to this service corridor, there is a doorway to the carwash directly into this area. Exactly opposite each other. Access from the carwash immediately crossing over into the repair garage and out the front.

*Saman: it is easy for someone in the car wash to go to the exit door in the repair shop through the backdoor. The way the door opens from the car wash blocks the hallway to go to the back door. You just go straight, which is the entry for the repair garage and exit door. Almost the same distance.*

*Imbertson: no locks on the door?*

*Saman: no, no locks. Brian took a photo of that today of that exit door. I purchased in 2013 and it was up to code including all equipment in it. It was inspected by all the trades and the fire inspector. I've been operating it since 2013. I have inspection every 2 years, and it has never come up until this past July.*

*Moermond: 16 inches is what we have, you are looking for 10 inches more than what we have? What is the requirement you're putting out for an egress pathway?*

*Imbertson: the lowest width acknowledged by Code is 24" which would be for an aisle with for an employee only area of the building. Stairway itself is 36" minimum by Code, generally. There's an exception for a chair lift but that is only applicable to residential units. That was the most applicable code I could find, but it is geared toward residential stairways in a dwelling.*

*Moermond: the concern is someone coming from the repair garage, past the conveyor belt, to get out the door as an exit and it being a trip hazard?*

*Imbertson: yes. The concern could be alleviated if we can confirm on site it isn't a required exit path to go past the stairway and they can fully direct people to other exits. That would answer the question of the 16" and would leave question of the 26" vs. a 36" stairway.*

*Moermond: so the first question is whether signage can be acceptable to direct from the repair garage that this not an exit, and then signage regarding a trip hazard. A visual there's immediately something there.*

*Imbertson: I think that would answer some concerns.*

*Moermond: and we have to confirm the three bay doors and the additional service door to the repair garage would suffice.*

*Imbertson: the bay doors aren't counted as a fire exit. They aren't considered to be available in an emergency. If you can get out, great, but they aren't officially considered in calculations. It is a low occupancy area that only needs a single exit available. But we need to confirm the exit path is fully accessible.*

*Moermond: the exit between the by doors is what appears to be the one you would look for being unobstructed?*

*Imbertson: correct.*

*Moermond: if it qualifies and is not obstructed, the locking situation is consistent with fire code it would be acceptable?*

*Imbertson: yes.*

Moermond: that handles people coming from the repair shop which was the direction we were most concerned with. Do people come into the door at the base of the stairway by the conveyor belt?

Saman: deliveries only.

Moermond: for purposes of using the conveyor belt and is otherwise a locked door?

McCormick: correct. It is locked but it does have the panic hardware for release, if someone came down from the office they just push and exit.

Moermond: or they use the door immediately in front of them at the bottom of the stairs that opens outward.

McCormick: yes.

Moermond: that can continue to be an exit but we need people from the service area not following a route that puts them at a trip hazard.

Saman: the door in the service garage already has an exit sign on it, qualified by the fire department.

Moermond: any exit signage on the door between service garage and the area at base of stairs we would want that removed. Maybe a "not an exit" sign and "trip hazard" signage. You need to confirm the locking.

Imbertson: correct, provided we can also confirm that it isn't a required exit for any other purpose.

Moermond: with respect to the width of the stairwell available for foot traffic, you are saying that a minimum of width of 36 is required. And this is 26". I feel like I read a record that the requirement was 24". Maybe that was old?

Imbertson; that is for an aisle width in an employee only area. There is a more restrictive requirement of 36" for the stairway. 24" may have been applied in a previous case stairway if it was a low use, non-public stairway, meeting the same intent of what we'd be looking for in an aisle for the area.

Moermond: that's exactly what we were talking about in that case. It was an employee only area where they put boxes on the belt. I think we can make this work, we just need eyes on to confirm we have the hardware set up and the signage. I'm not opposed to making a recommendation the Council grant your appeal but we need to address that. I am also inclined to treat this as we did the previous case and allow the stairway to have 24" for foot traffic as long as it not usable by general public and only employees.

**Laid Over to the Legislative Hearings due back on 11/7/2023**

**12 RLH FCO  
23-81**

Appeal of David Mallet to a Fire Certificate of Occupancy Correction Notice at 1592 GREENBRIER STREET.

Sponsors: Brendmoen

Grant appeal and release the property from the Fire C of O program until May 1, 2024. Refer back to LH April 9, 2023 to check status of property.

*David Mallet, son of deceased owner, appeared via phone*

*[Moermond gives background of appeals process]*

*Staff report by Supervisor Mitch Imbertson: residential building that appears to have previously been owner occupied. We received a complaint referral September 1 2023 stating it was possibly non owner occupied and rented without a Certificate of Occupancy. The inspector confirmed ownership information with County didn't reflect this as owner-occupied and a letter was sent September 1 to register for a Certificate of Occupancy or convert to owner-occupied by the deadline. Regardless of rented or not, if the property isn't occupied by an owner of record it is required to have a Fire Certificate of Occupancy.*

*Mallet: my dad passed away in April. Insurance was about to expire on the property and according to his will we had to put everything in the estate. We built a trust. I am executor of that estate. I had an attorney convert it to the estate so we could sell. In the meantime, I got the letter and I disagree because I am executor and the person living there is my brother who is a beneficiary of the estate. He is part owner. We're looking to get it ready to sell. We aren't trying to rent it out or anything. I don't get where this is coming from. He is part owner as a beneficiary of the trust and it is a family property. The second issue is my brother isn't talking with any of us, so I am stuck putting it into the estate because I may have to evict him to follow through with the will which says to sell and split between all of us.*

*Moermond: what is your brother's name?*

*Mallet: Daniel John Mallet. I have four brothers but I was named executor.*

*Moermond: I'm going to split hairs and say as a beneficiary he is in an ownership position but I want to put together a map for moving forward on this. When I checked Ramsey County records to check on the transfer to trust I didn't find something specific to the William James Mallet, Sr. Trust. It doesn't mean it doesn't exist, just that all I got from the title search were some dates. Those could be the dates your attorney filed paperwork. Tell me more about the estate and the plan for selling. How the eviction fits into this.*

*Mallet: it is my brother and I don't want to put him out on the street. This problem arose before I could even start the eviction process. My attorney told me he put it into the estate. I called Ramsey County records; they had my name on it. They said they'd correct it. I still see it is in my name. I'm trying to distance myself from this. It isn't owned by me. I'd like to figure this part out and move ahead with the eviction. I don't know how long that will take.*

*Moermond: your brother Daniel, who lives there, was he living there when your father was alive?*

*Mallet: yes, he has been supported by my parents for a long time. He claims there's a statute saying he can remain there, so he will fight the eviction.*

*Moermond: you talked about having an attorney help you with establishing the trust, that is great. I don't know if they can help with an eviction action. I can refer you to a resource and that is the Minnesota Attorney General's website, there is a handbook online about tenant landlord laws. In my experience he isn't the owner and doesn't get a life tenancy in the property unless it was something specifically granted. If the title is in*



*a trust, I'm guessing your attorney would have found such a document in their process.*

*Mallet: the attorney doesn't deal with eviction process. That's as far as he will go, though he did give me some recommendations. But I had to do this before I could even consider eviction.*

*Moermond: I don't believe there's any limit to time of year evictions can be filed. That shouldn't be an impediment to doing that. The eviction process for a squatter is the same as a tenant. There is no contract that exists that allows them to continue to be there. They don't have permission. Look at that handbook, see if it answers any questions you have on proceeding.*

*Mallet: my brother is smart about laws and he forwarded to me a statute that says he has every right to continue living there since he was supported by my parents.*

*Moermond: you need to talk to an attorney, but I don't believe that gets your name on the title. You don't want the property in the Certificate of Occupancy program, you want it treated as owner-occupied. You also want your brother out and have intentions to evict but its complicated because he is a dependent family member and brought to your attention a law that may have some relevance to your circumstance. I think getting legal advice is the best route. If the City were to require you to have a Certificate of Occupancy since it is not owner-occupied.*

*Mallet: that's up for debate.*

*Moermond: not in my view. A trust owns it and a trust is not a human being and the trust does not reside there.*

*Mallet: the trust appoints beneficiaries.*

*Moermond: that is a different animal. It isn't a person living there. The trust is the owner. The fact your brother would benefit from a sale is irrelevant. You are the legal representative of the estate. You are it. Is he an owner-occupant? No.*

*However, it has been the City's practice if at the time he was alive and converted it to a trust that was his, he would continue to be treated as an owner-occupant. We respect that. When we've had dependents, as you describe your brother, we have had a practice of allowing that person to continue to be there within a reasonable length of time. Not in the process of kicking them out. that is your business. We've run into problems over the years with family members moving into deceased relatives' homes and creating nuisance conditions and having to vacate the property.*

*We don't want to end up in that situation here. We would want to revisit to make sure things were going well. Mr. Imbertson did you folks go and not get access? Or did you just send an appointment letter?*

*Imbertson: the orders were just issued on confirming ownership information. If we receive a complaint alleging it isn't owner occupied and also mentions other issues we would also look into that. If we determine from the County information it isn't needed we wouldn't make any other inspection.*

*Moermond: Mr. Mallet, has your brother created any code violations at the house? Nuisance to the neighbors? I don't see anything in our records.*

*Mallet: no, I haven't heard anything. He took care of the property while my dad was in the nursing home.*

*Moermond: good. This is a difficult thing to work through. I'm willing to ask the Council to release this from the Certificate of Occupancy program for a limited length of time, and then revisit it. Then your brother can find alternative accommodations and you can move forward with selling the house. Perhaps that will need to involve him being evicted, perhaps not. I'll ask them to refer the matter back to Legislative Hearing to check in with you on how it is going. If you still own the property at that time we'll figure out what the path forward looks like.*

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