



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

Tuesday, November 21, 2023

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 23-386** Ratifying the Appealed Special Tax Assessment for property at 1540 MINNEHAHA AVENUE EAST. (File No. VB2402, Assessment No. 248801)

Sponsors: Prince

Approve and make payable over 5 years.

Mike Young, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this is a Category 2 Vacant Building referred to the program from the Certificate of Occupancy program after a condemnation. Opened the file in June of 2022. Currently an open electrical permit. Total assessment of \$5,075.

Moermond: Mr. Young, where are you at with this? What are you looking for today?

Young: I took this over in January of 2023. I called the City to figure out exactly what I had to do before I could work on it. I was connected with Clint Zane. I spoke with him and he told me that to start working I needed a Code Compliance report. That was requested in January and didn't get it until August 3. I couldn't do anything but wait until I got that. I have all the documentation.

Yannarely: January 25, 2023 the code compliance fee was paid.

Moermond: it says February 1 lock box won't open. Steven said he would rescheduled when resolved. June 6, emailed Bonnie at Midwest GIRG which came back undeliverable. They couldn't get in during early February. Then it looks like you connected later, that's not great. You aren't Midwest, tell me what's happening here.

Young: I took over in January. Steven was the General Contractor that was hired by Midwest to head the project and Bonnie was the property manager. They were supposed to be the point of contact, then Steven's company dissolved and

disappeared. Bonnie's company dissolved so when I reached out to ask what was going on Steven wouldn't respond to me. That's when I took it upon myself to contact the City and talked to Clint.

Moermond: they made application and then ghosted on you and the City. I can see why there was a delay then in getting that report. What's your timeline?

Young: I hired a new General Contractor and we cleaned it all up right away. Secured the building. Then I sent in a maintenance crew for the outside. I hired the electric to do the first assessment. ProBuilt Exterior has put things together, putting together the estimate. I could probably get an update if I contact him. Last time I spoke to Jason he was getting me a full budget of what it will cost to turn things around. We're gutting the entire place.

Moermond: I'm guessing you won't be done by January 24 based on your description?

Young: ProBuilt is doing the exterior and we hired 3 companies for the HVAC, plumbing, and electric. It is just a matter of Jason coordinating with them. I've done as much work as I can without a permit. I can forward something in a couple days if you want an update.

Moermond: where I'm coming from is we have a Vacant Building fee that covers June 8, 2023 through June 7, 2024. You have a Council Public Hearing on January 24. That's over the six-month mark, which is the mark I typically use if you're done to cut the fee in half. I hear where you are coming from, the problem with the situation with Midwest is that's kind of a you and them contractual issue. The City appears to have reached out and, just like you did, got no response. I want to help you out but I'm not sure, using my rules, how I can do that. Is this a property you'll continue to hold or will you be selling in spring?

Young: we don't have any plans to sell. I lost my full-time job and this is what I'm doing now. I'm finding distressed properties and managing them.

Moermond: will it be a rental property? How are you getting a return on investment on this? I'm asking because I can recommend this is made payable over 5 years instead of all at once. That could be helpful if you have other bills piling up, that is sometime helpful. I'm fine recommending it is cut in half if you have your Code Compliance certificate by January 24. Otherwise, I'll ask them to approve it, would you want that payable over 5 years?

Young: let me get back to you. I'm not the only owner on the property.

Moermond: sure, we have your email and can send a confirmation email, and you can respond to that with what direction you want to go with it. Reach back with what you would like, should the Council approve it.

Referred to the City Council due back on 1/24/2024

- 2 RLH TA 23-382** Ratifying the Appealed Special Tax Assessment for property at 522 MISSISSIPPI RIVER BOULEVARD NORTH. (File No. VB2402, Assessment No. 248801)

Sponsors: Jalali

Delete the assessment. Department is closing VB file.

*Emeric Dweyer, attorney, appeared via phone
Andrew Percic, owner, appeared via phone*

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this was referred to the Vacant Building program by the St. Paul Police Department after a fire. We opened a Vacant Building file December 20, 2022. Given the normal 90-day exemption. After that passed the Vacant Building fee was assessed for a total assessment of \$2,616.

Moermond: this bill runs December to December on this one. Who would like to speak to this appeal?

Dweyer: our position is the building was never vacant. This is a multi-unit residential property. The fire was extinguished without the use of water, so no water damage requiring other tenants to vacate. There are 3 units, the upper unit tenants, which is where the fire was, moved to the basement and the ground floor tenants never vacated and continued to reside there. The building was never vacant during the repair process after the fire.

Moermond: The record indicates a legal nonconforming duplex.

Yannarely: looks like a duplex to me too.

Percic: it is a duplex, licensed as one. We lived on the first floor for 25 years and had a renter upstairs for 18 years. Once my daughter went to college we moved out and rented both floors. We remodeled in year 2000 and left the two bedrooms in the basement for myself when I come visit. After the fire, the insurance adjuster and mitigation company walked through and Veronica, the second-floor tenant whose son had just passed away two days earlier in the fire, and I was in such a shock when I got the bill two days later after such a tragedy. I almost lost control myself. On top of that, it was never vacant. I called the number on the notice and spoke to the person. The insurance adjuster said why doesn't Veronica just stay down here? Everything was fine down here. The fire really put itself out since the door was closed. They found him in the living room where the fire started. The smoke itself puts the fire out is what the Fire Department told me. No water put on the building. I wasn't going to kick her out after her son died two days earlier. She owns a bakery so she said she doesn't need any type of cooking facility.

Moermond: I think the Code does address this situation. I have an illegal occupancy for the basement with no Fire Certificate of Occupancy as a non-owner occupied. That will have to be investigated. That's not great.

Percic: it was never rented.

Moermond: I was hearing you had an upstairs, downstairs, and basement unit where one had a fire and the people moved to the basement. Three living spaces. You don't live there anymore. Can you clarify?

Percic: I stay in the basement frequently; it is a finished basement. No cooking facilities. Just a bathroom, laundry room and bedroom. It was never ever rented. Zero. Never. Not once.

Moermond: but were you living there at time of the fire? Who lives there now? And you're saying you don't pay rent.

Percic: first and second floor were occupied.

Moermond: we need a Fire Certificate of Occupancy which would make the basement usable as a rental. With respect to the basement as a sleeping space, the fire Inspector would evaluate that. They look for progress egress windows.

Percic: both bedrooms have property egress window.

Dweyer: you have to let her finish speaking, Andrew.

Moermond: the other situation is you are saying it was never an unoccupied building, and because no water was used it bolsters the case of it not being a Vacant Building.

Dweyer: yes.

Moermond: Chapter 43 is intended to include buildings or portions thereof that are condemned. Under chapter 43.02 has the complete list of things that would get a building or portion thereof in the program. What is your time horizon for getting this done. I see a lot of active permits. That tells me the work has started but no rough-in inspection. Are you contractors ready to do those? What is the status?

Percic: everything is completed. Inspectors have been out. There was one electrical inspector that never finalized the electric permit and that went on 3 or 4 months. I called the contractor who called the contractor, and the inspector called me and apologized. It sounds like you're saying that didn't happen?

Moermond: I've got several electrical permits pulled and a couple finalized and some inspected. The re-roof is finalized. The overall building permit shows a rough in. You have mechanical permits pulled and it doesn't look like any inspections happened. I apologize I interrupted you on that. This has been in the Vacant Building program for a year, so I'm struggling. You said you're almost done?

Percic: we've been done since July. I never heard anything since I contacted the City in January. This is the first I heard it wasn't taken care of. I assumed when I spoke with someone at the Department in January. The inspector came January 28. Then we got permits, contractors worked and we were done in July. There's one more outstanding electrical inspection, the contractor would know.

Moermond: I'm inclined to agree with you but not for the reasons you're mentioning. You had a correction notice from Andrew McCullough and it wasn't condemned. It wasn't named as such and wasn't referred to the Vacant Building program that you would have been able to appeal. We'll attach this correction notice to the record and recommend the Council delete this assessment. Shortly you'll get a registration notice for December 2023 through December 2024. If you appeal that it gives me a vehicle to get you out of the Vacant Building program. I can't do that with a tax assessment appeal.

Yannarely: we just need to refer it to the Certificate of Occupancy to figure out the rental situation. We can just close the Vacant Building file at your discretion.

Moermond: I don't think there was proper appealable documentation.

Yannarely: I'll just close the file.

Moermond: I'll also note that this property is also homesteaded, you may want to look at that. We'll send you Fire Certificate of Occupancy information. Any question?

[realized that the Crestron was disconnected, it was reconnected and then had to call appellants back in at 10:05 am]

Moermond: we had some technical difficulties there and now we have you both back on the line. I was going on an on and realized you weren't there when I asked for comment. I'm going to recommend the Council delete this assessment since the unit wasn't properly condemned and ordered vacated following the fire. That would have been the trigger for that portion to be referred to the Vacant Building program. Based on that Mr. Yannarely is going to close the Vacant Building file. We'll send a follow up email. You still have the property homesteaded, which you probably want to address.

Referred to the City Council due back on 1/24/2024

- 3 [RLH TA 23-389](#) Ratifying of the Appealed Special Tax Assessment for property at 410 VAN DYKE STREET adopted by Council under File No. RLH AR 20-152. (File No. J2102B1, Assessment No. 218107)

Sponsors: Prince

Layover to LH December 5, 2023 at 9 am (no contact with property rep).

No one appeared

Moermond: we have a woman, Dana, who was at Halverson Blaser at the time this boarding took place three years ago. No luck hearing back from her. I'm asking we reach out to the law office directly to find a contact to talk this matter over. We'll lay this over for 2 weeks to find that new contact.

Laid Over to the Legislative Hearings due back on 12/5/2023

- 4 **RLH TA 23-384** Ratifying the Appealed Special Tax Assessment for property at 1018 WILSON AVENUE. (File No. VB2402, Assessment No. 248801)

Sponsors: Prince

Delete the assessment.

No one appeared

Moermond: recommend the fee be deleted. They had a 90-day waiver to have their Certificate of Occupancy reinstated with no Vacant Building fee, which they did do. This was processed in error, so we'll recommend this is deleted.

Referred to the City Council due back on 1/24/2024

10:00 a.m. Hearings

Special Tax Assessments

- 5 **RLH TA 23-391** Ratifying the Appealed Special Tax Assessment for property at 2135 CASE AVENUE. (File No. 2401T, Assessment No. 249000)

Sponsors: Yang

Approve and make payable over 10 years.

Daniel Lissick, owner, appeared via phone

[Moermond gives background of appeals process]

Moermond: are you looking for payments over time or would you like to talk more deeply?

Lissick: I understand the cost, I'd just like the payments. The tree was dead.

Moermond: it was a lot of money. I'll recommend the payments are divided over 10 years; the interest rate is fairly low compared to the market. Does that work?

Lissick: that would be great.

Referred to the City Council due back on 1/24/2024

- 6 **RLH TA 23-374** Ratifying the Appealed Special Tax Assessment for property at 1491 (1475) UNIVERSITY AVENUE WEST. (File No. J2402P, Assessment No. 248401)

Sponsors: Jalali

Delete the assessment (waiver on file).

Referred to the City Council due back on 1/24/2024

Special Tax Assessments-ROLLS

- 7 **RLH AR 23-96** Ratifying the assessments for Property Clean Up services during August 8 to 11, 2023 (File No. J2406A, Assessment No. 248505)

Sponsors: Brendmoen

Referred to the City Council due back on 2/7/2024

- 8 **RLH AR 23-97** Ratifying the assessments for Property Clean Up services during August 14 to 22, 2023 (File No. J2407A, Assessment No. 248506)

Sponsors: Brendmoen

Referred to the City Council due back on 2/7/2024

- 9 **RLH AR 23-98** Ratifying the assessments for Equipment and Labor for Clean Up services during July to August 2023 (File No. J2408A, Assessment No. 248507)

Sponsors: Brendmoen

Referred to the City Council due back on 2/7/2024

- 10 **RLH AR 23-99** Ratifying the assessments for Miscellaneous Abatement services during July to August 2023 (File No. J2409A, Assessment No. 248508)

Sponsors: Brendmoen

Referred to the City Council due back on 2/7/2024

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 11 **RLH SAO 23-45** Appeal of Iris J. Logan to a Summary Abatement Order at 1322 SHERBURNE AVENUE.

Sponsors: Jalali

Grant to December 22, 2023 for compliance.

No one appeared

Moermond: last week I laid this over to cover the eventuality we may have another appeal from this area, since 15 orders were issued. No one else appealed, so no other cases to pair with this one. We'll send this to Council with the recommendation to grant an extension for remediation by close of business December 22, 2023. Ms. Logan's request was only to the end of this week, so she has significantly longer than that.

Referred to the City Council due back on 12/6/2023

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

- 12 [RLH VO 23-38](#) Appeal of Leon E. Mastel to a Re-Inspection Fire Certificate of Occupancy With Deficiencies (which includes condemnation) at 1120 BEECH STREET.

Sponsors: Prince

Layover to LH November 28, 2023 at 1:30 p.m. for further discussion after November 27 reinspection.

Leon Mastel, tenant, appeared

Moermond: we have an appeal of a vacate order, which is always a serious matter. [Moermond gives background of appeals process]

Staff report by Supervisor Mitch Imbertson: this is a residential duplex in our Fire Certificate of Occupancy program, started as part of a Certificate of Occupancy

renewal inspection. Initial appointment letter went to owner in June 2023. There have been a couple appointment letters to get in, with some correction notices. The current issue from the appeal is a sanitation issue with unit 1. It was added to the orders October 23. Correction order saying unit 1 is unsanitary and requires cleaning. November 13 notice added a condemnation of unit 1 and order to vacate and sanitation of exterior of property and in unit 1. Condemned due to the sanitation issues so if those are taken care of and we can reinspect we'd be able to lift the condemnation and then follow up with the property owner on the remaining items.

Moermond: this seems like a fast turnaround. Your department gave 20 days between October 23 and November 13 to come into compliance and this set is just a couple of days later. The urgency level increased. Was there a change in circumstance?

Imbertson: I'm not sure without having seen it myself. The condemnation was due to the sanitary issues so I'm not sure if it was the length of time and not having been fixed or if it got worse. I assume there was some extenuating circumstances. I didn't get involved until it rose to the level of condemnation.

Moermond: did he describe at all what the factors were that made it "gross unsanitary". That's technical language for a health concern, so rodent issues, garbage. Was there deeper information on that?

Imbertson: it was due to garbage that hadn't been disposed of and surfaces that needed to be cleaned. It was not hoarded.

Moermond: no animals?

Imbertson: not pets, but potential harboring of rodents which can also affect the other unit in a case like this.

Mastel: the sanitary order was only given after the second inspection. The second time he came in he gave that order. This was the third thing he piled on, on top of the other orders. It wasn't on the first two inspections. Then he told me, so I cleaned up the best I could. There were some rodent problems. I put down a lot of traps and roach killer. Haven't seen one since, except for one or two in the kitchen. I build and fix pallets for a living. The inspector was outside the building with his camera. I went to ask him about it, he wouldn't engage with me to tell me what I was doing that was wrong. My landlord got involved. James Thomas wasn't willing to speak to me. I knew someone on the Council. I know someone and I asked for extended time to fix this problem. I said I didn't want any kind of reprimand to the Inspector, he was just doing his job. I wish he would give me some answers to what I was doing wrong, what was legal, what wasn't. It felt like after I called the Mayor's office on him I felt like there was a vendetta to try and get me kicked out. His due diligence was way more abundant than it needed to be. I felt it could have been dealt with many ways. I apologize for having pallets on the boulevard. I shouldn't have done that. I do the work out of the back of my truck. I set them on the boulevard to organize before I put them in the box truck.

Moermond: so, you do it at the property.

Mastel: I do it on the street. No wood comes inside the house.

Moermond: and the yard?

Mastel: sometimes.

Moermond: I'm not seeing orders related to operating this business through your home. Doing so in a residential district would require a home occupation use permit. That would say in the zoning you are in this kind of activity would be ok. That isn't here, that's a zoning thing. There's the easy yes of an accountant who have occasional clients come over, and then there's things like scrap metaling that involves noise and hazardous materials. Just to you, it isn't in the orders, but I can see where that may be in the inspector's mind when looking at your circumstances. Back to the inside of the house. Have the conditions changed inside from November 13 to now?

Mastel: dramatically. It is immaculate.

Moermond: good to hear. All my photos are from October. Did he take any photos in November?

Imbertson: I believe he was refused access on November 13. He said from what he could see through the windows conditions hadn't improved.

Mastel: he wasn't denied access. I invited him in. He said why are you still here? It is condemned.

Moermond: on the 16th?

Imbertson: we spoke on the phone remember and I told you that inspection wouldn't happen and the 16th would be cancelled due to the appeal. At that time my understanding was you thought the unit could potentially pass, but I explained we wouldn't keep the inspection because of the appeal, even if you thought it was compliant.

Mastel: that wasn't five days ago; wasn't that Friday? 3 days ago?

Moermond: should have been before Thursday because the appointment was last Thursday at 3 pm.

Imbertson: the appeal was filed on the 14th. I called you I believe the 14th, maybe even the 15th, and we spoke and I let you know the inspection for the 16th would be cancelled until the Legislative Hearing since it was appealed. My understanding was you thought you could potentially pass inspection in the condition it was in, but I'd explained we weren't going to keep that inspection due to the appeal.

Mastel: the reason for that was because the inspector was saying he was going to get me thrown out by the Sheriff. If he wouldn't have said that I would have felt like we could have done the inspection, no problem. He told you that conversation never happened. I can understand you'd take his point of view as word. From what he told me, it seems like there is grudge he holds against me, there's something else involved that may be contributing to me not getting a fair shake. I'm not wanting to push back; I just didn't want to get thrown out. The condemnation on the door said I could file an appeal within 10 days, but that he could also throw me out in those 10 days.

Imbertson: after November 3 inspection the inspector talked to me about the condemnation which I agreed with due to conditions.

Moermond: but the October 23 orders didn't have a condemnation?

Imbertson: no. November 3 was the reinspection.

Moermond: you mean the 13th?

Imbertson: no, the reinspection was the third and the follow up letter went out November 13.

Moermond: so, the first line of this letter is incorrect where it says your building was inspected on November 13? That should say the 3rd.

Imbertson: he attempted an inspection on the 13th.

Moermond: but you said he was there November 3 also. We have October 23. November 3. November 13. I'm just not tracking.

Imbertson: that is my understanding.

Moermond: he writes a letter after he's there October 23. In that letter is the correction for sanitation issues. He reinspects November 3. Conditions still bad. Tells you he thinks it should be condemned, and then the follow up letter doesn't go out until November 13?

Imbertson: yes, which would be a mistake on our part. It should be issued the same day as the placard is posted.

Moermond: that's a 10-day lapse. That's a lot. A lot of time has passed since the orders were written and the conditions observed were documented. It would be worth reinspecting, certainly before it goes to Council. I would want current information. It sounds like you, Mr. Mastel, would be willing to do that? Often the Supervisor is in the inspection, since it is under appeal.

Mastel: yes. I had asked for a second person to be there to judge.

Moermond: I'm unaware of any calls or anything. You filed the appeal, which is the way to do this. Mr. Imbertson, can you do a follow up appointment with Inspector Thomas?

Imbertson: we could get this done as early as tomorrow.

Mastel: I'm working tomorrow. I could push it but work has already suffered because of this.

Moermond: what are your work hours?

Mastel: 12 or 13 hour days.

Moermond: we have the Thanksgiving holiday.

Imbertson: what about next week?

Mastel: yes, that I can make work.

Imbertson: Monday the 27th? We're both flexible that date, late morning to afternoon?

Mastel: would 3 pm work?

Imbertson: we can do that.

Moermond: we'll do one week and November 28 I'll get a follow up report from inspectors. If we put you on the phone, is that easier? Whatever you want to do. We'll check in November 28, 1:30 to see where we are at. I will have fresh information for Council then.

Mastel: I did want to say my tires have been marked lately. I do move them frequently. None of the other neighbors have their tires marked.

Moermond: I don't have parking enforcement in front of me, Mr. Imbertson any comments?

Imbertson: we did have a series of complaints that came in recently, it could be related to that. They wouldn't mark every vehicle on the street then.

Mastel: that makes sense.

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