



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, April 16, 2024

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 24-158](#) Ratifying the Appealed Special Tax Assessment for property at 267 BELVIDERE STREET EAST. (File No. VB2406, Assessment No. 248805)

Sponsors: Noecker

Reduce assessment from \$5,075 to \$1,269.

David Vo, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this is a prospective fee. Went into the program August 5, 2021. This is for August 5, 2023 to August 5, 2024. It left the Vacant Building program just over three months into the period. Total proposed assessment of \$5,075.

Moermond: what are you looking for today, Mr. Vo?

Vo: I purchased the property and worked on it a couple of months to get it out of the Vacant Building program. It has been occupied. I'm looking to not pay the fee.

Moermond: that isn't going to happen, but something good will. The Vacant Building fee is divided evenly among all the Vacant Buildings in the City, whether they require a lot or few services. This was a Category 2 Vacant Building, so you're at the higher fee level. I get that is a lot of money. I didn't see an appeal back in July or August asking for any waiver, which would have gotten you a 90-day fee waiver, perhaps. Your fair share of paying for the program is what I'm looking at today, I'm happy to recommend the Council prorate this fee to much less than this. Basically, you'll be paying for the 3 months of 12 you were in, so 1/4 of the Vacant Building fee. That brings you down to \$1,675. It isn't deleting it entirely, but it is a lot less. You bought a registered Vacant Building, you rehabbed it, which is great.

Vo: I was hoping it would be lower than that. I do understand what you say.

Moermond: do you need an interpreter?

Vo: no, no. I do hope to get the fee lowered. I'm not saying completely deleted, but I was hoping it to be lower than what you suggested.

Moermond: I did do my math wrong, that is \$1,269.

Vo: that is still very high, over \$1,000. If the Council can get it lower I'd be happy.

Moermond: they can choose to do it or choose not to. That is totally up to them.

Vo: if you could put that suggestion in that I'd like a lower amount.

Moermond: my recommendation is to lower it from \$5,075 to \$1,269 and hopefully that is of assistance.

Referred to the City Council due back on 4/17/2024

10:00 a.m. Hearings

Special Tax Assessments

- 2 **RLH TA 24-160** Ratifying the Appealed Special Tax Assessment for property at 7 VILLARD COURT. (File No. CRT2406, Assessment No. 248205)

Sponsors: Jost

Approve the assessment.

Lindsey Reihe, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a Fire Certificate of Occupancy inspection on a single-family home. This started as a referral, aka complaint into our office. One inspection under that and it was closed and all the deficiencies were transferred to the Fire Certificate of Occupancy. This is for unpaid Certificate of Occupancy fees. Reinspection letters sent June 22 and July 12, 2023. Appointment letters August 17 and October 3, 2023. All work was done on December 1, 2023. Billing dates of December 5 2023 and January 4, 2024. Total assessment of \$398.

Reihe: I am looking for the additional fee to be waived?

Moermond: on what basis?

Reihe: I seriously thought I'd mailed the payment in when it was due. I obviously didn't, and I went to pay online and couldn't anymore. I have kept up with all of my fire inspections every 2 years and paid timely. This one just hit me at a time in my personal life that I thought I'd paid and it slipped my mind. I took this rental property on and have always had my inspections done and had no other problems.

Moermond: right, and all I can look at is this instance. I'm struggling with having the higher costs and then waiving them. They were incurred, you know. I am not hearing there was some sort of specific barrier to paying the bill on time. I'm afraid I'm going to

recommend approval of the whole assessment. The Council may look at it differently than I do.

Reihe: do you add in there that I've paid every two years on time in the past?

Moermond: it is in the minutes. We have extensive notes online; you can also submit more if you would like.

Reihe: they could just look up all the court cases to see how much I paid to evict that tenant who hadn't paid rent in over a year. How much I was already in the hole on this property.

Referred to the City Council due back on 5/15/2024

Special Tax Assessments-ROLLS

- 3 RLH AR 24-34** Ratifying the assessments for Property Clean Up services during December 6 to 20, 2023. (File No. J2416A, Assessment No. 248515)

Sponsors: Jalali

Referred to the City Council due back on 6/5/2024

- 4 RLH AR 24-35** Ratifying the assessments for Sewer Repair in Right Way during December 2023 at 687 Sims Ave. (File No. J2417A, Assessment No. 248516)

Sponsors: Jalali

Referred to the City Council due back on 6/5/2024

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 5 [RLH SAO 24-25](#)** Appeal of Colleen Mulcahy to a Summary Abatement Order at 272 RICHMOND STREET.

Sponsors: Noecker

Layover to LH Tuesday, April 23, 2024 at 11 am to discuss findings of Friday, April 19 inspection and plan to address orders.

*Nicole Paradise, Ramsey County House Calls, appeared via phone
Colleen Mulcahy, owner, appeared via phone
Michael Tschida, friend of owner, appeared via phone*

Moermond: I think we've talked a few years ago

Mulcahy: it is around to domestic violence and a restraining order [sic].

Moermond: last time we talked we had Michael Tschida on the line, is he still involved?

Mulcahy: yes, he actually has been helpful. I had a roommate do this on purpose. I can't move the stuff he left behind. Michael offered to help. I didn't prepare him though.

Moermond: since he's not expecting a call, maybe it would be a good idea to have you reach out to him with Nicole?

Mulcahy: that sounds like a better idea.

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: a Summary Abatement Order was issued March 28, 2024 to remove and dispose of some dressers, tires, miscellaneous furniture, and debris from property. Compliance date of April 4. Sent by Inspector Smith. He also sent an appointment letter to see the interior. I have worked with Ms. Mulcahy in the past and would love to work with her again.

Moermond: there are things on the outside that needs to be cleaned up and has the earmarks of a house that needs to be inspected inside, and past history tells us it probably does.

Mulcahy: what is an earmark?

Martin: we did receive a referral from St. Paul Police Department with notes about cluttered interior with other code violations. A couple of appointment letters went out but I know she doesn't know Mr. Smith, so I'd be happy to work with her.

Mulcahy: can I comment on that? I'm in such a morose situation. Every door is broken and cracked. The frames are torn apart. Every single window. I have been tortured by the guy I have the restraining order against, he was a roommate. While I was at work he restructured all the things. I've called the St. Paul Police Department. They don't do anything. They don't take fingerprints. I have this women's advocate program help me put in locks, because I've run out of money buying locks and keys and trying to get cameras. She arranged for someone to come and help and a volunteer came and reframed one of the four doors that are broken. Put in a new lock and frame. That night the criminals, who I assume were the guys who used to live here, broke in. They actually took the original lock and put in another lock and switched it. It was a \$300 dollar digital lock. I told the St. Paul Police Department about my roommate who was here to help with the guy who tortured me the last time I went through this. I can't prove it. He was sneaking people in. I caught him on camera. The St. Paul Police Department said it wasn't illegal to let people in if you live there. I can't prove he did it, but he also installed a foreign device inside the old device that triggers the window open. He put in a homemade antennae. I saw it in his window in his room, I looked inside and it had modern technology with a QR code and an antenna and I called the police to report this and my arms worker came back to make the report. The St. Paul Police Department wouldn't take the device. I don't understand why. All of my information has been compromised and I am having problems with my cell phone and identity.

This guy gave all the criminals in St. Paul all my personal information. I just found a camera yesterday, I don't know how to get them out. I'm in complete disaster from him and his buddies. They know when I'm leaving, home, what I'm doing, who I'm talking to. He has surveillance and tampered with my phone. All my pipes have been switched. I can prove it.

Moermond: we talked about this before too—

Mulcahy: someone else filed an insurance claim on repairing the house and it wasn't me.

Moermond: are you feeling ok? Your speech is rushed. Can you slow down?

Mulcahy: I'm so scared because I have experienced criminals breaking in and the police won't even take the evidence. I have locks they installed. I have cameras.

Moermond: slow down and we need to take this step by step. We can get St. Paul Police Department in there, I think police helped in 2020 when you inspected Ms. Martin? The COAST unit?

Mulcahy: what is the COAST unit??

Moermond: that is police and social workers, they work a lot with Code Enforcement. They handle social and police issues together. That's helpful in your circumstances. They may have some insights the everyday police officer may not. Lauren Ross helped last time, now Nicole is helping. The outside needs to be cleaned up. Nicole may be able to help with some of that but probably more help as part of a larger cleanup effort. Nicole, talk about services for the record.

Paradise: yesterday we did talk about getting a crew out and being able to provide dumpsters to get the yard cleaned up and things out of the house. Colleen was worried about them coming in and throwing things, she could have piles with notes. I was going to coordinate with her mental health case manager to see, there are a lot of things going on and how we coordinate those various things. Colleen's concerns about her safety overall, I asked yesterday about moving out of the house and selling it and moving to somewhere she can be safe. The doors don't lock, I can understand her feeling unsafe.

Mulcahy: it is unsafe and I'm confused why I can't submit the evidence of the criminals who installed their own locks.

Moermond: I don't have anything to do with that, though I can understand your frustration. I think that maybe someone from the COAST unit may be able to help. But we need to figure out how to get you safe no matter what.

Mulcahy: it is too bad I didn't get the insurance claim to fix it. I have an appointment today for finding a low-income room over by my school. I returned it and then got attacked again. I was told by Officer Duncan I have to gather the police report number. He said there would be an investigation. One of the things I believe happened was a guy named Doug Mahoney are breaking in and rerouting pipes and electrical. There is a possible shelter attached to the house according to what this person told me. That would explain why my utility bill—I don't even use the stove.

Moermond: tell me about the bill.

Mulcahy: I have a fridge. A guy living upstairs. He has a fridge. A few lights. I keep them off half the time.

Moermond: how big is the bill?

Mulcahy: they're outrageous. Doug said they would come and hollow out the insulation and put asbestos in to make me sick.

Moermond: I've never heard of that happening. How big is the bill? Are you in trouble with it?

Mulcahy: I'm in trouble with it. The guys who are harassing me. My roommate did something behind the wall, pulled out the floorboards. Took out the security on the window and he make it look secure so he could sneak people in. when I pulled the screws out the wall behind the frame had cold wind coming out of the holes. The guy installing the door in the basement suddenly call me and told me I had to leave immediately. He left the door off. All my tools are down there. I had to guard the door for 2 hours.

Paradise: when I was there yesterday it looked like a lot of your windows were open and I saw a large Xcel bill from February, and if your windows aren't shut and heat is running—

Mulcahy: if I open the window I shut the heat off. Someone else attached something to my thermostat. I was on the phone with apple and they sent me paperwork to fill out. they told me I was connected to my old iCloud and there was a home application to my address which means they are able to tamper with it.

Moermond: so that's your theory about what is going on.

Mulcahy: it isn't a theory. I have proof.

Moermond: you're still in trouble with the bill though. Come back to how big it is.

Mulcahy: I think they're running a pot farm in that shelter. My brother is a chemist and he told me he was running from a gang that taught him to grow hydroponic marijuana. He saved for one year and went to Texas and he got cited for having marijuana. I have been stuck here alone with the brutality of all these guys. He put a security door in with a hole by the lock. They leave it not functional. Why would he drill a hole next to the lock. I know my brother knows better. I think Greg, the guy I have the restraining order on, scared him to tell him I was going to sue him. Those two decided to just kill me. My brakes have gone out four times in a year. I've had many close calls—I don't know. I'm really scared. This guy is really dangerous.

Moermond: we need to get Lisa in to have eyes on and work with you. Lisa, what is your availability? Do you need to give the COAST unit notice?

Martin: I have tomorrow or Friday open. I can give them a call about coordinating.

Mulcahy: how much time are we talking before the COAST crew comes? Am I going to be able to deal with the yard first?

Moermond: we'll put pause on the yard until we can figure out how much Nicole can help. She needs to do more assessment, but I'm happy to pause while that is sorted out.

Mulcahy: the order for the yard?

Moermond: yes, so Nicole can figure out how she can help. Let's get her with eyes on

everything so she can figure out how much she can help. She was hoping you could mark the things you want gone.

Mulcahy: I can do that. I started a wood pile, metal pile, electronics pile.

Moermond: outside or inside?

Mulcahy: outside.

Paradise: if we can all come out together and see what Lisa is saying so I can relay it correctly to the cleaning crew. I don't want to use up the resource without resolving the situation. We all need to be on the same page about what needs to happen.

Mulcahy: what would help resolve this for good is if there would be follow up from Officer Duncan and do an investigation and what they're doing. I don't know how my new roommate new about Greg. He wanted the baby equipment. I come home and he cleared it out without my permission. I didn't throw it all over the yard, I just organized it and made room for my motorcycle. Come to find out the refrigerator, wood from inside, the baby stuff. Just like last time. My neighbors were dumping stuff in my garbage. It is my house! My borders on my entry way! I told Michael how it matched up and he denied it. Yesterday he came by and wanted to burn it in the yard. It is so flammable. My roommate Patrick, who I later found out there was a trench dug behind the porch. They are tampering with the gas line. Someone jerked the thermostat out of the wall.

Moermond: Ms. Martin, do you have a time you want to propose?

Martin: 9 am would be great.

Mulcahy: tomorrow? I am not available tomorrow.

Moermond: why is that?

Mulcahy: I have plans. I'm not ready to have the COAST people come into my house tomorrow.

Moermond: what about just Nicole and Lisa?

Mulcahy: I need to prepare for an inspection, unless they're willing to explore the reason why there is liquid coming from a cable wire into my house and spatter marks around my lightbulb. Unless they will address that issue, which she wouldn't last time, I am not confident in having her come by and say Hi. I will not step down from this bast@rd, it has been 9 years of this. I have water coming out of my ceiling fan. I thought it was a roof leak. It poured all over the table, filmed it.

Moermond: no, I need you to pause.

Paradise: could we come Thursday or Friday and see if Connor?

Mulcahy: I'm happy to work with Nicole but don't trust any inspector who isn't willing to deal with the issue of---

Paradise: Colleen, the reason I want Lisa to come out is because I want to understand the things they need you to do. I need to know that so I can get the right services to fix things.

Mulcahy: ok. I understand. I will need some time to prepare. I have things all over the place. I found a camera. Things that are suspiciously dangerous. I'm sorting through all my stuff to make sure nothing will sabotage me further. I need Michael here to be part of this.

Moermond: Friday morning?

Paradise: I will give mental a call.

Mulcahy: I need some notice.

Moermond: you are getting it now. You already got letters about them coming out. we're talking now about the importance of getting an inspector in. I'm holding off on the cleanup orders on the outside. It will be an expensive cleanup. I'm happy to continue to work together. This is working together. This isn't you making the calls. This is everyone being heard. Lisa needing to be part of it.

Mulcahy: I just have so many people sabotaging me I am skeptical and I want Michael to be part of advocating.

Moermond: Lisa didn't sabotage you last time. Friday morning, does 10 am work for both Nicole and Lisa?

Martin and Nicole: yes.

Moermond: let's call Michael and see if he is available.

[Michael Tschida is called in]

Moermond: we're on the phone with Colleen Mulcahy and Nicole Paradise from Ramsey County house calls and Inspector Lisa Martin. Last time we had a hearing in 2020 you were part of the process, and she'd like you to be part of this again. We're looking at scheduling a time for an inspection and visit and she would like you to be there. How do things look for you Friday of this morning.

Mulcahy: that is too soon for me. He steals my mail. He intercepts my orders online. Can I prove it was Greg? No. but does he have an Amazon account? Yes.

Moermond: will there ever be a good time though?

Mulcahy: it would have been nice to have a note on my door.

Moermond: ma'am we're working with you on this but I have a set of orders saying it should have been cleaned by April 4. I want to continue having this conversation and I want house calls to help you as much as possible but I don't think the delay would help anyone.

Mulcahy: I'm talking about a weekend. I need until Monday.

Tschida: what is your name again?

Moermond: Marcia Moermond, the Council's hearing officer.

Tschida: understood.

Moermond: Ms. Martin do you have availability Monday?

Martin: my concern with Monday is there are no locks, no smoke or carbon monoxides, it sounds full. There are safety concerns. I would prefer Friday at 10 am.

Tschida: I thought this was for the exterior?

Moermond: there are existing orders on the exterior and also a letter to get access because when the St. Paul Police Department was there they referred it to code about interior condition concerns.

T: are you going to call the police now colleen?

Mulcahy: if you mother or sister ---I'm broke from trying to keep up with these things. Car repairs. Lock repairs. Smoke alarms. I have 20 smoke alarms int eh bastardized with them tweaking with things. Digging in the pipes. I can prove the original pipes were changed. I can prove the \$300 lock was changed. I don't have a key to my own door but the criminals do. What would you say to your sister to do if the police refused to do anything?

Moermond: I want you to be safe.

Mulcahy: people are torturing me! My brother is half accountable! And I can't do a d@mn thing about it!

Moermond: and in this present moment I'm worried about doors without locks, no carbon or smoke detectors. Basic safety items. The St. Paul Police Department was worried about basic things. Let's start there with the conversation. I would like an inspection Friday.

Mulcahy: that is too short of notice.

Moermond: I think the letter that you got asked you to call and schedule this inspection.

Mulcahy: I am suffering from robbery of my mail. I ordered something online 3 times and never received it and when I contacted the facility I ordered from they said there's no such account in iCloud. I have receipts, bank records, emails. This guy is siphoning my mail. I still have blue fingerprints on my ceiling!

Moermond: I don't deserve to be yelled at.

Mulcahy: I'm just frustrated.

Moermond: I understand that and I want you to feel like we care because we do.

Mulcahy: everything is going to be filmed and on record.

Moermond: good.

Mulcahy: liquid coming through a wire into my bathroom and the inspector says I don't deal with that; it doesn't feel caring. They won't take fingerprints. If it was your sister,

your mother, even your friend--

Moermond: you're really escalated. I want you to concentrate on those things you are ready for the house calls to take away from the property and concentrate on straightening up things on the inside. Please make yourself available. You were sent two different letters for access to your house, March 21 for March 28 access and March 28 for access April 4.

Mulcahy: you're saying the law says they don't have to post it on my door?

Moermond: first class mail is the requirement.

Mulcahy: and it doesn't have to be signed for?

Moermond: no.

Mulcahy: I assume you're right but I'm going to check into that.

Moermond: absolutely. We'll do Friday at 10 am. Please be willing and able to help so things can move towards safety.

Mulcahy: they took my cat, put an incision in him, put a microchip in him. The police wouldn't make a report! The advocate, Emma, my cat died after that. after \$1,000's of dollars. This is the third cat they've killed. I don't have children; this is all I have. When criminals leave their gloves, tools, and poison behind how is it legal for the police to not take the evidence?

Tschida: is there a dumpster, or a voucher to get rid of the stuff on the exterior of the house?

Paradise: yeah, we can do that.

Tschida: can we get one in time to make a dent by 10 am Friday?

Moermond: I'm not worried about meeting that deadline for yard cleanup. I'm worried about getting someone inside because of the locks, smoke detectors and so on. I'm willing to negotiate a deadline on the outside knowing Ms. Mulcahy can get assistance to work on it. We will work on other problems at the same time.

Tschida: I don't think carbon monoxide detectors are required by code.

Mulcahy: I even had them. They stole them.

Tschida: I can go to Menards and buy an \$8 battery operated smoke detector. I don't think hard-wired is required anymore, correct?

Paradise: Michael, because it has been so long since anyone has been inside this is what I was speaking about when saying I want to maximize our resources. We need to know what needs to be done because I don't want to waste anything and then not be able to resolve the problem. Because of the St. Paul Police Department report that went to the inspectors and the fact that no one has been inside since the police. That's why we need an inspection, so we all have a clear plan of what needs to be done. Right now, we just have pieces.

Tschida: I'd like to see the police report. Is that public information or not?

Moermond: yes. They would have sent a referral for an inspection because of the conditions.

Mulcahy: how do I get an investigation? He said there would be one.

Tschida: I'd like to know what alarmed the police. It isn't illegal to have a cluttered or dirty house. There must have been Code violations so we can address them and head off other work orders in the future.

Moermond: we can get that referral document for you. We'll send that. The City can push it further than they are; we're in cooperative mode right now and I'd like to stay there. I want to have an appointment for Friday.

Mulcahy: will there be an officer present at this inspection?

Moermond: yes, I think that can be arranged?

Tschida: a police officer?

Mulcahy: yes, and I would like to record the entire inspection. [muffled & cat meowing]-how dirty I am, or how messed up I am, these @ssholes have been able to terrorize me for 9 years and not be accountable for a d@mn thing. What kind of shenanigans is that? I have to be cool. I am alarmed. If I had a daughter and she lived in a City that treated her that way? Wouldn't give her any protection? Part of me just goes "well Greg has been trying to destroy this place for 10 years and they had two inspections." The Crisis Intervention Center said in order to get—when everything was blowing up electrically—Mary Jo, the former electrician working there, said there would be expenses for an electrician. I asked if there was any funding. I passed the inspection and during that inspection Greg pulled the sewage line in the kitchen and sewage splattered all over my counters, underneath my counter tops. The inspector knew this and just looked the other way. Criminals breaking in? I'd be livid. I don't understand how you think it is safe to have fire detectors, but please for God's sake can someone please stop the criminals from changing the locks?

Moermond: I can't change that right this minute, I heard what you are saying. We'll email the information we have in terms of the referral. We can also send copies of the appointment letters—

Tschida: I have no doubt you sent those. I've encouraged Colleen to get a post office box for years. She won't. We'll see you 10 am Friday then.

Moermond: Colleen, thank you. I know this is hard and I'm sorry about that and everything you're going through. Hopefully we can help improve things.

Mulcahy: I just don't understand where people's priorities are at that the officer will call you guys to do an inspection but he can't---this should be publicized—will there be cameras?

Moermond: I don't know what to say about your communication with the officer. I'm not inside the police department. We can make sure if you want an officer present there is one.

Mulcahy: I would like that, please.

Tschida: I think the inspection is going to get sidetracked into looking for spy ware, but if Colleen wants it, that's fine.

Moermond: the officer wouldn't be an inspector. We don't have officers who will do a crime-scene investigation here. We have an officer who can be present who works with the Code Enforcement division. If you don't want that, that's fine, but this isn't a merged police and code enforcement inspection. This is you having them be there, you said you wanted it on video. They can video it, or you can. However you want.

Mulcahy: I'd like both. Body cams. Both. I have one question—

Tschida: I'm hanging up.

Mulcahy: I'd like a copy of this testimony.

Moermond: as soon as it is typed up you can have access to it.

Mulcahy: when would that be?

Moermond: we've talked for more than an hour. It should be within a week and a half. You are welcome to have the whole record.

Mulcahy: what is the reference number?

Moermond: there isn't one. Just your name and address, nothing fancy.

Mulcahy: how do I make sure? I will come downtown and pick it up. I can call to see if it is ready. I don't trust the mail.

Moermond: we'll talk again next Tuesday morning. Do you check your email?

Mulcahy: I will if I have an alert.

Moermond: we'll send you an email confirming the hearing next Tuesday and the inspection on Friday, as well as the minutes from this meeting.

Mulcahy: which one? You'll send it to that iCloud or I can come pick it up in a week and a half?

Moermond: either works, but it is probably easiest if we email it to everyone.

Mulcahy: I want a hard copy. I don't have a printer.

Paradise: I can bring you a copy.

Mulcahy: I want to pick it up in person. Where can I do that?

Moermond: the same place you filed the appeal. It won't be ready for at least a week and a half. We'll talk next Tuesday at 11, and we'll have a lot better idea then.

Laid Over to the Legislative Hearings due back on 4/23/2024

1:00 p.m. Hearings**Vacant Building Registrations**

- 6 RLH VBR 24-24** Appeal of Matt Alto and Tyler Olsen to a Vacant Building Registration Renewal Notice at 825 UNIVERSITY AVENUE WEST.
- Sponsors:** Bowie
- Waive VB fee for 90 days (to July 20, 2024).*
- Matt Alto o/b/o Victoria Theater appeared via phone*
- [Moermond gives background of appeals process]*
- Staff report by Supervisor Matt Dornfeld: was made a Category 2 Vacant Building April 20, 2009. To date we do have open permits on file, rehab is ongoing. Workers onsite daily. Not a nuisance property nor illegally trespassed. I believe we are here to talk about the Vacant Building fee that is due April 20, 2024.*
- Moermond: in your appeal you wrote you will have your Certificate of Occupancy the beginning of July. Tell me more about that. What are the moving parts?*
- Alto: we're in construction, putting up drywall. We're hoping to have the Certificate of Occupancy early July. June if possible, depends on construction. As of right now it is on schedule for July. We should be officially in the building fairly shortly.*
- Moermond: because this went into the Vacant Building program April 20, standard practice would be to say I recommend a 90-day fee waiver, that brings you to July 20. If you can have your Code Compliance certificate issued by then there won't be a Vacant Building fee. [explains assessment appeal process]. Hopefully July 20 will get the job done for you. Any questions?*
- Alto: no. We let you know when we get it?*
- Moermond: no, we'll check in the computer. Just make good use of the time before July 20th.*
- Referred to the City Council due back on 5/1/2024**
- 7 RLH VBR 24-26** Appeal of Si Nguyen, owner and Joann Nguyen, daughter to a Vacant Building Registration Notice at 507 VIRGINIA STREET.
- Sponsors:** Bowie
- Waive VB fee through June 1, 2024 to have Fire C of O issued and all permits finalized, otherwise property will remain a Cat 2 VB and require a CCIR.*
- Si Nguyen, owner, appeared via phone*
Joanna Nguyen appeared via phone
- Moermond: do you need an interpreter?*

Si Nguyen: yeah, Joann should be here but she's a little bit late.

Moermond: I'm going to handle another appeal and we'll reach back after that case.

[recess 1:34 pm to 2:11 pm]

Staff report by Supervisor Leanna Shaff: 507/509 is a duplex without a Fire Certificate of Occupancy and isn't owner occupied. 3/19/24 we received complaint of a smell of gas and the furnace/boiler was red tagged 1/29/24. No heat. Inspector Der Vue made a call to the St. Paul Fire Department to report the leak. They found a minor leak in 507. 509 wasn't inspected by the FD. Xcel did an exterior inspection, so Der Vue called them back out and measured high gas leak in basement of 509 and pinned the meter. It was bad enough that if it continued the unit may not have been standing. 507 also had deficiencies with the heating plant. Both units heating had been red tagged 1/29/24. In Vue's conversation with the property owner he had a vendor come out and fix the unit, however he couldn't remember who the vendor was and there were no permits pulled. Due to a lack of heat and hot water and the gas leak she vacated the premises and referred it to the Vacant Building program. AT this point there is a 4/11 there is for unit 509 a gas permit for repairs. Nothing or 507. Both tenants were moving out on 3/21. Unoccupied building without the basic utilities, no heat, and 2 heating plants with issues.

Staff report by Supervisor Matt Dornfeld: we opened a Category 2 Vacant Building on March 26, 2024 per that condemnation by Fire Supervisor Vue. At the time of inspection both units were vacant and secure and it was maintained.

Moermond: why are you appealing?

Si Nguyen: we removed the old boiler on 509 and installed a new one. We replaced the boiler on 507 about 2 days. We're waiting for an inspector to come check int. 507 and 509 are safe. No gas leak. The boiler is good. They have a permit for the boiler. Both units weren't vacant before, the tenant in 507 they called the fire department, that's when the old boiler and the fire department said we had to fix it. We had a bad tenant, they broke it. I would like people to live in the duplex again. That's my request for you to consider, please.

Moermond: I will be honest with you. I know we've talked before and worked hard on your behalf. I look at this circumstance with a duplex that wasn't in the Fire Certificate of Occupancy program?

Shaff; that is correct.

Moermond: so you're renting the building without a Fire Certificate of Occupancy. I know you know about the program. It has a red tag in January. Something happened where you told the inspector you fixed it between January and march. If it did happen they did it incorrectly and caused a gas leak. You're saying the tenant broke it. You're renting this without a Certificate of Occupancy and we have significant safety issues. It was both units too. Not just one tenant. I'm concerned. These are things I don't associate with who I thought I was talking to before. I want you to step up and get your Fire Certificate of Occupancy. Do the corrections you are told to do. It isn't just the gas line. The inspector was concerned because that was the emergency issue at the moment. That isn't the same as having a full Certificate of Occupancy inspection. You know that from our building on university. If you are hearing me lecture you, you are right. Make an application, get that done. I will make this so you can get out of the

Vacant Building program. By June 1 if you can have your Certificate of Occupancy issued by Fire Inspection, you don't have to go through the whole Code Compliance Inspection and other Category 2 requirements and the fee will be waived through then. Get it done properly and legally. I won't give you more time than that.

Si Nguyen: I didn't know about this requirement.

Moermond: no, no. you are a professional property owner. You had serious problems associated with this. A crisis developed and you could have been part of this in January.

Referred to the City Council due back on 5/1/2024

1:30 p.m. Hearings

- 8 [RLH VO 24-11](#) Appeal of David Bustad, tenant, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1194 MARYLAND AVENUE EAST.

Sponsors: Yang

Layover to LH Tuesday, April 23, 2024 at 1:30 p.m. for further discussion after Friday, April 19 fire inspection.

David Bustad, tenant, appeared via phone

Moermond: I think the mistake about the reinspection was generated from the City Council office not notifying the Department as they normally would. There was a mistake in the email, a mistake on the part of the person taking the appeal. That is why the inspector showed up. [Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a Certificate of Occupancy inspection for a single-family home. Inspection letter January 10 for appointment on 1/26. Had no entry that day. We tried to leave Voicemail. SPRWS provided an updated address. No returned mail. We sent out another appointment letter on 2/28, again no entry. No one present. It appeared at that time to be unoccupied. No phone number. We sent out a pending revocation letter at that point. We found that there was no one around again, so again pending revocation. On 4/15 Inspector Chute received a call from the property owner saying he was there for the inspection, was out of the country in China, and allowed access. We found multiple deficiencies, some being egress window related. Windows with boards or cinderblocks on them. work without permits. Unfinished windows. Missing light covers. Ceiling damage. Handrail. Multiple outlets and switches painted over. Smoke alarms had been replaced with battery powered alarms. Doors not fitting in frames. Inspector Chute was unaware of the appeal.

Moermond: Mr. Bustad, sounds like you have an international landlord?

Bustad: I've been renting since July 2023. Mr. Lee, my landlord, lives out of the country in Canada. He has spent a grand total of maybe 7 days here since I moved in. I've had a lot of issues as far as getting repairs. The largest of which is a clawfoot bathtub on the top floor, and whenever that is turned on water runs down the wall into the crack in the wall seam down to the basement. I've had a leak issue since last November. HE signed a contract saying he would repair the leak issue and look into any mold and start it no later than December to be done no later than January and he still hasn't even started. The only thing he did was replace a toilet on the main floor. I'm appealing

because I am a tenant and live in the basement, so that's why it seemed like it was unoccupied I would guess. No tenants upstairs since the end of October. I was unaware of any inspections scheduled.

Shaff: there are multiple units?

Bustad: the basement has 2 bedrooms, and then a room that is supposed to be the landlord's. He doesn't live there though.

Moermond: he lists his property in Canada with Ramsey County.

Bustad: right, he tried to say he was living here but he doesn't in fact do that.

Shaff: he did tell the inspector he wanted to make 3 units, but that would require a change in use.

Bustad: the basement has a fridge, stove, sink, bathroom. No oven. I had to get an air fryer.

Shaff: sounds like we need to take a deeper look

Bustad: so he can't legally rent this out?

Moermond: is someone living upstairs?

Bustad: no, it is empty as of October.

Moermond: sometimes the landlord will give the person in your space the upstairs, or legal, unit. I'm getting from the letter that there are problems with the installation of the windows which was done without permit and perhaps not correctly. These are outside observations. If I were you I'd be looking to move to a legally occupiable space in the house and working with him. Can you talk to him by phone?

Bustad: sometimes. He has been here the last couple of days. He's been staying upstairs. When I tried to show the inspector the source of the leak the landlord said I wasn't allowed upstairs. I'm not sure how that will go. He may have already left too.

Moermond: right now the appeal is about whether it can continue to be occupied. The question I'm faced with is under what conditions can it continue to be occupied. I cannot say, sight unseen, yes. I think we need to have an inspector have access to the space—

Bustad: the inspector yesterday went through the entirety of the building, he was in my room, upstairs.

Shaff: the basement egress is the biggest concern at this time.

Bustad: if those are cleared—

Shaff: the biggest thing is basement windows installed without permit, blocked, etcetera. I have concerns about what I'm hearing about the leak, which isn't on the orders. The other things are lower priority, though they need to be addressed. I do need to address how the single-family home is being occupied and if that is reasonable or safe.

Moermond: I'm trying to find where it talks about a single-family home conversion to a duplex and the need for a code analysis.

Shaff: the property owner talked to the inspector saying there were room he wants to rent. It isn't cut up into three units, just people allowed to be in certain areas or not. Other than the property owner putting in owners and erecting walls into the basement, it doesn't sound like physically the building is separated out.

Moermond: does that sound like your experience Mr. Bustad? You have physical access but are instructed not to go there?

Bustad: main floor and top floor which is the residence. The basement has access from the backdoor, as well as the upstairs. My only non-access is to the main floor.

Shaff: is that because there's a lock on the door?

Bustad: you go in the back door, there's a door to the right to the main floor.

Shaff: right, that's normal. There aren't two doors, you come in one door and go into the basement, is there a door separating the basement out?

Bustad: there's a living room at the bottom of the stairs—

Shaff: someone from the main floor could walk out the one door and down the stairs?

Bustad: yes. When the people upstairs lived there they had to have access to the laundry. I have a sliding door, which I use a padlock on. It's a sliding wood door.

Shaff: like a pocket door. Those aren't compliant for an entry or exit door. Those are for between bathrooms or dining rooms. I have some concerns about being able to exit in an emergency. It sounds like this isn't set up like a traditional or even compliant duplex or triplex. It just sounds like some barriers have been put in a single-family home.

Moermond: did this have a Fire Certificate of Occupancy earlier?

Shaff: it has been certified; last Certificate of Occupancy inspection was October 2019. It had a B grade at that time.

Moermond: right now, I am looking at item 16 in the orders indicting revoked for long term noncompliance, failure to allow access, and egress windows without permit. The access happened really by accident. The inspection has occurred so we have to deal with the padlock and the egress window. For long-term noncompliance, no access isn't great but I'm willing to give time for the contractor to do the work.

Shaff: the long-term noncompliance was because we couldn't get access to the building. Yesterday was the first time we heard from anyone. It sounds like I would actually like to go through the whole building myself and see exactly what is going on. Make sure it is a single-family home unless it goes through a proper code analysis and permitting process.

Moermond: let's take a beat on this. I want to have enough information about 2 ways out of the basement. What I want to know is how much time do we have based on the

conditions

Shaff: would Friday at 11:30 am?

Bustad: yes, definitely.

Shaff: can you give access to the entire house?

Bustad: yes. I'm in the basement so it is hard for me to hear if you knock on the front door. Currently my understanding is my landlord is staying in town to do some of these repairs. He was going to get drywall people in yesterday and people in to look at the windows tomorrow morning. My only concern is how long he will be in town. China or Canada, don't know, don't care. If he isn't here for the entirety for the time it takes to get things done, I'm concerned they won't get done.

Moermond: I hear you. We'll talk again in a week to get those inspection results.

Laid Over to the Legislative Hearings due back on 4/23/2024

2:00 p.m. Hearings

RLH VO 24-12 Appeal of Matt Birk to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 786 ROBERT STREET SOUTH.

Sponsors: Noecker

Grant an extension to July 14, 2024 for compliance with the March 21, 2024 orders conditioned upon 1) securing the building from trespass, 2) decreasing risk of harm by removing combustibles, including those outlined in 3 and 8 in orders, 3) no business operations may commence without compliance with these or subsequent Fire C of O orders and compliance with all permit requirements and 4) maintaining ongoing compliance with the above, which will be reviewed at a LH on June 4, 2024 at 1:30 p.m.

Matt Birk, owner, appeared

Greg Miller, attorney o/b/o owner, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Jim Perucca: this is an S1 repair garage, approximately 2400 square feet inspected by Brian Schmidt after a complaint referral September 2023. There are several moving parts here. He responded to a complaint about auto body painting without proper ventilation. He did manage to inspect the property but didn't make entry. He did later, October 2023, make contact with the stated business owner, Patrick. Inspector Schmidt made four other reinspections over time, December 15, January 17, 2024, February 16, 2024 and later March 21, 2024 with a revocation for long-term noncompliance. The ownership has been complicated to the fact that inspector Schmidt on March 21 found there was a new property owner, Mr. Birk, and that ownership group through Ramsey County tax records. There was also news that Patrick, the assumed business owner, was trying to purchase the property under contract for deed from a previous owner to him which wasn't registered with Ramsey County. Mr. Birk and his group bought the property at a sheriff's sale and has since been updated with the correction orders still outstanding. It appears you are going through eviction with Patrick currently.

Miller: its Torrens property so once we redeemed through the sheriff's sale last summer we were obligated to do a proceedings subsequent. We did file with Ramsey County a petition in proceedings subsequent. There was this unrecorded contract for deed. Blessed Properties was the company. They filed in opposition of the proceedings subsequent. It went to District Court. We had a motion for summary judgment before Judge Diamond and as of March 28 granted that motion. So now we are indeed the owner. As soon as that was granted I had Mr. Birk post a notice at the property, sent to blessed property and Patrick. He's a tenant at sufferance. We posted notice on the door and mailed separately. That happened April 5. Mr. Birk previously saw the placard saying the Certificate of Occupancy was to expire on April 22. Talking to Inspector Schmidt, he suggested to appeal to obtain the time to complete the eviction. Right now, there are cars, which are titled assets, not surplus property under 504(B). we don't even know who owns each of those cars. There is a locked filing cabinet with the titles I imagine. If they're all titled to blessed properties, its fairly easy. If random individual owns the car it will be harder. We have a buyer for the property, who will proceed as a body shop. They don't want to deal with the cars, so we have to deal with the content of the property.

Perucca: Patrick was operating without proper licensing and was denied when he applied.

Miller: Mr. Birk has been in contact with him, but he's been at the Mayo for the last month for kidney failure. We really do have a unique situation, with an operator who can't operate. We have the remedy for the eviction. We have assets sitting there. We have a buyer who appears to be licensable. We are desperate to not lose the Certificate of Occupancy so we can have an orderly transfer to the buyer. We are at the beginning of May before we can get full possession of the property and remove the assets to turn it over to the new buyer. We request 60 days to have a successful closing with a licensed operator.

Birk: I had no idea of any of those ongoing issues with the fire inspector until a couple of weeks ago when I showed up and found the notice posted. Inspector Schmidt filled me in on all the stuff happening for months. Patrick predated me and I assumed. Saturday morning I stopped by and the police were across the street; the property had been broken into again. This was the second time since the eviction notice. This was more significant. Neighbors had called and they were there for a while taking tools. Police caught a suspect, and I am in communication with them. I got the password from Patrick for the video surveillance system to see what the thieves actually took Saturday morning. No one home so now it has become a target for the neighborhood thieves.

Miller: we will move as expeditiously as possible. It would be self-help right now and we are prevented under the statute.

Moermond: are you allowed in?

Miller: we are not. We could probably secure the premises under the theory of waste.

Moermond: right. If you can't, the City can.

Miller: right, and we want to not waste City resources and keep it in as good of condition as possible as possible.

Moermond: I don't want a public nuisance for the neighbors, people who enter it, dangerous situation.

Miller: we would be willing under the theory of waste. The owner is in no condition to prevent our access.

Birk: when I went Saturday am the police had put wood over the broken door.

Moermond: what color?

Birk: just plain wood.

Moermond: if it is painted gray it is the City's contractor. What is the advantage to keeping the Certificate of Occupancy at point of sale when all of the items need to be addressed anyway? I'm uncomfortable saying a new business can start in this building in this condition. Saying that can be put off for 60 days concerns me.

Miller: the new buyer is going to do their own renovations. We can certainly do the circumspect items like the locks. We'll have to clean it out and dispose of the personal property remaining. We are hoping our tenant can give us written authority to remove the vehicles. We're willing to do whatever recommendation the St. Paul Police Department or Fire Marshall have. If we lose the Fire Certificate of Occupancy and it goes vacant, that's quite the process.

Moermond: that's the kettle of fish you're worried about. And that is fine. I wouldn't want to see someone acquire and think they're going to make repairs as they go along with conditions like this.

Miller: and they're aware of this. We're making conditions as part of the purchase. They are converting it to a body shop, so they're just taking the vanilla shell and it is our job to vacate the property.

Birk: I gave the buyer a copy of this document. He knows there are things that have to be taken care of.

Perucca: the paint booth has the most significant correction orders involved to come into compliance under a licensed occupancy. Not far behind would be ensuring the oil separator and floor drains were functioning properly.

Moermond: no business operations may commence without compliance with these or subsequent Fire Certificate of Occupancy orders and compliance with all permit requirements.

Perucca: that seems reasonable.

Moermond: so get this fixed, or if you are installing a new paint booth it is done under permit. I would want to see the building secured from trespass. This is a Vacant Building and people know it is. Knowing that, what measures can be taken to make sure it is secure and visited regularly. You may want to have a daily check.

Birk: I already do, I own 3 properties on the west side.

Moermond: do a quick perimeter check on this thing.

Birk: and that was why I was there Saturday at 9 am.

Moermond: and this is just a word to the wise, but keeping it secure from trespass. It is a person breaking in and trying to stay warm.

Perucca: if this were obviously in operation, but we just need to know everything is in working order and it may be fine but we don't have any documentation to that effect.

Miller: we will pass on written verification of the line items to the buyer so they know what is required to get licensed.

Moermond: items 3,6, and 8. Item 3, securing the pressurized cylinders to prevent falling?

Perucca: typically, these are pressurized cylinders that didn't have any chain or fall protection.

Birk: when I met Inspector Schmidt out there he pointed out a big vertical tank.

Perucca: that would be the concern, it is standing on its own without any sort of fall protection to prevent injury.

Moermond: whether or not a business is operating a person could tip it over. The paint room, removing all combustible and flammable containers that are empty and being stored. Slightly decreasing your flammability.

Perucca: legally I'm not sure how much you can do to remove hazards, if that falls under protecting property.

Miller: I think we can do that under the theory of waste. If someone is illegally accessing the property, not leaving flammable items around.

Perucca: particularly with break ins and malicious behaviors, that seems tempting.

Miller: under the theory of preventive waste we can remove flammable materials.

Perucca: flammables and the pressurized cylinders removal may be easier than trying to secure them.

Moermond: item 8, the slide deadbolt. I'm not sure the deal there, talking about securing it but tell me what you think about this Mr. Perucca?

Perucca: if the building were occupied I'd be more concerned, but if we are looking at--

Moermond: you'd let it slide? No pun intended. Items 3 and 6 and any other flammable/combustible materials removed that can be. That way we decrease risk.

Miller: we can do those right away.

Moermond: I'm thinking a four-month extension with a mid-point check. July 14 with the full extension, conditioned upon passing a midpoint check at a hearing June 4. Six weeks from now. The resolution will include the items we talked about, securing the building from trespass, no business operations without compliance and decreasing the risk by removing combustibles including items in 3 and 8.

Referred to the City Council due back on 5/1/2024