



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, June 4, 2024

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 24-212** Ratifying the Appealed Special Tax Assessment for property at 1039 CARROLL AVENUE. (File No. J2409B, Assessment No. 248108)

Sponsors: Bowie

Recommendation forthcoming.

Elizabeth Ellis, owner, appeared via phone

Ellis: it is ironic that you called this morning because I was hot last night and tried to open the window the brick had gone through and it wouldn't open. I contacted the company who did the repair this morning.

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: January 1 at 1 am the St. Paul Police Department called in an emergency boarding contractor to board over a window at the property. Total proposed assessment of \$474.

Moermond: it sounds like that was very early on New Year's Day. You wrote in your letter you were sound asleep and a brick came through the window and you got glass on your bed. Tell me more about that night.

Ellis: I was asleep on New Year's Eve. I went to bed between 9 and 10 and maybe a minute after night glass came flying through the room. Windows just don't decide to not be windows anymore. I didn't know what happened. I called 911. Police responded quickly. One officer came in the bedroom and picked up a brick. I started crying because why would someone throw a brick through my bedroom window. It was the top half of the window, not like the lower part like they were going to break in. It was malicious. They asked me if I wanted to board it. It was a hoel the size of a basketball, and who was I going to call anyway? When they asked me, I assumed the Police Department had resources. A man came with a gun like you do for roofing, he put just up enough particle board to cover up the hole. When I got the glass cleaned up I went for a walk, around 5 miles. The police said to not think of yourself as a target, consider it was drunkenness and New Year's Eve.

Moermond: you had to replace the window. Tell me how that transpired and when.

Ellis: we have a family member we use when we need repairs like this. I don't know exactly when he came, we had to order a window. He did a great job, though I can't get the window open this morning. We trust him and use him for many things. When I was reluctant to answer your phone this morning it is because Friday night at 9 am the phone rang, I assumed it was something having to do with my family member with cancer. It was a roofing company. You go with who you trust. Not someone who calls you at 9 at night.

Moermond: when did he replace the window?

Ellis: he came maybe the day after, gave me a cost for labor. He talked about Menard's. He came back with a folder with the replacement he wanted to do to match the other window. It took 3 visits to take the old one out and put the new one in, which took a while to arrive since we had to order it.

Moermond: if the City didn't board the window would he have been someone you relied on?

Ellis: I can't imagine I would have felt comfortable having a hole in January. Luckily it was a mild window. I assumed when the police asked if I wanted someone to cover it up, I was crying because I didn't understand why someone would do that. Why me and those types of things.

Moermond: did you file a claim with your insurance for the window?

Ellis: no. First, I believe my deductible is so high it wouldn't have been worth it, but because of the neighborhood I live in my insurance is so high already. I know they track the neighborhood I am in because every year it goes up I haven't done anything to cause that. Lower tax but higher insurance. I did call my family at midnight and no one answered. I was so surprised because I thought that was the whole idea of having a cell phone. That's the reason to have a cell phone. I just had to wait until morning.

Moermond: my job is to give that recommendation to Council and I don't have one yet. Once I have that we'll reach back to you by phone and let you know that.

Ellis: sounds good.

Referred to the City Council due back on 7/17/2024

2 RLH TA 24-219 Ratifying the Appealed Special Tax Assessment for property at 1783 DAYTON AVENUE. (File No. VB2409, Assessment No. 248812)

Sponsors: Jalali

Delete the assessment.

No one appeared

Moermond: this went into the Vacant Building program after a fire, the file was opened January 24, 2023. The fee we are looking at today is the fee that covers January 24, 2024 through January 23, 2025. We saw this on appeal February 6 and they received a 90 day waiver through April 23, 2024. The Vacant Building file was closed April 15,

2024, within that 90 day window and the assessment was processed incorrectly. Therefore the recommendation is to delete.

Referred to the City Council due back on 7/17/2024

3 RLH TA 24-221 Ratifying the Appealed Special Tax Assessment for property at 1762 ENGLEWOOD AVENUE. (File No. VB2409, Assessment No. 248812)

Sponsors: Jalali

Continue CPH to August 7, 2024. If CC certificate is issued reduce assessment from \$5,075 to \$2,537.

Brad Eggen, attorney o/b/o Mortimer, appeared via phone
Mike Mortimer, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this is the Vacant Building fee covering 12/27/2023 to 12/27/2024. The total proposed assessment is \$5,075. We're a little over 5 months into the billable year.

Moermond: we have talked before, we have a fresh email from Mr. Eggen that repeats conversations we have had Mr. Mortimer, but it is nice to have it summarized. Mr. Eggen, we've spent hours talking with Mr. Mortimer about this. I feel pretty well versed on the complexity, but I know new information comes forward. I'll turn it over to you to highlight the important things about this Vacant Building fee.

Eggen: this has been a protractive situation. There was difficulty in even getting the building permit for the project. I'd like to start with the good news, which is by all projections it should be done by the end of the July. It is finally coming to head. I can assure the court that it is hard to fine a minute during daylight hours there isn't someone out there. Mr. Mortimer is out there every weekend. He's lost his stepson, his daughter, his wife's health is declining and he's had a couple of health issues. We got funding released by the insurance company, and the mortgage company wants to look over the scene to release its lien. All those obstacles are out of the way. He just got a payment for \$48,000, the last payment. A lot of headway has been made. The circumstances here are quite extraordinary due to the initial problem with the initial contractor. He had to retain Council, which was not me, to fix that. It was at a huge loss to Mr. Mortimer. This property wasn't vacant much at all. We had a couple break ins at midnight to steal tools, which were setbacks. Even with all the hurdles it appears we're at the end stretch. Because of the peculiarity of the facts, we'd like to get this fine forgiven to see whether he can demonstrate it will be done and a benefit to the community. It is an 1880 home, kind of a life project for Mr. Mortimer.

Moermond: as I said, this isn't court and I make no final decisions. The definition of Vacant Building is met, it doesn't pertain to workers being there. Once it is in a condemnable state, which is what a fire does, it meets the definition. It also has major code violations. One thing missing from your summary is that Rest Pro was involved early on, they did the boarding and then seemed to enter into a contract with Mr. Mortimer that was both problematic and consuming a lot of time. July of 2022 he was still pretty deep into trying to get them disentangled from this. The building permit was issued in 2023. I don't know the connection between the two happening.

When I look at this and you say end of July, I think that's great. My original thoughts when reviewing this was in most cases where a property gets its Code Compliance certificate by its six month anniversary of being in the Vacant Building program. It went in December 27, 2021, so halfway through would be the end of June 2024. So you'll be about 7 months by the time it hits Council July 17. I can ask them to lay it over for a couple of weeks to the end of July in which I'd recommend it is reduced by half. I can make that payable over 5 years as well. The interest rate is on the back of the letter telling you about today's hearing. I recognize there have been many difficulties from beginning to end on this. We have insurance, mortgage company, litigation with Rest Pro, a fire which complicates things and always at least doubles the length of time to get things done. I'm very happy to hear it is so close to the finish line. July 17 I'll ask them to continue it to August 7. If Code Compliance certificate is issued, reduce assessment from \$5,075 to \$2,537.50. We'll check the file on August 5 to see where things are at. If you haven't met the deadline I'd imagine you'd want to testify, which is fine.

Referred to the City Council due back on 7/17/2024

4 RLH TA 24-205 Ratifying the Appealed Special Tax Assessment for property at 720 EUCLID STREET. (File No. VB2407, Assessment No. 248806)

Sponsors: Johnson

Approve the assessment and make payable over 5 years.

Hanh Ha, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this Vacant Building fee covers October 16, 2023 to October 15, 2024. Total proposed assessment of \$5,075. We are 8 months into the billing cycle. Currently just a building permit pulled.

Moermond: you acquired this about a year ago. What are you looking for today?

Hanh Ha: the kids in the apartment next door went around the neighborhood and started fires. They were arrested. I put new windows in and they broke them after I put up a "smile you're on camera" sign. I put labor and materials into this asset and it has been quiet since then. I believe they were arrested, so no more vandalizing. It has been delayed because the kids kept coming back and breaking my window. We got the plumbing rough in passed. I had to come frequently to monitor the property. I bought this and it turned out to be a nightmare for me. Please give me more time to wrap it up. I just took a second loan to make it look nice again. It has been expensive for me to rehab and maintain over time. I'd like an extension to finish.

Moermond: I'm not seeing a rough in inspection. You maybe want to follow up on that. By extension I'm not sure what you mean. You're 8 months into the year already. What specifically are you looking for?

Hanh Ha: I'm thinking I'll wrap it up by the time school starts again. September or October at the latest.

Moermond: that's a full year. If you're asking for the Vacant Building fee for an entire year to not be charged I won't entertain that. Right now the way I'd normally handle it, is if you are done before the sixth month mark which would have been April in your case,

I'd be willing to recommend it be reduced by half. You won't be done until, at best, 11 months into the year. I wouldn't make that recommendation. Would it be helpful if I recommend they make it payable over 5 years?

Hanh Ha: awesome, yeah.

Moermond: I'll recommend they approve it and make payments dividable over 5 years.

Hanh Ha: I appreciate the consideration.

Referred to the City Council due back on 6/26/2024

5 [RLH TA 24-208](#)

Ratifying the Appealed Special Tax Assessment for property at 1698 THOMAS AVENUE. (File No. VB2407B, Assessment No. 248821)

Sponsors: Jalali

Layover to LH June 18, 2024 at 9 am (interpreter needed). Current recommendation is to reduce from \$5,075 to \$2,537.

Linda Tang, owner, appeared via phone

Moermond: I see Joe Steinmaus's name on this too. Are you working with him?

Tang: yes.

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this is for the annual Vacant Building fee for October 3, 2023 through October 4, 2024. The Code Compliance certificate was given roughly six months past the anniversary date. In the program roughly half the year.

Moermond: went into the program January 2, 2021, and out November 2024. This looks like I'd recommend prorating this by half. Is that what you are looking for today?

Tang: how much do I need to pay? Is there a way to make it less?

Moermond: you were in the program six months out of the 12 you are being billed for. I can cut it from \$5,075 to \$5,075 to \$2,537.00. I can also ask them to make it payable over 5 years if that is helpful.

Tang: sorry for the English, sometimes it is hard.

Moermond: would you like an interpreter?

Tang: yes, if you can. Mandarin Chinese.

Moermond: we can call you back in 2 weeks.

Tang: you are willing to reduce it by half. Are you able to take more off? It is still a lot.

Moermond: I'm not comfortable with that, no. The City Council could, you'd have to talk to them. We can provide an interpreter that isn't a problem at all.

Tang: if I can try next time with an interpreter. This house cost me a lot of money. I

hope you can cut more vacant fee. That's what I'm trying to ask.

Moermond: I think it would be helpful to schedule another time to talk with an interpreter so you can more fully express your interest. I'd feel better about that. Are you available June 18th?

Tang: I will accept your recommendation of half, but if is possible can the City take off more?

Moermond: I am not going to recommend that. I could possibly be persuaded with more testimony and an interpreter. Are you available?

Tang: yeah. Can you send an email with the date and time?

Moermond: yes, we can do that

Laid Over to the Legislative Hearings due back on 6/18/2024

10:00 a.m. Hearings

Special Tax Assessments

6 RLH TA 24-210 Ratifying the Appealed Special Tax Assessment for property at 1468 BREDA AVENUE. (File No. J2409E, Assessment No. 248312)

Sponsors: Jalali

Approve the assessment.

Jackie Breitung, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Richard Kedrowski: December 11, 2023 a Summary Abatement Order was sent to remove and dispose of furniture and debris in the rear yard. Compliance date December 18, December 18 it was rechecked and it was not removed. Excessive Consumption sent for noncompliance with a reinspection date of January 4, 2024 at which time the items were removed. Total proposed assessment of \$169.

Moermond: for clarity, this is for the inspector trip when the work was not done, not because any cleanup was done.

Kedrowski: correct.

Breitung: we talked to the tenants. I hate to say it, but they were terrible. He collected things. I'd just given them their 60 day notice. I am just hoping to get a little bit of a break because we incurred about \$20,000 in damages from them. I know it was a waste of the City's time. We got them out so hopefully it isn't an issue moving forward. Just hoping for a bit of a break.

Moermond: a concern I had looking at the photos was there were two refrigerators out there that weren't secured. That is always a concern for me when I see that. I also see quite a few complaints during 2023.

Breitung: right, during their tenancy. We had to let their lease ride, and then gave them their 60 day notice as soon as we could. They damaged and left so much stuff. Just hoping to catch a break with one fee. We paid another fee a different time. If it isn't possible I understand. We're just so far in the hole with this one and following tenant laws.

Moermond: you could put an addendum in the lease agreement about Code Violations moving forward. This is local code, it is law that needs to be abided with. That's why the City can issue orders. When someone makes a request like you the first thing I do is look at what the situation was in terms of what needed to be cleaned up, as well as the history of the property. Both things are strikes against you. The fridges being a strike and then the 2023 history with so many violations. Many orders. Animal control visits. In your situation I would say I am recommending approval of the assessment. I don't think the other tax payers in the City should be responsible for it. I'm sorry I can't be more helpful. The Council may see it differently.

Breitung: it also hasn't been an issue since they've been out. I'd just like to point it out. I did my best to work with them. It is kind of crazy you wouldn't give me one pass. It is whatever. What do I need to do next?

Moermond: on the notice about today's hearing, it also includes the Council Public Hearing date. We can follow up with additional information.

Breitung: we did our best, I do want to proceed. I can't control they had two fridges out there. We tried to clean up the entire year they were there. If Minnesota was easier on landlords it would have been easier to get them out. I'm asking for a one time pass, so please let me know what I can do.

Referred to the City Council due back on 7/17/2024

- 7 RLH TA 24-211** Ratifying the Appealed Special Tax Assessment for property at 969 EARL STREET. (File No. J2407P, Assessment No. 248406)

Sponsors: Yang

Delete the assessment.

No one appeared

Moermond: recommendation is to delete the assessment, a waiver was signed.

Referred to the City Council due back on 7/17/2024

- 8 RLH TA 24-213** Ratifying the Appealed Special Tax Assessment for property at 2044 MARSHALL AVENUE. (File No. J2407P, Assessment No. 248406)

Sponsors: Jalali

Delete the assessment.

No one appeared

Moermond: recommendation is to delete the assessment, a waiver was on file.

Referred to the City Council due back on 7/17/2024

9 **RLH TA 24-215** Ratifying the Appealed Special Tax Assessment for property at 499 SHERBURNE AVENUE. (File No. J2419A, Assessment No. 248523)

Sponsors: Bowie

Recommendation forthcoming.

Sherita Mosley-Coats, o/b/o Quality Residences, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Richard Kedrowski: January 16, 2024 a Summary Abatement Order was issued for the removal of mattresses, a bed frame, and other garbage from the backyard and along fence Compliance date of January 23, rechecked January 23, it was not done. Work order was sent and it was done for a cost of \$202 (\$35 (mattress fee), \$65 (garbage abatement fee), \$102 (general refuse) for a total assessment of \$364, including service charge.

Sherita Mosley-Coats: Kelly martin called the inspector because we got the letter the compliance date. We went on the 25th to pick up the mattress. It was gone, but there was other garbage. On the photo attached it says January 26. Is that a typo?

Kedrowski: my records indicate it was done on the 24th.

Moermond: I see January 26 too, and the other photos appear to be taken January 23. What I've learned is that is because there is a delay in the inspector actually uploading the photos. It gives the date loaded rather than the date taken. I'd like you to confirm that process, because that's an assumption from the past.

Kedrowski: that is correct. The photos are taken the day of the inspection, but due to cell phone to computer in field there's often a delay until the next day or even a couple if it's a weekend.

Moermond: so we have photos January 16th, with a box spring and mattress and with a wider view of the yard on the January 23 photo I see just the mattress and then some pink and blue plastic in the middle of the yard.

Kedrowski: that's correct.

Moermond: does that help Ms. Mosley-Coats?

Mosley-Coats: I'm concerned about the validity. We have photos from the 23rd showing the cleanup we did, and the ground looks completely different. We did call immediately. We did a full yard cleanup within 24 hours.

Moermond: I do have photos of what the crew saw when they came but what I will do is some follow up. I don't see notes of contact with the department but sometimes the notes don't get entered.

Referred to the City Council due back on 7/10/2024

Special Tax Assessments-ROLLS

16 [RLH SAO 24-35](#) Appeal of Dan Lissick to a Summary Abatement Order and Correction Notice at 2135 CASE AVENUE.

Sponsors: Yang

If pool is emptied by June 10th, grant until July 8th for compliance with balance of the orders.

Dan Lissick, owner, appeared via phone

[Moermond gives background of appeals process]

Lissick: I did the no mow May thing. I had already mowed the grass before it came. Is that still open?

Moermond: let's get more information from staff.

Staff report by Supervisor Richard Kedrowski: it appears a couple orders were sent May 17, 2024. One to remove tree logs, scrap wood, plastic buckets and totes from the property and also an order to remove a trailer from the grass in the front yard. Compliance date of May 24. Appeal was filed before that date.

Lissick: I already moved the trailer. I actually did it before I got the order as well.

Moermond: you talked about the back yard. Can you summarize?

Kedrowski: multiple items back there. Upon reviewing the photos I also see a pool the inspector did not make note of. We'd like to verify it is functional and not full of standing water, and has a fence.

Moermond: so the trailer is gone, that's great. We have tall grass and weeds and the photos show the front yard was mowed. The back yard you were doing no mow May. Is it now mowed?

Lissick: yes, I've mowed twice.

Moermond: I know the computer system kicks out the letters for tall grass and weeds automatically. The last thing is the cleanup in the back yard. You said you were requesting additional time in your appeal. What is going on?

Lissick: we had a tree removed and I asked to keep the logs. This was last year. They're still there. They're big so I need more time to remove them. The wood is not scrap, it is lumber that we have stacked to be used for some projects. We can move though out though. The rest too, yes, get it out. We had some family moving out the last year, so they've kind of caused some disruption in maintaining the back. Maybe a month or something.

Moermond: what have you done so far?

Lissick: in the backyard? Just a few things. We were busy this last week. Just my son and myself live there now. He's 30. General cleanup.

Moermond: the order was May 17 so its already 2 and a half weeks later, that's why I was asking. Last, the pool. Is the water in the pool?

Lissick: yes, there is a regular fence when the pool was put in during the 70's. 4' high. It is functional. I just put a new liner in last year. It just has the winter water in it, I can drain it and put new in. I do the work myself. Third liner we've put in during the last 29 years. There's a cover I typically put on, a mesh safety cover. Brand new safety cover.

Moermond: how would you prioritize what needs to be done, Mr. Kedrowski?

K: no orders were written on the pool, but we'd like the stagnant water to be removed ASAP. If it was empty it wouldn't be a concern since it isn't a hazard. As long as there's a fence and refilled. I'd like the wood done in the next couple of weeks.

Lissick: for the liner pools you have to have water in year round. I have a pump, I can get it out quick.

Moermond: I'd like to give you an extension conditioned upon getting the pool emptied on a tighter timeline. Let's get the pool done by June 10th and then you'll get an extension through July 8th to complete the yard cleanup.

Lissick: that sounds good, thanks.

Referred to the City Council due back on 6/12/2024

- 17 [RLH SAO 24-30](#) Making finding on the appealed nuisance abatement ordered for 272 RICHMOND STREET in Council File RLH SAO 24-25.

Sponsors: Noecker

Items 3, 7, 9, 10, 14, 18, and 23 of March 28, 2024 SAO were abated.

No one appeared

Moermond: we have a follow up email from Lisa Martin indicating the owner has met the deadlines she needs to as of now, so that is confirmed. We can incorporate that into the next resolution as follow up on the nuisance.

Mai Vang: the other is a correction order, so we don't do those.

Referred to the City Council due back on 6/12/2024

1:00 p.m. Hearings

Vacant Building Registrations

- 18 **RLH VBR 24-28** Appeal of Franchesca Vann-Wickstrom to a Vacant Building Registration Notice and Summary Abatement Order at 705 DAYTON AVENUE.

Sponsors: Bowie

Grant the appeal and release the property from the VB program and the property is no longer condemned with an order to vacate. Remaining orders converted to new Correction Order will be issued by Code Enforcement staff. The following deadlines apply to the June 5 Correction notice: 1) June 11th, 2024 deadline: items 1, 2, 3 & 4 (smoke, carbon monoxide installation, removing items blocking egress, and removal of feces & straw from garage) and 2) September 1, 2024: balance of all remaining

items in the order (items 5 through 14).

Franchesca Vann Wickstrom, occupant, appeared via phone

Moermond: I understand Mr. Kedrowski did a follow up inspection, so I'd like to start up with a report from him.

Staff update by Supervisor Richard Kedrowski: I was at the property yesterday and did interior and exterior inspection. I found about 20 things that need to be addressed and corrected, but did not see anything that led me to believe the house needed to be condemned. It was worn and dirty and repairs were done without permit.

Moermond: let's start with the most basic level, it was determined the property was gross unsanitary with multiple animals and feces. That was the basis for vacation. Do those conditions in that severity continue to exist?

Kedrowski: there is some evidence of dog feces still in the house. There is a licensed dog at the house, but they're working on cleaning.

Moermond: so some unsanitary but not rising to level of order to vacate?

Kedrowski: nothing would take more than a couple hours of thorough cleaning.

Moermond: highlight your observations. You had 20 items. Anything in particular you want us to know. I know we touched base and decided to do a verbal report, write new orders later.

Kedrowski: number one is safety issues. Smoke and carbons that were hanging or missing. Animal feces. Garage has some straw and animal feces, could be rodent harborage. Those should be addressed relatively quickly. The other items would be repair of broken windows and remove broken boards from windows. Not a security issue now, but should be taken care of quickly. Some permit issues. Then the maintenance issues. I'd say three levels of issues.

Moermond: it did meet the criteria to be sent to the Vacant Building program, but no longer does. For that part I'd recommend the appeal is granted. Then we have correction orders that need to be issued and deadlines attached to that.

Vann Wickstrom: I let him know how embarrassed I was and it is only my husband helping me. I fell and have some issues so can't do much. I have people coming to help. There are programs that can help, but it has to be out of the Vacant Building program. Habitat for Humanity and Rondo Community Land Trust.

Moermond: the House Calls program may be able to help with cleaning and sanitation.

Vann Wickstrom: House Calls said I needed a referral, I guess.

Moermond: Mr. Kedrowski, can you handle that?

Kedrowski: writing orders is usually enough to trigger House Calls. There's also the probate and ownership issue to be addressed.

Moermond: there is a quit claim deed on the property, which may address some of your concerns. How quickly can you get the cleanup done Ms. Vann Wickstrom?

Vann Wickstrom: we've been working on it every day. I got carbon monoxide detectors yesterday. I just have to put them up.

Moermond: I'd like to give you a week so it throws in the weekend in case family members would help. June 11th for a deadline for dog feces, smoke and carbons and straw and feces in the garage.

I'm thinking for windows, they're a priority but you likely would seek funding for. I'm inclined to say—

Kedrowski: there's a zoning issue too, it is HPC.

Moermond: right, so when a permit is filed it would get reviewed by Department of Safety & Inspections for the basic things, but they'll also refer it to the HPC staff to make sure the style is consistent with the district you're in. It shouldn't take too long. Your contractor should be familiar with that.

Vann Wickstrom: yesterday you pointed out the hole in the basement. That scares me. How do I do that.

Kedrowski: I am not sure what that hole is. Based on the age of the house I am guessing its an old gravity drain. I'd call a plumber.

Vann Wickstrom: do I fix it with mortar? Put tile over it? Something now before I can get someone out.

Kedrowski: I think it's the only drain so I don't know I'd fill it now.

Moermond: based on that observation you will have to hire a plumber, and they may be able to advise you if it is something you may be able to handle.

The only other thing that struck me is blocked egress/aisles.

Kedrowski: the basement exit had things stacked blocking the door, same with the kitchen. It is more cluttered. Just moved out of the way to ensure proper egress.

Vann Wickstrom: they were dog kennels.

Moermond: we'll put that on the list for June 11. Blocked egress makes me worry. I'll ask Mr. Kedrowski to put those four things as priorities, then the balance of the orders let's put a September 1 deadline.

Referred to the City Council due back on 6/26/2024

**19 RLH VBR
24-31**

Appeal of Mike Young to a Vacant Building Registration Renewal Notice at 1540 MINNEHAHA AVENUE EAST.

Sponsors: Johnson

Waive VB fee for 90 days (to September 8, 2024) and allow permits.

Mike Young, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: was made a Category 2 Vacant Building June 8, 2022. The appellant went through sale review and was approved to purchase September 26, 2023. We do have a Code Compliance Inspection and permits on file. Rehab is ongoing. We had a recent tall grass and weeds issue but that has since been cut.

Young: over the last year we had this discussion. We're having a lot of trouble with City inspections and subcontractors. The entire building has been done. We're waiting on one last final electrical inspection. It was listed on the MLS today.

Moermond: when I checked earlier I didn't see a building permit pulled.

Young: we're pulling permits as we need. Can you explain that more please?

Moermond: the Code Compliance Inspection Report that was done as part of sale review, it would have had things broken out by trades. If you look at it, there's a list of building items that would have been done under permit.

Young: Jason Lindsey was the one who did the work. I wish he was here.

Moermond: the fact he was doing it is fine, but he needs to get that building inspection. You want get that Code Compliance certificate without it.

[Jason Lindsey is added to call]

Moermond: I was saying that a building permit needs to be pulled. There are a number of items in your building portion of the Code Compliance Inspection Report.

Lindsey: I pulled plumbing and electrical. I didn't think like installing gutters needed a permit.

Moermond: you need to reach out to Building Inspector Clint Zane. You need finals on your plumbing and electrical permits, and pull a building permit.

Lindsey: I will double check with them. They said they passed.

Moermond: the main conversation is the Vacant Building fee. I'm happy to recommend the Council do a 90 day waiver of the fee. If your done within that 90 days you won't have that fee at all. If you aren't, there would be a fee and it would come forward as an assessment. We could talk again about that.

A 90 day waiver would take you through September 8, 2024.

Referred to the City Council due back on 6/26/2024

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

20 [RLH VO 24-20](#) Appeal of Cynthia Johnstone, Tenant, to a Fire Inspection Correction Notice at 1352 SEVENTH STREET WEST, UNIT 1.

Sponsors: Noecker

Layover to LH June 11, 2024 at 1:30 p.m. for further discussion after tenant contacts SMRLS.

Cynthia Johnstone, tenant, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Der Vue: 3 unit dwelling. Renewal inspection of the Fire Certificate of Occupancy was conducted May 13, 2024 by inspector Caballero. Orders issued based on that inspection. Noted a full inspection of unit 1 was unable to be performed due to high content. The rear unit is referenced as uncertified since December 2021 when the last renewal was done. Reinspection was scheduled for June 13.

Johnstone: I live in unit 1. Did you get the fax I sent?

Moermond: yes. It seemed to do with the exterior of the house?

Johnstone: I was just wondered why they would take the lawn chair and table away. That's more like theft.

Moermond: when I looked, orders were sent to your landlord the beginning of May to clean up the outside. When the crew arrived they said that the orders were gone on arrival. So, whatever needed to be cleaned the City said was. I'm not sure what happened to your stuff. I know Betty Gruber would have received a letter.

There are a few thing sin the orders that do affect your unit. Do you want to talk about them?

Johnstone: it is really hot and humid and my leg is starting to get well, and my leg is broken and arm is half paralyzed. I'm slower at doing things. I'm not sure what this argument is.

Moermond: what argument?

Johnstone: when someone comes over to see your apartment. Maybe someone could call when they're done and then come over.

Moermond: the appointment letter would have gone to Betty Gruber, she is responsible for reaching out to you to let you know inspectors were coming and when.

Johnstone: I knew they were coming. I was suggesting when you're done you could call and I could say to come over to inspect. There wasn't enough time for me to put things together they would want to see it.

Moermond: which is a good transition to discuss when you will have things done and what you're looking for today.

Johnstone: only get one or two things done every day. Sometimes the housing isn't as important as other things.

Moermond: are you familiar with the House Calls program?

Johnstone: I've tried to call public housing but they didn't answer. The way it is now,

this apartment is perfect for my mobility.

Moermond: so you would like to move into public housing that's more accessible?

Johnstone: now that there's someone upstairs. I'm in my 70's. It gets hard to be around other people you know. They run in and out all the time. I don't want help from the outside. I want to do my own cleaning.

Moermond: there are orders to reduce the content of your apartment by 50%. Before the pandemic that would have got you condemned. It is a very serious order that could lead that direction, especially if you aren't taking care of it in a timely fashion. If you want to be the decision-maker you need to mark what you want to keep and let the rest go. Work with an organization that can be your muscle. It needs to be done before you can do so on your own the way you're describing things to me. Follow through talking with House Calls, they can give good advice and cleaning and labor help. That's the way it makes sense to go. Do you have a pen?

[Johnstone thinks she finds a pen] Johnstone: I can't guarantee someone won't take this. they get in all the time.

[Moermond gives House Calls phone number for the Ramsey County House Calls program]

Moermond: we'll also send the information to you in the letter we send. I'll call them to let them know to expect your call.

Johnstone: I think they will just put a lot of stuff in storage.

Moermond: it is an option. My experience has been when people put things in storage they often get a good, cheap rate, but then the rates go up and it gets expensive. It may be a good time to look at dividing things up. This is your stuff, I'm not telling you what to do. Just a word to the wise.

Johnstone: public housing might have something too. You never know. I don't know about this time frame you have but it sure seems like it's a rush sometimes.

Moermond: I'm trying to work with you and cooperate, but you have to participate and take this seriously. Let's talk again in a week's time and lock in a plan.

Johnstone: I want to be able to explore possibilities of what I want to do. I don't know that a week is enough time.

Moermond: and yet that is what I'd like you to do. Work hard on it.

Laid Over to the Legislative Hearings due back on 6/11/2024

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 21 [RLH FCO 24-39](#) Appeal of Vincent Hughes to a Fire Inspection Correction Notice at 1058 SELBY AVENUE.

Sponsors: Bowie

Layover to LH July 18, 2024 at 2 pm for further discussion.

Christopher Heinze, attorney, appeared via phone

Liam Audet, law clerk, appeared via phone

Eddie Showers, law clerk, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Der Vue: this is a single-family home and has been part of the Fire Certificate of Occupancy program since July 2016. Current orders are for access. Inspector Caballero attempted to inspect based on the renewal due date. The inspector was reached out to by the property owner to notify him it was not a rental property and was in fact owner-occupied. No inspection was conducted at this time by Fire Safety.

Moermond: my team pointed out we had an appeal for this property and issue November 2016 at which point Mr. Hughes was making a similar argument and mentioned a number of family members who lived there and this was the family home. Mother raised 9 kids there. She passed in 2002 and he purchased in 2003. He maintains a sleeping room there and visits 4 times a year. My recommendation at that time was to deny the appeal noting it was not owner occupied, rather than rental. It wasn't owner occupied, the appeal was denied, so Fire inspection was responsible for follow up based on Council's decision. Can you describe that?

Vue: 2016 recommendation, no inspection was conducted. The area inspector did follow up but no access was provided.

Moermond: and you didn't raise to the level of administrative warrant?

Vue: there was not, no.

Audet: as we stated in our letter, we'd like this removed from any municipal records that state is a rental property or non-owner occupied. I know you said owner-occupied is an important part here, but Mr. Hughes no longer has family members stay there. He has only had his sister stay there once or twice for a week or two. He is the only person who occupies the building right now. Out of town family stays on occasion when he's there and they want to visit. He's just a regular occupant now. We don't see a need for a Fire Certificate of Occupancy. That's our goal, to get us removed from any list that states he needs one.

Moermond: struggling with what to do with your statement and the older of record. He mentions a sister back then. You're saying no one lives there except when an out-of-town family member is visiting—

Audet: his residence is here.

Moermond: Ramsey County Tax records indicate Louisville.

Audet: really. I'm thrown off here. I'm under the impression he is a Minnesota resident. Are the tax records sent to a P.O. Box in Louisville? Is that why they're deeming him a Louisville resident?

Moermond: yes, and it also shows an address of 316 Alcott Road in Louisville from information he submitted to the City. That is different than the box. Those two things

together speak to that. That isn't saying it is non-owner occupied; it is saying this isn't a primary residence. It also isn't homesteaded which is a clue. It is certainly not a requirement in the ordinance.

Audet: is there anything in the ordinance that allows the City to make a determination on whether property is owner occupied by looking at state tax rolls or these "clues" as you put it?

Moermond: the City looks at a lot of different information to determine owner occupancy. The first clue is the last hearing when he talked about only visiting a few times a year. There was no reason for fire inspection staff to believe there had been a change in circumstance and they had been doing follow up periodically since. That is contrary to what you indicated in your letter, that the Fire Certificate of Occupancy people have never been involved in the property. They have.

Audet: that's fair, that was our understanding. What happened in 2016, four years before Covid, I'm not sure it is germane to this hearing. I'm still looking for some sort of authority that allows the City to make decisions on whether property is non-owner occupied in the City code by using the criteria that you mentioned. Or is it opaque and vague in terms of what the City can consider when making that determination?

Moermond: the section I'm looking at is § 40.02 which provides for expectations to certain residential dwellings. That would be excluding them from the Fire Certificate of Occupancy program. It would be an owner-occupied, single-family home, duplex or condominium unit that shall be exempted from the requirement to have and maintain a Fire Certificate of Occupancy. Owner occupied means the house, duplex or condo for which the exemption is claimed is the owner's principle residence.

There had already been a determination in 2016 it was not the principal residence. That's what they are carrying forward with. I know that was a while back but access was never provided to the interior. It doesn't evaporate in the City records because of that. What information do we have now that's different than then that the Council made its decision on? I'm looking for you to fill in that blank for me.

Audet: prior to this hearing we were unaware of any previous hearings. So, we're dealing in the dark here. We don't know what happened 8 years ago.

Moermond: it makes sense you be given an opportunity to look at those old materials and talk to your client. Maybe he has additional information he'd like to provide that shows further this is his primary residence.

[discussion of layover dates]

Audet: the 18th will work best then, we can move things around.

Laid Over to the Legislative Hearings due back on 6/18/2024

Staff Reports

- 22 [SR 24-52](#) Review Compliance with the Previous Order under RLH VO 24-12 adopted by Council on May 1, 2024 for Appeal of Matt Birk to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 786 ROBERT STREET SOUTH.

Sponsors: Noecker

Compliance with deadline established by RLH VO 24-12 for follow up inspection.

Matt Birk, owner, appeared via phone

Greg Miller, attorney, appeared via phone

Staff update by Supervisor Leanna Shaff: I was speaking with inspector Schmidt this morning and it looks like there were four things, three remaining to get an extension to July 14. Yes, it was secured from trespass. Item 2 is done. There's no business operations in the building. So they've complied with requirements for an extension as far as we're confirmed.

Moermond: so we're where we need to be.

Miller: we've completed eviction through Ramsey County court and obtain writ of restitution. We have possession and are working with former tenant for removal of the last items.

Moermond: sounds good, we wish you well. We'll follow up on the last set of deadlines. Sounds like we won't have any issues.

Received and Filed