



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, August 27, 2024

9:00 AM

Room 330 City Hall & Court House/Remote

This hearing starts at 11:00 AM

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 1 **RLH SAO 24-55** Appeal of Stephen Greenwood to a Summary Abatement Order at 1111 ARGYLE STREET.

Sponsors: Kim

Deny the appeal, noting the nuisance is now abated and property is in compliance.

Stephen Greenwood, owner, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: August 8, 2024 a Summary Abatement Order was issued to owner under section 105 for boulevard plantings. Cannot exceed 36" in height and cannot overhang public right-of-way. Compliance date of August 13. Photos on the order. No history here until back to 2019 for another boulevard planting complaint.

Moermond: why are you appealing Mr. Greenwood?

Greenwood: in my letter to you, I agree the plants exceeded 3' and the City Clerk said it was a safety issue, I don't contest that. I transported the major ones and cut down the remaining ones to grade level. I won't contest a safety complaint. I'm a civil engineer and environmental engineer. I've lived here 41 years. What I am contesting is there are numerous violations in the neighborhood, they have failed to protect public safety by not applying this uniformly. There are other gross violations, including the City's own property. I'd like to emphasize those more over private ones.

Moermond: more about the City's property.

Greenwood: I submitted over 100 photos, which I won't belabor that. Three of the City's properties, the end of the block from my house with an east-west railroad, you go to the left at Chatsworth and Jessamine there is a stop sign but the vegetation along Jessamine, at least 80', it grows at least 7 or 10 feet. The stop sign is obscured by the

vegetation growing right up to the curb. You can't see the sign until you're really close. It is a safety hazard because the joggers along Chatsworth gives them a blind intersection. I've almost hit 2 people; I crawl slowly past that.

Moermond: we have a combination of City property, I say that because if it is by the railroad it could be in their right-of-way. The last piece is if the stop sign is obscured our Forestry department would take care of it. We can alert them of that issue. I'm sure people have told you this is a complaint-based system. Unless someone calls it in, they may not notice it until the lawn mower goes in the next time.

I've had a couple of appeals each week about the height of boulevard plantings. For every 2 who appeal there is probably 25 people who didn't. It is good to hear from you and what your concerns are. I do appreciate that. Tell me more.

Greenwood: on Griggs just north of University there are 2 roundabouts growing sunflowers. It is being obstructed due to the native plants. It is difficult to see oncoming cars.

Moermond: we can certainly let Public Works know.

Greenwood: the other is Churchill Gardens, near the Como Streetcar Station. There are two triangles where Horton, Churchill and Como come together. They started planting there and they're certainly above 36". Code says it has to be less than 18" 30 feet from an intersection. It is important regulation, especially at intersections.

Moermond: my guess is someone complained. That's usually 98% of what is going on. Occasionally an inspector will be deployed and will write orders for the neighbor with the same problem since it wouldn't be fair otherwise.

Martin: a lot of times we get tall grass and weeds and it is actually boulevard plantings. Especially some neighborhoods, we'd be out there all day writing up boulevard plantings.

Greenwood: all the photos I have were taken on iPhone 15 so they're geotagged.

Moermond: I think they do their best to get out to these things, I don't know they can investigate each of those.

Greenwood: the big ones are the ones I mentioned. I understand the complaint process; I've written numerous letters to the mayor things like that. I oppose the Como Pavilion expansion. I oppose the Hamline Midway library. I understand you need money for streets and parks and engineering, but the City has squandered so much money on those projects.

Moermond: this isn't really the forum for that. We're talking about the boulevard. You felt targeted, I hear and understand that. I believe it is likely you weren't unless it was someone calling it in. I see these cases and Ms. Martin deploys inspectors. I encourage people to focus on native plantings at a lower level. There are plenty that grow below 36". It sounds like this has been abated, we typically would grant your appeal noting it was taken care of addressed.

Greenwood: under data practices I would like to know how it was determined to investigate my property—

Moermond: and I just said someone called in. It could be someone who parked there. Could be a neighbor. I have no idea.

Greenwood: if it is a safety issue then Department of Safety & Inspections should be enforcing this, not based on complaints.

Moermond: noted. We'd need a lot more staff. We hear that a lot. If you want to reach out to your Councilmember Kim, she may have ideas. That would be your outreach for changing ordinances.

Referred to the City Council due back on 9/11/2024

2 RLH SAO 24-56 Appeal of Harold Oppenheim to a Summary Abatement Order at 1009 FAIRMOUNT AVENUE.

Sponsors: Noecker

Grant to September 20th for compliance.

Harold Oppenheim, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: August 8 Summary Abatement Order was issued regarding code 105 for boulevard planting, to remove and trim back the plantings below 36" and nothing overhanging into the sidewalk. Compliance date was August 15 and photos are attached.

Moermond: why are you appealing Mr. Oppenheim?

Oppenheim: these have been there for years. With the mild winter and abundant rain, the plants got unusually tall and are at unusual heights. A lot of people have commented on this positively and asked me to share plants with them. I've explained this is what can happen, it's the conditions this year. The thing that made the situation bad is there was storm damage and some of the plants were blown over and they did obstruct the sidewalk. I went out and put in some stakes and ropes when I noticed. Got them under control. I have kept up with it now with all the storms. What I saw as a significant problem was a temporary problem. As I said, it was an unusual year. These are of high value to pollinators and birds. They've been admired widely in the neighborhood. Just our block I could take photos of half a dozen places where plants are taller than the rules. It is just the year we've had. The last thing I mention is it is the end of the summer and the plants aren't even going to be here after a few more weeks. It doesn't seem like a high priority.

Moermond: sidewalk obstruction is part of the issue. Visual obstruction is also an issue. Looking at the photos, installing stakes and garden wire—you can't see through it. I know you aren't the only person with this kind of garden in the boulevard. It is extremely high. It is 6-7 feet tall. That is way excess of 36" allowed. Absolutely native plantings are welcome, and I know there are some that grow below 36". I can see you have that kind of plant on both sides of the sidewalk. On private property, absolutely encouraged, but you need to find a variety that is lower moving forward. I do need to recommend that these be groomed to be shorter or removed. The question then is the deadline. I have August 8 orders and we're at August 27 now. I mention the height because as you think about the future, if these are perennials it will present a problem again.

Oppenheim: I just wanted to mention and repeat. The plants have been there 15 years. I'm discussing this because it has been an exceptional year. I don't have 7-foot-tall plants. Low probability of them getting this big again. I wanted to repeat that. It has never got to half this height before.

Moermond: the code doesn't change due to the weather. You need to manage it so it is lower. You really can't have the stakes and rope in the boulevard either, that does present a hazard for people. That needs to go when you lower the plant height. It needs to be a public right-of-way that people can pass through. Opening a car door in the dark, someone could easily fall. You've taken away its use as a right-of-way for passage. I'm looking at putting this in front of Council September 11 and give you to September 20 for compliance. Things need to come down in height by then. We'll review this on the 24th to see if it has been lowered, and if it hasn't the Council will authorize the Department to take action. That gives you some grace to deal with it.

Referred to the City Council due back on 9/11/2024

- 3 [RLH SAO 24-52](#) Appeal of Edward Albrecht to three Summary Abatement Orders and one Vehicle Abatement Order at 1529 GRANTHAM STREET.

Sponsors: Jalali

Rescheduled to September 3, 2024 at 11 am per PO's request.

Moermond: there was a request to reschedule to September 3. I will do that so it is laid over to September 3.

Laid Over to the Legislative Hearings due back on 9/3/2024

Making Finding on Nuisance Abatements

- 4 [RLH SAO 24-57](#) Making finding on the appealed nuisance abatement ordered for 1818 BLAIR AVENUE in Council File RLH SAO 24-48.

Sponsors: Jalali

The nuisance is not abated. Dept authorize to take action after September 4, 2024.

Voicemail left at 11:50 am: I'm trying to reach Michael Nayman. This is Marcia Moermond from St. Paul City Council calling you about the Summary Abatement Order to cut the tall grass and weeds. You had until August 26 for compliance. This goes to Council 9/4 and at this point my recommendation is to authorize the Department of Safety & Inspections to abate the tall grass and weeds. They can move forward after that Council vote. Please call 266-8585 with any questions.

Referred to the City Council due back on 9/4/2024

1:00 p.m. Hearings

Vacant Building Registrations

- 5 [RLH VBR 24-53](#) Appeal of John Hutton to a Vacant Building Registration Notice at 1823 HEWITT AVENUE.

Sponsors: Jalali

Layover to LH September 17, 2024 at 1 p.m. for further discussion.

John Hutton, owner, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: this goes back to a previous Vacant Building file opened October 27, 2020 per a referral from Code Enforcement who stated it appeared vacant and had minimal water usage. What drew his attention to the property was there was an addition to be added to the rear of the home and a building permit pulled but work was never completed. The building department alerted him of the possible vacancy. We opened Vacant Building November 2020, it was appealed and then January 19, 2021 the file was closed and you ruled if it wasn't occupied within 365 that it would be reopened. It didn't meet those criteria in 2021.

April 25, 2023 a preliminary Vacant Building file was opened by me per Code Enforcement who noted it appeared vacant with minimal water usage and the same permit issue. We monitored as a prelim Vacant Building, which brings us to July 26, 2024 and per Mr. Magner they wanted the file upgraded to a Category 2 Vacant Building as there are soffit and stucco damage and the yard was no less than a disaster. We opened a Category 2 Vacant Building on July 26, 2024 and issued a Summary Abatement Order on August 2. I met with the property owner at the property for 20 minutes and he disclosed some issues he is going through and agreed the yard needed attention. He stated he's been living at the house for the last 2 or 3 years and it isn't vacant. I did advise him to file this appeal.

Moermond: Mr. Hutton, this is complicated. Tell me what is going on.

Hutton: I'm going through some personal issues and my life has been upside down. I have been living there. One of my neighbor wrote an email stating I'm living there and observed me doing so. It definitely needs attention and I've got a dumpster. I put it at another property because I have stuff to clear from both properties. I will definitely get it looking properly as quickly as I can. I don't have unlimited time with the dumpster, so I need to get it done.

Moermond: you have a dumpster, transporting things from here to Lino Lakes. Tell me; it sounds like Hewitt wasn't the family home before? Maybe an investment or something.

Hutton: I had purchased with the hopes of offering it to international students. I've been working on painting and flooring to make it a good home for them. Right now, I need a place to live.

Moermond: the Lino Lakes house is being sold?

Hutton: I have to pay my wife a bunch of money. I have to sell one of them. I don't know which yet. It is taking longer than I thought. I don't have an attorney; I am handling it myself.

Moermond: have you talked to a realtor or broker about if there's some sort of release she could sign so it could be listed and sold. You've kind of been running up against the City for a number of years and it isn't sustainable. There are people who buy those

types of housing. You're spending more time in Lino Lakes than Hewitt because of the water usage, but maybe that isn't the case anymore?

Hutton: I am full time at Hewitt.

Moermond: would you be ok with Mr. Dornfeld to visit the interior, as confirmation for me that you are in there? Not to write orders. Just to get out from where we are at since we have a long history with the Vacant Building stuff. Orders could be written on the foundation, but that is different than being in the Vacant Building program. Mr. Dornfeld, thoughts?

Dornfeld: when I spoke with him a few weeks ago, he was eating some scrambled eggs, I interrupted his breakfast. It is furnished and it does appear he is living there.

Moermond: so it went from a prelim Vacant Building to a Category 2 Vacant Building and once it was a Category 2 you established he was living there?

Dornfeld: that is a great observation on your part. I was told to make it a Category 2 Vacant Building per Inspector Kedrowski and Mr. Magner. We have an unconfirmed Vacant Building with some exterior code violations. That's what we have.

Moermond: was Mr. Magner aware of your conversation with Mr. Hutton?

Dornfeld: I don't recall notifying him. After advising the appellant to appeal, I don't believe I discussed it with Mr. Magner. He certainly did have knowledge of the previous file and the minimal water usage. Inspector Kedrowski seems to be the lead on this, Mr. Magner is getting relayed information from Kedrowski.

Moermond: well, he is the manager. I'd like to lay this over 2 weeks to look more at what is going on here. In the meantime, don't pay any Vacant Building fees. I'm going to check out Code more on this. I'm leaning towards granting the appeal, but I want to make sure this is all put together. We can do it by phone next time, or you can come in person if it is your preference. Would September 10 or 17th work?

Hutton: 17th.

Moermond: let's put you on at 1:00 that day to wrap this up. It is complicated so I want to make sure we're sweeping up the details.

Laid Over to the Legislative Hearings due back on 9/17/2024

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

- 6 [RLH VO 24-23](#) Appeal of James Cran to a Correction Notice-Complaint Inspection (which includes vacate order) at 293 BURLINGTON ROAD.

Sponsors: Johnson

Deny the appeal. Property must be vacated no later than October 15, 2024.

*Kristine Oehrlein, daughter of owner and Power of Attorney, appeared
Haley, granddaughter of Thomas Cran, appeared via phone*

Thomas Cran, owner, appeared via phone

Voicemail left at 1:34 for Robert McGarry: this is Marcia Moermond from St. Paul City Council calling you about 293 Burlington Road, the Cran property. We have one other person to call, and then we'll reach back to you.

Voicemail for 1:35 left at 1:35 for Thomas Cran: this is Marcia Moermond from St. Paul City Council calling you about the property at 293 Burlington. We'll try you back in a couple of minutes.

Voicemail for James Cran left at 1:40 pm: I'm trying to reach James Cran, we'll try back in a moment. Did receive your email from yesterday, if you don't have anything to add you don't need to worry about picking up. Thank you, bye.

Voicemail left at 1:40 pm for Bob McGarry: this is Marcia Moermond from St. Paul City Council calling again for the hearing. We'll follow up with a letter so you know where things are at and we'll proceed with the hearing.

Voicemail for James Cran left at 1:42 pm: what we're going to do is proceed with the hearing and you'll receive follow up information by letter on Friday.

Moermond: you are the Power of Attorney and your son Thomas is the successor Power of Attorney. What I want to do is summarize what I've been hearing from James Cran, which is he'd been living there a long time and had the permission of his father to be there and he'd be inheriting the house. He wanted to be able to stay without a Fire Certificate of Occupancy. If it isn't owner-occupied you need a Fire Certificate of Occupancy. He said he'd be inheriting that. I said we need documentation to substantiate that, because we currently have no Responsible Party. You just live there, we can't hold you accountable. We heard there was actually a Power of Attorney and someone did have the authority to represent Thomas Cran in this matter. He'd implied Thomas wasn't able to represent himself. I was grateful to see that Power of Attorney, and you do have the legal authority to represent your father in real estate matters.

The email from yesterday says "Just to let you know I'll be moving September 30, 2024 from the Burlington Road house, as to my father's Request, So The house Will become vacant so my father may sell the house as he intended to do here, This is my Official Notice to city St. Paul, My father, his lawyer, Thank you, James C. Cran." Comments from you?

Oehrlein: my dad ended up in the nursing home, and Jim had lived with my parents for the last 15 years. He is living there and dad said he wanted to sell, and he said he'd be out June 21. He didn't leave. In the meantime, we had the whole interior painted and bedrooms recarpeted, moving forward to sell. Have the carpet ready for downstairs. Then he put the brakes on so the attorney sent him the original letter because he did have his son living there too, which my father told him not to do. The letter said Joshua needed to get out, only Jim could live there. Then all of this came up. We knew nothing about any of this. Jim didn't tell any of this to us. Then when we found out from the attorney, my dad asked about options. He said evict him, so we've sent an eviction letter to Jim, that's the September 30 date. He does have a disability so we wanted to give him that time to find a different place. The attorney, the same realtor engaged, once he's out and the carpet is cleaned up stairs and replaced downstairs, we'll get it listed. Dad and I just became aware Thursday of last week.

Moermond: they went to a property in Chisago.

Oehrlein: that was my son's house, but he'd put in a change of address and they have two small children so it wasn't working to have them take care of him. He went into a nursing home. Jim transferred the mail so it is being forwarded to the house again, because all the mail that used to go there is going to Burlington.

Moermond: on the form Jim filled out he put that Thomas was living at 293 Burlington, but when he testified he said he was in a nursing home.

Oehrlein: I thought they were being forwarded because Anthony said he never got them. I know he would have been on that.

Moermond: you have a Power of Attorney, you have a plan with your father to stage the house and sell it. The question is, when does Jim need to be out from the City's perspective. I'm going to ask Supervisor Vue, any thoughts?

Vue: I received the same documentation as the appeals office, and I think the end of September under these circumstances works on our end. End of September for a vacate date is fine if you recommend it.

Moermond: if he doesn't vacate by September 30 per the eviction, the question becomes how does the eviction get executed? Normally it's a two-week process to involve the Sheriff's office and I want to take that into account. I'm going to go two weeks beyond that, knowing you may need that time.

Oehrlein: if you put a longer deadline in your letter he's going to take that as he has more time.

Moermond: we can make it clear in our letter that this doesn't override any court proceeding.

Oehrlein: we would follow through on the eviction, as long as it is stated the eviction stands for September 30th.

Moermond: This isn't district court. I can't say what district court can do. October 15th is a Tuesday. Hopefully things are resolved. Mr. Thomas Cran, any comments before we land the plane?

Cran: I hate to put a wrench in anything, but I don't understand why somebody's family member can't live in a home without it being a....

Moermond: why it has to be considered sort of a rental? A lot of people have that question.

Cran: I can see where some person could own a home and install a family member there, but that isn't the case here. He's lived there 15 years. I realize he did things to the neighborhood, which I accept, I just....

Moermond: I've had probably a dozen cases over the years with people in situations like yours. They lived there many years with a parent and the parent dies or go into care. But they don't have title. What we usually do is say we're fine, you work through probate or get the Power of Attorney, but we try to accommodate for those circumstances so they can continue to live there without going through the Fire

Certificate of Occupancy program. This just didn't appear to be the case with Jim. It appeared to be the case he was there but there was no long-term understanding he could continue to stay. That was the rub. I'm sorry it makes life more difficult.

Cran: it is fine. It is just the way it is.

Moermond: thank you for those comments. I'm going to recommend the Council deny the appeal and established a vacate date of October 15 on the property. We'll send a carefully worded follow up letter.

Referred to the City Council due back on 9/11/2024