



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
legislativehearings@ci.stpaul.mn.us
651-266-8585

Tuesday, February 26, 2019

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 19-5](#) Ordering the rehabilitation or razing and removal of the structures at 718 ORANGE AVENUE EAST within fifteen (15) days after the March 13, 2019 City Council public hearing. (Legislative Hearing on March 12)

Sponsors: Busuri

Kris Kujala & Paul Scharf, Ramsey County Tax Forfeited Properties, appeared.

Ms. Moermond: when we finished the hearing last time, there was an agreement to check in with HRA about whether they were interested in acquiring this property to re-develop; you did that & I touched base with the Ward Office to see if there were any discretionary funds that they would be willing to apply to this -is there anything from HRA?

Ms. Kujala: No; I reached out to Donna Carbeau & I haven't heard back from her; I know that she had been on vacation previously; I'll reach out again to ask her if she's made any progress, had a chance to look at it or had a chance to talk to any of her for profits, nonprofits contacts

-I reached out to Rondo Land Trust; they want to go look at it; they weren't available last week and were trying to put something together this week; I haven't heard yet from them

-I had a discussion with our director, Chris Samuel; he is concerned over the possible action that the city might take, so, that's where we're at today

-I think the biggest issue is, if there is an action to demolish the property, which is not what we'd like to see, because then, we end up losing an asset valued at \$54,000 & end up with a possible vacant lot worth \$8,000 - \$10,000; it's a substantial loss

Ms. Moermond: balancing on the other side, this has been a Registered VB since 2009; the 10-year anniversary is in the month of May; there have been numerous Work Orders & 2 previous owners that the county has sold it to at auction who haven't come thru with actual rehabilitation; Mr. Ramiro & Mr. _

Ms. Kujala: the original owner was Steven Ocabari; he forfeited in Aug 2016; then, the state took possession; he had the right to apply for repurchase & that had to work thru the system; the county board approved the repurchase with conditions; Mr. Ocabari did

not meet those conditions; we auctioned it; & the buyer did not do anything

Ms. Moermond: it's a small house; should resources be spent on this house or another house (?); both the city & the county are playing a loss mitigation game across a number of properties, not just this one

-in the past, when the Council has jumped in front of these it's because they've been large houses, houses that have had some historic significance or provide other kinds of value to the neighborhood & I haven't heard that this is one of those kinds of properties; it's not my decision to make; (HRA, Rondo Land Trust - those folks make that kind of assessment)

-this goes to Council on Mar 13, 2019; we could talk again on Mar 12, 2019 at LH to see if anything has come up; Mr. Finzell can come, if he has something

Mr. Scharf: Kris briefed me on the last hearing; is the sale at public auction again off the table? if we vetted or pre-qualified candidates.....?

Ms. Moermond: my concern right now is that when we spoke last time, we just talked about the 4R Program, which would not be able to do anything until at least next year; so, that's not an option

-we don't know what it would look like under different circumstances

-you're bringing up an auction that wasn't discussed; maybe we could flush that out a little

Ms. Kujala: I think I briefly mentioned auctioning it off at our spring auction in Jun & then, having a very set standard or condition on that particular property

-we also discussed if a government agency were to be able to acquire it, which would probably not happen until late summer, based on how timing typically goes

-who would be in a better position to get ahead of a project for rehab?

-those are alternatives that we have discussed with the director

Ms. Moermond: it's a long time on a "maybe"

Ms. Kujala: I think some of the things that become frustrating in tax forfeiture is that these properties end up having these long histories long before they hit our office; when they hit our office, there are statutory obligations that we have to allow for such as a repurchase, then, we need to let that time frame run out based on statutory time frames that are given; for this to have been forfeited in 2016, worked thru the repurchase & done by 2017; get it back up for sale in 2018 - with buyers being pure speculators & doing absolutely nothing, has not really been our track record with auctions; we've had pretty good success with the people who have bought them & brought them into compliance; we put conditions on our auctions to try to weed out some of these bad characters, who don't have the intent to fix it up; these conditions that we put on to prohibit people from buying them based on actions that they've had in the past that have proved to be negative & we continue to work on those

Ms. Moermond: you are left holding the bag

Ms. Kujala: it's a public process & we need to be discerning; there are behaviors occurring that are not positive

Ms. Moermond: I feel some obligation to move on because it's been around for so long but if there is a viable plan coming forward that can deal with this in a reasonable time frame; then, I'm not opposed

-let's continue our discussion on Mar 12, 2019 LH to see what matures during the next

2 weeks; City Council is scheduled for Mar 13, 2019

Ms. Kujala: I would appreciate that

Legislative hearing on March 12.

Referred to the City Council due back on 3/13/2019

2 [RLH RR 19-4](#)

Ordering the rehabilitation or razing and removal of the structures at 888 MARYLAND AVENUE EAST within fifteen (15) days after the February 27, 2019, City Council public hearing. (Amend to remove within 15 days with no option for repair)

Sponsors: Busuri

Nathan Krogh, Attorney, appeared representing Mohamed Shambolia (present), shareholder & President of SMH Inc; Ahmad Al-Hawwari, shareholder of SMH Inc, appeared; and Lester Meltzer, owner/contractor, appeared.

Mr. Krogh: Randall Strand will not be present today; he asked me to cover for him, so for the purpose of this meeting, I'm also representing Hasan Hasan, shareholder of SMH Inc

Ms. Moermond: there's a Feb 8 letter because Mr. Royal asked for another date; it's the most recent letter

Steve Magner, Code Enforcement Manager: summarized the Feb 8, 2019 letter (attached)

-Chris Royal, attorney for Ahmad Al-Hawwari, had contacted the office today indicating that his client spoke with him today indicating that he would like to be present for the next scheduled discussion; however, Mr. Royal is not available until Feb 15, 2019; therefore, Ms. Moermond is re-scheduling the case to Tue, Feb 26, 2019 at 9 am; please note that this is the day before the City Council Public Hearing that is scheduled for Wed, Feb 27, 2019 at 3:30 pm

-Ms. Moermond notes that the code compliance inspection was completed on Dec 20, 2018; at the Jan 29, 2019 LH, she indicated that she would follow up with the Building Official as to any intended use inspectors were considering in the preparation of the inspection report; she learned the inspection report was with the intent of an assembly occupancy, not a mercantile occupancy. Also, she notes the performance deposit was posted on Nov 9, 2018; finally, she notes that there was a property maintenance complaint on Jan 29, 2019 that the walk needed shoveling & there is an on-going expectation that the owners maintain the exterior areas of the property; e.g. pick up trash, shovel the walk, etc.

-Although there has been a rescheduling of the next LH, there continues to be a need for the development of a work plan and financing, which all parties have agreed and which agreement will need to be approved by the City of St. Paul; given the apparent differences among the owners as to the intended end use of the building, Ms. Moermond will look for resolution of these differences to the point there is agreement on the abatement of the nuisance/dangerous building conditions. As indicated in the Jan 30, 2019 letter, the following is a description of what is generally required for work plans and financing:

1. Work Plan - preliminary plans, with timelines, or sworn construction, noting that a

certificate of code compliance shall be the measure used in determining whether the building has been rehabilitated and the nuisance and dangerous conditions have been addressed;

2. Bids - provide general and subcontractor bids;

3. Document Demonstrating Financial Capacity - provide financial documentation, such as a construction loan, a line of credit or a bank statement which demonstrates the financial means to complete the project;

4. Affidavit - if using funds from a bank account, will need to provide an affidavit indicating the ability to pay for the work. The City currently estimates the rehabilitation exceeds \$50,000; and

-If the above requirements have been met at the time of the hearing, Ms. Moermond will recommend that the Council grant time for the execution of the plans. If there has been no demonstrable progress in addressing these requirements, Ms. Moermond will recommend that the Council move forward with the Order to Abate the Nuisance/Dangerous Building within 15 days. If there is demonstrable progress and a clear schedule for completely addressing the above requirements, she will ask the Council to refer the matter back into Legislative Hearing for the anticipated completion of plans.

Ms. Moermond: asked Ms. Vang to print copies of an email with multiple attachments we received at 3:58 pm yesterday sent by Mr. Royal; it appears that you folks were not copied on that email; in his email, Mr. Royal said "Here are all the documents of how we want to fix the bldg;" his argument is that it appears to be that Mr. Al-Hawwari is the best positioned to rehab the bldg & therefore he should receive a grant of time from the city to do so; this does not address the problem that I see of a dispute in the ownership of how the bldg should be re-developed & how the nuisance condition should be abated

-have you agreed to Mr. Royal's plan?

-have you spoken with Mr. Royal or met with him

Mr. Krogh: we haven't agreed to the plan but we did open up discussions & I talked with Mr. Royal & Randall Strand to open up discussions on how to resolve all this; we talked about intended uses, as well; there's some complex issues as far as the shareholders' ownership that need to be resolved; we need to work thru those -one proposal that Mr. Royal suggested was the possibility of having both uses; we'd like to investigate that or at least, consider that but it's the shareholder dispute that we need to resolve first

-Mr. Shambolia has some sworn construction statements or some estimates & a plan, as well, but once again, that doesn't address the core issue

Ms. Moermond: is there any chance of resolving this?

Mr. Krogh: I think there's a chance to resolve it

Ms. Moermond: the public hearing is tomorrow & you guys have known that this has been coming for months; & we are no further today than we were yesterday but for the fact that there's some documents prepared by each party with different intended uses for the bldg; if time is added, I don't feel that anything will move forward on this in any reasonable length of time

-Mr. Meltzer, what do you think; you're the one who's selling this bldg on a Contract for Deed to the LLC here?

Mr. Meltzer: a fine kettle of fish is what it is; it's a mess! & I'm in the middle; I have a

lot in this game but I don't have a say in how it gets resolved; they're big boys; they should be able to figure out what to do; I am represented by legal counsel but I'm not going to invest any more money in legal fees, which I've had a ton of
-it seems to me that the first thing they have to do is figure out who runs the company; who has the say in the company; & what they want to do; I completely understand the city's position in wanting this resolved; there's a bldg out there that's deteriorating by the moment & nothing's getting done
-paper has been generated but I don't know if any minds have been changed

Ms. Moermond: I'm happy to review the documents that your client has developed, Mr. Krogh but I'm stuck with the lack of agreement about where to go with this; the city's not going to entertain an application for a bldg permit or a license or anything until the ownership group has a shared position on the use of the bldg; I can't accept a plan that doesn't have the endorsement of the LLC that is the legal owner
-the City Council's Public Hearing is tomorrow, Wed Feb 27, 2019, at 3:30 pm & that Notice was issued on Jan 9, 2019; in all that time since the Order to Abate was issued mid-Oct, 2018, we still have nothing
-Mr. Magner, can you highlight the SA for the maintenance of the property?

Mr. Magner: most recently, it was reported that there were large piles of snow on the property; I advised Mr. Yannarely to immediately email the ownership group & indicate to them that the city was going to go out there & do that work; I believe that it was Mr. Al-Hawwari, who sent a crew out there to resolve the issue that day

Ms. Moermond: on top of not coming to an agreement on the use of the bldg, there hasn't been good maintenance of the property; we talked about there having been 17 SA Orders issued in 1 1/2 years & the majority of those required a Work Order for the city to go out there & do the work; this has the earmarks of a property that is a nuisance

Mr. Krogh: I understand that you can count on Mr. Shambolia as far as who did the snow removal, for the record

Mr. Shambolia: we did hire somebody go there to remove the snow; he'll be watching for snow; there's no issue anymore

Ms. Moermond: I don't feel like I have an option but to recommend to the Council that they Order the bldg removed; I don't see any plan that's acceptable, that's agreed upon; & we spoke explicitly about this a month ago; we followed up with explicit correspondence on what was needed; this problem has been present for you folks since mid-Oct, 2018; this is not new; I don't see a way out for you guys right now; I don't see any light at the end of the tunnel

Mr. Shambolia: we are ready to do the work; I have my friend who is a contractor & he can do the work

Ms. Moermond: and Mr. Al-Hawwari is ready to do the work too

Mr. Shambolia: he is only one; we have 2/3 of the company; I want to see his lease; he has no lease; he is leasing it to himself

Ms. Moermond: I think I covered this: I'm not going to be the one who handles the decision making on who can make decisions for this; my position is that there has to be a consistent understanding among the owners; because you don't have a legal

agreement about who makes decisions on this, I need all of you

Mr. Krogh: I can respect the decision you'd make & understand that the parties do not have a final agreement here; that said, I do assert that there are some complex issues & maybe one of the best ways is to give some time to try to settle the dispute; it might not be something that's guaranteed or that we can do but it might be the best option for the parties & the property to at least give some more time whether it's 30 days to sit down; maybe there's a buy out situation

Ms. Moermond: why didn't this happen already?

Mr. Krogh: those discussions were open

Ms. Moermond: it's been patently obvious that the City Council is having a public hearing tomorrow & they're going to take a vote & here we are.....

Mr. Meltzer: I think what you've done & you have every right to do it, is you put our backs to the wall & that's what needs to be done; if they can't get this resolved in 10 days or 7 days, then.....

Ms. Moermond: I don't know how they didn't understand their backs were against the wall 4 weeks ago when we met; the neighborhood deserves better than this

Mr. Meltzer: I think that now it's abundantly clear

Ms. Moermond: it's an old Taco John's bldg; it's been vacant for 18 months; it's had numerous abatement Orders; it is decaying as we speak; it has been broken into any number of times; this is a problem bldg, not a neighborhood asset

Mr. Meltzer: to these gentlemen, if this bldg gets torn down, they haven't seen the end of court; they have just seen the beginning of court

Ms. Moermond: and how is that a concern of the city, right now, wanting the nuisance condition abated?

Mr. Meltzer: it puts additional pressure on them

Ms. Moermond: does the city have a vested interest in them resolving their ownership dispute or does the city have a vested interest in making sure that the nuisance condition is abated? we are concerned about the nuisance abatement & how you guys come to that..... I don't know what the court's going to decide if you litigate it but here & now

Mr. Shambolia: we have 2/3 & 1/3; we have 2 leases; one lease is old & one lease is new or after the fact; if the city can't decide who has the right to do the work but the city has the right to tear the bldg down (?) - this I don't understand -----I'm ready to do the work; I'm the majority owner

Mr. Krogh: he is asking for further advice & I'd like to do that

*Ms. Moermond: OK; I will invite you guys to go meet in the hallway
-I will take the next case while you do that & we'll start talking about your case again at 9:45 or shortly thereafter*

case was continued at 9:42 am -----

Ms. Moermond: do you feel that you had a chance to talk enough?

Mr. Krogh: I don't think that we're going to be able to reach having any good discussion without his attorney present

Mr. Shambolia: ultimately, the owner of the bldg could also make a decision for his bldg if he wants it to be rehabbed & who he feels could fit that because ultimately, it will come to the financial aspect of that; since Sep 2017, he's been receiving the mortgage payment on the Contract for Deed from me personally & now, since we had the first meeting, I did not make a payment on this one

Ms. Moermond: Mr. Meltzer has been represented by an attorney in this process & he should have a good handle on what his rights are under the Contract for Deed sale & he hasn't come forward with a plan; if he wanted to exercise any legal authority that he might have in the Contract for Deed, he hasn't done so, so far & he has had counsel; hopefully, he's been advised of his rights & abilities

Mr. Meltzer: I, perhaps, was a bit of a pollyanna; I thought these gentlemen could work it out; obviously, they haven't; so, I'll call my attorney to find out..... but I do believe that as the deed owner of the property, I can designate one of these people or any individual to go ahead & fix the bldg

Ms. Moermond: is there an agreement that that's the case so that it wouldn't be litigated?

Mr. Krogh: I wouldn't agree with that position

Ms. Moermond: so, I'm going to recommend to the City Council tomorrow that they Order the building Removed with no option for it's rehabilitation; so, you have a parcel & you had a chance to.....

Mr. Meltzer: I've been in business for 20 years & I've never seen anything like this

Mr. Magner: I think that a number of parties here have some options that they can exercise in this case; I would indicate to the fee owner that maybe he wants to have his legal counsel review his Contract for Deed to see if an action by the local governing unit cancels or allows him to take action

Ms. Moermond: the Order was issued in mid-Oct that he could have brought to his counsel; there was plenty of time
-I'm willing to talk with you guys up until 3:15 tomorrow afternoon but right now, I'm going to recommend the Council amend the Resolution in front of them (repair or remove structure within 15 days); my recommendation will be to Remove the structure within 15 days; I don't see a path towards rehab, in this case, with there not being a shared understanding about the use of this building

Referred to the City Council due back on 2/27/2019

3 [RLH RR 18-44](#)

Ordering the rehabilitation or razing and removal of the structures at 931-933 SHERBURNE AVENUE within fifteen (15) days after the October 24, 2018 City Council public hearing. (Public hearing continued from December 12, 2018) (Amend to remove within 15 days)

Sponsors: Thao

Ms. Moermond: update: we heard last Tue from Mr. Bobby Gotch, who is the son of Robert & Susan Gotch; he had been taking responsibility for organizing the rehabilitation; in his email of last week he indicated that he will not be working on the rehabilitation moving forward

-we don't have a plan; we don't have anything

-this has been going on for a very long time; originally in LH the end of Sep, beginning of Oct 2018

-I recommend the building's removal within 15 days with no option for its rehabilitation

Remove within 15 days within no option for repair.

Referred to the City Council due back on 3/13/2019

4 [RLH RR 19-11](#)

Ordering the rehabilitation or razing and removal of the structures at 489 SHERBURNE AVENUE within fifteen (15) days after the March 27, 2019, City Council Public Hearing.

Sponsors: Thao

Carol Carey, Historic Saint Paul & Caty Royce, Frogtown Neighborhood Association, appeared.

Steve Magner, Code Enforcement Manager:

-The building is a two story wood frame single-family dwelling with a detached two-stall garage and a detached one-stall garage on a lot of 4,792 square feet. According to our files, it has been a vacant building since March 19, 2018 (too much noise to hear the year)

-The current property owner is William J. Stuff (again, too much noise to hear name) per Ramsey County Property records.

(intermittent scratching noise & banging continue)

-On October 10, 2018, an inspection of the building was conducted, a list of deficiencies which constitutes a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on November 7, 2018 with a compliance date of December 7, 2018. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.

-Taxation has placed an estimated market value of \$11,200 on the land and \$87,900 on the building.

-Real estate taxes are current.

-The Vacant Building registration fees were paid by assessment on April 30, 2018.

-As of February 25, 2019, a Code Compliance Inspection has not been performed.

-A performance deposit has not been posted.

-There have been four (4) Summary Abatement Notices since 2018

-There have been no Work Orders issued

-Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$20,000.

Ms. Moermond: the Notice to Mr. Stuff was sent via certified mail on Jan 18, 2019 but I don't have any additional information; no bank or law firm is listed; Mr. Stuff is not here & sometimes this happens when the owner is deceased; however, somebody's been taking care of the property so, I'm wondering what you have in your records about the Notice? did he sign for the certified mail? etc....

Mr. Magner: we have a signature; I don't believe that Inspector Dornfeld has heard from Mr. Stuff or had any response from them

Ms. Moermond: the building's in rough shape but somebody has been taking care of it

Ms. Carey: I can just share with you what I know; I got a call last week from one of our partners over at NeighborWorks Home Partners & Mr. Stuff had, apparently, come into their office or called them looking for some assistance; they, potentially, could have resources up to about \$75,000 to do some rehab work; however, it sounds like in conversation that there's some complication that a family owner may have caused a lien to be placed on the property which could complicate construction financing; those facts need to be worked out to determine whether there could be a solution; I think that Ms. Stuff may be deceased; she may be the mother, Ella; Mr. Stuff is maybe in his 70's & currently does not have a permanent place to live, so, he may be difficult to reach; he may have a new cell phone & doesn't know how to use it
-I'm working with Amanda Wellibuhr at NeighborWorks

Ms. Moermond: maybe Rondo Land Trust

Ms. Royce: I don't think they have any money

Mr. Magner: our title search came back (Oct 16) with nothing

Ms. Carey: that is just what William had conveyed to NeighborWorks; there may be a little confusion about that; maybe some miscommunication

Ms. Royce: something's going on in his life that's making him not be able to function well; I'm going to work with Amanda to figure out what's going on with Mr. Stuff; then, we can go from there

Ms. Carey: I didn't know if he was going to show up today or... I got the call on Fri so, I thought I'd go to try to see what's happening & then come back & kind of work thru what some of the facts/options are

Ms. Moermond: getting into Mr. Stuff's business, it may be helpful for him to be represented in the hearing process; I don't know if he'd qualify for legal aid; SMRLS may be able to help

Ms. Carey: I had recommended that he call; my sense is that there might have to be more of a proactive involvement in that process

Ms. Moermond: I don't know how SMRLS would treat this; would they handle it in-house or would they work with one of the pro bono attorneys in their network?; it seems to be that kind of a case & I've seen that before with removals
-I don't know if there's a social worker involved, given his tenuous housing situation; so, any information that you guys can share where I could make some phone calls to try to start getting him represented in this process given his compromised position right now, in terms of receiving communication that you were describing with his phone

Ms. Carey: Amanda Wellibuhr has his phone number

Ms. Royce: I'll follow up with Amanda today

Ms. Moermond: I would like to see him at least making some informed decisions with

some good advice & some options; it's clearly in rough shape but just looking at it, I can see that this house does have neighborhood impact

Ms. Royce: Sherburne is ground zero for gentrification; so, that's why I'm here; I didn't know about Mr. Stuff; if I'd known him, I'd be here for him but I'm here because Sherburne is absolutely ground zero; we're not letting anything happen on Sherburne that would increase displacement or that would cut the number of housing units in Frogtown

-Steve, can you look to see who is the owner of record where Mr. Stuff used to live, 1174 Charles?

Mr. Magner: Delores T. Stuff, 1174 Charles

Ms. Royce: another family member; I'll run by there, too

Mr. Magner: he might be staying there

Ms. Moermond: who wants to run point on this?

Ms. Royce: I will

Ms. Moermond: I really need him to be a part of this conversation & it's in his interest

Ms. Royce: he needs options

Ms. Moermond:

-we'll talk again in 2 weeks, Mar 12, 2019 LH

-if we can get NeighborWorks here/Greg Finzell; I don't see how \$75,000 is going to cut it

Laid Over to the Legislative Hearings due back on 3/12/2019

10:00 a.m. Hearings

- 5 [RLH RR 19-13](#) Making finding on the appealed nuisance abatement ordered for 483 COMO AVENUE in Council File No. RLH RR 18-36.
- Sponsors:** Thao
- Kim Theng, owner, appeared.*
- Steve Magner, Code Enforcement Manager: read letter sent by Mai Vang on Feb 13, 2019 (attached)*
- Dear Mr. Theng:*
- If you have received your Certificate of Code Compliance by February 26, 2019, this hearing will be cancelled and a resolution will be forwarded to the City Council indicating the nuisance conditions have been abated and the matter is closed.*
- If you have not received your Certificate of Code Compliance by February 26, 2019, you will need to contact Joe Yannarely (joe.yannarely@ci.stpaul.mn.us or 651-266-1920) to schedule an inspection to occur prior to the week of February 26, 2019. Both Mr. Yannarely and a building inspector will conduct this inspection.*
- The findings of the Legislative Hearing will be considered at a City Council Public Hearing on Wednesday, March 13, 2019 at 3:30 p.m. in City Council Chambers, Room 300 City Hall, 15 West Kellogg Blvd., Saint Paul.*

Ms. Moermond: do you have any follow-up inspection information from Mr. Seeger & Mr. Yannarely?

-I need the status on the permits, as well

Mr. Magner: electrical permit has been finaled; plumbing permit has been inspected; warm air permit has been inspected; mechanical permit is active issued (not been inspected); building permit is also active issued

Ms. Moermond: and we have no inspection by Seeger & Yannarely per Ms. Vang

Mr. Magner: I don't have a record of that

Mr. Theng: we almost finished; electrical, finaled; plumber says he'll be done this week; mechanical, next week

Ms. Moermond: you made a commitment that you would have it done in 180 days; and you don't have it done; and you have a lot of outstanding permits; you were instructed in this letter from Ms. Vang to call Mr. Yannarely & Mr. Seeger for an inspection & you didn't do that; can you tell me why you didn't do that?

Mr. Theng: I called him; he said mechanical need to be finaled before he come; maybe we had misunderstanding but I could call him

Ms. Moermond: I know you could; you could have done that a couple weeks ago & you didn't & you didn't finish it although, you committed; you made a commitment to do this

Mr. Theng: I ran into a problem in Jan; they steel my brand new furnace & the copper pipe; that's why mech will be later

Ms. Moermond: this goes in front of City Council on Mar 13, 2019; you need to call Mr. Seeger or Mr. Yannarely & make an appointment to get this place inspected; if Mr. Seeger & Mr. Yannarely say that you're more than 50% done, I'm willing to continue the current performance deposit you have posted; if they say you're not 50% done, I'm going to ask the City Council to require that you post another \$5000; so, does that make it worth your while to call for an inspection?

Mr. Theng: absolutely

*Ms. Moermond: if I don't get an inspection, I will ask for another \$5000 because you can't prove you're half way there; your previous work plan & bids are no longer valid because you are not done yet; so, I need to see an updated work plan & I need to see that you have the money to finish the project
-you should call right away to get that inspection done; Mr. Yannarely is available during the day to take calls*

Mr. Magner: and if you call & leave a message, they'll call you back; the phone numbers are in the letter

Mr. Theng: OK

Mr. Magner: if you're not going to be done by Mar 13, 2019, you certainly need to have Mr. Yannarely & Mr. Seeger walk thru to verify that you're more than 50% done so that Ms. Moermond can ask that the matter be extended for 30 days

Mr. Theng: I will

Ms. Moermond:

Recommendation is forthcoming. Owner to provide revised work plan and financing to cover the remaining items in the Code Compliance Inspection Report.

Referred to the City Council due back on 3/13/2019

6 [RLH RR 19-7](#)

Making finding on the appealed nuisance abatement ordered for 1332 DAYTON AVENUE in Council File RLH RR 18-28.

Sponsors: Thao

Lawrence Esso, Bristol Properties LLC, owner, appeared.

Steve Magner, Code Enforcement Manager:

-Mr. Yannarely emailed that Jim Seeger estimated that they are 85% done; Mr. Esso believes that they will be done by May 1, 2019 & Mr. Esso also wants to know if he needs to attend the hearing tomorrow

*Ms. Moermond: the performance deposit will be continued
-in the emails, we talked about just updating the work plan & the finances*

Mr. Esso: when I was at the last hearing with you, I thought my deadline was at the end of Mar because my initial timeline says "7 months after approval" so, I still have a good month left

*Ms. Moermond: it's on 180 days right now because the Council adopted the Resolution on Aug 15, 2018; from that time to Feb 15, 2019 is 6 months (180 days)
-we are in decent shape*

Mr. Esso: another thing: I think it will be done by May 1, 2019 but there are elements that are not under my control, with subs & the weather, etc; I just want to ask for an additional 30 days because I just hate to keep coming here & begging you guys for more time; I feel like you should be giving me more time right now; then, we don't need to do this again

*Ms. Moermond: I have the ability to recommend up to 6 months to finish the project; I'm comfortable with that; bring in a revised work plan that you feel like you can accomplish; they say you are 85% done & they say you are doing good work; that's all very positive
-this isn't in front of City Council until the middle of next month
-I need to know where you are at now & how will you get to be done (rough-ins; finals) & wherever you're at with the cash flow on this project; I need to know that you have enough money to finish the work*

*Mr. Magner: I thought this would be a good point to update: there are a number of permits pulled
-a bldg permit is inspected; a mech permit is inspected; another mech permit/refrigeration (active-issued); warm air permit inspected; plumbing permit inspected; bldg permit (active-issued); electrical permit inspected; water permit from SPRWS finalized
-it does look like this is moving forward; I just don't think that they've hit their marks*

-I agree with your statement that a revised work plan from now to the end of the project will be needed

*Mr. Esso: I am done with all the rough-ins; now, I'm relying on the contractors
-I'll just email those 2 documents to Mai (revised work plan & bank account)*

Ms. Moermond: this will go to City Council on Mar 6 & I will recommend that they give you an additional 180 days to finish the project

Continue the \$5,000 performance deposit and grant 180 days if updated work plan and financing are submitted for remaining repairs.

Referred to the City Council due back on 3/6/2019

11:00 a.m. Hearings

Summary Abatement Orders

- 7 [RLH SAO 19-8](#) Making finding on the appealed nuisance abatement ordered for 98 GARFIELD STREET in Council File RLH SAO 19-3.

Sponsors: Noecker

Moermond said we are doing follow-up on orders issued on January 8 for materials on the side of the house to be removed. Do we have follow-up information?

Seeley said Westenhofer went out there and took photos. They have a vehicle hood, barrels and a few items on the side of the house. They still have the issue of a vehicle and then they did not gain entry to do an interior inspection of the house.

Moermond said we are only following up on the exterior items that are on appeal. (She looked at photos.) There are a couple items left on the side of the house. There is a torn tarp. That is looking good at the side of the house. She asked about the Toyota. Seeley responded he only took pictures of the white van.

Moermond said it looks like the materials on the side of the house are gone and they are left with the commercial vehicle. Stefenyshyn responded it is titled. It has a 60 day license pending the arrival of the plates. The tires are not flat. He went out to start the truck during this cold weather. It is drivable. There is nothing wrong. He questions this flat tire. Seeley responded it has to be so many pounds, has to have a commercial plate, has to be 10 feet long or 7½ feet tall. The box looks over 7½.

Moermond said the template is expired. Seeley added April 19. Stefenyshyn said 4/24 or 4/22.

Moermond said she does not see a picture of the vehicle. She does not see a flat tire picture. The nuisance conditions have been addressed and he does not need to move forward with a crew going out there.

Referred to the City Council due back on 3/13/2019

Orders To Vacate, Condemnations and Revocations

8 [RLH VO 19-4](#) Appeal of Katerina Steiger to a Notice of Condemnation as Unfit for Human Habitation & Order to Vacate at 1156 MARYLAND AVENUE EAST.

Sponsors: Busuri

Katerina Steiger, owner, appeared.

Ms. Moermond said that sometimes she needs to put a temporary decision on the record between now and when it is before the City Council. She likes to get staff report first for them to explain the conditions they observed, and then talk to the appellant about why the person is appealing.

Paula Seeley said she came to the property because she received a referral from the Fire Department. The owner was aware of that. Inspector Suon and herself went over there. The house was full of excessive storage on every floor, basement, egress was not met, combustibles from bedroom, doors, five foot high piles. The owner does live alone. It was fairly clean. It was the amount of materials.

(Owner talked about her family history.) Owner said she stocked up on clothing. Some of the stuff she purchased, the store is willing to take it back, and put it back on their racks. This was not intentional. She didn't know it was a code issue. Moermond responded it is a code violation. The reason it is a code violation is because it is a safety violation.

Owner was given photos and she asked when they were taken. Moermond responded when the inspector was there. Owner said that a lot of it is gone.

Moermond said the volume of material is a problem from a safety perspective because it will block the owner's way to the door and windows in case of an emergency. If there is a fire, all of this will burn for a long time. There is so much stuff that when it gets wet, it's probably going to break the floor. They have had floors fail in these circumstances.

Owner said they are not in conflict. She is in the process of doing this. She has cleared the house and the passage ways. She has checked with Officer Hanson and he will come over and check it out. Joseph's Coats will pick up anything she is not allowed to have. She wants to proceed.

Moermond asked has anything been brought to Joseph's Coat. Owner responded she does not have an automobile.

Moermond said the City is not going to look at her possessions and tell her what she can and cannot keep. The City will say she cannot have this volume of material. There are about 100 Afghans. Owner responded she will give it back to Joseph's Coats. Right now, she is trying to discriminate what she can wear for warmth.

Moermond asked does she need help. Owner responded she has enough room. She will accommodate Moermond and the bottom line is that she (Moermond) is happy. Moermond responded the bottom line is that the owner is safe. Owner responded it is the same thing.

Moermond said she is concerned because she does not think the owner has the capacity to carry it out. It's dependent on Joseph's Coat, dependent on cars, and it is

conditional on them doing that. She is wondering if there are other entities. The owner needs more resources than what she has. If she will let Seeley back in next week, Moermond can deal with her next time.

Owner said she cannot afford a lawyer. If she can separate the warm from the not warm, then Seeley and Hanson can come in. Moermond responded the City will not tell you what items need to go. The City will say what percentage of items need to go. Looking at this, it seems that 75% has to go.

Owner asked about the full garage. Moermond responded it is not the same as a house because there is not a living human being there. Seeley responded it is not large.

Moermond said that ultimately in her life, the owner will have to make these decisions. She would like to get a progress report from Ms. Seeley. They can then talk on Tuesday to see how it's looking and see if an extension is warranted. The owner responded she has given this her total attention. She will separate the warm and non warm. Moermond responded she is looking for things to leave the house and not looking for things to be separated. There are other charitable organizations that will accept this as well. (Moermond mentioned a few.)

Moermond said Seeley and the owner should figure out an appointment time. They agreed on Monday at 1:00. Owner requested Seeley call Officer Hanson.

Moermond does not think the appellant is living in a safe environment right now. There are resources that will help. Owner responded she would rather do this herself. Ms. Moermond asked is she aware of Southern Minnesota Regional Legal Services. Owner responded she does not want to do that. She will keep going on this.

Moermond said 25% of the volume gone by next Tuesday. Seeley said around the basement, the electrical panel, the furnace, and the stairway going upstairs, egress from the sleeping area. Owner responded there is nothing against the windows. The windows are completely clear.

Moermond said she is looking for 25% of the volume gone and the focus is the electrical panel, furnace, water heater, stairs, and getting out of the bedroom. Those would be the top priority. It sounds like the owner is ready to tackle the problem. Appointment is Monday at 1:00. Failure to keep that appointment will result in the owner being vacated. The owner responded she will make the appointment. She apologizes for this problem.

Laid Over to the Legislative Hearings due back on 3/5/2019

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 9 [RLH VO 19-3](#) Appeal of Cheryl Mikel to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 985 RICE STREET.

Sponsors: Brendmoen

The Certificate of Occupancy was approved and matter is closed. (Owner did not appear)

Withdrawn

1:30 p.m. Hearings

Fire Certificates of Occupancy (None)

2:30 p.m. Hearings

Vacant Building Registrations

- 10** [RLH VBR 19-15](#) Appeal of Shirzad Raimi, Venture Capital LLC, to a Vacant Building Registration Fee at 1871 NEBRASKA AVENUE EAST.

Sponsors: Busuri

Inspector gave 60 days to complete the repairs. Appeal withdrawn by DSI.

Withdrawn