



# 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*  
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Tuesday, June 11, 2019

9:00 AM

Room 330 City Hall & Court House

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#### 9:00 a.m. Hearings

##### Remove/Repair Orders

- 1 [RLH RR 19-3](#) Ordering the rehabilitation or razing and removal of the structures at 899 GERMAIN STREET within fifteen (15) days after the February 13, 2019 City Council public hearing. (Amend to remove within 15 days) (Public hearing continued from June 5)

**Sponsors:** Busuri

*Remove the building within 15 days. (No one appeared)*

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*Moermond:*

*Are you here for Laura Orr, on 899 Germain?*

*Lisa Hollingsworth, SMRLS:*

*Yes. And she had submitted some written submission.*

*Moermond:*

*I knew she wasn't going to be available today. For 899 Germain, she indicated the property owner, Mr. O'Sullivan, would like the opportunity to work with a different investor, even though we've been doing this for a while now.*

*Hollingsworth:*

*That's my understanding, the realtor may have identified a different investor.*

*Moermond:*

*Based on that June 5 communication from Laura Orr, a letter was sent to her and to Mr. O'Sullivan and his daughter, Jessica Jones. It copied who we understood to be the realtor, Jeff Oman, and his potential developer, Emmanuel Acosa. It outlined what was needed. Mr. Magner, will you highlight that?*

*Steve Magner, Staff:*

*The June 5 letter read "This is to inform you that on June 5, 2019, at the City Council public hearing, Legislative Hearing Officer Marcia Moermond will recommend to the City Council that they refer the matter back to Legislative Hearing on June 11, 2019, at 9AM and to continue the public hearing until June 19 at 3:30PM, Room 300, Council Chambers. Below are the conditions which should be met or be present at the June*

11 hearing:

1. Provide a signed contract between {inaudible} and James O'Sullivan for rehabilitation.
2. Provide a \$500 performance deposit
3. Provide a detailed work plan or sworn construction statement with timelines for completion of the rehab of the building in accordance with the Code Compliance Report
4. Submit bids from a general contractor and subcontractors.
5. Provide documentation of financing sufficient to support the documented work plan with a construction loan or a personal bank loan. The City-estimated cost to repair exceeds \$50,000; however, this number is likely to change.
6. If funds to be used are from a personal account, must provide an affidavit stating the necessary funds will be set aside for rehab.
7. Maintain the property."

Moermond:

I don't know that any of those things have happened. Ms. Orr sent an email saying she didn't have any additional information since last Tuesday and Wednesday, when we talked, because it was on Council on Wednesday.

Hollingsworth;

I don't have any additional updates either. All I know is what you know; there was a tentative plan but what's happened, I don't know.

Moermond:

Everybody got the same letter. I will continue to recommend removal on this one, because, once again, a plan hasn't been forthcoming.

**Referred to the City Council due back on 6/19/2019**

**2**      [RLH RR 17-19](#)

Ordering the rehabilitation or razing and removal of the structures at 412 GOODRICH AVENUE within fifteen (15) days after the July 19, 2017 City Council public hearing. (Amend to grant 180 days) (Public hearing continued from September 5, 2018)

**Sponsors:**      Noecker

*Remove or repair within 180 days, provided closing document is submitted.*

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Carol Carey, Historic St Paul, and Christine Bouleware, Historic Preservation Commission, appeared.

Moermond:

Is Goodrich going to bed today?

Carey:

That is up to you!

Moermond:

The last time we spoke, you had a couple more bids that you had requested to lock in your financing.

Carey:

Do you want to see those?

Moermond:

We should enter the one you selected into the record, if you have selected one. If you have closed on the financing, put that in the record. I think that's all that we really need. Did you have something you wanted to add today, Ms. Bouleware?

Bouleware:

[inaudible]

Carey:

Here's the update or here's the plan. It hasn't changed since the last time I was here. Here is the construction contract and sworn. Here is my closing notification per construction financing tomorrow morning. Here is the MFHA Grant Agreement. And I will email you a copy of the Settlement Statement after closing.

Moermond:

Today is the 11th. That means that June 19th is the...

Carey:

Wait a minute! I'm sorry...it's the 13th that's the closing, not the 12th.

Moermond:

I will put this on for June 19th with a recommendation for 180 days. If you are over the 50% mark at that point, we can look at the next 180 days. If it's there, there's no need for additional performance deposit. If it's in the 30% range, there might be a need for an additional performance deposit. We will worry about that at that time. Right now, we will say, the clock will start next week.

Carey:

OK.

Steve Magner, Staff:

What did you do with 412?

Moermond:

We are anticipating having the closing documents today or tomorrow.

Magner:

So, you recommend 180 days?

Moermond:

Yes, conditioned on receiving the closing documents the day after tomorrow. Which she said she would email to us.

**Referred to the City Council due back on 6/19/2019**

**3**      [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

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Moermond:

We are expecting a status report on 489 Sherburne from Laura Orr. As long as you are here, Ms. Hollingsworth. We will skip forward on the agenda. Mr. Magner.

Lisa Hollingsworth, SMRLS:

She sent a letter early this morning. Did you see that?

Moermond:

For 489 Sherburne, all we were going to do today was a written update, because I didn't want to leave it sit for six weeks. Four weeks felt like a long time. Trying to keep this thing moving. Mr. Magner, are you...

Steve Magner, Staff:

Do you want me to read the May 17 letter into the record?

Moermond:

Sure.

Magner:

On May 17, a letter was sent out to Ms. Orr and Mr. Stuff. "This is to confirm that on May 14, 2019, the Legislative Hearing Officer Marcia Moermond recommended continuing the above referenced matter to June 11, 2019, at 9AM. [inaudible] Please submit a written status report regarding Mr. Stuff's options, status for financing and rehabilitation of the property. The matter will be continued to Tuesday, June 25 at 9AM, for further discussion."

Moermond:

I have a letter dated today from Ms. Orr. She talks about this being a written update and indicates that Neighbor Works Home Partners that "Mr. Stuff is eligible to apply for up to \$110,000 in financing. He is on a waitlist and it looks like the resources may not be replenished until November, 2019." So that's bad news.

"Preserve FrogTown (Historic St Paul and Frogtown Association). Further efforts depend upon financing and an assessment of the viability of resolving the presence of water in the home's basement." I don't know what that means.

House Calls, of course, already put a ton of money in.

Civil Legal Action—"Mr. Stuff has a potential legal claim for financial exploitation of a vulnerable adult. Property records reflect that Allen Bank recorded a lien on the property in March of 2012, associated with a business loan obtained by Mr. Stuff's nephew. Mr. Stuff's nephew used the property as security for a loan without Mr. Stuff's knowledge or consent. At least three parties were involved in the transaction. Investigation continues."

One of the things we talked about, and that Laura was interested in pursuing, was Habitat for Humanity and the \$500,000 they have available for working with elderly folks. I know that Habitat came to a conclusion around the scope of work that needs to be done and said no, that's not something they want to take on. She didn't comment in this status report about Habitat. Do you know anything about that?

Hollingsworth:

I don't. my guess is she...this has been somewhat lengthy time away from the office. Her kids are between school and summer. So, I am guessing she just didn't get to it before she left, but I am sure she will look into it if it is at all a possibility.

Moermond:

OK. When I am looking at this from a financial perspective, about the viability of the rehab, I start from the position of where Mr. Stuff is, which is he owns the house outright, except for this newly discovered lien. And we would want to calculate the amount that would need to be invested in a rehabilitation. The amount the property could be sold for, whether or not he clears any money at all. Or whether it's a project that needs a gap subsidy, even, should the cost of rehab exceed the end value. And that's the calculus that we are working on, in this particular case. And so, someone who can do a subsidy, like a Habitat for Humanity, even in the purchase of the home, that probably makes him financially further ahead. But, it is kind of there that I am stuck with this. From his interest. As we talked about his interest, it's having to do with his ability to secure long term housing. He talks about being an elderly man, living on the Green Line, which is heartbreaking. And so, what could be milked out of this, if anything, is where I am at with it. That's my goal. If we are simply spinning our wheels, and there isn't going to be a viable rehab on this, then he walks away, and it's a zero sum situation for him. He hasn't lost anything more.

Hollingsworth:

Right.

Moermond:

Do you have anything else?

Hollingsworth:

No. And was it your intent to put that back on your calendar on the 25th?

Moermond:

Yes. We laid it over to the 25th, to have a deeper conversation. I wanted to make sure conversations were continuing and moving along.

Hollingsworth:

I am sure Laura will have a full update for you.

Moermond:

Great. In particular, it sounds like Habitat may be the checkbook in this case. If there is one.

Hollingsworth:

All right. I will have her explain that.

**Laid Over to the Legislative Hearings due back on 6/25/2019**

## **Making Finding Orders**

- 4      [RLH RR 19-8](#)      Making finding on the appealed nuisance abatement ordered for 636 HALL AVENUE in Council File No. RLH RR 18-48.

**Sponsors:**      Noecker

*Nuisance is abated.*

*House is demolished and new foundation and new construction taking place. Vacant Building file is closed.*

*Moermond:*

*We need to make a finding on 636 Hall. It looks like...Ms. Vang, you made a note here that the nuisance was abated on Hall and there was a photograph, provided by Joe Yannarely, of it being down to its foundation.*

*Mai Vang:*

*Let me review his email.*

*Steve Magner, Staff:*

*So, there's a new structure permit and that structure is ongoing. I mean they're actively working on building that new house. So, the foundation, as much as they were removing, has been removed, and the new foundation is going in. So, I think that case has been abated.*

*Moermond:*

*Perfect. We want to get that photo in the record.*

*Vang:*

*It is in the record.*

**Referred to the City Council due back on 6/26/2019**

**5**      [RLH RR 19-9](#)

Making finding on the appealed nuisance abatement ordered for 830 UNIVERSITY AVENUE WEST in Council Files RLH RR 18-22 and RLH RR 18-53.

**Sponsors:**      Thao

*Nuisance is abated. Owner has received the Code Compliance Certificate for completion of the repairs. File closed.*

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*Moermond:*

*I believe the nuisance has been abated. Is there an email?*

*Mai Vang:*

*Yes, from Reid Solely.*

*Steve Magner, Staff:*

*I believe the Code Compliance Certificate was issued on that property.*

*Vang:*

*Jim Seeger issued the Certificate of Code Compliance Friday and he sent it on Tuesday, May 28.*

**Referred to the City Council due back on 6/26/2019**

## 11:00 a.m. Hearings

### Summary Abatement Orders

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**Orders To Vacate, Condemnations and Revocations (Code Enf)**

- 6 [RLH VO 19-18](#) Appeal of Victor Clement to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 467 IVY AVENUE EAST.

**Sponsors:** Brendmoen

*Recommendation is forthcoming. (Owner needs to provide a work plan with timelines, bids and evidence of financing)*

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*Victor Clement appeared.*

*Moermond:*

*We were going to talk today about, you were going to get some bids and get a scope to get a sense of what we are talking about to deal with these violations. How is that going?*

*Clement:*

*Very good. I have a plan. I got a bid and basically, everything. My plan is that if you can give me to the end of August, I should be done.*

*Moermond:*

*Let me see the plan and the bids. [material shuffling] Do you have any dollar amounts that are attached to these items?*

*Clement:*

*Yes, yes. I didn't come with this. I do have a...the...I think, all of them. The roof, I found a company, they said they would charge me labor [inaudible] and they would direct me to buy parts, all what it needs. So, the other ones, each of them, so all together...about \$5000.*

*Moermond:*

*I am going to need something more specific on this. Because all this gives me is the name of a contractor and when it is going to be done by. I am not seeing a bid from a contractor where they told you this is what they are going to do and this is how much they want to spend on it.*

*Clement:*

*Actually, because I was rushing to get here, I picked up the wrong...I do have the bids. I do.*

*Moermond:*

*I am looking for those bids with those specifics on them and also the evidence that you will be able to finance the work.*

*Clement:*

*OK*

*Moermond:*

*Those two pieces are necessary. Today is the 11th. I want to put this on the City Council agenda for June 19th. And so you need to get that information to me sooner than later and I will use that to figure out what the appropriate deadline is, keeping in*

*mind that the order to vacate that was issued on the really bad conditions, gave you two weeks. It was issued on May 16 and it gave you two weeks, to May 31, to resolve the issues leading to the order to vacate. I don't want to offer you two weeks when I stand in front of the Council on June 19. I want to say he's got a coherent plan, he's got bids, he's got the money to pay for it, let's give him until the end of August. But I need to have something to hang my hat on when I go in front of them.*

*Clement:  
When will I bring it?*

*Moermond:  
You can send it. The business cards are right there by the microphones. You can drop it by the office, you can email it, you can fax it, you can do any of those things. It's all good.*

*Clement:  
So this, and proof that I can do it. Financial. OK. All right. I will do it.*

*Moermond:  
No later than Tuesday of next week, but I would suggest you get it in right away, because if I have a concern about it, if I don't think that it's adequate, then I have a chance to talk to you about it ahead of time and you have a chance to correct the situation before it's in front of City Council.*

*Clement:  
OK. All right. OK. I will do just that. Thank you. No later than Tuesday, right?*

*Moermond:  
No later than that and that means it has to be perfect on Tuesday. If you have a question about it, do it faster. Otherwise, you are looking at a vacate order.*

*Clement"  
OK.*

**Referred to the City Council due back on 6/19/2019**

**7**      [RLH VO 19-20](#)

Appeal of Jose Flores to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 802 MOUND STREET.

**Sponsors:**      Prince

*Grant the appeal on the condemnation and order to vacate; remaining items will be converted to Correction Orders.*

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*Jose Flores appeared. An Spanish interpreter was present.*

*Moermond:  
802 Mound, Mr. Flores. Where we left things last time, was...Ms. Vang, do you have your letter handy?*

*Mai Vang:  
Do you want me to read it?*



*Moermond:*

*Yes, could you say what...*

*Vang:*

*"This is to confirm that on June 4, at the Legislative Hearing, Marcia Moermond recommended continuing the above referenced matter to Tuesday, June 11, at 11AM in room 330. Please note there will be an inspection on June 10 at 10AM."*

*Moermond:*

*The purpose of the inspection was to inform us about the repairs that Mr. Flores and Ms Bloem represented were being done.*

*Do you want to pause and interpret where we are at?*

*Interpreter:*

*Well, he understands everything in English.*

*Flores:*

*Mostly, mostly. [inaudible]*

*Interpreter:*

*The thing is they don't understand when he is speaking. He speaks too fast.*

*Moermond:*

*I am going to ask Mr. Hoffman for his report. I understand you just recently inspected the property.*

*James Hoffman, Staff:*

*Yes, we had a re-inspection yesterday, based on my condemnation orders, looking for those deficiencies. A lot of them were now what I would consider, in compliance. To the point where I feel that this property doesn't need to be condemned as it sits. But there are minor deficiencies that would need to be addressed. Not so much for life safety, but for general maintenance. There's still garbage in the back yard. Which I confirmed this morning.*

*Interpreter:*

*He wants me to interpret everything, so what you said, what is in the back yard?*

*Hoffman:*

*A lot of garbage.*

*Interpreter:*

*Thank you.*

*Hoffman:*

*I did send out a Summary Abatement this morning on that for [inaudible] days. It's got to be gone by Monday.*

*Flores:*

*By Monday.*

*Moermond:*

*Maybe we could just touch base on a couple of things that are in your orders.*

Hoffman:  
Sure.

Moermond:  
*What I am hearing is that the condemnation is being lifted but that there are some orders that have not been addressed and those need to have a deadline put on them and the whole things needs to be converted from being an Order to Vacate to a Correction Order on the property.*

Hoffman:  
Yes.

Moermond:  
*Looking at the things here, the smoke detectors...*

Hoffman:  
*Smoke detectors [inaudible], they are all accounted for. The electricity, as far as the electrical work, that really was red flagged to me [inaudible] removed.*

Moermond:  
*Yes, you said remove temporary lighting and extension cords. That's been all done?*

Hoffman:  
*Yeah. It's been all done. All the items have been moved away from the mechanicals. [inaudible]*

Moermond:  
*The exposed wires are addressed?*

Hoffman:  
*The exposed wires have all been addressed. Or just removed. There was a lot of replacement wiring going in that wasn't done to code and, or, finished, for that matter, wires hanging everywhere. Now, maybe they've been removed or buttoned up. All the holes in the walls everywhere have been patched, including the stairways. The stairways, they got handrails [inaudible] in compliance. All the cabinetry is all fixed. The dryer vent was replaced.*

Moermond:  
*Did that require permit?*

Hoffman:  
*In my opinion, I would say no. What he used was [inaudible] UL mark was on that piping. So, I am OK with that.*

Moermond:  
*Tell me more about the more than four unrelated adults.*

Hoffman:  
*There was a number of times I was at the property and there was a ...*

Interpreter:  
*I am sorry. What did you ask?*

Moermond:

*More than four unrelated adults. Was a problem before.*

*Hoffman:*

*From what I could tell, there is now only three. So, it falls within [inaudible] the City accepts.*

*Moermond:*

*And #7, storage.*

*Hoffman:*

*There was some combustible storage in the basement that was stacked up, basically to the rafters.*

*Moermond:*

*Still needs to be addressed?*

*Hoffman:*

*No, that's all been taken down.*

*Moermond:*

*OK. Interior Sanitation, #9.*

*Hoffman:*

*It is cleaner than it was. I mean, it's not...*

*Moermond;*

*Do you still have it on your orders?*

*Hoffman:*

*No.*

*Moermond:*

*The interior unapproved locks?*

*Hoffman:*

*Those were still present, in two areas. I did address that with him yesterday and told him they need to be removed. They can't [inaudible]*

*Moermond:*

*OK. The plumbing order, #12.*

*Hoffman:*

*From what I could tell, it looked OK. Below the sink was leaking [inaudible]*

*Moermond:*

*OK. #14, the exterior door?*

*Hoffman:*

*The rear door to the property, when it is closed, you can see daylight, daylight through the [inaudible] itself. There's like a gap through the door.*

*Moermond:*

*The rear door frame is in disrepair.*

Hoffman:

*That's one of the things I would put on my correction orders.*

Moermond:

*Combustible materials, #16?*

Hoffman:

*Goes in hand with the storage and the interior sanitation. That's been all addressed.*

Moermond:

*The stored material, #17, has that also been addressed?*

Hoffman:

*Yeah. At this point, all I am seeing is...*

Moermond:

*Actually, [inaudible] sounds like a Summary Abatement order that you were talking about on the exterior. So, it has not been completely addressed.*

Hoffman:

*Right, but that's on the other orders for the sanitation.*

Moermond:

*I am going to keep that stored materials there. Animal feces on the exterior?*

Hoffman:

*That was on the interior. That was all cleaned up.*

Moermond:

*The roof.*

Hoffman:

*The roof, it's not terrible. It probably shouldn't have been a primary.*

Moermond:

*Needs to be addressed...*

Hoffman:

*Yes, someday. Not like the last few I've seen.*

Moermond:

*You've seen some bad roofs. Not one of the worst. OK. #21 talks about windows and screens.*

Hoffman:

*There's a few broken windows. There's not holes in them but there's cracks. [inaudible] windows in the house.*

Moermond:

*OK, ten #22, exterior walls.*

Hoffman:

*[inaudible] throughout. I didn't put it on there, but the eaves on the one side, I would say the south side of the house, the soffit, the eave, is wide open. There's nothing*

there.

Moermond:

Finally, the...well, let's renumber this #1, but the exterior sanitation.

Hoffman:

That's ongoing and the new Summary Abatement [inaudible]

Moermond:

OK, so what I have leftover then, is that you will be resending correction orders and they will include item 10, locks; item 14, exterior door repair; item 20, the roof; item 21, the windows; item 22, the exterior walls, which includes eaves and soffits, and that yard cleanup on which there will be other orders. None of those rise to the level of condemning the building [inaudible]

Hoffman:

Correct.

Moermond:

These are your orders; you have withdrawn the order to vacate. What would you normally put in place for correction orders at this time?

Hoffman:

Standard Correction Notice. Repair these by a deadline.

Moermond:

30 days, except for the sanitation on the exterior?

Hoffman:

Yeah, that would work. Monday, for the sanitation.

Moermond:

There will be a new set of orders issued that will include the items I just enumerated. The Department has lifted the condemnation. Any questions?

Flores:

No.

Moermond:

You will be getting another letter, both from Ms. Vang and from Mr. Hoffman.

**Referred to the City Council due back on 6/19/2019**

**8**      [RLH VO 19-22](#)

Appeal of Philip Allen to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1699 CLEAR AVENUE.

**Sponsors:**      Busuri

Grant to June 20, 2019 for compliance or vacate the property.

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Philip Allen appeared.

Stephen Suon, Staff:

We received a complaint, on May 21, in the [inaudible] department for over-occupancy. [inaudible] right time with the police, so we got out there, inspected June 4, Officer [inaudible]. Mr. Allen was present and he allowed us to enter and we found multiple deficiencies and illegal occupancy. There were more than four unrelated adults [inaudible] fire hazards. We condemned the property the following day, which Mr. Allen appealed on June 7.

Moermond:

We've got a fair number of photographs here, also. In your appeal, Mr. Allen, you indicated "one tenant is taking care of cats, which will go. And I need more time to make all of the adjustments." Tell me a little about what's going on. You've got a ton of people in here and you've got kind of a mess on your hands.

Philip Allen:

First of all, I was wrong. One of the tenants moved and didn't send me a notification letter. [inaudible] is in treatment and [inaudible] visits her quite often and stays over sometimes, but, so I assumed she was still part of it so I guess she is not.

Moermond:

You live here, though, right?

Allen:

Yes.

Moermond:

Where would they send notice to...just like, your door?

Allen:

Well, she would either tell me or yeah, send me a note.

Moermond:

You were saying this Casey is in treatment; that doesn't mean that she has moved.

Allen:

She has a place. When I showed this to the guy who's in the basement, he told me that, she's moved, as part of her treatment, they found her a different place.

Moermond:

Tell me about the guy in the basement.

Allen:

He is a tenant, who has a lot of clutter and a lot of guests and also has a lot of clutter in the laundry room. The laundry [inaudible] aren't supposed to be his, but they are packed with clothes and items. I've asked him to move once and he did move. And sometime later I [inaudible] the eviction thing, but he came up with the money, so, I let him stay.

Moermond:

Is there an egress window from the basement?

Suon:

No. That was one of the main items that were listed under fire hazard. Yeah, there's no window.

Moermond:  
OK.

Allen:  
*I don't plan on leasing the basement ever again.*

Moermond:  
*Is this person still living there?*

Allen:  
*Yeah, he's still there, but ...*

Allen:  
*Why. I guess he hasn't managed to move yet.*

Moermond:  
*But it is your house. Your basement.*

Allen:  
*Yes. So I will have to try evicting him again, I guess. But it would be a lot easier to clean everything in the basement when he is gone, that's the reason I need more time. I'm not entirely certain how much time I have to give him.*

Moermond:  
*I will tell you what, the City can order your whole house vacated, based on this single thing. And then, everybody's gone, including you. I don't know if you have a lease or some other kind of thing in place where there's an expectation that people won't live in violation of local and state codes. But, you have created a very very unsafe situation, allowing somebody to sleep in the basement. I can't tell you how bad it is. When people die in fires, this is more often than not, where you find them. In basements. The way the smoke works, the way fire moves in a house. This is a nonsafe place to be. This is on you, as the property owner. Which one of these fellows is it? Jerome, Steve, or Andrew who is down there?*

Allen:  
Andrew. [inaudible]

Moermond:  
*Did you tell him he had to move out?*

Allen:  
Yeah.

Moermond:  
*Did Casey vacate a room that would be available for him, then?*

Allen:  
[inaudible]

Moermond:  
*Casey was in the basement as well. You don't have another bedroom to offer.*

Allen:  
OK. No.

Moermond:

And you...boy, all of these things...tell me about the electrical wires. Let's talk about the exposed electrical wires, #1e.

Suon:

Missing light bulbs and wires coming out of the lightbulb fixtures.

[photos shown]

Got quite a few bulbs...it's on the ceiling.

Moermond:

So, we got cars with smashed out windows there, too. And tires [inaudible]

Suon:

Keeping going down; there you go.

Moermond:

What room is that in?

Suon:

Northeast bedroom? On the main floor.

Allen:

I'm not sure what that is, but anyway, that has a light and ceiling fan hooked up to it now. There are no exposed wires.

Moermond:

How long until you can get the basement taken care of?

Allen:

I beg your pardon?

Moermond:

So, you've got Andrew in the basement and you've been really vague about when that will be addressed.

Allen:

I know it wouldn't take long. [inaudible] end of the month.

Moermond:

I'm not comfortable with him sleeping there, tonight. I can't emphasize how unsafe this is. And so, I'm not sure what to do with you.

Allen:

It's my intention to evict him as soon as possible.

Moermond:

You got these orders on June 5. Did you file an unlawful detainer action then?

Allen:

Ah, no.



Moermond:

*But you did file an appeal of the orders on June 7. You were in Courthouse, but you didn't go file the paperwork for the other thing.*

Allen:

*I guess not.*

Moermond:

*Mr. Suon, it is necessary for him to file an unlawful detainer when it's a condemnation Order to Vacate?*

Suon:

*I'm not too familiar with the legality of it. I'm not a lawyer.*

Moermond:

*Of course, I am asking you a question...*

Suon:

*From my understanding, it's [inaudible] this person's trespassing and have them forcibly removed, if necessary, by the police. But apparently, there's more to it than that.*

Moermond:

*Yes. Let me take a look here. The combustible materials, removing all the storage in the bedroom and the basement and the hallways and the top floor, has anything happened in that regard?*

Allen:

*Yes, I've moved a lot of them. I've got pictures here of the yard clean up that I have done.*

Moermond:

*OK. Great.*

Allen:

*Previously, there was junk both sides of the vehicles. Yard hasn't [inaudible] but in addition to mowing, did some trimming. From the basement into the garage. Contractor bags.*

Moermond:

*Will you scan these? We will give those right back to you.*

Allen:

*And I bought cleaning supplies. [inaudible] had them, broom or a mop or anything kept disappearing. I was low on supplies.*

Suon:

*Didn't she say she was going to get you a dumpster or...*

Allen:

*Yeah, I talked to them today [inaudible]and she's going to give us a dumpster.*

Moermond:

*The electrical panel clearance, do you have clearance around the panel now?*

Allen:

No, he's still got his bed pushed up against it. It's a real big headache [inaudible]

Moermond:

Dryer venting, have you done anything with the dryer venting?

Allen:

No, I haven't purchased a new vent yet. I know that's a job I could do myself.

Moermond:

Exposed wiring.

Allen:

I said there's no more exposed wiring.

Moermond:

Extension cords throughout? You probably have some still in there that you are probably not even aware of. Piles of stuff in the basement.

Allen:

Could be.

Moermond:

Mechanical clearance. Do you have things piled against the furnace and water heater?

Allen:

Too close. Yah, that's still the basement.

Moermond:

Functioning smoke detector? At appropriate locations throughout the house?

Allen:

Yah, I have these two smoke detectors. One is for the upstairs room. The downstairs room, they're close enough together. The one smoke detector and CO2 alarm.

Moermond:

You called this out, Mr. Suon, as being a problem, so....

Suon:

There was one that was upstairs and [inaudible] for sure. [inaudible]

Moermond:

So there is one on the main floor, but it couldn't be tested. Is that what you are saying? OK, that's what you are looking for, to be able to test that smoke detector. Why couldn't you test it?

Suon:

It was too high.

Moermond:

And the CO alarm. Did those exist? Is that the same situation with the...?

Suon:

*I didn't see it.*

*Allen:*

*The one that...the main room floor...I don't know why you didn't test it. That's a smoke alarm and the CO2 both. Fairly new one. And upstairs, I purchased a CO2 alarm, it isn't installed yet.*

*Moermond:*

*OK, so that's not done. So, there's locks on the basement door?*

*Allen:*

*On the outside, they installed a lock.*

*Moermond:*

*To keep you from being able to go in?*

*Allen:*

*Yup. When they are gone, they don't want anyone down in their place. So, they have an additional lock.*

*Moermond:*

*Do you have that key?*

*Allen:*

*No.*

*Moermond:*

*We will give these back to you. How did you come to have all these people living in your house?*

*Allen:*

*Well, it started kinda with one that was recommended to me, beside him, he moved in and then later, [inaudible] wanted to move in and then moved out and uh...*

*Moermond:*

*Which one did you start with?*

*Allen:*

*Started with Andrew Cook, then turned out he has a girlfriend, so there's two of 'em, and after that there, his brother, he decides to stay, so I let him stay a little while.*

*Moermond:*

*Is Jerome or Steve his brother?*

*Allen:*

*No. The brother I'm referring to, Jeffrey. Who moved out. He was replaced by another person and she moved out and now she was replaced by Jerome.*

*Moermond:*

*How did you find these people?*

*Allen:*

*Jerome was someone who...it was Steve who, ah...he was a friend. And he recommended me he would be a real good [inaudible] which he is. [inaudible] help out*

*with all the improvements that I need to make.*

*Moermond:*

*Do they have locks to their rooms as well? And keys?*

*Allen:*

*Yes.*

*Moermond:*

*Do you have those keys as well?*

*Allen:*

*Yes.*

*Moermond:*

*So it is just the basement that you are locked out of.*

*Allen:*

*[inaudible] where they moved. I haven't been using it [inaudible]*

*Moermond:*

*So you have access to the basement, then.*

*Allen:*

*Yes.*

*Moermond:*

*Everybody has access to the basement.*

*Allen:*

*Yes.*

*Moermond:*

*How many bedrooms does the house have?*

*Allen:*

*Three. Not counting the basement, yes.*

*Moermond:*

*Well, we are not counting the basement.*

*Allen:*

*OK. Three.*

*Suon:*

*According to Ramsey County, there's two.*

*Moermond:*

*Two legal bedrooms. What was your observation when you were there? I notice the upper attic level, as it were, did you check ceiling height?*

*Suon:*

*There was [inaudible] of anyone sleeping there.*

Moermond:

So, has this...I can't tell how high that ceiling is [inaudible] could be used as a bedroom or not.

Suon:

I would have to actually take some measurements, just to be sure.

Moermond:

Yes, there's no way to tell. I am thinking it wouldn't be legal, based on the ceiling height. But...

Suon:

It's hard to say.

Moermond:

What does the living room have, in terms of windows?

Suon:

There's windows. It looks fine.

Moermond:

This comes really close to me being worried about you being exploited. At the same time as I worry about you being the exploiter. When you put people in your basement like this, or when they move in and take over, I'm not sure where this whole situation is at. You got somebody who you are calling your friend...who locks you out of the basement, but we got all kinds of safety problems going on down there.

Allen:

[inaudible] that was the other one [inaudible] on the main floor.

Moermond:

You wouldn't consider Andrew and Casey friends, then?

Allen:

No.

Moermond:

You let them in and you said Andrew was the first one to move in? Out of all these?

Allen:

Yes.

Moermond:

Did he, immediately when he moved in, go into the basement?

Allen:

No, he stayed there for a month and then he said they wanted to move into the basement. Because the guy there, there was a guy who was staying in the basement and the room, both. He was renting both rooms. He stayed mostly in the basement. So, he had to move out of the basement, before they could move in.

Moermond:

So you had already rented the basement out.

Allen:

*I was renting the room, but he spent all his time and had all his stuff in the basement.*

Moermond:

*And slept in the basement.*

Allen:

*Yes. [inaudible] so he had to move out of there. He's the one that got recommended and he is staying in the upstairs and helping me out. [inaudible]*

Moermond:

*I'm going to put this in front of City Council next Wednesday. I am going to recommend that the basement needs to be vacated for sleeping purposes by June 20 and nobody is sleeping down there, the storage is cleaned up, the electrical panel access, access to the water heater, access to the furnace. Again, nobody is sleeping down there. If you want to talk to the City Council and ask for more time, that's fine, but I think this is a very unsafe situation you have created. I am giving you a small window of time to address it. Your deadline was originally June 10 and now you are looking at June 20. You got 10 extra days.*

Allen:

*Do I get advice on how to get the tenant removed? Or?*

Moermond:

*You probably should hire an attorney. Talk to an attorney about how you do that; we don't provide legal advice.*

Allen:

*OK. So it's to June 20?*

Moermond:

*Yes. Again it will be before City Council June 19. I am uncomfortable having it be occupied in the meantime, but I'm giving you a chance to talk to the Council. It's just...bad.*

Allen:

*Do I get an appointment time to talk to the Council?*

Moermond:

*We will send you a letter. It will be Wednesday, the 19th at 3:30PM. The room is right over here, the Council Chambers, here on the third floor. Please understand that unless you address the problem, the house will be vacated. We are talking about the house being an unsafe place to live, because of the conditions in the basement. We are not going to go selectively evict your tenant in the basement. It will be you need someplace else to live; they need someplace else to live. Are you clear on that?*

Allen:

*Yes and [inaudible]*

Moermond:

*And you probably should get some help with your circumstances. Good luck to you.*

Allen:

*Thank you.*

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Referred to the City Council due back on 6/19/2019

## 11:30 a.m. Hearings

### Orders To Vacate, Condemnations and Revocations (Fire Inspections)

- 9      **RLH VO 19-21**      Appeal of Cha Sur Vang to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 291 FILLMORE AVENUE EAST.

Sponsors:            Noecker

*Grant the appeal on the revocation and order to vacate and grant an extension for 12 months to bring roof order into compliance provided there are inspections occurring every 90 days to assure structural stability.*

---

*Cha Sur Vang, property owner, and Steven Quam, Attorney with Fredrikson and Byron, appeared.*

*Moermond:*

*Let's start with a staff report and explain why they wrote the letter they did and then talk with you about why you are appealing and what you are looking for today. Mr. Nies.*

*A.J. Neis, Staff:*

*This is a revocation of a Fire Certificate of Occupancy and Order to Vacate, by myself. I was following up based on Inspector Dave Bergman's orders, who has retired. The reason for the revocation is for long term non-compliance. The building was inspected back on August 23, 2018, with a re-inspection of September 24, 2018. What is under appeal right now is for additional time. Back on those orders back in August, Inspector Bergman said the roof leaks in the building, in the body shop area. It is fair to mention to you...*

*Moermond:*

*This is not a residential building; this is a commercial building, with an RV parked inside.*

*Neis:*

*That is no longer the case.*

*Moermond:*

*Keep going.*

*Neis:*

*I think it's fair to comment all the work in the building that we required is done, except for this roof. Now, the area of contention being, this property at 291 Fillmore is right below the Highway 52 bridge, where they did some construction. My understanding is, Mr. Vang is in litigation with MNDot and Lunda Construction regarding some of the vibrations and all that, may have caused the damage to the building. Basically, the reason for the revocation is the long term non-compliance. However, when I met with Mr. Vang on our last inspection, I did encourage him to appeal, explaining that our hands are basically tied, based on how long it is, but I think it would be fair, and possibly beneficial to him, to appeal and get it on the public record that could be taken with him to assist in potential cost recoveries, if applicable. But again, all the*

*work is completed, with the exception of this roof. We are not opposed to giving him more time or allowing him to do business, but we are just waiting for our deadlines.*

*Moermond:*

*When did you start the inspection process?*

*Neis:*

*August 23, 2018.*

*Moermond:*

*You don't quite have a year in, but you have eight, nine months in. That's more than you usually do. Don't you usually do three, four?*

*Neis:*

*Usually 90 days is our maximum compliance; however, when you are in August, you are looking at 90 days, September, October, November. Now you are into the winter season. And like I said, our office is aware of possible pending litigation regarding the contractors and with Mr. Vang. We were hoping that would have come to some resolution by now. Our hands are tied until that gets settled. Mr. Vang's hands are tied, too.*

*Moermond:*

*What we have remaining here is the roof and the RV situation, with somebody living there, that's been addressed. There's nobody living there.*

*Neis:*

*Correct. I know you are going to ask for photographs or why there weren't any. No photographs were taken. On the last inspection, it got a little contentious. Mr. Vang was trying to help out, was it a family member, or a friend?*

*Vang:*

*The RV, it is someone I know; he was so sick. We try to help him just to get him going.*

*Neis:*

*Sure.*

*Vang:*

*And the moment he get done, he going to leave and I have a problem*

*Neis:*

*Was just a friend?*

*Vang:*

*Long times ago, was people that I know from the business. I don't call him as a friend.*

*Neis:*

*There was a gentleman that was an acquaintance to Mr. Vang that he was trying to help out. My understanding was they had to call the police. There was some mental health issues that made it very tense, where photographs and so forth couldn't be taken. Mr. Vang has assured us that his business is more important than their relationship. And has assured us that he will no longer be at the property.*



*Moermond:*

*Basically what we are talking about then, if it's an RV parked in an auto place, this is the same as someone sleeping in a garage.*

*Neis:*

*Correct, it would be no different.*

*Moermond:*

*Very high hazard.*

*Neis:*

*Correct. Extremely dangerous, even more so than somebody parked an RV outside. The RV was parked inside. We don't want them parked outside sleeping; we have a no camping ordinance in the City already. But, Mr. Vang, and I do believe him that he says he will not be returning to the property. That's why we abated the order right away.*

*Moermond:*

*So, that's gone. #2. Got it.*

*Neis:*

*That's a moot point.*

*Moermond:*

*You don't have in this order that part of the revocation is for long term non-compliance. But, you are telling me that there is this long term non-compliance.*

*Neis:*

*Correct. If we had the RV issue, I told Mr. Vang, this would not have been a revocation, it would have been a condemnation because it would have been an unsafe...*

*Moermond:*

*Right and you did say condemned right here.*

*If the Certificate is revoked for long term non-compliance and we don't have an operating business here right now...*

*Neis:*

*Mr. Vang, part of the reason I encouraged him to appeal right now was to put our orders on stay so he could continue to operate. We are not opposed to letting him...*

*Moermond:*

*So, he is operating his business out of there.*

*Neis:*

*Right. And we let him know that he could. Which is why we told him to appeal right away. We are not opposed to continuing to let him operate his business. It's just we need something on record when this roof is going to get done. And we are amenable to a successful patch. Mr. Vang has tried, several times, unsuccessfully, but just has not been able to make that.*

*Moermond:*

*I wanted to close the circle. If the revocation stands, then we are talking about a*

*referral to the Vacant Building Program. And the building being vacated.*

*Neis;  
Correct.*

*Moermond:  
Which is significant. All right, we've got the condemnation issue taken care of. That's moved away. We pretty much just have this roof repair. And we have a lot of complicating factors going on here.*

*What are you guys looking for today? What kind of timelines? Where are things at?*

*Quam:  
I will talk, but he lives it, he knows it. Mr. Nies did a nice job of summarizing it. There is a roof that has historically leaked. It started to leak after the Lafayette Bridge project which Cha suffered through for six years. There was some blasting that affected the roof. As part of the condemnation process, MNDot condemned all of his parking lot. We made a claim for damages, including damages to the roof. The court system and the condemnation process...*

*Moermond:  
For the record, I am going to say that when you say condemnation, you are referring to eminent domain, as opposed to these orders, they refer to unsafe for human habitation. Just so the minutes are correct.*

*Quam:  
I am an eminent domain lawyer, so in my world, condemnation is eminent domain. But bigger than that. It has two components. It is the State of Minnesota exercising its power to acquire property so that it could expand and improve the Lafayette Bridge.*

*Moermond:  
Please continue.*

*Quam:  
We made a request within that condemnation proceeding pursuant to Chapter 117, for compensation for the damage to the roof. The State of Minnesota said that very well may be damaged, but our contractor did it, so the commissioners' award for the taking that occurred, carved out the cause of action against the contractor. We are in the process of dealing with the contractor to get funds. We are not there yet. In the meantime, Cha has been trying to patch the roof to make sure that it no longer leaks. Sounds like, from Mr. Nies' perspective, there's been some progress made. It's not patched perfectly. What we are looking for is, Cha would like the opportunity to patch it so it remains weatherproof, temporarily at least, so it satisfies Mr. Nies. In the meantime, I would like to tell you...*

*Quam:  
The goal is to get the roof patched. Cha understands that his building cannot leak, right? And then, my job is to get additional funds to get a more permanent fix, so if I can succeed in my effort to get additional funds from Lunda, it will be patched more permanently. In the meantime, he's a person who operates a business there.*

*Referral to the Vacant Building Program, I don't know anything about it. I know it sounds significant and we don't want to put a guy like this out of business if we can help it, so I don't know how much time you need, Cha, to take another crack at*

successfully patching that roof. But that's what we are asking for, to give him a chance to get it done properly and then to give me a change to get some more funds from Lunda. Is that right, Cha? He's not afraid to correct me when I say something wrong, I will tell you that.

Moermond:

What kind of estimates do you have to patch and also to repair; seems like there's two things going on. There's the temporary get it patched to get it taken care of and then there's does it need replacement, does it need a substantial repair, and both of those, you would have some idea how much they are going to cost?

Cha Vang:

It was a flat roof so it not shingle on house, that easy to do. There's cement on the roof and they probably put some glue on each line. Right now, what we did, we tried to build holes to let the water down, getting out. So it's not all over the place, so it's not leaking. But it order to fix the whole thing, have to really clean off the whole rooftop, then I have the engineer with the construction come over to look. I have the flat roof company come to look at it, too. And they want to come and tear everything down and put most thick tar on top. Before they can do all that and they talking about \$40,000 to \$50,000 just to do that side of roof. Right now, I tried to look at where the leak and see where I can stop it. I think right now it held 80 to 70%, something like that, not like before.

Moermond:

Is the \$40,000 to \$50,000 repair estimate just to stop the dripping that you have going on right now? Or would that be to repair all the damage caused by Lunda in this construction process.

Vang:

That probably is only for the roof.

Quam:

So, as I understand the question, that would be to permanently repair the roof. It would not be for a simple patch, or not simple.

Moermond:

The \$40,000 to \$50,000.

Quam:

The \$40,000 to \$50,000 would be to essentially replace the membrane and everything else that was there. I don't know if Mr. Vang has an estimate for someone to patch it to create a weatherproof building in the interim. Do you, can you get an estimate, Cha, to have a repair to stop the leak, so that Mr. Nies, when he inspects it next time, will see that it is weatherproof?

Vang:

I cannot guess, because what they do, they have to come, they have to do it right. So nobody want to look and see where the leak and then patch it.

Neis:

One of the concerns with that would be no one is going to guarantee that work. You could be, essentially, throwing good money after bad. We don't want Mr. Vang to waste his funds, either. I don't want to have to arbitrate, \$5000 for someone who says they can fix the roof and heavy rain, it's leaking again, only to find it needs to be fixed

*in the first place. Or replaced. I understand why he's been trying to do it himself. He could be throwing good money after bad.*

*Moermond:*

*Where is this, in terms of the litigation?*

*Quam:*

*I have not filed a complaint. I have been in contact with them. We are not far, frankly.*

*Moermond:*

*I am trying to picture, if they were to cut a check for \$40,000 to \$50,000, where we are to that point in the process. That's a real unknown and that's a long time away, probably.*

*Quam:*

*It's uncertain, yes, that's a fair estimate.*

*Moermond:*

*Are you able to finance the roof repair?*

*Vang:*

*Not right now. I just get out from the six, seven year after MNDot and business totally lost after all those years. I still behind my property taxes so I can't.*

*Moermond:*

*Is the roof leak, right now, giving you concerns about the structural integrity?*

*Neis:*

*As of now, no. This is a very similar structure, think of commercial building, but another property on Raymond that we were dealing with. It's an all concrete building, concrete roof. Over time could it? Absolutely. And that was the reason for the revocation. We didn't have a deadline. If Mr. Vang said we will wrap up litigation and be done by January 1, could we have worked with something like that? Absolutely, but because we have so many unknowns, our hands were tied.*

*Mr. Vang has done some mitigation, it's not the prettiest fix, but he has put some metal roofing over the top of his spray booth. It's not getting into the booth at all. He did a rather elaborate gutter system inside to help some of the drippage drain away and all that. He has taken all the mitigation efforts I think he reasonably could, without getting this thing replaced.*

*Moermond:*

*Well, I am willing to give a longish deadline on this if there is a periodic checking to ensure the leaking hasn't compromised the structure itself. If it has, then we would need to pull the trigger on moving up the deadline. Thinking about a one year deadline on this and where we are right now. When would you want to review it? At the half way mark? At the 90 day mark?*

*Neis:*

*I would say sometime in the end of summer and then possibly look at it before the snow flies. I would also bring out Brian Karpen, our City structural engineer, at that time, just to say hey yes. And if he says I don't see any imminent issues, then keep working with that until [inaudible] actually find, until they say yes, we'll take care of it, and if they don't, then we've got to figure out another alternative.*

Quam:

*That's really a practical solution if that's OK with Ms. Moermond. It's your idea so I would hope you would agree with it.*

Moermond:

*I hope that I do, or something has gone wrong. I am going to recommend that the Council grant the appeal on the revocation of the Certificate of Occupancy and grant an extension of 12 months for the roof repair, conditioned on inspections occurring at 90 day intervals to ensure ongoing structural stability. So, if you just want to send out an appointment letter, covering when those would happen, that would be great.*

Quam:

*You understand Cha, that if the building leaks and it creates a question of whether the building is structurally sound, then this changes and that's gone. But for now, you have a year for me to get you money or to otherwise find financing to fix the roof, properly.*

Vang:

*That sounds good.*

Quam:

*Thank you for your time. That's terrific.*

Moermond:

*You will get a letter on when the appointments are. Mr. Quam summarized nicely the implications for structural problems happening and what we will need to do. Instead of a year, you would get a new set of orders from them that would be on a tighter deadline.*

**Referred to the City Council due back on 6/26/2019**

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

- 10 RLH FCO** Appeal of Thomas Gilbertson to a Correction Notice - Complaint  
**19-59** Inspection at 254 MARIA AVENUE.

**Sponsors:** Prince

*Deny the appeal, unless property owner can provide Ramsey County information that this property is homesteaded.*

---

*Thomas Gilbertson appeared.*

Moermond:

*When we left last time, I was thinking you would be a boarding house, probably, because of the way your property was being used and I looked into it. I hope you got the letter from Ms. Vang, indicating that no, actually it does not meet the definition of a boarding house. And where I thought you were perhaps able to be considered an owner-occupant, I don't think that is the case right now. But I wanted to give you an opportunity to put some additional information on the record that would support your*

case, presuming you disagreed where I was going with it, so, I will turn it over to you and have you tell me a little bit about why you think you are an owner-occupant, if you have more information to add to the record on that.

Tom Gilbertson:

I have, along with me, the property tax records, the utility records, the bank records, that show that the address of record for me that my residence is St Paul. I travel back and forth.

Moermond:

But you homestead a different property.

Gilbertson:

Actually, according to these statements, it shows my homestead is in St Paul.

Moermond:

No, it didn't when I looked at it; it showed it not homesteaded. Is it now?

Gilbertson:

Well, the, according to the statement that I have here and the proposed property tax that I have here, it shows that it is homestead.

Moermond:

Let me look at that.

Gilbertson:

I checked with Ramsey County. As of the most recent statement, which was not even sent out to me, and that one was not homesteaded at that point in time. However, the address...

Moermond:

Because you homestead elsewhere.

Gilbertson:

Well, it was in the form of a mistake, so I am appealing that right now, with Ramsey County. And submitting the paperwork. I have until July 1 to get it homesteaded for St Paul.

Moermond:

OK, so you are not homesteaded right now, according to Ramsey County. And that was what I found in the record.

Gilbertson:

Yes.

Moermond:

Do you vote from Maria?

Gilbertson:

I haven't voted from Maria, no. I take that back, I think in the last...I have voted at Dayton's Bluff, yes.

Moermond:

And we have a written statement from a woman who does live in the property saying

*that it isn't your primary residence.*

*Gilbertson:*

*Correct. I feel that testimony was made in bad faith. Or, not in good faith. She moved into the property May 5. By May 12, she had explained to me that she wanted to get out of her lease and move out of the property. I'm not sure when the complaint was made to the City of St Paul; I'm actually curious of that date. She is now planning on moving out July 1. I told her she could leave any time, so she's is moving to Lake Street in Minneapolis. She said it was due to the crime in the neighborhood. That's the information I have. However, she had a 12 year lease and so*

*Moermond:*

*A 12 year?*

*Gilbertson:*

*Excuse me, a 12 month lease. That she had signed and my guess is she was trying to find a way to get out of her obligation that she had. I have released her from any obligation and she is free to move out any time. She is staying there through June she said, and she found a place starting July 1.*

*Moermond:*

*Does your wife live at this property or she lives in Wilmar?*

*Gilbertson:*

*Wilmar.*

*Moermond:*

*And you live in St Paul.*

*Gilbertson:*

*Correct.*

*Moermond:*

*And you don't have this homesteaded and I have testimony that you don't use it as your primary residence. The benefit of that is that you aren't accountable for having a Fire Certificate of Occupancy for your property and treating it as a rental. Yes?*

*Gilbertson:*

*Err...repeat that statement?*

*Moermond:*

*The reason you don't want to consider having it be non-owner-occupied is because then you would have to get a Fire Certificate of Occupancy, because it would be non-owner-occupied rental status.*

*Gilbertson:*

*No, when I purchased the house in 2005, I rented out to roommates over the last 14 years, knowing that, specifically, as an owner-occupied property, I can rent it out to my friends. And so, that's what I'd like to continue to do.*

*Moermond:*

*There's nothing stopping you from doing that, whether or not you are an owner-occupant.*

Gilbertson:  
*Wha, what do you mean?*

Moermond:  
*It can be owner-occupied and you rent our rooms, or it can be non-owner-occupied and you rent our rooms.*

Gilbertson:  
*Correct. Well, I'd like to claim St Paul.*

Moermond:  
*I know you would and I am just struggling why this is shaping up the way it is.*

Gilbertson:  
*I travel throughout the state for work. I am in the Twin Cities all the time and I don't see a reason why it shouldn't be claimed as an owner-occupied property.*

Moermond:  
*We have talked about the two reasons. And your driver's license if from Maria, I assume?*

Gilbertson:  
*No.*

Moermond:  
*Your driver's license is in Wilmar.*

Gilbertson:  
*Yeah, Wilmar.*

Moermond:  
*I am going to treat this as a non-owner-occupied for purposes of the Fire C of O; however, will wait to put it in front of City Council until after Ramsey County has had a chance to assess whether they would consider this a homesteaded property, with your appeal, and I will take that into consideration. So, we will have the public hearing...*

Gilbertson:  
*In the event, they do consider it...*

Moermond:  
*I will consider it, but I will not tell you I will definitely grant your appeal in that case, but I want to take it into account. OK?*

Gilbertson:  
*OK*

Moermond:  
*So, we will put it in front of City Council...I think you said, when were they reviewing it, July 1?*

Gilbertson:  
*July 1. It needs to be submitted by July 1; I don't know when it gets back to me.*

Moermond:



*Oh, I see. Well, I will put it in front of City Council July 24. It give you time to submit it earlier and maybe get your review earlier. I will look at that as well.*

*Gilbertson:*

*OK.*

*Moermond:*

*If there is additional information, I am happy to look at it.*

*Gilbertson:*

*The other reason I prefer not to have the City just coming into my private residence, so that's another reason I chose not to file the...*

*Moermond:*

*And you know if someone living in your residence reports a code violation, the City does have the obligation to investigate that. If you chose to say no, you can't enter my private property, the City would seek an administrative search warrant to investigate the complaint. And so, you are still subject to inspection, but it would be under those conditions rather than under a periodic, systematic inspection process.*

*If your tenant complained of code violations and I'm not going to go back and review that...*

*Gilbertson:*

*Can I get the date that complaint was lodged?*

*Moermond:*

*It looks like May 9, the complaint came in to the City.*

*Gilbertson:*

*Four days after she [inaudible] and she's alleging I don't live there.*

*Moermond:*

*I don't know what her communication with her housemates would have been or anything else, OK?*

*Gilbertson:*

*OK. She alleges the lease is sent to a PO box. It secured and stamped by the government. That's why it's sent there.*

*Moermond:*

*But she can't hand you a check once a month.*

*Gilbertson:*

*She can.*

*Moermond:*

*But you have in the lease you don't want that to happen.*

*Gilbertson:*

*What do you mean?*

*Moermond:*

*You direct in the lease that the check would go to a PO Box.*

*Gilbertson:*

*It also, they can put it in my mail drawer.*

*Moermond:*

*That's in here? In the lease?*

*Gilbertson:*

*Yes, every statement that I send to the...I don't even think I have a location where it needs to be send to. But every statement that I send to the roommates is, you can put it in my box.*

*Moermond:*

*Yeah, you do have an address for yourself in here. PO Box 1688, Wilmar MN. You don't, in fact, list in the lease, your address as 254 Maria. You do say that notices and so on, need to be directed to that address. That is another component part of this.*

*Gilbertson:*

*It is so that there is a mailed stamp date on when they sent the lease.*

*Moermond:*

*But you don't have that, you don't have it going to 254 Maria, you have it going to Wilmar.*

*Gilbertson:*

*The lease is, but the rent checks are to be sent...on the statement that I send them every month, I say, you can put the check in my box or, actually Meredith sends it through Venmo, so it's electronically. They can do it any way they want.*

*Moermond:*

*So, you are going to let me know where your case ends up with the Ramsey County Assessor?*

*Gilbertson:*

*Sure. Shall I provide you a statement of what I send them?*

*Moermond:*

*No, I am looking for what they give you, in response to your filing. If they provide something positive in response, absolutely do share it. I will put it into the record. So, even if I am not taking it into account in the way I would make my recommendation, it is something that would be in front of City Council and they can take it into account to. It is to your benefit to add evidence to the record if you want to continue to. That would be the right way to go, I think.*

*Gilbertson:*

*What would be the next step if you discover, just so that I am clear, I get that homestead, and you come back and say that it is not.*

*Moermond:*

*In my professional opinion, it isn't. That is totally appealable to the City Council. That's what they are there for. They would review your case. You can present your information to them and they could look at it differently.*

*Gilbertson:*

*What would be the steps next for the tenants, for the roommates.*

*Moermond:*

*Wouldn't make any difference to them at all. The property has to be inspected by Fire Certificate of Occupancy, that's all.*

*Gilbertson:*

*And is there a timeline when that has to happen by?*

*Moermond:*

*You already have this letter from May 15, proposing a June 14 inspection and that is the letter that you appealed and so, after the deadline that we establish, they would send you another letter with another appointment time. Because everything here is stayed, pending the Council decision. So we are all just kind of, on hold until this is resolved.*

*Gilbertson:*

*OK*

*Moermond:*

*If the Council does a denial, those folks will send you a letter. If there is a granting of your appeal, then there is no further action. Unless there is an alleged code violation, and then it would be sent to Code Enforcement.*

*Gilbertson:*

*Is there one pending?*

*Moermond:*

*I did not see one in the orders. What I saw is you are required to get a Certificate of Occupancy and Landlord Training.*

*Gilbertson:*

*And if Meredith, or Ms. Brewster submits something in writing to you, would that be sufficient, or no?*

*Moermond:*

*Saying...*

*Gilbertson:*

*Saying that she was mistaken.*

*Moermond:*

*I am really uncomfortable...I guess I would want...I'm uncomfortable with the whole scenario to tell you the truth. She would send an email saying one thing and then you are talking about letting her out of her lease, she goes someplace else and she responds and sends another email, saying no, I didn't. It's awkward.*

*Gilbertson:*

*The fact that I am here today is awkward.*

*Moermond:*

*Right, I get that.*

*Leanna Shaff, Staff:*

*What I would add is the appellant is guessing where the complaint came from. And under the law, Data Privacy Act, we can't divulge even if we know or we don't know.*

*Moermond:*

*We do have an email that was sent to Legislative Hearings from the tenant.*

*Gilbertson:*

*I have received the email.*

*Moermond:*

*I have an email from Meredith Brewster dated May 28 at 12:30, speaking to this appeal. We may assume that she is the person who called in, but we do know that she knew there was a hearing today, or on the 28th and that she sent information. It's probable but not definitive and we couldn't tell you if it is.*

*So, let's see how Ramsey County reviews this on the homestead. Let's get that on the record. I won't commit that I will change my mind, but I will commit that I will review it and it will definitely go in front of City Council to be a part of their decision on it.*

*Gilbertson:*

*I will also reach out to my neighbors who live there and see if they can write a letter or something.*

*Shaff:*

*Where do the utility bills get sent?*

*Moermond:*

*He says he has his utility bills sent to Maria.*

*Gilbertson:*

*Can I submit this?*

*Moermond:*

*Absolutely. Are there any account numbers or anything you would want to have redacted before you submit them?*

*Gilbertson:*

*Yeah.*

*Moermond:*

*I think you might want to do that.*

*Mai Vang:*

*I will redact them in here.*

*Gilbertson:*

*Can I get these back?*

*Moermond:*

*Yes.*

**Referred to the City Council due back on 7/24/2019**

11 RLH FCO  
19-65

Appeal of Corey Bednarz to a Correction Notice - Complaint Inspection  
at 363 WINSLOW AVENUE.

Sponsors: Noecker

*Deny the appeal.*

---

*Corey Bednarz and Rosalie Bednarz appeared.*

*Bednarz:*

*Can I get you coffee first? Or are you all set to go?*

*Moermond:*

*I'm ready. I will turn it over to Ms. Leanna Shaff from Fire C of O to give me a staff report on this set of orders. What were the conditions and why were the set of orders written?*

*Leanna Shaff, Staff:*

*We received a complaint in our office on 5/29 that there was a firepit too close to the subject, or to the structure. You've seen the pictures. Lots of measuring tape. I want to go on the record that this is not the first time that we've been called out to this residence for things like burning items in a driveway not wood, burning yard waste, fire ring not the proper footage from house, burning in a portable appliance in driveway. This has been an ongoing issue at this address for numerous years. State Fire Code is pretty clear about what can be burned in a recreational fire and how close it can be to structures and to a property line. What we found is that it does not meet the minimum 15 feet from a property line or from structures. We get to 13 feet, 13'6", but in other places we can't ever require the neighbor's property to move their car in the driveway so it meets code, or infringe upon a neighbor's use of property so we can have ours up to a property line. Or reduce their safety because we reduced the measurements for recreational fires.*

*Moermond:*

*You are bringing that up because of the phrasing in the appeal?*

*Shaff:*

*I am, because we have had numerous issues and it's in the record going back not only to this inspector, but the commercial supervisor, etc., that it's noted that the property owner and tenants, various throughout the years, have received what the requirements are from the City, for those fires, and it seems they are, every so often, ignored or changed. Or the property owner decides to do something different. But, buying a fireplace with only one opening, isn't OK. We still have a heat transference issue. Thirteen feet, seven inches is not 15 feet. The Code is minimum compliance standards. So, falling a foot and a half short is way off the mark. The car in a neighbor's driveway moved to meet Code? You can't require your neighbors to move their car in their driveway. My own yard in St Paul is too small; I can't do this in my yard because I can't meet the 15 feet from garage, deck, property line, or structures. This is quite common in St Paul, some of just have to live with we don't get to have recreational fires in our yards.*

*Moermond:*

*I am looking at a plat map, which isn't great in terms of giving me lot width..but that's not so much the point as...*

Shaff:

*Most of us with standard city lots, 40' by 120' or something like that, with a house structure and a garage structure, it's very difficult to find a space that is far enough from all the outbuildings and property lines.*

Moermond:

*Let me do something here. Mai, I am going to ask you to plug in this computer, when this comes up.*

*[image enlarged for viewing]*

*That's your property at 363 Winslow, yes?*

Bednarz:

*Certainly. Does look like it.*

Moermond:

*Well, if it's not, then we got problems.*

Bednarz:

*Exactly.*

Moermond:

*And so, if you were to show me on the screen. I'm looking at the backyard square, it looks like it's beside your garage and behind your property?*

Bednarz:

*Yes.*

Moermond:

*Is it more or less centered within that area that you have your firepit?*

Bednarz:

*Actually, what I decided to do is have...where I was having the firepit is basically right here in the corner. I had that spot set up, there's a telephone pole there, and a [inaudible] behind it...*

Moermond:

*OK, so it's in the corner...*

Bednarz:

*This is me calling in to take care of this myself because I didn't want to have Fire Departments coming in and it's OK one day and I have Fire Departments come another day and they want it put out.*

Shaff:

*The Fire.. just so you are aware...*

Bednarz:

*I've actually had burgers and brats for the guys coming and I'll even go down to the station and say hey, 7 o'clock, I'll have the fire and ...*

Shaff:

*Fire Departments aren't the Code officials.*

Moermond:

Wait. One voice at a time. Ms. Shaff.

Shaff:

The Fire Department is not the Code officials. That's us.

Moermond:

They put out fires.

Shaff:

They are there to put them out; we are there to make sure they don't happen.

Bednarz:

I want to do what's right and I want to be within Code, OK? So, what I discovered when I ended up having fires in my firepit, or not firepit, my outdoor fireplace, is that the wooden fence on the other side of the wall, within eight feet. I overlooked that completely.

Moermond:

Well, you are also within 15 feet of the property boundary, which is another requirement.

Bednarz:

What I decided to do, where we ended up putting it is right outside, because this is here, so we ended up putting the fire right here. It's thirteen feet, seven from my deck right here. I am more than willing to take out part of the deck in order to meet Code. Now I am very willing, I've had the property for 30 years. I grew up here. They ended up very good friends of my parents, still are. They have no problems whatsoever if I ask them to move the car or if I need something done. We are really close. I don't know what works there. I have pictures of ...I started out with one kind of firepit, I went to a deeper type firepit. Now I went to an outdoor fireplace that's open on all four sides. I have pictures.

Moermond:

I have pictures right here.

Bednarz:

I can get a cast iron with one opening and furthermore ...yeah, that's where it stands. As far as having a fireplace, yeah, I have a fireplace. As far as burning yard waste, it's sticks that have fallen from storms on the boulevard. And I am respectful to the windspeeds, the height of the fire, the means of extinguishing the fire. The windspeeds have to be over 10 mph, I mean I'm very respectful to all of that.

I'm just asking that I would like to do whatever I need to do to meet Code.

Moermond:

If it's 15 feet, to property line or a structure, mathematically, it does not appear to be possible for you to meet that requirement.

Bednarz:

On my end it is, if I take the deck.

Moermond:

*On your end it is, but it is still within 15 feet of the driveway. Am I wrong?*

*Bednarz:*

*No, you're not.*

*Moermond:*

*And you're saying, hey they're friends, it doesn't matter, 'cause they'll move their cars. But, what if they aren't home?*

*Bednarz:*

*Then there's no fires.*

*Moermond:*

*Yeah, I am uncomfortable with this situation.*

*Bednarz:*

*It is an uncomfortable situation. It's been an uncomfortable situation for years, it really has. And when I decided to make the phone call, I decided to put an end to it. I don't want the Fire Department called and make a joke of the whole deal by having them come over and feeding them lunch, or dinner, or what have you. I think they should be out doing what they should be doing. And that's saving lives, not worrying about someone who is, you know, doing what they want to do, yet being in Code. I understand that it's different being in the Fire Department to Code. Well, like I said, I am willing to do whatever it takes.*

*Moermond:*

*You are missing the marks by a lot, you know. It's that 15 feet. You are talking about a couple of feet between you and the driveway.*

*Bednarz:*

*If I ended up having a company come on out and putting an outdoor fireplace on the end of my house, I mean, they know what Codes are. I don't want to take it to that level.*

*Shaff:*

*Well, you do have the opportunity to submit plans to the Building Department for a permanent structure within all the required setbacks or whatever. And it may be possible that it can be closer to the structure.*

*Bednarz:*

*I know, but...*

*Shaff:*

*Then you are looking at foundations and things like that, but that is a possibility. But with portable appliances or a ground pit...*

*Bednarz:*

*If I may, I would like to give you these pictures that I have printed out to give you an idea.*

*Moermond:*

*Quite a few pictures here already. No, I am happy to look at yours, too. And you have pictures of the...there's photographs of your unit here, here, here, and here. And this is...no, I'm going to look at them. So, this one's yours. And then there is another*



one. And a third one. OK. A fourth one. All different styles of outdoor fireplaces.

*I think there needs to be another solution and we are not looking at it here. I don't think that you can meet those requirements, even minimally. The 15 feet from structures and property lines. It's not possible. Unless you got a variance to put in on the property line, by the neighbor's driveway and that I don't think that we should be enforcing Code based on your relationship with your neighbor and the presence of everybody and putting in special rules about whether or not you could reach them by phone and all of that. There's a reason it's property line.*

*The Council could look at it differently than I do. I am happy that you provide food and drink to the Fire Department, although it feels strange to hear you saying that. You offered me a cup of coffee and you offer them food. It sounds like, so you're saying that's how the enforcement happens, you know, wow, I hope that's not how the enforcement happens. It makes me want to call the Fire Chief and find out what the heck is going on. If that is having an impact on enforcing the distance from the property boundary and from structures, but their real concern is, are you going to catch something on fire, do you have a hose there. They are not opening up the Fire Code of the State of Minnesota and saying 15 feet all around. Give them a brat, I get it, but it doesn't pass muster and minimally, it's 13.97, if we give you the ability to put in on the property boundary. So, it would be zero. It's too much. It's not even close. If it were closer, yeah. But it's not. It's really far away from being legal under the State Fire Code. If it could be closer, I would work with you. But it can't be and this is too much.*

*If you are going to say something, I need you to be on microphone and up to the table. It wouldn't hurt to have your name either. So, what's your name, ma'am?*

*Rosalie Bednarz:*

*It's Rosalie. Mrs. Bednarz. I think this solution is, he's got enough 15 feet if that deck is gonna go.*

*Moermond:*

*But it requires that he put it on the property line, next to the neighbor's driveway. And he doesn't have a 15 foot setback from the property line, he has basically no setback. So, he's got 15 feet from his own structure, but not 15 feet from the property line. He would be able to meet one of the criteria, but not the other.*

*Bednarz:*

*That black area back there is a 10 by 20 pond. It's all water.*

*Moermond:*

*Hear where I am coming from. I am drawing 15 feet all the way around and you cannot meet the requirement in the space you have available. It could be, with a different style fireplace or something, if the Building Official would look at it, but it's not even like, oh, if I make a 12 feet circle all around. You could only make a 16 feet circle, if I am understanding this correctly, not even.*

*Mrs. Bednarz:*

*I think he'd get 30 feet from that, if the deck is gone. Fireplace could be in the middle of that, right next to that.*

*Moermond:*

*You can't be by the property line, though. Hear me, it has to be 15 feet from the property line and 15 feet from any other structure. So those two criteria are in play. If*

*you got a variance, or you trimmed the deck, you would have almost 15 feet from your own property, but you would still be on the property line and you would need a complete variance on that side. That, I can't do.*

*Bednarz:*

*I'm not really asking for you to bend the rules here. What I basically want is a solution. So, trimming the deck would be the 15 feet.*

*Moermond:*

*In the one direction.*

*Bednarz:*

*In one direction. I don't have it in the other direction. A new appliance would definitely work. Cast iron, one opening, would definitely work. That's what I am asking you for, an advisement. Otherwise, you know, I will have to look at putting an outdoor fireplace at the end of my house on the driveway.*

*Moermond:*

*And...*

*Bednarz:*

*And I don't want to do that.*

*Shaff:*

*One of the things that I addressed is even putting in a steel chimney is still a portable appliance and will not meet the Code. I had also stated that you are more than welcome to submit plans to the Building Official for something that maybe could be approved for an outdoor fireplace structure, but that is something that would go through the Building Department. And the Building Official.*

*Moermond:*

*I don't review plans, is what she is coming to.*

*Bednarz:*

*You can have a big fire inside the house. What's the difference having it outside? It doesn't make sense.*

*Bednarz:*

*No, it doesn't make any sense.*

*Moermond:*

*It was put in under the Building Code, it has a proper chimney, it's covered under at least three sides. It has doors and when ashes fly, they go up a chimney to a certain distance, they don't go across a driveway and into someone's dried out bush that's going to start on fire. There is a profound difference between an interior fireplace installed under the Building Code and an exterior firepit which is not installed under the Fire Code. OK?*

*Ms. Bednarz:*

*I really can't [inaudible]*

*Moermond:*

*You guys, God love you, everybody likes to cook out. This is just too many feet for me to be able to work with a variance on it.*

*Bednarz:*

*Take it to the next level, that's fine. And we'll just call the...*

*Moermond:*

*The next step is the City Council. After that, if you want to submit a plan for an alternative fireplace structure, that would go to the Building Official. I can give you a ...*

*Bednarz:*

*I think what we are going to do is just we'll call the Fireplace Company and let them know what we can do. They are the ones who are going to put it in and they are going to know what's going on. I'm not going to waste time doing all of this.*

*Moermond:*

*Do make sure they get clearances on it and don't just do it. Because then, you are just out the money.*

*Bednarz:*

*Sure. So, are you just a no go right now and we'll go to the next level then?*

*Moermond:*

*I am going to recommend that the City Council denies your appeal, but it is just that, a recommendation. The Council could hear from you and say this is OK. There is that next step. Otherwise it would be a matter of bringing forward a plan for an addition and get that permitted and put it.*

*Bednarz:*

*What is the defining deal between a firepit and a fireplace. Because I am not hearing it yet.*

*Shaff:*

*A firepit is exterior and could be a couple of things. It could be a hole in the ground. It could be an approved appliance without looking at your pictures, they sell them all day at the big box stores. A fireplace is a structure that has a foundation or footings. It's going to have certain dimensions of the firebox. It's going to meet the Building Code for a structure.*

*Bednarz:*

*I could build one, too. But I gotta get a permit to build it, right?*

*Shaff:*

*And you need to give Code compliant plans. We can't design it for you, obviously, because your designer can't be the Code official. That would be for you to engage someone to design that for you.*

*Moermond:*

*I will put this before City Council...I'm trying to decide whether sooner is better than later for you, if you want to be using this or building a new solution this summer. If I got an answer from the Council quicker. I will get this in front of City Council June 26.*

*Ms. Bednarz:*

*The firepit would be allowed in the middle. Is it 15 feet?*

Moermond:  
*I don't know what you mean.*

Ms. Bednarz:  
*You have to dig a hole in the middle?*

Moermond:  
*A firepit would not be allowed any differently than what we are talking about.*

Shaff:  
*Require 25 feet*

Bednarz:  
*Where does that, you know, when I initially got this deficiency list, "all fires on the ground must be a minimum of 25 feet from a structure, or contained in a grill or outdoor fireplace." Now I'm really not understanding that. I got a high school education but, I tell you what, I am really not understanding that. And then we go down to "a citation will be issued for non-compliance. Immediately discontinue use of a portable firepit." I have a fireplace. This is old language. I don't know who wrote that up, but it's not proper.*

Moermond:  
*I tell you what, you take the 15 or you take the 25 and you got a miss either way.*

Bednarz:  
*I got you on that. I got you on that.*

Moermond:  
*I think you got a recommendation to deny your appeal; you can bring it to Council and the next stop would be to go to the Building Official with a different solution. Would you like a copy of the MN State Fire Code? It is online and it looks like you do have an email address. I am assuming you have a computer?*

Bednarz:  
*I got everything that I really need. Like I said, the reason why I am here is to get a solution. Obviously, it did not happen today.*

Moermond:  
*I don't have the ability to give you a solution. The only thing I could do is to recommend the Council grant your appeal, which would include giving you a variance on setback from the property line. It is so big a variance, I can't do it, in good conscience. It would mean varying the entire 15 feet and saying you could be on the property line. I just don't think that is something I would feel comfortable recommending to the Council. Can you make the case to them? Absolutely, that's why it is set up for public hearing.*

Bednarz:  
*I can't be present on the 26th.*

Moermond:  
*We can push it into July.*

Bednarz:  
*First week of July that would work.*

Moermond:  
They meet next on July 10.

Bednarz:  
How many days in June?

Moermond:  
30

Bednarz:  
What's after June 26 that you got?

Moermond:  
July 19

Bednarz:  
That's it, huh?

Moermond:  
Or any Wednesday thereafter.

Bednarz:  
That's going to be a long day, 10 hours of driving. We will do the 26th.

Moermond:  
I'm sorry I couldn't be more helpful.

Bednarz:  
We aren't here because of neighbors; we are here because of me. And like I said, I want to work this our. You do have a willing participant, I am willing to do whatever it takes.

You will email me that information?

Moermond:  
Ms. Vang will send a letter with the recommendation and confirming the public hearing. She will get to you all that detail.

**Referred to the City Council due back on 6/26/2019**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 12    **RLH VBR**            Appeal of Yeng Chang to a Vacant Building Registration and Code  
      **19-37**                    Compliance Requirement at 1639 BEECH STREET.

Sponsors:            Prince

Grant the appeal.

---

1639 Beech Street

*Yeng Chang and Mo Chang appeared.*

*Moermond:*

*Couple of things going on. We have a registration; we have a Summary Abatement order.*

*Jim Dornfeld, Staff:*

*Yes, we do, um...*

*Moermond:*

*Mr. Dornfeld, are you going to turn it over to Ms. Shaff; she has stuff before then.*

*Leanna Shaff, Staff:*

*I got stuff before then.*

*Moermond:*

*All right. What can you tell me about this property?*

*Shaff:*

*It was a Fire Certificate of Occupancy by Inspector James Thomas. This started way back; the appointment letter was originally sent 7/10/18. We have a no entry on 7/30/18, no entry on 8/16/18. Mr. Thomas writes a couple times in the comments that he has either attempted to do inspections but was denied access, that he has tried to call the owner, the property owner, who doesn't call him back or answer the telephone. We have a pending revocation on 9/5/18, a pending revocation on 9/25/18, revoked on 10/16/18, and basically, that's it.*

*Moermond:*

*Revoked because you...*

*Shaff:*

*We can't get access.*

*Moermond:*

*You haven't been in the property.*

*Shaff:*

*We don't get any response from the property owner, can't gain access.*

*Moermond:*

*So, you referred it to the Vacant Building Program.*

*Shaff:*

*That's correct.*

*Moermond:*

*And...*

*Dornfeld:*

*10/24/2018 Inspector Tom Friel opened a Category 2 Vacant Building. His notes read as follows: "this is a one story wood frame single family house that appears occupied at present. Inspector Singerhouse and I found the house to be occupied. Spoke to occupant's son, was referred to us with revoked Certificate of Occupancy by James*

Thomas. House exterior appears in fair condition, but due to the number of items on Fire Inspector Thomas' revocation, decided to open the Category 2 Vacant Building. Issued a Summary [this is back in October] Abatement to remove refuse, scattered refuse on the porch."

Looks like it's in compliance. Inspector Friel's been out there a couple of times since. And has just documented if it was occupied but it was secure at the time of his inspection.

Moermond:

Yeng Chang and Mo Chang, can you tell me why you are appealing and what you are looking for today?

Ms. Chang:

The family is still living in the house and we are looking to do whatever to get the house removed from category 2.

Moermond:

Can you tell me why you didn't get the Fire Certificate of Occupancy taken care of?

Ms. Chang:

We don't...I never received that letter. I asked my siblings and my sister-in-law and they do not think they have seen it. I did not know...

Moermond:

It's like more than one letter. It's a bunch of letters.

Shaff:

You are the tenant, correct? Not the property owner.

Ms. Chang:

Yes.

Moermond:

That's an important distinction to be made. What this shows is Feng Juong is the owner and Ka Xiong Moua is actually the C of O responsible party, like the property manager. You are their tenant. They didn't ...oh, I see, I am looking at homesteader being Feng Juong. Does Feng Juong live there?

Ms. Chang:

Yeah, that's my mom.

Moermond:

That's your mom. So is she a relative of Ka Xiong?

Ms. Chang:

Ka Xiong is my auntie.

Moermond:

So the mail is going to be directed to those two people, Ka Xiong and potentially to the homesteader. Ka Xiong lives on Hilltop Court in North St Paul and didn't do anything with these letters.

Ms. Chang:

*I don't know if she did do anything or if she didn't do anything at all.*

*Moermond:*

*Looks like she didn't do a darn thing. And that's leaving you guys in the lurch. How did you find out about this.*

*Ms. Chang:*

*We didn't know, I think, until April, until I was trying to start my home day care. I was trying to have her sign on that because I am not the owner. We need a Fire Inspection for home day care, so I call them and they say oh that building has been labeled as vacant for a long time, so you guys are not supposed to live there to begin with. So that's when my family knew. They told me to contact Tom Friel, so I did, and Tom Friel said because I am not the owner, I have to call Ka Xiong to contact him. So, I have told Ka Xiong many time and my mom have did too and she says she will do it and then it's been two weeks and she haven't call and then the Fire Inspector called me again saying that you guys haven't done anything, so if you guys don't file an appeal, you can't live in that house anymore. So, that's why we are here.*

*Moermond:*

*Ms. Vang, do you have a Fire C of O application for...who maintains the house. Who puts up the smoke detectors, takes care of repairs. Is that Ka Xiong Moua, is that you guys?*

*Ms. Chang:*

*That would be my brother and us. We just graduated from college.*

*Ms. Chang:*

*Before that, it was my dad. But he just passed away, so now everything is on us. And we don't know a lot about many stuffs.*

*Moermond:*

*Here's why I am asking. If one of you guys becomes the responsible party for the property, then we can start talking about getting an inspection and getting things underway. However, you can't do that without Ka Xiong Moua saying I am giving them the right and the responsibility to be the property manager. She has to fill out a form and sign it. That's kind of a bid deal.*

*Shaff:*

*The property owner is your mother's sister?*

*Ms. Chang:*

*I don't know if this is related, but recently, I tried to do the Contract for Deed.*

*Shaff:*

*You did?*

*Ms. Chang:*

*We are still paying her the \$10,000 that she set the house value to. After that, she said she would transfer the title to me.*

*Shaff:*

*If you have a Contract for Deed, it needs to be filed down at the County.*

*Ms. Chang:*



*I did.*

*Shaff:  
When did you do that?*

*Ms. Chang:  
Um...[inaudible]*

*Shaff:  
[inaudible] bank [inaudible] then you are the owner and we don't have to talk about this any more. May 30.*

*Moermond:  
Of this year?*

*Shaff:  
Yes. Fees are paid, Contract for Deed...*

*Moermond:  
Fees are paid to file it, you mean?*

*Shaff:  
Yup.*

*Moermond:  
Let's get that scanned and put in the record. And then I have only good news for you after that.*

*Dornfeld:  
FYI, there is a Vacant Building fee assessed back in January.*

*Ms. Chang:  
Oh dear.*

*Shaff:  
We're working on it.*

*Moermond:  
Council ratified on April 17. Pretty recently. We are going to do two things today. The first one is that with the Contract for Deed, you are the owner, you are not required to have a Fire Certificate of Occupancy. I am going to get you out from under the Vacant Building Program and out from under the Fire C of O program. I am going to grant your appeal on that. There's one problem and this hopefully will be corrected moving forward. Because you were put in the Vacant Building Program last year, the City has an annual fee to be in the program. It's \$2284 once it's assessed. It looks like the notification about that went to your auntie. And she didn't do anything about it. So, there's an assessment approved by City Council to put it on the tax bill. So, your tax bill in 2020 is going to be \$2284 more than it otherwise would have been.*

*I am going to ask the City Council to go backwards and undo that, which...so Ms. Vang is going to have to prepare a resolution and it's a little bit more complicated. But we are going to see if we can't get that off the taxes for you. All right?*

*I don't think we have anything else. It looks like there's a couple of garbage bills out*

there that you guys are aware of.

Ms. Chang:

Yes, with that, the bill has been going to my aunt and she hasn't been notifying us, so I think it's been like six months, that we haven't paid.

Moermond:

Right. Do you know who the hauler is, for your area? You want to call Advanced?

Ms. Chang:

Advanced?

Moermond:

Sounds like Advanced is your hauler and let them know.

Shaff:

Is there a telephone number on the side of the garbage can?

Ms. Chang:

Yeah, they came and took that can.

Moermond:

Write this phone number down. The gentleman's name is Chris Swanson. He is on 651-266-8897. He is a City employee who supervising the garbage hauling. Tell him you had a hearing with me and the bill should be switched to your name and the Contract has been filed with the County. He can call me if he has any questions.

Ms. Chang:

For the bills for that, will we have to pay for it or should we talk to him about that?

Moermond:

You will have to pay for that. As the owner, it would be assessed against the property.

Ms. Chang:

Thank you.

**Referred to the City Council due back on 7/10/2019**

**13 RLH VBR  
19-36**

Appeal of Robert Gotch to a Vacant Building Registration Fee and a Condemnation and Order to Vacate at 935-937 SHERBURNE AVNEUE.

Sponsors: Thao

Grant the appeal.

---

Robert Gotch appeared

Moermond:

We are looking at a Vacant Building Registration, an order from Mr. Magner, from Shawn Westenhofer.

Matt Dornfeld, Staff:

We received a complaint from the St Paul Regional Water Service Department that the water was shut off at 937 Sherburne Avenue as of April 11, 2019. Inspector

*Westenhofer followed up on the complaint and issued a correction notice to have the water restored on April 15, 2019. As of April 24, 2019, that water had not been restored and so, Inspector Westenhofer went and condemned the home because of that and also documented that there was a missing cover plate on an exterior wall outlet next to the front door on the front porch.*

*Moermond:*

*I had a question about this one. This looks to be a duplex, yes? I'm seeing that both 935 and 937 are addresses on it. Does that mean the water was shut off to one of the units, but not both? Or was the water shut off to the whole property and 937 is the legal address.*

*Robert Gotch:*

*935's been shut off for years.*

*Moermond:*

*So, 935 is down.*

*Gotch:*

*937's the only metered side.*

*Moermond:*

*What's been going on on the 937 side?*

*Gotch:*

*I'm sorry?*

*Moermond:*

*What's been going on on the 937 side?*

*Gotch:*

*The bill is actually sent to my ex-wife's home, out in Afton, and I never received the bill, and ex-wives being ex-wives. I work out of town so I'm in town only a couple days every few months and when I got back the notice was on there, pay the bill immediately and here we are.*

*Moermond:*

*Right now, the legal address for the two of you, with Ramsey County Taxation, is 16040 15th Street South. That's the ex-wife's home. That's been changed now, through the Fire Department when I paid the bill.*

*Moermond:*

*Whenever this comes up, it's going to keep populating as being your property jointly. Both your names are on that property. And I don't know if that's something that you've dealt with...*

*Gotch:*

*That's being worked out between a financial [inaudible] throughout the divorce right now. Yup. I can't homestead it until that has been worked out. It's my primary place of ...*

*Moermond:*

*This is where you live now.*

Gotch:  
Yah.

Moermond:  
*The water is back on, Mr. Dornfeld?*

Dornfeld:  
*Indeed. It has been restored.*

Moermond:  
*I'm going to recommend the Council grant the appeal, then.*

Gotch:  
*I'm sorry. I have a hearing aid, so the echo in here is phenomenal.*

Moermond:  
*Your appeal is granted.*

Gotch:  
*OK. Good enough. Thank you.*

**Referred to the City Council due back on 7/10/2019**

### 3:00 p.m. Hearings

#### Other - Water Bill

- 14 RLH OA 19-3** Appeal of Vang Xiong on behalf of Phia Xiong to a Water Service Bill at 416 HOPE STREET.

*Recommendation is forthcoming.*

---

*Vang Xiong appeared on behalf of Phia Xiong.*

Moermond:  
*I think we have met before, Mr. Xiong, in appeals?*

Vang Xiong:  
Yes.

Moermond:  
*Phia Xiong is your brother and he is the guy who lives here.*

Vang Xiong:  
Right.

Moermond:  
*And we've got a pretty high water bill. Appears to be a result of an ongoing leak problem. And what I would like to do is to start with a staff report from the Water Department and have them walk through how that leak was identified, resulting bill from that and what their usual procedures are. Then talk to you about why you are appealing and what you are looking for in this process. We will see where we go from*

there.

Mr. Olson, maybe we could start with what kind of money are we talking about here?

Derek Olson, SPRWS:

They did not give me the dollar amount. The one page I have says \$967.63.

Moermond:

Is the current balance.

Olson:

Is the current balance, yes. \$99.64 of that was because of a damaged meter, was because it froze the end of January, beginning of February. And then the remaining portion is \$867.99 which was the water billing portion itself. They used it looks like, 137 units of water, in a three month period.

Moermond:

Those three months being?

Olson:

January 4 to April 5.

Moermond:

There were some notes about communication between customer service and Mr. Xiong about the bill. Can you highlight some of the conversation that has happened?

Olson:

Sure. So what happens is we've started an initiative to try to help identify water leaks, so any reading that comes in on a single family home or a duplex, with 75+ units of water and are identified with an intermittent or a continuous leak, our meter operations manager does a filter for it and gets a report. He will then try to contact each person on that list. We contacted ...

Moermond:

That's Jerry Ludden?

Olson:

Yeah, that's Jerry Ludden.

Looks like we contacted this property April a year ago and had some conversation and then once again on April 8 of this year. Talked to [inaudible] believed he talked to Vang about the high water usage and a continuous leak. They will replace the flappers and fill valves, both toilets, and watch the video to make sure the leak has stopped. The following day, Jerry and his assistant, Joe, went out to try to help and I believe they had conversation. From what I was told, it wasn't very receptive. They tried to show the meter, weren't really interested, saying they don't have a leak. From there I don't know what was exchanged, but Jerry said I'm not getting anywhere, so he [inaudible], tried to leave Joe to help and we changed the meter out and tried to show, look it is still running. Now that we turned the water back on, it's running somewhere. Something is leaking and the person didn't want to look at the meter, didn't want to go through the house, just wanted to basically talk and not take the information. They left at that time.

Moermond:

*Am I hearing you say we have the January through April leak and was there also something last year?*

*Olson:*

*There was something last year. Like a year ago, there was 80 units of water used and we tried, we just made that phone call again, because it was that 75+...*

*Moermond:*

*How many units did you say, 85?*

*Olson:*

*80 exactly. So on April 10, 2018, Jerry believed he talked to Phia about inordinate high water usage at the...*

*Moermond:*

*Is it Phia or Phia?*

*Vang Xiong:*

*Phia.*

*Olson:*

*Jerry believes he talked to Phia at that time. They were replace flappers and check the toilets. Phia was driving and did not have a pen to write down the information. So referred him to the office phone to discuss high usage. In July, there was still an intermittent leak. Joe, which is Jerry's assistant, says he talked to the owner; he is going to check the property for leaks. On July 25, "Mr. Xiong was returning our call, we had called him because of high usage and bill was returned from the Post Office. But mistakenly thought we had called because he needed to pay his bill. Since he set up on autopay, we thought the payment didn't go through, which is why he went ahead and paid the bill with his credit card. We were actually calling because of the usage."*

*Moermond:*

*How long does it take you folks to identify when there is high usage? If something broke at my house, or I forgot the garden hose running, or something like that, how long before you at the Water Utility would see that as a high usage situation?*

*Olson:*

*With accounts with a 1" or smaller meter, we only read them every three months.*

*Moermond:*

*So, is a residential account then...*

*Olson:*

*Residential usually is a three month, quarterly account. There are some that are monthly, because they have big meters. Some houses on Summit where they have...*

*Moermond:*

*Really big buildings.*

*Olson:*

*Bigger homes with a higher supply for water.*

*Moermond:*

*Maybe big home with a sprinkler system.*

Olson:

*Sprinkler system. Pools, stuff like that.*

Moermond:

*In this particular case, it was identified in April that there was a high usage, so you get on the phone right away, you say, for the second time in a year, you've got this really high usage. And you go out there and change out the meter to make sure it isn't a meter malfunction.*

Olson:

*Right. We went out to try to help and they [inaudible] at the time, that there was a crack in the bottom. The way the meters are designed, if they freeze and they break, they don't want the sides to break where's there's water spraying. They want the bottom plate to break, then it doesn't go through the meter, it will go out the bottom. Usually, the meters are down in what we call a pit. So if it's a big leak, you are going to have a problem. But smaller cracks, smaller leaks, they will kinda absorb into the ground. So, this one had a crack in the bottom. And that's why they had that charge, for the damaged meter.*

Moermond:

*So, you've got a damaged meter and you changed it out and put in a new meter. And I think you said it continued to run, even though there wasn't running water in other parts of the house.*

Olson:

*What we did when we changed the meter out, our newer meters that we're getting more recently, we can be outside and we can do what we call a data log and the data log tells you what the reading is right now and if it was leaking or not leaking. It's not something we drive by all the time. We drive by them on accounts that we are trying to help people, accounts that we are worried there could be something wrong and we are not getting a response. So, on this particular one, we drove by on May 1, so we replaced that meter on our visit there, so right around April 10 or so. And on May 1 it still had a continuous leak. A continuous leak means...our meter will store a reading every 15 minutes of the day, and then continuous leak means, on every reading taken during the day, there was some sort of usage on that meter. We also have what we call an intermittent leak, which means half of those readings in a day are triggered to be an intermittent leak.*

Moermond:

*I don't know if either Mr. Xiong received this spreadsheet with all of these readings.*

Olson:

*There is a more recent note. On May 15, we received returned mail. Mailed a copy of the data log graph to [inaudible]. Not deliverable. And on June 5, it said returned mail. It was written on the envelope Phia Xiong no longer lives here.*

Moermond:

*When was that dated?*

Olson:

*June 5.*

Moermond:

Of '18?

Olson:  
This year.

Moermond:  
'19. I think we are talking about Phia Xiong? He still owns the house? Or did he sell it?

Vang Xiong:  
He still own the house. I know how he [inaudible]

Moermond:  
I am going to recess for just a minute to ensure you have the same data in front of you that I have in front of me.

Vang Xiong:  
I don't have anything except this letter.

Moermond:  
The information was mailed to Phia but was returned.

Vang Xiong:  
Was that certified mail.

Olson:  
First Class.

Moermond:  
To the home. It's not something that would be a certified thing. The copy will be in the room in just a second.

[hearing is paused for copies to be made and provided to Vang Xiong]

All right, so that is a very detailed read of the usage on the account. Especially the second page, these are the actual usage figures. Then we have, starting on the third page, the log report, that looks at consumption and so, you were just saying, I am looking at this report and you are talking about periodically checking it, you have noted here, in the last column, "leak intermittent." You make that determination, or a computer makes that determination, how?

Olson:  
The meter makes that determination. It stores a reading every 15 minutes in the memory. Intermittent means that half of them readings in a day, and they could be scattered throughout the day.

Moermond:  
So when I get [inaudible], I'm not going to have a reading.

Olson:  
You should. If nobody is in the house and all the water is off, it should be nothing. As you see on there, you will get readings every 15 minutes. Looks like every hour. So half of those readings in a day, there was some sort of usage. Out of the 24 hours, 12 times that meter moved in the course of a day. Now, it could be significant use, it



could be minimal use. It just means that the very last digit, at least, moved. A couple of drips in an hour could make that meter move. It may not be a billable amount, but one of the none digits have moved.

Moermond:

So this is, basically, documentation that there has been meter movement much more frequently, and at a higher usage, that you would experience if there weren't a leak.

Olson:

Right. And now with duplexes, we have a little bit harder time, because if you have one family upstairs and another family downstairs. They are home during the day, whereas the other aren't. Vice versa. It's a lot harder for us to narrow that down and say you have an issue, because we just don't know what people's habits are.

Moermond:

Right. Somebody could live at home and work out of the home or whatever.

Olson:

Right. Personally, my mom and dad's account is always on intermittent leak because my dad works nights. So during the day when you would expect no usage, he's at home, using water, using the house. Then my mom comes home, she's using it. So, a very small portion of the day, nobody's using water.

Moermond:

Looking at the history and the billing, it looks like there have been some high bills going back as far as this account statement goes. In the 296, 428, 165, ...460, 517, 629, 462, 730, and now 967, so the six most recent bills have all been in excess of \$450. So that's a lot of money; that's a lot of water. I feel like I've got a handle on the usage, so maybe you could tell me a little bit about why you are appealing and what you are looking for, on your brother's behalf.

Vang Xiong:

I just want to let you know, anything that was say, I [inaudible] disagree with that. In 2018, I recall that somebody maybe coming once. In July, in the summertime, because they have a little [inaudible] in the side, in the back. And I have been hire somebody to inspect it. I personally check it for things leaking, I called it back and tell them no. The reason I appeal for this is that, I think that the St Paul Water Department was prejudiced and biased, based on, when they came to the house, the two gentlemen came to my house and they contact me on the same day. I really responsive, I came on same day. I say let's come out. I told St Paul Water Department you are saving my money; you are saving water. Why not. We came right the next day and I check again. I check the first day. I don't know which day was it. OK. Then I call back and say just to let you know, the water meter was broken somehow. Water is everywhere. Constantly spray around everywhere in the basement. And here's the thing. My [inaudible] and the people live up in the building, they have water. We don't notice any leaking in the basement. That basement it's a crawl space. There's the water heater and then just a crawl space. OCRAWL, it's a [inaudible] right there. Nobody live in there; nobody go in there. So, if you look at the data, it making sense a little bit high, but it's not high when the water meter was broken due to the weather. The weather this year as you know, the record, it's at the highest record in any year. And the two gentlemen came into that and Jerry, I think, was one. He was screaming and yelling to me when I disagree that he said to me. He put a finger everywhere on my investment and said look at this, your house, this is a hole here, this is a hole here, that's why this is broken. I said I don't know that. But I

do know that the meter was malfunction. He disagreed that. [inaudible] I said no. I still think that because this meter. He told me that this meter was approximately in St Paul, 2012, everything was, every meter was installed. So, I want to tell you that from now that from 2012 to this year, no problem. My house is, late comers, I [inaudible] become the owner the property. I am OK 2012 to now. And I want to tell you the reason I appeal is because the water meter was malfunction. That's my feel. And I ask, I will pay no more bill. I am Asian; we have more people, five year, four people, two little kids, age 5 to 7 and two couple. So that's a little bit high but I don't know how they use it. When [inaudible] 137 unit, it's from January to April. [inaudible] prejudice is based on when they came, he was pointing finger everywhere, screaming at me and they say they don't listen to me. I was intimidated. I was scared to death when they were saying to me. Just go. OK? Go. I think Jerry say, I never say anything to them, he say you think I'm a cheater, I'm cheap. I say no, I never say that word to you. I want to tell you the reason I appeal is that it is malfunctioning. If you look at on the record, Olson just saying from January 4 to April 5, it's 137. It make sense to anyone that it's high because of malfunction of that meter; it's broken. So I want to asking you that behavior from those two staff, I am Asian, small, five feet, skinny guy, I can't fight them. I using appropriate language for that. As of right now, you can see that I was nervous here. I speaking to them. I using, I don't using any improper words, I using, that your meter was malfunction. Can I appeal? Can you tell me who to call to that? They refuse to that. Because I think it was unfair, they won't give me any instruction. But they forcing me that because of this. That's the point, I was scared to death. It's close space. Dark. It's wet and so, it make sense to you, any homeowner, look from January 4 to April 5, it's 137. It's unusual. I want to tell you that I told them, so Jerry and the guy talked to their supervisor and I actually called in St Paul what had, I talked to a lady. All they saying is that, they have a negative perception, we don't cooperate. I want to tell you that why, why should we, my brother and I refuse if we had to pay the high bill. Doesn't make any sense. Why do we cooperate with you and to save our money? This is prejudice and bias. I am going to tell you why. May 15, they have [inaudible] lady call me and yes I talking to her and I say yes I will cooperate with you but can you show me it's still leaking? And they say yes, it's still leaking. I say that how you sure, how sure you are. I say can you sent me the statistic? She say she will send it to me. And I guess they sent it to 841. They never sent it to me.

[attempted interruption by unknown speaker]

No, let me finish. May 15, 11 o'clock, we make an appointment and I was busy because I was immediately schedule so I say can we meet on May 22, which is next following week at 11 o'clock. We make on that. I hire another private inspector to inspect everywhere. He say no problem, no leaking. I personally visualize it, nothing is leaking on there. OK? I talking to Joe right after the May 15. Joe said I'm not certain. Our detect material is not certain, because we don't know if the people are still using it, using the shower, doing dishes, wash up, so we are uncertain to tell you whether it's leaking or it's not. So, we schedule for May 15, I completely agree with that. I went there, quarter to 11, St Paul Water never show up. I request those data reading to me. I don't care if it's regular leaking from before to now. All I say is the meter was malfunction. So, please prorata on that. I'm not saying I'm not going to pay the \$900. I am saying I will pay on what's previous. So I want to tell you that City Council cannot lay...

Moermond:  
Not City Council, Water Board.

Vang Xiong:

Yeah, Water Board do not let people such as this, and if you believe or not, I have a record of they come and intimidate me. I have a recording on my phone. But I wanted to leave, unless I go to higher level. But I want to tell you that. This is true. I asking the Water Board to prorata and I would like them to come and do it again. Because they are telling you they think I am an [inaudible]guy, but I will tell you why they didn't show up on the 22nd. They did not come. I talking to them. I am sure they are recording conversation [inaudible]. [inaudible] come and say you use too much water. I said do you know why the water is too much. [inaudible] She say I don't know, my boss told me to call you. I said the water meter was broken, it's malfunction. Go back and talk to your supervisor. OK? So these think that the guy came and I say can I talk to the [inaudible] I [inaudible] in front of the water meter when they came in the basement say can you talk to Water Department, please prorata it. I begging them, prorata it. They say no. Don't you understand, your house has holes. You see that? You see that hole? Your house broken. [inaudible] causing the broken. I want to present to the public and say Jerry, the supervisor of the Water Department, say approximately each year 200-400,000 was broken.

Moermond:

I didn't understand that last thing you said.

Vang Xiong:

The last thing is Jerry, the Supervisor of the Water Department, he said, he admit, that 200 to 300 water meters were brokened, malfunctioned. Do you understand that?

Moermond:

I'm not stupid, I get what you are saying.

Vang Xiong:

OK. Jerry, the Water Department, saying approximately 200 to 400 water meters were brokened around St Paul. Am I correct?

Moermond:

We are talking about your meter right now.

Vang Xiong:

Right. So, I am just saying that, I am trying to say that, my is part of that 400.

Moermond:

Just to be clear, you aren't the owner or you are the owner.

Vang Xiong:

I am the owner. I contract for deed to my brother. So whatever you call it.

Moermond:

No, it's not whatever I call it, it's who is the owner. So you have sold it to your brother on a Contract for Deed.

Vang Xiong:

Right.

Moermond:

Your brother no longer lives there, but he still is paying on the contract to you. So, you are the bank, basically. And he is...

Vang Xiong:

*I don't know where they got it that he is not there, but ah...*

Moermond:

*I just wanted to make sure I was understanding what role you each have with the property. So, keep going.*

Vang Xiong:

*I'm still the bank, so all I asking you is to prorate it, based on this. I not going to be for after, and even after I open the door tomorrow, they can come and check on that. Saving my money, saving the water. But the question, they did not show up on May 22 and again I don't ask prorate before after, but looking on the 137 units, it's the coldest time of the year that the water meter was broken, so please, I not saying I'm not going to pay the \$900. I will pay, but please prorate it. That's all I asking.*

Moermond:

*What would be different if you had met them on the 22nd?*

Vang Xiong:

*Then they would detect it if it's leaking, then where to find someone to fix it. Everything, but, they did not show up.*

Moermond:

*OK. Do you have any other comments?*

Vang Xiong:

*The comment is that I will comment to look at that but I am asking you to prorate that bill. I wanted to pay based on my regular maybe summer of 2017 but I wanted to ask them, please cooperate and [inaudible] they keep saying Naly, Jerry said we send a detector out to me and show it is leaking and they never do. And I think when I asking comments is that please [inaudible] even I have broken language, I am Asian. Please treat me in nice way, OK? If my behavior is inappropriate, I am sure they calling the police. But I am saying it's malfunction. And I think that, when I ask resources, they refuse. All I'm saying is that behavior was completely inappropriate, I was scared to death. And also this is true [inaudible] he never mentioned about the May 15, [inaudible] so I want to asking you, please come and detect again. And if not, call me. Why don't I save my money and save the water?*

Moermond:

*OK. Any other comments? At the moment?*

Vang Xiong:

*I...*

Moermond:

*We will come back to you, then. What I am going to do is, Mr. Olson had some additional comments and so I will turn it over to him and come back to you if you have other things to say. Yes?*

Olsen:

*On May 7, Naly, which is a Hmong speaking meter operations clerk, did have a conversation that we had an appointment on the 8th. I know that's not quite the 22nd, but there's a little bit of a battle between...*

Moermond:  
Spoke to whom?

Olsen:  
She says she called Vang. Vang did not want us out there unless we were going to fix the leak and work on...at no extra fees, wanted us to come out and fix it. Naly states here that she never said we would fix it; we would try to help him locate the leak. And then May 13, we received a voicemail, in Hmong, in the afternoon, when Naly was at lunch, the gentleman did not state his name but stated that he had a professional plumber come out and repair the leak. He requested a reading verification to check if still getting any leak. Before we go out there, this Wednesday, we will put in a verification reading today. So, with that being said, on May 1, we had a continuous leak, on May 7, we still had a continuous leak, on May 14, the day after we received the voicemail, it was not an intermittent leak. Which means the leak was moving in the right direction. My fear at this point, if we went out there, say tomorrow, we wouldn't be able to track down a leak, because we don't believe they have the same leak anymore. Something may have been fixed. Which is great, because it brings down their usage for the next bill.

Moermond:  
You had told me earlier, Mr. Xiong, that the plumbing inspector confirmed you had no leak, and I am hearing that there was a phone message left in Hmong at the water utility saying you had a plumber come out who fixed a leak.

Vang Xiong:  
After the May 15.

Moermond:  
So, there was a leak that was identified by a plumber. And he repaired it.

Vang Xiong:  
We do not know, but he checked and said it might be leak in toilet but he said it's a slight little and not anywhere else, sink, shower, anything. Not an even drop.

Moermond:  
What I am hearing the Water Utility Staff say, though, is that it showed a continuous leak, a plumber came, the next day it wasn't continuous leaking anymore. And so, it does sound like the plumber had an intervention that resulted in decreased water usage the following day. And then it's been low since then.

Vang Xiong:  
I don't understand what you are saying. All I am saying is that as is I know that I talked to the office they have too little kids and I gave them instruction, don't let them play the water. I want to tell you that I asking them please come detect it. So that if it is make a difference. They didn't come on the...I say can they do anything, detect before the May 22, so that we know for sure, because I really want to get a fix. And I forgot everything I talk on the phone. You got taking notes, but in Hmong, Naly did indicate yeah, if they find it, they will fix it. And I am telling you, that's one of the things that I forgot to mention. But I saying that, I saying that, we will do the best we can. OK? And so that, on the 22nd, she, they never show up and a quarter after, quarter before 11, quarter after 11. And they never showed up. So what you are trying to say, I don't understand what you are saying. I don't disagree what you are saying. What I am saying is that the one question is that, if you look on the history, the data

here, the water meter must be brokened, between January and April, which the code is here. We don't know which day was it but that high, 137, in the history, call me to Jerry and you see that, no such that. I appeal this. Is unfair to me. You mention that I am your son or you are in the house, the meter was brokened. Between that and that and that is the highest in the record, in the history. So, I was to appeal to you. I think it is unfair to me to pay because of the malfunction of that. And it's not just in my house; according to the Water Department, it happen in St Paul, right now this year it frozen for any reason it can be broken. And to just let you know, I don't know if you understand me, but according to the two gentlemen who came to my house, they are saying that meter was built so if frozen, something broke on the bottom. That's what they say to me; that's what I understood. Yeah. So, I am just telling you that I would love to prorate it. I would like that. And also the question of in the future, in the future, I am more than happy to do this, to open the door, save my money, save the water, why not. For example today, must be miscommunication, must be tension because I am Asian. How can I prove that? Like May 22, they never come out, they never show up. What is that?

Moermond:

You said that many times and the implication of them not being there on the 22nd was that you didn't get the data. It sounds like they sent the data to Phia and that they received it return mail. Phia, being the owner of record, would be the right person to send it and Phia was the name on the account.

Vang Xiong:

I...

Moermond:

I'm going to talk now for just a little bit now and we'll come back to you. I want to ask, when a meter breaks and we've got the bottom breaking out of this thing, the water that passes through the meter, we've got the leak coming out the bottom, we've got the water coming through and being read, being used. What happening with this?

Olsen:

So, the pressure from the water, when you turn your faucet on, there's like a little box that's on a gear and it's kinda like you would see on a mill, how the water pours down, it catches it and turns the mill. Well, this sits flat. And it will turn. The bottom breaks, the water is directed through the bottom, not through the other end. The way I'm told it's being designed, the water is not pushing that gear to turn the meter.

Moermond:

So the water that goes into the basement never gets metered.

Olsen:

That's what I am being told.

Moermond:

That is what I have seen when I have been out at the shop and looked at how the meters work. The leaked water isn't read.

Olsen:

Right. It goes out through the bottom, not through the other end that turns that gear. The gear is what turns the digits on the meter. Kind of like your car.

Moermond:

*The frozen meter, tell me about the Water Utilities practice for frozen meters. Sounds like Mr. Ludden had said the basement is very cold and the basement being very cold created a situation where the water meter froze. What's the implication for that? Why is that?*

*Olsen:*

*The responsibility of the owner is to keep the property where it's not going to cause damage to our meter. And I know, I don't know if I spoke to him or Phia, but I am the one who got the phone call after Jerry and Joe left there. And I kept being told that we are saying they have a crappy house. I don't believe they were trying to say the house was crappy. I think they were trying to point out you are going to have this issue when it gets really cold because there is cold air coming through these holes and that if you don't get this fixed, this could cause this problem every winter. So with that cold air coming through these holes, that water in there, it builds up and ice builds up in there, and then finally, that bottom will break because of the expanding and contracting. That's why that plate on the bottom broke, because of, we believe, ice in the meter. On that data log, where the graph was all red, then went to white, and then back up to red. That means that on those days, that meter was frozen, it wasn't turning at all and that's when the damaged meter happened.*

*Moermond:*

*Ok.*

*Vang Xiong:*

*I would like to respond to that.*

*Moermond:*

*I would like to take a couple notes here and ask a question.*

*So the charge in the statement that I am looking at, the \$99 as a frozen or damaged meter, that is charged to the customer then?*

*Olsen:*

*That is charged to the property. Whoever is paying the bill, it is charged to them.*

*Moermond:*

*For not maintaining a temperature high enough to keep it from freezing.*

*Olsen:*

*Correct.*

*Moermond:*

*That is a standard charge. Is that the cost of the meter or something?*

*Olsen:*

*That is the cost for that size meter. The bigger ones are more expensive.*

*Moermond:*

*So there's not a labor component to that charge. Just the mechanical meter that is charged.*

*Olsen:*

*I believe it is for the repair of that meter, so for parts and the labor. It's for that.*

Moermond:

OK, so, you had another comment, Mr. Xiong.

Vang Xiong:

I want to tell you I agree with the water meter that prorated it but I disagree with anything that with the malfunction water meter and saying that the labor and the mechanical of the water and the way I talking to them, is, the two gentlemen said to me we're really really upset and they keep yelling at me because I said can you leave the water meter in my house because I don't trusting in it. And the way the water meter is like this finger. So the top part, the white part, the water is not leaking seriously on the bottom of that. The water is making [inaudible] like water pressure is just go right here like. The bottom has black part. The top part is white water, so it's leaking right here. [inaudible] for my residents, because it's some thing that it wasn't broken like Olsen said it's leaking on the bottom. It wasn't. I also look at closely. I inspect it and the day they came and so it look like this, [inaudible] the water is just coming like that on the meter on the side, not on the bottom. I feel that I please, just let me prorate and pay the water usage. But please don't let me pay for the water meter. Just like you know the reason he says is that is not about my house, it's a crappy house like that. Again, everyone know, you know, that the coldest year of the last 10 years in here in Minnesota. So any house that maybe a little bit moisture down there and close space like that. You have and the Water Department admit about 200 to 400 meter malfunction, was broken like I have. So I am going to ask again, don't prorate the \$90 for the meter and the cost of the labor, because it's typical. Please don't let me pay for that. But I would be responsible for prorate it, I would pay for that. The usage the water. Second thing I repeat, I am more than happy to come check it, the next couple days, the next week, schedule and please show up. So I want to tell you please, prorate it, don't let me pay for the \$90 for the labor and for the water replacement. I think that is unfair for me, I want to tell you right now, please. I responsible for the usage of the water.

Moermond:

OK. Did you have any documents or anything you want to submit for the record. You said you had a plumber come out. You talked about how the water was leaking. Did you take a photo? Is there any other information you want to give me?

Vang Xiong:

I don't have...I do have some other...but I don't release to you.

Moermond:

That's fine. If you want me to consider it, now is the time to give it to me.

Vang Xiong:

No, because like I said, I want to keep the water meter. They got to admit on that, they want to take it. But I [inaudible] right now, I know you are recording the conversation right here and I want to say I am more than happy to pay for the prorate of the water usage.

Moermond:

You have said that dozens of times. I want to also say you have very specifically, and at least a half dozen times, mentioned that you are discriminated against because you are Asian. And if you believe that there is something that happened in this process because of that, I will refer you, once again, and I think we talked about his in the past, refer you to the Human Rights Office and you can file a complaint with Human Rights and it can be investigated. You did not want to submit anything. You said you



*recorded the conversation but you haven't submitted it for consideration in this setting and so I don't know anything. I am just able to look at the mechanical information right now in your case. I wanted to specifically call out that you had said that. And to direct you to the correct venue for resolving that if that is indeed what you want to do. It sounds like you want to do that, if you don't get what you are looking for today, which is fine.*

*All right. I am going to take this under advisement and look for additional information on the meter type. And then I will make my recommendation, in writing, to the Water Board and you will be copied on it. OK?*

*Vang Xiong:  
So you just [inaudible] with me in writing?*

*Moermond:  
Yes.*

*Olsen:  
One thing I forgot to bring, this is my first time doing this so I am a little bit unprepared. We do have pictures of the meter. Where it was broken. So we can submit those.*

*Moermond:  
That would be great. Do we have an email address for you.*

*Vang Xiong:  
I don't know. I know Jerry has it and they also sent to the wrong address.*

*Moermond:  
What is your email address?*

*Vang Xiong:  
VangXiongus@yahoo.com But Gmail, Hotmail is not mine because St Paul Water has leaked information to somebody else, but they G with an H.*

*Moermond:  
Did you sign in today, with your information. That way, we will have your phone number also. It would be helpful to have all your information in one place.*

*When the Water Utility provides me with that additional information, I will make you get a copy of it. We will email it to you. And you will receive the letter via email. Do you have a current address for Phia?*

*Vang Xiong:  
Currently, he is staying there so you just send it to me. Because my brother, a little bit English, just send it to me, anything.*

*Moermond:  
We can have this translated into Hmong. Frankly, because his name is one the bill, I would like to do that. I understand you are representing him but I would like him to be...*

*Vang Xiong:  
Just send it to 416 Hope. Should be good.*

*Moermond:*  
*He is still living there, then.*

*Vang Xiong:*  
*Yeah.*

*Moermond:*  
*I think we have everything we need, for now. Thank you for signing in and we will get back to you as soon as we can.*

*Vang Xiong:*  
*Can you give me the Human Right resources.*

*Moermond:*  
*They are just on the second floor, so if you go down a floor and go over.*

*Vang Xiong:*  
*OK.*

**Referred to the Board of Water Commissioners due back on 7/9/2019**