



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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651-266-8585

Tuesday, August 6, 2019

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 19-603** Ratifying the Appealed Special Tax Assessment for property at 622 BUSH AVENUE. (File No. VB1911, Assessment No. 198822)

Sponsors: Busuri

If work completed by Monday, September 16, 2019 reduce assessment from \$2,284 to \$1,142, otherwise approve.

Ms. Carolina Mudoy, Spanish interpreter, appeared.

Mr. Abraham Resendiz Rubio, property owner, appeared.

Staff report from Supervisor Joe Yannarely: Cat 2 vacant building, originally opened as a fire exempt in January 30, 2018. It is now a Cat 2 vacant building, Ms. Moermond granted a fee waiver Jan 20 of this year to allow time to rehab the house. It has not been rehabbed yet, multiple open permits. The fee is \$2127, service charge of \$157, total \$2284.

Mr. Resendiz Rubio: I came and I talked to you before, and I was projecting I would finish in 6 months, in August, what I want is that you don't charge me the full amount, just for the 6 months. I explained when I got the house no one explained to me it was a Cat 2, I got confused because I didn't know I had to pay the fee every anniversary, because I bought the house in April, and I didn't know, it was the first time I had to do that.

Ms. Moermond: the fee isn't when you bought it, it's when the fire happened and it went in the program.

Mr. Resendiz Rubio: that is when I told you that I didn't know.

Ms. Moermond: I understand, I just wanted to be clear about the time period.

Mr. Resendiz Rubio: I just understood the first time I came here with you.

Ms. Vang: Jan 22, 2019 is when he appealed the Vacant Building registration renewal,

and you gave 90 day waiver, and at that time Ms. Moermond said if it takes more than 90 days, he will get a letter to appeal the assessment.

Ms. Moermond: when do you estimate you'll be done. Previously you said end of August.

Mr. Resendiz Rubio: Basically, I have been stopped by the gas company because the meter is inside the house, and they want me to move it outside, I've been talking to them for 2 months, and they don't solve it because they tell me they are going to come tomorrow, if there's no gas I can't present the finals.

Ms. Moermond: who was he speaking with at Xcel?

Mr. Resendiz Rubio: a supervisor.

Ms. Moermond: before you leave make sure you sign in and give me contact information, both email and number, because I can reach out to Xcel to make sure they're contacting you with someone who speaks Spanish. I am willing to prorate that but only for half the year. If he goes longer than that it will be the full amount.

Mr. Resendiz Rubio: I should be done by the end of August.

Ms. Moermond: this in front of City Council on September 18, 2019, if you're done by Monday September 16, I will recommend it gets reduced by half. If it's done after that, you're well over half a year into the fee, is it useful for the year to be divided over multiple years, or is that not necessary? There is 4% interest.

Mr. Resendiz Rubio: I can pay the full 6 month amount.

Ms. Moermond: and if he doesn't make the deadline, does he want a couple years to pay that?

Mr. Resendiz Rubio: a year is fine.

Ms. Moermond: he will get an invoice within a week of the public hearing, that invoice will be for the amount that was approved, and if he doesn't pay by the beginning of November it goes on the 2020 tax bill for the property. I will call Xcel but you need to work with them, and provide your information so we can tell you who we talked to and what the expectation is. Do you have any questions?

Mr. Resendiz Rubio: Can I still ask for the permits to put some breakers?

Ms. Moermond: he wants to pull an electrical permit himself? Are you a licensed electrician?

Mr. Resendiz Rubio: no

Ms. Moermond: because it's a vacant building, he needs a licensed electrician. If it was your own home you could pull a permit yourself.

Mr. Resendiz Rubio: but it's not an investment property

Ms. Moermond: no, it doesn't matter, no one is living there.

Referred to the City Council due back on 9/18/2019

2 RLH TA 19-604 Ratifying the Appealed Special Tax Assessment for property at 171 GRANITE STREET. (File No. VB1911, Assessment No. 198822)

Sponsors: Brendmoen

If work completed by Monday, September 16, 2019 reduce assessment from \$2,284 to \$1,142, otherwise approve.

Mr. Burget, owner, appeared

Mr. Visenmeyer appeared

Staff report Supervisor Joe Yannarely: This is a Category 2 vacant building that was opened on April 19, 2017, there are open building and electrical permits, the annual fee is \$2,127 with a service charge of \$157 for a total assessment of \$2,284.

Ms. Moermond: Ok, so it's been in the vacant building program for over two years. Why are you appealing?

Mr. Visenmeyer: things are pretty much done, but we've been slacking, we have a project in Taylor's Falls, that's almost done. We need the water turned on and a couple screens, but we're basically done with the house. We've been working 20 hours a day at the motel, we're hoping for a break on this.

Ms. Moermond: I'm comfortable prorating this. I see there's an open electrical and plumbing permit.

Mr. Yannarely: plumbing permit was withdrawn, I don't see an HVAC.

Mr. Visenmeyer: there's electric baseboard heat.

Ms. Moermond: anything related to a water heater?

Mr. Visenmeyer: water heater has been done.

Mr. Burget: I paid for a plumbing permit, then the man came down and said he couldn't get a permit, and he wanted another \$1,200.

Mr. Yannarely: you will need one.

Mr. Burget: he came down here and said he couldn't pull one. He's licensed.

Ms. Moermond: the plumbing issue won't be resolved until you pull a permit. You have a Vacant Building fee hanging, and that will keep coming. This is in front of council September 18, 2019, can you finish by September 16, including finaling permits, I'll recommend its reduced to \$1,142 and spread over 3 years, if you're not done I'll recommend Council approves entire amount payable over 5 years.

Referred to the City Council due back on 9/18/2019

3 RLH TA 19-601 Deleting the Appealed Special Tax Assessment for property at 1876 MECHANIC AVENUE. (File No. J1911B, Assessment No. 198112)

Sponsors: Busuri

Delete the assessment.

Ms. Mao Xiong appeared.

Husband, likely Ka Houa Moua Van, also appeared.

Ms. Vang interpreted.

Staff report by Supervisor Joe Yannarely: This was a boarding that was requested by SPFD. One story wood frame single family homed, condemned and referred by AJ Nies of fire inspection. Foundation has collapsed on south side for about 20 feet due to recent heavy rain and snow saturation. Met with owner at property, utilities have been turned off, electricity turned back on after restoration professionals, building contractor, installs plywood to block opening. Owner is not staying there. Cost of work was \$90, service charge of \$162 for a total assessment of \$252. This is unusual in that there was no emergency boarding associated with this. Date work was done was April 5, 2019.

Ms. Moermond: When I looked at this file yesterday, the notes said there was no request to SPFD or report by them.

Mr. Yannarely: The confusion was because AJ Neis called out the emergency boarding.

Ms. Moermond: Does he have the legal authority to do this? I thought that was something that code enforcement had the exclusive authority to implement.

Mr. Yannarely: I'm not sure. He has done this before, when he's been out under the auspices of the Fire Department. He's been a first responder on many scenes.

Ms. Moermond: So he called it out but there is no report to substantiate this. I just looked at the order that was issued by Mr. Neis about the foundation collapse, and it indicated they were supposed to stabilize the foundation. But there was no indication that if they didn't stabilize that the City would hire a contractor to go in there, so they didn't have fair warning this would be an assessment. I'm going to recommend deleting this, and I'm sorry you had to come down here to get it sorted out.

Ms. Xiong: my insurance isn't willing to pay for this, is there resources they can go to?

Ms. Moermond: is this their own home?

Ms. Xiong: yes

Ms. Moermond: Xiong Vang who is the person in charge of the home-owned rehabilitation dollars.

Ms. Xiong: I've already talked to them but it became a loan rather than something I won't have to pay.

Referred to the City Council due back on 9/18/2019

- 4 RLH TA 19-602** Ratifying the Appealed Special Tax Assessment for property at 1763 MINNEHAHA AVENUE EAST. (File No. VB1911, Assessment No. 198822)

Sponsors: Prince

If work completed by Monday, September 16, 2019 reduce assessment from \$2284 to \$571.00.

*Mr. Larry Hartman
Ms. Carol Hartman*

Staff report by Supervisor Joe Yannarely: this was a fire exempt, the fire occurred September 27, 2018, its had 2 vacant building fee waivers, 1 open permit remaining, rest have been finalized. Cost of vacant building fee is \$2,127 with a service charge of \$157 for a total assessment of \$2,284.

Mr. Hartman: we weren't even aware of this stuff until we got the letter.

Ms. Hartman: this is the only notice we got, our son lives there, I don't understand the ruling. The inspectors have been there several times, I think he was there yesterday. I think to finalize. We had an issue at the beginning with a contractor taking money

Mr. Hartman: he's been living there since May.

Mr. Yannarely: You're not supposed to be living in it.

Ms. Moermond: ok, so who was the VB inspector working on this?

Mr. Yannarely: Tom Friel. Usually someone has to follow up with the fire exempt status on it. Usually when you have a fire you're in the VB program automatically but you give some exemptions. Somebody normally signs something and gives your contact information. Maybe your son filled it out and sent it back.

Mr. Hartman: we lost \$22,000 from a contractor. We have followed up with the consumer affair gentlemen said he was fined.

Ms. Hartman: Darryl Johnson S Homes, DJS Homes. After the down payment we found out his license had been revoked several months prior, so the gentlemen from the insurance company who is trying to see what they can do with them now. They gave him time to pay back the money, so now its insurance fraud, we can't find him or get any money back. So that took longer. This is the first we even knew, but the home was it passed yesterday?

Mr. Yannarely: it hasn't been signed off on.

Ms. Hartman: Maki is the inspector.

Mr. Yannarely: all the permits have been finalized. The only thing open now is a building permit.

Ms. Vang: what about electrical?

Mr. Yannarely: there's two building permits and one electrical that are open.

Ms. Moermond: I don't want to add insult to injury in this, but I have a VB building program to run too. If you weren't taken advantage of in the beginning you would have been done before now. I want to decrease the VB fee to what it would have been had you not had this problem. Can you finish by September 16, 2019?

Ms. Hartman: it may be done now?

Ms. Moermond: you need a building permit inspector, and an electrical inspector.

Mr. Yannarely: a note from yesterday was they were unable to get access.

Ms. Moermond: if you can get this squared up by September 16, I will get you down to 1/4th of the fee, \$571.00. Is it helpful to have it divided over time?

Ms. Hartman: no, I will pay you while I've got it.

Ms. Moermond: if you don't pay it, it just goes on next year taxes. It doesn't affect your credit.

Referred to the City Council due back on 9/18/2019

5 RLH TA 19-641 Ratifying the Appealed Special Tax Assessment for property at 1763 BAYARD AVENUE. (File No. VB1911, Assessment No. 198822)

Sponsors: Tolbert

Reduce assessment from \$2,284 to \$1,142 if permits are finalized and C of O reinstated by September 16, 2019.

Mr. Andrew Kim appeared

Staff report by Supervisor Joe Yannarely: it entered program August 28, 2017, 7 snow walk and tall grass complaints since it's been in the program. VB fee was appealed April 26, 2019 a few months back and you gave a 90 day waiver.

Ms. Moermond: how is there an April fee waived, on an August anniversary date? Did staff perhaps grant a waiver?

Mr. Yannarely: it should have been recorded if it was. It says August 18, 2017 it entered program.

Ms. Moermond: in the VB file folder, what does it show?

Mr. Yannarely: Says end date of March 14, 2018 for fee purposes.

Ms. Moermond: was the 2018-2019 fee paid?

Mr. Yannarely: yes, paid in full.

Ms. Moermond: so we're talking about 2019 to 2020, from March 14. So we're almost 6 months in. Are there building permits?

Mr. Yannarely: I see one finalized, open warm air and open plumbing, open electrical.

Ms. Moermond: is there another open building permit?

Mr. Yannarely: there must be one somewhere in here, Yes there's an open permit.

Ms. Moermond: you've got your permits all open, we're coming up on 6 months, how

close are you to being done?

Mr. Kim: we were working closely with Inspector Soley, we would have been done except our basement flooded due to plumbing issue from contractor. Inspector Soley knows the problems well, it takes time to figure out with insurance, we had to re-contract subcontractors, we're still working on basement issues. We just would like 2 months to finish, we'd be done in 2 months.

Ms. Moermond: here's where I'm at. You say you're going to be done, and your expectation is what about the fee?

Mr. Kim: We'd like to waive the fee.

Ms. Moermond: there are problems with a rehab, but we're 6 months in to the program. You already got a 90 day waiver. I told you if you can't meet that deadline, I'd look at prorating it. I won't do that at 6 months. This goes in front of council on September 18, 2019, so I'll say if by September 16 you can have your permits finalized I'll recommend it gets cut in half.

Referred to the City Council due back on 9/18/2019

10:00 a.m. Hearings

- 6 RLH TA 19-600** Ratifying the Appealed Special Tax Assessment for property at 966 CENTRAL AVENUE WEST. (File No. J1911E, Assessment No. 198318)

Sponsors: Thao

No one appeared. Approve the assessment.

Referred to the City Council due back on 9/18/2019

- 7 RLH TA 19-618** Ratifying the Appealed Special Tax Assessment for property at 911 IDAHO AVENUE WEST. (File No. J1911E, Assessment No. 198318) (Public hearing continued to February 5, 2020)

Sponsors: Brendmoen

Public hearing continued to Feb 5, 2020. If no same or similar delete the assessment.

Ms. Kennedy Hill appeared

Mr. Joshua Pettit appeared

Staff report by Lisa Martin: This is a nuisance failure to remove snow and ice from public sidewalk. Total assessment of \$157. There is a history on the property, but the work was done by the owner. This is a PAEC bill.

Ms. Moermond: We have a vehicle abatement and summary abatement at the beginning of July, was that taken care of by the owner?

Ms. Martin: they were both done by the owner.

Ms. Moermond: so you're appealing this why?

Ms Hill: We moved into the house 3 years ago, we weren't entirely sure what this was, since it was the excessive use. It seems like a bunch of the fines, when they go there's been nothing been there, or they are illegally coming into my property to look at things.

Ms. Moermond: All I have on today is \$157 because the snow wasn't shoveled by the deadline so a shoveling crew was dispatched. The other stuff at the property, I was asking for follow up to get a sense of how you do otherwise and what context I should look at this, whether it's a singular time or an ongoing issue. If it's a code violation, if there's probable cause, the City can go look at it. You can deny access, but they also have the authority to investigate nuisances. Someone called in about a show shoveling problem, the orders issued were March 6. The most recent snowfall was 6" March 1. What happened was before the crew showed up, your compliance date was March 10, when another 5" fell. It's hard to know, but we do know by the time the crew showed up on March 12 it was all taken care of, which is great. If we can afford future situations where orders are issued, I can delete this. We're going to lay this over to Feb 5, 2020. If no same or similar, we will delete.

Referred to the City Council due back on 9/18/2019

- 8 RLH TA 19-624** Deleting the Appealed Special Tax Assessment for property at 260 PAGE STREET EAST. (File No. J1911E, Assessment No. 198318)

Sponsors: Noecker

Delete the assessment.

Referred to the City Council due back on 9/18/2019

- 9 RLH TA 19-638** Ratifying the Appealed Special Tax Assessment for property at 45 WINONA STREET EAST. (File No. CRT1911, Assessment No. 198212)

Sponsors: Noecker

No one appeared. Reduce from \$363 to \$289 (one no entry fee deleted because dept. cannot assess no entry fees).

Referred to the City Council due back on 9/18/2019

- 10 RLH TA 19-639** Ratifying the Appealed Special Tax Assessment for property at 1459 BIRMINGHAM STREET. (File No. J1911E, Assessment No. 198318) (Public hearing continued to February 5, 2020)

Sponsors: Busuri

Public hearing continued to Feb 5, 2020. If no same or similar delete the assessment.

Pheng Yang appeared

Staff report by Lisa Martin: March 6, 2019, we issued a correction notice to Shee Lee Yang, regarding parking in the front yard. The compliance date was March 13. They did get a EC, when it was rechecked March 13 the vehicle had been removed.

Ms. Moermond: when you looked at this in March of 2019, you're looking from March of 2018 onward, there were 3 or more violations.

Ms. Martin: yes, mostly tall grass and vehicles. We have current issues for trash on July 29, compliance date is August 6, today.

Ms. Moermond: the orders went to occupant and Shee Lee Yang.

Mr. Yang: that's my wife. With the parking, there was the one winter snow where I had to park there because the plow hadn't come through there. I'm aware of that, it was just there one day while I was plowing. For the grass, my wife works and I work 3 jobs, I try to maintain yard. I asked my neighbors, 2 days after I cut my grass, is I get a citation.

Ms. Moermond: if someone calls in and says the grass needs cutting, or the snow needs to be shoveled, the City automatically sends a letter, they don't send an inspector out. They sent it no matter what, so do they measure? No, when they go look it's obvious if you aren't mowing the yard.

Ms. Martin: the complaint came in on Feb 20 and there were tire marks from parking on the snow and due to the snow emergency, he was advised to recheck in a couple weeks. He also visited March 5, compliance recheck. EC and correction letter was March 6, with a deadline of March 13. February 20 is the date the complaint came in. At that time there were tire marks but no vehicle found in yard.

Ms. Moermond: Because this was a front yard situation, this was something the inspector had to observe. So he observed it, went back on March 13, and the vehicle was gone. This was the third violation in a one year time period. What were the other violations?

Ms. Martin: June and July 2018, both tall grass and weeds. This order was the third.

Ms. Moermond: were those abated by owner?

Ms. Martin: June was done by owner, July was done by owner.

Ms. Moermond: last question, what's going on with the appliances in the yard?

Mr. Yang: I did remodeling, and a scrapper was supposed to come pick it up. The 4x4s was being built for the firewood to sit on. The big barrels are for rainwater.

Ms. Moermond: you think everything has all been done in the current order?

Mr. Yang: yes, I took the day off yesterday. I took the 4x4's to Plato.

Ms. Moermond: can you go 6 months without orders?

Mr. Yang: I've talked to both my neighbors. Sometimes he mows my front yard. I've talked to my wife.

Ms. Moermond: I'm going to lay this over to Feb 5, 2020, if there's no same or similar, I'll delete the assessment. If there's another violation, then assessment stands.

Referred to the City Council due back on 9/18/2019

(Public hearing continued to February 5, 2020)

Sponsors: Prince

Public hearing continued to Feb 5, 2020. If no same or similar delete the assessment.

Vue Fang appeared.

Staff report by Lisa Martin: Nov 14, 2018 issued a summary abatement order to remove loose trash bags in driveway. Compliance date of Nov 21, by the time the crew got there the violation had been removed, but triggered the PAEC. (NOTE: Dates were incorrectly listed by staff. The EC Period is Feb 20, 2019 to March 21, 2019 and the recheck dates are February 21, 2019, February 27, 2019, March 6, 2019 and March 12, 2019)

Mr. Vue: My brother lives with my and he lives upstairs and throws trash out the window. I'm not home, I am always working, I'm home to sleep. I told him it was a problem.

Ms. Moermond: the City shouldn't have to send a letter for you to tell him not to throw the garbage out the window.

Mr. Vue: My gate is locked and he can't open it. He doesn't live with me anymore.

Ms. Martin: since this order we've had four other complaints about trash, or the trash or recycling being left on the boulevard.

Mr. Vue: sometimes I'm too busy and I don't move it back on time. Especially in the winter, I have to shovel and move it.

Ms. Martin: no complaints since March.

Ms. Moermond: If you have no same or similar violations by Feb 5, 2020, I'll recommend deletion.

Referred to the City Council due back on 9/18/2019

Special Tax Assessments-ROLLS

- 12 RLH AR 19-88** Ratifying the assessments for Collection of Vacant Building Registration fees billed during September 27, 2018 to March 21, 2019. (File No. VB1911, Assessment No. 198822)

Sponsors: Brendmoen

Referred to the City Council due back on 9/18/2019

- 13 RLH AR 19-89** Ratifying the assessments for Boarding and/or Securing services during April 2019. (File No. J1911B, Assessment No. 198112)

Sponsors: Brendmoen

Referred to the City Council due back on 9/18/2019

- 14 RLH AR 19-90** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during February 12 to March 15, 2019. (File No. CRT1911, Assessment No. 198212)
- Sponsors:** Brendmoen
- Referred to the City Council due back on 9/18/2019**
- 15 RLH AR 19-91** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during February 20 to March 21, 2019. (File No. J1911E, Assessment No. 198318)
- Sponsors:** Brendmoen
- Referred to the City Council due back on 9/18/2019**
- 16 RLH AR 19-92** Ratifying the assessments for Tree Removal services from August 2017 to April 2019. (File No. 1903T, Assessment No. 199002)
- Sponsors:** Brendmoen
- Referred to the City Council due back on 9/18/2019**
- 17 RLH AR 19-93** Ratifying the assessments for Tree Removal service from August 2018 at 425 Rice St. (File No. 1904T, Assessment No. 199003)
- Sponsors:** Brendmoen
- Referred to the City Council due back on 9/18/2019**

11:00 a.m. Hearings

Correction Orders

- 18 [RLH CO 19-11](#)** Appeal of Cornelius L. Smith to a Correction Notice at 226 BELVIDERE STREET EAST.
- Sponsors:** Noecker
- Lay over to LH August 20, 2019 for neighbors to mediate.*
- Ms. Melissa Critchley appeared*
Mr. Cornelium Smith appeared.
- Staff report by Lisa Martin: looks like in April 2019 we had a complaint regarding failed retaining wall. It sounds there was a dispute about who owns it. It is regarding the retaining wall along driveway in disrepair. Orders issued to both owners and advised them to get a survey. Compliance date of August 21, 2019.*
- Ms. Moermond: I asked staff to do an aerial of the property and a google street view. It sounds like you're saying it's the neighbors.*
- Ms. Critchley: we are. We have two things going on, we understand the retaining wall to*

be our neighbors, and it was altered by our neighbor and our neighbor's tree. When we closed on the house in July of 2016, we asked specifically about the retaining walls and property and fences. The previous owner said that that particular retaining wall in question belongs to the neighbors. The retaining wall is aligned with the neighbor's roof, if the property line is on the west side of the wall, that means their roof is on the property line. I do have some pictures that the maps and surveys department offered. One is the report from maps and surveys, the white line is the retaining wall. This section of their house juts out. The neighbor's retaining wall behind here, it makes an L shape behind their house. The third page I showed how it lines up from the street view, the trees are in front of his retaining wall. Another piece of evidence is their retaining wall is painted the same color as the shed in back. We don't have that color on any of our property.

Ms. Moermond: I have to tell you, none of this is proof of a property line. All of that is inferred, but we need a survey to determine it. Anything about the retaining wall would be a private dispute if something on their property damaged the wall. Looking at the plat map, not a survey, the purple line is your line. Their roof looks like it may be on the line. What your relationship with the neighbors?

Ms. Critchley: for three years he told us it was his, and he would say he would get the wall fixed so we wouldn't get stuck in our driveway. It got bad to the point where we got worried it would fall. I submitted the code violation. He got very angry at us, and it was the first time he approached us saying it was ours after he got the violation. Things got intense with him. He told us that he had a survey done, which he didn't, so he's been deceitful about the whole thing. I think at this point we wouldn't be able to roll things back and fix it together. He actually tore down a third of the wall after receiving the correction notice. Its current state is because of him. When he did that, he asked how much we would contribute, we told him it's not our wall and your tree ruined the wall.

Ms. Moermond: one thing the City Council can't do is decide where the property line is. I talked to you about how whoever owns the property is responsible for the wall. Sounds like you aren't in agreement of who owns the wall. I'm still in a place where I have a wall in a state of failure, I have a disagreement between the neighbors. A survey will run you around \$750 to 900. At this point, it sounds like a neighborhood mediation service may help.

Ms. Critchley: we have a \$6,000 estimate to fix the wall.

Ms. Moermond: I'd get more estimates. You'd have to add on the survey cost. Plus any attorney fees. Do you think he'd agree to do mediation on this?

Mr. Smith: maybe if I spoke with him. About a 45% chance.

Ms. Moermond: you have some unknowns, you might be opening up your pocketbook anyways. We can get you contact information for the mediation service, and talk about this in a couple weeks.

Ms. Critchley: does the law of lateral support apply here?

Ms. Moermond: that's a call for district court to make, if the wall is on your property, and you're invoking that law then they need to do fact finding on that.

Ms. Critchley: is it possible to do a correction? We never got a notice to do a survey.

Ms. Moermond: the city won't tell you to do spend the money to do it. What I'm hearing staff say is they aren't making a decision on whose wall it is. Layover 2 weeks, August 20, 2019. If your neighbor wants to come and be part of the conversation, they can do that too.

Laid Over to the Legislative Hearings due back on 8/20/2019

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 19 [RLH VO 19-28](#) Appeal of Patrick Ryan to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 244 DAYTON AVENUE.

Sponsors: Thao

Lay over to LH August 20, 2019 for inspection results.

Mr. Patrick Ryan appeared

Staff report by Leanna Shaff: inspection by Sebastian Migdal. July 2, 2019 letter sent for a July 15 inspection. No one met at the property. He did leave a voicemail for the responsible party, on the 16 he spoke with Jerry and learned that the building is presently unoccupied. We are revoking the C of O. In the meantime, it sounds like that wasn't correct and it is being used. They have an appointment at 1:00 on August 8, 2019.

Ms. Moermond: when did that email correspondence occur?

Ms. Shaff: August 5, 4:23 PM, Mr. Ryan responded at 4:50 with a confirmation.

Mr. Ryan: the building is being used. Mr. Migdal wants to come inspect.

Ms. Moermond: what's it being used for?

Mr. Ryan: it was sold from the Catholic Diocese, owned by an LLC, and leased back to the parish, there was potential change in use which fell through, the parish now uses it but not from top to bottom. That's why we want him to look, to determine. We just needed to connect with him.

Ms. Moermond: a determination will be made. Let's say he revokes the C of O, is there an ongoing conversation you'd like to have if that were the case? I'll layover 2 weeks. We can just cancel the hearing if you get your Certificate of Occupancy.

Laid Over to the Legislative Hearings due back on 8/20/2019

- 20 [RLH VO 19-30](#) Appeal of Jennifer Olson to a Correction Notice - Re-Inspection Complaint Order to Vacate at 1091 MARYLAND AVENUE EAST.

Sponsors: Busuri

Lay over to LH August 13, 2019 for update on critical life safety issues.

Ms. Jennifer Olson appeared, appellant.

Owner is Carol Young, the sister, she was in the will, previously owned by mom who is deceased.

Staff report by Leanna Shaff: April 23, 2019 we had a complaint that the foundation in basement was crumbling, mold in basement, and possible C of O because it wasn't owner occupied. Inspector Niemeyer went to the property, he spoke to the complainant, the daughter of the property owner lived there and the water was going to be turned off, April 24, he conducted the inspection with Ms. Olson. There's a court hearing in a couple weeks to title transfer, multiple issues, smoke alarms, sanitation issues. Unfortunately, around this time Mr. Niemeyer injured himself, and I picked up the property, and I went out and wasn't able to meet. The time had come and gone for the vacate he ordered. In the meantime, I spoke with Carol Young, also found out a few days before the court hearing named Ms. Young as executor of estate. She paid the utility bills so it didn't go to Vacant Building, I also spoke with Ms. Young's attorney with the issues at the home. When I went to the property last week, Ms. Olson met me, as I was unaccompanied I didn't go through the property, but was aware there are interior issues. They tell me there is a purchase agreement, but I haven't seen any paperwork. My recent phone calls have gone unreturned. So I didn't vacate the house last week, I advised Ms. Olson she could appeal.

Ms. Moermond: so, you talked about reverse mortgage, a purchase agreement, you are living there. Are there other siblings? How long have you lived there?

Ms. Olson: 2007, and I took care of my mom until she passed away last year. I was in the process of signing the papers to sell, and then the County found the will, so it became my sister's problem. I've only talked to my sister one time since my mom passed away.

Ms. Moermond: so, here's what I observe, is that the fire C of O program is for non-owner occupied property. Your situation is kind of gray, because you were living there with your mother so many years as part of the household, it is awkward as time passes that becomes less the case, because your name isn't going to show up as the owner after this is probated. Now you're turning into the occupant. I like to give a grace period for these kind of things to sort themselves out. I often hear people to find someplace else to live.

Ms. Olson: I have been, but not a lot, I was looking for the sale of the house to get some money. My sisters didn't help me take anything of my mom's out, so I have to get storage.

Ms. Moermond: the way you were describing the property earlier, did we have a house with excessive accumulation and fire situation?

Ms. Shaff: yes, and some of its moved around. I think there are some sanitation issues. Ms. Olson doesn't have the means to take care of it. In speaking with Ms. Young, its apparent she doesn't want you there Jennifer. I'm sorry. The only reason she paid the utilities so the house wouldn't be condemned. I don't believe there's a good outcome here. No one is willing to come forward with paperwork, I hear that the realtor represents the seller and the buyer. There seems to be things that are just off. There's a lot of stuff not adding up for me. I encouraged Ms. Olson to call SMRLS to see about programs.

Ms. Moermond: you haven't been inside. Did Mr. Niemeyer?

Ms. Shaff: yes, he did the smoke alarms and that sort of things.

Ms. Moermond: at that time did he find it unfit for human habitation?

Ms. Shaff: not in so many words, he uses reduction of combustable material by 50%, but no condemnation worded. And we don't have a fire C of O. And I've been told there won't be an application. There was a TISH on September 11, 2018.

Ms. Moermond: ok, so it sounds like your sister doesn't want you living there, you haven't been communicating, the house is in rough shape.

Ms. Olson: somethings are, the basement is.

Ms. Moermond: it sounds like your sister isn't willing to invest money or to file paperwork so you could live there to get a C of O, which says to me that she just wants the City to kick you out instead of her doing it legally. If she is the owner, and she wants to kick you out, that would be an eviction, and you could work with legal aid on that. I want to give you a chance to get your things together, it sounds like there's a lot of the stuff, but probably don't want to move it all with you. If I were to say you have to be out in 6 weeks, could you leave behind the things you don't need? I think you're probably going to half to walk away from this stuff. I'm inclined to give you some time to live there before this order takes effect. I have no responsible party. I need to close it down. I would like to have Ms. Shaff or another inspector do a walkthrough of the house, and see a list of things that need to be taken care of for you to stay until October 1. Life safety orders.

Ms. Shaff: my fear is that they will sell it and tell you that you have to be out. Your lawyer can advise you to what your rights are if that happens. Monday the 12th at 11:00 I can do an inspection.

Ms. Moermond: I'm going to lay this over a week to 1:30, so we can have a conversation about that

Laid Over to the Legislative Hearings due back on 8/13/2019

2:30 p.m. Hearings

Vacant Building Registrations

21 RLH VBR Appeal of Alan Tschida (Selby-Dale, LLC) to a Vacant Building
19-45 Registration Notice at 156 DALE STREET NORTH.

Sponsors: Thao

Grant the appeal. VB staff will re-evaluate orders after February 4, 2020.

Mr. Alan Tschida appeared, owner.

Staff report from Mr. Brian Schmidt: Fire C of O revoked since 2015, there have been multiple complaints regarding property, transferred to VB program as Cat 2. A lot of graffiti complaints, a lot of tall grass and weeds complaint, windows in poor condition.

Unoccupied, water shut off December 11, 2015, plywood missing from wall in 2016, complaint from yesterday for tall grass and weeds, multiple orders from 2019 from graffiti, to snow and ice. Since 2015 we have about 20 complaints.

Ms. Moermond: you gave me two dates for referrals to VB program.

Matt Dornfeld: Dennis Sentinu spoke with Inspector Bergman in January 2016, and Inspector Bergman agreed to take it back and monitor as is. The commercial side of things in fire inspection, they either have it revoked vacant, or revoked unoccupied, where they hold the file.

Mr. Schmidt: it is usually done when there's a change for moving in and out or remodeling. Its typically only 6 months to a year, to give an opportunity to get it occupied.

Ms. Moermond: its revoked in 2015. Beginning of 2016 sent to VB program. Bergman said he'd take it back again and monitor himself, normally this would be done for 6 months to 1 year. But that didn't happen until this most recent letter was sent out.

Mr. Schmidt: I don't see any permits pulled for any type of work.

Mr. Dornfeld: my assumption is that this was done so the property owner could avoid the VB fee. It appears we did a favor.

Ms. Moermond: it looks like we have the appellant as Selby-Dale LLC, and the Fire C of O to Christ Household of Faith, and building owned by Selby-Dale LLC.

Mr. Tschida: I am owner of Selby-Dale, LLC, Christ Household of Faith was my tenant. I own 156 Dale, the empty lot next to it 584 Selby, and 600 Selby. I tore down 600 Selby, and appeared before you years ago, I wasn't allowed to tear it down then, then it got condemned and torn down that way. This should probably be torn down as well, but HPC is concerned about it. I put a 100k roof on it, and had an engineer look at it. I had a Mosu Sushi that was going to go in, and after 1 year they evaporated. I am a good neighbor, I got rid of Christ Household of Faith, I'm enrolled in the graffiti program. I have a contract for snow removal with John McCarty's neighbor who owns the rest of the corner. The neighbors complain because I think they were promised a park so there's some jealousy there. It's just been mowed to the best of my knowledge, I believe I have these covered. There have been complaints with the snow, again I have it contracted. I spent \$100,000 on the roof, and I'm looking for the right tenant. I pay \$40,000 to taxes, the building once had someone break in, I spoke with someone and boarded the window immediately. Most of the windows are bricked in. The beautiful old windows are bricked up, my grandfather worked in this building in the 20's. It's got pollution on the ground in the empty lots but its solvable. I hate to say it, but it took HPC a year to finally relent and approve my engineered plan because they were mad I tore down the duplex at 600. I have a problem with dumping, and my grass mowing kid picks it up. There's a breakdown of the social order that I get graffiti, and dumping. I'll just move into the property, so I don't need a C of O.

Mr. Schmidt: right now it's S1, B2 zoning.

Ms. Moermond: you don't have a perspective tenant, you're looking for one.

Mr. Tschida: I get a call a week from people telling me their great vision of the property. The bones of the building are good. In the middle of putting on the roof, HPC

issued a cease and desist order because they didn't like the color. We sat in limbo with that. I'm not real impressed with the happy talk about making it easy. I'm not a slum lord, I put serious money into it, I have a plan approved by both HPC and building inspection, which has expired and now I have to reapply. I have met with inspections with a number of developers. Our building is approved for 32 units of parking, and a vision of housing on the 2 empty lots, and something in that building.

Ms. Moermond: you want to handle the development of the 2 lots together?

Mr. Tschida: when I did the plan, the requirement was that I combine the 2 parcels together. 600 was the power plant, 594 was residential, it has the same kind of triplex on it. What is my plan? My plan is to develop the open space and somehow incorporate this neat old building. I have a custom window manufacturer ready to build the windows. I ask you to not inflict this extra cost on me. I'll just move in.

Ms. Moermond: if you do move in, you have to abide by residential codes, so smoke detectors etc. That would need to be looked into.

Mr. Schmidt: that would be a change of use permit. There would be another code inspection.

Mr. Tschida: I'd like to do something commercial here. But I'm at the end of my rope. I'm resentful of the graffiti, and dumping a couch on my property, I don't do that. I get to clean up and its very simple, the good have to suffer for the bad. The property owners aren't going anywhere, somebody has to clean up this social order. Christ Household of Faith, they had an automotive garage for years, and it didn't fit the zoning, they were my client.

Ms. Moermond: here are my thoughts, we've got our self a commercial building that does meet the definition of registered vacant building, which is 12 months unoccupied. However, this together makes it a Cat 1 VB, because I'm not hearing a condemnation or any major code violations. The fact is, it amounts to about the same thing for a commercial building. Trying to think of this with the Creamery on University, similar situation. I would like to see this moving in that direction, get the development started, and once permits are pulled on the site we can look further. Am I willing to look into a waiver? Yes.

Mr. Tschida: I had to pay the entire year's taxes up front. They wouldn't even take a personal check. The taxes weren't due, I had to pay the whole year up front by cashier's check. It makes me wonder why I'd want to stay in St. Paul.

Ms. Moermond: I don't mean to cause you grief, I don't have a problem with you moving in if it meets the requirement. I'm sorry you had the struggle with the HPC you did. You were frustrated about the taxes, and I've never heard about that, and that sounds very insulting. The VB program monitors buildings throughout the City, they go by every 2 weeks, and the fees divide out the cost of those visits. Typically, you pay, or it goes on the property taxes. Mr. Dornfeld is suggesting we call this a preliminary file, so we close the fee part of the conversation and revisit it a set number of months. It's not a waiver, it's just Mr. Dornfeld checking up, you may get a similar letter in the future. Do you think your conversations will have developed in the next 6 months? We will downgrade to prelim Cat 1 for 6 months, if permits are pulled we can close this because they will have active permits.

Referred to the City Council due back on 9/4/2019