



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, November 19, 2019

9:00 AM

Room 330 City Hall & Court House

Special Tax Assessments

9:00 a.m. Hearings

- 1 **RLH TA 19-888** Ratifying the Appealed Special Tax Assessment for property at 1742 ARLINGTON AVENUE EAST. (File No. J2005A, Assessment No. 208504) (Public hearing continued to May 20, 2020)

Sponsors: Brendmoen

Continue the PH to May 20, 2020, if no same or similar reduce assessment from \$322 to \$161.

Michael Ganje, owner, appeared

Staff report by Supervisor Joe Yannarely: tall grass and weeds notice sent August 6, compliance date of 72 hours, rechecked August 13, work done by Parks on August 14, 2019.

Moermond: I'm looking at grass in the photographs that looks a foot tall in some places

Ganje: it was about 6", I just got back from vacation. I wasn't able to cut it before I left. I didn't get the mail, it came the night I got home and they mowed it the morning I got up. They did a bad job when they mowed it, there was still tall grass.

[video shown]

Ganje: you can see in back there's patches they didn't do, they didn't move the hammock and dog toys, etc.

Moermond: so if you would have paid someone to do it, they would have done a better job?

Ganje: yes.

Moermond: then you should have done that. It was mailed August 6th, which was a Tuesday, the compliance date was the 10th, and the recheck was the 13th, so that was 7 days. The work was done on the 14th.

Ganje: I got home on the 13th, that's when I got it.

Moermond: I guess I'm struggling with that. With you being out of town. What kind of history on this property?

Yannarely: the only one in the last year was class 5 rock spilling into alley from October of last year, and there was compliance on that order.

Ganje: and they failed to mow anything on that side of the fence too.

Moermond: they're doing a nuisance abatement, not a lawn service.

Ganje: for \$300 it could be a little better.

Moermond: you're paying for sending a crew out and everything along with that.

Ganje: you'd think they'd move dog toys

Moermond: I do see 8 days between when there were orders and when it was done. So I'm struggling that it was sitting in your mail box. That being said, I don't want the City out shoveling the walk or mowing the lawn next year. Because you only have one thing from 2018, it tells me you have a practice of taking care of your property, I'd like to decrease this if you have no same or similar for 6 months. I'll cut it in half if we can go 6 months with no violations. On Jan 22 the Council will look at this, if you testify they may go with what you're asking, or my recommendation. After that an invoice is mailed within a week. You can't be invoiced before the Council vote.

Mai Vang: he won't get it if you're laying it over.

Moermond: oh that's right, so we'll ask them to continue this to May 20, 2020. Ms. Vang and I will check the computer and see that nothing happened and then recommend its cut in half.

Referred to the City Council due back on 1/22/2020

- 2 RLH TA 19-873** Ratifying the Appealed Special Tax Assessment for property at 611 BEAUMONT AVENUE. (File No. J2005A, Assessment No. 208504)

Sponsors: Prince

No one appeared. Approve the assessment.

Referred to the City Council due back on 1/22/2020

- 3 RLH TA 19-851** Ratifying the Appealed Special Tax Assessment for property at 560 CHARLES AVENUE. (File No. J2002A, Assessment No. 208501)

Sponsors: Thao

No one appeared. Approve the assessment.

Referred to the City Council due back on 1/22/2020

- 4 RLH TA 19-852** Ratifying the Appealed Special Tax Assessment for property at 560

CHARLES AVENUE. (File No. J2004A, Assessment No. 208503)

Sponsors: Thao

No one appeared. Approve the assessment.

Referred to the City Council due back on 1/22/2020

- 5 **RLH TA 19-889** Deleting the Appealed Special Tax Assessment for property at 687 CHARLES AVENUE. (File No. J2005A, Assessment No. 208504)

Sponsors: Thao

Delete the assessment. Notice not mailed to property owner.

Referred to the City Council due back on 1/22/2020

- 6 **RLH TA 19-891** Ratifying the Appealed Special Tax Assessment for property at 239 FRONT AVENUE. (File No. J2005A, Assessment No. 208504)

Sponsors: Brendmoen

Approve the assessment.

Khamsene Ly, owner, appeared

Staff report by Supervisor Joe Yannarely: this is a summary abatement order for overgrown vegetation impeding right of way and alley, sent August 6th, compliance date of August 13th, rechecked on the 13, work done by Parks August 14. Two tall grass and weeds orders in the last year.

Moermond: I'm confused, that photo is dated November 18, but I think that's because of the computer system, so I think the photograph was taken at the time but didn't get loaded until yesterday, but I needed you to confirm it.

Mai Vang: I sent an email Kedrowski, he just loaded it yesterday, it was taken the date of reinspection August 13th.

[video shown]

Ly: this just says a cleanup, so I didn't know what it was for. I know it was done, the crew cut the tree on the curb, and I don't know what date that was.

Moermond: the date on this was August 14.

Ly: I'm not quite sure when it was done. Do they have a video of when it was done? The one on my property? It was done the same time as that, I was there that day.

Moermond: the video was time and date stamped. Order was dated August 6, and compliance date was a week later August 13, was done on August 14. That was probably the day you were there.

Ly: I talked to them, they were only there for the one on the curb.

Yannarely: Forestry would handle the one on the boulevard.

Moermond: lets look at the video again.

Ly: I don't question the video.

Moermond: I just want to be clear.

[video shown again]

Moermond: the one in question is the one between the sidewalk and house, it looks like a volunteer. Whoever did boulevard hadn't been there by the time the crew had been there. August 14, 1:01.

Ly: so the people who cut the tree wasn't there yet.

Moermond: Mr. Lee, I'm going to recommend approval.

Ly: can the letter be more specific next time?

Moermond: those letters are for the cleanup during a time period. So that's the best assessments can do. The order itself was super clear.

Ly: this notice about this meeting, just says a cleanup, which to me doesn't mean cutting of brush, I probably wouldn't have come otherwise.

Moermond: cleanup encompasses a variety of things, snow and ice, debris removal, lawn. In the future what would work would be to call DSI if you have questions.

Supervisor Lisa Martin: or when you send in the gold card, write on there you'd like someone to call you.

Moermond: that's a good idea. I would say put a note on the gold card if you ever get another one, and ask them to call so you know for sure what it is.

55:00

Ly: I want to make sure the order was not to remove the tree, right?

Moermond: yes.

Ly: so trimming grass is \$160, but just trimming a tree on one side is \$300? Comparing to cutting a whole yard?

Moermond: that's what it is for half an hour. Grass cutting fees are different than tree trimming. I'm wondering, can we explain that fee, is there yardage on top of that?

Ly: I thought they were removing the tree

Moermond: they were just concerned about egress. The fee is the one-hour abatement fee, plus 2 yards of brush. They charge the minimum fee, plus the brush removal.

Ly: ok, that's interesting to know.

Referred to the City Council due back on 1/22/2020

- 7 **RLH TA 19-875** Deleting the Appealed Special Tax Assessment for property at 718-720 LAWSON AVENUE EAST. (File No. J2005A, Assessment No. 208504)

Sponsors: Busuri

Delete the assessment.

Alexis Walstad, owner, appeared

Staff report by Supervisor Lisa Martin: Summary abatement order issued August 2, specifically to empty all garbage cans and remove debris along garage. Compliance date of August 6, rechecked August 6, work done by parks on August 7 for a cost of \$3444, service charge of \$162, for a total assessment of \$506. History of orders on the property, April 18, 2019 and October 15, 2019 garbage orders.

[video shown]

Moermond: I have Guardian Property Management, occupant, and Convergence Property got letters.

Walstad: I closed on the property July 30, I spoke to Ms. Vang who said that the abatement notice was mailed to previous property manager, and I did call on the date of closing to set up trash removal with Waste Management. I have a copy of the warranty deed.

Moermond: do you have anything with the closing date on it?

Walstad: yes.

Moermond: that's all I need. There is no way you could have complied. If you just show me that documents the closing, I'll recommend it gets deleted. We'll get it scanned in.

Referred to the City Council due back on 1/22/2020

- 8 **RLH TA 19-871** Ratifying the Appealed Special Tax Assessment for property at 1311 SIXTH STREET EAST. (File No. J2005A, Assessment No. 208504) (Public hearing continued to May 20, 2020)

Sponsors: Prince

Continue the PH to May 20, 2020, if no same or similar reduce assessment from \$322 to \$161 and make payable over two years.

Mary Hood appeared

Staff report by Supervisor Lisa Martin: summary abatement order issued July 29, 2019 with a compliance date of August 2, 2019, rechecked August 2, work done August for a cost of \$160, service charge of \$162, for a total assessment of \$322. Notice went to occupant and Mary Hood at 1311 Sixth Street.

Moermond: it is hard to look at photos when its all green to tell height. Let's look at the video.

[video shown]

Moermond: no orders on the house since July 2016. The front got done and not the back.

Hood: I had not received the letter, I have gotten them before and acted on it. When I came home, I actually didn't know the grass had been cut. The front grass was kind of laid down, I didn't even know someone had been there. I didn't receive the letter.

Moermond: did the department get any returned mail?

Martin: no.

Hood: I have received other letters, but I never got this one. I have before for a previous situation.

Moermond: I' struggling because one went to occupant and one to your name in the property, two to the same location. I also know it's the legal requirement to send it first class mail to the owner of record. I don't have any reason to disbelieve them. It may have gotten mixed up with other mail, once in a while one might go astray, but usually that doesn't happen with owner occupants, since the carrier is familiar. Is it normally your practice to mow half and not the other half?

Hood: I may mow the front and get someone else to do the other half.

Moermond: a fair bit of work was done, but at the same time, I want to set this up so we don't have this recurring in the future. I'd like to decrease by half if there's no same or similar for 6 months. I'm struggling to balance their legal requirements on notice. I can spread that over a couple years, or you can go to Council.

Hood: that still seems like quite a bit. What happens if I go to Council? Could I end up having to pay the whole thing?

Moermond: if we go to May 20th, if I'm walking in recommending reducing to \$161, it would be unheard that they increase from there. You'd be arguing for it to be less than that. Based on our conversation today, generally things look good, no same or similar lets cut in half. I can also make it payable over 2 years, at the City's interest rate of around 4%. If that is useful, I can make that recommendation as well, then it shows up on your 2021 taxes. When you get invoiced if you don't pay it in 2020, it goes on your 2021 taxes. Same thing happens the next year. Payable over 2 years.

Referred to the City Council due back on 1/22/2020

- 9 RLH TA 19-869** Ratifying the Appealed Special Tax Assessment for property at 391 STINSON STREET. (File No. J2005A, Assessment No. 208504) (Public hearing continued to June 24, 2020)

Sponsors: Thao

Continue the PH to June 24, 2020, if property owner properly defines the garden area with labels by May 31, 2020 reduce assessment from \$322 to \$50.

Raul Rivas appeared

Staff report by Supervisor Lia Martin: Summary abatement order for tall grass and weeds. Same thing for 391 Stinson. Date of orders was July 23, 2019, compliance date

of July 27, 2019, rechecked July 30th and the work was done August first for a cost of \$160, service charge of \$162 for a total assessment of \$322.

[videos for both properties shown]

Moermond: are you the owner of RR MPF?

Rivas: yes

Moermond: so tell me why you are appealing?

Rivas: the guy doing the video, we always mow the sidewalk part on both the lots. Inside the lots, we mow the perimeter. What's in there is squash and tomatillo plants, in the middle. I have a video that shows it. It's a garden

Moermond: it is really super hard to tell that.

Rivas: they cut the fence to get to the second property.

[Mr. Rivas shows a video]

Rivas: I cleaned up a tree from another property. There's the gate. Here's where they cut the fence, that isn't shown on your video. I did call and talk to Ms. Martin and Ms. Vang.

Moermond: and this video was taken this morning?

Rivas: yes.

Martin: I did get a phone call. It doesn't look like a garden to me, it looks like overgrown vegetation. It looks like the crew did a great job cutting it down. There is a picture showing the height of the weeds in the photographs.

Joe Yannarely: here is a photo of a tomatillo plant.

Moermond: I see clover, creeping charlie, grass, a tall skinny plant I don't think is tomatillo.

Rivas: tomatillo doesn't come up until late September, that was done in July.

Yannarely: did you call the inspector?

Rivas: I was out of town. My daughter is on charge, she sent the crew to mow. We always mow when we get the letters. We take care of the property. It's always clean, I have no issue if you look at the record.

Moermond: I see there haven't been orders since December 2012.

Rivas: I got back August 2 or 3, that Sunday. I went to look and drove around the back and saw things are mowed nice, I thought he really went to town. I thought it was my guy who did that. My daughter told me we got a letter from the City.

Moermond: to be honest, if I were the inspector or the crew going out, I would have assumed that was a neglected lot for the entire season. I can legitimately see they

thought that was going on, and I hear you saying we plant a garden there.

Rivas: 7 years in a row.

Moermond: I'm wondering what steps can be taken so this confusion doesn't happen in the future. You can see how they would think that; my garden is weeded. You can see the individual plants.

Rivas: I understand they thought it was, but it wasn't. In the video you see squash by the weeds. That's all we have in there, I wish they would have said clean it up a little better.

Moermond: they don't go and say its half done please do it again, they're going to see its half done and finish the job. How do we deal with this in the future? I don't have a problem with you growing a garden, it needs to be defined in someway. I want to make sure we're on the same page when we look at this. If you are doing that, I can be flexible on my side too. What kind of things would help to define it better as a garden with vegetables? That would be clear rows, maybe some space in the rows.

Rivas: squash goes everywhere.

Moermond: ok so the squash is ground cover. If you could mow it more consistently so what is garden vs. what is grass is super clear, and if you could then either put a short fence around with garden stakes, and label it as vegetable garden. Are you willing to do that?

Rivas: yes. We plant end of May, by Memorial day weekend.

Moermond: so if you do this end of May, I'm going to ask the Council to look at this June 24, and on June 24 if you've taken those steps when you plant the garden and make it clear and label, and I'll recommend each assessment is reduce to \$50. I'm going to ask if at that time we can get an Inspector to go look at it before then, sometime mid-June.

Referred to the City Council due back on 1/22/2020

- 10 RLH TA 19-870** Ratifying the Appealed Special Tax Assessment for property at 395 STINSON STREET. (File No. J2005A, Assessment No. 208504) (Public hearing continued to June 24, 2020)

Sponsors: Thao

Continue the PH to June 24, 2020, if property owner properly defines the garden area with labels by May 31, 2020 reduce assessment from \$322 to \$50.

Raul Rivas appeared

Staff report by Supervisor Lia Martin: Summary abatement order for tall grass and weeds. Same thing for 391 Stinson. Date of orders was July 23, 2019, compliance date of July 27, 2019, rechecked July 30th and the work was done August first for a cost of \$160, service charge of \$162 for a total assessment of \$322.

[videos for both properties shown]

Moermond: are you the owner of RR MPF?

Rivas: yes

Moermond: so tell me why you are appealing?

Rivas: the guy doing the video, we always mow the sidewalk part on both the lots. Inside the lots, we mow the perimeter. What's in there is squash and tomatillo plants, in the middle. I have a video that shows it. It's a garden

Moermond: it is really super hard to tell that.

Rivas: they cut the fence to get to the second property.

[Mr. Rivas shows a video]

Rivas: I cleaned up a tree from another property. There's the gate. Here's where they cut the fence, that isn't shown on your video. I did call and talk to Ms. Martin and Ms. Vang.

Moermond: and this video was taken this morning?

Rivas: yes.

Martin: I did get a phone call. It doesn't look like a garden to me, it looks like overgrown vegetation. It looks like the crew did a great job cutting it down. There is a picture showing the height of the weeds in the photographs.

Joe Yannarely: here is a photo of a tomatillo plant.

Moermond: I see clover, creeping charlie, grass, a tall skinny plant I don't think is tomatillo.

Rivas: tomatillo doesn't come up until late September, that was done in July.

Yannarely: did you call the inspector?

Rivas: I was out of town. My daughter is on charge, she sent the crew to mow. We always mow when we get the letters. We take care of the property. It's always clean, I have no issue if you look at the record.

Moermond: I see there haven't been orders since December 2012.

Rivas: I got back August 2 or 3, that Sunday. I went to look and drove around the back and saw things are mowed nice, I thought he really went to town. I thought it was my guy who did that. My daughter told me we got a letter from the City.

Moermond: to be honest, if I were the inspector or the crew going out, I would have assumed that was a neglected lot for the entire season. I can legitimately see they thought that was going on, and I hear you saying we plant a garden there.

Rivas: 7 years in a row.

Moermond: I'm wondering what steps can be taken so this confusion doesn't happen in the future. You can see how they would think that; my garden is weeded. You can see

the individual plants.

Rivas: I understand they thought it was, but it wasn't. In the video you see squash by the weeds. That's all we have in there, I wish they would have said clean it up a little better.

Moermond: they don't go and say its half done please do it again, they're going to see its half done and finish the job. How do we deal with this in the future? I don't have a problem with you growing a garden, it needs to be defined in someway. I want to make sure we're on the same page when we look at this. If you are doing that, I can be flexible on my side too. What kind of things would help to define it better as a garden with vegetables? That would be clear rows, maybe some space in the rows.

Rivas: squash goes everywhere.

Moermond: ok so the squash is ground cover. If you could mow it more consistently so what is garden vs. what is grass is super clear, and if you could then either put a short fence around with garden stakes, and label it as vegetable garden. Are you willing to do that?

Rivas: yes. We plant end of May, by Memorial day weekend.

Moermond: so if you do this end of May, I'm going to ask the Council to look at this June 24, and on June 24 if you've taken those steps when you plant the garden and make it clear and label, and I'll recommend each assessment is reduce to \$50. I'm going to ask if at that time we can get an Inspector to go look at it before then, sometime mid-June.

Referred to the City Council due back on 1/22/2020

10:00 a.m. Hearings

- 11 **RLH TA 19-890** Ratifying the Appealed Special Tax Assessment for property at 757 DAYTON AVENUE. (File No. J2006A, Assessment No. 208505) (Public hearing continued to May 20, 2020)

Sponsors: Thao

Continue the PH to May 20, 2020, if no same or similar reduce assessment from \$322 to \$100.

Charles Cobb appeared

Staff report by Supervisor Lisa Martin: summary abatement order issued for tall grass and weeds, orders were sent August 9, 2019, compliance date of 72 hours, rechecked August 15, work done August 19, total assessment of \$322. 6 orders in the past year, and a cleanup on August 28.

Cobb: cleanup by who? I don't believe someone cleaned up my property?

Moermond: today we're talking about tall grass and weeds, you wanted to know more about that, we'll tackle that at the end of the conversation. Lets talk about the grass and weed situation in August. Letter went out August 9th.

Cobb: I mowed the grass. I'm appealing because the letter said it is supposed to be 8". You want grass like a golf course, a little high. My grass was never above 8", so I was surprised to get a work order, it was never above 8". Do they have pictures of that?

Moermond: yes. We'll look at the photos, and the video. These were taken the date of compliance. There's a photo with a ruler. I'd say its between 8" and 12" on average.

[video shown]

Moermond: I think you had a chance to look up what was going on in the last year, can you talk about that and how you end up with 6?

Mai Vang: if they are resolved its in compliance. July was cut. August cut. June had a work order.

Moermond: work order was sent, do we know, it looks like the work was done before the crew got there. Then today, and garbage and rubble, end of August. Again, work had orders but was done by the time the crew got there. I'd really like the City to not have to write orders ever again. I will get you down from \$322 to \$100 if you have no same or similar violations for 6 months. The most common thing is keeping the snow and ice clear this time of year, and dumping. 6 months takes us to May. Be mindful. January 22 I'll ask Council to continue this to May 20, and we'll check the computer then. If there's nothing it gets reduced to \$100. Make note of that date so if something happens and you want to come and talk you can do that.

Referred to the City Council due back on 1/22/2020

12 RLH TA 19-877 Ratifying the Appealed Special Tax Assessment for property at 721 FIFTH STREET EAST. (File No. J2006A, Assessment No. 208505) (Public hearing continued to May 20, 2020)

Sponsors: Prince

Continue the PH to May 20, 2020, if no same or similar reduce assessment from \$478 to \$100 (PO has paid the assessment and will need a refund).

Hugh Armstrong, owner, appeared

Staff report by Supervisor Lisa Martin: looks like this was a summary abatement order issued to occupant as well as Hugh Armstrong at this address, to remove wood furniture on boulevard for a cost of \$316, service charge of \$162, for a total assessment of \$478. No returned mail, no history at the property.

Moermond: it looks like you live here?

Armstrong: I do. I do travel for work, and I didn't get the notice until after I got home. I've been a resident of Dayton's Bluff since 2013, this is the first issue I've ever had. The furniture was put there for people in the neighborhood to take for themselves. I put a free sign on it, there was a couch, dresser, rug, all the items were taken quickly except for the dresser. I allowed that to stay out there because someone said they were going to pick it up. I just wanted to point out those intentions.

[video shown]

Moermond: I think if you have somebody whose looking to pick up furniture, if you

want to do the free sign, I recommend putting it out on a Friday evening and by Sunday night take it back into your garage, since the crew will be out Monday. Another thing is to post it on Nextdoor.

Armstrong: which I did.

Moermond: I wouldn't leave it out except for a narrow time period. You have no history on your property, and that's good. Soft furniture is not a good thing to pick up on the street, it could have rodents or bugs.

Armstrong: I did cover it.

Moermond: no one is driving by on the weekends. No same or similar violations for 6 months, and I'll get you down to \$100. May 20th, we'll look at it again.

Armstrong: I did pay this online. I followed how to pay online, I have confirmation on my phone.

Moermond: I could definitely use the information on the assessment number.

Armstrong: the confirmation number is StPRAS000113879, says payment confirmation for assessment number.

Moermond: you shouldn't have paid it if you disagreed with it.

Armstrong: I thought it said that I could be reimbursed.

Moermond: how much money does it say in the confirmation?

Armstrong: \$478.

Moermond: we'll talk to the assessment office. We'll probably have to cut a check. Don't pay it in the future if you don't agree with it.

Referred to the City Council due back on 1/22/2020

- 13 RLH TA 19-884** Ratifying the Appealed Special Tax Assessment for property at 137 SIMS AVENUE (File No. J2006A, Assessment No. 208505)

Sponsors: Brendmoen

No one appeared. Approve the assessment.

Referred to the City Council due back on 1/22/2020

- 14 RLH TA 19-896** Ratifying the Appealed Special Tax Assessment for property at 953 JENKS AVENUE. (File No. J2006A, Assessment No. 208505)

Sponsors: Busuri

Approve the assessment.

Maggie Amaya, Latin Works Remodeling, appeared

Moermond: we have a couple things going on here. There are 2 orders that went out on

the property on the same day, one for cleanup and one for tall grass. We'll get a staff report on both and look at videos.

Staff report from Supervisor Lisa Martin: Garbage order August 20, summary abatement order to remove loose litter and debris and tires from front and rear yard. It went to occupant and Latin Words Remodeling at an Edina Address and Kim Marks at 953 Jenks as well as . Compliance date was August 27, rechecked August 28, work was done August 29. Tall grass and weeds orders sent August 20, compliance date of August 24, rechecked August 28, and work was done August 28. These are two separate work orders, for a cost of \$532, service charge of \$162, and a total assessment of \$694.

[videos shown]

Martin: this file has a lengthy history and is currently a vacant building. Entered September 5 of 2019.

Amaya: when we got the letter, we sent a crew to cleanup, but it was the first week of September. The shed and everything was what we thought they were talking about. I personally hire a crew and pay them, they got rid of everything.

Moermond: so the things the City crew didn't take your crew did. But the City still did still did work. You are flippers? How long have you owned the property?

Amaya: 6 months.

Moermond: do you have someone checking the property?

Amaya: we were just there last weekend.

Moermond: I don't have much latitude at this, I'm really stuck with recommending approval on this. It was a full week between when you got the mail and when the crew showed up. August 20 to 29, its at least a week you had it in your hands. I know you had someone do it, but it was after deadline. Are you holding it or selling it?

Amaya: selling it.

Referred to the City Council due back on 1/22/2020

- 15 RLH TA 19-895** Ratifying the Appealed Special Tax Assessment for property at 1701-1703 SAINT CLAIR AVENUE. (File No. J2006A, Assessment No. 208505) (Public hearing continued to May 20, 2020)

Sponsors: Tolbert

Reduce assessment from \$450 to \$225. Continue PH to May 20, 2020 and if no same or similar, delete the assessment.

Rupinder Singh appeared

Staff report by Supervisor Lisa Martin: Summary abatement order issued August 6, 2019 to occupant at this address as well as occupant. Compliance date of August 6, 2019, compliance date of August 13, rechecked August 14, work done by Parks August 15, 2019 for a cost of \$288, service charge of \$162, for a total assessment of \$450.

Moermond: the summary abatement order was for?

Martin: overhanging vegetation in the right of way.

[video shown]

Moermond: It didn't look terrible to me.

Singh: in the video, I wasn't aware if it was the trees. I thought it was more the vegetation on the pavement.

Moermond: lets look at the actual summary abatement order. It says it must be cleared edge to edge and up to 7' in height.

Singh: I guess there were some trees hanging, but it was literally you could pluck it with your hand. I wasn't aware of how specific it was. Earlier, I had a shoulder injury, but I think before August 15 I had completely mowed it. So, I was surprised as to why I got this. I cleaned up vegetation on the sidewalk by the road.

Moermond: any history?

Martin: nothing significant. Cement in backyard but it was resolved.

Moermond: no issues at the property, so let's cut this half. \$450 to \$225. If you don't have any same or similar between now and May 20th, I'll recommend it gets deleted entirely. I don't foresee an issue, but it's a way for me to handle it to make sure it stays clean.

Referred to the City Council due back on 1/22/2020

Special Tax Assessments-ROLLS

- 16 RLH AR 19-145** Ratifying the assessments for Property Clean Up services during August 1 to 14, 2019. (File No. J2005A, Assessment No. 208504)

Sponsors: Brendmoen

Referred to the City Council due back on 1/22/2020

- 17 RLH AR 19-146** Ratifying the assessments for Property Clean Up services during August 15 to 30, 2019. (File No. J2006A, Assessment No. 208505)

Sponsors: Brendmoen

Referred to the City Council due back on 1/22/2020

11:00 a.m. Hearings

Summary Abatement Orders

- 18 [RLH SAO 19-56](#)** Appeal of Blong Lee to a Summary Abatement Order at 1676 SEVENTH

STREET EAST.

Sponsors: Prince

Grant appeal on the summary abatement order. PO will receive new orders from Fire inspection with spring 2020 deadline for shed; yard debris must be removed immediately.

Blong Lee, owner, appeared

Staff report by Inspector Stephon Suon: received complaint about delapidated shed on November 1. November 4 our fire inspector asked me to issue a summary abatement order on the shed for being dilapidated and too close to the property line.

Moermond: a summary abatement is for nuisance violation, too close to the property line is a zoning violation, so we need to concentrate on whether the shed constitutes a nuisance.

Suon: they asked me to issue the summary abatement.

Moermond: but its your responsibility. You can see where I'm going with this. Sir, it looks terrible, it's a zoning code violation, when I look at it, in my estimation you do have a zoning problem on your hands. You can't have a structure on the property line. What I'm going to say is that the appeal on the summary abatement order is granted, because it's a tool for addressing a nuisance violation which means the City would remove it if you don't, and I would look for a high level on structural instability before a crew was sent. You still have a violation that needs to be dealt with though. You're going to get another set of orders, and instead of being from code enforcement, it will come from Fire C of O people who manage non owner-occupied properties, and that's going to say you need to correct the violation by a particular deadline or appeal it to the board of zoning appeals. If you want to disagree with the deadline, I can hear that appeal, and I won't charge another appeal fee. But that's the only part of the appeal I could hear. The zoning problem is something the board of zoning appeals has to handle. You're walking out of here with a granted appeal, but expect another order from the Fire C of O people.

Shaff: its too close to the fence, so it needs to be moved. Its not constructed in a manner consisted with the code. The building code talks about building without a permit, but it does state they have to be constructed in such a way that they are code compliant. This shed doesn't meet any of that, so we'll require that its removed. Were you going to do it and just looking for more time?

Lee: yes, I am not going to start out fighting to keep the shed. I purchased this in 2016, I hadn't even closed, and I saw the neighbor and introduced myself and the first word out of his mouth was that I'm going to report you to the City. It started off a bad foot. So, since I closed, maybe a month later, I got a complaint from the City, the house was vacant and someone had dumped a headboard. I went and removed it, from there to now I am sure you have a record of how many calls about the property. Regarding this shed, I'm sure the inspector had been out multiple times, why did they finally see it? Its always been there. I just need more time to remove it, its been there the whole time why do I suddenly now only have 7 days to remove it?

Moermond: a more traditional zoning violation time would be 30 days.

Lee: I'd like to extend it to spring, I'm gone next month, it was too close and too cold to

remove it when I got the complaint.

Moermond: it is not too cold.

Shaff: just so you know, our codes are minimum compliance, and its the maximum we can enforce. But our expectation of the property owner is that they present us with a minimally code compliant building, and were the second set of eyes to make sure it is. So, I can't say what happened before, and you didn't own it before, but needless to say, the code talks about just because it was wrong before doesn't mean its allowed to continue. Looks like there's some debris on the ground too.

Lee: yes

Shaff: we're going to be looking at this realistically in another month.

Moermond: can we look, looks like there's a pending Fire C of O inspection in 2023? I should have come up in the last set of orders.

Shaff: Keshav did the inspection, who isn't with us anymore. Lets get rid of the debris on the ground, and we can push the shed to spring.

Lee: I even have police calls, I think the police finally stopped responding to complaints.

Shaff: we can't do that.

Lee: when I drive around the neighborhood, I have pictures of the neighbors with similar violations, why does it apply to one person and not everyone?

Moermond: we don't know for sure whether there's been a complaint on the other property. It happens more than you think that I do hear the neighbors, but I don't tell you that. It's a complaint-based system, it is unfortunate the past history is having an impact now. For this, you have your Fire C of O. On the summary abatement order we will grant your appeal, you'll get a new letter from Shaff. You'll take care of the yard debris in the meantime.

Referred to the City Council due back on 12/4/2019

Correction Orders

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 19 RLH VO 19-52** Appeal of Daniel Ward to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 2034 REANEY AVENUE.

Sponsors: Prince

Grant extension to December 1, 2019 for items 5, 6, 17, and 19. Grant extension to January 1, 2020 for items 1, 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 18. Grant extension to June 1, 2020 for items 3, 4, 7. Property must be vacated by February 1, 2020 if not compliant on all items except 3, 4, and 7. Item 4, back steps are condemned

immediately and must be taped off to prevent use.

Daniel Ward appeared

Staff report by Supervisor Leanna Shaff: this is a fire C of O revocation and order to vacate conducted by Inspector Cassidy. Prior to him it was being handled by George Niemeyer, and before that Pettiford. Some of these orders like the paint have been around since 2018. We're asking for a good drop-dead date on these. He's appealing the chimney, says can't get clean until December 26, can't paint outside, and aggregate materials to be delivered after thanksgiving holiday for erosion control under the stairs.

Ward: so, this property was occupied then the person moved out, then we made improvements, there was painting done inside, floors were sanded, trim was removed. I got ill, couldn't get back to it. Came back to the property and someone had removed trim and vent and outlet covers. Those are some of the items listed. Number one, the door is there, the pin fell out. So that will be done shortly. Smoke detectors, at the time the inspector was there, the batteries had been removed, I have no control over that.

Moermond: yes you do, put it in your lease, you can ding them for it. I get that some tenants aren't great about it.

Ward: those are in now, they weren't at time of inspection. Interior back stairway, rail needs to be remounted. The cracks are still there on the retaining wall. Leaves and debris, number 5, have been removed.

Moermond: when will the handrail be done? You don't want to do it until the wall is repaired?

Ward: correct. The debris was removed, it was there from a wedding. It was taken away. Front wooden steps need risers, but I can't put that on until the erosion control is delivered.

Moermond: your prepped for the aggregate?

Ward: yes, can go down regardless of weather. Can't do paint. Interior circuit relabeling, I'll get that done. Holes in the ceiling, they were looking for wiring and punched holes in the ceiling, I'm going to tear out the whole ceiling because the basement is getting remodeling. Drain piping not connected, the laundry tub was removed and that pipe was cut in order to remove it. We'll reconnect it. Eleven, interior basement stairway has wall that's removed, I'll put the wall back up.

Moermond: so the railing can't be done until the wall is done?

Ward: instead of a railing I'm going to do a wall. The fire place is scheduled. Thirteen, I will replace the cover plates. Fourteen, light fixtures missing in dining room, there was one there the day of the inspection. I think there are pictures. On the previous documents someone said it was missing, but the light is there. Fifteen, access panel in closet is missing. That got thrown away when they painted, it was a piece of dry wall. I'll replace that. Vent covers got thrown when they painted, I will replace those. Trash and debris, that's the stuff from the wedding. Eighteen, excessive accumulation. The tenant was sorting through clothes to give away, which she did. Complete and sign smoke detector affidavit, that will get done.

Moermond: when did this C of O cycle start?

Shaff: this started, first letter in July 25, 2018, first inspection September 6, 2018. The original letters talked about exterior and interior conditions I'm surprised the haven't been dealt with. This is occupied right now?

Ward: it is occupied. My mail wasn't coming to me. I've updated the address.

Shaff: when did you change that?

Ward: a year ago. Mail was supposed to be going to Roseville instead of University Avenue.

Moermond: so C of O started with a July 25 inspection letter last year?

Shaff: Cassidy update responsible party info on August 30, 2019. There is a lot of this that looking at the pictures cause me concern.

Moermond: chimney sweep I can live with. I can give extension on painting. You have aggregate delivered end of November. You'd like to extend to get the repairs done. You said only one thing was done, what are you proposing for an extension?

Ward: I have been extremely ill.

Moermond: and I'm sympathetic, but this started in July of 2018. These aren't great conditions someone's been living in.

Ward: if I crossed off the stuff already done, a lot of it is minor. Two outlet covers, its basic. The tenants painted, I haven't been back to see what they did. They did some improvements on their own and didn't put stuff back. I hadn't been back into the property, which is my fault. At the same time, everything the inspector found previously and what's there now has been changed. There's been gutters installed. They don't use the back stairwell, but I understand its for first responders to get back in. Interior stuff I should be able to get done in 30 days.

Shaff: the risers, aggregate and chimney cleaning was called out September 2018. Cover plates that same date. Same with railing to basement. Vent covers too. Handrail on back stairway too, and the cracks on retaining wall.

Moermond: so what I'm hearing is that there's been at least half of the items continued from 2018?

Shaff: and don't appear to be getting any better.

Moermond: so two construction seasons have come and gone. I get why they're revoking for long term noncompliance. Lets look at these things.

Shaff: looks like more than just cracks in the back at this point, looks like the mortar has failed.

Moermond: how do they get into the garage?

Ward: there's a door from the back of the garage, its 10' tall.

Shaff: all pictures form today were taken from public right of way in front or alley, wasn't able to get pictures of house in back due to elevation and visual obstruction.

Moermond: the pattern I'm establishing is that there are exterior items with a December 1 deadline, those are front wooden steps and erosion control, and cleaning up the yard, and the smoke detector affidavit. Majority of items to January 1, 2020, alley garage, bedroom hallway, number 3 to June 1, number 4 I'm asking the department to condemn the staircase. It needs to be taped off, its unsafe currently. Deadline for that repair is June 1. Leaves and debris is December 1, risers on front steps December 1, painting June 1, interior basement January 1, number 9 January 1, number 10 Jan 1 (items 8-11 January 1), fire place January 1, 13-15, January 1, number 16 January 1, rear yard December 1, number 18 January 1, number 19 December 1. Extension for retaining wall and painting, but that space is condemned. Vacate date is changed to February 1 if its not compliant.

Ward: number 9, repair and maintain the ceiling. If the drywall is removed?

Moermond: January 1, I'm deferring to the inspector. If its not a needed component, but if it needed it needs to be in good repair.

Referred to the City Council due back on 12/4/2019

20 [RLH VO 19-49](#)

Appeal of Carrie Nelson to a Correction Notice - Re-Inspection Complaint, including Condemnation, at 291 STINSON STREET.

Sponsors: Thao

Lay over to LH December 3, 2019. Heat must be restored and water heater installed under permit and excess accumulation must be reduced by December 3, 2019. PO to provide a work plan for remaining repairs and how they will be financed.

Carrie Nelson, occupant, appeared
Shawn Nelson, brother of occupant and administer of probate, appeared
Elliot Saddleblanket, occupant, appeared
Lauren Lightner, Ramsey County House Calls, appeared

Moermond: we have a house with no legal heat, taxes due and owing and a lot of work besides heat that needs to be done. Because this is a non-owner occupied property. You are the representative of the father's estate, if you lived there it would be considered owner occupied. If not, it needs a Fire C of O. That's how this whole thing gets triggered. There are a number of things on the list, I'm most concerned presently about the heat. Mr. Brian Schmidt, from the western half of the city, came out to the property. I needed to know if we're going to let folks stay in the house and get the heat reestablished safety and quickly. We need a long term plan for repairs too. I talked with your sister and Mr. Saddleblanket about what a plan would look like and the costs associated with that. There are past due property taxes on this, that's relevant because you can't transfer title until hat's caught up. Its difficult to get financing for rehabilitation until the title is in the next name. The other piece is you may be able to get financing through the City's rental rehab program, but then you'd have to reach out to them. I'd asked Mr. Schmidt to assess the safety situation of using space heaters in the short term. So first, an update on those findings. Lauren Lightner is here from Ramsey County, she has experience in helping in these situations.

Shaff: November 15 a provisional Fire C of O was entered into the system. Inspector

Schmidt writes on Monday he was out on Friday the 15th, he took pictures of the space heaters, they are plugged into the outlet and are temperature controlled, and combustibles kept away. He did reach out to Ms. Lightner about housing and funds for repairs.

Lightner: I did reach out to Carrie, I've been in the house. We have a dumpster arriving tomorrow. We have cones and it has to go in the street, and she has instructions on its use and what can go in. That will take care of some of the issues of fullness. I had talked to her yesterday and signed up for Community Action Partnership immediately. They do qualify for the Power On program and energy assistance. Someone will go out immediately to get the heat fixed. My understanding from CAP is they help homeowners get this fixed, I don't have timing of that yet. They just need financial information to Power On to show qualification.

Carrie Nelson: we have a letter showing we applied. I just need Mr. Saddleblanket's last three months of payroll, which we're getting today.

Moermond: to confirm income and show eligibility. Is there any concern ownership wise who qualifies since it's an estate?

Lightner: Carrie and her partner are the ones in housing crisis. I'm not sure we can do much with the probate long term, but the safety concerns House Calls is prepared to be involved to help get the fire load down and get heat and get rid of the electrical concerns.

Moermond: what's been your experience to turn around something with Community Action?

Lightner: within 24 to 48 hours of receiving it they can send someone out, because it's the cold weather rule.

Shawn Nelson: the chimney had been removed, it hasn't been in use for 20 years.

Moermond: how was the furnace vented?

Shawn Nelson: out the side wall, not the roof. Same with the water heater. Chimney wasn't in use when Dad had the roof done 10 years ago, I believe the stack was partially removed and roof was put over it at that time. I helped him remove the rest in hopes of running duct work up through the rest of the house.

Moermond: that makes sense. Ms. Nelson, Mr. Saddleblanket, are you ready to move stuff out of the house in the dumpster? People see a dumpster and they start throwing stuff into it, so you need to move quickly to get your things in it, so its not taken by random neighbors. This happens and its hard to get it reorganized again.

Lightner: right now, its November 20 to December 2. I told her to let me know if it is getting full, if you see illegal dumping you should call the police. I gave information on how to use it, she's been in contact, and we'll continue that.

Moermond: I'm going to lay this over one more time to December 3, that's your deadline for having heat and water heater hooked up, and having it cleaned up. Ms. Lightner will be the judge of that. We'll need to start working on how to deal with the rest of the orders. If we don't have safe heat and hot water taken care of by December 3, we will establish a move out date. Getting the permits signed off is the goal. I'll be

looking for a plan as to how that is tackled.

Shawn Nelson: the plan is up to me. The house will go to my sister. Were working towards her having a decent place. There are several properties in several states, and they are all full. Please don't think I'm not doing anything, I'm stretched over the country.

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

21 [RLH VO 19-51](#)

Appeal of Jay Mitchell, on behalf of Quality Residences, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 743 THIRD STREET EAST.

Sponsors: Prince

Recommendation forthcoming. Grant to June 1, 2020 on tuckpointing and brick replacement repairs.

*Jay Mitchell, Quality Residences representative, appeared
Christine Boulware, Historic Preservation Specialist, appeared*

Staff report by Supervisor Leanna Shaff: this is a Fire C of O inspection I conducted. We started this last April, with the first attempt inspection on May 8, 2018. In inspected on June 6, June 20, July 15, and October 16, and I've done a couple drive-bys since then. Some of the outstanding things that have been on there quite some time are the tuckpointing on the exterior brick that is failing, and the yard was eroding next to the sidewalk and needed to be addressed, and that hasn't been done. This is for long term noncompliance. I told Mr. Mitchell if he didn't have it done by a certain date, I would revoke the Fire C of O.

Moermond: I'm looking at these and wondering, the work needs to be done with HPC district guidelines. Does a permit need to be done?

Boulware: if its just the mortar, it would only be HP review only. If it's the masonry blocks, it would need a permit. There's also a cost factor but I don't know when that kicks in. I do have a certificate of approval, along with photos.

Moermond: when is that dated?

Boulware: issued August 29.

Moermond: it looks like Quality Residences is the owner but definitely the manager?

Mitchell: yes, I'm contracted by them. I started some of the work, we had quite a bit of rain and I don't think now I'll get into this year. I'd like an extension to maybe May or June. I just don't know where the weather will be at. We've gotten the first phase done, and now it's putting it back together.

Moermond: tell me about the regrading that needs to happen on the side?

Mitchell: it has a dip of about 4" to 6".

Moermond: it looks like the foundation is lower than the sidewalk.

Mitchell: the plan is to put a small retaining wall in, and then direct it out toward the

street.

Boulware: I have no application for a retaining wall. There are panels that have been washed out and are sloped to third street, I'm thinking that needs to be a conversation with Public Works.

Shaff: it is washed out considerably underneath.

Moermond: is there a way for them to temporarily shore that?

Boulware: I think contacting Sidewalks and have them do some sand underneath, but that's the only fix I could think of at this point.

Shaff: at one point there was a retaining wall. The foundation elements are still there.

Moermond: I'm comfortable going to June 1 on the tuckpointing and brick replacement. For the sidewalk stabilization, I need to hear from Public Works on what they may be able to do. I want to be plain with you about any cost in making that stable. I will contact them and communicate that back to you and create a plan based on that.

Shaff: is there a storm drain you can tie into for water control on that corner?

Mitchell: there's a storm drain on Third, not on Maple.

Boulware: there may be a way to go directly to the storm drain, so you don't continue having issues.

Moermond: so when he develops a proposal in the spring, it needs to involve HPC and either Public Works or DSI Water staff.

Boulware: start those conversations now, so when it thaws you can start.

Referred to the City Council due back on 12/4/2019

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 22 RLH FCO** Appeal of Yasuko Yamamura to a Fire Certificate of Occupancy Approval
19-112 With Corrections at 1648 CONCORDIA AVENUE.

Sponsors: Jalali Nelson

Grant extension to June 30, 2020 for compliance with orders on stairs.

Yasuko Yamamura, owner, appeared

Moermond: you didn't show last time, Mr. Schmidt and I are in agreement that an extension can be granted to June 30, 2020 for compliance with orders on the steps.

Yamamura: I would like to modify the terms in which the house is viewed, I used to live there, my mom moved in. She's not a renter, but that's how its classified. How can I change that so we're not subject to these annual inspections?

Moermond: you two own the house, so its just your names on it, then its non-owner occupied. If you were to add her name on, even in the smallest interest in the property, it would become owner occupied. That's the trigger for being in the Fire C of O program. If you do change that, reach out to Mr. Schmidt.

Fire Supervisor Brian Schmidt: normally we look at the deed, somewhere they are part owner or have interest in the property.

Moermond: I would suggest talking to an attorney, if you have a mortgage on the property then they also have an interest.

Referred to the City Council due back on 12/18/2019

2:30 p.m. Hearings

Vacant Building Registrations

- 23 RLH VBR** Appeal of Jeffrey Coury, Coury Properties LLC, to a Vacant Building
19-84 Registration Notice at 2340 CHARLES AVENUE.

Sponsors: Jalali Nelson

Deny the appeal on the vacant building registration. Make property a Cat 2 VB, allow permits to be pulled, and a code compliance inspection is not needed. Waive the VB fee for 90 days.

Jeffrey Coury, owner, appeared

Staff report by Supervisor Brian Schmidt: it looks like Inspector Neis said in his notes, this is a November 1, 2019 condemnation. A meter had been struck in an accident and it filled up with gas. St Paul Fire Department was called for a smell of natural gas, on October 31, 2019 they found meter spinning rapidly and made entry into the building and found the building to be vacant a 1" gas line that was left open, and what appeared to be unpermitted work being done and contacted DSI to respond to the scene. They ventilated the building and Xcel pinned the gas meter at that time. As of yesterday there is no gas or plumbing permit, there is a sheet metal and building permit for the roof. It is condemned for the gas leak and lacking basic facilities, extensive interior work done without permit. There are pictures in the file.

Supervisor Matt Dornfeld: got referred to the vacant building program and I opened the file and did the inspection on November 4, 2019. Meter was pinned and building was secure and maintained.

Moermond: there are a number of attachments with this appeal.

Coury: it was purchased in December of 2018, I was going to re-locate our trucking offices there. The building was in bad shape, needed a complete demo and a new roof, it was beyond saving. We had to wait until spring of this year and Central Roofing put a brand new roof on. We were doing the demo of roof when the gas line got struck. The quotes in front of you are the work that's going to be done once we can move forward. Snelling Companies came out and repaired the gas line, Xcel has turned the gas back on, it was all put back to satisfactory.

Moermond: Mr. Schmidt, you said that Mr. Neis who did the inspection that there was work done without permits?

Schmidt: roof permits and the building permit for the roof. That's the only ones as of yesterday.

Coury: and that's the only work that's been done.

Moermond: but you had the gas line fixed?

Coury: they just replaced the line on an existing furnace.

Moermond: ok, so bottom line if Xcel is willing to turn it on again. I'm wondering what you're looking for today?

Coury: to lift the vacant building status.

Moermond: is it empty?

Coury: yes, for construction purposes.

Dornfeld: the building is completely gutted. It will be a full buildout, there's nothing to team inspect with regards to a category 1 or a 2.

Moermond: what timeline are you working with now?

Coury: sandblasters this week, windows January, and hoping to occupy by spring. The roof is done and that was the big thing.

Moermond: I'm going to do two things, I need to deal with the categorization of the building because it has to do with how you're going to get out of the vacant building program. I think you are a Category 2 vacant building, which means there's code violations and has been condemned. I don't know how we get out of that, its gutted, it has no systems. But I think Mr. Dornfeld is right, you don't need a team inspection if it's a shell. It will suffice if the trades pull the correct permits and they are signed off on. That leaves us with a vacant building fee, and I am willing to waive it but not willing to get you out of the program. It entered the program November 5, and you're talking about spring. As far as I'm concerned the finish line is completed permits, you can occupy then. I'd like to go with a 90 day fee waiver. And we can look at prorating it if we're into March, April or May. If its 6 months or fewer that you're in the program, I'll cut the fee down for you. Mr. Dornfeld will make a note that you can pull permits without a Code compliance inspection, and after the 90 days if the work isn't done, they will send through the fee as a proposed assessment, and you'll get that letter and you will want to appeal and tell me when you're out.

Referred to the City Council due back on 12/18/2019

**24 RLH VBR
19-77**

Appeal of Mark Berhow to a Vacant Building Registration Fee Warning Letter at 251 DAYTON AVENUE.

Sponsors: Thao

Deny the appeal on the VB registration. Waive the VB fee for 90 days.

Mark Berhow, son in law and lawyer, appeared

Christine Boulware, HPC appeared

Staff Report by Supervisor Matt Dornfeld: had a severe fire back in early October of 2017. Was put in Category 1 status, and hence has been moved to Category 2 due to the length of the rehab. This is a historic home, a block away from the cathedral. The appellants are having difficulty with insurance reimbursement and must deal with HPC requirements too. The rehab has basically stalled, we have had some nuisance issues with homeless persons, but I will say the property owners are great to work with and are responsive and are doing their best to manage what is probably a unique and overwhelming problem.

Moermond: do you have the permit applications in your file?

Dornfeld: 80 to 90 percent of the structure was burned.

Berhow: this is a 10,000 square foot house. We have a neighbor who put this packet together and gives more perspective. I have some things highlighted as far as the security of the property.

Dornfeld: this is a big can of worms. I think we need to address the vacant building fee, and then a plan to deal with the nuisance.

Moermond: this doesn't have a code compliance, but it's completely gutted and will need permits and plans.

Dornfeld: because of this historic nature, I would defer those questions to building inspection department or the historic folks, there's a lot going on.

Moermond: ok so two key areas, nuisance conditions and breeches to property and the vacant building fee and plan for moving forward.

Boulware: basically within 48 hours after the fire Mr. Berhow was in contact with me, and we began discussing a plan to have it looked at and get it structurally sound. There's a section at the western end where the floor is gone, the first permits with HPC review were to stabilize the building, and then to create a new roof for the building, to seal the envelope and that after that its more completing the roof. We've been working with the architecture and engineer to make sure the envelope is tight, at this point which it is. There are some things delayed, insurance has been an issue, but they have been working with me almost immediately afterwards. I'm pleased with what we've been able to accomplish so far.

Moermond: if they come in with a set of plans for rehabilitating the building and a permit application is made, that would be reviewed with DSI by the plan review team but because it's a historic district, is it a historic designated building in and of itself?

Boulware: it is considered pivotal to the Hill historic district. So, its not individually designated, its one of the premier buildings in the district.

Moermond: all of that means, that means all the exterior work being done need to be approved by the HPC prior to work commencing. And a scope hasn't been submitted yet for all the work?

Boulware: I've had three submitted so far, we left last off for windows and funding and options they have to replace.

Berhow: they have lived in the house in 1974. My grandmother lived in that house when it was a boarding house in the 40's, as a random coincidence. They are invested in the house and the neighborhood. We spent \$200,000 right away to keep it from failing, it was in imminent collapse. We have spent another million to redo the roof and finishing the floor. Finding a contractor capable of doing the work and doing it for the money that's pending has been a problem. We have a contractor, and we talked to a local bank. I'm hopeful within 6 months we'll be in a good place, assuming some of the hallmarks happen quickly. HPC has been great working with McDonald Mack and giving us alternative ideas, they saved us \$150,000 on the roof alone. We're trying to fill in the gap, I think we have found the right lender.

Moermond: you gave me these documents, what do I gather from this?

Berhow: Mr. Greg (neighbor) Put this together to show what it looks like today. Anything resembling bare wood, its new construction. You can see how much has been done. It shows the interior and the things we've worked so hard to preserve. It is an enormous endeavor and the nuisance conditions, they live in an apartment immediately across the street. He renovated it in the first place in the 70's, he's over there every day doing what he can and keeping an eye on things. They have had contentious history with some neighbors.

Moermond: you're showing up here, and steps HPC wants taken have been done. You showing up speaks volumes to me about your dedication and where you want to go. That tells me more than any neighbor could tell me. You've had two vacant building fees go through. You're thinking you'll be done in the next year?

Berhow: yes, but hopefully sooner. They're living on social security, and I can promise you any fees will go into the house if they're abated. They want to get back into the house.

Moermond: what kind of issues have come up at this property?

Dornfeld: I will maybe let them speak about the main source of the calls I'm getting. They may be retaliatory. They happen almost daily. Some are very specific in nature. It is about a certain group of people coming to the property at night, sleeping there, complaints of them breaking into cars, sleeping in others back yards and going to the bathroom in people's yards. The main source of this problem has a key to the lock on the gate, is what I have understood. Its been happening at night and we've been there a couple times at night but haven't seen anything yet. I don't have a solution, there is a fence that is locked, the police are hopefully patrolling. Other than the police arresting the people I don't have a solution.

Moermond: and when you've been there have you found evidence of homeless encampment?

Dornfeld: I met the property owner at the property after a small homeless encampment was set up. We walked around the exterior and it was good to go for a couple for weeks, and then in their nature they came back, and I think that keeps occurring.

Moermond: so there are founded concerns, but you are receiving some in excess it seems.

Dornfeld: we always take them with a grain of salt. There is some validity to some of

the concerns, its not all make belief. I think they'd agree with that.

Moermond: locks on gate getting changed, I'm thinking about alarm system on the first floor, and cameras.

Dornfeld: we did the lock change.

Benhow: any fence can be scaled or dug under. He's artfully referring to their adult son, my wife's brother. He has schizophrenia. His involvement is supposed to be limited and supervised, he's not supposed to be having "guests", I know from a property owner perspective we'd love for this to not be an issue at all. Anything we can do to make sure it doesn't continue, Maris goes over and does a patrol each day and night. If they sneak in in the middle of the night its hard to control, someone body very motivated isn't stopped by the fence.

Moermond: is the building being entered?

Berhow: the building is always locked. I don't believe he actually has keys to the gate.

Dornfeld: there's a red pickup truck that is likely belonging to the son, and its in the driveway. Which you can't get through the gate. The main concern is the fires. I would advise the family to get a no trespass order in this case. That way the police can actually react.

Moermond: right now they won't do much beyond asking them to move along. If there's an order in place they would follow a progressive enforcement approach, it would be safer for everyone, I think.

Berhow: we're certainly open to that, we'd like help in that regard. Can we post a trespass order or is it served on an individual?

Dornfeld: I'd call the non-emergency number and ask to speak to a desk cop, and explain the situation and you'd like to prevent the issues from continuing.

Moermond: this is technically central district? Do you have Filiowich's number? I'm mentioning him and his sergeant, Quast, they have history working with problem properties. They would be able to talk to you about those kinds of things. Is there electricity?

Berhow: temporary electric.

Moermond: I'm wondering about cameras to provide documentation of the violations.

Berhow: there was one, I'm not sure on the current status, or we can check on beefing it up.

Moermond: I can't look at this and say it hasn't had problems. The point of the vacant building program is to recoup some of the costs. I hear you when you say you want to spend money on fixing the building, is insurance covering the fee?

Berhow: no, they are covering about 65 to 70% of the rehabilitation. That's the real issue. Had there been a blank check from State Farm, we would probably be done already. That isn't the case. We didn't use a public adjustor, they actually gave policy limits within days because they knew it was going to cost more than a million and a

half dollars to fix this. It is hard to say it should have been insured for a lot more than that simply because the house couldn't have been sold for it either, but it takes a lot more than that to find someone who is capable of the craftsmanship required to put it back together. Literally, the rest of the budget now, there's no wish list of what we want to get done, its approximately \$700,000 of additional dollars with what insurance still owes and what we can get from the bank and asked the contractor to get as close to that as we can. Its going to require us to do a bunch of our own labor, and it seems cheesy to think about \$2,100 in the context of one and a half million, but it literally matters. It something that won't get done otherwise.

Neighbor: I think it's important to not have fees and penalties until things are moving forward.

Berhow: I do think getting a contractor back in the building daily would help keep some of the nuisance issues away.

Moermond: I'm willing to meet you half way, I can't waive it or get you out of the program. It meets so squarely to the definition. The fee isn't meant to be a penalty, it's the cost of running the program. Lets do a waiver and look at prorating and we can spread payment over a number of years if that is helpful. It sounds like you're hoping six months, but I'm thinking some of this exterior work is weather sensitive.

Berhow: the majority of the exterior work is putting the wood details around the cornice, and that will be built in a shop and installed piece by piece. Contractor said it can be installed in any weather.

Moermond: alright, lets do the 90 day waiver. I know you won't make that. Lets aim for 6 or 7 months and I can then cut the fee in back. If its useful at that time I can make it payable over 5 years. You should talk to Ramsey County assessor, Luis Rosario, Chris Samuel is the director, and I'd have them look into a property tax abatement for the new assessed value. You should be paying taxes on the value on the burned out hulk.

Mr. Marin: they are taxing me on the value of the land. They did reduce it, down to \$4,500 a year.

Moermond: in four months, assessments will send this as a proposed property assessment. Send in the appeal card and we'll talk about how we can trim it down. I want to help, we can discuss it then.

Referred to the City Council due back on 12/18/2019

**25 RLH VBR
19-83**

Appeal of Erin Marissa, Taher Real Estate, to a Vacant Building Registration Fee at 276 EXCHANGE STREET SOUTH.

Sponsors: Noecker

Deny the appeal on the VB registration. Waive the VB fee for 90 days, property is a Cat 1 VB and permits can be pulled.

Erin Marissa, representative of Taher Real Estate, appeared

Moermond: I see the owner is listed as Taher Real estate LLC, so are you a part of that LLC?

Marissa: yes, I'm the executive assistant to Bruce Taher.

Staff report by Supervisor Brian Schmidt: I was trying to do little on this, its been bounced around ab it. It started with Inspector Imbertson, but he'd been out on medical, the owner's were wanting to get the kitchen up and going to do some cooking and catering, not necessarily occupying the rest of the restaurant area. Somewhere along the line we got a complaint that it was made a Category 1 due to homeless people and garbage refuse issues by Jim Perucca. Somewhere along the line there was a vacant file opened, because no one was occupying it and there were homeless people sleeping in there. There are still 12 deficiencies still from the March 29th letter.

Moermond: he noted on March 29 it was unoccupied and had a set of orders. Then out on leave, and it didn't get sent to the VB program, is that where its going?

Schmidt: that's what I was trying to figure out. The C of O does say revoked, but the revocation letter was sent March.

Moermond: so 7 months between that and the vacant building file being opened.

Schmidt: Perucca did that Sept 26, 2019.

Supervisor Matt Dornfeld: not much to add, I did the inspection on September 30, 2019 and there was some homeless person belongings in the back, a long with some discarded kegs and restaurant materials. I issued a summary abatement order to have that removed on the 25 of September. I got a call from Bruce on October 2, and he said he'd have it removed. We were getting some neighborhood complaints, it had a strong odor to it. I gave him 24 hours, and it didn't get done, so we cleaned it up October 4. There is a pending assessment for that. No other issues other than a pile of rubble dumped into the driveway, which was cleaned up by the property owners. I haven't heard from Bruce since. Opened this as a Category 1 per Mr. Magner. The fee has not yet gone to assessment.

Marissa: we want to reoccupy, we want to back on site weekdays 9 to 5 and sometimes weekend. We own a food service company, we want it to be a test kitchen. We don't want it to be a problem property either. We just had a walkthrough today with a security company about cameras. We're just appealing the fee. We've been there at least weekly since March.

Moermond: you're not operating a restaurant there, which is what the goal is. We want people going in and out. Where are you at as far as licensing? You do have orders for the kitchen space?

Marissa: we're working on that with the health department to get that up to speed. I haven't seen a copy of the deficiencies from March.

Moermond: so the fire orders themselves, they are consistent with what the state would look for generally, but they do have to be address before you can reopen. That is a hurdle to cross. What about a timeline?

Marissa: we're just about there, it could be used as office space now.

Moermond: this isn't an office, it's a restaurant, but each use has a set of codes that goes with it. A restaurant has bathroom codes, versus an office or a factory floor, etc. I don't know if your space is appropriate for office space, but maybe it isn't. I'm not the

person to make that determination.

Schmidt: right now its listed as an A2 bar restaurant, greater than 50 people. If its mixed occupancy, there's a lot of things such as occupancy separation and exiting. You'll need blueprints to plan review.

Moermond: you probably need a building permit. Any architect will know this when you say a change of use.

Marissa: we may just keep it as a restaurant then.

Schmidt: speak with James Williamette with plan review. His number is 651-266-9077.

Moermond: when I asked if it was a category 1 or 2, he said a 1, it had some orders but not enough to justify all four trades needing to go through. As soon as you get appropriately licensed and get an inspector in, if he signs off it can be reoccupied.

Dornfeld: I want to retract my earlier statement, there isn't a pending assessment, it was issued but was done by the time we got there.

Christine Boulware: because it's in the Irvine park preservation district I want to introduce myself and give you my contact info.

Moermond: we have a 90 day fee waiver in place. You've heard me talk about prorating it when you've been sitting here. It sounds pretty straightforward to get it fixed for the restaurant use. Look at that as step one, and then maybe look at the change of use.

Referred to the City Council due back on 12/18/2019

26 RLH VBR
19-82

Appeal of Chen Zhou, Cosco Property 5 LLC, to a Vacant Building Registration Renewal Notice at 585 JEFFERSON AVENUE.

Sponsors: Noecker

Deny the appeal on the VB registration. Waive VB fee for 120 days (March 1, 2020) and allow permits to be pulled.

Chen Zhou, owner, appeared

Staff report by Supervisor Matt Dornfeld: made a category 2 vacant building on November 9, 2018, it currently has a code compliance inspection on file, a building permit on file, we have not received any nuisance complaints on the property. The appellant is here to appeal the vacant building fee that is now past due, as of November 8, I did speak with him on the phone and he said he anticipating rehabilitation wrapping up soon.

Zhou: I took a while before we got the code compliance report, so we couldn't do a whole lot and were told because of the deadline they aren't issuing any license or permits for work, so we were delayed on that. We're hoping to get time to get work done.

Moermond: what are you thinking as far as timeline?

Zhou: a few months because of holidays. The code compliance report we were trying to rush, but since August until now, they couldn't get it to us until now.

Moermond: when was the code compliance application made?

Dornfeld: August, and we didn't get it done until October 30th.

Moermond: that is a very long time. Its standard practice to recommend a 90 day fee waiver, which gets you to January 10th, which it doesn't sound like you'll be done by the 10th?

Dornfeld: 90 would give them until February 10th.

Moermond: would you be done by February?

Zhou: we're hoping so, this is our first project in St. Paul, it does have a lot of work, we'd like 120 days.

Moermond: we'll do a fee waiver to March 1, after that an assessment is processed for the vacant building fee and we can prorate it at that point.

Referred to the City Council due back on 12/18/2019