



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Joanna Zimny, Executive Assistant
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651-266-8585

Tuesday, May 5, 2020

9:00 AM

Via Telephone

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 20-279](#) Ratifying the Appealed Special Tax Assessment for property at 644 OLIVE STREET (AKA 640 OLIVE STREET). (File No. J2015A, Assessment No. 208515)

Sponsors: Noecker

Layover to LH May 19, 2020 at 9 AM for further discussion. Staff to review property lines.

Bert Guinee, owner, appeared via phone

Staff report by Joe Yannarely: SAO issued to remove water heater, garbage and rubbish and homeless encampment debris along fence line. Issued January 3, 2020, compliance date January 7, found in noncompliance on the 7th, abatement performed January 8 for a cost of \$500, service charge of \$162, for a total assessment of \$662. No history on the property.

[plays video]

Moermond: looks like it is partially in the street?

Yannarely: yes, I would give them that.

Moermond: it seems to me the question is, you think your property ends at the fence, and the property line ends at the curb or the street and that where the difference of opinion arises?

Guinee: I didn't know what the City's perspective was on the property line. The fence is actually on City property. We made the decision to erect that fence, I had a survey done and I got a release to erect the fence on city property, to put it on our actual property line, we would have had to take all the trees down because they are planted right on the line, I got approval from public works I think it was, I have the paperwork, I got approval to put the fence to the east on city property.

Moermond: the way I understand it is, the right of way on your property, the public can

pass over it, but it isn't taxable land, so when we pull up the info from the county on the lot line, it shows it back to the street. It sounds to me like you have a permit to encroach into the ROW, but I want to touch base with the city attorney office on this, how to treat the property line in this case. I can't make that decision. Right now I can also see, no matter what the answer is to that question, I am seeing there is stuff in the street and grassy area under the snow, so if you'll give me an opportunity to reach out to them I can give you a better answer. Can you tell me, when you got this letter did you reach out to the City? Has it been a problem in the past?

Guinee: it has been a problem for several years, in fact Sean Westenhofer came out here and we chatted and he recommended that I do nothing about it because it is brought about the folks associated with the union gospel mission, and they set up everywhere every winter, they set up a camp at the end of the street beyond where the video is photographing. They set up an encampment back in the prairie, they do it every winter. They used to encroach upon our property and loiter and I'd have comments from the tenants in the building, I had no choice to put up the fence. Westenhofer suggested we leave it because we don't know what we will find, it isn't uncommon to find needles and I'm not going to ask my employees to do that either. I was impressed after my conversation with Westenhofer, surely the City doesn't expect me to clean up on City property when I put up a fence on their property. Your contention is that isn't the property line.

Moermond: that's what I want to investigate and find out why they made that decision. I am keeping an open mind about what is going on.

Guinee: why who made what decision?

Moermond: why DSI wrote an order on land you indicated you don't own, how they came to that conclusion, I want to find out more about that. I'll also speak to Mr. Westenhofer.

Guinee: I'm sure he will affirm with regards to the encampment. There used to be a building back there, this was polluted land that was cleaned up, they would camp in that building. It has been an issue for over 10 to 15 years. It isn't a one-time occurrence.

Moermond: this is scheduled to go to Council June 3, we will call you 2 weeks from today, May 19 and I can have Mai Vang email you any information, so you see what I see beforehand.

Guinee: another phone call May 19, this is the best number to call. We're an essential business so I'm in my office today, but I am generally staying at home, so my cell is the best number.

Laid Over to the Legislative Hearings due back on 5/19/2020

- 2 RLH TA 20-281** Ratifying the Appealed Special Tax Assessment for property at 1019 WAKEFIELD AVENUE. (File No. J2015A, Assessment No. 208515)

Sponsors: Prince

Delete the assessment.

Cynthia Palmer, owner, appeared via phone

Staff report by Supervisor Joe Yannarely: summary abatement order for furniture and rubbish near yard. Compliance date December 3, and December 30, 2019, rechecked December 10 and January 6, and the abatement was performed January 10, 2020 for a cost of \$344, service charge of \$162, for a total assessment of \$506. There does seem to be another SA written previously for the same thing.

Moermond: because there was an extension granted or just a lapse of so long they decided to do another one?

Yannarely: at the time there was a Parks issue, so they reissued for the same thing.

[video shown]

Moermond: Ms. Palmer, I'm seeing a video of the furniture with someone stacked inside between your garage and the alley, the photos in the orders you received December 3 looked almost identical to the video. Tell me why you're appealing

Palmer: I started this in November. I called numerous times and left messages to have someone come look at it. The trash people moved it from the middle of the alley to the back of my garage, because they couldn't get down the alley. Someone keeps dumping in our alley. What I can put in my trash can I do, but this stuff was too large obviously. I don't know who is doing it, we've tried catching them, we're not getting who they are. They do it numerous times during the year. Last time I threw carpet in my can they had dumped. The numbers I was given, I would call, and the inspector came out, and then in turn gave me citation for the stuff behind the garage. Then I called the supervisor and they never called me back. I have called a number of people, I finally got someone in the City who works with the trash company and they told me they would come pick it up on a one-time thing because I'd been working on it for weeks. The stuff was not mine, so they agreed to do it, but apparently, the City came out before they got out there. It took me a long time to get someone to come out, they finally were going to do it. I don't feel I should keep paying for these people dumping, I'm a senior I don't have money for this. I've been there for 30 years, the last couple years have been the worst. I can't keep dealing with this, they wrote on my new garage door I had put on, they wrote all over it the first time it was up. Over 30 years, this is ridiculous. The last couple years have been the worst, I don't feel I should have to pay for this, I don't have money for this.

Moermond: I do see a history of dumping.

Yannarely: I see numerous dumping complaints, at least five of them.

Palmer: I've even sent someone a picture of the dumping that they did right before or after this pile, I think before, and they dumped trash and recycling all over my yard. Between me and my neighbor we put it in our own trash.

Moermond: Mr. Yannarely, when we have dumping like this and someone reaches out to the City, what is the City's normal response? Sounds like the inspector went out and wrote an order to have her pick it up when it was something she didn't generate or do.

Yannarely: we do try to explain the situation that unfortunately if it is on your property it is your responsibility. We might give them some suggestions, to put up cameras or signs, but we should be pointing out that you are ultimately responsible for your property.

Moermond: if it is in the right of way? And the garbage truck guys moved it? That seems to me to be unfair.

Yannarely: I would agree with that, if that indeed happened. If it is in the right of way, we would refer it to Public Works.

Moermond: in this situation I'm going to delete this, but I want you to have the phone number for garbage staff who are responsible for working with the contractors, and you can call them and let them know if something happens with the garbage company itself.

Mai Vang: Chris Swanson's number is 651-266-8897.

Palmer: what am I supposed to do when they keep dumping? Call this guy?

Moermond: I gave you his number because he runs the garbage contract, so if the hauler moved things to your property, he should know that and manage that. If someone dumps call it in and talk to an inspector, I'm going to give you Supervisor Lisa Martin, her number is 651-266-1940. If you have another dumping problem reach out to her and she can talk you through it. This assessment will be deleted.

Referred to the City Council due back on 6/3/2020

3 [RLH TA 20-287](#)

Ratifying the Appealed Special Tax Assessment for property at 250 BIRMINGHAM STREET. (File No. J2009B, Assessment No. 208108)

Sponsors: Prince

Layover to LH May 19, 2020 at 9 am for property owner to review fire report.

Yajayra (Jay) Cueva, property manager, LLC appeared via phone
Edgar Orozco on behalf of Pleasantville, LLC appeared via phone

Moermond: there was a boarding at this property January 11, and you sent in an appeal wanting to discuss this further.

Staff report by Joe Yannarely: emergency boarding as a result of St. Paul Fire Department, response to a small fire in the apartment complex, specifically 278 Birmingham, and that was apartment number 4. Cost of securing after the visit was \$296, service charge of \$162, total assessment of \$457.

Cueva: there was never anyone going into that building or that apartment. Sorry I just cut myself, I was trying to do something.

Moermond: we can call you back in about 45 mins.

[ends call]

[calls back]

Cueva: I'm going to give you my supervisor's phone number since he is at the property and I had to go home. Edgar Orozco his number is 651-497-XXXX.

[calls Orozco]

Moermond: are you familiar with this tax assessment?

Orozco: which building did it happen in?

Moermond: 278 Birmingham, apartment 4.

Staff report by Joe Yannarely: January 11 at 1:15 am the Saint Paul Fire Department responded to a fire at 278 Birmingham and had to open apartment 4 by force. Resident was not at home. They had to re-secure that door, and that cost was \$295, service charge of \$162 for a total assessment of \$457.

Moermond: I have a fire report in front of me, we just got it this morning, earlier talking to Jay Cueva I had staff email that report to Birminghamapt1@gmail.com. Do you have access to that email?

Orozco: no, not right now.

Moermond: I wanted to let you know we sent that, and Jay had a specific question about access to the apartment, she didn't think there was. The fire report reads as follows "fire crews responded to a fire in an apartment complex. The fire was isolated to an apartment on the third floor side A quadrant 1. The fire was in a single room in an apartment with smoke throughout the apartment of origin. Engine 24 crew and pulled a hose line through the apartment with engine 4's crew backing them up and securing a water supply. Squad 1's crew advanced to the third floor for a primary search of the apartment, having to force the door for engine 24's crew to gain entry to attack the fire. Engine 24 crew extinguished the fire. Ladder 24's crew sent egress and ventilation and went to the third floor to evacuate and perform primary. All floors were checked and no victims were found. The resident was not home during the fire, they returned much later and had a place to stay with relatives. Fire Inspector Blank completed the investigation and the board up company arrived to handle the door. One of squad 1's firefighters was injured while forcing the door." So there was a fire inside and the fire department forced the door open, they called a contractor afterwards to secure the door and that's what this charge is for. Can you tell me why you're appealing?

Orozco: yeah, we haven't had any fire at 278 unit 4.

Moermond: we have a fire report saying there was a fire there.

Orozco: I know the unit; I know we haven't had a fire. I would be happy to show the unit to anybody.

Moermond: so, this says 281 in the fire report.

Yannarely: they may have, speculating, if they were evacuating the entire floor, they would have had to make sure everyone was out, they wouldn't have known that they weren't home and had to check.

Orozco: what building did you say again?

Moermond: the fire report referenced 281 Birmingham. Staff were not correct earlier saying 278. I'm thinking this is all part of one tax parcel.

Orozco: 278 and 281 are far apart. They aren't even connected. They're across the street from one another.

Moermond: actually, I have the tenant's name, Juan A. Ramirez Louis, does that help?

Orozco: let me pull up my computer, it says 278 number 4 was vacant at that time, in January.

Moermond: it sounds like the fire was January 11 and the guy moved out.

Orozco: yeah, but I don't have a 278 number 4. Let me open the previous month. There was no fire at 278, number 4, there was a Vang in there as tenant.

Moermond: we emailed you the fire report, and it sounds like there was four different fire trucks responding to this fire, and the fire department is saying that's where it happened. I'd like you to review that report—

Orozco: I'm 100 percent sure there was no fire at 278 unit 4. I can talk to Mr. Thomas, I don't have a report from him.

Moermond: why don't you look at the fire report, and you can look at your own records again, and we can talk in two weeks time. I have four trucks that went out and I'm having to think this isn't a city record problem, but probably your own records. Did you have a fire in another unit that day?

Orozco: when you mentioned 281 I believe we did have a fire there, but I don't remember which month. I know 100 percent sure we didn't have a fire at 278.

Moermond: and I'm not sure why we have 281 listed as a location as well as 278, it could be a typographical error, but if you had a fire at 281 why don't you check the date, and I'll have our people check to see if it is 281 or not. If you had a fire at one of those buildings then there was a cost associated with that.

Yannarely: why don't you see if any buildings owned by Pleasantville, LLC had a fire on that date at 1:15 am. That might be the same thing we're talking about.

Moermond: we'll follow up with the fire department as well. We'll talk again in 2 weeks.

Laid Over to the Legislative Hearings due back on 5/19/2020

4 RLH TA 20-271 Ratifying the Appealed Special Tax Assessment for property at 455 GRAND AVENUE. (File No. VB2009, Assessment No. 208810)

Sponsors: Noecker

Reduce assessment from \$2,284 to \$750.

Gwynne Evans, owner, appeared via phone.

Evans: I was just over there yesterday, it was magnificent, my attorney Fred Kipper was involved in a meeting a couple months ago that said this has to be wrapped up, you should be done by May 31 at 12 noon. Everything should be done by then, there's hardly anything that has to be done. He's cleaning up. We're installing new appliances, kitchen is in, bathrooms are done except for a vanity, we did way beyond what you wanted. Everything should be done at 12 noon this month. I can meet an inspector if you send one over.

Moermond: my proposal to Council will be to reduce it from \$2,284 to \$750 for the time in the program January 4 to May 31, 2020 and so you're in for four months.

Evans: that's more than fair.

Yannarely: what is our cue to close this?

Moermond: I would call her June 1 and you indicated the property would be done May 31, so I want to see if the property is done and I can close my file.

Mai Vang: are there active permits? Because those would need to be closed.

Moermond: so that's right, once the permits are closed that's what you can go by.

Referred to the City Council due back on 6/17/2020

5 RLH TA 20-282 Ratifying the Appealed Special Tax Assessment for property at 1115 MCLEAN AVENUE. (File No. J2009B, Assessment No. 208108)

Sponsors: Prince

Delete the assessment.

Roi Saga, friend of owner, appeared via phone

Phawng Thein, owner, appeared via phone

Patricia Stewart, friend of family, appeared via phone

Moermond: I understand that Phawng Thein is the owner and he speaks Burmese? Do we need a translator?

Stewart: Roi can do it.

Moermond: that is fine with me, I just want to clarify.

Staff report by Joe Yannarely: this was for an emergency boarding or securing after the Saint Paul Fire Department were dispatched January 28, 2020 for a life support well check. They had to gain access to the building and when they left they ordered it secured. The basic cost was \$265, service charge of \$162, total proposed assessment of \$427.

Moermond: it sounds like an ambulance went to the property January 28, and they called the fire department to help get in because they were worried about the person inside. The charge is for a contractor to come and secure the door that was forced open. Why are you appealing?

Stewart: I was there that day that Phawng's brother collapsed, so I asked the EMS to break-in, but considering the low income of the remaining brother, we're wondering if there's any way to have this reduced.

Moermond: I'm going to ask; you are a friend of the family?

Stewart: a godmother to the brother that passed away.

Moermond: ok, did you Ms. Saga interpret that request on behalf of Mr. Thein?

[Saga interprets]

Moermond: I think this is an extraordinary circumstance I'm looking at and I don't see any other option other than having the Fire Department forcing entry, so I'm going to recommend deleting the assessment since there wasn't time to reflect on any other way to approach this. No bill will be forthcoming for this. Please interpret that.

[Saga interprets]

Saga: so, he owns the house, he doesn't stay there, he works someplace else.

Thein: when the emergency happened, I wasn't at home and didn't know anything about it.

Stewart: they are waiving the fee, Roi.

Thein: thank you.

Moermond: no bill will come; you won't get any more correspondence on this. If you do, call Mai Vang.

Referred to the City Council due back on 6/17/2020

10:00 a.m. Hearings

- 6 RLH TA 20-273** Ratifying the Appealed Special Tax Assessment for property at 710 DALE STREET NORTH. (File No. J2006P, Assessment No. 208405)

Sponsors: Thao

Delete the assessment, waiver on file.

Referred to the City Council due back on 6/17/2020

- 7 RLH TA 20-243** Ratifying the Appealed Special Tax Assessment for property at 2085 LACROSSE AVENUE. (File No. J2008E, Assessment No. 208307)

Sponsors: Yang

Approve the assessment.

Sandra Nute Nelson, owner, appeared via phone

Staff report by Supervisor Lisa Martin: it looks like May 7, 2019 a summary abatement order was issued to immediately to remove or drain all stagnant water in the pool in the year of the yard. Compliance date was May 20. Looks like she's had several conversations with an inspector that she was going to be taking care of the issue and had service people coming. There are several excessive consumption fines for noncompliance. Dates of the orders again was May 7, compliance date of May 20, rechecked May 23 and there was no work done, but several excessive consumption letters were sent, there's a total of four excessive consumption fines, we just have two before us. It is an ongoing pool complaint. As of today it still looks like there's stagnant water standing in the pool. The cost is \$122, service charge of \$35, for a total assessment of \$157, and there are two.

Moermond: in the original order you issued, May 7, 2019, you gave a deadline to have it addressed by May 20, and there has been ongoing noncompliance. The first assessment I'm looking at is for a reinspection on May 23.

Martin: I have May 24. It may have been rechecked on May 23, but in the system it is showing the letter and photo on the 24.

Moermond: additional letters went out for noncompliance May 24, September 12, October 22, and November 22.

Martin: yes, and then again this morning.

Moermond: so they've been out a total of half a dozen times to see if it has been addressed, and you want to charge for those inspection services. Ms. Nelson, why are you appealing?

Nelson: you have to understand, it is a weather-related situation. The pool, I work back there regularly, cleaning, I've already "algae-fied" the whole deep end, and I have my ducky with chlorine floating around, it is an expensive in-ground pool with a lining, there is still a possibility of frost this week. Next week the pool will be open, it is forecasted for 70. Perfect opening weather. It is all related to weather. There have been other variables that set us back, when we tried to open last spring, I'm a teacher, it wasn't until June when the pool company could come. They can't get there unless I'm here. When they tried to store my pump, the owner wouldn't work, so we had to put in a new motor which cost additional, and change the opening, and the chemicals. They found a root from a tree had suffocated the pipe and broke it, so the pool was running on one jet, before that we had to take down 5 trees. It cost over \$1,000, and we ended up shocking our top water, we have an old fashioned cover. So we cleaned and cleaned and we put water into the main body of the pool, at a level where we could bleed the lines and put in antifreeze. So we had major problems.

Moermond: you have, and it has been a very long time, and frankly the water looks disgusting. I have a situation where orders were written a full year ago to address the stagnant water. You are describing it existed even prior to that. I'm hearing excuses about technology, about servicing, about wind, but there are pools are over where people are able to manage them without them turning into nuisances and blighting the neighborhood. I don't know that you're owning responsibility for fixing this, it does have an impact.

Nelson: you have to remember that weather is a factor. Once it is cold you won't be swimming in an outdoor pool, then you have to close it. The water was clearing along the edge. We smartly put on a black net because the leaves were starting to fall. It is all situational.

Martin: under code section 45.03 this pool clearly meets the condition, any outdoor pool that has stagnant water and lacks maintenance. No service for two years, at this point this had been going on for some time. The conditions still have not changed. At this point there are pending excessive consumptions coming, but it was issued to abate this, if it isn't resolved shortly, we will be abating and charging her to drain the pool.

Nelson: Poolside has been called, we have an opening date of May 18. I really maintain my pool. This is a separate situation, my pump is not running, my cover is not off, I net it, I was working out front yesterday, but I was out there on Sunday. I'll go

back there, the maple tree is seeding and they can put seeds in the pool and that's mainly what I've been getting now. That's what I'm contending with. I net them off regularly and sweep along my deck so they don't blow in. I did algicide and my ducky has chlorine in. that's about all you can do. I keep netting. I could net one day, you come the next day when I'm teaching, and there may be seeds in the pool, you can say that's not healthy, but I'd be back later netting my pool. It is just ridiculous. If I could send you pictures that would help, of before and after. There's a reality that the weather affects the conditions of the pool. It isn't that I don't maintain it, when I get home I do. Now I'm not in school due to Covid 19, I have terrible problems with my neighbors. If I brought a sample to poolside, even though it was green, it would still be chlorine. There's dog waste on both sides, bonfires all around me, it is not good conditions, but I have high fencing and trees and I have tree work and fencing to do and we love our pool. I lost my job of 17 years, I was sick due to exhaustion, my body wasn't working anymore, so I got my health back and got back into teaching.

Moermond: so this appears to be one assessment for one excessive consumption was levied already, for services September 12 that wasn't an appealed assessment. The one I'm looking at today, the first is for an inspection of October 22 and the second for an inspection that occurred on November 22. Those two, the October and November assessments are for last year for the stagnant water not being addressed. I'm struggling with how it could have gone fully six months without you addressing the situation.

Nelson: I worked and worked and worked every day.

Moermond: I'm going to recommend approval of these assessments; you clearly didn't complete addressing it. The inspector was out today, you said it was being serviced May 18, I'm going to ask Ms. Martin about future enforcement action. Right now, she's charging you for excessive consumption of code services, but there could be a larger charge if you don't get the water cleaned out.

Martin: basically, what we do is have a contractor come out to drain the pool due to the nuisance conditions. I'd be happy to meet with her around the 20 or 21 of May to verify it is taken care of so we can close the file.

Moermond: great, then there wouldn't be any charges coming up for that. Would you be willing to schedule an appointment with Ms. Martin after May 18 to do that?

Nelson: yes.

Martin: 10 am on May 21 are you available?

Nelson: yes.

Martin: I will be there to make sure everything is running, and we can close the file without any further fees.

Referred to the City Council due back on 5/20/2020

8 RLH TA 20-244 Ratifying the Appealed Special Tax Assessment for property at 2085 LACROSSE AVENUE. (File No. J2009E, Assessment No. 208310)

Sponsors: Yang

Approve the assessment.

andra Nute Nelson, owner, appeared via phone

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Moermond: I'm going to recommend approval of these assessments; you clearly didn't complete addressing it. The inspector was out today, you said it was being serviced May 18, I'm going to ask Ms. Martin about future enforcement action. Right now, she's charging you for excessive consumption of code services, but there could be a larger charge if you don't get the water cleaned out.

Martin: basically, what we do is have a contractor come out to drain the pool due to the nuisance conditions. I'd be happy to meet with her around the 20 or 21 of May to verify it is taken care of so we can close the file.

Moermond: great, then there wouldn't be any charges coming up for that. Would you be willing to schedule an appointment with Ms. Martin after May 18 to do that?

Nelson: yes.

Martin: 10 am on May 21 are you available?

Nelson: yes.

Martin: I will be there to make sure everything is running, and we can close the file without any further fees.

Referred to the City Council due back on 6/17/2020

9 RLH TA 20-286 Ratifying the Appealed Special Tax Assessment for property at 158 SIDNEY STREET EAST. (File No. J2009E, Assessment No. 208310)

Sponsors: Noecker

Continue PH to January 20, 2021. If no same or similar violations, delete the assessment.

Sylvester Cruz, owner appeared via phone

Staff report by Supervisor Lisa Martin: excessive consumption between November 22 and December 20, 2019. \$157 total assessment, noncompliance with a vehicle abatement order, specifically for commercial vehicles on the property. Date of orders was December 10, 2019 with a compliance date of December 17. Rechecked between December 6 and January 6, the vehicles were still on the property. We did not send a work order to tow the vehicle, it was finally removed by January 21.

Moermond: this is basically because you had to make some extra trips because it wasn't done on deadline.

Cruz: under the state of Minnesota, it isn't a commercial vehicle. They keep saying it is commercial when it isn't registered as a commercial vehicle.

Moermond: are those commercial plates I'm looking at on the vehicle?

Martin: they are commercial plates; and the back is filled with scrap metal, it is also a larger vehicle. The inspector also had discussions with the owner that you can't run a business out of the property or have commercial vehicles at the property.

Moermond: how did you come to the conclusion it wasn't sir?

Cruz: when we received a complaint about that vehicle, I spoke with the DMV and they said because of the vehicle and the way it is and the plate I had it was commercial, they said it was not a commercial vehicle it was a personal vehicle, we had to file for new plates and transfer from it not being a commercial vehicle.

Moermond: in my experience, plates beginning with a Y are commercial. After this happened have you got new plates?

Cruz: yes, the plates specifically said non-commercial.

Moermond: so later, you got new plates?

Cruz: correct. We were trying to figure out--the neighbor complained about us, he was trying to sell. We had a feud. Now the owner is gone and it is sold and we haven't had

any issues.

Moermond: it doesn't matter who called the city and what their motivation was. What matters to me is whether it's a code violation. You did get a letter indicating it was a code violation, which you did not appeal, why not?

Cruz: I tried to contact the person who issued that violation with no response. I called Lisa with no response. I went to downtown St. Paul, and had the receptionist call, and I got no call. They said they issued it on a Friday, on Wednesday we got the letter, when we called on Friday they said you had to give 48 hours to get a call back. Today is the first time I'm hearing Lisa's voice.

Moermond: you said you tried to file an appeal, I have no records of that. Can you tell me, if you disagreed with it being commercial why didn't you appeal at the time.

Cruz: at the time, we were trying to figure out if we could get it through the State and argue with the department of motor vehicles about it, they said there was nothing and you don't need nothing to do with it and we left it alone. When they came out and gave us another violation, saying we were still in violation that's when we went to the DMV. The way the City of St. Paul approached this is it classified non-commercial specifically and that's when we paid the licensing fee and new plates.

Moermond: you said that already, and you had the opportunity to appeal the orders and instead called up the DMV. You didn't file an appeal with me, which would have gotten you a hearing about whether it was a commercial vehicle. That was in the order itself. Why didn't you do that, but you did the other things.

Cruz: I was under the assumption I was already in accordance with the City, that's why I didn't. When I received this letter saying because of the violation, that's when I started to narrow it down. I didn't know I had to take more steps.

Martin: December 18, 2019 not only was the vehicle an issue, we also sent a zoning letter for home occupation for scrap metal and asked them to stop recycling and scrapping.

Moermond: do you have that under control now Mr. Cruz? Are you still scrapping out of your house?

Cruz: no, we are not. What is going on is the vehicles are for my use only, I'm always taking things in and out and it stays in the truck until I can get it to the location, it is not things that are being scrapped, I use it inside my home.

Moermond: when I look at the photograph of the truck with the scrap metal protruding 4 to 5 feet above the truck roof, it looks like scrap and it is parked in the back. It doesn't look like normal housing repair things.

Cruz: when was this taken at?

Moermond: one December 10 and another December 16.

Cruz: that's roughly about the time I was dismantling a building for a contractor. It was later in the day so we couldn't take it to be thrown, within 48 hours it was removed because then it was open. There's no scrapping at the house.

Moermond: I'm going to ask a couple questions about the history of code violations at the property?

Martin: there is a history, November 6, 2019, garbage abatement, July 1, 2019 another garbage abatement, May 21, 2018 garbage, a couple zoning issues as well as an email from Council regarding home occupation, and Cleaning services pouring cleaning products down storm drains. Right now, we don't have any open files.

Moermond: when the owner gets these orders he seems to address them?

Martin: no, a Parks crew has not been out.

Moermond: I'd like to see things stay cleaned up at your property. Between now and January 20, 2021 if you have no orders written on the property, I will recommend the Council deletes this. If you have any orders that need to be written, then this will be payable, so it is up to you how to maintain the property.

Cruz: understood, not a problem.

Referred to the City Council due back on 6/17/2020

10 RLH TA 20-308

Ratifying the Appealed Special Tax Assessment for property at 1036-1038 STINSON STREET. (File No. J2009E, Assessment No. 208310)

Sponsors: Thao

Reduce assessment from \$157 to \$75.

Susie Sanchez, owner, appeared via phone

Staff report by Supervisor Lisa Martin: this was an excessive inspection fee for a summary abatement order for garbage and rubbish and some items around the garage. Date of the orders was November 18, 2019, compliance date November 25, rechecked November 27, work was done December 13, 2019. Crew went out but the owner had taken care of it by then. The fee is \$122, service charge of \$35, total assessment is \$157. Only history is a snow complaint that was done by owner February 2018.

Sanchez: we originally lived in it until last year, and then we moved and were renting it. The first thing I heard of these issues was when I received the notice of this hearing. They weren't forwarded to our new address, they were only sent to the property which we weren't living at.

Moermond: so, you're renting it now?

Sanchez: yes, we rented out our lower unit and moved, the spring of 2019.

Martin: it looks like November 27, 2019 the inspector noted that the mail was returned as returned to sender not deliverable as addressed and not able to forward.

Moermond: have we got a Fire C of O on this?

Martin: no, it says not a C of O.

Moermond: that's confusing to me.

Martin: because they were occupying one of the units.

Moermond: right, but that was last year and these notes are from this year when she would have been moved out. I have some appointment letters sent. Ms. Sanchez, you were moved out by December 2019 and March and April of 2020?

Sanchez: yes. We moved in May of 2019.

Moermond: did you get an appointment letter for a Fire C of O inspection a couple weeks ago?

Sanchez: yes, we did. It was originally April but due to the virus we rescheduled to the end of the month.

Moermond: they have your address as Laurel, so those records are there, the other records you probably need to update are with the County, we'll check here. The County now has your address on Laurel. So that's good. Moving forward you should be getting the orders at the address of record.

Moermond: you were out already six months by the time this happened, I'm willing to cut this in half looking at your good history, part of the reason you didn't get the notice was because you hadn't notified the city or county that you didn't live there anymore. I'm going to cut it down to \$75. I want to give you credit for not having problems, but also giving you some responsibility.

Sanchez: I appreciate your movement on the amount.

Referred to the City Council due back on 6/17/2020

11 RLH TA 20-304 Ratifying the Appealed Special Tax Assessment for property at 832 THIRD STREET EAST. (File No. J2016A, Assessment No. 208524)

Sponsors: Prince

Reduce assessment from \$534 to \$100.

Jim Tripp, owner, appeared via phone

Staff report from Supervisor Lisa Martin: this is for a summary abatement order issued January 10, 2020, compliance date of January 16, we rechecked January 22, work was done by Parks January 22, no history on this property at all. The cost was \$372, service charge of \$162 for a total assessment of \$534.

Moermond: I know that Ms. Vang from my office sent you a copy of the video.

Tripp: yes, my wife printed off some pictures of some things behind the garage.

Moermond: we can email you the video if you have questions, but we're going to watch to see what the crew did.

[video shown, Moermond narrates]

Tripp: I'm not denying that, what is going on is we've had that place is about 20 years

and I get along with James and I have been really sick, I just got on disability, the mail went there but I didn't get that, and even if I had I couldn't have moved it. Someone dumps stuff there, I think it is my brother who doesn't like me. It is a rental property and I try to take care of it the best I can. I have no reason to put things back there, I've been removing stuff from there forever. I've never complained, I just deal with it. If I have to pay it, that's fine, I was just trying to see if you could help me. I try to keep it as clean as possible and \$500 is a lot of money to me.

Moermond: are you aware you get a certain number of bulky items picked up for free as part of the garbage hauling service?

Tripp: no, I didn't know that.

Moermond: for the size of container you have, it looks like a 65 gallon, for each of those medium containers you get 3 bulky items, so if you have two you get six items. The garbage company will pick them up, you just have to call them ahead of time. That's how many you get a year.

Tripp: that would be so helpful, I could have done that! I never knew that. People would just throw bags there too, but the mattress, I'll tell my wife that.

Moermond: Waste Management serves your area there. Here's what I'll do, you don't have a history of problems at this property, you're just learning about the option to have the bulky items picked up, I'm going to recommend this is reduced down to \$100, and on your side a handshake you'll be on top of calling these things in and getting them picked up.

Tripp: I will for sure, and I'll let my wife know too.

Referred to the City Council due back on 6/3/2020

Staff Reports

- 12 [SR 20-47](#) Review Request of Carlin Polaszek to a Ratifying of the assessments for Property Clean Up services during April 12 to 29, 2019 at 697 VIRGINIA STREET adopted by Council File No. AR 19-83 on September 4, 2019. (File No. J1923A, Assessment No. 198556)

Sponsors: Thao

Refund the assessment.

No one appeared

Moermond: according to the County they bought it March 29, 2019 and two and a half weeks later orders were sent to the previous owner, they had no chance to address it, and it wasn't previously appealed, so we have to make it right by the new owner. So the orders were issued two and a half weeks after they assumed ownership, they couldn't have known to fix it, it went to assessment and we have the opportunity to make it right and do a refund since they weren't able to abate. I would ask the Council to adopt a resolution abating that.

Received and Filed

Special Tax Assessments-ROLLS

- 13 RLH AR 20-82** Ratifying the assessments for Collection of Vacant Building Registration fees billed during February 18 to December 20, 2019. (File No. VB2009, Assessment No. 208810)
Sponsors: Brendmoen
Referred to the City Council due back on 6/17/2020
- 14 RLH AR 20-83** Ratifying the assessments for Securing and/or Emergency Boarding services during January 2020. (File No. J2009B, Assessment No. 208108)
Sponsors: Brendmoen
Referred to the City Council due back on 6/17/2020
- 15 RLH AR 20-84** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during November 26 to December 17, 2019. (File No. CRT2009, Assessment No. 208208)
Sponsors: Brendmoen
Referred to the City Council due back on 6/17/2020
- 16 RLH AR 20-85** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during November 22 to December 20, 2019. (File No. J2009E, Assessment No. 208310)
Sponsors: Brendmoen
Referred to the City Council due back on 6/17/2020
- 17 RLH AR 20-86** Ratifying the assessments for Graffiti Removal services during January 4 to February 26, 2020. (File No. J2006P, Assessment No. 208405)
Sponsors: Brendmoen
Referred to the City Council due back on 6/17/2020
- 18 RLH AR 20-87** Ratifying the assessments for Dangerous Tree(s) Removal service from December 2019 at 2118 St Anthony Ave. (File No. 2006T, Assessment No. 209005)
Sponsors: Brendmoen
Referred to the City Council due back on 6/17/2020

11:00 a.m. Hearings

Summary Abatement Orders

- 19 [RLH SAO 20-4](#) Appeal of Susan Bertrand to a Summary Abatement Order at 31 KIPLING STREET.

Sponsors: Prince

Appeal withdrawn by owner. Extension to May 26 agreed on by PO and inspector.

Withdrawn

- 20 [RLH SAO 20-3](#) Appeal of William McLaughlin, BME Incorporated, to a Summary Abatement Order at 1550 RICE STREET.

Sponsors: Brendmoen

Appeal withdrawn by owner; nuisance is abated.

William McLaughlin, owner, appeared via phone

Moermond: you filed an appeal about a summary abatement order at your property, and it is tricky because you've already done the cleanup asked for in the order.

McLaughlin: that's right.

Moermond: I don't have a lot to tell the Council if you've already done the cleanup, but you obviously want to be heard on the issue.

Staff report by Lisa Martin: April 20, 2020 a summary abatement order was issued to occupant and owner of 1500 Rice Street to remove lose and litter debris on north side of the property on Hoyt Avenue. The compliance date was April 27, Inspector Williams rechecked it and said it was abated and the file was closed.

McLaughlin: 19 years we've had trash on the side of the building constantly, we've paid thousands of dollars to clean this stuff up. It is coming from the apartment building across the street on Hoyt. We were warned when we bought the building, we'd have to have someone spend 4-5 hours a week cleaning up that trash. There's no way our building can generate that amount of trash on the north side of the building. I've had councilwoman over here, I've shown pictures. In the backyard of my building is nothing compared to the Hoyt side of the street. We've picked up bags of trash. They need to close the dumpster or fix the lid, the dumpster is obviously too small for the number of tenants in the building. It is ongoing problem, I can't keep getting abatements to clean up their side of my building, it is not fair. Why do all these businesses have to put dumpsters into an enclosed area, there's a reason. I'm not only fighting the apartment, I'm fighting Taco Bell and McDonald's too, all their stuff ends up in my yard constantly. Everything you can imagine ends up on the north side of the building.

Moermond: first I'm going to ask, Ms. Martin tries to work with neighborhoods when things like this comes up, the second thing is—it is not good news--but if it lands on your property it is your problem. I'm sorry about that. Ms. Martin, this isn't the first time you've heard this kind of thing, what actions does the department suggest?

Martin: basically, if we have an address you can always call the complaint line and

we're happy to send an inspector out there. We do expect those dumpsters the lids are closed, obviously on pickup days they may have extra trash, but if it is a continual problem we may ask them to add another dumpster. The other thing is we work closely with the Fire Inspector in charge of the Fire C of O, and we can reach out to the owner and try and have a conversation with them. If we have to go out to the same property more than three times in a year, they do start getting fined for being in non-compliance. Again, the more information we have on what property is creating a problem, there are different ways we can try and take care of it.

McLaughlin: you just took the wind out of my sails by telling me if it lands on my property it is my problem. If someone dumps their garbage on my land is that the way it works?

Moermond: yes, it applies to your land, it applies to mine, it applies to all of us who are property owners. We are responsible for maintaining our property, it is my job to keep my yard picked up.

McLaughlin: I can accept that, but I can't accept garbage bags full of trash week after week. I can't keep paying someone over and over to clean up this guy's trash, do I have to file a lawsuit?

Moermond: I can't give you legal advice. Some people have gone down that path. I really am not in a position to give you that advice.

McLaughlin: I just don't get after 20 years of filing complaints; nothing has been done to make the guy responsible for this. I don't even know who owns it anymore, it has changed hands about 5 times.

Martin: what's the address of the building? Is it 121 Hoyt?

McLaughlin: that's the one.

Martin: I'll be happy to go by there today for you.

McLaughlin: you can't see anything now because we've cleaned everything up.

Moermond: your property is clean, but we can check out their dumpster area. We'll look up ownership on that property for you.

McLaughlin: he's a retaliation type person, the last time we had a confrontation the next thing I know I had people coming over every other week telling me I had graffiti, this is wrong, that's wrong, grass is too high, it went on for three weeks. I can hardly wait.

Moermond: the responsible party is NP Management, LLC and their number is 651-429-XXXX.

McLaughlin: that's great.

Moermond: Ms. Martin will swing by, you've got the number to call into DSI, and if you want to initiate a conversation with this owner you have some information to do that. I'm sorry you're in this situation.

Withdrawn

11:30 a.m. Hearings**Orders To Vacate, Condemnations and Revocations**

- 21 RLH VO 20-15** Appeal of Ted Ries to a Re-inspection Fire Certificate of Occupancy With Deficiencies (which includes condemnation of a bedroom) at 1326 FOURTH STREET EAST.

Sponsors: Prince

Grant a 7 square foot variance for the NW bedroom on the condition that the window and doorway access are clear, and the bed no larger than single/twin, and 40% floor space must be clear. Conditions must be met by June 1, 2020.

Ted Ries, owner, appeared via phone

Supervisor Leanna Shaff staff report: Fire Certificate of Occupancy reinspection by James Thomas, condemnation of a bedroom on the northwest side of the property, less than the required 70 square feet, it is measuring out at 63 square feet. There's a diagram drawn by Mr. Ries, with the closet is 79 feet, however the code is clear we can't consider those spaces as passable space for consideration of a sleeping room.

Ries: I didn't know that.

Moermond I assume you're looking for a variance today, tell me what is going on there?

Ries: currently it is used as a child's bedroom, or it was, it had a single bed and a dresser, drawn on the diagram. I guess I don't know exactly what you want to hear, I'd like to obviously use it as a bedroom, it has always been used as one, it is not a repurposed room, it was a 2 bedroom home and that was always a bedroom. Listed as a bedroom when I bought it.

Moermond: where's the other bedroom in the home?

Ries: this is on one side of the kitchen, and then a bathroom between, and a bedroom on the other side.

Shaff: on your diagram, next to the closet, it says 34 x 46 inches, what is that space?

Reis: on the other side of that wall there's a counter that comes out, and then behind the closet would be the bathroom. So where I have 34 and 36 written, there's a counter that comes out and that area is the kitchen, the sink and the stove on the opposite end of that room 10 feet away. That's just like for a stool to eat.

Shaff: I am wondering if that was done later, and cut out of the bedroom.

Reis: no, you'd have to see it.

Moermond: I don't know where I'm landing on it originally being a bedroom, because code has been the same on bedroom size for decades. It seems like it could have been added on at some point, I don't know when or how that would have been. What I'm concerned about now is it sounds like you have a family in here.

Ries: yes, it is a single mother and her kid in there.

Moermond: I'm concerned about being able to maneuver in an emergency situation, so looking at floor space to window and door. Those are the critical things. I can see the bed in the photograph the bed is in front of the window partially, but the 7x9 foot bedroom, the bed could fit on either the opposite or the 7' wall, so the window access is opened so I can look at doing a 7 square foot variance on the condition that only a single sized bed could be in there, and the window is not blocked by any furniture. In terms of other furniture, dresser and nightstand we could free up some floor area in there, does that sound reasonable?

Ries: that's fine.

Moermond: I'm thinking we'd like to see 40% of the floor area clear, the window and door unblocked, and no larger than a single bed. I would suggest you make those conditions in your lease as well, we will be holding you accountable for that regardless.

Shaff: when is this due by?

Moermond: the inspector will be scheduling another inspection with you, I'm going to put a June 1 deadline on this.

Referred to the City Council due back on 5/20/2020

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 22 RLH FCO** Appeal of Mark Younghans to a Fire Inspection Correction Notice at 147
20-33 SYCAMORE STREET EAST.

Sponsors: Brendmoen

Grant to September 1, 2020 to receive variance from Building Official for attic bedroom(s) to be used as sleeping rooms, or rooms must cease to be used as sleeping rooms.

Mark Younghans, owner, appeared via phone

Moermond: what we're talking about today is ceiling height, so it may involve a building code appeal which is a separate process, but as we talk this through, we'll be able to figure that out. If it does, it will go to the Building Official, so you're aware of that possibility. Are we focused on just the one bedroom today? Anything else you are appealing?

Younghans: just the ceiling height of the attic bedrooms, it is broken up into 2 or 3 rooms.

Staff report by supervisor Leanna Shaff: Fire C of O inspection started with Inspector Franquiz and taken over by Inspector Thomas. This is the second Fire C of O this place has had, the first being in 2013. The orders as far as the attic, item number three, Thomas determined the bedrooms in the attic, the ceiling height, the north side is 112 square feet, and the ceiling is 7' height, basically 1.5 square feet. The west side

attic is 6.5 feet in length, and 5 feet in height, the bedroom on the south side is 7 feet in height, 1.5 feet in length, 120 square feet. East and West side 5 feet in height and 6.5 feet in length. When I look at the pictures it makes more sense. The code requires that when we start measuring these spaces with the slanted ceilings, anything under 5 feet doesn't count as floor space. We count starting at 5 feet and go up the slant, and the top must be 7 feet or more, and must be 50% of the floor area. When I look at the pictures, it looks a little doubtful that it is half the room that is 7 feet or more.

Moermond: let's talk about the first room, that north room. He is saying that 112 square feet exist in the space, above the 5 foot level. Is that assumed, he would only count space above 5 foot?

Shaff: I think that might be the purse in the pictures, when I look at the size of the bed, I think that the 112 square feet measures all the way to the edge.

Moermond: so he doesn't measure from the 5 foot mark then?

Shaff: it doesn't look like it.

Moermond: so it is a bad measurement. And what we do know, he says the ceiling height is 7 feet for 1.5 square feet. So 1.5 square feet times the length of the room is the amount of square footage over 7 feet. And the length of the room is what do you suppose?

Shaff: I'm not sure.

Moermond: we have the same problem with each of the measurements.

Shaff: yes, we do.

Younghans: yeah, he didn't pull out his tape measure at all, so I was wondering if maybe his camera did the estimates.

Shaff: he never pulled out a tape measure?

Younghans: I don't believe so.

Moermond: does he have a laser measure?

Shaff: laser measure, I do that sometimes to avoid climbing over furniture.

Moermond: so that would explain why he did solid wall to solid wall instead of what is 5' in height.

Shaff: I have some concerns, if there are three rooms, I'm picturing the stairway goes into one of the room?

Younghans: you come up the stairs into an open space, it isn't a room, there's a room to the right, and then you go left through the open space to the space to the other room.

Shaff: that middle area we would also need to have room.

Younghans: he was probably being optimistic for me, he made it seem pretty common

and said there was a few options, and based on the fact that it has been being used as a bedroom for years, at minimum we'd at least let you keep it as a bedroom for their tenancy, or it could be grandfathered in for good. He seemed like it was a simple process.

Shaff: it isn't, it has been in the building code for many years, that ceiling height requirement. It used to be more strict than it is now. This was attic space when the house was built, not intended to be living space. It was likely done without permit.

Youngmans: I bought it in 2012 as is. I guess I don't know when he purchased or what he did prior to that.

Moermond: so 50% of the floor area needs to have 7 feet or above. Right now, it is maybe 20% if I'm being generous. So two of the spaces upstairs are used as bedrooms? Are there bedrooms on the first floor?

Youngmans: there are two.

Moermond: and you've got this rented as a four bedroom?

Youngmans: yes, it has been since 2012. Even during my first inspection, the house was as is. I don't know why that inspector overlooked it.

Shaff: unfortunately, that inspector no longer works for the City. In the code books it talks about just because it was wrong before doesn't mean it gets to exist. It doesn't make it right.

Moermond: I do see in the TISH report in 2012, it does talk about how the attic has covered roof boards and it does say unheated and low head room. So, that is specified in there, and low head room and no heat would not qualify it was a sleeping room.

Shaff: realtor.com says it is a 2 bedroom, one bath, from when the house was last listed for sale in August, 2012.

Moermond: so you bought yourself a two bedroom. Regardless of your understanding at point of sale, the code that would apply is an ancient one.

Youngmans: I'm actually a real estate agent, I'm on MLS right now, I do see what realtor.com says, but looking at my purchase it says three bedroom, one bath, no garage built in 1895, 1240 square feet. Realtor.com doesn't have any of that correct.

Shaff: either way, it was an attic, never meant to be living space.

Moermond: I don't have the ability to grant you a variance to use this as a sleeping room. We can talk about when it needs to be compliant. If you want to seek a variance you would go to the building official. What kind of a lease do you have in place for this tenant?

Youngmans: I'm not sure I'd have to check, we renewed at some point, maybe six months.

Moermond: I'm not thrilled with that, that is a long period to come into compliance.

Youngmans: in terms of expenses and costs, if I were to lower this to a 2 bedroom it

wouldn't make sense, it doesn't make sense, I couldn't understand how my property taxes went up so much for just a two bedroom house with a small yard. If it comes down to that at this point.

Moermond: if you can't cash flow your property leasing it legally, I can't go there with you today. Tax issues would be Ramsey County. Looking at this, if you want to file an appeal with the Building Official, we need a decent measurement, so the Building Official has specifics to look at. In terms of how long you have to get people out of rooms for sleeping purposes, I have to balance safety with the current health crisis, it is all bad. I think it would be reasonable to expect that by September 1, 2020 you would either have a variance allowing it to be used as sleeping space, or tenants must not be using it as a sleeping space. If you want to appeal to the Building Official we'll get Inspector Thomas out there so you can include that in your appeal, Thomas has an inspection on May 11 does that still work for you?

Youngmans: I wasn't sure what was happening with this, so I haven't done a few things. I need to put up the glass globes and the handrail. Do those need to be done by Tuesday, or would those be in a later reinspection? Is he only coming to measure?

Moermond: we're talking about doing it all, because enforcement is stayed during the appeal, I think he could give you another appointment a week or two after the May 11 appointment.

Shaff: I will ask Mr. Thomas to reschedule and send you another letter for a couple weeks after this, probably the last week or two in May.

Referred to the City Council due back on 5/20/2020

2:30 p.m. Hearings

Vacant Building Registrations

23 RLH VBR Appeal of Shona Jackson to a Vacant Building Registration Requirement
20-30 at 896 YORK AVENUE.

Sponsors: Yang

Grant the appeal of the vacant building registration. DSI staff to refund VB fee to Altisource.

Shona Jackson appeared via phone

Moermond: we continued this for a week for me to get some more information to look at. I asked a colleague to look at where things were at with the repurchase and timing and looking at Altisource's role and US Bank, since we had US Bank via Altisource saying it was vacant, but it appears they were jumping the gun on that. You can put someone into the property and I'm going to recommend the Council grant your appeal and DSI refund the vacant building fee to whoever wrote that check. It could be subject to the vacant building requirement in the future, but that would be following your period of ownership, so ballpark you have June 15, and May 15 there's a tax bill due to that you're probably aware of. So, I'm recommending the appeal is granted and dept refunds the money and hopefully things move smoothly for you.

Jackson: I appreciate that, thanks for taking the time to look into it.

Referred to the City Council due back on 5/20/2020

24 RLH VBR
20-29

Appeal of James L. Nichols to a Vacant Building Registration Notice at 277 & 285 FILLMORE AVENUE EAST.

Sponsors: Noecker

Grant the appeal of the vacant building registration for both 277 and 285 Fillmore Avenue E.

James Nichols appeared via phone

Staff report by Supervisor Matt Dornfeld: just so we're clear, we actually opened two vacant building files. One at 277 Fillmore and 285 Fillmore, it's my understanding that Mr. Nichols is the responsible party for both.

Nichols: that is correct. I never received any notification about the vacant building about 285, when we talked you mentioned it would be coming and but I never got it, but you'd mentioned the 7 days so I filed it right away.

Moermond: I also have Supervisor Shaff here, the certificate got revoked, it sounds like she has something to add too.

Shaff: it was revoked by Sebastian Migdahl, I talked to his supervisor, and he revoked the C of O just over a year ago in April 2019. He has had conversations with Matt Dornfeld over the last several months. Matt, Sebastian and myself have agreed recently this should be a Category 1 and should be in the vacant building program. We are unaware of any pending sales. This inspection cycle started in April 2019, here we are 13 months later and the building is still unoccupied.

Moermond: that's true for both buildings?

Shaff: I just learned about the 285 here also.

Moermond: it looks like that one ended up in the program, file was opened April 17, it could be the same day as this one.

Shaff: this was revoked April 27, revoked unoccupied.

Dornfeld: I just wanted to make sure we're killing two birds here.

Shaff: that one was revoked unoccupied on October 25, 2019, and then referred to vacant buildings on April 27, 2020.

Moermond: so both have been unused for over a year. Rock Solid companies.

Nichols: Rock Solid is still there, they were the property manager. It is complex, but they are still there.

Moermond: Mr. Dornfeld, you opened up a couple of vacant building files here, you caught those files when they were referred from fire, did I understand correctly they are category 1?

Dornfeld: the pioneer of these two being vacant buildings is Mr. Magner and Inspector Westenhofer, on their homeless encampment checks are consistently by these two

buildings, which are hot spots for our homeless community. Mr. Magner asked me to get in contact with Mr. Midgdahl and we all agreed on making them Category 1 vacant buildings just so we get some more consistent monitoring of them. We had Mr. Nichols do some cleanup of some scrap building materials and illegally dumped things, and pallets the homeless were using as supplies. That's the genesis of these becoming vacant buildings, so we can have more consistent eyeballs on this.

Nichols: they really are not class 1 buildings, they are commercial buildings, but I agree they are in a unique area, but they aren't residential.

Dornfeld: don't misconstrue class 1 with vacant building 1. That just classifies what type of vacant building you are, they're two different things.

Moermond: category 1 vacant buildings are turnkey and can be occupied tomorrow; there are no significant code violations. Category 2 vacant buildings require a code compliance inspection and certificate before they can be reoccupied. Category 3 need a hard hat when you go in. This is a lightweight one, as soon as you do something else, that's cool. Where are you going with these and what are you looking for today?

Nichols: this is in a great location, marketable, was on the market last summer, we did have a signed purchase agreement and we removed from the market but later in the winter the buyer was unable to perform, so we put it back on the market earlier this year and there was a lot of interest and then Covid hit. It will eventually be sold; we're just asking respectfully consideration for a stay of the vacant building status due to the extenuating circumstances.

Moermond: the two buildings are different, and here's what I'm doing. I'm looking at the definition of vacant building in the code, and it appears 277 Fillmore had its certificate April 10, 2019 which means it has been vacant and unoccupied for more than 365 days, which is its main sin. For 285 it wasn't until October. However, the other component, "during which time the enforcement officer has issued an order to correct nuisance conditions." So, it sounds like the conditions of the building is ok, but there are nuisance conditions due to the homeless encampments. Is that consistent with your take?

Nichols: there's no place where they can get in, the property is totally secured. There are areas around the building, but not around our property. There's a vacant lot behind us, that's not ours, you could put a tent city there, that's not our property though.

Dornfeld: I agree with Mr. Nichols, they are doing everything they can to prevent it. There are no encampments on their property, they are just wandering on and illegally dumping. They haven't done anything wrong here.

Moermond: and I wasn't thinking they had, thanks for clarifying.

Nichols: we have been very diligent, but unbeknownst to us during the winter, there was a lot of stuff after the snow melt that should have been picked up earlier. Rock Solid apologized for that, we weren't aware of it.

Dornfeld: I can certainly monitor these as preliminary vacant buildings; it would make everything easier for all of us.

Moermond: can you clarify for me, I'm looking at the aerial map, where is the encampment relative to the property? North? Or under the bridge?

Dornfeld: I get to them by going over the Robert street bridge, if there are encampments, they will be closer to the river, between the river and the north side of the building.

Nichols: that's about two blocks, those are all vacant lots, I don't know who owns those.

Dornfeld: that has been and will be a problem for the foreseeable future.

Moermond: I'm going to recommend the Council grant your appeal, I can't guarantee it won't come up again in the future, but for now this is close to the line and you're being responsible about maintenance. Mr. Dornfeld can help keep an eye on things, and hopefully they will get better.

Nichols: my compliments to Mr. Dornfeld as well, he's been very helpful and communicative about this.

Referred to the City Council due back on 5/20/2020