



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
legislativehearings@ci.stpaul.mn.us
651-266-8585

Tuesday, July 28, 2020

9:00 AM

Via Telephone

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 20-13](#) Ordering the rehabilitation or razing and removal of the structures at 134 ELIZABETH STREET EAST within fifteen (15) days after the April 8, 2020 City Council public hearing. (To be referred back to Legislative Hearing on April 21)

Sponsors: Noecker

Layover to August 11, 202 for a work plan and evidence of financing by August 7 (this date was changed from August 5)

134 Elizabeth Street East

Marcia Moermond: We are doing a layover to August 11 at 9:00. By close of business, prior to that Wednesday, we are looking for a work plan and financing.

Laid Over to the Legislative Hearings due back on 8/11/2020

- 2 [RLH RR 20-23](#) Ordering the rehabilitation or razing and removal of the structures at 1915 IVY AVENUE EAST within fifteen (15) days after the July 8, 2020 City Council public hearing. (To be referred back to Legislative Hearing on July 28)

Sponsors: Yang

The following conditions to be met by August 10 if owners intend to rehabilitate the building:

- 1. Must provide a work plan including timelines for completing the work;*
- 2. Must submit bids from a general contractor and subcontractors;*
- 3. Must provide financial documentation indicating the amount of funds to do the rehab (line of credit, construction loan, personal bank account);*
- 4. Must provide an affidavit indicating the dedication of funds to be used for the project, if using bank account.*

If owners want to sell, they will need to come into a contractual agreement with a private party who is willing to do the rehabilitation, noting that title cannot be

transferred until the project is completed.

1915 Ivy Avenue East

Monica Anderson is on the phone line.

Michael Hulke is on the phone line.

Marcia Moermond: I'm calling to conduct a phone hearing. We received the e-mail from Monica sent this morning. We wanted to talk to you about the next steps.

Steve Magner: (Read a letter from Mai Vang dated 6/25/2020.)

Moermond: Do you have the e-mail from this morning?

Magner: There was an e-mail from Monica to Mai Vang. (He read this.)

Moermond: Our hope is that the electrical inspection would happen quick so they can get a code compliance report in their hands. Do you have a contractor to look at the house and put bids together for rehabbing it?

Anderson: We have someone looking at the house. We were hoping we could have it upped to a Level 2.

Moermond: That's not happening.

Anderson: Just so we could sell it to them. They have other ones across the street they have fixed and sold. They were wondering if they could bring it up to Level 2 so they can transfer title. Otherwise, they have to transfer title after the work is done.

Moermond: The code is clear that a building with a pending order to remove or repair cannot be transferred. The title is stuck with you until the nuisance condition is resolved. You can enter into a contractual arrangement where they can agree to the rehab. Some rehabbers put a mortgage on the property to protect their interest in the property. That would be the only option to have someone else do it. It requires an extra hoop to jump through. Now, another way is for you to do it yourself, hire the general contractor. If this something you have money to do?

Anderson: We are in the process of selling. I would rather take it out of our hands and proceed from there. We won't know until the company is interested. They need copies of all the reports before they give us a bid.

Moermond: I can try to get the code compliance in your hands. It's in your interest to talk to other people, so you have good options.

Anderson: Yes, we are going to invite others in to look at it.

Moermond: Because of how long this is taking, and it's a Category 3, the way to handle this is indirectly. We can send you some sample contracts people have used in the past.

Magner: The only thing: there is a blue van at the property. What is going on with that?

Hulke: It's my van.

Magner: Licensed?

Hulke: Yes.

Magner: As long as it stays secure and it's licensed and people do not break into it, it shouldn't be a problem.

Hulke: I'm using it today.

Magner: You're stopping by on a routine basis?

Hulke: Yes.

Moermond: Do you agree with your sister?

Hulke: I would like to fix it, but she wants to sell it.

Anderson: Right. We know this.

Hulke: I will be looking for contractors.

Moermond: I need you both to sign off on anything proposed. Let's give this a few weeks. Then, I would like someone selected to do the work. I will push DSI (Department of Safety and Inspections) to get that inspection done. We'll see where we go from there. If it's you folks doing a rehab, we will be looking for funds available for you to execute it. We'll look at August 11. I'd like to have materials by August 10, so we have a chance to look them over.

Laid Over to the Legislative Hearings due back on 8/11/2020

3 [RLH RR 19-29](#)

Ordering the rehabilitation or razing and removal of the structures at 864 MARION STREET within fifteen (15) days after the December 18, 2019 City Council public hearing. (Public hearing continued from February 26) (Amend to remove within 15 days)

Sponsors: Thao

Remove the building within 15 days with no option for repair. (Unable to reach owner 3x)

864 Marion Street (There were 3 attempts to call this owner. These attempts were made about 30 minutes apart.)

(voice mail came on)

Marcia Moermond: This is my 3rd attempt today. This is the 2nd day. I will refer the matter to the City Council on August 12. The recommendation is to remove the property. We have no plans and no financing that you are going to rehab the property. You can schedule to testify at the Council by contacting Mai Vang.

Referred to the City Council due back on 8/12/2020

4 [RLH RR 19-30](#)

Ordering the rehabilitation or razing and removal of the structures at 1904 PRINCETON AVENUE within fifteen (15) days after the December 18,

2019 City Council public hearing. (To be referred back to Legislative Hearing on July 28, 2020)

Sponsors: Tolbert

Layover to August 25. An inspection to occur by Joe Yannarely to confirm clean out of property, including photos to document and a code compliance inspection can take place and an inspection report completed.

1904 Princeton Avenue

Steve Anderson is on the phone line.

Marcia Moermond: *I'm going to ask for an update. We received a statement from you and previously from Mary Kattar.*

Steve Magner: *A letter was mailed from Mai Vang dated June 25. (He read this letter.)*

Moermond: *Do you want to highlight the correspondence dated today.*

Anderson: *We are not at broom ready today. That's where we stand. A lot has happened in the last 3 weeks. Some of it started when we hired a project manager. She's now working with Everything Together. They have a system going where Mary stays indoors and works with Louise the head of the program. There is a lot in the house. There is a plan in place with Everything Together. They suggested there is a way to get that house emptied. After the financing, her husband is not engaging in the process. There is a Catch 22. The bank is willing to give them a loan on the property. The lot is worth money. That is not complete yet. He does have other access to cash, which is actually a retirement account without any penalty. That's the Catch 22.*

Moermond: *You contradicted whether a lot has been done or not. Not being broom ready. There is a lot of space between broom ready and a hoarded house. I don't have an inspection report, photos, deadline when Everything Together will have the house cleaned out. Is there any way you can address that?*

Anderson: *I was vague in the request for an extension because I wanted to get as much time as I could. 3 weeks.*

Moermond: *Heard this before.*

Anderson: *I'd like to suggest an extension. We start providing specific updates.*

Moermond: *It's not clear. I would like the contract with the hoarding specialist. I'd like to know if that contract is paid, the deadline incorporated. That is a request from the past that is continuing forward. The City is not going to give a grant of time or a blank check. We have to have a deadline.*

Anderson: *She's billing weekly. Hypothetically, if you could get those things in 48 hours, how would that change things?*

Moermond: *In the past, you said there were 3 offers to fix the house. Now you're saying you're fixing it yourself.*

Anderson: *That is where John and Mary are landing on this. They would like to fix it up. It's hard to bring people in right now.*

Moermond: Why?

Anderson: The house is not broom ready. Some of the stuff they can do, the electrical.

Moermond: Three weeks?

Anderson: Yes.

Magner: I'm wondering if we can get an update. If Anderson has photos. Can his client, he, or someone take photos to identify what has been done? We don't have any knowledge of that.

Anderson: I can put that together.

Moermond: I would like it to get a City inspector in there to get photos. Joe Yannarely could go and take photos. I'm looking for photos for each room in the house. Can you work with us?

Anderson: Absolutely, I can get that.

Moermond: Can Yannarely make himself available?

Magner: Joe would make himself available. We would generally do that between 9:00 and 1:00. Someone would have to be on site to let him in. Everyone would have to wear a mask and social distance. Other than that, we should have no issue.

Moermond: That set of photos should be taken no later than August 14. I would like to see the house cleaned out.

Anderson: We have a plan. We have a bid on cleaning it all out. Mary is aware of it. She is not there yet, but she is close. Otherwise, I wouldn't be asking for an extension. By the 14th, for sure.

Magner: Anderson can e-mail me, and I will refer over to Joe. Or, he can call Joe directly if he wants to at 266-1920.

Moermond: We'll include that in our follow-up letter. I would like to see the house cleaned out by the close of business on the 14th. That gets the code compliance team in there to do an inspection, and we can talk again on the 14th. With the financing, I'm thinking you won't have a plan for specific bids, but we should have the code compliance done.

Anderson: I will make that money available. You don't want John in charge of that money.

Moermond: Usually we allow people to be in charge of their own money. You are right this is a unique circumstance. It would be better to have a third party. Is the project manager distinct from the general contractor?

Anderson: They are being paid through my office. She is one of my managers.

Moermond: We have a plan. This gives the cleanout contractor and Mary something

firm to deal with. You will get that contract to me?

Anderson: Yes.

Magner: I've e-mailed Yannarely. Anderson can e-mail me. We can set that up. We'll meet in a couple of days to put that in the schedule.

Laid Over to the Legislative Hearings due back on 8/25/2020

5 [RLH RR 19-23](#)

Ordering the rehabilitation or razing and removal of the structures at 1179 SEVENTH STREET EAST within fifteen (15) days after the September 11, 2019 City Council public hearing. (Public hearing continued from October 9, 2019) (Amend to remove within 15 days)

Sponsors: Yang

Remove the building within 15 days with no option for repair.

1179 Seventh Street East

Kenneth Udoibok is on the phone line.

Steve Magner: A letter was sent out from Mai Vang on June 25 2020. (He read it.)

Marcia Moermond: Status?

Udoibok: Status has not changed. We hired someone to do the garage. We decided to look for a buyer. We have exhausted our time to raise money. We tried to get financial assistance. The Council is aware of that. We have exhausted all efforts. What is left is putting it up for sale. I was left to file an agreement by a real estate organization. Nothing has changed since the last time we spoke.

Marcia Moermond: I'll bring this back to the City Council. I need to report to them. It's been a long time. I'll schedule this for a public hearing August 12, 19, or 26. Not sure what is available. I will get back to you with correspondence this week confirming the day of the public hearing. Any dates not possible?

Udoibok: For now, I think it's fine. I'll let you know if there is a conflict.

Moermond: Once it's on the Council calendar, I'm loathed to reschedule it.

Udoibok: I hope there is no conflict. I don't know if there is a choice if I'm scheduled for a criminal calendar.

Moermond: I will find out what day. The public hearing will occur between 3:30 and 5:00. We will give you a call. You can also participate in writing. If they want me to continue working on this, I will do so.

Udoibok: Will you also contact Michael Aderinkomi?

Moermond: Right now, my recommendation is to remove the building. If they are willing to give more time for a sale, we can work together to figure that out.

(Later, Moermond said she will lay this over to August 12.)

Referred to the City Council due back on 8/12/2020

6 [RLH RR 20-24](#)

Ordering the rehabilitation or razing and removal of the structures at 657 SHERBURNE AVENUE within fifteen (15) days after the July 8, 2020 City Council public hearing.

Sponsors: Thao

Grant by the close of business on Friday, July 31 to put a lockbox at the property and provide combinations to Building Inspector Nathan Bruhn so that inspectors can perform inspections.

657 Sherburne Avenue

Aychoeun Tea is on the phone line.

Steve Magner: June 12, 2020, a letter was sent out from Mai Vang. (He read this letter.)

Marcia Moermond: You did post the performance deposit?

Tea: Yes.

Moermond: You made application for a code compliance, but you didn't supply a lockbox.

Tea: Yes. My sister broke her hip. I brought her to the hospital. I talked to the inspector. I need maybe a week.

Moermond: For a lockbox?

Tea: Yes. Next Monday? I put in the lockbox. Could you call me, and I will open the door?

Moermond: We talked about this. It doesn't work that way. I don't know what your sister has to do with this.

Tea: She broke her hip, and I'm worried about her. I cannot find it. Right now, I have another one. Could I put it in on Monday? or can you call me?

Moermond: Four inspectors need to go through. They aren't going to call you each time. If you don't put a lockbox on, it seems like you are trying to delay the process.

Tea: Could I do on Monday?

Moermond: Why not today or tomorrow?

Tea: Today I'm in the hospital. Tomorrow maybe.

Moermond: Again, it looks like you're trying to delay.

Tea: I don't want to delay. I already put in the money. I'm in St. Cloud. I can do it on Friday. The number had to be changed because they cannot do the 4 numbers. It has to be 5 numbers. Someone stole one so I had to get another one.

Moermond: By the close of business on Friday, you will have that lockbox on the door, you would have called or e-mailed Nathan Bruhn with the combination. We will send you his contact information. You have to communicate what the combination is.

Tea: What is his number?

Magner: 651-266-9033.

TEA: It goes direct to you, right?

Magner: To Mr. Bruhn.

Moermond: The next step is to get a work plan, get a contractor for bids to do the work. City is estimating the work will cost more than \$100,000. You will have to demonstrate that you can do the work.

Tea: Why do I need to do all this stuff? Why \$100,000? I don't do anything. There is nothing I do illegal in there. That is too much for me. I'm not happy about that. I try my best.

Moermond: We're trying to figure out what this looks like. The City believes it is in worse shape. The inspection will clarify what needs to be done.

Tea: I bought it. I live there. I don't do nothing. There is a lot of stuff I need to fix here. You have to realize how I feel.

Moermond: I don't think this is a productive line of discussion until we have the inspection report because you didn't provide a lockbox combination. You'll have to demonstrate that you have the money to do the rehab on this property. You're going to have to have plans to do it and money to do it. When did you buy it?

Tea: Ten to 12 years ago. I had a son who had problems.

Moermond: I have a note that it was condemned in 2017.

Tea: I just want to get this done. I'm going to fight this. I try my best. People are dying. I am asking you to open your eyes. You are kicking me out. People steal my stuff. I'm not even there.

Moermond: Will you stop yelling at me for a moment? We've been on this road before about you having a house. Back in 2017, it was an illegal conversion to a duplex, gross unsanitary conditions, rodents, missing hardware, hole cut in side of the house, missing shingles, damage, dog feces, shed was in haphazard shape, it burned last year, electrical issues, feces and urine in the home, floor was soft and rotted, smoke and carbon monoxide detector problems. The house was not perfect when the inspector was there. We need to get to a place where it can be occupied. The first step is the inspection. Is it cleaned out?

Tea: Yes. It is in good condition. It's a \$300,000 house. I did not convert to a duplex. I had problems with my son. A bunch of people came to my house. They steal everything from me. The house is not being rented. There are homeless in front of my house.

Moermond: Your son lived there. Your son let in homeless people. If there were changes to the house, your son or someone else made the changes.

Tea: I moved them out 3 months ago. I kicked them out. I moved everything. I fight with them. I explained that time. Nobody lived there for 3 to 4 months. I tried to fix it.

Moermond: You made a promise to have a lockbox with a combination set on Friday. You're going to call inspector Bruhn to tell him the combination. I need you to honor that promise.

Tea: Okay.

Moermond: Laid over to August 11.

Laid Over to the Legislative Hearings due back on 8/11/2020

Special Tax Assessments

- 7 [RLH TA 20-182](#) Ratifying the Appealed Special Tax Assessment for property at 1504 SUMMIT AVENUE. (File No. J2012A, Assessment No. 208511)
- Sponsors:** Tolbert
- Reduce from \$450 to \$350, noting assessment has been paid and partial refund will be processed by Assessment Office*
- 1504 Summit Avenue*
- Marcia Moermond: The question is how to phrase the resolution for a refund. For 309 Aurora, we reduced the assessment and a refund was issued. Real Estate is looking for clear language in the resolution.*
- Referred to the City Council due back on 8/12/2020**

11:00 a.m. Hearings

Summary Abatement Orders

- 8 **RLH SAO** Appeal of KateLynn Hibbard to a Notice to Cut Tall Grass and/or Weeds
20-12 at 881 COTTAGE AVENUE EAST.
- Sponsors:** Yang
- Layover to August 4. (Owner to meet with inspector and discuss compliance options). An inspection occurred and the nuisance has been abated and the matter is resolved.*
- 881 Cottage Avenue East*
- KateLynn Hibbard and Jan Hibbard are on the phone line.*
- Lisa Martin: July 9, 2020, a notice to cut tall grass and weeds was sent, compliance date after July 13. I don't think this is tall grass and weeds; this is more of a boulevard planting. There are photos attached to the file.*

Marcia Moermond: This tall grass and weeds letter went out because someone called it in. A generic letter went out. You don't think it's the right type of order. It isn't tall grass and weeds. It is the height. It would be a different type of order.

Martin: That is correct. The tall grass and weeds is an automatic letter. The inspector doesn't go out until 4 days later.

Moermond: The inspector goes out to see if there is anything there. In this case, the order was appealed before the inspector went out again. What is your concern with the height?

Martin: Plantings 30 feet from the intersection cannot exceed 18 inches. Although it is beautiful, the height does need to come down.

Moermond: It is beautiful. The concern would be that it obstructs the view of a car and pedestrians. You sent some materials about your garden, that you won an award. I can see why. You have a lovely garden. Can you tell me what you're looking for?

Katelynn: I'm turning it over to Jan who got the grants, planted the garden, and who is doing the upkeep.

Jan Hibbard: I contacted the Washington-Ramsey Watershed District for help. They provided funding for these gardens. They contacted someone—don't know his role—to look at the gardens. I don't understand why the plants are called weeds. He explained the problems are obscuring the sign and the fire hydrant. I removed the plants around the hydrant and cut down the plants. I'm sensitive about this. I have butterflies and bees all over the place. I could have 5 cartloads of plants I cut down. I put a lot of work into this. I hope it meets the City ordinance.

Moermond: It looks like you have plants which will be about 18 to 24 inches high. The boulevard area looks like it is in the 5-foot range.

Jan: I cut it down to my hip which is 36 inches. I was told that ornamental plants can be 36 inches.

Moermond: They can be if they are not in the intersection. Keeping that line of site open for vehicles and pedestrians. It's not just the fire hydrant and stop sign. Can a pedestrian be seen, especially a short pedestrian on a tricycle? This isn't a short-term kind of a solution. With you being an earnest and good gardener, we are thinking we are in the arena of moving plants. This is not the best time of year to do that.

Jan: We are aging women, and it's going to cost me a lot of money. I've already spent \$1500 this year on plants and labor. This has been here for 10 years.

Moermond: This is pollinator season. I'm looking at the public safety portion of this. What you've got is twice the height of what is allowed in any part of the boulevard. Maybe getting an inspector out there is a good idea.

Martin: I can swing by there. I am available Wednesday or Thursday.

KateLynn: Can we talk to you when you come?

Martin: Absolutely. When?

KateLynn: Anytime Thursday.

Martin: 10:00 on Thursday.

KateLynn: Yes.

Moermond: We will continue this for a week. Martin can suggest if there are conditions where a variance would be recommended from staff. Lay over to 11:00 on August 4.

Laid Over to the Legislative Hearings due back on 8/4/2020

9 [RLH SAO 20-11](#)

Appeal of Jessica Zimmerley to a Summary Abatement Order at 1088 FIFTH STREET EAST.

Sponsors: Prince

Grant to October 1, 2020 for compliance

1088 Fifth Street East

Jessica Zimmerley is on the phone line.

Lisa Martin: July 9, 2020, a summary abatement order was issued to owner to remove white fencing pieces, scrap metal, pile of bricks, scrap wood, logs, improperly stored items and rubbish in rear yard, compliance date of July 16.

Marcia Moermond: There is a photo in the order. There are items propped against a tree in middle of yard, pile of bricks.

Zimmerley: I have an issue with my neighbors. (She went into details about her problems with the neighbors.)

Marcia Moermond: We have materials to be used for fencing: scrap wood, bricks, logs.

Zimmerley: I don't have the wood. My brother helped me with some wiring. He brought a trailer. Really all I have is a stack of neatly stacked wood. The fence is going to be installed. I'm hoping to be brought back on in August. I don't want to spend money if I don't have a job in 4 months. Some of those projects have fallen into the wayside.

Moermond: Do you have a garage that some of this can go into?

Zimmerley: I do not. The house was built in 1916. The garage was built shortly thereafter. It is a one car garage. It is small. That is why the wood is stacked. It is frustrating to me. When I look at the East Side, there are homes around here where there is garbage in the yard. I have 3 piles of paver brick stacked.

Moermond: I'm happy to give you time to deploy the materials. The brush in the yard would need to be cleared away. I understand you need your brother's trailer for that. With the COVID, I'm hearing you are not prepared to use those materials in the yard at this time. Is that fair?

Zimmerley: That is a fair statement. The fence may be sold to someone else. I

talked to a friend about it. She is willing to take it. I'm looking at this order, I'm looking at the language, the language is plain. It says improperly stored and accumulated.

Moermond: I want you to draw your eyes down to the specific language. There are ways to store firewood. I'm looking at your situation and thinking this is not a big deal. You have a lovely garden. It is a neighborhood asset. There is a minor storage problem in the backyard. Is it a code violation? Yes. I appreciate that your neighbors love your garden. I would like to give a reasonable extension.

Zimmerley: This is where I struggle. The scrap wood has been removed. There was no scrap metal on the property. The fencing pieces, the brick, yes. There are stacks. In general, it says improperly stored rubbish in the yard.

Moermond: I understand that. I don't want you to belabor that point anymore. The items were discussed. It sounds like you are halfway there. When will you reach resolution? The inspector may have said scrap metal as the fences appeared to be more scrap metal and fence. I don't know. I can see how he may have thought that. When will that be deployed or given to someone? It doesn't sound like you have an alternative storage location. You have unused construction material stored in your yard outside. It's not going to be used right now. When will you be able to do that? I'm looking into the fall. What do you think?

Zimmerley: I would say hopefully the fall. It is an abundance of pavers. It was a large project I had in mind. The struggle I have is I am one woman, I am a single parent, I work a full-time job. Everything falls on me. I do the best I can being one person with two hands. It is a hard question to answer. I don't have people in my life to swoop in and help me knock something like that out.

Moermond: I will put a deadline of October 1, 2020. That is a good 2 months to sort out how you will sort these items. I had brick in my garage stacked up along a wall, which was the way I was storing mine. That may or may not be an option for you. There are options. That would be 10 weeks to sort this out. That's gets you into the mid-fall. Is that something you can work with?

Zimmerley: I don't know what to say. I'll say yes.

Moermond: I work with a lot of situations like yours. This is a deadline that works for most people similarly situated like you. It is not a significant violation, but it is a violation.

Martin: We would like to see progress being made. Even once a week, making some progress.

Moermond: This sounds doable. If something happens that you are not able to make that deadline, we can look at an extension. I'm concerned about when the ground frosts. I am mindful of when we have a freeze. I'm sorry you are dealing with a difficult neighbor. Your other neighbors signed a petition. You have the support of your neighbors. We'll put staff phone numbers in the letter we send.

Referred to the City Council due back on 8/12/2020

Sponsors: Prince

Grant to September 14, 2020 to remove the fallen tree.

1374 McLean Avenue

Zoua Vang is on the phone line.

Lisa Martin: On July 3, a summary abatement order was sent to remove a large tree trunk. The tree has fallen. It is somewhat attached to the actual trunk.

Marcia Moermond: This is an unusual situation. Can you describe what you considered that way?

Martin: The address includes an unimproved area. Vehicles are parking in the front area. There is a driveway going into a garage. McLean dead ends into an unimproved right of way.

Moermond: It is a right-of-way through that area without an alley or street being built into it.

Martin: It is considered part of the responsibility of the property owner who is right there. It is their job to maintain up to the center line of that unimproved area. That tree falls into the property line. The broken tree branches fall into the right-of-way.

Moermond: Do you mow it? Are you aware that it is your responsibility?

Vang: I was not aware of that.

Moermond: In your deed, it would refer to the unimproved area as part of yours. I can see where that would add a layer of confusion. I am looking at an area that is part of your property with the fallen tree. The tree needs to be addressed. Have you talked to a tree specialist about removing it? Do you have somebody with a chain saw?

Vang: Safety-wise, it is not safe for me to do it myself. I'm going to have to look around. It is not something I can do myself.

Moermond: I agree. I want to give you time. In the summertime there are storms that pass through. This tree is not obstructing traffic. I'm not concerned that it can be done quickly. 4 to 6 weeks. I'll say September 14. We'll send you a letter to follow-up. The right-of-way is not improved right there. You can buy it from the City. You can extend your property line. Then it would be attached to your property. It would probably improve your property value. It may be something you think about towards the future. Just so you are aware that is a possibility, then you would own it outright.

Vang: Because it is unimproved right-of-way, I can't do anything on it, but I am responsible to maintain it.

Moermond: You couldn't put up a fence. You can maintain it, put up a garden. The City has the right-of-way to put a street in. If they decided to do that, anything you put there would need to come down. You would be buying insurance that the City would not put a street there. So, September 14, you should be able to get a contractor out by then to remove the tree. That would give you time to shop around.

Vang: Some of the tree branches extend beyond, do I get any help with the neighbors

from that.

Moermond: Staff thought it was all in your area. They would be willing to look at it. What time would you be able to meet?

Vang: Friday afternoon.

Martin: We can do Friday at noon.

Vang: Who would be meeting me there?

Martin: I will have to figure that out. Somebody will be there at noon on Friday.

Moermond: We will send you the phone number for Ms. Martin. We will send a confirmation letter.

Referred to the City Council due back on 8/12/2020

Correction Orders

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 11 [RLH VO 20-31](#) Appeal of Robert Radeke to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1157 DAYTON AVENUE and 1159 DAYTON AVENUE.
- Sponsors: Thao
- Grant to September 11, 2020 for compliance or vacate the property by October 1, 2020.
- 1157 Dayton Avenue
- Robert Radeke is on the phone line.
- (We got disconnected. Later Radeke called and explained he is having communication problems.)
- AJ Neis: He is basically asking for more time.
- Marcia Moermond: Long-term noncompliance. You were revoking the certificate. There is a problem with the second story deck or porch area. It looks like it doesn't have fascia boards for the first level porch ceiling/second level porch floor.
- Neis: I'm wondering if there is more to this. Part of the reason we revoked this, the inspector would call, and the appellant would hang up the phone. We are having the same problem.
- (Robert Radeke called Neis. We have a new number for him. He is now on the phone line again.)

Neis: This is a revocation of the fire certificate of occupancy due to long-term noncompliance. There is one outstanding order: balustrades. Order ongoing since March. Only remaining violations on the property. There have been multiple attempts to contact with the owner. We revoked the certificate of occupancy to gain compliance. Permits have been pulled to get repairs going. That door has been secured so someone couldn't easily walk onto that and fall. Basically, we are looking to get this done in a timely manner.

Moermond: What is your contractor telling you when the work will be done?

Radeke: That is a tough one. I have had serious delays because of that. I reside in California. I flew there on the 4th of July and found contractors that are capable. That's when I started the permit process. Some of the construction has been done. I didn't think it would be serious until we found the second floor porch was the roof the single-story porch. We were chasing down some rot issues, replacing columns. It became necessary to pull permits. The project is going to go forward. The permit is going to be pulled. I have found a contractor. He's going to meet with an inspector on Thursday. That's all I know right now.

Moermond: I would like to put a deadline to get the work done.

Radeke: I'm thinking the beginning of next month or September. I'm hoping you can give me some wiggle room. The permit has not been approved yet. The contractor has told me it is taking a while.

Moermond: You are paying the contractor, so I'm not going to accept that you don't have control over the contractor; however, you're right that the building permit is pending.

Neis: Yes, it is on July 22.

Radeke: I heard from an official. They asked for me to send in some drawing, distances, how some of the structure is running. I submitted that last week. I got feedback and said everything looks good.

Moermond: When did this certificate of occupancy process start? March 2020?

Neis: Correct.

Moermond: This order has been in play for 4 months and last week a permit application was made.

Neis: Correct.

Moermond: Let's round this up and put a deadline on it. I will give you until September 11 to complete the work.

Radeke: Sure. I have a contractor that is in the process of putting up a temporary railing that should comply with the City code. The permit process is to continue and hopefully an inspection happens soon. I thought it easiest to get something up there soon.

Moermond: What I was hearing is because the door is blocked, there is a higher level of safety.

Neis: During construction, the best they can do is keeping it secured. It is done from the outside. That is good the way it is set up at this point. For temporary railings, we would like to see it completed. It doesn't make sense to put up a temporary railing. Get it done and make sure the door stays secure until the project is complete. The contractor should know it is resecured every night. Makes sure it gets secured every day.

Radeke: With COVID, I prefer the contractors put up a ladder and get there from the outside. We are staying away from the inside and accessing from the outside.

Moermond: Completion by September 11 or October 1 vacate date. Be in communication with inspector. Make sure they have what they need.

Radeke: Do you have an assigned inspector for me now?

Moermond: No.

Neis: Building inspector is not assigned yet.

Moermond: We have a plan and dates out there, you have the phone number for the permit review to find out where it is at.

Referred to the City Council due back on 8/12/2020

- 12** [RLH VO 20-30](#) Appeal of Thomas Mueller - SMRLS representing Selina Duncan to a Correction Notice - Re-Inspection Complaint (Condemnation) at 170 RUTH STREET NORTH #304.

Sponsors: Prince

Rescheduled per request.

170 Ruth Street North

Marcia Moermond: This is rescheduled. There is a 2:30 inspection tomorrow - per request of the appellant and agreed to by DSI. It will be heard next Tuesday.

Laid Over to the Legislative Hearings due back on 8/4/2020

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 13** [RLH FCO 20-69](#) Appeal of Andrew Eull to a Fire Certificate of Occupancy Approval With Corrections at 750 BAYFIELD STREET.

Sponsors: Noecker

Grant to January 1, 2022 for compliance.

750 Bayfield Street

Andrew Eull is on the phone line.

Jared McCauley is on the phone line.

Marcia Moermond: Calling to have another hearing on the above-ground tank. We continued this for a week so you could have an opportunity to ponder the exception to the rule for removal of above ground tanks and operating facilities to see if you wanted to make an argument there. What is your thinking on this?

Eull: I also have Jared McCauley, our facilities manager here, and he'll be chiming in here.

McCauley: When Mitchell (Imbertson, inspector) was out here, I met with him, and I was trying to get a better understanding of the explanation of the deficiency. I went to the website. I have not found someone to give that to us.

Moermond: Minnesota State Fire Code is referenced there. It's not City code.

McCauley: Letter referred me to the Saint Paul website.

Mia Vang: I tried to send it, but the e-mail keeps bouncing back. I found a gmail account and forwarded there, too. The signature flights e-mail keeps coming back.

(There was talk about email addresses. The application has a different email than what the appellant wanted used. Vang send out the information again.)

Eull: I have that flyer e-mail.

Moermond: Does that answer McCauley's question?

McCauley: With that flyer, I would like to highlight the bottom "Exceptions: tanks within operating facilities." I looked up Minnesota Fire Code Section 202 General Definitions. A facility is "a building or use in a fixed location including exterior storage areas for flammable and combustible substances..." This hangar has \$25 to \$30 Million worth of planes in it and an engineering company occupying the top floor. This above ground storage tank is included in that facility. I would argue that the above ground storage tank is exempt.

Neis: That is just a handout. The operating facilities that are referring to, I'll give you an example. Say you have a mom and pop convenience store that purchased an old gas station where they're no longer selling gas. They still can't leave the tanks underground and say "we are operating as a store and one day we might want to sell gas again so therefore we want an exception." In the 2020 fire code, they are referring to terminal facilities and hubs. They are talking about tank farms. For example, a hazardous company that pipes gasoline down, one tank will not be used for a year. That is what they are referring to for operating facilities. The intent they are referring to are tank farms and those types of facilities and not just anybody that has an operation. They are not referring to leaving an abandoned tank in place. It is not anybody in operation.

McCauley: I don't fully understand how we can make that determination based on that bullet point of the memo. We can decide whatever it is based on your perception or my perception. All we have is what they wrote down.

Neis: That is a handout and not the code. The code gets clearer. On the handouts, they are trying to summarize the best they can.

(Moermond is looking in the fire code for a few minutes while Neis is trying to find the 2020 code online.)

Neis: The 2020 code clarifies that about operating facilities. "Piping associated with bulk plants, terminal facilities and refineries."

Moermond: Can you clip that language? Let's put that in an email.

(Mai clipped that part of the code and emailed it to the appellants.)

Neis: If you read above the 1, it says the exception for tanks with an operating facility (he explained the exceptions).

Eull: This does not clarify why this would not be a part of the hangar facility.

Moermond: He is saying the definition of terminal facilities is different than the facility that you operate within. Side question, how much does it cost to do an inspection to certify a tank for use, to put back in service?

McCauley: \$10,000 to \$30,000 because we have to replace piping, which is something we have talked about up to this point. We're waiting for the right tenants. Now that we've built the flood wall, tenants are starting to fill that space.

Moermond: My follow-up question: Have you got estimates on removal?

McCauley: Shy of \$20,000.

Neis: The reason for tanks to be removed if they are out of service is that you have to replace piping. If things sit there, they go bad especially if they are not being used or maintained. By your own admission, you have bad piping in there that has to be replaced in order to be put back in service. That's because it sat unused for almost 7 years. That's why tanks after a year need to be taken out of service, so someone does not accidentally fill the tank and now we have a defective tank with product in it because it's been neglected for an extended period of time.

McCauley: The reason we took it out of service, we disconnected piping, we removed it from the ground. It has been disconnected and capped. It's above ground. The piping has been disconnected. This is what Chapter 57 says we should do.

Neis: All the piping has been completely disconnected? There is no chance it can be refilled?

Eull: The piping necessary to refill the tank has been disconnected.

Neis: Okay.

Eull: MPCA said we should remove that portion of the piping. The tank is sealed up so nothing has gotten in or out of the tank.

Neis: It has been completely inerted?

Eull: Exactly.

Neis: Is there a plan to put it back into services or does it sit for 7 years until they find a tenant?

Eull: I don't want to speak on hypothetical situations. Pre-COVID, we discussed opening it back up. The flood wall had been proven. Tenants were coming back. That is the only commercially available tank. To put a new one in would be \$400,000 to \$500,000. That's why the Metropolitan Airport Commission manager favors us to keep that tank because it would be expensive to put a new one in.

Moermond: The conditions for looking at this in the long-term has been met with the disconnection and it being cleaned out. From a Code Enforcement standpoint, what period of time is reasonable for it to continue to be mothballed?

Neis: I would want to put a second set of eyes on this. This is a unique situation. We look at the code and apply it equally. We are concerned about setting up a precedent. I completely understand your situation with the cost of removal, cost of putting it back in service, cost of putting a new tank in. Is there is a proposal to ensure safeguards are taking place?

Moermond: I'm thinking that giving a generous timeline makes good sense in this case. The current COVID crisis throws things out of whack. It seems to me that this should be brought up again to a place where it can be certified for use or removed. I'm inclined to say as long as it continues to be disconnected and is clean, I would be willing to go out to January 1, 2022. That would give you plenty of time to figure out financially how you would swing that. That sounds like the more moderate expense. That gives almost 1.5 years. It's not indefinite, but it is a long period of time.

Eull: No, that is a fair extension to give us time to figure out the balance.

Neis: If that extension was granted, if you decide to get the tank recertified, got it back in operation, is there anything prohibiting you from being able to use that? Does it have to be on that end of the airport?

Eull: Nothing would prohibit us from fueling on both sides if we were to get that operated.

Neis: That might be your best thought. You'd be in compliance. As long as it is used once a year once it is certified, that is what we are looking at.

Moermond: Once those repairs are done, that will be the bulk of the expense. A periodic annual recertification for use is not going to involve \$10,000 to \$30,000 worth of repairs every year. That will be much more reasonable.

Eull: I would agree with that.

Moermond: Put back in use or recertified on an annual basis. The fire inspector can check that out. We have a plan of action.

McCauley: (He has questions about the provisions of the Minnesota Fire Code, MPCA's rule on how to service above ground tanks, what is their authority, etc.)

Moermond: This is beyond the scope of what we are talking about today. Right now, I am looking at an appeal of fire code orders. If you think you should keep the tank there indefinitely, that was not provided in the appeal document. If you want to give me

some information, I would run that by the attorneys. I am not willing to engage this on the fly. The Council will look at this. A legal analysis is not something you'll get from staff. Do you have what you need?

Eull: Yes. At this time, we have what we need.

Moermond: Sounds good. We have a plan.

Referred to the City Council due back on 8/12/2020

14 [RLH FCO 20-98](#)

Appeal of Cheryl Golden-Black to a Fire Certificate of Occupancy Approval with Corrections at 905 MARYLAND AVENUE EAST.

Sponsors: Yang

Layover to August 18. (Supervisor Fire Inspector James Perucca to meet with owner and review storage conditions)

905 Maryland Avenue East

Cheryl Golden-Black is on the phone line.

(A.J. Neis looked at the photos.)

A. J. Neis: Orders issued July 9, 2020, with a compliance date in August. Water meter jumper has been taken care of. One order was the storage being too close to the ceiling. The storage is too close to the structural members of the ceiling and combustibles. Inspector Huseby put on her orders to remove some of the stuff in that upper floor area.

Marcia Moermond: Orders were written for the storage to come down. How much?

Neis: Two feet.

Moermond: We have a plastic membrane. What are you looking for?

Black – (Talked about a previous inspection with another inspector.) We rebuilt the building. It should have been torn down. So we had a good idea of what we could and couldn't do. The inspection was not good. My mom gave me a call. She was so upset. I was trying to call Zaccard. The Fire Marshall came out. This is the same deficiency listed by Laura, same code. He inspected the entire upstairs. He said he didn't see a problem. He said you don't need to worry about it. There will not be a reinspection. There are inconsistencies here. It has been said there was a big problem. Most of that is not against the ceiling. The rest of it changes based on the season and what people are buying. It is additional merchandise that would be sold. The store was shut down for about 3 months. There were items that came in. I'm careful about how things are packaged. A lot of it is vases, pots, metal, statuary. I left a message that when Steve was out there, that was not an issue. I look at this stuff. Is there a list that you go by? I'm surprised by this. I haven't had any incidents.

Marcia Moermond: I hear frustration that you are receiving mixed messages. For residential, there is standard information that is sent out to. I don't know the situation with commercial. There are a wide variety of uses. It is not unusual for me to see orders for jumpers on water heaters or storage that close to the ceiling height. They are straightforward to solve. With respect to the storage, you have been feeling you're

getting mixed messaging. You got one message from Zaccard. Don't know what they were looking at. Zaccard has been retired.

Black: He had the order.

Moermond: We're going to be able to put something in a permanent record.

Neis: One thing we have in the City is good record keeping. I can tell you that Ms. Schlicke's report on March 23, 2006, there was an order about combustible materials. There was never an order about ceiling height.

Black: That was even more confusing. That is even another view of the code.

Neis: You are correct. This exact record was March 11, 2010 by Ms. Schlichte. It was on the second floor and she talks about the ceiling.

Black: That is an ugly situation. That is why Zaccard came out.

Neis: I can have the inspector's supervisor look at this.

Black: If that was something that Zaccard did not approval of, that would have been a revisit.

Neis: I cannot speak to 10 years ago.

Moermond: I don't know the conditions were that led to the orders before or Zaccard's consideration. What I know is what I'm looking at is a storage area. I heard an offer from Neis. He will look at this. I'd like to get another set of eyes on this. I can't go back and look at what it was. I need to look at what I'm seeing today. Let's get you guys connected. I'll continue this to 3 weeks into the future, which is August 18. We will have a better since of what is going on there. We will also send you Perucca's contact information. Neis will reach out to you. I'm sorry about the frustration.

Black: Whatever the decision, it will not be accomplished quickly. I will not be able to lift containers. Whatever anyone says about It, I have a store that has been closed; I don't have money to hire anyone. I've had a spine injury. It is a lot of work to go up and down stairs. That's fine, I can definitely have conversations with him.

Moermond: Let's take this one step at a time. The first step is to connect with Jim Perrucca.

Laid Over to the Legislative Hearings due back on 8/18/2020

15 [RLH FCO 20-97](#)

Appeal of Michael Hafner to a Fire Inspection Correction Notice at 926 PAYNE AVENUE.

Sponsors: Yang

Grant to November 1, 2020 for items related to Los Gallos business and grant to August 21, 2020 for the rest of the items. Extensions granted on condition that owner submit a letter within 2 weeks to the Legislative Hearing Officer indicating that the garage is exclusively used for storage only.

926 Payne Avenue

Michael Hafner is on the phone line.

A. J. Neis: A few things are being appealed. One is the fire alarm system. There may be some confusion in the orders about what needs to be done. The first thing being appealed is the request for a fire key box. It should be near the entry. If there is no fire alarm system being maintained, you don't need a key box.

Hafner: No fire alarm in the building.

Marcia Moermond: Will the department withdraw it?

Neis: Yes, if we discuss #3. Number #3 is about the maintenance. If you remove the nonfunctioning devices, #2 will not be required.

Hafner: In the garage, the only thing in there is an internal siren. It's not a heat detector. It's not a smoke detector. It's not what he thought it was. There is a wire that runs from that to a motion detector.

Neis: That's quite possible. If you get rid of the smoke detector and there is no heat detector in the ground, you're good. That's all you have to do. You don't need a key box then.

Moermond: We're asking him to remove a smoke detector?

Neis: It's not required in a commercial building. It has to be supplied and maintained or it has to be removed. A smoke detector is part of a fire alarm system. A smoke alarm is something you would use to protect yourself, like in a home. Number 6, it sounds like you want to fix it, but the owner is away in Mexico.

Hafner: What does that say? I don't have it in front of me.

Neis: Number #6 front door "The front exit door has standard door lock and also has magnetic lock. The magnetic lock is controlled by a switch behind the counter and does not meet access-control egress requirements. Remove the magnetic lock or modify operation in a code compliant manner."

Hafner: The owner's mother was dying. He went to Mexico. The border is now closed and he can't come back. His brother Heimi rents space for a restaurant across the street and he just got out of the hospital. He was there with COVID for 5 weeks. Bergren went over the system they had to keep people from breaking in. He approved it. We have a good guy. I'm not going to change their locks.

Moermond: It's more than reasonable to put off this owner until your tenants is in town again and opens up for business. We can come up with a deadline. Sound reasonable?

Hafner: Yes.

Moermond: I'm going to have Neis continue talking about the items.

Neis: Repair garage.

Hafner: I'm the only one that has a key for it. The fire inspector said you can't have it. I didn't want people breaking in. It's not a repair garage. It hasn't been for 30 years

that I've owned the building. That has worked to keep people from breaking in. What's the fire department going to do?

Neis: Are there other doors in that space? Is it only for the storage place and the repair garage?

Hafner: Yes. If someone got locked in there, they could open up either garage door and walk right out.

Moermond: I'm going to ask Neis if the code is different with respect to hasp locks.

Neis: In a nutshell, no. If you're only going in for storage, you're not locking it behind you. If this is all you would be doing, I wouldn't be opposed to that if we have something in writing from you.

Moermond: Would you be willing to put in writing that you will continue to use it as storage?

Hafner: Yes, that's the way I've used it.

Moermond: We'll send you a letter and ask you to respond with a statement.

Neis: If your plow breaks down, where do you fix it.

Hafner: I take it to Gordy's.

Neis: I want to make sure it is exclusively used for storage. You can't work on your truck.

Hafner: Occasionally I fix something I own myself...

Neis: I can't deviate from the code. If you're doing it occasionally, that would be why the lock would come off, and I can't support that.

Moermond: Right now, your tenants are in Mexico. The orders related to the Los Gallos space, we can push out the deadline to November 1 or prior to reopening the building or whatever comes first.

Hafner: Their building is open.

Moermond: Why is it a delay request then?

Hafner: People will break in there. The police are not going to come when you call them. The Fire Department is not going to put out the fire. You want to kick out my tenant?

Neis: We simply want you to be in compliance with the fire code.

Moermond: We are doing this to prevent risk to human beings and not being able to get out in an emergency. That's my concern. I'm not trying to mess with your tenant. This is strictly a safety measure. November 1 is the deadline. You would have plenty of time to communicate with the owner. For all the other items, there would be a deadline to August 21.

Referred to the City Council due back on 8/12/2020

2:30 p.m. Hearings**Vacant Building Registrations**

- 16 [RLH VBR 20-51](#) Appeal of Kent Jefferson to a Vacant Building Registration Notice at 2081 LONDIN LANE.

Sponsors: Prince

Grant the appeal.

2081 Londin Lane

Kent Jefferson is on the phone line.

A. J. Neis: Certificate of occupancy was revoked based on no shows. It was then sent it to vacant buildings. The orders may have been sent to the incorrect address. It is the owner's responsibility to notify the office if they have moved.

Marcia Moermond: So, the owner no showed on inspections and based on that you revoked the certificate and sent it to vacant buildings. What are you looking for?

Jefferson: When I talked to the inspector, he said he sent a note. I never got the note. Evidently it was sent to vacant buildings. He sent me out a notice. The day he went out there and he did a vacant building thing, he got there at 10. We got it all cleaned up. We didn't think about the rental license because I wasn't going to do that anymore. It's all cleaned up. There is no major damage, vandalism to the house. Alicia tried to do a good job with it. I was hoping she would come back. That is where we are at. I wasn't planning to rent it.

Moermond: With respect to the well. A well that isn't in use must be sealed. What are your plans?

Jefferson: It's a big yard. They wanted to use it for the gardens. I know when you sell the house, it has to be operational or sealed. It needs to get done. The state says when it is sold.

Moermond: I'm going to recommend you are out of the vacant building program and you do not have a certificate of occupancy. You can't put renters in there. I'm not sure about sealing of wells and State law. Regardless, part of the deal is the disclosure to the sellers that it is put back in use or capped. I think you got what you wanted today.

Referred to the City Council due back on 8/12/2020

- 17 [RLH VBR 20-50](#) Appeal of Robert Clapp, on behalf of 700 Minnehaha LLC, to a Vacant Building Registration Fee at 700 MINNEHAHA AVENUE EAST.

Sponsors: Prince

Layover to August 18. Owners to promptly apply for a team inspection.

700 Minnehaha Avenue East

The following is on the phone line:

*Robert Clapp,
Chris Ayers,
Lucas Clapp
Harold Clapp,
Mike Jamison.*

A. J. Neis: This is a revocation of the fire certificate of occupancy. Revoked for long term noncompliance. This process started back in March 2019. Inspector Schmidt advised that only the First Floor was approved for occupancy. A permit was pulled back in November 2019. Continued use space was not approved after several notices. Refusal of compliance has led to the revocation. Appellant said he will provide an explanation why he wouldn't comply.

Marcia Moermond: Is this property occupied right now?

Neis: I believe there is stuff inside the building. Should not be occupied.

Matt Dornfeld: Found the property to be vacant and secure. The fee was paid on July 8, 2020. This is a Category 2 inspection.

Robert Clapp: Basically, the back story is it was previously occupied by Urban Organics. The current owner 700 Minnehaha LLC purchased it and the equipment from Urban Organics with the intent to leasing it to a new entity to bring back the operations. We were exploring occupying the upper floors and basement. There is no elevator and it's classified as a mid-rise building. The meeting have been productive with knowledge that we occupied the first floor. If we occupied the second, we needed to add a second staircase or elevator. Were permits pulled?

Jamison: There were many plans for permits. We replaced the roof. We had our engineer draw up several scenarios. We paused until speaking to you. The building owner has been in negotiations with us as the tenant. Paused because of COVID. The intent was to occupy the first floor and then in months apply for the second floor. It would be detrimental to the business if the equipment was moved out.

Neis: People have a misunderstanding of occupancy. For fire code, the occupancy is about use. If storage is there and no one is there, it is occupied with storage. The second floor would be occupied so it would be in violation.

Moermond: Basement level?

Jamison: Basement floor is vacant. There is no significant equipment down in the basement.

Moermond: You are in an ownership position?

Jamison: I work for ownership.

Moermond: I have 700 Minnehaha LLC. Did you guys own the building or just the business?

Robert Clapp: 700 Minnehaha LLC bought the building and the equipment that is left.

Moermond: You all are in ownership of the building and the basement. You were having meetings. Was that with City staff?

Clapp: DSI (Department of Safety and Inspection), Fire Inspection. This was early on in the process. It was communicated that the intent was for us to occupy the First Floor, eventually move to the Second Floor. There was communication that there would be a grace period to get the First Floor going and when we are financially viable, the second. The First Floor is ready for occupancy unless these permits need to be closed.

Moermond: Did you have comments on permits?

Jamison: I met with the fire inspector. He had items he wanted to have done. One is the roof. It was leaking. We pulled the permit. That was signed off. Electrical. They were pulled, work was performed, and they closed on the permits.

Neis: That is correct.

Moermond: Remodeling permit?

Neis: Urban Organics. That was the build out and the utilities.

Robert Clapp: We had several conversations with different folks. There was a negative track record. We are not associated with Urban Organics. The only association is the buying of old equipment. They were doing things without pulling permits. There seems to be a track record with this building.

Moermond: How long have you owned the building?

Robert Clapp: About year and a half. Mike?

Jamison: Yes.

Neis: About the same time Urban Organics moved in?

Jamison: No, they moved to another site. This was vacant for a year.

Moermond: When you picked it up, it was not operating for a year?

Jamison: It's been well kept. No security breaches. No issues whatsoever. We'd like to get the First Floor up and operating and be able to occupy that and not have the entire building certified for us. Have we had that kind of inspection?

Neis: No.

Robert Clapp: We're fine with an inspection. We want to work with the City, how to prevent people from going up to the second floor and basement. We just want to use the First Floor to get the business running.

Neis: What about the stuff on the Second Floor?

Robert Clapp: To remove that equipment would be tens of thousands of dollars to move it and then bring it back.

Moermond: I feel like there is critical information that's missing. If we have an idea of what needs to be done, we can talk to the building official to see if there are aspects of this. I would want to have the other voices present and have that inspection.

Jamison: Yes we would. Absolutely. I'm the owner's representative. In the last 2 to 3 weeks, we have picked up the ball. Each side the attorneys have been talking. We are at the last round of language. Whatever we can do to partner with the City and move forward together.

Moermond: How far are they with team inspections?

Neis: No clue on that.

Moermond: Why don't you folks put an application in. Just going to the City's website, you should be able to get the application from here. I'd like to get that inspection. Get the First Floor up and running, cherry pick the items on the Second Floor. A code inspection may run 2 to 3 weeks. They will ask for a lock box and combination. I will see if I can ask for this inspection to be expedited. The application needs to be made. Let's continue for 3 weeks.

Robert Clapp: We need to fill out an application for a team inspection.

Moermond: That's right. It's a team inspection or code compliance inspection.

Robert Clapp: There will be a link in the letter. What address do you have?

Moermond: Yes. We will get that out to you. We will talk to you soon. Laid over to August 18.

Laid Over to the Legislative Hearings due back on 8/18/2020

3:00 p.m. Hearings

Water Bill Appeals

18 RLH WB 20-2 Appeal of Ibrahim Elemo to a Water Service Bill at 95 LITCHFIELD STREET.

Recommendation is forthcoming.

95 Litchfield Street

Ibrahim Elemo is on the phone line.

Derek Olson, Water, is on the phone line.

Derek Olson, Water Department: November 14, 2017, we moved Ibrahim into the property. We got mail back off an on. January 22, 2019, we spoke to Ibrahim about his property being vacant. He wasn't sure when it would be occupied because it needed a lot of work. Next time we talked to him was June 15, 2020, and he was upset because we were supposed to go out and take the meter out so billings would stop. He talked to a representative from our Meter Office and a senior representative from our Customer Service Department. He wanted the bills cancelled. We sent him the letters for the hearing. First we said July. I left a message saying that we still

didn't have an appointment to take the meter out. Didn't hear back. I talked to him again on July 7. He was out of town at the time. He was supposed to call a day or two later to make an appointment to get the meter removed. We still had not heard from him about getting the meter removed, by making an appointment. At this time, the meter is still in and incurring charges.

Moermond: What happened on November 2017?

Olson: We moved him into the property, as the owner (made him the owner of record). There has been no water use at the property since that time

Elemo: I bought this as a registered vacant building and we have to comply with the code compliance (inspection report) things. called Water. We don't live there. I told them I don't live in Saint Paul. We had several contractor problems. I would call and talk to Water and tell them we don't live there, take the meter. I would call them every 3 months. My understanding was they would take out the meter. I have no option but to pay the bill. I have been paying. I would tell them to take it out, and the bill comes. We have not used the water at that property. This year, I decided to make phone calls. I have done my part. I have been calling.

Moermond: The Water Department is saying they only has more recent calls for you. You were instructed to call the meter people.

Olson: All he had to do was to make an appointment with the Meter Office, and they would come out and remove the meter at any time.

Elemo: What is the charge? My complaint is I obeyed authority. The bill was sent to me. I did my part. They are forcing me to pay the bill for the meter for 2 years. It was not fair. And this year I decided to object. I was calling not only this year, but last year. I am asking if some of the charges can be waived for me.

Moermond: The Water Department said they only have more recent calls from you and they asked you to contact the Meter Office and fill out a form.

Olson: Yes, actually he just needed to call the Meter Office and make an appointment to meet staff at the property.

Elemo: I felt I had to pay the bill because it was from the government. It was not my will.

Moermond: When do you believe you will be done with the rehab of this building?

Elemo: I'm hoping 3, 4, 5 months.

Moermond: Any more comments? I will be reviewing the appeal and coming up with a recommendation, which I will send you in writing. Thank you.

Referred to the Board of Water Commissioners due back on 9/8/2020