



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, September 8, 2020

9:00 AM

Via Telephone

9:00 a.m. Hearings

Remove/Repair Orders

- 1 **RLH RR 20-31** Ordering the rehabilitation or razing and removal of the structures at 1033 GALTIER STREET within fifteen (15) days after the September 23, 2020, City Council Public Hearing.

Sponsors: Brendmoen

Refer back to LH October 13, 2020. Deutsche Bank to be re-noticed.

Erick Flyckt, attorney, appeared via phone

Moermond: there's been emails about notifications to Deutsche Bank, it would appear City staff did attempt notification and got returned mail, we sent that to you, it went to the address of record. The only place we found an address was in the 2013 corporate assignment of mortgage. Do you have a better address? It is hard for us to know if you are representing them from Jan 2020, but we're not finding Deutsche Bank.

Flyckt: I was hired by the servicer on behalf of Deutsche Bank. The address registered I will email, 2000 Avenue of the Stars, LA 90067.

Moermond: it makes sense it wasn't forwarded if it was 2007. We will send the notification there. I wanted to emphasize there was attempted notice. To be clear you aren't representing Deutsche or HSBC at this point?

Flyckt: yes, if you look at the order from January, all interest in HSBC has been terminated in the property. I represented Deutsche.

Moermond: and it went from Torrens to Abstract in the process too. Sometime between 2013 and the present. Anyway, here we are and we would like to send notification to Deutsche Bank at the address you provided, and in the normal course of events, Mr. Magner how many weeks' notice for the Legislative Hearing? Two weeks standard? Well, these dates look more like 3 weeks.

Magner: we want to make sure we have the 14-day statutory timeline in there, so it is usually around 3 weeks.

Moermond: let's set a Legislative Hearing for October 13, it has Council Public Hearing September 23 and we'll ask them to refer it back to Legislative Hearing October 13. We will send certified mail to the Los Angeles address provided by Mr. Flyckt.

Flyckt: thanks for your time.

Referred to the City Council due back on 9/23/2020

- 2 [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

Layover to LH October 13. PO must show evidence of financing and contractor bids with work plans.

Achoyean Tea, owner, appeared via phone

Moermond: we're following up on this one, you have the Code Compliance Inspection report. Do you have bids together or money to finance the rehab yet?

Tea: no, I don't have that.

Moermond: you got the Code Compliance Inspection report by August 24, and you haven't taken either one of those steps?

Tea: my sister stayed here two weeks, I'm with her all day long. She only had 2 weeks to live. I needed more time. I don't have the money; I cannot do anything.

Moermond: you don't have the money to do the fix?

Tea: I have it, but my sister only has 2 weeks to live. I have six months to fix, right?

Moermond: you don't have that unless the Council gives it, and we need this information to show your commitment before you are given that time. We first spoke 3 months ago. It took you a long time to get even the Code Compliance Inspection. At the very least I want to see the money to fix the structure. Right now, the City's best guess is \$100,000 or more to fix it.

Tea: everything is nice, why do I have to do everything? I try to work; it is too much for me. Now I have to show \$100,000 for you to fix my house. Who can do that in Covid-19 right now? My sister died, I'm asking to move right away, I have to have a place to live. It isn't easy for me. People don't pay anything; you're talking about the house where I live. I moved out to fix it. I tried. You put more and more on me. People have broken the front window 3 times. The homes around, they can do anything in my house. If it continues like this, I'll never get in my house.

Moermond: Mr. Magner, how did this property come to be in the Vacant Building program in January 2017? It looks like it was condemned in 2017.

Tea: why did you condemn that?

Moermond: that ship has sailed, you appealed in 2017. It hasn't been habitable since that time. It was made clear in order to re-occupy you needed a Certificate of Code

Compliance. We aren't going to discuss why you were condemned, it was appealed and resolved. I'm glad you've been working on the house.

Tea: I have been done; I can bring you to look at it.

Moermond: there's already been four trades inspectors through. It isn't my personal assessment. We rely on those professionals for their assessment, and they have done that. Here we are, wondering why you haven't taken any action, your sister has been sick, we are sorry about that. I wouldn't mind waiting to get your plans together, but I need to know you are in this with me and can demonstrate more than what you have done so far. If you don't have work plans, I need to see the ability to pay for the work that needs to happen. Do you have the financial ability to do this? Are you still living at your sister's place like you said you have been for years?

Tea: her husband passed away, she is old, and I had to take care of her. That's not my house. My house is on Sherburne. I'm asking you, I have problems, please let me take care of them, the first thing I said was—I cannot pay for everything, I try to keep it and have more time to fix it. How much I pay for taxes, after she passes away, I'm not staying here.

Moermond: this house is condemned; it has been for 3.5 years. It needs to be up to minimum code compliance before you can live there again. You've known this for years now. You need to get on top of this and see who can help you.

Tea: right now, it is too much for me with my sister. I'm asking for time. I'm here with her, my head isn't good right now. This is my last sister. I cannot do anything; my mind isn't in a good place.

Moermond: do you have anyone who can help you?

Tea: no.

Supervisor Steve Magner: January 30, 2017 opened a Category 2 Vacant Building file per a condemnation from Fire Inspector Huseby. The dwelling appeared vacant and secured and issued a summary abatement for items in the yard. Since then, we've had a number of issues with the property, obviously a number of summary abatement's, and we've articulated that work needs to be done because August 24, 2020 code compliance has a number of violations that need to be corrected before it can be owner occupied or a rental.

Moermond: so it wasn't owner occupied at the time it was condemned?

Magner: it had a Certificate of Occupancy that was revoked based on the condemnation by Inspector Huseby.

Tea: no, I never rented it.

Moermond: at that point in 2017 you had people living there.

Tea: no, it was my son and friend living there.

Moermond: those would be people who weren't the owner.

Tea: I am living there! I took care of my sister, I'm her PCA. I had no place to live. I

keep renting, I don't understand that.

Moermond: I can't un-ring the bell that put you in this situation today. We need to figure out how to move forward so you can live there again. You need to fix the house before you can go back in. I want to get you to that place. That means you have to do 2 things still: get a contractor to give you bids and a plan to fix the house, and you need to show the money to do it. You've fixed Cat 3's before, so this isn't new to you. I need you to get your head in the game and talk to some contractors. I know Covid hasn't stopped people from working in Vacant Buildings, there's no people there. I do want to take into account your sister and the difficult time, I do care about that, I need you to start figuring some of these things out and work with me. It has been 3 months. How are you thinking you're going to fix the house?

Tea: I will fix it. I have no choice right now.

Moermond: you pulled some permits from June 2017, they expired. Nothing was ever finished. Do you have money available to fix the house? You have had money for other houses, I know this is part of the businesses you do?

Tea: it is too much. I have money to fix, how much can I show?

Moermond: Right now, staff is estimating at least \$100,000 to get to minimum compliance. If you can show me you can get contractors to do the work for less I'm happy to look at that. We need to make sure they're legitimate bids. You haven't had time to get that done, so I can't adjust the money downwards. If I did, I could look at that. Because you haven't done anything in that regard, you have to show what the City estimates, which is \$100,000.

Tea: ok, could you give me time to get the estimates?

Moermond: I was hoping we would be looking at that today, but we're not and that's ok. This is September 8; I would like you to show me the bids and the money to pay the contractors by October 13. It is more than a month away. Start to pull this together. You can do that from a hospital room too.

Tea: she's not in the hospital, they sent her home.

Moermond: ok, she's in hospice at home. At minimum I need to see the money. We'll send you a letter.

Laid Over to the Legislative Hearings due back on 10/13/2020

3 [RLH RR 20-22](#)

Ordering the rehabilitation or razing and removal of the structures at 678 SNELLING AVENUE NORTH within fifteen (15) days after the May 27, 2020 City Council public hearing. (To be referred back to Legislative Hearing on June 23)

Sponsors: Jalali

Layover to LH September 22, 2020 to confirm execution of sale and new contact information for purchasers.

Reena Malhotra, in house counsel, appeared via phone

David Malanga appeared via phone

Moermond: Ms. Malhotra what is your role?

Malhotra: I'm not licensed in MN, but I advised in real estate matters. I'm in house counsel.

Staff report by Steve Magner: letter sent June 25, 2020 to David Malanga and Jacob Steen confirming June 23 at the legislative hearing recommended continuing the matter to this date for further discussion via phone. A detailed work plan or sworn construction statement, financial documentation, and the property must continue to be maintained. Those were the conditions looked for today.

Moermond: at the last we spoke you were talking about selling the building, and talking to the local neighborhood orgs, this was 11 weeks ago, where are we at?

Malanga: we kept proceeding down that road, but we lost the developer looking to purchase due to the inspection report. It stopped the sale of the building. It has been detrimental to us, and unsuccessful with potential buyers also. However, we now have a group, the African Economic Development Company, who want to use it for a cultural center.

Malhotra: They approached last week with a broker; we already have a round of comments on it.

Malanga: so far they are accepting with the flaws, hopefully we can sell to them and they will make the repairs. We're excited to have the community group interested; we're hoping this works out to everyone's benefit.

Moermond: confirming the name?

Malhotra: our realtor said African Economic Development Solutions/Little Africa.

Moermond: I think I'm familiar with them from a previous rehab. So, no purchase agreement yet, working on drafts.

Malhotra: we received the purchase contract from them August 31, we sent comments back Thursday of last week, and last I heard from the broker was all was in order so we could final and execute. We need a local attorney to bless it since I'm familiar with NY.

Moermond: do you think that will be done in the next couple of weeks?

Malhotra: I do. I did want to have a conversation with the other side, but it seems like the broker has it covered.

Moermond: what I'd like to do is check in on September 22 and confirm the transaction and get more detail on dates and contact people and their information. At that point we can set up a hearing for them to participate in and bring forth their plans for the property. That's my path. 2 weeks from now confirming execution of contract and contact details.

Laid Over to the Legislative Hearings due back on 9/22/2020

YORK AVENUE within fifteen (15) days after the October 7, 2020, City Council Public Hearing.

Sponsors: Yang

Refer back to LH October 13, 2020. PO must apply for Code Compliance Inspection by close of business September 11, 2020 and \$5,000 performance deposit posted by September 30, 2020.

Scott Redinger appeared via phone.

Magner: The building is a one-and-one-half story, wood frame, single-family dwelling with a detached one-stall garage on a lot of 6,098 square feet. According to our files, it has been a vacant building since August 21, 2015. The current property owner is Scott D. Redinger per AMANDA and Ramsey County Property records. On June 25, 2020, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An order to abate a Nuisance Building was posted on June 30, 2020 with a compliance date of July 30, 2020. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$8,400 on the land and \$71,600 on the building. Real estate taxes are current. The vacant building registration fees are due and owing as of August 21, 2020. The fee will go to assessment on October 1, 2020 if unpaid. As of September 3, 2020, a Code Compliance Inspection has not been done. As of September 3, 2020, the \$5,000 performance deposit has not been posted.

There have been eleven summary abatement notices since 2015. There have been three work orders issued for Garbage/rubbish and Grass/weeds. Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$20,000.

Moermond: looks like this was a water shutoff and condemnation of the building. Mr. Redinger, what are your plans?

Redinger: I have owned this for more than 25 years. I'd like to move ahead with fixing, in the past I was restrained financially but I got a bunch of money together and I'm ready to bring contractors in and fix and repair it. When I got the abatement order I called and it went a voicemail, I left a voicemail and didn't get a call back. I tried several times. I'd like to be given the opportunity to fix it. I don't have any debt on it, it is paid off. It has been our family home for 25 years. Originally when it was made a vacant building, it shouldn't have been because we had our furniture and spend our weekends there. I'm not sure how that happened in the first place.

Moermond: well that ship sailed five years ago. I'm looking for two basic things, this would have been covered in the correspondence, a code compliance inspection and that would give you a punch list of the minimum code requirements for the property. The other thing is a \$5,000 performance deposit. That is refundable upon completion of the rehab. I'm glad you've talked to some contractors; they will need to see a code compliance inspection report and that's what they will base their bids off of. I'd like to see the code compliance application in this week by close of business Friday.

Magner: that's \$493.

Moermond: so that, and I'm going to ask for the PD to be posted by September 30th. I'd like the CCI application in so you can talk to contractors as soon as possible. If you do those 2 things, on October 7 when this goes to PH in front of Council, I'll ask

them to send it back to Legislative Hearing and would want to see bids and evidence of financing. Sound like you can work with that timeline?

Redinger: yes.

Moermond: say we talk again October 13 and hopefully you'll have some bids and the financings and we can wrap up and send it to Council to get you six months to do the rehab.

Referred to the City Council due back on 10/7/2020

5 [SR 20-91](#)

Review Request of Michael Aderinkomi, Amazing Homes Ecclesia LLC, for property at 1179 SEVENTH STREET EAST for review of a potential stay of demolition.

Sponsors: Yang

CPH October 7, 2020. Must have \$10,000 performance deposit posted by October 7, and legal analysis of the Contract for Deed to recommend referring back to LH on October 13, 2020.

Michael Aderinkomi, owner, appeared via phone

Moermond: Mr. Aderinkomi, the Council is asking me to look over whether a potential stay of removal of this property would be in the public interest, and if it is what conditions are necessary for that to happen. The first item is the cancellation of the contract for deed, the \$10,000 performance deposit, sworn construction statement and financing, and at the time I reviewed correspondence you would be perusing a cancellation of contract for deed.

Aderinkomi: that was my plan before I tested positive for Covid. I've been home since August 23. I haven't been able to do anything outside.

Moermond: but you could hire a realtor, why wouldn't you hire an attorney?

Aderinkomi: I have to consider the cost. When I reached the agreement for contract for deed, Apostolic church had not violated anything in the contract, I had to make sure both the c for deed owner and I have a mutual understanding or they can sue me for violation for the contract. If I cancel the C for D as you said I have to give them 60-day notice. When I give them cancellation for contract for deed, they have 60 days to clear it.

Moermond: when we've seen fee owners in a similar situation, they have found it is a violation of their contract if it is ordered removed since it hasn't been maintained. I don't know what's in your contract. But without an attorney to review this I don't feel comfortable.

Aderinkomi: I'm doing my best, in good faith. You also need to work with me, I don't have the resources to put money down. I have to do it in such a way that, I would be pleasing to the City and won't hurt me financially. I have to cancel the contract so I can put it for sale, get my investment and pay the bank off, that is what I'm doing. If I have to destroy the building, I'm asking you to give me some time so I can try all options. If you tell me to put \$10,000 down, if I have to pay the demolition company, I have the money for that, but I don't have the financial resources to do it. I bought that house, it was there for many years, I contract for deed it and the City declared it a nuisance. I

want it to be beautiful too. This is a citizen that is struggling, I don't have the money for what you're asking me to do. I will do my best. People are dumping the trash there. I've already asked if I can put cameras there. That is not my responsibility to watch.

Moermond: it is your responsibility if it's the owner. It was the apostolic church of MN's responsibility. You bought 2016 or 2017 for \$200,000.

Aderinkomi: I think 2016.

Moermond: so we have this property and you want to sell it, and you don't have a buyer? Or you do

Aderinkomi: my realtor said we want to sell without 2 or 3 months, then I will give you my word that in 30 days I will contract with a demolition value and save the land and part of my investment. I don't have the money as you are telling me to deposit this and that. I hope I can work with the city to turn it into low income housing.

Moermond: so you have money for that but not a performance deposit?

Aderinkomi: no, my capital that is already there I can use part of the development, but I can try to sell within 3 months, and if I don't, I will partner with the demolition company.

Moermond: we are looking to have a 10K put into place as a measure of good faith. That is standard. I don't think that's unreasonable the city is making that a requirement. It is a typical requirement. In terms of the cancellation of the contract, you haven't talked to an attorney and that troubles me you haven't move forward. those are prerequisites to get the time to look for a buyer or do whatever kind of redevelopment. It may be the developer you work with may put up the money for the PD, I don't know. But just asking for things to slow down with no financial interest with the City will not fly.

Aderinkomi: you're not giving me an option, if you say within 3 months, I will make sure in 3 months I have 10k for the PD. But right now, I cannot get that money to deposit. If you give me 3 months to sell, and then after that you've done your best, but right now you're asking me to pay that and I don't have it. The church isn't paying me anything anymore, I have to pay insurance and taxes. It has increased my costs. If you want to do me good, give me 3 months to see if I can sell, if I haven't, I will have to destroy the building and try and recoup my investment. If you want me to talk to an attorney I can, but I'm considering the financial cost right now. I didn't bargain for this. I don't think the church bargained for it either.

Moermond: you came to a hearing almost a year ago and were aware of what was going on and decided to not interest yourself financially or otherwise. This isn't new.

Aderinkomi: but what happened after that wasn't to my knowledge. I'm giving you my word.

Moermond: I have to report back to the City Council October 7. If my October 7 you have the 10K posted or started the cancellation of the c for deed or have counsel advising you on what to do, I'll ask them to send it back. That's it.

Aderinkomi: ok thank you.

Received and Filed

11:00 a.m. Hearings**Summary Abatement Orders****6 RLH SAO Appeal of Michael Jimenez to a Summary Abatement Order at 1351
20-20 THIRD STREET EAST.**

Sponsors: Prince

Grant to September 24, 2020 for compliance.

Michael Jimenez, owner, appeared via phone

Moermond: we're following up after talking about the bulky item situation with your hauler, and I know you experience dumping. Staff has learned you have the two medium carts, but because it's a single-family contract you're only required to have one cart under the city contract, so you get 3 bulky items. You've used 2 of the 3 for 2020. I did learn also, you have two medium sized containers, but you would have received a bill for \$86 more for extra bill the first quarter 2020, from q4 2019. You may want to figure out and balance whether you want to upgrade to a larger size. With respect to the mattresses. I see a photo was taken this morning and I'm going to ask Mr. Yannarely to give us some information.

Yannarely: I was out there before 10 am this morning, and there were a couple mattresses on the boulevard and a box spring and mattress against the garage.

Moermond: so four items, you've talked about how you load them up and take them to a site to dispose. I'm wondering, let's set a deadline for getting those out of there. Are you going to remove them, or have Highland do it?

Jimenez: I keep doing this and I can't keep spending money out of my pocket. Those ones in the alley, I'm not taking care of that. I'm not going to keep taking care of dumping. You guys have to help me out here, I'm not going to keep doing it. I think the fair thing would be for you to help me out. I've done it so many times, I'm tired of it.

Moermond: these were dumped on your private property.

Jimenez: yes. There are six tires. There's continual dumping. These are things that I know how much it is ty dump it, I'm asking you to help. It is getting out of hand. Four mattresses, tires, there are two houses down that works on cars and they dump the things on my property.

Moermond: have you installed a camera or signage? Those would be the first steps people take.

Jimenez: I do have cameras, but not facing the alley, there is a 6' fence. Almost every angle of the house is covered, I don't need to see the alley—

Moermond: you do if you're being dumped on. The alley side there is a red car parked back there and the mattress and box spring behind it. Out on the curb with the garbage and recycling containers is another mattress and box spring. I don't know if they got dumped on the curb or your tenant has it. I don't have the tools to remove

them. One of those four can be picked up as a part of your service, the other 3 are \$35 apiece. That's going to be a lot cheaper than the City removing them with a crew. I don't have any tools since this is private property. Best I can offer is cameras and signage, so the City has information to prosecute who is doing this.

Yannarely: if I had the answer for illegal dumping, I would win a prize. The cameras are the best advice we have. You are responsible for thing son your property. I would hate to send a crew for several hundred dollars where we know he's a victim.

Moermond charge is \$260/hour and then service fees and so on, plus 3 mattresses it would be at least \$500.

Jimenez: I thought I was doing this was for you to take care and not charge me for it. There's a car engine piece in my garage. This is an issue I thought you could handle that's why I called. I can't believe you would charge me that much to take care of issues where I'm a victim. What are you proactively doing? The only solution is you'll take care of it but we'll charge you?

Moermond: pretty much. The big thing was negotiating the bulky item pickup into the contract.

Jimenez: 3 items for a single family regardless of the number of carts?

Moermond: yes, that is how it was negotiated. Were you able to take landlord 101?

Jimenez: yes.

Moermond: you've got dumping and tenants who are producing a lot of garbage as well. I don't have any other tools. The simplest thing is having the hauler pick it up. I'm sorry I don't have more than that for you. I was hoping I could, but I don't have anything left in my toolbox. We're talking about a deadline now, I'll give two weeks which would be September 24, 2020. If you're not having highland pick up those mattresses, I would advise you to move those mattresses so it doesn't attract more dumping.

Referred to the City Council due back on 9/23/2020

Correction Orders

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 7 [RLH VO 20-39](#) Appeal of Francis X. Viggiano to a Final Notice Revocation of Fire Certificate of Occupancy and Order to Vacate and Summary Abatement Order at 125 COMO AVENUE.

Sponsors: Thao

Grant to September 18, 2020 for the fire pit and clearing of yard, and October 16, 2020 for windows, painting, screens, seed/sod, and globes on fixtures.

Francis Viggiano, owner, appeared via phone

Staff report by Supervisor AJ Neis: this is a revocation of the Fire C of O order to vacate, was determined by myself and Jack Toeller due to long term noncompliance at the property. The property has been under the Fire C of O process for several months. Inspector Toeller had gone the property continuously to find no work done, or minimal work. I went back about a month ago, met with the tenants upstairs, for the property itself exterior was terrible. Advised to give 30 more days, still got no response from the owner, never did until we revoked the certificate. This has been going on since December, pre Covid. Started with MaiCee Vang, then Toeller, I advised him to file this appeal. His concern is for the lower tenants in regard to them being displaced. He's not disputing the upper tenants should go, they seem to be the big problem, and are causing additional damage to the property, especially the exterior. There have been multiple code enforcement complaints on the property, I asked them to do a summary abatement on the yard most recently. It is becoming a problem property, it gets worse on every reinspection, not better.

Moermond: Mr. Neis, who meets you for the inspections there?

Neis: unfortunately, every time we sent a letter, no one meets us. The last time Toeller was there the owner happened to be there, he didn't know we were coming and has indicated his daughter was involved in an accident which caused the delay, but even before that we were having trouble getting responses and meeting at the property.

Moermond: it looks like you have a mix of too much junk in the yard and a lot of deferred maintenance issues. We have long term noncompliance.

Viggiano: I've had this property for years, I've owned property in St. Paul since the 80's. I work with the city, I don't work against them. We had a change in inspections, there was overlap in the orders. The woman in the downstairs apartment is a hoarder, she filled up the basement, we spent 2 weeks filling 3 large dumpsters, the County gave us 3 dumpsters. We got her out, she was in a bad state, we fixed up her apartment and passed inspection and put a new tenant in. they are no problem, have a young child. I'm really concerned about them being able to stay. The problem now is the upstairs tenant took on the same tendencies and filled things up. The whole backyard was cleared out when we filled the dumpsters, then my daughter had the accident and it filled up again. I was over there all week, I filled up a dumpster and now have to get a second one. This is the fifth dumpster. All this material that just appears. As long as the tenant is upstairs, they've been rebellion recently, I gave them notice their lease is over. If we could get an order for them to vacate the upstairs—

Moermond: we aren't your eviction agent, sir.

Viggiano: I understand that. Every time I fix something, that is the problem, upstairs. Every time I got an order from Toeller, I tried to do it and then they come and kick the door in, or break the window. I can't evict, according to my attorney, because the courts aren't hearing cases right now. I've done everything I can, I have talked and pleaded with them. I'm out there cleaning the yard now, doing what we can to comply. I talked to Toeller and Neis and the only thing I need is more time, but every time I try to fix something it gets broken again.

Moermond: if you're not showing up for inspections—

Viggiano: I've been showing up. As soon as my daughter got hurt, I called Toeller and told him I needed more time. She was almost killed.

Moermond: I don't mean that once instance. We all understand that. But I heard in the staff report there was a long-term pattern before that.

Neis: the first time the contact was made was actually placarded the building. That's what got the attention. When was the accident exactly?

Viggiano: August 4. I called Jack as soon as the accident happened.

Neis: let me give you an example. There was a letter sent June 26 for a reinspection to be done July 23. Nothing had been done.

Moermond: did anyone meet you that day?

Neis: no. after that was when I instructed Toeller to revoke the C of O. even then no contact was made, we went back August 27, no work had been done and that's when we placarded the building and got his attention. We had revoked this prior to the accident and still got no reaction.

Moermond: you said the inspection started December? There was a good six months between when it started and when you got involved as a supervisor. All the ones prior were no shows?

Neis: yes. I have a note from Her Vang, November 27, 2019, property owner no show. Left voicemail and waited 15 minutes. December 18, property left voicemail cancelling appointment, called back and voicemail full. January 2, 2020 property owner no show. I contacted and he said he thought it was 10:30. Rescheduled again. February 10, 2020, this is all pre-Covid. Rescheduled to February 14, February 13 property owner said work was not done and requested an extension because his maintenance guy was hurt. You can see this is as long-term pattern. March 6, 2020 no show on day of inspection, voicemail full. March 31, no show, and rescheduled. There's been 30 complaints since 2013 on the property. This isn't a one-time bad tenant.

Moermond: can you tell me what your experience is with courts and evictions right now?

Neis: the governor's executive order, if there are code violation my understanding is that any revocation due to code issues we still have the right to vacate.

Moermond: it would be the City vacating?

Neis: correct.

Moermond: I'm getting a signal here that Ms. Shaff would like to add something.

Shaff: it is clear that the tenant is damaging the property, the courts are hearing those cases, I've also talked to Mr. Viggiano on numerous occasions about this property. It may have been true earlier on, and it was true, someone had to die before you could evict, but he would do himself a good turn if he'd recontact his attorney.

Moermond: so, for tenant damage courts are hearing those cases.

Shaff: yes.

Moermond: a deadline for tackling these items in the August 28 letter. The department

said September 30 or property vacated. It sounds like you've been working on things, nothing is particularly weather dependent. Is that accurate read Mr. Neis?

Viggiano: can I just say, I've done the best I can, I haven't ignored the property. In July I spent \$2500 replacing the whole fire alarm system. A wired system was put in. I've been doing things; I am not ignoring it. I've had a personal situation I'm dealing with, but I've spent on a lot of money since December. I worked with Jack and MaiCee, I'm not going out of my way to do not the work.

Moermond; and the public sector has spent money providing dumpsters too.

Neis: on this 2500 for a fire alarm system, it's a duplex so a system isn't required, and it would have required a permit which I don't see. The order was to update the system.

Viggiano: it was in there; it was an old system and he suggested we use it and we did.

Neis: hardwired smoke detector needs to be updated.

Viggiano: that's what we did.

Neis: that doesn't require a permit, but it wouldn't be anywhere near \$2,500.

Viggiano: 99 percent of the interior repairs are done; we're just talking about the exterior and the dumping. I can't control it is coming from somewhere outside. I emptied a trailer full of trash someone put on the lawn and left. I'm doing the best I can to get rid of it. I'm not trying to not do this. I want to work. I'm 67 years old with bad knees, I'm doing the best I can. I want to protect my downstairs tenants; they are good people.

Moermond: I'm looking at a list of items, 2 are interior and the rest are exterior. Right now, your deadline is September 30, what are you looking for?

Viggiano: if I could get an extra 2 weeks, I can guarantee it will be done. I just don't want to get to sept 30 and have 1 or 2 things left.

Neis: code enforcement also has orders, and those are a different issue.

Viggiano: I called them and told them I'm working on it and they were very nice about it.

Moermond: Kedrowski gave you through September 18.

Viggiano: there is a shed they built I have to take apart, it takes a while because they did it with screws.

Meormond: I don't see orders about the shed. Reseeding is in the fire orders note code enforcement orders. The City wouldn't do that, anyway, just cleaning out the junk.

Viggiano: the trailer is done, trash is done, some furniture and bigger items I can't move myself. The yard is about 65% done. It should be done by the end of next week if weather cooperates. I'm making progress. My first priority was getting rid of the trash to prevent rodents. There's an empty lot next door with 2 cars, I asked him to tag them. They're not on my property but contributing to the problem. I'm over there every day and working with the downstairs tenants. They've been helpful and keeping me

informed. It is a priority for me. I'm not trying to not do it. I'll do everything I have with the resources I have; I just need enough time.

Moermond: October 16 deadline the windows, scraping and painting, screens, sodding/seeding, globes on fixtures. The items with Sept 18 deadline, fire pit and the clearing out the yard. I feel like this is a reasonable amount of extension considering the amount of time the City has invested in this, along with the County. You understand if the yard has to be picked up by the City it will be a fairly large bill.

Viggiano: I understand.

Referred to the City Council due back on 9/16/2020

8 RLH VO 20-37 Appeal of Scott Beck to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1192 EARL STREET.

Sponsors: Yang

Grant to September 30, 2020 for compliance.

Bonnie Barlage appeared via phone representing Scott Beck

Staff report by Leanna Shaff: this has been in process for some time now. It's a fire C of O that started in March 2020 by Inspector Franquiz. We've been there 5 times already. Missed appointments, work not done. When it came time in early August, the Fire C of O is pending revocation due to long term noncompliance. When I saw what the orders were for a contacted Havenbrook and they assured me it would get done and I made a special trip to meet Greg the maintenance manager, August 28. I went to the property and no one met me, and I revoked the C of O because I couldn't verify the items. A couple of the problems seem likely they are done because it was occupied. There as a permit for the dryer vent issued 9/2 but it hasn't been inspected yet. I couldn't get up on the upper deck to make sure that deficiency was fixed.

Barlage: I want to apologize for the missed appointments and work not being done, we have had some hiccups with it being occupied and not allowing access. We met her at the last trip

Moermond: she said she didn't meet anyone.

Barlage: I thought you got a face to face with Greg or Scott.

Shaff: no, I called Scott.

Barlage: since then the tenants have vacated, we did sent pictures to show the items have been corrected to the best of our ability.

Moermond: you filed the appeal August 31, 3 days after the inspection would have occurred. In fact, those pictures are dated August 28 at 12:22.

Shaff: I was there at 9:20 in the morning.

Moermond: have you seen the photos?

Shaff: yes

Moermond: and I assume you need eyes on it in the field.

Shaff: that's true. The biggest thing is the permit for the dryer vent.

Moermond: sounds like you need a dryer inspection and you need Ms. Shaff to sign off on everything. When can you get the dryer done?

Barlage: it is completed so it is just scheduling it.

Moermond: yes, and have you done that?

Barlage: it looks like we've reached out to schedule but haven't gotten a confirmed date.

Shaff: why isn't RTS Mechanical contacting?

Barlage: I spoke to Katie in maintenance and she said Ron from there did?

Moermond: so, it didn't happen according to the City's records. It does need to happen. Are you taking responsibility at this time to make sure it does?

Barlage: yes ma'am.

Moermond: so you'll follow up with the contractor and City to get that scheduled?

Barlage: yes ma'am.

Moermond: what are your plans in terms of releasing it?

Barlage: we have an approved application, and people waiting to get in.

Moermond: all I'm looking at is vacate order, the worst thing the City can do is not rent it, and it is already not occupied. You've created your own carrot and stick. I guess I'll say by the end of September you should have this taken care of, that will be your extension.

Referred to the City Council due back on 9/23/2020

9 RLH VO 20-38

Appeal of Davina Harper to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 403 MINNEHAHA AVENUE EAST.

Sponsors: Brendmoen

Grant to November 1, 2020 for compliance.

Davina Harper, tenant, appeared via phone

Nikki Knapp, Al Conard's (property manager) daughter appeared via phone

Knapp: my father. Jim Hall owns it. My father and I manage all his rental property. Al Conard not an owner.

Staff report by Supervisor Leanna Shaff: before I start with the history, Ms. Knapp we don't have a change of address or updated RP. When I spoke to Mr. Conard last week I told him he should get on that immediately, I'd like you to take care of that today.

Knapp: I will do that today.

Shaff: you saw this last in hearing last June. This is a fire c of o property that we started in May 12, 2020 , appealed in June with a couple different compliance dates, it was in hearings because the previous owner was going to apply for City money to get some repairs done. In the interim he sold the property to Cash for Keys and come to find out that it is a wholesaler and Mr. Conard represented he bought it.

Knapp: he did buy it, and then he sold it the next day to JL Ventures.

Shaff: in the meantime, because the orders weren't complied with, we took enforcement action because the City Council made the resolution these thing shad to be done so we revoked the Fire C of O. The items left are the gutters left on the garage, the window screens, exterior doors, trim, strike plates, the windows and a venting issue in the bathroom. That requires a permit. I spoke with Ms. Harper the same day as I spoke to Mr. Conard.

Moermond: Ms. Knapp, let me start with you. Where are you at with the items?

Knapp: Al just got back into town today, we're meeting window guys this week to get this started. We have every intention of getting the stuff done on the list as soon as we can. We manage a lot of properties.

Moermond: so you can move quickly?

Knapp: yes. I'd have to ask him when the repair guys are going to come in and get the work done. I'd guess at least a month. It has a lot of exterior work on it. I know he talked about replacing windows for sure. Those will be ordered right away, and I can show paperwork for that.

Moermond: but you have had the orders and haven't ordered them yet and it has been a good two weeks.

Knapp: they just closed on the property a week and a half ago and Al went out of town.

Shaff: when I spoke to Mr. Conard, he claimed he didn't know about it in spite of being a long-time property owner in St. Paul. I urged him to get on it immediately.

Moermond: there have been a bunch of real estate transactions that require the seller to disclose the issues with the property, so Phoenix should have told Cash for houses, who told Conard, who told JL Ventures. If that didn't happen, under State law, it should have. I'm sorry those didn't happen, but the financial interest in problem would be something you'd want to pursue with previous owners.

Knapp: we have every intention of getting it done, it is top on the list. We just got back into town last night.

Moermond: Ms. Harper you filed the appeal, do you have comments to put on record?

Harper: I did, it is windows and doors and it is my family that suffers the consequences of it. This is me as a single mother with a child still in the home. I live paycheck to pay check and I've been trying to get things off the list, but we're in the middle of pandemic.

Moermond: you are the innocent party here and I'm going to do everything I can to protect your interest. Ms. Knapp, I hope you're repaying for any repairs she's done?

Knapp: we didn't know about it.

Moermond: can you provide documentation to Ms. Knapp?

Harper: the list was way longer than it is now, Mr. Phoenix wasn't doing it. I have old and new set of orders.

Moermond: using the old orders, provide that information to Ms. Knapp so she can give you something fair. If you're doing that Ms. Knapp, I can give you an extension. You will play fair and even up things with Ms. Harper and I will recommend the Council gives you until November 1 to complete the list.

Referred to the City Council due back on 9/23/2020

Staff Reports

- 10 [SR 20-88](#) Review Request for Extension to the Appeal of Robert Radeke to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1157 DAYTON AVENUE and 1159 DAYTON AVENUE adopted by Council File RLH VO 20-31 on August 19, 2020.

Sponsors: Thao

Recommend granting to November 6, 2020 for compliance.

Robert Radeke appeared via phone

Supervisor AJ Neis: looks like there's an extension request until October 31 to complete the double porch.

Moermond: in my review I wasn't seeing any concerns, are there any?

Neis: no, I drove by, the second-floor balcony has been blocked off to prevent accidental exiting, I just want to check that is the case during construction?

Radeke: that is correct

Moermond: your contractor is asking through October 31. I'd like to set a deadline for Friday Nov 6. To give you time to get a building inspector through.

Received and Filed

1:30 p.m. Hearings

Fire Certificates of Occupancy

2:30 p.m. Hearings

Vacant Building Registrations

**11 RLH VBR
20-61**

Appeal of John Mathern to a Vacant Building Registration Fee Warning Letter at 1905 IGLEHART AVENUE.

Sponsors: Jalali

Waive the VB fee for 90 days, allow permits to be pulled.

John Mathern, owner, appeared via phone

Staff report by Matt Dornfeld: made a category 2 vacant building August 15, 2019, basically due to the home being vacant and the moving of the structure. Mr. Magner wanted this in the VB program and have a code compliance inspection due to that, we did receive multiple neighborhood complaints prior to it being a VB building. That is what alerted us to the building.

Moermond: we have a building permit here, and Mr. Mathern, what is going on?

Mathern: I'm looking not to pay an additional vacant building fee because we moved this house because it had historic significance to St. Paul and the neighborhood. It had a controversial past, and we came to an agreement with the neighbors, in saving it. We agreed to save it. We agreed we would keep the exterior as close to original as possible. We then engaged Sonja Mason with the Summit Hill Association to do plans for the renovation. We then moved it in 2018, we were approved for the move by zoning. We took the time to figure out what we wanted to do with the house and replicate for the exterior, and this coincided with a letter from the vacant building inspector to renew the permit. I told them we are in the process of applying for the permit and aren't most houses vacant when they're renovated? Why would I pay that when it takes time and effort and will be vacant during the construction process? We've made considerable effort, got a permit for the new foundation, worked with the neighborhood, we engaged them, and applied for the permit and it is \$2,000 better spent on the building.

Moermond: you're already in the vacant building program since 2019, this is year two. The idea of getting you out at this juncture, we should have had the conversation last year, and we didn't. We had complaints that triggered the review, and are houses often in the vacant building program when under rehab? A lot are, not all of them. In this situation you are. Where do we go from here? I can see you ordered your code compliance inspection report September 2. You attached to your appeal general building permit application dated to start August 30. Guessing they didn't process because you needed a code compliance?

Mathern: yes. We're gutting the interior; we'll gladly take your report but it is redundant because—

Moermond: did you tell them that?

Mathern: yes, that's the answer they give.

Dornfeld: I agree with the appellant, if it is a complete gut job it deems the code compliance irrelevant, he should talk to Inspector Bruhn.

Mathern: we've worked with him in the past, we have a history of doing these major renovations. It is a gut job.

Moermond: when you file for your building permits, you have the plans specs so they can look at them?

Mathern: yes.

Moermond: I will make a phone call after this to see if we can't get that squared away so you can get refunded for the inspection cost, that seems more appropriate. Talking about the fee, is I'd like to get you out as soon as possible and discount it if you can get done shorter. Can you tell me about your permit? You have finishing March, was that being generous?

Mathern: that's working really hard at it. The reason for the appeal is that this isn't just an ordinary house, we can't just strip off siding and put aluminum siding on it. We're preserving exterior which means replicating materials. I'm not whining and complaining, I was just saying paying vacant building for a total renovation seems to serve no good purpose.

Moermond: you haven't been working on it for the last year, but now you will be? We had some stuff happening in 2018.

Mathern: it took us a long time to figure out how to preserve the exterior and do a modern interior. It took a lot of time. We paid the fee in august when it was levied. We didn't whine, but then knew we were coming in for a permit.

Moermond: I'm getting you out from under your code compliance inspection fee and getting a refund. Item two, this isn't going to do much, I will put a 90-day waiver in place. We know that won't be the case, but realistically if you are able to finish in March, I can recommend the fee is reduced by half and we can put off payment until it is an assessment. In 90 days, they will send this forward as an unpaid fee, and I want you to appeal that assessment. There is no charge. We can then look at prorating it for when you have it done. That's probably the best I have to offer at this point, it is at least discounted, and we'll get you the inspection fee back. Permits will allow to be pulled; Mr. Dornfeld will note that in the system.

Mathern: the lady who I talked to when I was appealing told me it was already assessed.

Moermond: they pull it back once the appeal is filed.

Referred to the City Council due back on 9/23/2020

**12 RLH VBR
20-60**

Appeal of Mark E. Czuchry, Czuchry Law Firm, representing Xuan Mai Ta to a Vacant Building Registration Notice at 820 WHITE BEAR AVENUE NORTH.

Sponsors: Prince

Grant the appeal to be released from the VB program; property is to be a preliminary VB and monitored monthly.

Mark Czuchry, attorney, appeared via phone

Supervisor Matt Dornfeld: this is simply a fire inspection revocation transferred to the vacant building program August 6, 2020, we made it a Category 1 vacant building due to a very minimal deficiency list. That's what I know.

Moermond: I have a correction order issued in April. What is your client looking for?

Czuchry: I was surprised, I unfortunately didn't page 2 of the VB registration notice, I reached out to Mr. Hoffman who said it was a Laura Huseby referral. My client is an optometrist, she has her office presently at University and Snelling, she was looking to expand her practice and open a satellite office so she could see her patients in their community. She went and retained an agent, they found the building, it was sold to her from Ramos construction exactly 2 years ago, Sept 5, 2018. They did it on a contract for deed, and there was a mortgage on it and a host of City code violations represented to not exist. Within a matter of weeks, we heard from Pat Cahanes regarding a rain leader not in compliance. It was not going to storm sewer. We had done a bunch of work to see the cost of repair, we were in communication with the seller and John Miller to get it resolved which would result in a return of the down payment, and to transfer the building back to them. We had a settlement agreement; we spent a bunch of time on this, it should have been done in March and then they decided with Covid they didn't want to go through with it and walked away. We're trying to figure out how to do it, we just did serve that lawsuit last week and today. She's out of pocket \$120,000 just buying the building. We'd like some time to not incur any more costs to see if we can get it resolved and back in the hands of the person who is responsible for these code violations. These violations in themselves, the one in the notice was excessive flow gas valve, that was \$450 and they said the City was going to do it in the past but didn't. I'd like to propose an interim resolution to get that resolved, get one and 3 resolved that those issues are taken care of and get the case resolved with those we've sued so they can do the corrections. A lot of the violations relate to the fact that permits should have been pulled and weren't. The only one that might come into play is E, it is all within the context of dangerous or nuisance building and none of this was at play here. If this is placarded it will make it a target for violence and vandalism with the civil unrest. We're hoping now the complaint is served he can be economical with his client and not litigate it. She's spent so much money and lost so much money during Covid shut down.

Dornfeld: I think this would be a candidate to be downgraded to a prelim vacant building and just monitored monthly on the exterior so they can have time to figure this out, and then give a deadline of time and we can revisit it being a category 1 vacant building.

Moermond: I'm concerned that we have an indefinite timeline here. We've had a responsible owner taking care of things and an irresponsible seller. That is the horizon I'm looking at it, and I'd want eyes on it at that point. Monthly monitoring is ok, with an eye towards future, I'm concerned about not having a way to wrap this up at the end of the day.

Czuchry: it would take Mr. Hoffman or a supervisor that they would sign off on any transfer back to the seller and the City can work with him directly to have the issues resolved. I'm happy to make a monthly status report.

Moermond: no that's fine. The City wouldn't want to be party to any transfer. That's on you. The City has worked with Mr. Shirzad Raimi on any number of occasions. We'll get them out of the vacant building program as a Category 1 understanding it could go back if there are any documented violations on the exterior. You appeal is granted to be out of the vacant building program but reevaluated monthly.

Referred to the City Council due back on 9/23/2020