



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, September 22, 2020

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [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

Layover to LH October 27 at 9:00 am. PO to provide agreement with potential buyer, or will discuss removal.

*Michael Klemm, attorney, appeared via phone
Monica Anderson appeared via phone
Michael Hulke appeared via phone*

Staff update by Supervisor Steve Magner: August 28 letter to sent to all the parties confirming on August 25 you recommended laying the matter over the legislative hearing today, the following conditions to be met to rehab: evidence of contract with a potential third party doing the rehab, evidence of financing for half the estimated cost of \$100,00, submit an affidavit of funds and preliminary work plan and bids, and must continue to be maintained.

Klemm: we made good progress in negotiating an agreement with a purchaser to redevelop, spent a lot of time on an addendum to a purchase agreement for title not to transfer until after project is done, but after extensive communication they determined they couldn't proceed due to the risk and circumstances, we got that news last week. Since then we also have been looking for other purchasers, Mr. Hulke spoke with some potential purchasers, I also personally reached out to an attorney who I know does some renovation work and I see that as a potential buyer, we're currently waiting to hear back and find another buyer, bottom line is we are requesting another month to work on that.

Moermond: this was originally in front of Council July 28, 2020, I have two dates I'm looking at. One is October 13 and one is October 27. If we go further out I'd like the purchase agreement in place, so we'll go with October 27 and if we don't have a purchase agreement we'll have to move forward. We need a plan in place at that point.

Let's get this nailed down.

Klemm: can you also review next steps if we're unable to accomplish that?

Moermond: it will go to Council November 18, it will be a public hearing at which point I will ask them to order it removed within 15 days. If they go with that recommendation, the owner has 15 days from the day the Mayor signs the order to abate the nuisance. Acting means to pull a demo permit and have a contract with a demo contractor, if they have that Mr. Magner typically allows time for that to be concluded. If nothing happens with that 15 days, the City moves forward with demolition proceedings and that involves activity that lasts about 45 days before it is actually removed. Bids, hazardous materials assessment, executing, stabilizing soils, those sorts of things.

Magner: all of those, if the owner doesn't move forward with demolition we'd get an order from a contractor or they would go out and it takes 45 to 60 days to remove and finish site.

Kelmm: is part of that fill being brought in to make it level?

Magner: we don't allow open excavation unless there is a plan for reconstruction, our normal specification would be to remove the building and the foundation and then backfill the site and install top soil and seed to restore to a predevelopment condition. Anything other than that requires approval from building official or County.

Moermond: there was a retaining wall, how do they work with that then?

Magner: we like to take into consideration the condition of the wall. If the wall is continuous with neighboring properties we would likely leave it unless the condition warrants it. That would probably exclude the steps which we try to take out. We leave as little built infrastructure as possible. If it is not continuous we'd remove it and take some of the fill material into the hole.

Klemm: worst case scenario where the at happens, are the costs added to the taxes?

Moermond: yes, it becomes an assessment on the property taxes. The typical cost is what?

Magner: the bidding becomes competitive, but the defining factor is the hazardous waste. If there's no asbestos it may only be \$1,000 to \$2,000, but in a bad situation it can be as much as the disposal costs of the property. After we award the contract they do a survey and remove samples. Then we identify the abatement costs, ultimately those costs are a special assessment and go on the property taxes. The owners can ask to extend the payments over a period of time, otherwise it goes to following year of taxes, and from there they have to choose if they pay them or it would forfeit back to the state and be controlled by the County.

Klemm: some suburbs allow the Fire Departments to use the property for firefighting practice and burn the building, does St. Paul do that?

Moermond: I think there's plenty of experience with real fires, it is also close to the neighboring properties.

Magner: there's some misnomers, if anything was to be done like that the testing to the property would be a fire suppression, not a full burn, like smoke activities. I've

been doing this for a couple days now and I don't remember us ever doing that. I do know it happens elsewhere. The flip side to that is we'd still have to do the abatements up front and the costs to remove the ash cannot be taken to a landfill, it would have to be tested and that might actually make costs more. It is not something we do.

Klemm: do you have any recommendations as far as holding costs down. Is it less expensive to do it yourself generally?

Magner: it has been our experience we tend to get about the best pricing because we're the City and they know they will get paid, and we have fairly competitive bidding so they do these jobs and I don't know why for the cost, they have to have experience because of the regulations both City, County and MPCA. Short of saying the cleaner you leave the house the cheaper it will be. You of course can bid your own project, but the City will use a special fund to do it and pay the contractor and then send the bill. We do add some administration costs, around \$600, but you get free financing for 8 months by the time we process the assessment.

Moermond: I would add, if you do want to get bids, we do have a list of licensed contractors in the City that can give you a head start, the other thing is that if the demolition costs almost always go to assessment, that can be appealed and can be made payable over a 10 year time plan which has around a 4% interest rate. That's financing on it basically. That influences some people's decision making too. If you'd like that list, Mr. Magner has it if you want it in the future. I sincerely hope you can find a purchase agreement so we can move forward with rehab plans, I wish you well in seeking someone.

Laid Over to the Legislative Hearings due back on 10/27/2020

2 [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 December 8, 2020 at 9:00 am to confirm sale of property and that demolition is still proceeding.

Reena Malhotra, in house counsel, appeared via phone

David Malanga appeared via phone

Gene Gelgelu, potential purchaser, appeared via phone

Moermond: I do have a copy of the purchase agreement. I understand you're in the process of reviewing. The buyer signed last Thursday, where are things with you?

Malhotra: the rider has some issues and has some comments, I need to clear that up. I was out of the office Friday, so we're a couple of days away, I need to send to the owner. The purchaser was making them available today. Gene Gelgelu at X9411, he's waiting for our call. I believe he's wanting to demolish, he said he applied for something to do so.

Gelgelu: we want to relocate to Snelling, to revitalize that corridor. We intend to demo the building so it fits for us and our office. We did apply to PED last week, with Kristin at PED and Anton the project manager.

Moermond: the City won't issue a demo permit until you are in ownership of the property, my understanding is that you amended the purchase agreement to have a closing in December rather than in October. Is that your plan, can you tell me more?

Gelgelu: our lender BMO Harris is looking for a fully executed purchase agreement before lending, so for due diligence to get more time for the closing.

Moermond: and you're definitely looking at demo and rebuilding vs. rehab?

Gelgelu: yes, that's correct unless this is a historic building, which I don't see. There's no parking so we need underneath parking, so we are going to demo. We are already communicating with possible builder.

Moermond: my interest only extends to getting the nuisance abated, that means I'm interested if you're rehabbing until the code compliance is issued, or until the site is demoed and permit signed off. Any future redevelopment I wouldn't be involved with.

Gelgelu: are you with DSI?

Moermond: no, with City Council who makes the decision about giving time. Mitra Jalali does represent the area of course. I can tell you there is no designation at the historic level. I do understand there is some interest at the neighborhood level, but it is in no way a historic building.

Supervisor Steve Magner: we did a request to the historical society and it didn't come back as having any contributing factors or being in a district.

Moermond: what money will you be using for the demo?

Gelgelu: we are working on that right now, we applied for met council funding.

Moermond: was it Kristin Guild you were working with?

Gelgelu: correct. That application was submitted.

Moermond: we'll have to involve them; we need to see financing to get this demolished. I think we've got a start in this conversation. I'm mostly concerned about segregating funds for demo vs. building a new structure. I would like to see those packaged separately.

Magner: that or a signed contract with a demo contractor to raze the property. If they have a signed contract in situations like this, once they own the building and get the time remove that's usually what we follow.

Moermond: we had a similar situation with model cities on University. They had a relatively complicated redevelopment plan and a building that needed to be demolished, and the City ended up doing it because they didn't move forward. That only affects them a little, because cost is about the same.

Magner: I think that if PED was paying for the demo, reviewing the historic PED form and it says it is not in a district, national district, it was inventoried but they aren't saying it is contributing, the only comment was Hamline-Midway reconstruction survey recommended for additional survey and evaluation. But, I don't believe that's a requirement.

Malhotra: if all goes well, as I anticipate it will, there's a few contingencies, my understanding from the owner we can't transfer because of compliance with these orders, how does that work?

Moermond: right now if closing is December 4, it would go to Council December 9th and they can issue order for removal, or they can issue it sooner. That's more straight forward than giving time to rehab, we can put an order in place to give 90 days to get executed, then you'd have the orders put to bed on our side for your transaction. If things fall thorough, you would have a property with a demolition order sitting on it.

Malhotra: that's different because now we have rehab orders?

Moermond: no, you have the ability to rehab or remove.

Magner: because this isn't a residential building, that prohibition doesn't exist. Chapter 33, currently this building could legally be sold to anyone, the only caveat being you have to disclose the government action to the buyer.

Malhotra: that does help, whatever I read must have been applicable to residential. I was under the impression we needed something.

Magner: there is documentation that category 3 buildings can't be sold, chapter 33.

Moermond: yes, under permit issuance.

Magner: section 33:03 (F)(6).

Moermond: the deal basically is that commercial buildings can transact. The question of when the City issues the order, it may be in everyone's interest to have it issued after the sale is concluded. I'm going to schedule this for a legislative hearing with me on December 8, for the purpose of confirming the property has transacted and we're still on demo route, and then send it to Council December 16. The Council doesn't meet the following 2 weeks, so I want action earlier. If it is demo it is straightforward and we're talking about timing. I will talk to PED and Ms. Guild and find out more what's going on with financing, and see how that's going to play out.

Gelgelu: does Reena need anything form the City to execute the purchase agreement?

Malhotra: my understanding from this conversation is we do not. We should have something from Friday by the latest as soon as I get what I need from the broker.

Laid Over to the Legislative Hearings due back on 12/8/2020

3 [RLH RR 20-33](#)

Ordering the rehabilitation or razing and removal of the structures at 1023 JESSIE STREET within fifteen (15) days after the October 21, 2020, City Council Public Hearing.

Sponsors: Brendmoen

Layover to LH October 13, 2020 at 9 am. PO to post performance deposit, provide work plan/scope of work and proof of additional financing and affidavit by October 9, 2020.

Rosalind Costilla and David Rocha, owners, appeared via phone

Staff report by Supervisor Steve Magner: the building is a two-story, wood frame, duplex on a lot of 4,792 square feet. According to our files, it has been a vacant building since December 9, 2004. The current property owner is David M. Rocha and Rosalinda Costilla per AMANDA and Ramsey County Property records. On July 9, 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 July 13, 2020, 2020 with a compliance date of August 12, 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 \$9,800 on the land and \$65,200 on the building. Real estate taxes are current. The vacant building registration fees were paid by assessment on January 2, 2020. A Code Compliance Inspection was done on November 5, 2018 but is now expired. An application for a new Code Compliance was submitted on July 29, 2020 but an inspection has not been done. As of September 21, 2020, the \$5,000 performance deposit has not been posted. There have been no summary abatement notices and no work orders issued since 2004. Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$30,000.

Moermond: I'm trying to look up, this is a duplex, this is a legal conforming use. I observed that this became a vacant building in 2004, I did notice in the file there was a condemnation order to vacate back then. You have the code compliance hopefully in your hands, the performance deposit, and I'm impressed there have been no summary abatement orders. You haven't launched a rehab though in 16 years. I'd like to know where you're at with this.

Rocha: there been confusion about it being a duplex, I've had it as a single family, I filled it out back in 2004, but I hear Mr. Magner say it was a duplex. It is not a duplex. As far as the \$5,000 performance deposit, we didn't know where or when to send it. We've had little information. We've been waiting for the code compliance; we've had one from 2018 which was done under a duplex.

Moermond: it looks like in the fire inspection program it was considered a duplex. But right now, the records are clear it is a single family dwelling. The inspection dated today says it is a single family dwelling, so it is corrected now. We have us this home that has been vacant, what are your plans?

Rocha: as soon as we are given permission, we will start. We will post a performance deposit and electrician and HVAC person. I want heat in there so after the first of the year I can get a plumber in. As soon as I'm allowed to pull permits, it will be electricity and heating. We sent you a copy of my finances to cover both of those to the first of the year and then I will get the rest for the plumber. The plumbing is difficult because we need the 2020 code compliance.

Moermond; that was issued today. Do we have an email address for you?

Rocha: yes.

Moermond: we can send that to you right now. Let's take these individually. You have the bids and financials. When I look at it what is missing for me is a schedule of how you're going to approach it. Either you or Richfield Construction put it together, if you get the six months, how are you approaching it. You explained the two trades beautifully, but reducing that to writing to the record for my purposes. It is basically me

knowing where you will be at different points in time. I have a copy of 2 checks, those total about \$50,700. The estimated cost is \$82,000. First, I need to see the money you're using land in an account that is ready to go, or a line of credit, set aside. I need an affidavit saying you'll spend that money for this purpose. That's \$32,000 short, I need to see you have the rest of the money to complete the project, documented in the same way.

Magner: we're pretty far along here, we just need to have the estimated cost from contractor reflect the code compliance he received today, so it may need some tweaking and then a timeline put on paper. The last thing would be to put together the rest of the financing. Maybe lay it over for 2 weeks for those documents.

Rocha: I was planning on getting the money out of my 401K, but I wanted to do it after the first of the year for tax purposes. How does that work into it to prove I have it?

Moermond: normally we ask to see it all on the table before granting time, I'm thinking about the 401K and what kind of assurance we can look for to know it is available. I can talk to our team about that, it isn't something we normally accept as a financing source, it needs to be a liquid asset. We'll discuss and get back to you. The City also won't grant time until that performance deposit is in place.

Magner: they should post the performance deposit ASAP, our timeline goes consistent with the timeline the hearing officer grants and approves and issues, if they do it now and then 3 weeks from now the Council meets and gives them 180 days it runs with that. It is also refundable if they don't get that time. Towards the 401k, maybe it is possible they could put the existing funds in an account and the rest of the funding can be shown in the 401 with an affidavit for tax purposes. That seems to show the money is there and an intent to use it. The money can be liquidated.

Moermond: I'd like to run that by an attorney.

Rocha: I can show you the money is in there, but I'd have to send you a semi-redacted version of my statement. My latest statement shows I have more than enough.

Moermond: we will also redact, like we did with the checks. If you're doing it, fantastic. What we'll do at this point is, can you get the code compliance to your contractor to revise their bid to be specific to cover the items in the code compliance inspection report, and to incorporate a schedule. I think you should be able to get that taken care of by October 13. We will ask for that work by October 9.

Rocha: that sounds doable. I told the contractor the plumber would be in right after the new year, so they would have until the end of the year after we can pull permits.

Moermond: let's get that in writing. Council would vote October 21, the six months begins the 21. If you're back loading the work, let's have that reflected in your plan if you're back loading the work. I'll have staff send a letter, you should have the code compliance in your hands, it will also come in the mail. We will talk in 3 weeks and hopefully have this all put together so you can move on with the rehab. The performance deposit I would like posted by October 9.

Rocha: we'll probably do it this week. We weren't familiar with when and how to do it.

Moermond: we'll include the form with the letter.

Rocha: we have one already filled out.

Moermond: you are ahead of the game and makes me feel good about these prospects. I'm glad you're moving and serious.

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

- 4 RLH RR 20-34** Ordering the rehabilitation or razing and removal of the structures at 1355 PAYNE AVENUE within fifteen (15) days after the October 21, 2020, City Council Public Hearing.

Sponsors: Yang

PO to submit work plan including detailed schedule and proof of financing and affidavit to receive grant of time to rehab property.

Jay Mitchell, on behalf of Quality Residences, appeared via phone

Staff report by Supervisor Steve Magner: The building is a two-story, wood frame, single-family dwelling with a detached accessory on a lot of 3,049 square feet. According to our files, it has been a vacant building since January 6, 2017. The current property owner is Quality Residences LLC per AMANDA and Ramsey County Property records. On July 8, 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 July 13, 2020 with a compliance date of August 12, 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 \$5,700 on the land and \$64,300 on the building. Real estate taxes are current. The vacant building registration fees were paid by assessment on February 4, 2020. A Code Compliance Inspection was done on August 20, 2020. As of September 21, 2020, the \$5,000 performance deposit has not been posted. There have been seventeen 17 summary abatement orders and no work orders issued since 2017. Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$20,000. They have submitted the PD on September 18, but our system doesn't have it recorded yet.

Moermond: we have a vacant building for three and a half years, no performance deposit posted, yes to current code compliance, lots of summary abatement orders so management has been poor, but compliance with issues once the order was sent. Cost to rehab is in alignment with what owner has provided. I would look for the performance deposit, initial bids which we have, a schedule to execute and evidence of financing to do the work. We have the bids in front of me and engineering information, tell me about that.

Mitchell: plans are to rehab, I have all the bids, I went to get permits but Reid told me we had to have the hearing to move forward, I tried to turn in everything I thought you needed.

Moermond; have we talked about a Category 3 with me?

Mitchell: we have.

Moermond: so I'm missing the money and the schedule.

Mitchell: In the email sent with Mai I sent a schedule and proof of funds.

Moermond: I don't have signatures on the bids.

Mitchell: I can get that done and over also.

Moermond: those are the basic pieces I'm looking for. The City shouldn't be managing the property, so I expect the City isn't issuing any more abatement orders on the property.

Mitchell: I understand.

Moermond: Ms. Vang, I don't have the schedule he saying he sent.

Mai Vang: proposed completion date of April 1.

Moermond: so that isn't an actual work plan. Anticipating rough ins, finals, it needs to be fleshed in more.

Mitchell: I can get it to you by Friday.

Moermond: as long as your contractors are doing that, if they could also affirm that they are talking about the work being done in accordance with the code compliance inspection.

Mitchell: it does say that in the bid.

Moermond: ok yes, you're good. So we need schedules and financing including an affidavit from whoever has the checkbook on this. Otherwise things seem to be in decent order.

Magner: I think Mr. Geld has to sign the agreement, we need to know where the money is coming from and a timeline on when you start and finish and the policy has been if you approve those, they could commence work before the October 21 City Council date so we can green light the issuance of permits. We can't do that until you get a recommendation of time for the project.

Moermond: this sounds like it will move along quickly, which is great. We'll send a letter out. Once things are approved on my end then permits can be issued.

Mitchell: you said a letter?

Moermond: yes, confirming this morning's hearing details, will also go to Mr. Geld.

Referred to the City Council due back on 10/21/2020

11:00 a.m. Hearings

Summary Abatement Orders

5	RLH SAO 20-22	Appeal of Felipe Izumi to a Summary Abatement Order at 1908 ROBLYN AVENUE. <u>Sponsors:</u> Jalali
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Deny appeal and grant to October 8, 2020 for compliance.

Felipe Izumi, tenant, appeared via phone

Staff report Supervisor Lisa Martin: September 10 summary abatement order issued to Alan Hupp in Eden Prairie and occupant at Roblyn to remove of a couch from boulevard and upholstered furniture from front porch. Compliance date September 17, one couch gone, one isn't. I explained to appellant why we don't allow upholstered couches outside. I spoke with him and explained why but went by yesterday and the couch is still there.

Izumi: I understand completely why the code is in place, but I still think, since we're all sophomores in college, I've been living here all summer, everyone else just moved in and we're looking for furniture and we had some couches and with everyone moving in we had too many couches, so we put one on the boulevard hoping someone would take it, so we got rid of the one on the boulevard, but the couch has been on the porch since June. We hang out there, we really don't understand why it is an issue. If you drive around anywhere in a 2-mile radius around St. Thomas you'll see couches everywhere. I know I could report them, I just don't see the issue. It's a nice couch too. I see nothing of rodents. We actually clean it. I really don't see an issue with having it there since were in college and our first time living in a house together. We clean our house a lot and take care of our things.

Moermond: we have fabric and stuffing, rodents are an issue but also getting wet is an issue with mold.

Izumi: it is covered, we have a tarp for it but it is under a porch.

Moermond: it is an open porch, it is not weather protected. I'm looking at what is an affordable way to dispose of it. You may not know, what size garbage do you have? Is it the same as the recycling container?

Izumi: it is the same.

Moermond: with that size you get 3 bulky items that your hauler would take away for you at no additional charge. Do you have a pen? I'd like to give you the number for Advanced Disposal, they can be reached at 763-786-7233. You just need to call them ahead of time. If you want to keep the couch and move it into the house it is fine, this isn't going to work out to keep it on the porch.

Izumi: why don't you go after every other couch in the area if it is this big of an issue?

Moermond: if your yard gets called in for tall grass and weeds, the inspector goes and looks, the same as if it hasn't been shoveled. If there's obvious problem in the area they will probably get picked up, but it is not like they're walking up and down the streets looking. It is a complaint-based system.

Martin: there was a couch next door that was removed by the City recently. The compliant based system, if you want to call in addresses, but we are responding to complaints received.

Izumi: if I was to call in every couch you'd have a lot on your hands so I won't do that.

Moermond: do you want an extension?

Izumi: right so I got an extension.

Moermond: let's go out to October 8, 2020. You have a couple of weeks to sort out what to do with it. I do wish you well, take care.

Referred to the City Council due back on 10/14/2020

11:30 a.m. Hearings (NONE)

Orders To Vacate, Condemnations and Revocations

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 6 [RLH FCO 20-122](#) Appeal of Dennis Gudim, Statera Fitness, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1025 SELBY AVENUE.

Sponsors: Thao

Layover to LH October 6, 2020 at 1:30 pm for further discussion. Property owner to complete survey.

Dennis Gudim, owner, appeared via phone

Moermond: I'm still actively interested in looking at an extension on this, we left this needing to get affirmation of where the property lines were. For my purposes, who is responsible for fixing the wall will be informed by the survey, that would change how we look at the orders and who they are directed to. Did we make any headway on that?

Gudim: engineer came and he got a surveyor, hopefully getting it done in the next week.

Moermond: the request to look at the fittings on the building and the frost, did that make sense? I was thinking that we may not need to look at engineering for fixing if we can get assurance the building will be ok.

Gudim: yes, they're going to be calling me soon to take a look and I'll be giving them that information.

Moermond: sounds like we need to follow up because we don't have all the information. I'll continue this for two more weeks to get you the survey in our hands, and then we can map out where we go from here.

Gudim: great.

Moermond: any information on the frost footings and foundation of your building would be helpful.

Gudim: got it.

Laid Over to the Legislative Hearings due back on 10/6/2020

7 **RLH VO 20-42** Appeal of Alex Delendik, CTW Group, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 609 SIMS AVENUE.

Sponsors: Yang

Grant to November 2, 2020 for compliance. If C of O is not reinstated, property will be referred to vacant building program.

Alex Delendik appeared via phone

Moermond; at the end of the last hearing we were looking for a proposal of what you were thinking of for an extension. I am not interested in indefinite extension until the property is vacated. It needs to be dealt with for the people living there. Those concerns need to be addressed. As I read the orders carefully the most striking things to me for displacement are the bathroom of one of the units, when I look at the bathroom orders on unit 1, those look to me like they have the potential to displace someone. If the vacant unit had the bathroom available, or put them up for a few days, but the soft floor is an immediate concern. What I'm looking at, today is September 22, to be fair I'll push it to November 2 deadline. Hopefully things can be done by then, if not, the City is not in a position to vacate the building, but the City will initiate registration in the vacant building program which would trigger fees and when it is vacated it would require a code compliance prior to reoccupation. So, there are other things in play, but I wanted to give you a solid deadline for all of the items and I think that it is doable, especially since they are occupied.

Delendik: my question is, if we do get out of the occupancy within the next week, we're working with Ramsey County to do that, do I just notify the inspector and give them a lock box to view they have been vacated, and then pull permits to work in an appropriate manner rather than emergency mode?

Moermond: no Fire C of O with significant code violations would likely be referred to the vacant building program.

Shaff: I'm hearing that the building is going to be unoccupied completely very soon.

Delendik: yes, the carriage house is already vacated. Unit 1 and 2 gave us a promise they will vacate the end of the month. I have no means of enforcement.

Shaff: you're still required to repair the building. The other thing that's going on is that every building on a lot is required to have a fire C of O, so being it is not occupied right now I think that we'll split the carriage house off for its own Fire C of O at this point—

Delendik: yes, but let's say they move out.

Shaff: if they aren't done by November 2, it will be referred to the vacant building program as a category 2.

Moermond: and that is appealable, and most people ask for a 90 day waiver to complete. I think the City would prefer to see you spend that money on the house vs. the fee. If things go that way definitely file an appeal to make arrangements.

Delendik: once it gets vacated, what is the reasoning for Cat 2 vs. 1?

Moermond: category 1 means it is turn key and someone can move in tomorrow,

category 2 means it needs repairs before it can be reoccupied. Staff determine that. That determination is also appealable if you don't think it is accurate.

Delendik: when we discussed it last time, me being a new owner I see that there was a C of O previously issued, but at this point it is complicated. The repairs like deteriorating siding and windows it is not a 1 or 2 year condition, so at some point the City was approving it but now they're saying it is category 2.

Moermond: I think we're getting ahead of ourselves. I don't want to conflate the conversation with the potential future conversation on a vacant building registration. I hear where you're coming from as far as deterioration, that's certainly something we see, the C of O was revoked for long-term noncompliance so that's the reasoning. We'll put that November 2 deadline in place and the best way to approach is to have a work plan and contractors in place to deal with the Fire C of O issues, get permits pulled, all of that improve your case to not have to do a code compliance. That's the best advice I have. If you continue with not doing anything it is very likely to be a category 2.

Delendik: ok, I get it. Thanks for the extension.

Referred to the City Council due back on 10/14/2020

**8 RLH FCO
20-132**

Appeal of Mike Bertrand to a Fire Certificate of Occupancy Correction Notice at 935 FOREST STREET.

Sponsors: Yang

Grant extension to June 1, 2021 for exterior items (1- 4), all other items to be completed by October 9, 2020.

Mike Bertrand appeared via phone

Staff report by Supervisor Leanna Shaff: this is a fire C of O inspection, conducted by Inspector Franquiz. We have 15 orders in the building, Mr. Bertrand lives in one of the units, units 2 and 4 aren't occupied and uncertified. Most looks to be a bit of deferred maintenance and Mr. Bertrand would like more time on the corner of the building with holes in the rock wall, item 2 is for the back door with paint and a small hole and damaged storm door, item 3 is siding in back of building that's rotten and cracked, stucco wall damaged, and then the windows on the back of the property, large holes and openings in frame. I'm assuming Mr. Bertrand will have everything else done by the October 9th inspection.

Moermond: I see here you are unemployed due to Covid, I'm curious about the money to do the repairs and the rental rehab program. Tell me what's going on with your fourplex?

Bertrand: I currently have 2 unoccupied, uncertified units, actually 3, my tenant moved out of 3, so right now my focus is to generate some income. I'm living on \$234 a week which doesn't even cover my mortgage. I'd like to focus on the inside so I can get it certified and rented. Most of my work is in assisted living facilities, so they're kind of on hold, I'm in a financial pinch.

Moermond: are you familiar with the rental rehab program?

Bertrand: no.

Moermond: I am not a loan officer, so I can't tell you what you qualify for, but if you do qualify it would give assistance to do the repairs and the income stream to pay the mortgage. I would look into that. You'll have to fill out the paperwork, we can send you information on this. Right now, I'm wondering for the repairs for units 1 and 3, some won't require an investment.

Bertrand: I'm working on things right now.

Moermond: do you have more specific notion of what kind of extension you want?

Bertrand: the outside trim, I'm doing myself, the painting and replacing of the window trim, I was hoping until spring. I'll be in a better financial position.

Moermond: and the inside?

Bertrand: those will be done, half are done now, I think items 1-4 I'm asking for additional time, the rest will be done by the inspection. I had the furnace work done by a contractor. It will be done by the 9th.

Moermond: I'm going to go ahead and recommend an extension for items 1-4 to June 1, 2021. For the interior, currently you're scheduled for reinspection October 9, I'm going to push this out until October 19, 2020. They will make an appointment with you.

Shaff: if he wants us to still come on the 9th we can if he wants to get them rented.

Bertrand: yes, I want to be in compliance on the 9th, at that point I can shift my focus to 2 to get that certified. I'd like to keep that initial inspection.

Moermond: you got it.

Bertrand: so items 5 to the end will be completed and ready for inspection.

Referred to the City Council due back on 10/14/2020

9 RLH VO 20-44

Appeal of Larry Earl Jiles, Sr. to a Correction Notice-Complaint Inspection (which includes condemnation of Unit 21) at 255 COLBORNE STREET.

Sponsors: Noecker

Deny the appeal. Unit cannot be reoccupied until electrical service is restored and meter is replaced and all necessary permits are finalized.

Todd Erie, Xcel Energy, appeared via phone

Scott Morris, owner, appeared via phone

Larry Earl Jiles, occupant, appeared via phone

Dan Moynihan, senior electrical inspector, appeared via phone

Moermond: I'm hearing an emergency appeal on the order to vacate as unfit for human sanitation due to no electric. The unit was condemned as well as the laundry room situation.

Supervisor Leanna Shaff: how long was the electric off?

Erie: I can tell you our first response was from the owner on September 17 notifying us there was a possible tamper in the meter room because they discovered the meter wasn't in the socket. That's a large hazard in the laundry room, it is a small area, and easily accidentally touched. I think Mr. Jiles called the next day and said the power was out and we created a lights out order. I came out yesterday, the meter ring was sitting on a folding table. There was no power to the unit at that time. I took the locking ring off, it was bent, the lip around the socket was bent the same way it was a year ago when I was called out. There was a different owner at that time.

Moermond: just the one for this unit?

Erie: just that one.

Moermond: what's an all-out order?

Erie: when a customer calls and says they are out of power, they create an order for emergency staff to go and remedy, that would have been Friday the 18th. I assume they called for unit 21 and that's when it was created, it was the same day which would make sense.

Moermond: is there an unpaid bill?

Erie: I can't talk about it, it is confidential.

Staff report by Leanna Shaff: on the 17 we received a complaint for a broken electrical meter and no electric in unit 21 and it was off with exposed wires in the laundry room. On the 18 Smith went to investigate and he found exactly as Mr. Erie described, he has written orders that unit 21 window glass needs to be fixed, condemned the unit due to tampered electric, no power and no working smoke alarms and ordered the repair of the tampered meter.

Meormond: Mr. Jiles, can you describe what you're looking for in your appeal?

Jiles: my goal, it was not the 18 or 17, my electric was off on the 12 of September, I was at home at the time and when I went down Scott Morris was down there. He said he was checking the panel and should be back on shortly. Everyone else had the power back on besides me. I called him he said he didn't want to talk about it, and then he changed the code and he texted everyone the new laundry room code, and I just touched the little meter and it came out and I set it on the table and I called Scott again and said the meter was off and I still have no power, so I called Xcel and they said no it should be on, so I called Scott back again the 16 or 17th and he told me Larry I don't want to talk about the power I want you to pay the rent I owe. I told him I pay my electric it has nothing to do with the rent. Then he showed up with the electrical inspector, I told him why there was no power. I said all I did was touch the box and it fell down, I told Scott that and they kicked me out of the house. I told him I don't think this is right, my power is been off for 2 days, then he told me I can appeal. So, I came down there today to do that, that's all I have to say. That's definitely what happened. My apartment is clean. The window has a small hole. When Scott first bought the building he fixed other windows but not mine.

Moermond: I'm focused on the electrical service and absent meter. I'm struggling where this had previously occurred for your unit as well, the underlying sentiment is perhaps you tampered with it yourself.

Jiles: I owe Xcel money, I thought they cut it off, but Scott was in there earlier and I called them and they said there wasn't an order for my electric to be cut off. Scott changed the code that day.

Moermond: in the appeal you wrote "my landlord cut off the electrical meter" and now you're saying he cut it off and it is a coincidence that this had previously happened. I'm going to turn it over to you Mr. Morris on how you're going to make it safe for the people in that area and if you and Mr. Erie have a solution

Morris: I am going to change the code so no one has access to it to make sure that it is safe, there are children in the building and I want to make sure. Mr. Erie and I think that is the best solution, that will ensure for that room none of the residents will be harmed.

Moermond: yes, when will you do that?

Morris: I'll do it today.

Moermond: Mr. Moynihan, I'm going to ask you, does that address your concerns regarding safety?

Moynihan: I guess if no one has access yes, I would think the best way is to get a contractor to put another meter.

Erie: I did that yesterday, with the original meter, but if we have continual tampering. They don't just fall out. In this situation I will say because the lip has been worked on numerous times to address these issues, someone taking a crow bar or screw driver to the locking ring. So now it isn't as secure, so when a non-employee from Xcel comes out and touch it, it is easier to remove and it could be to the point where if you move it, it may fall out. That's my worry.

Moynihan: I was just asking, it looks severely bent in the picture.

Erie: I did put it in, the meter lit up, the unit should have power currently as of yesterday. If the socket is damaged enough where the meter has loose play that's another issue. Scott and I have talked about that.

Moynihan: I assuming 2 of those blades are hot. The other thing is, I'm assuming they could hire an electrician to put in a plastic cover.

Erie: you're talking about a blank out?

Moynihan: just to make it safe so terminals aren't exposed.

Morris: my fear is since this isn't the first time. It has happened under different owners, since it was bashed in, if I give people access to the laundry it will happen again. I want to prevent that opportunity. Not to say you can't break into the laundry room, but I do have a security camera with a flag to tell me if someone is breaking in.

Morris: is there electrical to your unit at this time?

Jiles: I don't know, they put a notice so I couldn't go in.

Morris: the answer to the question is no, I was there today and yesterday. There's no

electricity.

Jiles: the electric person said they put the meter back in, there should be power in the unit, but if Scott Morris has to call out an electrician to get this fixed, I need power in my apartment. The fire alarm and all of that worked before he went into the laundry room. I touched it and it came right out. I didn't touch it and there was no wires out. I wouldn't mess up no electrical that was working. He cut off power to the whole building on the 12th. He changed the code to the laundry room. I did not do anything, Scott cut off my power.

Moermond: I don't know, are you a licensed electrician to make that determination? You saw him that day, but I'm not drawing any conclusions. Mr. Morris, there was a notice on the building about access?

Morris: the condemnation order?

Moermond: Mr. Jiles said he wasn't allowed there.

Jiles: Scott told me that I could be caught for trespassing.

Morris: we were told by the City it is condemned and no one should be there at night, and you should only go in briefly to get your belongings, if that is incorrect my apologies, but that is what we were both told by the inspector.

Moermond: that is correct, the orders do say immediately. Filing the appeal this morning stays enforcement. I may need to put a temporary decision on the record for Council October 7.

Shaff: there's clear record that last November we did have even Mr. Jiles admitting to Inspector Her he'd tampered with the meter. I don't know why someone would tamper with the meter if the electricity was on.

Moermond: and there are some unknowns here that may be motivations that aren't in the record today. I'm going to go through and ask if anyone has additional comments?

Erie: if the electrical meter currently isn't sufficient to power the unit, I have a blank out to help with cover. If the meter is just going to fall out that's worrisome for me. If we're changing the combination as quickly as possible that will remedy that until Scott figures out next steps.

Moynihan: I do believe that there should be a blank out installed if a meter can't be installed, even if the room isn't accessible.

Erie: I'll stop by tomorrow, if that works for Mr. Morris. I can swing by after my appointment at 10, I'll call when I'm on my way.

Morris: I'm a soccer coach in Chaska. You do have a key. I do have a question, I do have a text exchange and camera footage of Mr. Jiles going into the building, he's already threatened a couple of people who work there so I don't want to give names. From a tenant that says he's in the laundry room banging loudly. I don't know if that's relevant for today, I don't want to give names because I don't want witnesses threatened and intimidated. They are time stamped.

Moermond: we have a lack of electric and a hazard in the laundry and a likely hazard

being recreated since it has been in the past. That does complicate the situation. If it were simple no electric I'd be mainly concerned about the smoke and carbons, and making sure those were functional, but we have a great deal of concern about the meter.

Jiles: I was listening earlier and Xcel said they put the meter back in and there should be power, and if it is carbon monoxide why would I tamper with something that isn't a problem to me. That's what I'm confused about. I didn't cut my own power out. They said they put it back in and there should be power, so how can it be damaged when they said they fixed it?

Erie: it needs 240 volts to heat up and it did so I was fairly confident that unit would have power when I left. There's concern around the lip if it is not tight because it is damaged, if there's slippage we could not have power, and that's maybe how he lost power. It just failed. The ring attached to the panel, that's the only thing I can come up with at this point.

Moermond: thank you. Mr. Moynihan, Mr. Erie, getting that meter in and functional sounds like more than a meter replacement. Does that require permits or benchmarks, or is that done by Xcel?

Erie: we only own the meters and the ring attached to the panel. The panel itself, the part with the bent lip, that is customer owned. He'd have to address it with an electrician.

Moermond: so an electrical permit pulled.

Moynihan: if there's a repair it would have to be an electrical permit, the ring might be one piece that could be repaired. It may be minor.

Moermond: so before the unit can be reoccupied the meter needs to be replaced under permit and that permit finalized. That's how we will determine the unit can be reoccupied and it must have power. I'm going to deny the appeal on reoccupation of the unit at this time. Arrangements can be made with the landlord to access the unit.

Jiles: when will this work be done to the power box?

Moermond: that is up to the landlord and how he is able to schedule. I'm not going to ask him for a deadline at this time. My concern is that is addressed before reoccupation. Thank you everyone for participating.

Jiles: I don't think this is right.

Moermond: I understand that and I'm sorry, but I do think this is right and safe for you and other building occupants.

Jiles: where am I supposed to stay?

Moermond: I can't do anything but look at the history of the situation and the hazard now. We'll put this in front of Council on October 7, if there's additional information Mr. Jiles and Mr. Morris would have that would be the next place to look. You'll all receive a letter to that effect.

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

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

- 10 **RLH TA 20-555** Ratifying the Appealed Special Tax Assessment for property at 1235 MARGARET STREET. (File No. J2102A, Assessment No. 218501)

Sponsors: Prince

Approve the assessment.

*Gustavo Hernandez De La Cruz, owner, appeared via phone
Diana, Interpreter from Language Line appeared via phone*

Moermond: one of the issues we need to discuss are two assessments for cleanups at the property this summer, we discussed them last Tuesday. The other thing was the fact he's living in a registered vacant building and had just received a bill for that, just over \$2,000. It appears to me, after some homework, that he purchased the building and was told by his realtor he could just move in and that wasn't actually correct. The realtor made a significant mistake. My interest is trying to get the building repaired as quickly as possible so he and his family can stay there and not have to leave. My understanding is the previous owner, Travis, who owns 1235 Margaret, LLC has requested inspections on four different permits. My hope is those occur this week and the work is done and signed off. We're going to give him 90 days on the vacant building fee, and if he can get the permits finalized within that period he won't have any bill at all. The cleanup work last summer, it looks like he did receive notice and maybe the previous owner said they'd take of it, but they didn't, but the charge does go with the property. Finally, right now the department of safety and inspections aren't going to ask him to leave anytime soon, so you don't need to worry about that. With Covid, people aren't being asked to leave the buildings. Mr. Dornfeld do you have anything to add?

Dornfeld: fee waiver in place, has it gone to assessment?

Moermond: the first letter billing it went out the first week of September, it has not gone to assessment.

Dornfeld: perfect, I will put that in first thing in the am. The hope is they will be code compliant within a week to 10 days?

Moermond: absolutely, that's the plan.

De La Cruz: is Mr. Travis going to pay for them?

Moermond: the cleanup you will have to pay for. Hopefully you won't have to pay the vacant building fee. The charges for the two cleanups are about \$900, would it be helpful if that was made payable over several years? The interest is about 4%.

De La Cruz: I have to pay for that \$900?

Moermond: correct. You have to pay it, it goes with the property. If the previous owner told him they'd take care of it, he needs to have that conversation with the person he

bought the property from. The \$900, if the Council approves that assessment will happen January 6, 2021.

De La Cruz: the \$900 is going to be paid by Mr. Travis, right?

Moermond: if you want him to pay for it, you have to talk to Mr. Travis himself. Right now, it is assessed to the property. The work happened, both you and Travis got notice of it. Do you want it payable all at once, or over a number of years?

De La Cruz: no, one year.

Referred to the City Council due back on 1/6/2021

**11 RLH VBR
20-63**

Appeal of Gustavo Hernandez De La Cruz to a Vacant Building Registration Requirement at 1235 MARGARET STREET.

Sponsors: Prince

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

*Gustavo Hernandez De La Cruz, owner, appeared via phone
Diana, Interpreter from Language Line appeared via phone*

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De La Cruz: no, one year.

Referred to the City Council due back on 10/14/2020