



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, October 20, 2020

9:00 AM

Via Telephone

Special Tax Assessments

9:00 a.m. Hearings

- 1 **RLH TA 20-279** Ratifying the Appealed Special Tax Assessment for property at 644 OLIVE STREET (AKA 640 OLIVE STREET). (File No. J2015A, Assessment No. 208515) (To be referred back to Legislative Hearing on July 21, 2020)

Sponsors: Noecker

Reduce assessment from \$662 to \$220.

Bert Guinee appeared via phone

Moermond: I have fished this around a fair bit, been out to your business, talked to a lot of people, walked the area, and here's what I'm stuck with. It is private property, and what I'm left with is it is cleanup of private property which the City charges for. I'd like to reduce it considerably, some of it was into the street, so I'm going to recommend it is reduced by two-thirds down to \$220. \$662 to \$220. My understanding is the Carpenter's Union is no longer working on fencing or clearing the area. Public Works is amenable to an idea of pushing the fence out to the curb and giving an encroachment permit, but that isn't a cheap solution. It is what I'm left with, and it is not what I wanted. You're one of several people with homeless encampments on private property. There's no grant money I'm aware of. I'm coming up empty at every turn.

Guinee: you're fine, and I appreciate that. I'm struggling with regard to the concept of private property. Your response to me initially was essentially it extends to the curb.

Moermond: if there's a street it extends to the curb. If there's unimproved right of way it extends to the center of the unimproved right of way.

Guinee: the bulk of that encampment is beyond the termination of John's Street and the curbing. John's Street ends 100 yards out there.

Moermond: I'm calling it that because there are cars parked and snow covered and so it is impossible to see from the picture. I'm making a best guess based on tire tracks.

Guinee: your definition suggests that the responsibility is significantly greater on my

behalf once the street ends.

Moermond: yes, it does.

Guinee: I struggle with that. It is essentially a prairie back there. I don't know who owns that. I'm not asking that. I'm not sure I care. My second question is you referred to a \$662 assessment. Unless I'm mistaken, the original assessment was \$465.

Moermond: we're talking about fees on top of that. The cost of the cleanup was \$500, service charge of \$162, for a total of \$662.

Guinee: and your proposal is to reduce it by two thirds?

Moermond: I've talked to the Councilmember and they support that proposal. It is a dramatic reduction, but fair in this circumstance. The way it is snow covered and how it looks makes it too hard to make that call.

Guinee: that settles the assessment on our taxes now, but what about in the future? That encampment is still there. At least it was a week ago. What happens in the future?

Moermond: I would talk with Steve Magner and Sean Westenhofer and find out from them a list of contractors who the City hires to do cleanups if our Parks crew doesn't do it. Maybe at that point it is worth weighing the cost of whether it is cost effective to have someone else do it vs. the City doing. That's what I've offered to other people.

Guinee: this is an ongoing problem, let's assume that somehow that encampment gets cleaned up in the next month since it is getting cold. I'm going to get a bill for that again, aren't I?

Moermond: if the City does the work. You would get an order from the City. I'd suggest you talk to Sean Westenhofer about what kind of contractors he can recommend.

Joe Yannarely: Kamish and Company is getting it most often.

Guinee: let me say I consider moving the fence out there. Once I get beyond the curb, where do I go then?

Moermond: that's a conversation with Public Works. Put together a proposal, it is Beverly Farraher you'd want to speak with, she's familiar with your situation. We can include that information too in the letter.

Guinee: the existing fence runs down to the north edge of property, it died into the carpenter's hall fence, though someone with wire cutters cut that whole part out to go through. If I ran it to the north end of our property?

Moermond: I didn't work out all the details with them, it is kind of with you about the expense of the fence, I wasn't sure it was even appealing to you. I don't have an answer to that. Public Works is the place to start. The City's position is that a fence into the right of way there if okay because if the City wanted to put a street through there moving a fence isn't a big deal, it isn't a structure.

Guinee: it would be a significant expense to move the fence. It cost me over \$10,000 when we put it in.

Moermond: it would be more than encampment cleanups. So you have \$200 some dollars this year, at what point does it make sense to put the fence in? That's your call.

Guinee: it is all conjecture. Conceivably it could go on forever.

Moermond: I simply don't know. I don't think anyone does.

Guinee: what kind of company is Kamish?

Moermond: they are local and do excavations, cleanups, and have done a lot of contracting with the City.

Yannarely: they are a bigger outfit, they are reliable.

Guinee: what kind of security do they have?

Yannarely: we aren't advocating for them.

Guinee: I just read about the lawsuit in Minneapolis by homeless people claiming they had never been told they had to abandon the area, so my question is what kind of security do they have? What if a homeless person has a gun?

Moermond: the City posts the encampments and they also give the people notice they have to move. Both in person and paper notice.

Yannarely: when we are going to clear a site, they get notice.

Moermond: if there is a need for police to be present, they have a good idea of that based on their continued interaction. The police are usually present, same with a private contractor Mr. Yannarely?

Yannarely: I'm not involved I that aspect, if they are boarding a house, they have the police on speed dial if they find anything, I imagine it's the same thing here. For a hazardous situation they would call the police.

Moermond: if there's a private contractor working an order, we would have a person present from the City as well. Magner or Westenhofer would likely be there, or one of their backups. It wouldn't just be the contractor there alone. The contractors who take this work do know what they're walking into.

Guinee: and I'm not billed for the police support?

Moermond: nope. I personally am more experienced with them being the contractors who picks up a fair number of demolition contracts with the City. They show up and win bids a lot.

Yannarely: it is for sure 20% of the City business. They're one of the top 3. Scene Clean has also done some biohazard work, they do crime scenes and that type of thing, that's a lot of the situation here.

Guinee: so they have PPE. Does Kamish do likewise?

Zimny: last time this came up I was also told Semple company and given a resource

from the State to call and see who they use. I'll include in this in your letter.

Guinee: is the encampment still there?

Moermond: Westenhofer is the person to talk to.

Guinee: I've tried him several times and he hasn't gotten back to me. I have his card. What you're telling me is I'm better off arranging for that cleanup myself?

Moermond: I would get bids.

Yannarely: I will give you his supervisor's name, Steve Magner.

Guinee: I'm not complaining about him. There's no end in sight is what I'm saying. That's the reality.

Moermond: if you have questions and not getting results, let my office know, but they're the people who have the best answers.

Guinee: so my steps are to call those companies to come out and see what it would cost to cleanup?

Moermond: if you get orders. Let Sean know you're having those conversations. There's no pending order right now, unless you want to cleanup without that, it is your property and you can choose to do that.

Guinee: that would be my first action either way. My second course of action is my responsibility with regard to property. I guess what it says is I misunderstood. It thought I was responsible to the curb.

Moermond: have Westenhofer and Magner walk the line with you. He could physically show you where it is, I did that when I was out there.

Guinee: my supposition was if there was no curb I wasn't responsible beyond that point, but you're telling me it goes to the middle point of the right of way. You will send me a letter with this information?

Moermond: we have it ready to go.

Referred to the City Council due back on 2/17/2021

- 2 RLH TA 20-544 Ratifying the Appealed Special Tax Assessment for property at 142 FIFTH STREET EAST (ROLL HAS 134 FIFTH STREET). (File No. J2014B, Assessment No. 208115)**

Sponsors: Noecker

Layover to LH November 17, 2020 at 9 am for further discussion. PO to send their boarding invoice.

Ayman Salama appeared via phone

Staff report by Supervisor Joe Yannarely: this is a boarding fee that was brought about by the St. Paul Police Department ordering the securing of the address May 29, 2020 at 8:12 a.m. The cost of the contractor was \$280, service charge of \$162, for a

total assessment of \$442.

Moermond: this was during the civil unrest, yes?

Yannarely: correct.

Moermond: there is a police report, can you tell me what was going on? Do you have the police report?

Salama: not in front of me, I have seen it.

Moermond: I noted the cash register in the alley, noting the time was 6 am, and then there were people inside stealing things, the person calling said there was video and broken window among other things. The person who called said they didn't feel comfortable going in, and then no answer when they keyholder was called, which I guess is you.

Salama: correct.

Moermond: finally, a male found sleeping in the lobby who refused to leave. That sounded strange. Here we are with a boarding, and some fear, police couldn't reach ownership, tell me why you're appealing?

Salama: I received a call 7:30 a.m. from the St. Paul Police and I said I would be there in 40 minutes. I got there about 8:20 a.m., and there was no boarding done. The looting took place all night. No boarding was done, so I called the contractor myself, and I asked him to do it, he did the store, I have a bill for it. I'm not disputing the amount, but there is some misunderstanding that day. Nothing was covered when I got there, there seems to be a misunderstanding.

Moermond: who did you call?

Salama: I have the bill for it. For the record, it was a lot more, they covered the entire store. Amros Home Improvement.

Moermond: we will have staff follow up with the contractor the City called, which was RestPro, it also looks like the police were on the scene through 10 a.m., we'll see if we can't figure out why the City has this bill. Will you be available November 17?

Salama: for the record I paid the invoice.

Moermond: if you could send us the invoice that would be super helpful. I'll have staff send an email to confirm time and date and if you could respond back with the invoice, it would really help.

Referred to the Legislative Hearings due back on 11/17/2020

3 [RLH TA 20-617](#)

Ratifying the Appealed Special Tax Assessment for property at 850 RANDOLPH AVENUE. (File No. J2101E, Assessment No. 218300)

Sponsors: Noecker

Layover to LH November 3, 2020 at 9 am. If PO installs video cameras/empty camera housings and "no dumping under video surveillance" signs assessment will be deleted.

Timothy Karel, owner, appeared via phone

Staff report by Joe Yannarely: this is for excessive consumption of code enforcement services for cleaning wood near the alley. Orders went out April 14, compliance date of April 21, rechecked April 21 when Parks went out to do the work, and noted it was done by owner on April 23. Cost of \$122, service charge of \$35, total assessment of \$157.

Moermond: I have a picture that was in the order showing debris and some wood and broken furniture parts against a cement block wall. Mr. Karel, why are you appealing?

Karel: this was during the whole Covid lock down thing, it was illegal dumping, there was two separate times, I called and asked about it. I cleaned it up twice, from two different dumpings, but I believe that I'm being assessed for two separate incidents and both were cleaned up. I didn't know what to do or how to stop this, I cleaned up both of them and I think this was two separate incidents that had nothing to do with the tenants. I cleaned them both up and reached out to the City.

Moermond: when I look at this history here, it looks like you did have a situation in April, then another May 14, and in both cases you took care of it.

Karel: yeah, there was two different sets of stuff.

Moermond: can you tell me, this is a rental property, this looks like it is alley side?

Karel: it is a blind alley, you're looking at the left side of the garage, but the garage faces the other way. So the whole side of the garage is the alley, if you look at the picture to the right is another 20 feet to corner of the garage, and to the left is the garage doors with 2 parking spots. People dump stuff there.

Moermond: is that garage electrified?

Karel: no. I know the guy said to put up fake cameras. I've owned this property since 2004, and I never had a problem until recently, it has happened 3 other times now. The inspector said it is going on right now, it is what it is. I've owned it 8 years and never had a problem until those two months, and I haven't had a problem since.

Moermond: here's what I'm thinking. I'm wondering if you would be able to put up a fake camera and a "no dumping under video surveillance" sign, if you will do that I could see clear in deleting this. I'd rather see you spend your money making efforts to prevent it in the future. I'm going to continue this for two weeks and ask staff to drive by in 2 weeks and check it, and if it is gone I'll recommend it gets deleted.

Karel: sounds great, thank you.

Laid Over to the Legislative Hearings due back on 11/3/2020

4 [RLH TA 20-621](#)

Ratifying the Appealed Special Tax Assessment for property at 1600 THOMAS AVENUE. (File No. J2103A, Assessment No. 218502)

Sponsors: Jalali

Layover to LH November 3, 2020 at 9 am (property owner was unable to be reached).

Tried 10/20 9:52 am -unable to complete call.

Tried 10/20 10:12 am – unable to complete call

Moermond: let's let the appellant know we will continue this to November 3 and discuss it at that time.

Laid Over to the Legislative Hearings due back on 11/3/2020

- 5** [RLH TA 20-628](#) Ratifying the Appealed Special Tax Assessment for property at 1627 WHITE BEAR AVENUE NORTH. (File No. J2014B, Assessment No. 208115)

Sponsors: Yang

Layover to LH November 17, 2020 at 9 am for further discussion (spoke with receptionist and RP was unavailable for the hearing).

No one appeared

Receptionist: Erik Jack is the one you want to talk to; all of the managers are in a meeting.

Moermond: I have an assessment for a boarding during the civil unrest. I assume you want to appeal that; I'll continue this for a month, can you advise the best correct number?

Receptionist: Erik's number 763-450-6506, ejack@glassandmirrorinc.com

Moermond: we'll send an email, but November 17 we will call him to talk about this. We'll confirm by email.

Laid Over to the Legislative Hearings due back on 11/17/2020

10:00 a.m. Hearings

- 6** **RLH TA 20-548** Ratifying the Appealed Special Tax Assessment for property at 915 ARCADE STREET. (File No. J2102A, Assessment No. 218501)

Sponsors: Yang

Delete the assessment.

Chris Lee appeared via phone

Staff report by Lisa Martin: this was a summary abatement order issued June 19, 2020 for overhanging vegetation in alley right of way. Compliance date was June 26, orders went to Chris Lee on Arcade and Lee's Properties at same address. We reinspected June 26, so work order was issued, work done June 30th. No returned mail. There are 3 addresses on one parcel ID. No history. The cost was an error of \$1, the actual cost of \$260, plus \$28 for yardage of brush, the total assessment is listed as \$163, the cost should have been \$450.

Moermond: so you're saying there was an error on Park's end as a \$1 charge. I don't have the correct amount from them in front of me, I'm not inclined to charge Mr. Lee for that mistake. The overgrowth is a problem, it isn't the worst I've seen but it isn't

great. Right now, the reduction would be \$287 to get it to \$163. Mr. Lee, why are you appealing? Just the \$163.

Lee: the last time this happened, I own the 915, 923 addresses, and also 929 which is a parking lot. It was 2 or 3 years ago, and when he assessed he knocked on the door and we went around the buildings together. We've been in this building since 1946 and have never had a problem. He told me "Chris, you have to cut this." We walked around all the buildings, it was on Sims, a boulevard that was 3 feet by 4 feet that I didn't know it was mine. My dad passed away 7 years ago; it is fairly new to me. It was about 8" long, plus I cleaned our parking lot. This, when I got the notification, I never received anything from the City before. I don't get my mail consistently, I have 4 mail carriers and I don't get my Menard's bill, certain other bills, I have a history of this. I've called the post office, so when someone said they came out to assess, why didn't they knock on the door? I would have taken care of it; I had no clue it was in the alley. I hate to say this, I don't drive down it, we have a parking lot on the north side. That's maybe my fault. We had no clue. I've been taking care of my lot, when I received this I thought we'd taken care of everything. I realized oh my goodness, it is the alley, but I never got anything in the mail. I was disappointed they didn't knock on the door like they did 3 years ago.

Moermond: sometimes they knock, sometimes they just put out orders and move on, what happens Ms. Martin?

Martin: things were different 3 years ago, but now with Covid and the civil unrest, they won't knock on the door, sometimes they aren't greeted friendly.

Lee: even a phone call. I would have met him; I wouldn't have a problem.

Moermond: when I look at this, I see this overgrowth and I'm guessing maybe a couple of feet between side of building and alley? The growth looks like volunteer trees, that's more of a nuisance to you than the public, it affects the foundation of the building. It is in your interest to get those gone. Anyways, so you know that. If there's nothing that happens between now and January, I'll delete this assessment entirely.

Lee: thank you, I appreciate your time.

Moermond: sounds like you're a super neighbor, and it is much appreciated.

(After the hearing Ms. Moermond recommended deleting the assessment entirely right away)

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

7 RLH TA 20-618 Ratifying the Appealed Special Tax Assessment for property at 895 DESOTO STREET. (File No. J2104A, Assessment No. 218503)

Sponsors: Brendmoen

Approve the assessment, make payable over 2 years.

Merga Sado Hinika, owner, appeared via phone

Staff report by Supervisor Lisa Martin: this is for a summary abatement order for tall grass and weeds on a vacant lot. July 21, 2020 orders were written, compliance date of July 25, rechecked July 29, work done July 31, 2020, for a cost of \$160, service

charge of \$162, total assessment of \$322. There is some history, July 7, tall grass and weeds, December 4, snow and ice, July 2, 2019, tall grass and weeds, June 8, 2019, tall grass and weeds. All abated by owner.

Moermond: it looks like the grass was between 1 and 2 feet high.

Hinika: I thought the City of St. Paul already took the land from me because I wasn't paying the mortgage. I didn't check, I just got a letter. If I can get some sort of discount I can pay.

Moermond: why should the City discount it?

Hinika: I don't have a job, I'm on unemployment. I don't have any income. If I get time to pay and a reduction I can try to pay.

Moermond: unfortunately, there was a lot of work done by the City and it is a legitimate charge. I hear where you're coming from financially. The City Council won't look at this until January, so you won't get an invoice until then, no interest until then either. I will ask the Council to make this payable over two years, so it would be two parts. If you don't pay the invoice it will roll onto your 2022 taxes. It will be quite a while until you have to address that, and hopefully things will be financially better for you by then. I hope that helps. If you want to submit additional testimony for the Council you are welcome to do that.

Hinika: hopefully I can get a job soon. Thank you.

Referred to the City Council due back on 1/20/2021

8 RLH TA 20-627 Ratifying the Appealed Special Tax Assessment for property at 937 THOMAS AVENUE. (File No. J2104A, Assessment No. 218503)

Sponsors: Thao

Reduce assessment from \$534 to \$384.

Kevin Brennan appeared via phone

Staff report by Supervisor Lisa Martin: This a summary abatement order for furniture, trash, and debris near alley. Compliance date is July 20, 2020. Rechecked July 20, work was done July 22 for a cost of \$524. There is a history on the property, it looks like it has all been abated by owner.

Moermond: looking at the photographs, it does look like some effort had been made but there was still material there and the same thing showed that on the video.

Brennan: this is a challenging situation; I am appealing because of this tenant. This is a duplex, I have one tenant there, and we went through the process to get the tenant removed and it was done legally and then the no eviction moratorium came in 2 days before she was due to be out. She's living there, I don't know what I can say confidentially, hasn't been in compliance with any rules or any of our notes, and we're left paying for this individual. She lit the garage on fire, throws mattresses out there, and it is frustrating for us because we can't legally remove this human. We try to stay on top of the mess constantly, but I'm really at a loss and frustrated. Again, I'm not sure legally what I can say, I have a property manager that handles this, but whenever we have tenants that are continuously causing havoc and creating a mess, we end up

attempting to get rid of them. No one wants the City to have to intervene. I just don't know what to do, it will happen again and again, we don't have any power right now. We have one tenant in there because the current tenant scared the other tenant away. I don't know what I can do, I'm at a loss, I'm continuously spending money on this person.

Moermond: I'm assuming you have a legal advisor?

Brennan: yes.

Moermond: I'm looking at a partial cleanup, some effort was made and job wasn't done. I don't know why it wasn't finished. I'd like credit for the good faith effort. I would also tell you, Ms. Martin, is there a current order on this place?

Martin: no, I don't see anything. Pending C of O.

Mai Vang: summary abatement sent October 6, 2020 for box spring, tires and miscellaneous debris in rear of property. Upon reinspection it was gone.

Moermond: ok it was taken care of. The fun keeps on coming here.

Brennan: it is so frustrating. I wish there was something we could do. I understand the City's position, I know it is taking up City time too. I'm just at such a loss at what to do. We're trying.

Moermond: all I can say is I can't give legal advice, but I'm glad you're talking to someone. I'd like to give you that credit, I'll recommend it is reduced to \$384. It is not everything but it is something.

Brennan: I appreciate it.

Moermond: I wish you well in resolving the situation. It is hard when I see the burned-out cans and the garage, it elevates the level of nuisance, and I know it elevates the problem for you too. That's scary.

Brennan: absolutely. Will I get new paperwork on this?

Moermond: Council sees this on January 20, I'll ask them to do the reduction, I expect they will do that unless you testified you wanted more, it will be invoiced the first week in February. You can pay the invoice or it will roll onto the 2022 property taxes.

Referred to the City Council due back on 1/20/2021

9 RLH TA 20-619 Ratifying the Appealed Special Tax Assessment for property at 694 VAN BUREN AVENUE. (File No. J2104A, Assessment No. 218503)

Sponsors: Thao

Approve the assessment.

Andrew Goke appeared via phone

Staff report by Lisa Martin: summary abatement order for bags of yard waste and recycling bins full of trash. Orders July 8, 2020, compliance date of July 15, rechecked July 15. Work was done July 17 for a cost of \$428, service charge of \$162, total

assessment of \$590. It looks like the summary abatement order was issued to occupant as well as Andrew Goke in Minneapolis. There is history at this property, all of which is abated by the owner.

Moermond: I reviewed the video on this, and when I looked at it, it seemed to me that the problem had gotten worse from the initial orders. Worse 10 days later. It was pretty much the same stuff. I assume you saw the video?

Goke: yes. I'm just surprised at the cost. The City requires they pick up any trash that isn't in the containers, I tried to fight that, it is a requirement they will take away and then charge \$3 a bag. It should have been picked up by the garbage company because that's required by the City, I don't know why that wasn't done. The video I saw didn't seem like it was 2 hours, it had a couple overflow containers and some wood, I didn't see any yard waste. I don't know the rules, I'm not sure who picks that up.

Moermond: let's unpack this. Ms. Martin, do you have the breakdown of the costs? I think it's a 1-hour charge plus cubic yardage?

Martin: \$122 code enforcement fee, \$168 for yardage, and \$260 for the refuse. It is a minimum one-hour charge, and then service charge.

Goke: someone told me it was 2 hours.

Moermond: no, one hour plus cubic yardage. Another question was bags on the ground vs. container. I can tell you the City contract with the hauler says extra bags, the hauler doesn't pick them off the ground unless the homeowner or renter calls to say there are extra bags, please pick them up. That's not the problem.

Goke: that's not the case. I've argued to have them not picked it up and they said they have to per the contract.

Moermond: we'll connect you with Chris Swanson. When I look at the recycling containers, it looks like there's garbage in them, not recycling. Eureka won't pick them up then. With respect to yard waste and scrap wood, that's throughout the yard. I will tell you also that it is in the orders to take care of those, I'm not sure why there was confusion. It is in all capital letters in the orders.

Goke: I don't remember seeing them, did it also get sent to tenant?

Moermond: yes, sent to you and occupant. It is copied to you with your address on 50th street and then copied to Andy Goke at the same address, you would have gotten two letters.

Goke: it is a duplex, what unit number?

Moermond: it doesn't have a number listed.

Goke: so they probably didn't get it.

Moermond: I don't know, but I do know you're the responsible party as the owner.

Goke: so what's the story with the recycling? People dump stuff in the alley, I don't know what is happening whether it is tenant or dumping. How does it work with the recycling containers?

Martin: your garbage company is Republic. If there is garbage in the recycling containers they won't take it and you would have to dig it out.

Goke: and who picks it up, even though it is in the container?

Martin: if there are orders. They looked terrible, they won't be picked up by the recycling company or the garbage company if they are full of garbage.

Moermond: there was enough in the yard proper that it didn't look like it was illegal dumping. Both of the issues you brought up were in all caps in the orders. It does say please remove bags of yard waste and empty recycling bins.

Goke: I'm still confused, you're charging a lot more than the garbage company. Why am I paying you to do it when the garbage company should, it is not overflowing in the recycling.

Moermond: it was overflowing and there was stuff everywhere. It was a mess. It was a worse mess by the time they went out. The letter is clear about the charges and hourly rate. There was clear notice. Is it cheaper to have the garbage company remove it? Yes. You need to have it bagged and properly set up as garbage, not in the recycling cans. I'd pick up the phone and talk to Republic.

Goke: I talked to them and they told me I couldn't NOT have it picked up.

Moermond: I'll have Chris Swanson give you the definitive information. We'll get you an email with that information. I'm stuck with the City cleaning up a significant mess. It is much cheaper to do it the right way.

Goke: yes, and my tenant should have done that.

Referred to the City Council due back on 1/20/2021

10 RLH TA 20-620 Ratifying the Appealed Special Tax Assessment for property at 227 WESTERN AVENUE NORTH. (File No. J2103A, Assessment No. 218502)

Sponsors: Thao

Approve the assessment.

James Coolican appeared via phone

Staff report by Supervisor Lisa Martin: this is a summary abatement order for tall grass and weeds dated June 29, 2020, went to occupant as well as Sean and Stephanie Abram in Mound. The cost was \$160, service charge \$162 for total assessment \$322. Compliance date July 3, 2020, rechecked July 9, work was done July 10. No returned mail and no history since 2018.

Moermond: my staff told me you are a new owner and you closed July 20, 2020. Is that right?

Coolican: yes, that's correct.

Moermond: when I looked at the video the grass was between 1 and 2 feet tall.

Coolican: we weren't the owners at the time, there was a notice sent on the 12th and the title company did a search for assessments on the 14th and didn't find anything, if they had we would have sourced the previous owner to pay. Basically, it is unclear how we could possibly be assessed for a property we didn't own.

Moermond: the property tax assessment goes with the property, not the person. It had barely happened four days before the title check. In the closing process, the seller will be initialing a box indicating there are no pending orders or assessments on the property. I'm assuming they said there wasn't, but there actually were. They must have attested to it not being there. The responsible party is the previous owner, but it is your job to go after them, not the City's. The legal owner at the time the work was done was notified. They are sticking you with the bill, and you are left holding the bag. I'd like to give you as much info as possible and hopefully your realtor can facilitate that. Do you have the video and a copy of the orders from my office?

Coolican: I think so.

Moermond: share that with your realtor, they should be able to reach back to the seller and start that communication. '

Coolican: the problem is they aren't going to do it, and the fee is more than the assessment in small claims court. We didn't own the property.

Moermond: it is the nature of assessments, it goes with the property. The representation was made by the seller. Your realtor should be acting on your behalf in this case. It could be as simple as making that call and sending it.

Coolican: I've already talked to him about it. It is a huge hassle for everyone.

Moermond: yeah it is, unfortunately it is not the responsibility of the City to go after them. The public paid for it to be done, it isn't really—

Coolican: I think you should go after the guy who is responsible. I'm sure you're right legally. If he doesn't pay his Comcast bill, they go after him, not me.

Moermond: this isn't Comcast; this was abating the nuisance condition.

Coolican: he should pay you; he owes you money. I'll take it up with him or the City Council.

Moermond: either way is fine with me. I wish you well and I hope this person gives you the money.

Coolican: he's a deadbeat, he isn't going to.

Referred to the City Council due back on 1/20/2021

Special Tax Assessments-ROLLS

- | | | |
|-----------|--------------------------|---|
| 11 | RLH AR
20-145 | Ratifying the assessments for Securing and/or Emergency Boarding services during May 28 to 31, 2020. (File No. J2014B, Assessment No. 208115) |
|-----------|--------------------------|---|

Sponsors: Brendmoen

Referred to the City Council due back on 1/13/2021

- 12 **RLH AR** Ratifying the assessments for Property Clean Up services during July 1 to
 20-146 14, 2020. (File No. J2103A, Assessment No. 218502)

Sponsors: Brendmoen

Referred to the City Council due back on 1/20/2021

- 13 **RLH AR** Ratifying the assessments for Property Clean Up services during July 14
 20-147 to 30, 2020. (File No. J2104A, Assessment No. 218503)

Sponsors: Brendmoen

Referred to the City Council due back on 1/20/2021

11:00 a.m. Hearings

Summary Abatement Orders

- 14 **RLH SAO** Appeal of Lisa Okoi to a Vehicle Abatement Order at 598 LAFOND
 20-41 AVENUE.

Sponsors: Thao

Grant to December 1, 2021 for compliance and DSI will reissue the order with that deadline and citing the correct violations.

Lisa Okoi, owner, appeared via phone

Staff report by Supervisor Lisa Martin: looks like a vehicle abatement order issued regarding a black Ford Taurus. It appeared undrivable, and on an unapproved surface. However when we took recent photographs it also appears it is missing current tabs and vital parts on the vehicle. That order was issued October 6, 2020.

Moermond: Ms. Okoi, what are you looking for?

Okoi: I just want to clarify, it is stated in the paperwork that the vehicle was on an unapproved surface, and that is false because when my husband bought this house the City came out and inspected and they said the gravel is acceptable.

Moermond: we can have a conversation about that. The deal is, if you have class 5 gravel it has to be maintained. Right now it looks like the only way to maintain it is to mow it, it is so overgrown. It is impossible to tell. I did look at aerial photos over a period of years, and none of those photos looks like there was a distinct parking surface. Giving you credit for having gravel, I can say you definitely need to maintain it or you don't have a parking space there. You would need to do that. Setting that aside you have several other violations for storage of the vehicle, where are you going with that?

Okoi: I am the only driver in this house, and we have three vehicles total. It does run,

the neighborhood kids flatten my tires. I was filling them once a week when we moved in. The only thing that needs to be fixed is it needs a new battery, and the duct tape fell off my mirror. The tabs aren't current because of Covid.

Moermond: you can do that in spite of Covid.

Okoi: I don't have the title; I'm waiting to hear back from the gentleman I bought the car from.

Moermond: that's a different deal than Covid then. I'm looking at a car in terrible shape. It looks like it is melting into the ground on an unapproved parking surface. I guess I'm not feeling great about where you're coming from with this. The battery is a problem, the rearview mirror is a problem, the tires are a problem whether they have holes or kids are deflating them. It does look like a junk vehicle right now just parked in the yard. I hear you want it to be a parking surface. I would be looking for it to be restored to what it at what point was, but it isn't anymore.

Okoi: it is parking surface, if you look under the vehicle there is no grass, it is only overgrown around the sides because we don't have a weed whacker. I don't know where you are going with this, that's all I want to know, you keep saying one thing, but if you haven't physically come out and looked at it--

Moermond: I have half a dozen photos of it from all different angles.

Okoi: from underneath the car also right?

Moermond: from around the car. I'm telling you, if the only part that doesn't have grass is underneath the car because the sun doesn't shine there, that isn't getting me any further on this path.

Okoi: there's gravel underneath it.

Moermond: do you have a plan to get the tabs, vehicle fixed, tires fixed and gravel addressed?

Okoi: the only thing that needs to be done is it needs to be weed whacked around the car and the tabs need to be updated.

Moermond: is that right? I guess I'm not agreeing with you. I see a lot of problems with the tires and the side mirror. I'm thinking you have more going on here. I'd love to hear a path forward and some dates when they will be addressed.

Okoi: I'm waiting until we put our privacy fence up to do anything with the tires because I don't want to spend the hundreds of dollars to put tires on when the kids in the neighborhood keep doing this. We just installed cameras out there. We are trying the best we can, I work crazy hours. I took today off just to have this phone conversation.

Martin: March 22, 2018 a correction notice was issued to the property, to a different owner, for an unapproved parking surface. They were given the information to contact zoning and get an approved site plan, otherwise they could no longer park in that grassy area.

Moermond: did that happen?

Martin: I'm not seeing it. I'm looking for a fence permit, that was been reviewed and finaled. I don't see one for the parking space.

Okoi: he bought that house, he signed the title May 20 and we specifically stated because our inspector and the City said the gravel was ok, otherwise we weren't going to sign. It was one of the things in the title finding thing. I have documentation saying it was approved.

Moermond: if we could see that it would be helpful, because we don't have anything on this side saying that. In fact is it is quite the opposite. There are orders for it to be fixed. That would be helpful for you to produce.

Okoi: I will get a hold of the real estate agent and see if we can get copies of it then.

Moermond: in the meantime, it hasn't been maintained and it needs to be. I'm not hearing you want to address the problem with the tires or the tabs.

Okoi: that isn't what I said.

Moermond: yeah it is, you said you were waiting for a fence but even then you weren't sure because of the kids. I'm not sure where you're going.

Okoi: that was just the tires. I'm scared to put them on, if you constantly had people deflating your tires, wouldn't you be scared to put new ones on? I can fill them up. They will be filled up. I don't have finances for a new mirror. I can duct tape it again. Regarding the tabs, I have to wait to hear back from the guy I bought it from so I can get the lien off my car so I can get tabs. I don't have the title card because I've moved so many times.

Moermond: right now it looks like an abandoned, inoperable vehicle because of those problems. Ms. Martin, did you have something to add?

Martin: it sounds like it isn't even registered to her at the property and it is more of a title issue at this point. Typically we give 7 days or we tow the vehicle. It lacks tabs, you can't drive it—

Okoi: it is registered to me.

Martin: if you'd let me finish, that would be great. It shows the missing mirror. You can't legally drive it on the road. Sounds like some battery issues, plus the unapproved surface. They will have to refresh the class five and provide us the information that it was approved at one time.

Okoi: the car is my car. My name is on the title, there was a lien on the title because I bought it from the car lot. I have to get the paper from him so I can get a title with just my name on it and not a lien.

Moermond: how is that different than making payments to Ford? You're still having to get tabs with a lien. Why is that holding you up?

Okoi: because the car has been bought and paid for. It is my car.

Moermond: you can still get tabs the same as you could a year ago.

Okoi: I don't have a physical copy of the title to do that. I was told you have to have a physical copy of the title.

Moermond: so you've never gotten tabs for this vehicle?

Okoi: no. The guy I bought it from, it had tabs already on. This will be my first time putting tabs on it. Around the time they expired we were in the process of looking for a home too and had went and purchased another vehicle because I work 45 minutes away. We were looking for a new house, found this place, signed the information May 20 and we drove my Taurus over here and parked it in the back. I've moved it four or five times since then. The grass does grow quite a bit back there. It grows fast. When we first moved here it was all dirt, no grass grew. Is there an email you want me to mail the paperwork too?

Moermond: yes, we will send you a follow up letter. I will recommend you have until December 1, 2020 to resolve this entirely. That means inflated tires, operational, proper surface which means gravel on the whole parking surface. I am looking at a situation where the car will need to be towed if that isn't done. I'm being generous in giving you six weeks, that is because of Covid. I would normally give 3. That's what I will put before Council for the matter to be resolved or the City can move forward with towing the vehicle. You'll get information confirming that recommendation and letting you know when the Public Hearing is scheduled. That will be November 4, you are welcome to submit documents for additional testimony.

Referred to the City Council due back on 11/4/2020

Making Finding

- 15** **RLH TA 20-588** Making finding on the appealed nuisance abatement ordered for 400 HATCH AVENUE in Council File RLH SAO 20-15.

Sponsors: Brendmoen

Nuisance is abated.

No one appeared.

Moermond: there's a note here the nuisance has been abated. Is that right Ms. Martin?

Supervisor Lisa Martin: correct.

Referred to the City Council due back on 11/4/2020

- 16** [RLH SAO 20-27](#) Making finding on the appealed nuisance abatement ordered for 1552 ARLINGTON AVENUE EAST in Council File RLH SAO 20-8.

Sponsors: Yang

Layover to LH November 10, 2020 at 11:00 am for further discussion (PO is still working with Ramsey County Veteran's Services to fund).

Wilma Houska, owner, appeared via phone

Moermond: tell me about your work with Maria Wetherall.

Houska: she's working on it right now.

Moermond: so no answer yet?

Houska: not yet, she's working with the Vets to pay for the tear down. My son can't tear it down because he tried when we cleaned it out, and it is too solidly built. He thought he could just take a sledgehammer.

Moermond: that will be a lot safer. I'm going to set up a conversation with the four of us, Maria, you, Paula Seeley and myself in 3 weeks. I'm hoping by then Maria will have more information and specifics about doing the teardown. I had a building inspector go out, he's fine giving an extension, no danger of collapse. Let's talk November 10. We'll send a letter confirming that.

Laid Over to the Legislative Hearings due back on 11/10/2020

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 17 RLH VO 20-48 Appeal of Shai Leibovich to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1017 REANEY AVENUE.**

Sponsors: Prince

Property to be inspected October 28, 2020 at 2:00 pm. If property isn't in compliance, it must be vacated by December 1, 2020.

Shai Leibovich and Carolyn Brown appeared via phone

Staff report by Supervisor Leanna Shaff: prior to the last hearing there was a no access for inspection. Since then we've got access. Thomas wrote orders with a reinspection on October 5, and the representative, Ms. Brown, didn't show up. We required everything done or vacated on the 14th. We have still not been able to verify those things. Ms. Brown emailed requesting an extension, and knowing the hearing date Thomas set the inspection for the 15th and he was no showed again.

Moermond: so orders but no sign off that they are addressed. Mr. Leibovich, Ms. Brown, I turn it to you.

Brown: I sent an email to set up the inspection, but I didn't know about the 5th or 15th. We got everything taken care of and addressed. We also did the safety check inspection too.

Shaff: the interesting thing is, even included in the documents for today, the letter says on September 30 that a reinspection will be made October 5 at 2:30 or vacated on October 14. I'm having difficulty with her not knowing.

Leibovich: none of us got this letter. We sent the email to try and get the date because everything was ready.

Shaff: and yet no returned mail. Thomas responded with a date and time.

Brown: that's why I filed the appeal. I just need to figure out how we can meet and get

this closed out.

Shaff: we send the letter to Mr. Leibovich because that's what was decided in a prior hearing.

Leibovich: it is going to New York. Because of Covid they aren't going to the office often.

Moermond: I get you are frustrated, but they're sending the mail to the place you told them to send it. It is hard to find fault with that.

Leibovich: if it is sent the 30th of September and the inspection on the 5th, it is already the 5th, if not after, by the time it reaches New York. I just need to figure something out. We have issues with Mr. Thomas, but that's a different discussion. It was ready for inspection over a month ago. Putting aside Covid and everything else, you know the problem with the tenant, then we fix it, then we can't get an inspection, he's not responding to emails.

Moermond: and I've heard a lot of excuses from you guys about so many of the properties you own in St. Paul. Many of your properties have problems of this nature related to contacting, property managers, it has been worn thin here. Where do we go from here? If you want a different place for the mail to go you need to be clear in a form with the City so it can get into your hands more quickly, please let them know so that can happen.

Leibovich: last time when we asked it to come to Caroline, you said we can't. You said we had to use the office in New York.

Moermond: we talked about that.

Leibovich: the solution is that, but if we can go back to the same address we had before, we get it the next day.

Moermond: the thing is, right now, we've gone over this ground about who can and cannot be a C of O responsible party and how you manage that business is on your end. The implications are also on you. We need an inspector in there, I'm thinking YES and let's pick a time right now.

Leibovich: give us date and time and we'll be ready.

Shaff: let me look at Inspector Thomas's calendar here. Right now he's pretty full, earliest he has is 2:00 Wednesday, October 28.

Moermond: so we have that time.

Shaff: it has been noted by Thomas that Ms. Brown is habitually late or very late. Ms. Brown, please be on time or early.

Brown: yes ma'am.

Moermond: so we have an appointment date and time set, that will be in the follow up letter. If there isn't compliance at time, let's set the vacate date for December 1. That gives you one mistake and one reschedule, but I'm closing it down. City isn't vacating for revocations of certificate; it is being sent to Vacant buildings and billed weekly for

continued occupancy. I hope this happens for you and you get done. I encourage you to fill out a Fire C of O form with faster contact information Mr. Leibovich.

Referred to the City Council due back on 11/4/2020

1:30 p.m. Hearings

Fire Certificates of Occupancy

18

[RLH FCO
20-147](#)

Appeal of Greg Schiffer, on behalf of St. Paul's Outreach, to a Fire Inspection Correction Notice at 2023 ASHLAND AVENUE.

Sponsors: Jalali

Layover to LH November 17, 2020 at 1:30 pm for further discussion.

Leslie Witterschein, attorney at Spencer Fane, appeared via phone

Greg Schiffer, VP of administration for St. Paul Outreach, appeared via phone

Staff report by Supervisor AJ Neis: Fire C of O correction notice from a September 30 inspection by Inspector Toeller. On the inspection he found the property, a duplex, in good condition. He only identified 2 code violations because he asked how many people were living there. When asked, he was advised that 11 people live there, it is a duplex however it isn't a student housing overlay district – if it was, they could have up to 4 undergraduate students in each unit. Without that, they can have 2 undergraduate and 2 non-students in each unit, or a combination of four non-students in each unit up to 8 people. However, they found it over occupied even with that exception, with the 11 people. I had a conversation with Mr. Schiffer last month, informing him to file with the Board of Zoning Appeals to request some type of variance. He said he's been doing it for many years, and it hasn't ever been cited, that appears to be correct. I believe they thought they had a variance like they did at the property they have on 1977 Grand Avenue. They are appealing with you asking for additional time to not have to vacate the residence while they go through the BZA process.

Moermond : why are you appealing?

Witterschein: we submitted a letter; I can give some background. St. Paul Outreach is an organization whose mission is to reach out to students on college campuses and build transformational communities that provide a pathway for students to develop a deeper relationship with Christ and embrace a life of mission. As part of this mission, we own several houses around the Twin Cities as well as nationwide. This allows them to engage holistically in this journey, one of these houses is at 2023 Ashland. St. Paul Outreach has operated it in an identical matter since prior to 2012. In talking with Greg, it has probably been 20 years. As detailed in my October 9 letter, each household member signs an agreement outlining their responsibility including chores, common meals, curfews, prayers, and household retreats. To date, there have been no complaints to the property and in 2014 several neighbors provided endorsements on behalf of St. Paul Outreach. St. Paul passed ordinance 12.34 establishing the student housing overlay district, which did include 2023 Ashland. This required any student dwellings to register and once that application and valid C of O was filed, DSI was required to issue certification to the building's owner of its status as a student dwelling. We did submit this December 5, 2012 and we have included a copy of that submission in your packet to show it was stamped and received that day. DSI never denied that

application or responded.

Moermond: the copy I have, yes, I have it dated December 5, 2012. I see the company you're with is Spencer Fane?

Witterschein: it is a law firm; I am an attorney. St Paul Outreach filed this application on December 5, 2012, it was received by DSI and was never denied nor did they request additional information. Pursuant to the plain language of the ordinance, DSI was required to certify this property as an existing student dwelling. Further, under MN Statute 1599 because the agency didn't act within 60 days to deny it, the application for registration was automatically granted. Our biggest argument, regardless of City records, it is student housing. It was clearly filed as required and received as required, it should be deemed student housing. I think that's an easy way to resolve it, the City admits "yes, you're right, you filed it within the proper time, it was never denied." Under this ordinance we are student housing. The manner in which St. Paul Outreach is operating this property is a permitted use under St. Paul Ordinance 66.221. In our appeal packet, you can see the original application they included a copy of the CEP for 1977 Grand, and you can see there St. Paul has deemed 1977 Grand as religious retreat. Both are operated in the same manner, so the City deemed this property as a religious retreat, and because it is a religious retreat it would be a permitted use. We also argue that we've operated the property in a similar manner since before 2012, so it is therefore a permitted nonconforming use as identified in numerous case law such as Krummenacher vs. City of Minnetonka.

Moermond: Mr. Neis, I don't know if you've consulted with your zoning attorney at the City or not?

Neis: we have not consulted with the zoning attorney in regard to this. The application is new to me. I looked previously when I spoke with him the first time, and I didn't see that application. It is clearly our received stamp. Typically, when a student housing application was approved, it is scanned into the folder and it wasn't approved or denied. Under DSI review, it was not done as well. Looks like it was received on the final day. I can't tell you what happened, and that inspector has retired. I have no response other than that is clearly our stamp, and it was received by December 5. I don't have a legal opinion on that. My only other comment is if it was approved similar to 1977 Grand, that was an application they made and got approved. Just because one property is approved doesn't mean this would be simply because they haven't been "caught". At the time when Toeller there were only 3 people there on his inspection. Inspections are a snapshot in time. During previous inspections, if they were under the number of allowable occupants, we wouldn't have evidence of over-occupancy. I equate that to speeding.

Moermond: let's hit the pause button on this. I'd like the City Attorney's office to review the orders and we can make any refinements before we conclude this appeal. Today is October 20, I'm going to continue this to November 17 and we'll involve the appropriate people to get responses to your points.

Witterschein: that sounds great.

Laid Over to the Legislative Hearings due back on 11/17/2020

2:30 p.m. Hearings (NONE)

Vacant Building Registrations**19 RLH VBR
20-67**

Appeal of Somdy Kong to a Vacant Building Registration Notice at 686 EDMUND AVENUE.

Sponsors: Thao

Deny the appeal. Waive VB fee for 90 days (to January 6, 2021) and allow permits to be pulled. PO must complete Code Compliance Inspection.

Somdy Kong appeared via phone

Staff report by Supervisor Leanna Shaff: August 25 our department received a complaint about possible gross unsanitary, animal hoarding, broken windows. AJ Neis responded August 26, 2020 and says he inspected it with the property owner after the police issues, home needs major repair, and gave property owner 30 days to cleanup and make repairs. The property was unoccupied, the occupants were removed by the police. It was pretty bad. Mr. Neis ended up pulling an early Fire C of O and gave property owner 30 days to bring it into compliance. October 1, 2020 he went to the property, property owner was no show, still exterior issues, property owner's phone was disconnected and no permits were pulled. It was sent to the vacant building program as a Category 2. There have been numerous complaints at this property, starting last February with a water shut off. Nonworking cars, debris, improper storage, garbage, it has consumed lots of City services.

Matt Dornfeld: nothing to add other than we opened a category 2 vacant building October 6, 2020 per fire inspection's condemnation and referral. Inspector Hoffman does note the house was vacant and secure at time of inspection.

Moermond: and I'm guessing we have a vacant building fee as well as a code compliance inspection in play. Mr. Kong what are you looking for?

Kong: at this point I am fixing it up, when Inspector Neis came I didn't receive any notice. He did say 30 days and he was going to send me a paper writing so I would know when the inspection was, I was prepared and I am prepared. I am still fixing little things, but I am there. I am fixing it up. It is better than what it was before. It was bad, the renters had the car issues, the water they didn't pay for themselves. I am still going after them. Even with their deposit it isn't enough for me to make the repairs. Before this all happened it was in good shape, I had a grade A on it before. They were supposed to be out before the pandemic, and then after it happened I couldn't kick them out. I don't know why, but that's why it is a wreck.

Moermond: I'm looking at a computer record here, Ms. Shaff, the letter sent by Mr. Neis indicated a reinspection on September 30 at 11:30 a.m. Looking at the notes it says the owner didn't show and the phone was disconnected?

Shaff: that's exactly what it says.

Moermond: called the owner, number provided was disconnected, so no follow up inspection.

Kong: I have been working with Neis too, calling him. Right after I was cleaning up my house and the guys that were renting stole all my tools and I told Neis that. I have the

police report. I've been working with him. I did have phone issues, when Sprint and T-Mobile merged I had issues because I had an older phone. I'm good to go now.

Moermond: well, I tell you what I am left wondering, is it you want to be out of the vacant building program and rent the property again?

Kong: yes, that is what I want and need. I don't have the funds to do anything at this point. I want to get up and moving forward. I want people to move in. I have never had a problem before. I'm glad they are out.

Moermond: alright, why didn't you show up at that inspection?

Kong: I never received notice of it. If I had known I would have shown up. I was working with AJ and calling him and telling him what was going on.

Shaff: I have some concerns, one of the things AJ told me was that the property owner figured they were getting rent so there wasn't much going on at the property. With Covid we're not having Landlord 101 classes. I hear a lot of "it is the tenant's fault", no it is not. It sounds to me like the property owner needs to step up and take more responsibility for the property. There is also a program through the Police department you can sign up for called Landlord Alert that will give out information about things happening at your property. You don't live that far away; I encourage you with new renters to drive by at least quarterly, and check the interior as well.

Moermond: I find that any appeal of the notice of condemnation is not timely, it was issued August 28, well past the appeal timeline. In order to be reoccupied, it needs a new C of O. Under current regulations, as a condemned property, it meets the definition of a category 2 vacant building and needs a code compliance before it can be reoccupied. Due to the nature of the orders and the condemnation this house would be well served by a code compliance inspection. It does appear to have the variety and depth of violations that merit one. If I am wrong it will be light and have less work to do. As far as the vacant building fee, I will ask the Council to waive that fee for 90 days through January 6, 2021. The owner can apply for the code compliance inspection and pull permits to get the work done without having to pay a fee if he can be done by January 6, and then the property can be reoccupied. Any questions?

Kong: my house should be ready; can I expedite? I could have people move in now.

Moermond: no, you can't. You need a code compliance inspection. If you wanted to that you should have appealed the condemnation and order to vacate, you got a placard and written orders about that.

Referred to the City Council due back on 11/4/2020

20 [RLH VO 20-49](#)

Granting a stay of enforcement of Council File RLH VO 20-47, a decision on an appeal of a Fire Correction Notice-Complaint Inspection, including condemnation, at 1544 BEECH STREET.

Sponsors: Prince

Grant a two week stay of enforcement on the condition that alternative heating sources are not used when house is not occupied or overnight, and following manufactures instructions on clearance around them. Refer back to LH November 3 at 11:30 a.m. for update on conditions.

Jowana Cyrus, tenant, appeared via phone
Thuzong Xiong, SMRLS Attorney, appeared via phone
Natosha Carney, owner, appeared via phone

Moermond: what I'm looking at today is a request for an emergency hearing to extend the vacate date, asking the Council to stay the enforcement on the order to vacate. It was voted on October 14, giving an extension through October 20 for compliance or property vacated. I'm going to ask Ms. Shaff for any updates.

Fire Supervisor Leanna Shaff: I spoke with inspector Thomas about 1:00 today, he had an appointment at the property. Due to computer issues, he hasn't been able to upload photos or comments. When I spoke with him he said they have some space heaters, an electric fireplace in the living room which is heating the house fairly well, in the lower 70's. As we knew from before there is an extra unhooked furnace, but no source of code compliant permanent heat.

Moermond: so temporary heat that is heating the house to an acceptable temperature. Mr. Thomas didn't find this equipment worried him; it is just not intended to function permanently. That's the main issue here, a life safety issue. It is 32 degrees outside and a concern. Mr. Xiong, I'm going to ask you next, what length are you seeking here?

Xiong: briefly I did want to put the procedural posture for the court case. They have an emergency tenant action in District Court. I did send this petition in, the hearing is Thursday the 22 at 10:15 am. My client intends to request the court to issue a court order for Ms. Carney for permanent heating and meet the City's requirement. In addition, if it is granted, our intent is to request a review hearing the following week, maybe even Monday, for compliance. At that point we would ask the court to put the property in administratorship. I've been in contact with Guardian Property management to do that, but they haven't agreed yet due to a source of funding, but I'm hopeful that can be reviewed.

Moermond: your hearing is Thursday morning this week, the ask is for heat to be restored by Monday, if not, you will be asking the judge to appoint an administrator?

Xiong: That's correct.

Moermond: do you have a sense from your previous experience what kind of timeline that takes?

Xiong: I'm not sure how quickly Guardian could complete it if Ms. Carney can't comply with the court order. In prior conversations with Ms. Shaff, she may know more than us.

Shaff: I know that Guardian has contractors that can work quickly, in talking with Jennifer Spedini at Guardian, the biggest issue is payment. They aren't willing or able to front the cost of furnace replacement. My understanding is there is only one month's rent in escrow, which wouldn't cover the cost of the furnace replacement.

Moermond: are you going to be asking the court to seek other kinds of money from the property owner to look at another source of financing for the replacement? What's going on?

Xiong: I'm not considering requesting the court to order her to take on any loans to

restore heat, it is unclear to me whether they could make such an order. I'm exploring funds from Family Housing Fund; Jennifer has indicated to me that's been a possible source in these situations. I'm attempting to contact them now to explore it as an option.

Moermond: what specifically is your ask for how long of a stay you would like?

Xiong: stayed pending the outcome of Thursdays hearing and then another extension based on the review hearing. Depending on the court's ability to schedule the review hearing, we'd like at least until that review hearing, and then two weeks after that if an administration is appointed.

Moermond: any other comments? Otherwise we'll hear from Ms. Carney.

Xiong: I would like to emphasize that at the inspection today, the single heater as an electric fireplace. It isn't a permanent situation, but in terms of the cold now, it is holding up.

Moermond: understood.

Carney: I sold the property, as is. I can't afford to fix anything. I just lost my job. I don't have any way to do it. Keeping it would be pulling me into bankruptcy. I'm selling it for what I owed on it.

Moermond: selling or sold?

Carney: I signed the paperwork; Friday is the closing date.

Moermond: to whom have you sold it?

Carney: Exceptional Investments.

Moermond: I have DG Equities, LLC.

Carney: yes, they are the same people.

Moermond: do you have a contact information for these folks? Or name of a person?

Carney: I'll have to look. I'm sorry I'm just leaving the hospital, my car is parked on the side of the road.

Moermond: it is important to have that information.

Carney: Michael Fielberg, 952-345-1594.

Moermond: Mr. Xiong, are you familiar with this situation and do you have any thoughts on it?

Xiong: I was provided an unsigned copy by Ms. Shaff. I was unaware she had entered into the agreement. If the house is sold and closed upon on Friday, certainly that will change the responsible party for addressing the heating issue. As the new owner, DG Equity may be able to address it quicker. I'm not familiar with the group, I'm not sure if they are going to flip or purchasing as a rental.

Carney: they are flipping it.

Moermond: alright. I guess I'd like to hear from Ms. Cyrus, what is your long-term plan here? Are you planning to live here long-term? Looking for a new place to live? Where is your family at?

Cyrus: 100 percent confused. As soon as we get a handle on one thing it changes. It has been like this since a week after we moved in. Initially, since there was such disruption between the landlord tenant relationship we had intentions to move. She tried and negotiate a lease termination agreement, that failed. It got to the point where so much time had lapsed and we were getting nowhere that we didn't have a choice. It got down to the point of having 7 days to pack all our belongings and child and pets and that's why we put the case in to push it along and get it straightened out. As soon as we figured something out, something else happened. We're just trying to be stable.

Moermond: first, I'm going to ask Ms. Shaff if she has any concerns for the medium-term use of space heaters?

Shaff: space heaters, I'm not a big fan of using them unattended. We see them as a source of fires on a regular basis, especially when people put things near them and not enough clearance. Not a big fan of the long term forecast for weather, and I have a feeling these space heaters will be on 24/7 for at least 2 weeks, I have huge concerns with that.

Moermond: specific advice about operating them?

Shaff: area clear of combustibles. I don't know what shape the electrical service is in inside the house, I know we have attic electrical issues, so that causes some uncertainty and issues. They do draw a lot of electricity, there is always that issue of overloading. It is just not a good situation all the way around. I fear lack of heat and cold weather means frozen pipes, lack of water, if that issue comes up. It could snowball.

Xiong: I believe my clients informed me they don't run it overnight unattended.

Cyrus: we do turn it off at night, we don't leave them running overnight because we're aware of the hazard, and don't want to damage someone's property either. We turn it off, and then turn it back on around 6 am, by the time we leave for work or to drop our son off, we turn it off until we get back. They aren't unattended, there is a smaller space heater in the middle of the room, no one sleeps there, it is pretty safe. As far as fireplace heater, it does reach 85 degrees and then it shuts off. It has a timer, so it isn't left unattended or accidentally left on.

Moermond: I'm going to ask the Council tomorrow to issue a stay of enforcement of the order to vacate through November 4. A two week stay and have them refer it back to Legislative Hearing November 3 at 11:30 a.m. to discuss. I'm hopeful this can be resolved before then.

Carney: how are they preventing the pipes from freezing?

Moermond: long term forecast are temperatures in the 30's, it shouldn't be a problem.

Carney: if it is not on at night how does that stop it from happening at night?

Moermond: it wouldn't be a concern at the current temps, that's why I want a fast turnaround.

Carney: she made sure to say they aren't leaving. They called the State before they even gave me a chance to fix anything. And they sent me a text message saying they were leaving. Why are we postponing? They have had enough time to find a place to go.

Moermond: they have the legal right to be there right now.

Carney: I gave them a notice of eviction, I'm about to go downtown right now. They even gave you paperwork saying they violated the lease.

Moermond: I'm not an enforcement agent on that. I'm looking at whether there can be continued occupancy. My recommendation is to stay it for 2 weeks to get it addressed and resolved. You have court dates, filing additional paperwork, that's not something I can resolve.

Carney: since I'm no longer the owner I shouldn't have to come to court right?

Moermond: I wouldn't begin to offer you legal advice. I don't have a signed purchase agreement from you. I don't know where you're at. Whether you appear in court you need to seek counsel on, and not from me. Stay for two weeks on the condition that the space heaters aren't used when no one is in the house or overnight, and with adequate clearance.

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