



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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651-266-8585

Tuesday, November 3, 2020

9:00 AM

Via Telephone

Special Tax Assessments

9:00 a.m. Hearings

- 1 **RLH TA 20-572** Ratifying the Appealed Special Tax Assessment for property at 818 SHERBURNE AVENUE. (File No. J2101B, Assessment No. 218100)

Sponsors: Thao

Delete the assessment.

Chantelle Jones, tenant, appeared via phone

Moermond: I looked it over and I don't think the cops did something wrong in calling for the boarding, they do need to secure the location to make sure that you are safe, especially under these circumstances. At the same time, if I recommend this is approved it may discourage you or other woman to not call the police in these types of situations. It is a public policy question, and I don't want there to be a fear of calling with negative financial consequences. I'm going to recommend that the City pays for this for that reason.

Jones: thank you.

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

- 2 [RLH TA 20-631](#) Ratifying the Appealed Special Tax Assessment for property at 959 HUDSON ROAD. (File No. VB2102, Assessment No. 218801)

Sponsors: Prince

Layover to LH January 19, 2021 at 9:00 am to see if property has CC certificate. If it does, reduce assessment from \$2,284 to \$1,142.

Joe Yurecko, owner, appeared via phone

Staff report by Supervisor Joe Yannarely: owner is appealing the special tax assessment for the annual vacant building fee for a Category 2. File was opened June 25, 2014, and the annual fee is with a service charge is \$2,284. Recently sold and there appears to be positive action right now.

Moermond: Mr. Yurecko, tell me about where you're at and when you think you'll be done.

Yurecko: we came into title, it was a foreclosure, we knew it was on the vacant building list so we reached out right away to Reid Soley and let him know what's going on. They had scheduled some inspection to make it a Category 3, so once I got everything over and we realized we were moving quickly he was willing to take it off and not go through with that. We're moving quickly, pulling permits, it is not our first time buying one of these. I know Minneapolis usually freezes these assessments.

Moermond: this is St. Paul. Here's what I look at when I hear this information. The first thing is that the bill is covering June 24, 2019 to June 24, 2020. At this point, we're four months into a 12-month billable year. This goes forward to Council in January 27, what I think you're a good candidate for is to get it prorated. We wouldn't delete it at this point. If you were done between 90 and 120 days of the year, I would be looking at deleting it, but it doesn't look like you'll be done. It will be more like six or seven months before you have the code compliance. I think we can cut this in half then, it is not everything but it is something.

Yurecko: assuming we finish in time why wouldn't they waive the whole thing?

Moermond: there is a cost to being in the program. Everyone in the program pays this fee. There is no outright waiver in St. Paul.

Yurecko: this isn't how it was handled last time.

Moermond: well I'm the hearing officer on all of these, nor do I know how far into the billable year that property was. A 90-day waiver is pretty common. At this juncture, I don't think it is possible. I don't know the previous case and what the considerations were. In this case I think prorating is the right answer. If you disagree with it—

Yurecko: I don't think we're disagreeing. We're just trying to get it off the City's vacant building list. It has been on for 5 or 6 years; I would argue that any administrative costs were probably covered by those years.

Moermond: when I think about what Minneapolis charges they're worse.

Yurecko: you can't blame me for trying to get it all waived.

Moermond: I'm going to look at your file again on January 19, 2021. If you have your code compliance done by then, we'll cut it in half. That's more than six months, but it is close. Let's plan on that if you have your certificate at that point. We'll check the file, if you want us to call that day we can. If you have your certificate we will see it in the system and we will do it as a quick staff discussion.

Yurecko: I appreciate you working with me on it.

Laid Over to the Legislative Hearings due back on 1/19/2021

3 [RLH TA 20-657](#)

Ratifying the Appealed Special Tax Assessment for property at 1862 IVY AVENUE EAST. (File No. J2102B, Assessment No. 218101)

Sponsors: Yang

Layover to LH December 1, 2020 for further discussion (waiting for police report).

Elaine Vallant appeared via phone

Staff report by Supervisor Joe Yannarely: this is for an emergency securing of four doors and one window ordered by the Saint Paul Police Department at 10:45 pm on July 8, 2020. The cost of the call out of the contractor is \$325, service charge of \$162, total assessment of \$487. We are still waiting for the police report.

Vallant: I'm appealing because it was frustrating, I went over to the house to cut the grass and I couldn't get in my garage because it had been secured, I couldn't find out who or why it was done. I called the City, no one could give me any information. The Police Department couldn't give me any information, I finally talked to someone who found an incident report but they couldn't tell me what it said. It was from a different date than July 8. I've never seen anything from July 8. That incident report I saw said the neighbor called and said the windows open and lights were on. The house has been vacant for a while. I moved into an apartment because I am having health issues and trouble getting things done at the house on my own anymore. It doesn't have air conditioning. It was vacant, but not abandoned. I go over there regularly and check the lawn and shovel the snow. I'm trying to be responsible and did everything I could to secure it. Deadbolts, and motion lights on the house and garage, a light on a timer inside the house. It has been broken into many times; it is so frustrating because I've done what I could but I can't be there all the time. When I decided to move, I was trying to do it gradually because I don't have a lot of strength. I started having all these break ins and it has been very hard, frankly.

Moermond: I'm curious, a lot of people who spent a lot of years in a house have things they want to keep and then things they want to get rid of. Sometimes people get bogged down in sorting through things. Do you have a lot of things that don't have much value that are slowing you down?

Vallant: there's an element of truth in that. I struggle with depression, I'm under doctor's care for that. It is not things I can't deal with it; it just fell apart and I haven't done much since then. I'm also trying to do things to get it done. I'm going to move to a different apartment with cheaper rent so I can use some funds to do something and hire some things done without going through my savings.

Moermond: are you still in Ramsey County?

Vallant: I'm in Washington County, but moving back to Ramsey.

Moermond: I'd like to refer you to the House Calls program. They help people with housing difficulties and have a lot of experience cleaning out houses. I don't know if you qualify for free services, but they have someone they work with who is safe and bonded and I'd like to get you that resource. The sooner you're able to move on, the fewer break ins and less damage you'll have. A resolution is to your benefit. We have an email of vallel09@hotmail.com.

Vallant: yes.

Moermond: we will email you with those resources. They are super familiar with people in your situation. This is a difficult time and issue to go through. I'm not comfortable coming to a conclusion about the boarding until I have a police report in my hands. We have a request in but haven't received it yet. I'd like to talk about this again in a month, and we'll get a copy by then and can email it to you so you can see it as well.

We will talk again December 1, 2020 at 9 am. We'll confirm this by email.

Yannarely: is it still secured by the boards?

Vallant: yes, I left it out of frustration.

Laid Over to the Legislative Hearings due back on 12/1/2020

- 4 RLH TA 20-609** Ratifying the Appealed Special Tax Assessment for property at 160 LARPENTEUR AVENUE WEST (1675 RICE STREET). (File No. J2101B, Assessment No. 218100)

Sponsors: Brendmoen

Approve the assessment.

David Krech appeared via phone

Krech: when I received this notice it had the wrong address on it. I submitted this bill to this tenant. I have no objection to this bill; it was sent to me with the incorrect address on it.

Moermond: I'm thinking they used the owner of record according to Ramsey County property taxation. Is that who you talked to?

Krech: they have the address as 160 Larpenteur. That wasn't the tenant that had the board up. Once I got that fixed and figured out the tenant agreed that he will pay the assessment.

Moermond: that sounds straight forward enough.

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

- 5 RLH TA 20-641** Ratifying the Appealed Special Tax Assessment for property at 1202 PAYNE AVENUE. (File No. J2014B, Assessment No. 208115)

Sponsors: Yang

Delete the assessment.

Michael Thiesen appeared via phone

Staff report by Supervisor Joe Yannarely: this is for an emergency boarding called by the Saint Paul Police Department at 1:19 am Friday May 29, 2020. The cost was \$310, service charge of \$162, for a total proposed assessment of \$472. Looking at the police report it indicates a break in with multiple people involved and they needed a contractor to secure after they left.

Moermond: the time is 11:15 pm on May 28, 2020 which is a Thursday.

Yannarely: the contractor put it down as the next morning when it was done.

Moermond: yes, the 911 call came in at 11:15 pm. What are you looking for today?

Thiesen: earlier in the evening we were notified there was civil unrest and we were

cautioned to leave the building, which we did about 5 pm. We watched on the cameras as people smashed through the windows. We called law enforcement, who came out 3 times. Every time they came out and said they would be back when it is over. We went back to the store to protect the building and were told by the police if we showed up we would be arrested for entering the situation and it would be our fault. We were told the police wouldn't protect the building and were advised that we shouldn't either. My objection is we were told we couldn't protect our own building. We watched our building be pillaged until 5 am. I don't know if we got good advice to stay away. I don't know how else we could have managed it. We lost about \$400,000 that night, we got a bill from the City, and are left high and dry from insurance. It is basically our objection; our hands were tied.

Moermond: the insurance company isn't helping at all?

Thiesen: there's a few different policies. One is for the building itself; we got a partial payment for that. But all the stolen inventory we have a policy they want to cover part but depreciate it next to nothing, and we have to take them to court. We've gotten a small amount to repair some damages, maybe \$50,000. But we've lost about \$450,000. The City said there wasn't enough damage to give us a waiver on the property taxes. We know there was challenges for law enforcement, we aren't blaming them, but we have a hard time to get billed when we were told we couldn't come to protect it.

Moermond: I'm glad you're in court with the insurance company. Normally in these situations, not during unprecedented times, someone comes and breaks in in the middle of the night when you aren't there. You probably have an alarm, let's say you aren't even notified for whatever reason. The police need to make a decision about boarding, and they want to do it to keep what is left safe. That isn't your circumstance. Yours is, you were actively trying to secure the site and because of the timing of everything you weren't able to do that. It isn't like you had the opportunity to act, which is all the difference here. If you had more notice than 5 pm in being told to leave you would have had the opportunity to board, is that right?

Thiesen: yes, it was going into the first and second days of the riots. We didn't know what we were supposed to do so we left and then the wheels came off of Minneapolis and St Paul. We were on the way driving there and they recommended staying away or they may arrest you for showing up.

Moermond: they were trying to manage the best they could.

Thiesen: I don't blame them; these were just the circumstances.

Moermond: I'm recommending this gets deleted. It is negligible with all the loss you've experienced but given the timing and feedback from police it is something.

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

6 RLH TA 20-617 Ratifying the Appealed Special Tax Assessment for property at 850 RANDOLPH AVENUE. (File No. J2101E, Assessment No. 218300)

Sponsors: Noecker

Delete the assessment.

No one appeared

Moermond: they have installed signs; camera isn't visible but it may be there given the size of cameras

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

- 7 [RLH TA 20-643](#) Ratifying the Appealed Special Tax Assessment for property at 1352 SUMMIT AVENUE. (File No. VB2102, Assessment No. 218801)

Sponsors: Tolbert

Layover to January 5, 2021 per owner's request.

Brent Nelson appeared via phone

Nelson: I spoke with Mai and she said it was being heard January 5. We aren't prepared for today. We're working with Matt Dornfeld.

Moermond: there's nothing that's happening with your assessment unless we go through the hearing today. You received a letter telling you about today.

Nelson: can we do it January 5 as was previously arranged? I haven't received information from my contractor.

Moermond: you entered the vacant building program January 27, 2020, so that means you are now 10 months into a 12-month billable year already. By the time January comes it will be 12 months into a 12-month billable year. That's not promising.

Nelson: with Covid it is hard to get people to get work and with the riots there's a lot of demand for construction people.

Moermond: yeah, that affected everyone. The best you can hope for is a reduction. We'll talk to you January 5 at your request.

Nelson: it isn't vacant.

Moermond: it is fire damaged, no one is living there nor can anyone live there until a code compliance certificate is issued. Right now you have a registered vacant building. Someone working on it doesn't mean it is not vacant. You aren't unique in finding contractors. I've also heard that contractors are happier to work on vacant buildings than ones with occupants. It is mixed from the workers in the field. We can talk again January 5; you know walking in what my concerns are.

Nelson: what are those?

Moermond: as of January 5 we will be 11 months into a 12-month billable year. If I handle your case like others the best you can hope for is a slightly discounted rate. You may have unique circumstances but you'd need to present that information. I'm trying to be as above board as possible so you know how they're handled over the normal course of events.

Laid Over to the Legislative Hearings due back on 1/5/2021

- 8 [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 December 15, 2020 per owner's request.

Laid Over to the Legislative Hearings due back on 12/15/2020

9 [SR 20-131](#)

Review Request of Daniela Orza to a Ratifying of the assessments for Collection of Vacant Building Registration fees billed during September 24, 2019 to April 17, 2020 at 363 WOODLAWN AVENUE adopted by Council File No. AR 20-125 on October 14, 2020. (File No. VB2013, Assessment No. 208815)

Sponsors: Tolbert

Deny the request; no change to paid assessment.

Daniela Orza, owner, appeared via phone

Orza: I am at work, I work in an operating room, I may have to go. Thank you for calling me.

Staff report by Supervisor Joe Yannarely: this is the annual vacant building fee for this property, it has been a Category 2 since April 23, 2018. The fee is \$2,284. There is no code compliance inspection and no permits pulled.

Moermond: this property was sold.

Yannarely: yes without going through the sale review process. It continues to be a category 2, no inspection and no permits.

Orza: we bought this property 3 years ago and it was flooded before we moved in, we lost the equity for the house. We paid \$410,000, sold it in October for \$485,000. With all the taxes and penalties in 4 years, we lost \$100,000. We bought it for us to move in, my husband decided to leave Minnesota for Charlotte, NC. I struggled with the property by myself. One time we came before you and you gave us a waiver for three months because we did have plans with a builder at that time. We did pay an architect at that time, but since my husband left it fell apart. I tried very hard to find a solution, losing the equity we ended up with a house that was unusable and lot worth a lot less. The City wasn't helpful, we maintained the outside as much as we could, we got fines. I shoveled every winter.

Moermond: it is your property.

Orza: I tried to keep it nice. I didn't know anything about the sale review or anything like that. It was a builder who bought it. He did text me a week ago that he is planning to tear down the property and he is applying for a permit. I'm sure he will go through whatever hurdles he needs to. He's very serious about building. We tried to sell it with the house, but it didn't lead to any offers. We finally found a solution to this unfortunate situation. I wonder if you can give us an extension.

Moermond: I have a couple things to say. Looking at your record, you've had spotty maintenance at best. There were plenty of orders issued for the property.

Yannarely: there are at least 15 in the last two years for tall grass and weeds.

Moermond: so the neighbors aren't happy. As far as no one telling you, every single vacant building registration letter you've received tells you what the expectations are, in all capitals including obtaining a code compliance report. You didn't do that, in violation of the St. Paul Legislative Code. I'm looking at situation where the bill covers April 2020 through April of 2021. We are more than halfway into the year. We have no permits and a sale that wasn't consistent with local codes and that had information on every single letter you've gotten. Two letters each year. I'm not hearing anything that this is imminently complete. I hear no plans by purchaser because no one has communicated to the City. Given those circumstances; and the spotty maintenance history; I'm not hearing why this should be refunded. We can provide you with information on how to give council further testimony.

[Ms. Orzo was disconnected at some point]

Moermond: no change to the paid assessment.

[Property owner requested a call back, she was disconnected]

Moermond: where did we leave off?

Orzo: you were saying the back of the letter there is something in capitals and then I was disconnected.

Moermond: you had indicated no one told you that the property needed a code compliance to transfer. I was saying you had received six letters from the City saying exactly that. I needed to take that information in conjunction along with the 15 letters sent to maintain the property

Orzo: I do not read the back of every letter. I never understood from anyone that a code compliance is required. I sold to a builder who was in the house and knew things and he did not know either. Neither of us in good faith knew we had to do anything special. Neither did the title agency. No one raised a flag or warning.

Moermond: and I'm telling you that you got those notices and it is in caps on the back of the form. A realtor would have told you it was necessary. You didn't even do a TISH. You did know you didn't do it, along with the letters sent to maintain the property. You chose not to read the information that was sent to you. This is your property and your responsibility. Perhaps the most important thing is we are more than halfway through a year and there is no progress on the property. April 2020 to April 2021. We're in November and don't even have permits pulled. We do have a bad history. I get it's a financial loss for you but it is not the City's job to subsidize real estate transactions. You paying the bill says you agreed with the bill. It wasn't appealed when it was originally sent out.

Orzo: I didn't have a solution at that time, that's why I didn't appeal it.

Moermond: and the solution is for you, not the City. The only difference is you transferred the property without following local codes.

Orzo: I'm very disappointed in how the City treats its citizens. It's a hostile city. You have to keep that in mind. You are dealing with people that work hard for income and imposing harsh penalties isn't the right way. I found a solution to this, finally, after paying \$10,000 in fees and penalties. 15 letters? I maybe got 3 or 4, one about ice and

one about grass. You have to keep in mind I don't live there. I'm going through hardship to maintain the property which I'm not living in. I know you have my money.

Moermond: we'll have a different opinion on this.

Orzo: why did you waste my time when you knew this what you wanted to tell me. You wanted to pretend you give the citizen a right to defend themselves then you do what you want to do in the first place.

Moermond: to be fair, you appealed before and got what you wanted then. You appealed today and aren't getting what you want. Assessments can't be changed in a casual conversation over the phone. I've outlined my concerns with your request today. I need to worry about the impact of a vacant building on the City, especially when multiple letters are sent. You keep talking over me, yet you talk about treating people fairly. I'm sorry you don't have the outcome you'd like.

Orzo: you wasted my time. I told Mai Vang if this is why you're calling, to preach to me, while having big salaries based on these penalties. I told her to not waste my time. I have patients, I'm doing a very important job. You're doing what you already planned anyways. I want to say more but I'll stop here.

[Ms. Orzo hangs up]

Moermond: she hung up but Ms. Vang, you had information about your conversation with her?

Mai Vang: the first conversation was with her that she is selling, she called the day of closing I believe, to say she had a vacant building fee she wanted waived. I looked at DSI information and saw a sale review wasn't done. I told her the purchaser needed to do that with Reid Soley and gave her his number; I told her the purchaser needed to do the sale review. The second time was about the hearing and wanting the fee waived, and what she stated in the room today.

Moermond: so it was on the back of the letters and explained in detailed via phone.

Received and Filed

10:00 a.m. Hearings

- 10 RLH TA 20-630** Ratifying the Appealed Special Tax Assessment for property at 1779 ARLINGTON AVENUE EAST. (File No. J2102P, Assessment No. 218401)

Sponsors: Yang

Delete the assessment (waiver on file).

Carl Olding appeared via phone

Olding: I was just trying to get on the record saying it was a frustrating process. Code was telling me I couldn't touch the postal owned box.

Staff report by Supervisor Lisa Martin: July 13, 2020 we went out a graffiti abatement order for graffiti on the mailbox, compliance date July 16, work was done July 21. No

returned mail, itw as a total assessment of \$217.46.

Olding: February 12, 2020 was the first contact I received and was told it was removed February 18 by Julian. The second letter when I received it. I called the 16 of July and talked to Ashley about the situation and was told I couldn't remove the graffiti because it was federal property and against the law and they would take care of it. I talked to the post office and thought they took care of it. I received this last letter about the assessment and talked to Mai Vang.

Moermond: I think that when you spoke with Ashley she believed that it was a US postal service drop box, and on inspection and with confirmation from the USPS it is not one of their drop boxes. There was confusion in that communication, she does appear to have followed up with the USPS and we are now clear this isn't their property, it is private property, like a mailbox on my house.

Olding: we were very specific on what it was.

Moermond: I understand your frustration, I do see there was follow-up and there is now a waiver on file. What would you tell customer service for a better service?

Olding: they should have checked with the USPS. I'll follow up with the Post Office.

Moermond: when you bought the house was it there?

Olding: it's a commercial building. I called them and they installed it after I bought it.

Moermond: I have no idea how that works. Back and forth communication earlier would have been helpful, we can let them know. We are deleting the assessment because we have a waiver on file.

Referred to the City Council due back on 1/27/2021

- 11 RLH TA 20-642** Ratifying the Appealed Special Tax Assessment for property at 1831 UNIVERSITY AVENUE WEST. (File No. J2102P, Assessment No. 218401)

Sponsors: Jalali

Delete the assessment (waiver on file).

Referred to the City Council due back on 1/27/2021

- 12 RLH TA 20-634** Ratifying the Appealed Special Tax Assessment for property at 1040 WESTERN AVENUE NORTH. (File No. J2102E, Assessment No. 218301)

Sponsors: Brendmoen

If no same or similar by January 27, 2021 delete the assessment.

Lin Qian appeared via phone

Staff report by Supervisor Lisa Martin: this is for a summary abatement order issued June 3, 2020 to property and Lin Qian in Eden Prairie to remove mattress and furniture off boulevard. Compliance date June 10, rechecked June 10, work order was sent and

the work was done by the owner. There have been a couple complaints for snow in the history, abated by the owner, and a vehicle complaint listed as unfounded.

Qian: my main issue is with the communication system. This is a rental property; I am 40 miles away. This has been mentioned many times. I have a neighbor who is very vigilant about the property, so I suspect he makes the calls. I'm not complaining, but when letters are sent by snail mail it doesn't come timely. When tenants live there it is fine because they receive them and correct the issue. Mostly they are good tenants. This time, it was 3 young people so they aren't as responsible and I got the letter on the 9th, I called late that day and left a message. I know the inspectors will call in the morning, I didn't get a response though. I called the morning of the 10th, the day of the deadline, I got a hold of the inspector. I called the trash company on the 4th, before I even got the letter. They said they need at least 3 days, that makes it the 12th. On the 9th I called again and needed a list of the exact items. I called and you can see the payment for 7 items. After I made the payment, I got the letter. Without issuing a citation I will take care of things. The timeline just isn't as fast as I want because of the trash company restrictions, this company is slow.

Moermond: from what you're saying in your email, it says the inspector agreed the second inspection would be June 15. It looks like the Parks crew was dispatched on the 15th. Could it be there was miscommunication on the inspector's part? It was a few more days, but it was actually the Parks crew going?

Martin: that is true. Once they send the work order, they could put "don't do until the 15" so they aren't charged for anything to be removed just for the trip cost.

Moermond: I could see where someone would be confused on that.

Qian: no one mentioned it. I talk to every inspector and ask them if they can email these orders so I get them more than a day or two before the deadline. I never even received the excessive consumption letter.

Moermond: you did in this case, and you spoke with the inspector. I wish we could do emails but there isn't capacity right now with our computer team to modify the system to do that. With respect to the assessment, your Public Hearing is on January 27. If there are no same or similar orders between now and then I'll recommend this is deleted. We won't count snow or grass. This will be deleted if it is maintained and your property is kept up.

Referred to the City Council due back on 1/27/2021

Special Tax Assessments-ROLLS

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|-----------|--------------------------|---|
| 13 | RLH AR
20-151 | <p>Ratifying the assessments for Collection of Vacant Building Registration fees billed during January 23 to June 12, 2020. (File No. VB2102, Assessment No. 218801)</p> <p><u>Sponsors:</u> Brendmoen</p> <p>Referred to the City Council due back on 1/27/2021</p> |
| 14 | RLH AR
20-152 | <p>Ratifying the assessments for Securing and/or Emergency Boarding services during July 2020. (File No. J2102B, Assessment No. 218101)</p> |

Sponsors: Brendmoen

Referred to the City Council due back on 1/27/2021

- 15 **RLH AR** Ratifying the assessments for Collection of Fire Certificate of Occupancy
20-153 fees billed during March 16 to June 13, 2020. (File No. CRT2102,
 Assessment No. 218201)

Sponsors: Brendmoen

Referred to the City Council due back on 1/27/2021

- 16 **RLH AR** Ratifying the assessments for Excessive Use of Inspection or Abatement
20-154 services billed during May 22 to June 19, 2020. (File No. J2102E,
 Assessment No. 218301)

Sponsors: Brendmoen

Referred to the City Council due back on 1/27/2021

- 17 **RLH AR** Ratifying the assessments for Graffiti Removal services during July 7 to
20-155 30, 2020. (File No. J2102P, Assessment No. 218401)

Sponsors: Brendmoen

Referred to the City Council due back on 1/27/2021

11:00 a.m. Hearings

Summary Abatement Orders

- 18 **RLH SAO** Making finding on the appealed nuisance abatement ordered for 913
20-35 JOHNSON PARKWAY in Council File RLH SAO 20-18.

Sponsors: Yang

Nuisance is abated (new orders will be issued specifically naming shed).

No one appeared

Moermond: Supervisor Martin, what you're saying is that from your perspective it is a cleaner enforcement to close out the orders that don't specifically call out the shed and say there is substantial compliance. You will then issue new orders on the shed that is more specific. Could the appellant be verbally told what is going on? If he wants to appeal and get a different deadline we'll accept the appeal without a fee. We kind of have dangling issues from before.

Martin: do we want to give him until spring?

Moermond: that's your call, I don't care what it is.

Referred to the City Council due back on 11/18/2020

- 19 **RLH SAO 20-43** Appeal of David Duong to a Summary Abatement Order at 496 EDMUND AVENUE.

Sponsors: Thao

Deny the appeal, noting the property is in compliance.

Referred to the City Council due back on 11/18/2020

Correction Orders

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 20 [RLH VO 20-51](#) Granting an additional 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 stay of enforcement to November 16, 2020 (Council granted stay to November 18, 2020) 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. Property must be in compliance by November 16, 2020 or must be vacated.

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

Moermond: right now I'm looking at resolution the City Council adopted, and two weeks ago they granted a stay of enforcement on the order to vacate through November 3, which is today. They asked me to review this stay of enforcement to come up with a recommendation for them about whether it should be stayed further for continued occupancy, and that was depended upon the court proceedings. I looked through the October 28 and November 2 court orders.

Xiong: at the previous Legislative Hearing I'd indicated we had a court filed later in the week, upon arriving to court the court clerk informed me the hearing had been cancelled and Ms. Carney was going to appear remotely and court was unwilling to allow me to state the objection to that cancellation. It was rescheduled to October 28 and found Ms. Carney had failed to comply with installing a heating system, and then set a review hearing for yesterday. Ms. Shaff provided an affidavit that no permits had been pulled so the furnace issue hadn't been addressed, at the review hearing Ms. Carney didn't make an appearance and they entered the order I submitted. We made a motion to hold Ms. Carney in contempt of court, and they set another hearing as required to determine whether she in compliance November 17. If she isn't they will issue an order of Conditional confinement, holding her in contempt of court and take her into custody. More or less, it's the end of the road in terms of the court's abilities. Immediately after the hearing yesterday I received a call from Epic Property Services who I had contacted to see about being an administrator. Mr. Davey is on the way to the property to look at it. That obviously makes a difference, if they can come on board as court appointed administrator we could likely seek that instead of pursuing

contempt.

Moermond: I'm going to ask Ms. Shaff about the heating. My understanding is we have a new heating installed but it was done without permit. Is it safer for the tenants to be operating this furnace without a permit pulled or to operate the space heaters.

Shaff: neither one is great, especially when we're going into cold weather next week. We don't have enough information on the furnace about who installed it, venting electric mechanical permits weren't pulled. Without going deeper into it there may be issues. The flip side is that space heaters have limitations, we've asked them not to leave them running unattended.

Moermond: and they made it work. The space heaters could be operated within the specs provided by the manufacturer and the tenant has done that in compliance, and we don't know because of the unpermitted work we don't know it is operating as it should be. I get the risk of an accidental fire with a space heater, but at the same time they are versed in how to maintain them safely. In considering allowing for another stay, I'm personally more comfortable with the space heaters and them knowing those issues. Problems with the furnace is that it can kill people in their sleep, correct?

Shaff: yes.

Moermond: so I see the lower tech solution as better.

Carney: I don't have a problem with it. They are doing a good job heating the house right now. I went downstairs with a potential contractor and it was pretty warm down there. The person from CenterPoint Energy said they have heat going in and out from downstairs, that's keeping it kind of warm. I don't have a problem with it, it gives me time to get everything situation. I'll know in a couple days if I can get the furnace fixed. I did send you information showing my bank account was frozen. I didn't appear in court, I assumed I had a zoom. I called them multiple times yesterday, and I didn't get anything back. This was before the time. I sent out information stating I couldn't appear in person due to restrictions from my doctor. I don't know what happened with that. As far as the stay I don't have a problem with extending that.

Cyrus: I just want to state for the record that Epic Property Management's lawyer has been here for the last 25 mins conducting his evaluation.

Moermond: my recommendation to the City Council tomorrow will be to ask them to stay enforcement on the existing order to vacate through November 16. If the matter isn't resolved by November 16, that will be clear for court consideration Tuesday, November 17. Either its resolved or unfortunately the property will need to be vacated at that point. I don't feel comfortable going out further than that. The vacation of the property will move it into the vacant building program.

Shaff: in order to make sure it is properly vacated; we will go out and make sure it is unoccupied. Unfortunately it is hard with the Governor's eviction moratorium to remove people. I don't know.

Moermond: fines will start to accrue.

Shaff: there's probably an exception due to the life safety issue.

Moermond: we'll have resolution, or not, by the 16th, and you will check to see if it is

vacated. It goes to the vacant building program, they have a registration fee over \$2,000 billed right away, then a code compliance needs to be issued before it can be reoccupied.

Shaff: yes.

Moermond: November 16, in compliance or vacated. That's way there's clean information for court on November 17.

Xiong: could I request the vacate date the 18th? I don't believe resolution is necessary—

Moermond: no, it is not sufficient. Whether a permit has been pulled or not isn't the benchmark of compliance. A permit being finalized is. November 16th is the date. I'm uncomfortable even going out that far. I will recommend a stay under the same conditions of the previous one. Do not operate the heating plant, please use space heaters as previously instructed.

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

21 RLH VO 20-50

Appeal of Chikio Richmond, Healing Homes, to a Fire Inspection Correction Notice (which includes condemnation) at 862 FIFTH STREET EAST.

Sponsors: Prince

Deny the appeal and grant to December 1, 2020 for compliance.

AMs. Chikio Richmond appeared via phone

Staff report by Supervisor Leanna Shaff: September 30, 2020 we received a complaint that this property was being used as a halfway house/group home. James Thomas went there the same day and wrote orders stating there is 10 people house is being used as a sober home. Reinspection October 13. October 13 he went there finding issues with people sleeping in the attic without adequate ceiling height, six beds tucked into a section of the attic. The emergency escape and rescue windows are blocked by a portable air conditioner and one by a bookcase. He also wrote orders for the screens, unapproved locks on the doors, window glass, multi plug adapters and extension cords, combustible storage. We found especially disturbing in the attic, there is an open building permit but not adequate electrical up there. There are extension cords on reels plugged in to receptacles and strung across attic to service each end. There are also a couple of building stop work orders in the file from building trades for electrical permits not obtained for an added finish and a garage in back that is no longer there. There was some concern with some trees that need to be removed in the hole back there. That's going on too. A lot of moving pieces now. I've talked to MS. Richmond telling her she needs approval from zoning for a sober house. That can take up to 60 days. Ms. Cassman in zoning is putting a priority on it, but as of yesterday there was a letter emailed that we haven't received a complete sober house application so everything is denied.

Moermond: item number 9 calls for a code analysis for requirement of an approved occupancy. Is that for a rooming house type use?

Shaff: possibly. We are assuming from conversations yes, but we don't know. We also got a complaint from the Minnesota Department of health that it doesn't have a lodging

license. The complaint was about a rat infestation.

Moermond: when they receive that type of complaint at MDH do they forward to your office for enforcement?

Shaff: lodging license would be independent. They would forward the rat infestation and things like that to us.

Moermond: the crux of the matter here is the attic space used for sleeping, blocking egress, ceiling height, electrical and then more than 4 unrelated individuals living together. I'm not clear based on the description of what we're looking at, especially taking out the attic as a sleeping area, whether there is sufficient square footage for the number of adults and children sleeping there. Those are the high points I hear. Ms. Richmond, if you want to tell me why you are appealing and where you're for?

Richmond: I'm not objecting to any corrective orders that have been cited, the length of time to correct the specific items is the concern. After finding out about the September 30 orders, I reached out to zoning and Inspector Shaff to get clarification on the order. My concern is that the amount of time didn't meet City timelines. The corrective order for zoning is a 60-day process. I wanted to go through that process before I told someone they had to vacate. I rent this house from the owner who is English as a second language. I was under the impression from the owners that the attic was approved for usage of sleeping. Since receiving the orders I have submitted a new floor plan that doesn't utilize the attic space. I was informed by the inspector on the 13 that the requirement states 50x50 is allotted for each person. I did submit that to zoning. As of yesterday I did get a response that we still need to work through the parking recommendations and accommodation portion. Once I get that in it would be my complete application.

Moermond: it sounds like you think you weren't given enough time. It seems like you were asking for forgiveness for using it this way, rather than permission.

Richmond: this is my second home. I reached out zoning in May to inquire about sober housing. Once receiving confirmation I submitted my confirmation and payment to the location on the application. I didn't hear back by end of July, so I followed up by email with Ms. Cassman. At that time she asked me where I mailed it, she said it wasn't the best place to send it due to Covid, since no one was officing on site. I did admit that with everything going on I didn't restart the application before getting clients in due to the need. A lot of them come from the encampments. That's where we came to the complaint on September 30 because yes, at that time I had not resubmitted.

Moermond: you worked with zoning Ms. Shaff, what did they share in terms of processing an application?

Shaff: there are many pieces that come into what is required. Ms. Richmond has a home on DeSoto which she had gone through about a year ago.

Moermond: so this isn't a new process for her.

Shaff: correct. It spells it out on the website what is required. I have a pile of emails and I don't pay as much attention to zoning as I probably should, but one said there was a request for a reasonable accommodation as a sober house. A request for reasonable accommodation for the parking requirement. There are two forms to it, including floor plans which include dimensionally accurate information.

Moermond: and that has to do with square footage in the bedroom, which is a minimum of 70 square feet for one person, and additional 50 per person.

Shaff: it includes where emergency escape and rescue exits are. We run into this in this older housing stock, there's not the required ceiling height. In this there is no way it would make it. The requirement is 7 feet over half the floor area, but we don't measure the floor area until the ceiling is 5 feet high.

Moermond: so a knee wall is 3 or 4 feet high, you measure once the ceiling is 5 feet.

Shaff: then we need 7 feet of ceiling height over half the floor area. Let's say we have 100 square feet; 50 square feet needs to be 7 feet or more. The emergency escape and rescue openings, the way smoke and heat act. There is potential with less ceiling you are filling a room faster.

Richmond: I assumed Ms. Shaff new this, I hired a consultant the first time I engaged in this last year. I wasn't a part of the application process, so this is the first time I've done this myself. I tried to get assistant from my consultant Georgia, I'm not disagreeing with anything your saying. I'm just asking for enough time to work through it, being the time frame from inspection and reinspection was 2 weeks. I want enough time to make sure we can do what the city is asking for.

Moermond: how many people are there now?

Richmond: 10 people.

Moermond: even if you were to receive an accommodation you could only have six maximum.

Richmond: why? If you could take a look, I added you to an email when I submitted the application –

Moermond: my understanding of zoning code is special accommodation for sober house living is it is six unrelated adults. Are there exceptions to that?

Shaff: up to 12.

Moermond: single family homes based on specific review of the layout.

Shaff: yes. And a piece of that is when it is inspected it may accommodate less.

Richmond: in terms of the floor plan for the site, I believe I added you to the application request I sent in last Thursday.

Shaff: when I ran it by Inspector Thomas, he was having some difficulty---I can't comment on it until I get out there and look. It doesn't match up with what I'm hearing from him.

Richmond: I was waiting for a report with the distances in them, but I haven't received those. Can you tell me what he has for the rooms?

Shaff: the one on the main floor was 84 square feet. I don't have the measurements for the rest of them.

Richmond: that sounds about right, and that room is only for one person.

Moermond: what kind of extension are you looking for?

Richmond: I'd like to the end of the month.

Moermond: today is November 3, I'll ask the Council to grant do December 4, 2020 for compliance. That means an inspection will be scheduled soon after that. You should have your sober house certification handled at that point.

Shaff: I'm seeing open permits for the hole in the ground in back and we ask that those are resolved in the sober house requirements. There's a hole where the garage used to be.

Moermond: I'm not seeing it in the orders.

Shaff: it is in the sober house application.

Moermond: why isn't in the orders?

Shaff: I don't have an answer.

Moermond: so it's not but it could be revisited and you are giving a heads up that that is in play. Coming into compliance means resolution of that in order to get the sober house application done.

Shaff: there's some building warning files.

Moermond: and that's in the orders. So including the permits, knowing that the indentation in the back yard needs to be dealt with in order to complete the sober housing application, which is part of the orders.

Referred to the City Council due back on 11/18/2020

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 22 RLH FCO** Appeal of Alan Bell, Salon Elise, to a Correction Notice-Reinspection
20-146 Complaint at 1619 UNIVERSITY AVENUE WEST.

Sponsors: Jalali

Grant to January 1, 2021 for compliance, including approved site plan.

Alan Bell appeared via phone

Moermond: we were going to reconnect after you applied for the change in use. I did some follow up on that yesterday, it sounds like you sent a building permit application to Joanna who forwarded it to DSI. The problem the dept had was there was no attachment indicating the changes you were going to make so it would be designed appropriate to how you want to use the space. They need more specific information about your intentions. A lot of people at this point engage someone to design a space,

an architect or general contractor, it is that kind of plan the dept is looking for.

Bell: I got an email from them yesterday saying that and giving me a list of resources. I was following up with that today.

Moermond: I'd like to wrap up and put an extension date to give you a deadline for resolution. The first set of orders was July 20, then a follow up letter from September 28 that is under appeal. Today is November 3, I'd like you to come to resolution of this with an approved plan for using the space by January 1, 2021.

Bell: that's fair. I think I'm almost there. My issue is because it is so hard to start a business, I designed it based on the existing space, we don't have to do anything to the building at all. We painted and added security cameras. Because it is a business incubator it is a different business every month.

Moermond: there may be changes to the space the designer says needs to happen. They may have changes based on assembly space, those need to be taken care of by January 1 so the Fire Inspector can come and give the ok.

Referred to the City Council due back on 11/18/2020

2:00 p.m. Hearings

Fence

- 23 [RLH OA 20-8](#) Appeal of Brian Bellendorf to a Denial of a Request for Fence Variance at 1214 SAINT ALBANS STREET NORTH.

Sponsors: Brendmoen

Layover to LH November 10, 2020 at 3 PM for further discussion. (LHO talked to building official following the hearing, building permit will be issued for fence portion extending from front of house to back of property; fence portion from front of house to sidewalk pending)

Brian Bellendorf, owner, appeared via phone

Michael Kuchta, District 10 Como Community Council, appeared via phone

Moermond: what I'm looking at is a determination made by the Building Official for a request for a 7-foot fence running the entire length of the house from the back to the front of the sidewalk. The part in question is the part from the front of the house to the sidewalk. That is a 3-foot variance from the 4-foot code expectation. You did have a written statement Mr. Bellendorf, if you want to review that and walk through your thinking.

Bellendorf: the letter I included with my reasons for the variance request, this is my request to appeal that determination is highlighted. The main factors are objects crossing over my property line. There is a duplex next door, and one side of the duplex is occupied by one family and one another, the side directly adjacent to my property have children who use the front yard to play. They have a basketball hoop and the ball goes into my yard. They don't understand boundaries and they are unattended; I have seen them pick up rocks in our landscaping and throw them and I'm concerned they will throw them through the window or hurt themselves. I feel like they wouldn't come over there if they couldn't chase it. I don't feel like 4 foot fence would be effective in

keeping those objects out. A fence would help with the noise pollution from the property, there are a lot of screaming and domestic disputes next door. Another large part is vehicle noise, the driveway for the duplex is shared by both occupants of the building and the folks in the side not next to us run a tree trimming business and use really loud equipment in the driveway. Woodchippers, loud hydraulic equipment. They do work on their vehicles in the driveway. Because of the way our home is designed the only large bedroom happens to be on that corner by the driveway.

Moermond: you just said that the people in the residential duplex is running a tree trimming business out of their house?

Bellendorf: they run a tree trimming operation and I'm not sure how the business is set up. They have a woodchipper parked in the driveway and they fill trailers with brush and then the trailers are parked on the street. One reason I'm asking for the variance is to help bounce back some of that noise coming from that property. The bedroom wall is so close to the driveway and there's a well substantiated history of problems if you look at the duplex history.

Moermond: 1204 and 1208?

Bellendorf: yes. Noise is a big problem, in addition there are busy arterial streets and a bus stop on the other side of the duplex, and a railroad track. I know those are normal things but those compounded with the things I've mentioned makes a ton of noise. There's also piles of garbage, mattresses, doors, bags of garbage, and other random things sitting on the property line that I don't want to see frankly. The history of living here, I guarantee if you lived next to this property, you would be asking for a variance as well. We moved in 3 years ago. The day we moved in there was six squad cars in front of the duplex. The first time we had contact with anyone was when we wanted to have a meet and greet with the neighbors, we left a flyer on their door for a backyard get together. We had nothing but problems with them after that, Max and Rodney Sweeney live in 1204. Max is Rodney's son, but he's been living there and he was dealing drugs for a while, the owner of the duplex said the DEA was involved and the owner is Daniel Osadchuk. Several people in our neighborhood have contacted him over the last 10 to 15 years about issues at this duplex. We didn't find out about that until after we moved in. We've gone to speak with I'm twice because we are afraid for our safety living next to them. We've talked about the garbage and the domestic issues and Rodney and Max have harassed me. A lot of our neighbors have called the parking police about trailers full of trees and you can't see to turn onto our street. They blamed us for that, even though we didn't call all the time. The son actually came out and harassed me one morning, screaming at me about the parking police calls. He stole my car a couple years ago. He also stole the catalytic converter from the other duplex occupant's car. He was trying to steal his baby through the window of the duplex. That's also in a police report. Living next to them has been a nightmare and the first two years I've lived here, I tried to just stay in the house and avoid them.

Moermond: I'm going to hit pause for a moment. I have Steve Ubl on the line, who heard your comments, I wanted to confirm that you do not have an existing fence between your yards right now?

Bellendorf: there's wire fence, it is like chicken wire. It doesn't obstruct anything. It is from the back to the front; it is 2 to 3 feet height.

Ubl: there are 3 criteria in my considerations for denying the variance. I couldn't see any of the information provided that fit those 3 criteria. Those criteria are site, terrain,

or nuisance animal conditions warrant a waiver of the height restrictions.

Moermond: and people don't count as animals. You didn't think the conditions allowed you at the department level met one of those three.

Ubl: may I ask, do you have the photographs?

Moermond: I do.

Ubl: it isn't a corner lot and there is an elevation change between the two properties.

Bellendorf: do you have any advice for me?

Moermond: you are located at a higher elevation of about 1 to 2 feet?

Bellendorf: there's a rock retaining wall, I would say the part were talking about between the two front yards and the driveway is a foot or less. At the sidewalk it is nothing, and then it goes up some towards the back of the house. I do want to say my request is for 7 foot but only because the max height allowed on the side for the 7 feet. We can certainly go shorter because of the elevation change, if that's a concern.

Moermond: I wish we did have advice for you. I lived next door to a problem property, I had a similar kind of a fencing concern. Fences do help, they aren't the end all. A lot of the behavioral things won't be addressed by a fence. Flying basketballs and garbage, sure, boundary setting is helpful. But fences don't do a lot of other things. Is this a privacy fence? Chain link? What material.

Bellendorf: a privacy fence. The plan is to have it be overlapping, sort of like the siding on a house. A horizontal fence, clean lines. I certainly appreciate the fact that it wouldn't stop the behavior. I'm coming from a place of we love our house and neighborhood and other neighbors who we have strong relationships with. I want to be able to be in my front yard and feel safe and comfortable and not be harassed. I feel like the fence would provide a physical barrier for objects but also a psychological barrier. If I can be out there and not have them call me an unprovoked nasty name because they see me out there, that's all I want. They are not normal, reasonable people, their baseline is angry and screaming profanities.

Moermond: have you considered a HRO?

Bellendorf: I am afraid after talking to the duplex owner. He's had them as tenants for 20 years, he said he's afraid to evict them because he knows they will trash the property and come to his house and hurt him or his house. He acknowledges they aren't normal rational people. I'm afraid of them too. They will come destroy my car.

Moermond: do you have security cameras?

Bellendorf: I had to put cameras in because of the neighbors. They just cover the street in front of my house. After I put them up the son Max Sweeney screamed at me saying it's illegal to point them at his property.

Moermond: it is totally legal.

Bellendorf: I know that. Because of the car theft we do have cameras. I just want to be as peaceful as possible; the fence would help a lot. It won't stop behavior but it will

stop interactions I don't want to have.

Moermond: maybe. That's your hope.

Bellendorf: there's an error in the letter I sent, I didn't include the petition because I'd hope to build the fence in the spring, 25 of my neighbors said they'd sign, and I was waiting for Covid to be over but that's obviously hasn't happened. I told Melissa Doody the plan examiner if the petition would help I'd figure out a way to do it, but I wasn't able to get to that point before this hearing. Again, I will do that and I have 25 people who will sign it. Nobody's view is obstructed. It will look nice; I care that things will look nice.

Moermond: I don't have any design attached. You have a fence without a back side, both sides are attractive.

Bellendorf: yes. I looked at some examples online. My brother is a contractor and looked at it; we talked about it being nice from both sides, especially the side facing the neighbor.

Moermond: Mr. Kutcha does the district council have a position on fencing variances for front yards?

Kuchta: we weren't aware of this request until we saw it on the hearing agenda. We don't have any discussions; I cannot think of any front yard fences in the 5 years I've been here. Mr. Bellendorf described a horrific situation from his family's perspective, I only saw 3 calls on that block in the last 2 years, I don't know how much is being called in. The fence could reduce some of the issues, but the real problem is this needs to be an excessive consumption situation. Addressing the ultimate problem is having the neighbors and landlord call in all the noise and criminal activity so there's a record built so they can be evicted. This is a situation where the neighbors know what's going on, they support this, the landlord knows what's going on, they should be talking with DSI and the police about an excessive consumption approach.

Moermond: you have to have the inspector out there to charge excessive consumption. We haven't had inspector visits. I'm hearing commercial equipment on residential property, I'm not hearing maintenance issues. It does sound like there's a Fire C of O property, there may be potential there. I don't know what the police situation looks like, it seems to me the landlord is ducking responsibility for managing tenant behavior. The landlord does have exclusive authority for managing that, it's unfortunate that's the position he's taking.

Bellendorf: I did work with Patty Lammers the community liaison, about a year and half ago. I learned a lot including that we weren't doing it right, we weren't giving the actual address, so we'd just say it's the duplex on the corner, and when we do that it doesn't get recorded on the police records. After that we started giving the address.

Moermond: you can make a request for calls to intersections. There should be a log for that. Just not to the numbered address.

Bellendorf: she was saying pulling it up using the number wouldn't include those. Also the last time I spoke with the duplex owner, he took it upon himself to print out a SPPD report dated July 2, 2019 and it has a dozen different calls listed. I'm not sure why you're not seeing those Michael. As far as the excessive consumption thing, we've talked to Patty about that, you just have to keep calling on everything. The

neighborhood made a concerted effort to do that. Ms. Moermond, you mentioned the commercial business issue, I think the property owner may have done something about it, there used to be a boom truck being parked on the corner. Now that boom truck has moved, something happened with that.

Moermond: the last complaint on the boom truck was in 2018. Again, calling in, you'd want to keep doing that if it persisted. There isn't a documented history on that. One thing I'm noticing it is due for its Fire C of O inspection now. I can ask for that to be initiated. It came due earlier this year, likely delayed due to covid. It sounds like a situation where we could initiate a conversation. I can share the record of this hearing with the Fire Inspection Supervisor and she can involve the police who are assigned with code enforcement. This sounds like a candidate for that. That also provides a deeper conversation with landlord about expectations. I'd like to problem solve, we have limited code enforcement issues, we have police issues, and I'd want to know what the police can offer. The HRO is a strong tool, I know that's scary to do, but it will get them jail time for violating it. It is most definitely in your interest to install cameras and manage that so there is something that happens you are covered. Right now I haven't landed the plane on the fence variance. I know you want an answer today, I think the best outcome you may get would be for a fence that front the front of the house to the sidewalk gradually decreases to a lower level, so at an angle. So a six foot to a 3 or 4 foot level at the sidewalk. I need to think about that more. The addition of a 7 foot fence does start to lend an air of a fortress, not a neighborhood. I want to help you problem solve. The 7 feet will help for sound and noise mitigation, and the front to the sidewalk won't be quite as important for that use. I'd like to lay this over for a week and in the meantime, have you looked up the information from MN courts that explains how to file a HRO. It is built for situation where you are confronted in scary ways, naming that is happening, I've seen it be successful. I know it is scary. It seems like you have a lot of support from your other neighbors. They could appear via zoom. I can tell you that the harassment order itself is granted without a hearing and if the person receiving the order wants a hearing it would be triggered, otherwise it just sits and then if the police need to be called they can act on that as well as the crime they are faced with. It's a strong way to get at some of this stuff. I will follow up with Fire Inspections and review your situation more carefully. You hear where I'm coming from with the sloping of the line of the front fence at best, I'm hesitant of creating that fortress feel in a residential area. The 7-foot height from front to back is going to be a lot of what you're looking for noise mitigation wise. Mr. Kutcha, what can the district council offer?

Kutcha: I'd like to follow up with Patty Lammers. Brian it sounds like you've talked with her and the block made an effort, I'd like for her to investigate what happened internally because if you were indeed following her recommendation I'd like to know what police and DSI decided to, or not to do. We certainly could help have a virtual meeting with you and your other neighbors, but it sounds like we couldn't do more than you've already done.

Moermond: I have to emphasize calling more. The excessive consumption Ms. Lammers refers to is based on founded calls in. That's to Code enforcement. It has to be code violations. I think involving police in the inspection process and putting the landlord on the spot. The landlord should be taking the heat, not you, the neighbor.

Bellendorf: I appreciate what you're saying. I frankly feel exhausted with the process of trying to get them to move out. When we met with Ms. Lammers, I asked for a meeting she brought with her two detectives. I went to Facebook and typed in this kid's name, and his profile was public, and I printed out copies of advertising drugs for sale. I tried

to present this case to them and they basically said it doesn't work that way. It is all stuff from the past, it is not currently happening. They said they would basically watch the house. I really appreciate the advice about the HRO but I have given up on that avenue because like I said, in talking to the duplex owner, the son went to jail after stealing the baby and then was on probation, but now he's back. I don't want to do anything to create a situation where they want retribution.

Moermond: I hear where you're coming from. I think we need to put the landlord on the spot and the City be the instigator on some of this. We do need you to call in when situations arise. It is very much in everyone's interest to install cameras. That will be good evidence for the police for further action. There's no reason for the occupants to be aware of where that evidence comes from. If Michael follows up with Patty that would be great. I'm not sure which officers the fire people would involve, my experience is they are pretty good. I will try and come up with a recommendation on the fence height variance by that time. We'll do 3 pm next Tuesday.

Bellendorf: I have to say I thought this was just about fencing, I don't know what the property owner's loyalty is to the tenants. I don't want my name involved with him.

Moermond: no, that's the beauty of the Fire C of O program. We would be showing up anyway.

Bellendorf: got it. 3 pm Tuesday will work.

Moermond: we will copy the building official on this letter, but it will get you squared away. The portion of the fence from front of house to back of yard is code compliant. So you can get rolling on that while the weather is good. I will point out to the fire inspector about the police history at the property. I will background them to the other case but will respect your privacy.

Bellendorf: Michael, are you familiar with Adina Weseman. She lives on my street down from half a block. It may be helpful if you were to ask her about that.

Kutchta: she was a board member; I'd be happy to do that.

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