



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, November 10, 2020

9:00 AM

Remote Legislative Hearings

9:00 a.m. Hearings

Remove/Repair Orders

- 1 **RLH RR 20-44** Ordering the rehabilitation or razing and removal of the structures at 854 EDMUND AVENUE within fifteen (15) days after the December 2, 2020, City Council Public Hearing.

Sponsors: Thao

By close of business November 13, 2020 PO must post \$5,000 PD with DSI and apply for Code Compliance Inspection (including lox box code). If completed, refer back to Legislative Hearing on December 8, 2020 at 9 am.

Susie Thill appeared by phone

Staff report by Code Enforcement Manager Steve Magner: there was a letter sent October 30 to Susie Doris Thill, confirming October 27 at the Legislative Hearing, Marcia Moermond recommended continuing this matter to today. By close of business November 9, 2020 a \$5,000 performance deposit must be posted and apply for a code compliance inspection, and property must be maintained. As of today we don't have the performance deposit posted nor a code compliance application submitted.

Moermond: do we have it being maintained? I thought you were in a place where you were going to do those things. They didn't happen, what's going on?

Thill: I was in Oregon working, I didn't realize this meeting was going to be a real meeting. I didn't get back until last Thursday and have four kids distance learning so I just went to do it. I have the \$5,000 and the money to get the code compliance inspection done, and I have the application. I just didn't get it mailed because I got back here Friday. I had to get to a bank.

Moermond: the letter was quite explicit, and you didn't read it.

Thill: I did receive the letter by mail—

Moermond: it was emailed.

Thill: it was, it was just right when I was moving back. If I had known this needed to be

done, I would have asked for an extension last time.

Moermond: there are a bunch of things that need to be done before Council when they consider it on December 2. Those two initial things were because it would set you up to get an extension to deal with the other things, which are more extensive and will take longer. The \$5,000 performance deposit was in correspondence 8 weeks ago, as well as the code compliance inspection. You are kind of behind the 8 ball on this one.

Thill: I understand.

Moermond: trying to get things done over the holiday will screw you up. What is your ability to get the performance deposit posted quickly and application made?

Thill: I have the lock box on the house. I have the money and the bond, if you could take a payment right now I have it.

Moermond: am I mistaken, can you do it online?

Magner: only option is she can bring it down to the office today, we have a slot to drop it.

Thill: the code compliance has to be mailed; it is ready to go. I didn't check the paperwork until this weekend, as I said.

Magner: you can't pay for them online. You have to drop it off or mail it in. The problem is that we have limited people who can handle it, but accounting doesn't allow us to do a card over the phone anymore.

Thill: I can leave right now.

Magner: are you applying for a single family?

Thill: the last code compliance said it wasn't zoned for a duplex, even though there were 2 kitchens.

Magner: at one point it was a duplex in a single-family district, if it would have been rehabilitated in 2017 within the first year of it being vacant it would have been reestablished. At this point, you would have to go through the planning commission to reestablish a nonconforming use as a duplex.

Thill: I want to do it as a single family.

Moermond: this is in front of Council Wednesday, December 2. I would love to tell them we have the code compliance ordered and the performance deposit posted. If those things happen it makes it easier for me to ask them to give you more time to get bids and financing squared away. I'm willing to handle this in stages, but we have to get out of the gates on that. I'd get it in before the snow flies today.

Magner: if you come off of 94 onto sixth street exit and cross over Jackson, pull up to the parking lot and just pull up to the gate and tell them you're here to see DSI. You can park for free for 20 minutes. Go in, walk in and up to the second floor and towards the skyway and go into a corridor with a mail slot.

Thill: checks should be separate?

Magner: yes, two separate checks.

Moermond: I can talk to the building official and see how this can be expedited, but with the holidays and people who need to use vacation after working months straight due to Covid means staff hours are limited. The lock box is there is good, make sure the number is on the application. We'll send a follow up letter, and you get that stuff done today so we can ask for more time to work on it.

Referred to the City Council due back on 12/2/2020

2 [RLH RR 20-42](#)

Ordering the rehabilitation or razing and removal of the structures at 535 FOREST STREET within fifteen (15) days after the November 18, 2020, City Council Public Hearing.

Sponsors: Prince

PO must post \$5,000 performance deposit and apply for code compliance inspection by close of business November 16, 2020. If completed, refer back to Legislative Hearing on December 8, 2020 at 9 am.

*Vanna Yean appeared via phone
Voicemail left for Malika Keo at 11/10/20 at 10:07 am*

Moermond: when last we spoke we had some expectations about the property and what would be happening. I'd like Mr. Magner to update the record.

Staff report by Code Enforcement Manager Steve Magner: a letter was sent out on October 13 laying the matter over to today. Must apply for a code compliance by close of business Friday November 6, as well as post a \$5,000 performance deposit and the property must be maintained. Our records as of this morning we don't have either of those things.

Moermond: Mr. Yean, did you receive our letter confirming our conversation?

Yean: the letter I didn't receive, I got an email.

Moermond: yes, a letter by email. What's going on?

Yean: I've been working with the banks to try and get some home equity lines. They didn't approve refinancing. I am trying to do a line of credit and also talk to contractors to bid for the job. The price is really high in my estimation. The problem I have is that if I deposit the \$5,000, is that something I get back?

Moermond: we talked about this last time but we can revisit it. Yes, you post that performance deposit to move forward and it is just that, if you perform you get that money back again. We look for completion within 180 days. If you have the work done, it is returned to you with interest. It is a six month of grant of time if you get it. I'm concerned you're not telling me anything new today compared to 2 weeks ago. It is refundable if you are done on time. The caveat is that if you are more than 50% done at that six month point we have the option of extending the performance deposit and granting additional time to finish, but you have to be well across that 50% mark. Equally concerning is the fact you didn't apply for the inspection report. That's a lot less money and that will determine what work needs to be done. I get you're talking to contractors but that inspection report is the lynch pin on all of this. Why haven't you

done that?

Yean: I think I misunderstood that then. I didn't understand the refundable performance deposit. I didn't think you were going to give me enough time. I thought you had to work with the contractor first to see what needs to be done. At that meeting I didn't feel like I had the extra time, it sounded like you said I had until November 18. I think I misunderstood.

Moermond: my hope was that you would have these two things done so when the Council holds a Public Hearing next Wednesday I can say to them you made a good faith effort to get started with this. Then I would recommend you get more time. Right now, you haven't shown me you have put any effort into that. We don't have even the two most basic things done to get a grant of time. I need those two things done to even consider asking Council to give you more time with the bids and financing. Can you commit to me you'll get those things done this week?

Yean: yes. I misunderstood. They told me they won't even take a look at it, that's how I took it. That's why I need to look at a contractor. I mentioned that I had two buyers I'm negotiating with but according to what Steve told me, I can't sell the property as is right now.

Magner: I don't think that's the message we sent. We said if you want to rehab you need to post the performance deposit and order a code compliance inspection. If you are going to try and have a third-party rehab and sell it after it has been brought into compliance, you need to bring that information to the table. You can't sell it directly to anyone currently.

Yean: see, I misunderstood that completely. I told my potential buyer that it has to be fixed up before I can sell. They seemed to disagree with me. The other concern I have is that property is having issues with break-ins. My neighbors keep an eye on it. People try to break in and that's the downside and concern with my contractor.

Moermond: your neighbors might be calling it in, it is not their job to manage your property. If you're having problems with break ins maybe you need cameras or an alarm system. It is a dangerous condition you're allowing to continue. You've had repeated problems we discussed at the last hearing. I'm concerned you didn't understand the expectation when you got the letter, plus all the previous letters from DSI talk about the code compliance and performance deposit. That started in July. Saying now you don't understand is troubling to me and speaks to your ability to get this done. We would be happy to include a potential purchaser in another hearing, knowing they can't take title until the work is done. You have to get the performance deposit posted and code compliance ordered.

Yean: I can do that if you are willing to extend the date and get the refund back.

Moermond: let me be clear about this, if you don't have those things done by Monday, November 16, on Wednesday, November 18 I'll ask the Council to order the building removed. That's what you need to do.

Yean: sounds good. Now I understand better.

Moermond: if you do those things we will continue our conversation about a path to get this rehabilitated. If you don't, our conversation is done. Mr. Magner, please walk him through the process.

Magner: we can email you the forms, and then you write a check for both the performance deposit and code compliance inspection and bring to 375 Jackson. That would be the quickest way to get them in.

Yean: so I can go back to my buyer and I can sell, right?

Moermond: we've tried to be clear that a third party can do the rehab and take title after the work is done. That needs to be noted in the purchase agreement with them. You can't sell it legally at all without the code compliance done. If you get those two things done we will talk again December 8.

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

- 3 RLH RR 20-32** Ordering the rehabilitation or razing and removal of the structures at 901 YORK AVENUE within fifteen (15) days after the October 7, 2020, City Council Public Hearing. (To be referred back to October 13 Legislative Hearing)

Sponsors: Yang

PO to submit preliminary work plans with timelines and bids and timeline and home equity line of credit documentation to finance the project by close of business Tuesday, December 1, 2020. Refer back to Legislative Hearing on December 8, 2020 at 9 am.

Scott Redinger appeared via phone

Staff report by Code Enforcement Manager Steve Magner: letter sent October 15, 2020 to confirm that on October 13, 2020 Marcia Moermond laid the matter over to today. By close of business on Friday October 16 lock box must be installed and code sent to Nathan Bruhn. Provide general and subcontractor bids, financial capacity, affidavit of funds and maintain the property.

Moermond: was lock box and combination done?

Redinger: it is on the property and I sent the code to Mr. Bruhn.

Magner: I'm looking at the file and it doesn't look like they've done any inspections and I don't see they have added it to the file. I will have Reid contact him and see if he has that.

Moermond: today we were talking about bids and so on. Without the code compliance done we're kind of in a holding pattern on final bids.

Redinger: I did have an electrician come out. The panel was the old fuse panel, I knew that needed to be updated so I got a bid on that. I also have a roofer and they will get me a bid on replacing the garage roof, house roof was replaced in the last 2 years.

Moermond: we need the code compliance inspection report done to get bids. You can definitely have contractors look at bids that you know needs to be done. I'm going to reach out and see if we can't get this expedited. In the meantime I wanted to give feedback about the financing. The credit card information we don't use that as a source of financing so I'm going to set those document aside. You did show you have some saving and checking account money, about \$13,000 and you have a substantial

retirement account.

Redinger: I haven't provided it yet, but I also have a home equity loan of \$100,000. I wasn't going to use the credit cards, but I do have the home equity loan which will be available within 7 to 15 days for \$100,000.

Moermond: has the property been maintained?

Redinger: we were just out there a few weeks ago trimming and mowing and raking, it should look clean and sharp.

Magner: no new complaints and no current action.

Moermond: I'm seeing the City is estimating \$50,000 for the rehab and we need the code compliance done. We need the work plan with bids and home equity line of credit documentation. I want to see that code compliance before you move forward with bids, we'll try and get it expedited. I'll make every effort to have that done when you and I talk again on December 8, 2020. I hope by then you'll have had the code compliance and had some time to talk to contractors and some bids in place.

[Redinger gave Mr. Magner the lock box code]

Referred to the City Council due back on 12/2/2020

4 [RLH RR 20-45](#)

Ordering the rehabilitation or razing and removal of the structures at 2531 EDGCUMBE ROAD within fifteen (15) days after the December 9, 2020, City Council Public Hearing.

Sponsors: Tolbert

Layover to LH November 24 at 9 am for further discussion and update on foreclosure process.

Craig Barbee, attorney at Usset, Weingarden & Leibo o/b/o Nationstar Mortgage d/b/a Mr. Cooper, appeared via phone

Staff report by Code Enforcement Manager Steve Magner: the building is a one-story, wood frame, single-family dwelling with a detached two-stall garage on a lot of 7,841 square feet. According to our files, it has been a vacant building since April 4, 2017. The current property owner is Paul F. Hanson per Amanda and Ramsey County Property records. On September 2, 2020, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on September 8, 2020 with a compliance date of October 8, 2020. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$72,200 on the land and \$262,200 on the building. Real estate taxes are current. The vacant building registration fees were paid by assessment on May 1, 2020. As of November 9, 2020, a Code Compliance Inspection has not been done. As of November 9, 2020, the \$5,000 performance deposit has not been posted. There have been thirteen summary abatement orders since 2017. There have been two work orders issued for grass and weeds. Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$20,000.

Moermond: it looks like in the resolution itself we have Mr. Hanson listed as the owner

and quite a few liens on the property and Nationstar/Mr. Cooper is one of them. Looks like we have four different companies

Magner: PHHH home loans LLC, Nationstar Mortgage LLC, MERS and US Department of Veteran's Affairs.

Moermond: looks like water was shut off in 2017 and it was abandoned, is that what staff sees?

Magner: water shut off in 2017 and we've performed a number of inspections both day and night to determine if anyone was there, and we've not found anyone there. We've had neighbor complaints about illegal activity or occupancy but we haven't been able to verify that. We've issued summary abatement orders but only done 2 work orders. We did have a conversation in September when staff spoke with Paul Hanson and we explained when the legislative hearing would be and the first course of action to avoid demolition. His number is 612-730-8498 and phanson6699@outlook.com

Moermond: we can try to mail it to him too. Mr. Barbee you are representing one of the lenders, Nationstar/Mr. Cooper is in first position and you're moving towards foreclosure, where are you at?

Barbee: I believe we're in first position. The strange thing about this property is he is current on his mortgage. That's strange it has been vacant and water shut off. They believe the property is occupied. I guess that's one of our main concerns, if someone is living there how does this move forward with tearing it down? Does the City get an eviction order during the peacetime emergency?

Moermond: staff have no evidence of anyone living there. It is legal and possible for someone to be there 8 am to 8 pm to do repairs and clean it out. Mr. Magner, your staff is in charge of enforcement, anything to add?

Magner: we've been there dozens of times and we're not finding the owner but we also have posted public hearing notices on the property. After that happened is when he called us. We also posted the order to abate placard on the building. I suspect he's somewhere, paying the mortgage, but we don't believe he's residing there based on the number of times we've been there and the conditions at the property.

Moermond: we had a couple recently who were paying mortgage and paying rent elsewhere, so it does happen from time to time. What would Mr. Cooper would like to do at this point?

Barbee: now that we have some more information they need to go have it reinspected and if it is indeed vacant they need to secure it and I would recommend we start foreclosure proceedings. Until we have possession and title it is tough for us to do much. I guess Mr. Cooper would like more time, they have tried contacting Mr. Hanson with no success either. We didn't know at this point if he was in the process of rehabbing and just occupying sporadically or living there illegally without water. From what Mr. Magner said it does appear vacant. Maybe people are just breaking in. Who has it secured?

Moermond: I'm presuming it is secured and who did it we don't know. City hasn't ordered it secured. Mr. Magner do you have any ideas what the situation is?

Magner: no, I don't.

Moermond: presumably Mr. Hanson is keeping it secure. Most mortgages have clauses about building being in this condition and that being in violation of the mortgage. Will Mr. Cooper seek a shortened redemption time period?

Barbee: that's definitely a possibility, we'll have to send a notice of default and start foreclosure. We're probably looking at three months to get to sale, and then with the 5-week redemption if we can shorten it.

Moermond: does your client hasn't specifically evaluated this, I'm guessing?

Barbee: yeah, the problem is it is so unusual for them with the current mortgage payments, but yet it is in this process. My contacts were having difficulty deciding how to proceed but I'm going to recommend they start the foreclosure process.

Moermond: what is the size of the mortgage at this point? We have land value of \$72,000. That's pretty big for what I normally see.

Barbee: I don't have that information in front of me.

Moermond: it just helps inform us of what kind of loss mitigation analysis your folks will be doing. That determines the level of motivation they have to finish the process. That's where my question comes from.

Barbee: that makes sense.

Moermond: this is scheduled in front of Council on December 9, and I would love to tell them there's a performance deposit in place as a good faith statement there will be action on it. The actual code compliance inspection report, which is the other piece normally, I can see where that would be trickier because of access to building. If the owner does it great, if it is left to Mr. Cooper to do that I can see where that would be awkward. I'd like you to consult with them about how they'd like to proceed and talk to you again in a couple weeks with some better information. I'll ask for a \$5,000 performance deposit posted most likely. That is refundable if you don't get a grant of time.

Magner: if a performance deposit is posted and the Council doesn't grant time, they just have to make application and we'd send it back to them.

Moermond: if they want to move forward we talked about shortening the redemption time period to expedite this. I'd love if we could get Mr. Hanson to agree to the code compliance inspection. That needs to be done to get information about what it will take to get it habitable and will be critical information in what decisions your client makes. I'll be looking for the performance deposit if you want to move forward.

Barbee: are we meeting again?

Moermond: I'd like to talk November 24 and see where you're at.

Laid Over to the Legislative Hearings due back on 11/24/2020

11:00 a.m. Hearings

Summary Abatement Orders**5 RLH SAO
20-45**

Appeal of Pang Her Vang to a Summary Abatement Order at 406 EDMUND AVENUE.

Sponsors: Thao

Grant to November 20, 2020 for compliance.

Pang Her Vang appeared via phone

Staff report by Supervisor Lisa Martin: this is a summary abatement order issued November 2, 2020, to occupant and owner, to remove and dispose of table, cardboard and trash by the alley. Compliance date was November 9, photos are attached.

Moermond: I do see the letter you attached to the record.

Vang: the City keeps writing me orders, and I keep cleaning it up. I found out that all the trash in my yard belongs to the people who live in 410 Edmund Avenue. I have proof, my neighbor in the alley saw them dump the trash and called the police. The City ordered me twice to clean it up, this time and one before. The people in 410 Edmund went back inside and locked the door after she called the police, so they couldn't talk to them. The police told the neighbor this is the City's job, but they keep putting the trash into my alley. I had three or four loads of trash to clean it up. I need the City to have the people at 410 Edmund pay me back for the trash I hauled. It cost \$362. I found in my trash Mr. Jabring's mail from 410 Edmund. I don't know why they have so much trash that they keep throwing it in my yard, I don't know whether it is the owner or the tenant. I need them to stop trashing my house. I talked to my tenant and they said it didn't belong to them. As the owner I want the property clean. I keep continue cleaning for all of 2020 and found out that it all belonged to 410 Edmund.

Moermond: this is not a court of law where I can issue them orders to clean up your property. You need to maintain the property and if they are causing you problems it is your responsibility to seek them out and ask them to take care of business. You said in your appeal you are suing them, and that's fine, but for what I'm looking at you need to take care of.. I can suggest you work with the tenant and the landlord for that property. The owner is BuyWrite Companies, LLC located at 2515 White Bear Avenue North, Suite 121. They are the owner and they have hired a management copy to take care of the property, and they are DeLewis Properties at 1821 University Ave W, Suite 109 at 651-900-2491. I would suggest giving them a call and explaining what's going on and telling them you think they need to manage that situation either by getting bigger cans or something else. Neighbors are complaining and it has been a problem for you. All I can do for you is give you an extension to pick this stuff up, but I'm hoping the management company would be willing to take care of it for you. November 2 they gave you to November 9 which was yesterday. I'm going to give you to November 20, 2020.

Vang: I haven't picked it up because my tenant is on vacation so they have no trash, and the neighbors put in dirty diapers and other things that belong to them. That's why I didn't take it away yet, I want people to see the proof it belonged to those people.

Moermond: definitely tell the management company that.

Vang: so the City cannot do anything to stop this?

Moermond: not really, that's something you'd have to deal with your neighbor directly on. Ms. Martin, how do you advise people in these circumstances.

Martin: you can put on cameras, motion lights, and signs. I think reaching out to the management company is your best bet.

Vang: I did have no dumping signs in the alley and the next day they tore the signs off. They've done that twice this year. Even when I put them high in the tree. Is there a number to call you if they don't clean it up?

Moermond: I can't make them clean it up.

Martin: you can call in a complaint to 266-8989 to be assigned to the area inspector.

Referred to the City Council due back on 12/2/2020

Making Finding Orders

- 6** **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

Nuisance is abated and the matter resolved.

Referred to the City Council due back on 12/2/2020

- 7** [RLH SAO 20-39](#) Making finding on the appealed nuisance abatement ordered for 655 CHARLES AVENUE in Council File RLH SAO 20-23.

Sponsors: Thao

Nuisance is not abated; department can proceed with abatement November 19, 2020.

No one appeared

Moermond: I'm going to recommend the Council find that the nuisance condition is not abated, and department can proceed with orders to abate.

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

- 8** [RLH SAO 20-29](#) Making finding on the appealed nuisance abatement ordered for 1610 UPPER AFTON ROAD in Council File RLH CO 20-10.

Sponsors: Prince

Nuisance is not abated; department can proceed with abatement November 19, 2020.

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

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 9 **RLH VO 20-53** Appeal of Jonathan Lopez, Herrod LLC, to a Notice of Condemnation-Unfit for Human Habitation-Order for Immediate Vacate at 2272 SEVENTH STREET WEST.

Sponsors: Tolbert

Deny the appeal on the condemnation and order to vacate. Deny the appeal to be released from the Vacant Building program as a Category 2. Grant a 90 day extension on the vacant building fee (to Feb 19, 2021).

Jonathan Lopez, owner, appeared via phone

Staff report by Supervisor AJ Neis: this is a condemnation and order to immediately vacate issued by me. This property was referred to DSI by the Saint Paul Police Department after they investigated, they did construction work and possibly no running water. Inspector Toeller and I went to property November 6 to do the inspection and we knocked on the door, made entry because we were met by an occupant who allowed us access. We saw several occupants upon entry. Inside the home we found multiple code violations and noted evidence of illegal repair garage out of property, illegal rooming and boarding house and other illegal activities. Plumbing lines, unsanitary conditions, roaches, flooring removed, hole in bathroom floor. Unsafe and unsanitary for human habitation. I contacted the City Attorney's office and advised an immediate condemnation was warranted. I then issued orders to the property owner for the condemnation. Yesterday I spoke with Mr. Lopez about what was going on at the property, basically that his house had been utterly trashed and was referring it to Vacant Buildings as a Category 2. The tenants were attempting to do repair work they said was authorized by the owner, but they were attempting to cover up holes in the ceiling and walls from plumbing leaks using tarps, trying to hide bigger problems. They began vacating the property and stopped work.

Moermond: so right now it is not occupied?

Lopez: pretty much, I'd like to thank Inspector Neis, I agree with him 100 percent. This was a trouble tenant, they are gone. I went there yesterday to make sure. I have people cleaning there now, getting the trash out. They were a trouble tenant who was there because the other tenant left them there, this happened during the Covid pandemic so he knew I couldn't get him out. I told him he could stay if he kept it clean and payed the bills. That was the agreement I had but he took advantage of the situation and he let people in. I went by the property and saw a lot of stuff outside, I asked him to clean it, he wouldn't let me inside the property and got aggressive towards me. Everything of that nature led to what happened and where were at now. I'm just asking for an opportunity to get it up to code and cleaned up. Not go into the Category 2 and get a normal C of O inspection and get it cleared out.

Moermond: I will level with you. I feel uncomfortable going down that path. What I'm thinking when you ask that, when I look at the orders issued, I'm seeing some dangerous conditions and also a variety of trades that need to be involved. I also see the inspector didn't have access to the entire dwelling, so I know the orders in front of me are incomplete. I know you didn't do this and it wasn't due to your neglect, I'm seeing you are in bad circumstances due to your tenant. I'm concerned this is exactly why the vacant building program exists though, to make sure it meets minimum code

compliance. There are a couple things about the vacant building program and one you've touched on. It would be a code compliance inspection versus a regular Fire C of O inspection and the trades inspectors create a punch list of things to meet minimum compliance. The other big thing in play is the vacant building fee. My inclination given the scope of problems is say yes, you need the code compliance inspection but let's waive that vacant building fee for a period of time so if you get it done there's no fee. I'd rather see you spend that money on the house. I noticed a lot of things have to do with cleaning and extermination, so it could be when those things happen and trades go through they don't find as many violations as what I suspect, but right now I'm uncomfortable saying you can be something other than a Category 2. This has all the earmarks of a Category 2. Today is November 10, I'll put a waiver in place until February 19, 2021. If you can get the inspection and repairs done by then you won't have a vacant building fee at all. You can certainly put some information to Council if you don't agree with that recommendation. It can't be occupied, it is a category 2 vacant building and will need a code compliance inspection, and the vacant building fee is waived through February 19, 2021.

Lopez: I understand the vacant building fee waiver, my job now is just to get the work done?

Moermond: you will need the code compliance inspection done. You will have to mail it in or drop it off. You want to make sure you have a lockbox on the door and put the code on your form. You want to make sure the house is cleaned out in a way that the inspectors can see what they need to. The photographs show it is quite a mess. The inspectors won't move things out of the way to inspect. You have access between 8 am and 8 pm. This is a non-owner-occupied property so all the repairs likely will need to be done by a licensed contractor and may need a permit. Often the people filling out the building application they put everything on the punch list on, you will want to talk to Nathan Bruhn about that too.

Referred to the City Council due back on 12/2/2020

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 10 RLH FCO** Appeal of Dennis Gudim, Statera Fitness, to a Re-Inspection Fire
20-122 Certificate of Occupancy With Deficiencies at 1025 SELBY AVENUE.

Sponsors: Thao

Grant the appeal on the order pertaining to the retaining wall.

No one appeared

Marcia Moermond left a voicemail for Dennis Gudim November 10, 2020 1:37 pm – spoke with Mr. Dobie yesterday and confirmed we had the information we needed; you'll get a letter granting your appeal on the retaining wall. Any questions contact our office.

Referred to the City Council due back on 12/2/2020

2:30 p.m. Hearings

Vacant Building Registrations

- 11 [RLH VBR 20-69](#) Appeal of Nneka Constantino to a Vacant Building Registration Requirement at 1282 HAGUE AVENUE.

Sponsors: Thao

Rescheduled to November 17, 2020 at 2:30 pm per owner's request.

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

- 12 **RLH VBR
20-68** Appeal of Andrew McNatton, Emsa Properties, to a Vacant Building Registration Fee Warning Letter at 1323 PAYNE AVENUE.

Sponsors: Yang

Grant to December 10, 2020 to have Fire C of O reinstated. PO to submit written statement describing business use to DSI.

Andrew McNatton appeared via phone

Staff report by Supervisor AJ Neis: this is a revocation of the fire C of O. It was revoked in 2019 for being vacant, we had also received a complaint that gas had been shut off to the building. Sebastian Migdahl sent a letter advising them it must be inspected prior to being occupied. This establishes that no one was to be into it before making sure it was code complaint before use. Typically when we have a situation with a commercial building in-between tenants, we try not to punish them by sending to vacant building department right away. Typically, we put it in revoked but unoccupied status as long as they let us know and maintain the exterior. Typically lasts about a year. After that we say we can't sit on it anymore and we send it to vacant buildings. In June of this year Inspector Migdal went out and it appeared to still be vacant so he sent it to vacant buildings. July he met with the property owner Andrew to conduct a Fire C of O inspection. He found evidence of a bed and toiletries in one of the rooms, at that point everything was sent to vacant building and advised the owner it was not to be occupied. Appeal states that the building is occupied, which if it, is done so is done illegally.

Staff report by Supervisor Joe Yannarelli: We opened the vacant building file on June 17, 2020 and we closed it briefly and reopened acknowledging there was one C of O active for storage. The front building was still considered a vacant building so we reimposed the fee, but they weren't charged until October. There was a lapse of a few months before the fee was generated.

Moermond: looks like June 18, 2020 the registration letter went out, and then no billing activity until October 19, 2020. The crux is we have a building that's in the vacant building program and occupied without a Fire C of O. Mr. McNatton can you tell me what you're looking for?

McNatton: from my perspective regarding the revocation of the C of O. I met with Sebastian multiple times and have always done what was required for compliance. I know the gas was off at one point, the tenant didn't pay the bill and I didn't know about that. I think that was the initial problem that got the property on the radar.

Moermond: I also see in the June 5 letter it mentions the gas shut off and the water being shut off too.

McNatton: I don't know if it was ever officially shut off. I'd have to verify that. This property never has generated much water use. There's one toilet and one sink, there's not even a hose. It is minimal water use. When I've gotten letters about low water use it has been fixed with a phone call. The tenant there is only there on the weekends now due to Covid. I think if they ever shut it off I would have had to coordinate them turning it back on. With respect to the gas, that initiated the follow up with Mr. Mlgdal, I reached out to him and we discussed it being vacant and my perspective. I understand his observations were accurate about the mattress and toiletries, I don't know how far I can take it with the tenant to tell them I can't brush their teeth. I understand he took it to mean someone's living there. I know he doesn't live there; I think he spends time there on the weekends when he's running his business.

Neis: when did they move in?

McNatton: August of 2019.

Moermond: I feel like you put me in an awkward position because there's a letter from June of 2019 which states that it needs an inspection prior to being occupied. Then you rented it out 3 months later without doing the inspection. You're asking for forgiveness rather than permission. I'm concerned about somebody sleeping in a space that isn't constructed for sleeping in terms of egress.

Neis: first and foremost, looking at the photographs, from a legal standpoint to make sure it was zoned properly, and then a change in use. Requirements for a sleeping room is emergency escape and rescue opening, a second means of egress. Looking at the photographs it doesn't look like much of a business, it looks like a crash pad, clothes on the floor, a chair, toiletries with q-tips and perfume. These are more personal items, clothes, things not typically in a business. There are couches, a BBQ grill, a locker. The only thing that resembles an office is an office chair.

Moermond: I guess I'm wondering what your tenant's business is?

McNatton: sadly I don't have much. I know it's a secondary thing, he's a truck driver by trade. He had an idea with his father in dealing with auction type items he would resell and use it as storage in the garage. That's where it evolved into handicap mobility stuff where he would have vehicles to bring people to appointments. He's not a great tenant, I'll be honest. I've never micromanaged the interior of the shop space, I didn't realize I needed to until this came about. I typically don't, I have other commercial rental properties and don't typically enter unless there is cause to. I don't deny there is cause to. It was never my intention to ask forgiveness and not permission. I had long conversations with people in zoning, including James Hoffman. I was never trying to pull one over, I was just trying to get it rented and his business seemed to conform to the use of the property. I think what's happened is his actual use has maybe changed in light of his personal situation. As far as I'm concerned he's there until February and at that point I don't know. Part of my initial conversation with Sebastian was that based on the fact he had a mattress and toiletries I have to put him out because of that? I can have that conversation when his lease his up, I don't know?

Neis: where is his primary residence?

McNatton: Brooklyn Park I believe.

Neis: this really kind of looks like a trucker's lounge. There are couches, something he potentially uses to sleep if he's an on the road trucker.

McNatton: he's a courier, it is local. Again, I can't deny your observations except for the fact when I worked out of there, I had staff in there and they had things in the bathroom, I definitely had a couch and a ping pong table and I was running a property management business at the time. I told him the bed had to go. As far as the couch or gaming chair, I have a hard time telling him he has to remove it because it looks like he's living there.

Moermond: I think you landed on a good analogy. This is like sleeping in a basement. You tell tenants to stop sleeping in the basement because they aren't intended to be sleeping spaces. We're looking at a similar cluster of code issues here, so I think it's a reasonable request from a landlord to tenant to not use it for purpose for which it was not intended. That should be in the general language of the lease. As a City we can say you have to make it right either by changing the space by accommodating sleeping through a change in use with Zoning. You also have to have your C of O. I'm serious about the forgiveness and permission piece. That June letter wasn't followed. You were told, likely verbally, but definitely in writing. It seems like the path towards resolution is asking him to leave, remove the items or waiting until February. Reading between the lines would be simply have him remove the sleeping items.

McNatton: ideally he would comply and remove anything that isn't in compliance with the confirming use of the space. Beyond that I don't know. If you're asking the best course of action at the moment, then yes that is it. Beyond that, I think in February he vacates and we go in different direction.

Moermond: you have to deal with the person sleeping in a place without adequate egress.

McNatton: 100 percent agreed. I don't want to change the use either.

Moermond: right now, you have a tenant and you need the bedding out of there and get a C of O for that space.

Neis: to reinstate the C of O here, we need to know what his business is. If it is just going to be an office, then there wouldn't be much. You can certainly have a couch, but he would need to basically let us know his proposed use. That's what's going to drive getting the C of O back to make sure it complies with zoning or any potential building modifications. If it is just his office it would be very little to do. Heat, water, facilities, fire extinguishers, but we need to know the proposed use.

McNatton: for what it is worth, just today I received the C of O for the accompanying garage. I didn't know when I built it would be two parcels for licensure. With respect to it being an office that makes sense and is doable.

Moermond: Mr. Neis, we'll get an inspector out there. What would we be looking for, for an office use?

Neis: based on the circumstances we would request the use be in writing.

McNatton: perfect.

Moermond: I'm going to say let's get the Fire C of O reinstated by December 10 and in response to the letter sent from our office that you draft something indicating specifically what the use is, and that will be added to our record and shared with the Fire Supervisors. Today is November 10, it would be reasonable that you'd be able to have this resolved by December 10 and have the sleeping and space issues resolved too. It can continue to be occupied and you won't have a vacant building fee, that's a big carrot.

McNatton: we'll get it done.

Moermond: we consider a fee waiver to be in place until then, and hopefully it will evaporate.

McNatton: if my tenant decides to vacate now, am I still good to show it is now empty and in the process of finding a new tenant that conforms to use. I don't know that will happen but it could.

Neis: we can't give a certificate for a vacant building. They are for occupied buildings. That's why he has it in revoked unoccupied status. Is there a possibility that he would be willing to do that again? We would be inclined to do that. Again something in writing from you so there is no dispute in knowing it can't be occupied, it is a possibility.

Moermond: I'm struggling because we do have a vacant building file open, which is open pending resolution of getting the certificate issued. I don't know that you can pull it back from the vacant building program.

McNatton: let's just leave it as we have it, I don't see him leaving and in February hopefully we're in a different position and we can all move forward.

Referred to the City Council due back on 12/2/2020

3:00 p.m. Hearings

Other - Fence

- 13 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

Grant variance for fence height from front of property to sidewalk as follows: one 8' section to be 6' tall, next 8' section to be 5' tall and final 8' length section to be 4' tall.

Brian Bellendorf, owner, appeared via phone

Michael Kutchta, District 10 Community Council, appeared via phone

Moermond: with respect to the fence itself, Mr. Bellendorf In your petition you had sketched out 2 fence options. I looked at both of them and am inclined to recommend a variance for a diagram that shows a staggered decrease in the height of the fence. If there's 24 feet from front of house to sidewalk: one 8-foot section to be 6 feet tall, next 8-foot section to be 5 feet tall and final 8-foot length section to be 4 feet tall. I will ask the Council to grant the variance for the height in those two sections. Does that work?

Bellendorf: I appreciate that, I do just want to ask, could you give your rationale?

Moermond: I think there's a better viewshed if you do it that way than a diagonal all the way down. Could you argue it the other way? Yes. we're talking about a variance we're not talking about it meeting code directly.

Bellendorf: I started looking at materials and what I've discovered is that due to increased demand for lumber some of the materials aren't as easy to source as they normally would be. The pickets come in 6- or 8-foot length. The fence panels aren't in stock closer than Illinois. The only one you'll grant is the one you describe?

Moermond: I'm going to recommend you get a variance for that design, yes. Mr. Kutchta any comments on that?

Kuchta: no, he had shared that design and we aren't taking a position on the variance at all.

Moermond: and I wanted to share with you that the neighboring property has a Fire C of O inspection scheduled for next Thursday, November 19 at 10 am. That is a typical fire inspection, their renewal is due. Just a heads up that is in the works and may address some of your concerns. If you have specific code violations or police issues, I know it is hard but please engage code and fire inspection and the police directly so they can use their toolbox. With no history it is hard to come in and be hard on someone. The District Council can help facilitate some of those conversations but don't have the enforcement toolbox the City does. Especially for a home occupant that is creating a nuisance for you and your neighbors, for example if a fire inspector shows up in the middle of the day and the equipment isn't there, take notes of when it does arrive. It appears the problem has come back again.

Bellendorf: I don't think that has been an issue. The only thing they park there is trailers full of wood and brush. It is legal, as far as I know, as long as it is attached to a vehicle. That hasn't been an issue lately. That was just one of the many different things that happened over there. What's the next step in the process?

Moermond: we'll send this to Council so they can grant this. We'll let the building official know so he can issue the permit for the balance of the fence.

Bellendorf: that means we need to wait for him until we finish that portion of the fence?

Moermond: that's likely the way he'd want to operate. I can talk with him today or Thursday.

Bellendorf: we're hoping to start Friday. Should I reach out to him?

Moermond: no, I'll deliver the message.

Kutchta: we followed up with the Western District and their recommendation was to make sure if there are law enforcement complaints to specify the address for their files.

Referred to the City Council due back on 12/2/2020