



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Joanna Zimny, Executive Assistant
legislativehearings@ci.stpaul.mn.us
651-266-8585

Tuesday, December 1, 2020

9:00 AM

Remote Hearing

Special Tax Assessments

9:00 a.m. Hearings

- 1 **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

Approve the assessment.

Elaine Vallant appeared via phone

Moermond: we sent you the police report, someone broke in and the police were there and noticed the house and garage were open. They tried to call you and weren't able to get ahold of you so they called the contractors to make sure the house was secure.

Vallant: I don't understand that. They had my correct number in the report, but I never received a call from police.

Moermond: I don't know. They did say they tried to reach out. It would have been 9:15 to 11:00 p.m. They were on the scene, so somewhere during that time.

Vallant: wouldn't they leave a message if they were trying to reach you?

Moermond: I don't know if they would because they have to reach you right away. The police calling to have it secured after it is broken into is something that's a legitimate thing to do and a legitimate cost incurred by the City on your behalf. Often people's insurance covers this. It doesn't sound like you saw anything missing.

Vallant: I haven't been in the house since it was secured by the City. I don't know what's missing or additional damage done.

Moermond: so that's been a really long time.

Vallant: if someone can explain to me how I can unsecure the house and be able to fasten it up again securely so I can come and go? I'd love to know how.

Moermond: it is your property so you have the right to do with it what you will. Mr.

Yannareilly, you deal with this situation all the time?

Yannareilly: you have to remove the screws and boards and secure it yourself with the proper locks. As it is now, it would be considered a category 2 vacant building because it is secured by other than normal means and vacant. It also says the interior is in rough shape.

Vallant: it is just screws holding the doors shut. Multiple violations of the code, what are you referring to?

Moermond: the first violation is the house isn't secured using locks and keys, that's considered a violation. The police did mention in their report that the inside is in disarray.

Vallant: I'm aware of that. It has been broken into a vandalized many times.

Moermond: I'd like to help you find a path out of your current situation. It seems like this house is an albatross for you. It isn't useful because you aren't living there. You're maintaining it, but you might be well rid of it. I'm putting that out there. I'm wondering if you have things that need to be sorted through and some help in that regard would unstick this and help you move through this?

Vallant: I definitely have things to sort through. When I moved to an apartment my plan was to work through sorting and clearing. Less than 3 weeks later I had a bad fall and was injured and had surgery and a concussion. It really set me back. I absolutely want to get rid of the house and empty it so I can sell it. It had been properly secured with locks and deadbolts and motion lights on house and garage. I don't know what else I could have done. These criminals broke in and ruined the front door and apparently also the back door. When they couldn't get through the deadbolt they pried open a window.

Moermond: it sounds like you need a handyman if you can't do it on your own. A drill can unscrew the boards and you can replace the locks if necessary.

Vallant: I'd gladly do that. The thing is I have to replace the doors and hardware and locks because they were damaged. I can get that done, but it didn't prevent anything previously. If I fix it what's to say they won't come back and do it again? I want to know how to secure it to keep the criminals out.

Moermond: I don't know that's possible; they know you're not living there so it's empty and accessible. If you fix the doors, can they break in again? Yes, they could. That's a problem for you. The faster you move to get it emptied and move on the narrower the opportunity you're giving for someone to break in and damage it again.

Yannareilly: if we make this a category 2 vacant building we would charge \$2,127 a year to be in the vacant building program. Unless you get those screws out and secure the door normally we will have to do that.

Vallant: ok.

Moermond: do you have resources in terms of handymen? Organizational people who help sort through households. We know people at Ramsey County House Calls, and they have a lot of contractors that at least would be vetted and licensed. If you're struggling with finding someone that may be useful to speak with them. They may be

able to provide assistance. Your top priority right now is to clean this house out and get it off your hands. It isn't going to get better; it will get worse and it will be more than doors being damaged. It is winter. People can break in and start fires. I want you in control so you are safe and can get as much money out as you can.

Vallant: ok.

Moermond: taking a deep breath, I'd like to connect you with Lauren Lightner with Ramsey County House Calls. We will send you brochure with her business card on it.

Vallant: 777 Berry Street Apt 424B, St. Paul, 55114.

Moermond: we will send you information and we can email the link to the program as well. I'm going to have staff review your situation in 60 days. If they think it needs to be in the vacant building program at that time they will have to do that.

Vallant: understood.

Moermond: if you can get it cleaned out and on the market, that's your best option right now. You might speak to a real estate professional as well. This assessment looks legitimate right now. I don't have much I can do with it.

Vallant: this feels like the homeowner is being penalized for something out of my control with the criminal activity.

Moermond: that's why you have insurance. It isn't the City's fault either. They took action to protect your property by securing it. If your insurance company was there in the middle of the night, they would do the same thing.

Vallant: ok. How did they arrive at this dollar amount for inserting 12 screws into the doors?

Moermond: the biggest part of the charge, \$250, is the emergency call out charge. If we call them out at night like this, they get that money just for showing up. They'd charge anyone for that. Then \$75 for labor. The City put \$162 service charge on it, bringing you to \$487.

Vallant: ok.

Moermond: I really think your best bet is to get this cleaned out and move on to protect yourself.

Vallant: of course. That's been my intention all along, I've had some misfortune with injury and health.

Moermond: hopefully this can be an impetus to get you to the other side. We'll send you that information and I can give your number to Lauren Lightner with your permission?

Vallant: I guess so.

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

DIETER STREET. (File No. VB2103, Assessment No. 218802)

Sponsors: Yang

Approve the assessment.

Gaolee Xiong, owner, appeared via phone

Staff report by Supervisor Joe Yannarelli: this was a fire in the attic that happened in May 2020. It was made a category 1 fire exempt vacant building with a 90-day fee exemption. After that expired it entered the vacant building program for a total proposed assessment of \$2,284. It is still vacant and unoccupied.

Moermond: in the normal course of events, there's a fire and people have to move out and you automatically give a 90-day waiver on the fee. That came and went and now we're looking at the annual fee which covered May 19, 2020 to May 18, 2021. Half the time has gone and half is still coming. Ms. Xiong, where are you at in completing this?

Xiong: our insurance just approved the dwelling coverage in October, now our contractor is working on getting it demolished so we can start rebuilding. We just got the check the end of October and just mailed it to our contractor. Our project manager called us yesterday and he's checking it out now to rebuild. We're still on time to get the house rebuilt by next summer.

Moermond: it sounds to me like you're going to have a vacant house, so the fee would apply and it makes sense the fee stay in place. You should bring that to your insurance company, since it was part of your fire expenses.

Xiong: is there a way for it to be waived?

Moermond: no. Most people end up the vacant building program for issues beyond their control. The deal is the house is empty, it has code violations, the City drives by every couple weeks to make sure it is safe and secure. The City does give the 90-day waiver. I know you can't control insurance, but if you were done a bit sooner we'd be talking about less time. This is something your insurance company should be addressing. We have this fee through May 28, 2021, if you're done next summer. You'll be into the second year and I can see waiving that fee then, but not for this one. You'll be in this program 12 out of 12 months.

Xiong: my lease ends the end of June so I told them that's my timeline. We're just a few months over should we expect another notice?

Moermond: yes, you will get another notice with information on appealing, and definitely do that so we can get a waiver in place and you don't have a second fee. I don't know what your insurance company will say and if you've reach max amount, would you like this made payable over five years? The interest is around 4%. If you want to do that let my office know by February 1. We'll send you an email, otherwise we'll assume insurance is covering it and send it through as one bill.

Referred to the City Council due back on 2/10/2021

- 3 RLH TA 20-669 Ratifying the Appealed Special Tax Assessment for property at 791 MINNEHAHA AVENUE WEST. (File No. VB2103, Assessment No. 218802)**

Sponsors: Thao

Reduce assessment from \$2,284 to \$1,142.

Jessie Poolaw, owner, appeared via phone

Staff report by Supervisor Joe Yannarely: this was a category 1 vacant building fire exempt, entered program February 14. We give a 90-day waiver automatically. This took a bit longer and was rehabbed occupied November 10, 2020. So it was in the program about 8 months. The total proposed assessment is \$2,284.

Moermond: tell me about what you're looking for and then I have some thoughts to share too.

Poolaw: it was ready to move in; we sold the house in October. It was ready to move in by end of August. I wanted to get out of debt, I was getting yard nuisances and other stuff. During that time, I was living out of hotels and trying to come check. I kept getting the nuisance notices and none of my neighbors were. Some of their yards looked worse than mine. There were also riots going on and that put things on the back burner for a while. It took a while to have someone come out to do the work.

Moermond: normally 9 out of 12 months I would say we should charge for the whole year. It went in in February and was in the program through the beginning of November. That's 9 months. I'd like to cut this down and prorate it to give you some help. Looking at it, I can definitely cut it in half. When you sold it, did you tell the buyer about this pending assessment? Or did it come up in the search?

Poolaw: at closing they came in with the assessment.

Moermond: did that money get escrowed in the sale?

Poolaw: yes, it was supposed to get taken out.

Moermond: I'm going to reduce this by half, and the Council will vote February 10 and the owner of record will get invoiced for that amount. That sounds like half the amount of what's escrowed, so they will do better than what they anticipated.

Poolaw: ok.

Moermond: let your real estate agent know and they can help you navigate. We can send you an email explaining this.

Poolaw: what is the vacant building fee for? To make sure no one breaks in?

Moermond: the program monitors about 500 buildings they know are empty. Inspectors go by at least every couple of weeks to check to make sure they're secure and being maintained. It pays for that process. That's what we're talking about today.

Referred to the City Council due back on 2/10/2021

4 [RLH TA 20-673](#)

Ratifying the Appealed Special Tax Assessment for property at 1248 FARRINGTON STREET. (File No. J2103E, Assessment No. 218302)

Sponsors: Brendmoen

Layover to LH December 15, 2020 at 10 am for further discussion. Staff to send PO follow up info.

Randall Stevenson appeared via phone

Staff report by Joe Yannarely: this is an excessive inspection for rubbish in trailer, motor oil and concrete rubble. Date of orders are May 26, reinspected June 3 and found in noncompliance and issued the excessive consumption fee of \$157.

Moermond: and another June 26 for the same set of orders.

Stevenson: the day the field got dumped I had a wheelbarrow. I was having some guys help me because I have two hernias. I explained it to them. I even showed him. He didn't have a problem with it. It is this lady—

Moermond: who is the "he"?

Stevenson: the mentally ill lady next door called the inspector out here. They got to the point where people are selling their houses because of this assessment stuff. Silly stuff. They are doing it so much so people are waking up with car tires cut and windows busted out. They need to stop doing this to people.

Moermond: what does this have to do with the orders? Can you connect that?

Stevenson: nothing in the trailer. Trailer got stolen and then this lady has been everyone's worst nightmare. She said she won't stop bothering us, period. She went too far. I told her I haven't been doing anything in over a year. She still refuses to stop harassing people.

Moermond: the "she" is the neighbor or City staff?

Stevenson: both. It is ridiculous. You can't even go to the hospital to have surgery because the inspector comes and the fruitcake who lives next to me who calls downtown. I've even went and got permit to put a fence up. These people called you on me for putting a fence up. You don't believe me, just ask the building inspector. I showed them the permit. It got to the point where if I was told about the lady I would never have bought this house, period.

Moermond: you had a fence permit in 2014.

Stevenson: I had to call gas and water company to find out where the lines were. This guy still called on me every day. If the truth was told like it was supposed to, the people who owned the house was an interracial couple, they had problems.

Moermond: the people who owned your house? Or other people?

Stevenson: the people before us just walked away from the house so they didn't have to disclose. This guy has been a nightmare for 9 years since we owned it. The assessments started; the brake line got cut on the tow truck we owned. They refuse to pay for it. I pay \$170 a month for it to be in storage.

Moermond: what I'm looking at today—

Stevenson: oh lord have mercy; I'm not being disrespectful.

Moermond: I'm just asking a question. I have orders from April for orders on some things in the yard and some scrap and fencing material. I have some photographs the inspector took also. Then I also have a deadline for the work to be done and it looks like the work wasn't done looking at the photos.

Stevenson: they haven't put the pictures on the papers. They haven't been doing that. I went to a meeting and they said they were supposed to.

Moermond: they do describe it. I'd like to get these records in your hands so you can see the photographs that are the basis for the charges. That's only fair you see the same information I have. Do you or your wife have an email address?

Stevenson: latrecescott613@gmail.com

Moermond: we'll email you the information as well so you have the same information before I make any recommendation.

Scott: we haven't been getting any pictures on the letters.

Moermond: we'll send these records and let's talk again in two weeks at 10 am. We'll call you back then to finish the conversation.

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

5 [RLH TA 20-676](#)

Ratifying the Appealed Special Tax Assessment for property at 1248 FARRINGTON STREET. (File No. J2101E, Assessment No. 208300)

Sponsors: Brendmoen

Layover to LH December 15, 2020 at 10 am for further discussion. Staff to send PO follow up info.

Randall Stevenson appeared via phone

Staff report by Joe Yannarely: this is an excessive inspection for rubbish in trailer, motor oil and concrete rubble. Date of orders are May 26, reinspected June 3 and found in noncompliance and issued the excessive consumption fee of \$157.

Moermond: and another June 26 for the same set of orders.

Stevenson: the day the field got dumped I had a wheelbarrow. I was having some guys help me because I have two hernias. I explained it to them. I even showed him. He didn't have a problem with it. It is this lady—

Moermond: who is the "he"?

Stevenson: the mentally ill lady next door called the inspector out here. They got to the point where people are selling their houses because of this assessment stuff. Silly stuff. They are doing it so much so people are waking up with car tires cut and windows busted out. They need to stop doing this to people.

Moermond: what does this have to do with the orders? Can you connect that?

Stevenson: nothing in the trailer. Trailer got stolen and then this lady has been

everyone's worst nightmare. She said she won't stop bothering us, period. She went too far. I told her I haven't been doing anything in over a year. She still refuses to stop harassing people.

Moermond: the "she" is the neighbor or City staff?

Stevenson: both. It is ridiculous. You can't even go to the hospital to have surgery because the inspector comes and the fruitcake who lives next to me who calls downtown. I've even went and got permit to put a fence up. These people called you on me for putting a fence up. You don't believe me, just ask the building inspector. I showed them the permit. It got to the point where if I was told about the lady I would never have bought this house, period.

Moermond: you had a fence permit in 2014.

Stevenson: I had to call gas and water company to find out where the lines were. This guy still called on me every day. If the truth was told like it was supposed to, the people who owned the house was an interracial couple, they had problems.

Moermond: the people who owned your house? Or other people?

Stevenson: the people before us just walked away from the house so they didn't have to disclose. This guy has been a nightmare for 9 years since we owned it. The assessments started; the brake line got cut on the tow truck we owned. They refuse to pay for it. I pay \$170 a month for it to be in storage.

Moermond: what I'm looking at today—

Stevenson: oh lord have mercy; I'm not being disrespectful.

Moermond: I'm just asking a question. I have orders from April for orders on some things in the yard and some scrap and fencing material. I have some photographs the inspector took also. Then I also have a deadline for the work to be done and it looks like the work wasn't done looking at the photos.

Stevenson: they haven't put the pictures on the papers. They haven't been doing that. I went to a meeting and they said they were supposed to.

Moermond: they do describe it. I'd like to get these records in your hands so you can see the photographs that are the basis for the charges. That's only fair you see the same information I have. Do you or your wife have an email address?

Stevenson: latrecescott613@gmail.com

Moermond: we'll email you the information as well so you have the same information before I make any recommendation.

Scott: we haven't been getting any pictures on the letters.

Moermond: we'll send these records and let's talk again in two weeks at 10 am. We'll call you back then to finish the conversation.

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

OAKDALE AVENUE (File No. VB2102, Assessment No. 218801)

Sponsors: Noecker

Approve the assessment, make payable over 5 years.

Duong Nguyen, owner, appeared via phone

Staff report by Supervisor Joe Yannarely: this is a category 1 vacant building fee. Opened as a prelim in May 2017, changed to a cat 1 July 9, 2019 and this is the annual fee for the program of \$2,284.

Moermond: looks like he went in May 2019 and it is still unoccupied.

Nguyen: when I first bought it I didn't know it was in the vacant state at all. We were thinking relocating our bakery from University to the west side and were working with Neighborhood Development Corporation to get the funding. Before we can do that we have to do a bunch of things. I had the architectural drawings done, and then one thing lead to another and my lease was due and things weren't falling into place. There is no debt on the building and then the pandemic hit and we are just spiraling out of control.

Moermond: I just checked Ramsey County records and the sale was April 27, 2018. Mr. Yannarely, did you just say at that point it was the vacant building program for a year at that point?

Yannarely: as a preliminary vacant building. May 2017, and then changed to a category 1 two years later.

Moermond: so he didn't buy a registered vacant building, but it became one about a year after he bought it. He would have gotten letters about that. The Fire C of O had been revoked for quite a long time. What are your current plans?

Nguyen: because of Covid everything is on hold, but I would like to move the bakery eventually. We want to move back to that neighborhood on the west side.

Moermond: do you have any time period you're thinking you'll get this done in?

Nguyen: because of Covid and finance problems I don't know. We're putting in our building as collateral to get it going, but we're afraid we won't bounce back out during this time period. We put \$160,000 into that building and did \$30,000 of work, including the architect.

Moermond: so this is the second vacant building fee. That one already went to property taxes. This is the second one. I don't know, this bill covers July 2020 to July 2021. He needs to get his Fire C of O reinstated to be out of the program.

Yannarely: correct.

Moermond: because of Covid and other issues you won't do that because you want to be wide open for business, not subject to closure due to Covid. I can make this payable over a number of years. The City's interest rate is about 4%. I can go as many as 5 years. It sounds like you'd be able to get out of the program next year when you can execute your plans. Next year's fee we can look at making it go away. You can ask the Council for more assistance on this. But you'll be in the program 12 out of 12 months.

Nguyen: how do I get it out of the vacant building program?

Moermond: get a Fire C of O and start using the building again.

Nguyen: it used to be commercial registered, and it isn't now which is why we got stopped at the beginning. We had to do a nonconforming use.

Moermond: we'll send you contact information for Yaya Diatta in Zoning. Reach out to him about getting insight to the zoning piece of this.

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

- 7 RLH TA 20-661** Ratifying the Appealed Special Tax Assessment for property at 1734 SIMS AVENUE. (File No. VB2102, Assessment No. 1500680)

Sponsors: Yang

Delete the assessment.

No one appeared

Moermond: this is being deleted because it was only in the vacant building program for 1 month out of the billable year. The vacant building file was opened June 19, 2018. We're talking about June 19, 2020 to June 18, 2021. They were out of the program July 20, 2020.

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

10:00 a.m. Hearings

- 8 RLH TA 20-672** Ratifying the Appealed Special Tax Assessment for property at 1552 ARLINGTON AVENUE EAST. (File No. J2103E, Assessment No. 218302)

Sponsors: Yang

Delete the assessment.

No one appeared

Moermond: this is an excessive consumption assessment that was charged during a period when they had an extension for compliance so it should be deleted.

Referred to the City Council due back on 2/10/2021

- 9 RLH TA 20-678** Ratifying the Appealed Special Tax Assessment for property at 2233 UNIVERSITY AVENUE WEST. (File No. J2103P, Assessment No. 218402)

Sponsors: Jalali

Delete the assessment, waiver on file.

Referred to the City Council due back on 2/10/2021

Special Tax Assessments-ROLLS

- 10 RLH AR 20-159** Ratifying the assessments for Collection of Vacant Building Registration fees billed during February 14 to July 20, 2020. (File No. VB2103, Assessment No. 218802)
Sponsors: Brendmoen
Referred to the City Council due back on 2/10/2021
- 11 RLH AR 20-160** Ratifying the assessments for Securing and/or Emergency Boarding services billed during August 2020. (File No. J2103B, Assessment No. 218102)
Sponsors: Brendmoen
Referred to the City Council due back on 2/10/2021
- 12 RLH AR 20-161** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during June 15 to July 14, 2020. (File No. CRT2103, Assessment No. 218202)
Sponsors: Brendmoen
Referred to the City Council due back on 2/10/2021
- 13 RLH AR 20-162** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during June 22 to July 22, 2020. (File No. J2103E, Assessment No. 218302)
Sponsors: Brendmoen
Referred to the City Council due back on 2/10/2021
- 14 RLH AR 20-163** Ratifying the assessments for Graffiti Removal services during August 6 to 10, 2020. (File No. J2103P, Assessment No. 218402)
Sponsors: Brendmoen
Referred to the City Council due back on 2/10/2021

11:00 a.m. Hearings**Summary Abatement Orders**

- 15 RLH SAO 20-49** Appeal of Catherine Maurer to a Summary Abatement Order at 1122 EARL STREET.
Sponsors: Yang
Grant to January 8, 2021 for compliance.

Catherine Maurer, owner, appeared via phone

Staff report by Supervisor Lisa Martin: summary abatement order issued November 17, 2020 specifically to remove tree debris and brush throughout the backyard. Compliance date of November 25. There are photos. It was a very large tree. Appeal was filed so that's where we are.

Moermond: as far as the length of time in the summary abatement order, what informs that deadline?

Martin: it is a standard deadline. We give seven days for most summary abatement orders, unless it is dangerous. It was down so it was not a hazard, but it does need to be removed.

Maurer: I obviously had the tree removed in late October. I want to utilize it as much as I can. I've had a few people within the County come and take some of the wood. That was always part of the plan, using it for firewood or warming their house. I plan to use some for projects. I've had multiple neighbors ask for some. I didn't realize having wood on my property was against City code. I just moved in in May, so I was taken aback by this mail.

Moermond: you can legally store firewood but it has to be organized in a particular fashion and off the ground. What does that look like, Ms. Martin?

Martin: it must be off the ground; some people use the wood racks or cement pavers and then neatly organize the wood up to 4' high. It also can't be next to the house. Organized is key. Right now it is a pile of brush and a lot of tree debris.

Moermond: I wasn't hearing anything specific in the materials you submitted for what volume, or to be exempted entirely. Talk to me more about that?

Maurer: I was taken aback I couldn't have the wood that's cut down. I have to store the wood; it can't be on the ground? I have multiple stumps I was going to keep in my yard as stumps. I am not allowed to do that?

Martin: if there's stump in the ground you can leave that. It's the stuff on the ground. It can't be more than 5 feet in height, I said 4 feet earlier. It has to be organized wood piles and can't be within 10 feet of the home.

Moermond: stump refers to the specific tree trunk location, where it was growing. Not the main logs once the tree is cut. You said stumps but I thought we were talking about 1 tree.

Maurer: I use it more loosely. The larger logs I was going to keep them around as seating for around the fire pit I have. Even that's a violation?

Moermond: yes you are in violation in a significant way right now looking at the photographs. I'm looking for a plan to have it cleared and a timeline in which to do it. If it is firewood I have no problem with that, however you want to do it. However, I need a time certain when this is organized or gone. Your projects sound not specific right now. This isn't the first case where I've seen someone cut a tree down and leave things there, but it's a fire hazard and harbors rodents. St Paul isn't unique in this code, it is common in cities. Maybe you weren't ready for the question, but I need an end game.

Maurer: to the end of the year will be great. I'm going to work around getting it cut and moved out around the snow.

Moermond: I can live with that. I'm going to push this to January 8, 2021. I'll send it to Council January 6 to vote. The inspector will follow up on the 11th and I would get a report back on the 12th. If things aren't taken care of, I would send it to Council again and they would make an official finding about sending a crew to finish the work and there would be a charge with that. We'll send a follow up letter with the details.

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

**16 RLH SAO
20-47**

Appeal of Paul F. Stefanyshyn to a Summary Abatement Order and Vehicle Abatement Order at 98 GARFIELD STREET.

Sponsors: Noecker

Grant to January 1, 2021 for compliance with all exterior items and 2 of the plastic barrels removed; 4 remaining stored upside down. Camper/trailer to be removed by December 9, 2020. Then, new orders will be issued for the camper/trailer condemning for living purposes with a vacate date of December 9, 2020. (New vehicle abatement orders will be issued for collector vehicle encroaching on property line.)

*Paul Stefanyshyn, owner, appeared via phone
Maggie Murphy, attorney, appeared via phone*

Murphy: it sounded like you had already developed your recommendation to Council?

Moermond: no, I do that after speaking with you. Just trying to explain it is just that, a recommendation.

Staff report by Supervisor Lisa Martin: November 11, 2020 a summary abatement order was issued to the property to the owners, John and Paul Stefanyshyn, to remove the outside storage under the rear stairs, around the camper/trailer and around the yard. Loose landscape blocks, scrap wood, barrels and debris throughout the rear yard. Compliance date of November 17. Also a Vehicle abatement order issued for a travel camper/trailer with Illinois plates with tabs that expired December 2019. Vehicle was lacking tabs and on an unapproved surface. Inspector went out today and the camper/trailer had been turned around and moved closer to the house, basically is parked on a patio. There is a heater and battery charger on camper/trailer, antenna is deployed on the roof. Clearly it is being used as a living space. There is also a collector on the west side of the garage that was not in the original order. This collector car is not shielded from public view, has a flat tire and is encroaching on the side yard setback. We'd like to see the camper/trailer removed from the patio area due to the proximity to the house. You can't use it as a living space. We still have scrap wood, plastic barrels, and other debris around the property.

Moermond: lastly you noted the additional violation\ yesterday that isn't in the orders, but your flagging it for attention. The collector vehicle that appears non-operational and not screened from public view and encroaching the side-yard setback. So too close to the property line. We have a camper/trailer, cleanup issues, we have some discussion about someone living in the trailer and those implications. Ms. Martin, you noted someone was living there, what is the enforcement perspective of that?

Martin: we'd condemn the vehicle for living in this situation. They are running extension

cords, and the heater is going. It is one thing to store it legally, but with all these other things, it is additional living space.

Moermond: so new orders would order it vacated or condemned. That observation was at the most recent inspection so those orders haven't been written yet.

Martin: at the time of the vehicle abatement order. The travel camper/trailer being moved may eliminate the running of the extension cords.

Moermond: I see in his appeal Mr. Stefanyshyn asked for additional time and weather concerns and zoning questions. I'm turning it over to you, Ms. Murphy.

Murphy: I don't know if you know the history of this property. He hasn't lived here since he was a kid. He did a lot of helping since his mother was alive. His brother lived here and it ended in a condemnation. Paul moved in and got everything in reasonable order. The brother has since moved back and put it back in bad condition. What we're trying to do is buy the house from John Stefanyshyn. He has a hoarding and anger problem. When Paul went over there to clean up after John, he was chased out with a pail full of dirt swinging at him. Rather than fight, Paul chose to leave. Is there any chance we can get a court order allowing Paul onto the property?

Moermond: not being a judge I couldn't tell you that. My focus is on the nuisance abatement property. That would be a civil matter for District Court.

Murphy: we are getting him out of the camper/trailer and will move it, within a week.

Moermond: yes, we're talking about deadlines and extensions and what you need. Giving me a sense of that is helpful. I'm ready to work with you on it. I have background with this family and property as well.

Murphy: he's very responsible and works hard. He can get the camper/trailer out within a week. He can clean out the area, we need some way of not getting hurt though. We can call the police and do a drive-by I suppose. He can clean up generally. There are some plastic barrels that are not in the garage because John has changed the locks. That's normally where they're kept. Is it possible to wait until Paul has a chance to get into the garage and cleanup enough to make space for them? That would take six months, is that too long?

Moermond: yes. I have one more question, I see a photo of the camper/trailer and I'm seeing children's toys on the side. Are there any children living in that camper/trailer?

Murphy: there were. The mom and child have moved out.

Stefanyshyn: originally John was letting this guy move in with him and clean up the downstairs, but he never did. They were living there with an extension cord and water and such. I'm happy to have the camper/trailer go. I've clashed with my brother about cleaning up with his hoarding problem. We went to court. I had a restraining order which was dismissed. John was ordered to go to psych classes and evaluation because of that dismissal. You may remember a few years ago we had a summary abatement order to clean up the yard. I showed the police the summary abatement order after he called them on me. It has been very difficult. I have a toddler, my first child, I don't want to deal with him abusing and screaming at me. You can see the harassment restraining order in the courts. Maggie Murphy went with me to court in front of Judge Street. I don't know what to do.

Murphy: we are in the process of working with him to purchase the property. This hasn't been easy at all, but we've worked with him. Once Paul can get in he will be able to do a lot of this. Is it possible to tag the truck without current tabs? That's John's truck.

Moermond: that would be a property code violation to the owners of the property.

Murphy: but if you tagged and towed it with no one moving it?

Moermond: that's exactly what will happen if it isn't dealt with.

Murphy: so giving him time to do that.

Moermond: John got the orders as well.

Murphy: John has serious problems. He won't do anything. He'll just tear them up. Paul would like to be compliant but we need a few weeks at least to get it done.

Moermond: let's break this down. The most critical item is the life-safety concern presented by living in the camper/trailer, especially with children. I know you're saying they aren't now, but it still is hooked up.

Murphy: that can be done within the week.

Martin: if we issued orders we would give four days to remove it.

Moermond: and that would be condemning it and ordering it moved?

Martin: correct.

Moermond: this is in addition to the current vehicle abatement order. I'm most interested in making sure that no one is living in there unsafely. I would like Ms. Martin to issue orders but also give you the opportunity to talk about what sort of extension would work for you. If she were doing a four day in orders, that would take us to next Monday, you're asking for a week. How about I say next Wednesday? Does that work?

Stefanyshyn: that would be fine. There was a question about the parking space. I know Don parked that truck by the fence. He put collector plates on it, it is drivable once there is air in the tire. Is that spot ok? There's concrete there. I checked with zoning they said they only had records to 1998, but my parents owned it since 1956.

Martin: but it needs to be on the concrete, not up against the fence.

Stefanyshyn: it is on concrete.

Martin: it needs to be 4 feet from the property line.

Stefanyshyn: ok.

Murphy: but the pad is ok right?

Martin: yes.

Murphy: could you do that within a week? I'll just talk to his lawyer?

Moermond: we don't have an order on that vehicle right now. Ms. Martin if you want to issue orders for that and a put a deadline of a couple weeks? Does that work?

Murphy: does that work for you Paul?

Stefanyshyn: that's up to John. I don't have keys to move it.

Murphy: I understand that. We're going to work through his attorney.

Stefanyshyn: I don't see it being a problem. It is more than enough time.

Moermond: so she will issue that order with a deadline of December 9. If you or John want to appeal that, you can. It is a fresh new order and is appealable. But that's something to work with now. Let's talk about the exterior storage. We have scrap wood, things under the steps, the plastic barrels and so on. You're looking to access the garage for storage, but it is currently too full?

Murphy: right, but he can't even get in at this point. We're hoping to somehow convince John to let Paul on the property to clean up. We want some time for the barrels, there's no place to store them. The rest of the cleanup, if we can get in, two weeks would be fine, right Paul?

Stefanyshyn: yes and we have been doing cleanup. Before I got threatened with a 5-gallon pail, I was working on the cleanup. Not everything is out from under the stairs, but a lot was hauled away.

Murphy: how long would it take to clean it up?

Stefanyshyn: a day or so. The barrels we use to put the leaves in to haul to compost. I've been using them 20 plus years. They're empty. I don't have another container to put them in.

Moermond: I don't see anything wrong with a barrel being outside for that kind of use. The things that make it problematic are compost or garbage that sits and it doesn't have a lid, so water would accumulate. It is not mosquito season now, but that's a problem in the summer.

Stefanyshyn: they were upside down.

Moermond: and that is my thought on that. In the winter what are they used for?

Stefanyshyn: nothing this time of year, maybe some branches. There are six barrels there.

Moermond: for the exterior cleanup, January 1 and 2 of the 6 barrels will be gone. The remaining four should be empty and upside down.

Murphy: this all sounds doable. I will get it to his attorney as soon as possible.

Moermond: the camper/trailer is going to be gone. It is an issue because it is a camper/trailer with bad tabs and is being used as living space and will be condemned presently. That is still appealable, but that is the most urgent matter. If it is appealed I will put it on my calendar next Tuesday morning. I don't want to let that situation linger

for obvious reasons. We have dealt with the four issues at hand, any questions? We'll send a letter confirming all of this.

Stefanyshyn: when the original order was sent, it was sent to 98 Garfield, John didn't say anything and I only found out from the guy with the camper/trailer. I had to call the City to find out what was going on and found out about the SAO. If it was left up to him you'd be in there towing it away and sending it to property taxes.

Murphy: murphymm3@aol.com is my email address.

Moermond: Ms. Martin, when you do these orders, typically they aren't emailed, but this is an exceptional circumstance. Could you email them to Ms. Murphy in addition to it being mailed to the property?

Martin: got it.

Murphy: 651-209-8018 is my number if there's a problem.

Moermond: Mr. Stefanyshyn, this will go to your attorney, and you two can take it from there.

Stefanyshyn: I'd like to mention I had a bulky pickup scheduled with Waste Management today, a couch and some other things. The guy with the camper/trailer said John didn't want the stuff to go. I'm dealing with a hoarder, and everything is sacred to him.

Murphy: we're going to dump it on his attorney and leave it to John. Either he moves that old sofa or he pays to have it removed. It is in his court at this point

Stefanyshyn: one last question. Last time I recall you mentioned if it wasn't cleaned up you'd get a warrant and come do it. Would that happen if that camper/trailer isn't removed?

Moermond: that would be what would happen if you or your brother denied access to the property. If access is allowed, the City crew goes in and just take care of business based on the orders. If denied access, they would seek and obtain an administrative search warrant to abate the nuisance conditions. At that point we were talking about him denying access. I haven't heard that here, but that is definitely in Ms. Martin's toolbox.

Referred to the City Council due back on 12/16/2020

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 17 RLH VO 20-56** Appeal of Hussein U. Abdullahi to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1393 PROSPERITY AVENUE.

Sponsors: Yang

Grant to January 8, 2021 for compliance.

No one appeared

voicemail 12/1/20 12:14 pm: we were looking for a work plan from you and don't have that. we'll try calling you back in a few minutes to chat, if we can't you'll have a deadline in that voicemail and follow up correspondence.

voicemail 12/1/20 12:20 pm: we were unable to get ahold of you and you didn't submit a work plan. January 8, 2021 will be your date for completing items in the order. There will be a letter for follow up letter for inspection after that date. We'll also send a follow up letter from our office confirming this call.

Referred to the City Council due back on 12/16/2020

1:30 p.m. Hearings

Fire Certificates of Occupancy

18 **RLH FCO
20-166**

Appeal of Shalanda Williams to a Fire Certificate of Occupancy
Correction Notice at 474 BLAIR AVENUE.

Sponsors: Brendmoen

Grant an extension to March 5, 2021 for compliance on the condition that the property remains unoccupied.

*Shalanda Williams appeared via phone
Nathaniel Mathis appeared via phone*

Staff report by Supervisor Leanna Shaff: this started out as a referral back in September for a water shut off, which got transferred to Fire C of O inspection which is where we're at now. There are 11 orders against the property. In reviewing the orders, the house suffers from deferred maintenance. Interior and exterior issues. It is going to take a bit of work, but it looks like she's saying no one lives there and they want to sell.

Williams: the tenants kept letting the water get cut off. They moved out October last year. We have a man coming to work on it. He had a stroke, then my father in law died, and then the pandemic. It is going up for sale, just taking a break due to the pandemic.

Moermond: where are you at in terms of listing it?

Williams: were going to work with the realtor who sold us the house were living in.

Moermond: when people have a property up for sale I check to see if there's a TISH. I didn't see one so that's why I asked.

Williams: we haven't done anything yet because so much has been going on. Our realtor told us we could sell it as is, but we haven't done anything.

Moermond: you will still need a TISH. You're not going to need a Fire C of O if you're not occupying the property. I would say your worry then becomes that it is more likely to be referred to the vacant building program. That will likely involve you needing a code compliance inspection and having a list of things that need to be done. So a heads up that right now time isn't your friend. I would say if you can get that house

cleaned out and ready to sell, you're much less likely to end up in the vacant building program. I'm putting that frankly to you. It sounds like you won't be addressing the orders before the sale?

Williams: no, I lost my job and with the pandemic money is tight. That's why we decided to sell.

Moermond: if you aren't doing the repairs, I would say getting it cleaned out marketed and sold is the best route to go. That's no guarantee of it staying out of the program. Right now there are December 9 deadlines for the items. I can give an extension but I know you won't do it. Typically from the first order, they'd come back and issue revised orders after looking again, and then a third set moving towards revocation. That typically takes about 90 days. I'd want to give you an extension in that range knowing you won't be trying to comply, but giving you a time to take care of this other stuff before it has a revoked certificate. You can have until March 5, 2021 to complete the orders. If you don't, then the fire inspection folks will send a letter to schedule an appointment and revoke the certificate if you're not in compliance. That may trigger you being put into the vacant building program.

Shaff: I don't have issue with that, but I want to make sure that house doesn't get occupied. I'm going to issue an additional order making the interior uncertified.

Moermond: and the extension is conditioned on it being unoccupied.

Referred to the City Council due back on 12/16/2020

**19 RLH FCO
20-164**

Appeal of Juan F. Paredes to a Reinspection Fire Certificate of Occupancy With Deficiencies at 1048 BURR STREET.

Sponsors: Thao

Grant to January 8, 2021 for compliance on ceiling repair. Grant to March 8, 2021 for replacement or repair of siding. Grant to June 8, 2021 for exterior painting.

Juan Paredes, owner, appeared via phone

Staff report by Supervisor Leanna Shaff: Fire C of O inspection that began October 12 with Adam Powers. That was the first inspection of this cycle, he noted 11 deficiencies. He returned for reinspection and there were only a couple deficiencies left. Exterior issues, pictures are attached. Siding is pretty damaged and in the upper unit living room there are some holes and cracks in the popcorn ceiling.

Moermond: Mr. Paredes what are you looking for today?

Paredes: what happened is I addressed the other issues. I'll get the ceiling fixed. My issue is the exterior. I have a few tiles broken; those are made out of asbestos. I've been looking to try and replace them and can't find them. I'd like to replace the whole siding, but that's a \$35,000 bill just to remove the asbestos. I don't know what makes it a fire hazard besides it looking bad. But the house isn't in poor shape, he just made comments on some of the tile. Sometime in the next two years I'd like to replace the whole siding but that's \$45,000. Right now it is Covid and my renters don't pay on time. It is not a good time for me to try and take out an extra loan for something I don't consider to be a priority. It isn't structural.

Moermond: this isn't the first time we've seen transite siding deteriorate. It hasn't been

used in many years and it is at the end of its useful life. Tell me about your experience with this.

Shaff: it is asbestos which is a dangerous carcinogen. There are more than a few panels with chips and breaks. If it sits there undisturbed it is ok. When it starts to break down and deteriorate all those edges have put asbestos into the environment. As it sits right now all of those need to be painted and patched to seal the open edges. We also have peeling paint on top of it. When we don't have all our corner pieces and wood trim in disrepair, it just happens more. Perhaps he doesn't understand that we enforce State fire code and the City's property maintenance code. We do have a health hazard with this asbestos.

Paredes: how can you expect me to spend \$50,000 in a couple weeks. No one is outside chewing on asbestos in the winter. You should go through the house; it isn't that many.

Moermond: what I was hearing Ms. Shaff suggest is repair would be a distinct possibility as opposed to completely removed and resided. A temporary measure to make it safer pending you eventually investing in new siding. I hear the door is open on that from an enforcement perspective. It is a band aid to get you to the 2-year mark to do the siding.

Paredes: repairing is fine, but what the guy told me is to replace which is \$45,000 that I don't have. It won't happen over the winter either. That's why I'm appealing.

Shaff: you'll need to call a contractor, but there are places that can remove the broken pieces and replace with a different material until you have the financing to do all of it.

Moermond; so getting an asbestos contractor to deal with the broken pieces and not dealing with the other stuff. You're thinking that could be done sooner.

Paredes: do you have any suggestions on companies who would do that?

Shaff: that would be up to you and looking at the pictures there are a lot more than 1 or 2. We can't give you suggestions as to contractors, that can get us into trouble.

Moermond: I assume asbestos contractors require licensing. If one wanted a list of businesses licensed in this area the State of MN would have that? That would be a beginning list that doesn't emphasize one business over the other.

Shaff: it is just as easy to Google.

Moermond: so there are a couple ideas. I know it is Minnesota and painting isn't realistic for a few months now. I'm hoping you can come up with a plan for me to look at for stabilizing the broken asbestos transite siding. Talk to a contractor and get a sense of how long a contractor would take, otherwise I have to pull a deadline out of the air. I'd rather have it be informed by you. My initial thinking is that 90 days to repair those shingles and another 90 days to do the painting on the exterior. Basically you'd have 3 months to fix the shingles and six to fix the painting. That's a repair, that's not the residing. This is the band aid to get you there.

Paredes: that sounds fair. Painting means the whole exterior?

Moermond: my concern is chipping and peeling paint. The concern is where it is lifting.

The house is gray and looking at the pictures you have a lot of sections that are peeling and you can't scrape transite.

Paredes: the ceiling isn't a problem; I'll take care of that.

Moermond: I'll do a January 8 deadline, with a reinspection after January 8.

Referred to the City Council due back on 12/16/2020

2:30 p.m. Hearings

Vacant Building Registrations (NONE)