



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, January 5, 2021

9:00 AM

Remote Hearing

Special Tax Assessments

9:00 a.m. Hearings

- 1 [RLH TA 21-23](#) Ratifying the Appealed Special Tax Assessment for property at 1000 ARCADE STREET. (File No. J2104B, Assessment No. 211803)

Sponsors: Yang

Layover to LH January 19, 2021 at 9 am for further discussion.

Tou Cha appeared via phone

Staff report by Supervisor Joe Yannarely: this was an emergency boarding, by the St. Paul Police Department at 3:40 p.m. on September 23 to secure the building. There was some sort of gas leak event at the time. The cost was \$256, service charge of \$162, for a total proposed assessment of \$427.

Moermond: there was a gas line break according to the police report.

Yannarely: it is not clear in the police report, but it is surprising there was a boarding. They maybe had to break in to clear the building

Moermond: it looks like this is a business, what happened that day?

Cha: I got a call from my neighbor that there was a gas leak and fire personnel were blocking the block. They wouldn't let me in to my shop. It was next door to 1000 Arcade. It took a long time; I came back later and they still didn't let me back into my shop. They blocked off the whole block, and then a tractor came and dug a hole in the sidewalk and then when it was cleared and my door was boarded up already. I didn't get a chance to secure it myself. That's a \$2,000 metal door, and the building is vacant. It used to be an antique shop, but now it is empty. A tenant lives upstairs and he has to go to the alley for access. The Fire Department tried to clear everyone out for safety. It was a very expensive door that I now I have to repair, I don't have the finances to pay for that.

Moermond: where was the hole dug?

Cha: right in front of the shop.

Moermond: why did they have to board, do you know? To make sure no one was in? Or was it part of digging the hole?

Cha: I'm assuming it was to make sure no one was in the building. They also broke the front door of the 992 Arcade, my other shop. I'm not the landlord to that one though, just the renter.

Moermond: do you have insurance covering your door?

Cha: no, I don't.

Moermond: so no claim or deductible.

Cha: I have to pay for it myself, I don't have insurance for that. I have insurance on the business, but not on 1000 Arcade which is where the door is broken. I did talk to them about this, it won't be covered.

Moermond: I don't feel like I have enough information about what was happening on the ground that day. The police report just talks about all this back and forth with Xcel and the St. Paul Police Department. It doesn't describe what happened, why the hole was dug and all of that. I'm wondering if the Fire Department or Xcel could tell us more. That may help us sort out what's going on. I'd like to give them a call and see if they can share some information on that. I'd like to talk about this in 2 weeks' time on January 19, 2021 at 9 am.

Cha: there was another hole dug a couple blocks away too.

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

2 RLH TA 21-25

Ratifying the Appealed Special Tax Assessment for property at 1000 ARCADE STREET. (File No. J2102P, Assessment No. 218401)

Sponsors: Yang

Delete the assessment (graffiti waiver on file).

Tou Cha appeared via phone

Staff report by Supervisor Joe Yannarely: this is a graffiti abatement order. Date of orders was July 15, 2020, rechecked July 22 and found in noncompliance. Graffiti was removed for a cost of \$75.46, service charge of \$162, for a total assessment of \$237.46. We have just recent received a graffiti waiver so are inclined to recommend deletion.

Moermond: because you sent that in, it is my practice to recommend deletion so that one goes away right now.

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

3 RLH TA 21-2

Ratifying the Appealed Special Tax Assessment for property at 101 COMO AVENUE. (File No. VB2104, Assessment No. 218803)

Sponsors: Thao

Reduce the assessment from \$2,284 to \$1,142 if permits are finalized by February 24,

2021. PO to confirm by Feb 15, 2021 if he would like assessment made payable over 5 years.

Zin Zhou appeared via phone

Staff report by Supervisor Joe Yannarely: this is a category 1 vacant building opened June 16 due to a fire. It was on an exterior deck. An automatic 90-day waiver was given. It is still vacant and has open electrical, mechanical and building permits. The cost is \$2,127, service charge of \$157, for a total proposed assessment of \$2,284.

Moermond: so a fire June 16, June 18 it was condemned, and June 19 went into the vacant building program. What are you looking for this morning?

Zhou: I am the landlord of this property. Unfortunately this house caught on fire, June 20 I had a baby boy born, so more work to do during that time. Then I met the inspector to get the contractor out right away to discuss renovating the property. I really tried my best to work on it right away, in spite of all the things going on at the time. 2020 is a special year, the fire, a newborn, and then Covid. It is causing a lot of stress. The insurance company works differently, they take a much longer time to even start the process. My contractor is working hard on this, if you check the history they got a permit to work on it in July, lately they got the building permit. It just wasn't enough time for my contractor to work through the insurance and the rebuild process. I would hope that you consider the special situation in 2020 that was unique.

Yannarely: we have had to clean up the property twice. Debris and tall grass and weeds and then a third time a summary abatement was issued, but work was done by owner.

Moermond: when you're in the vacant building program the inspector goes by twice a month. On 3 different occasions they found problems at your property. There was still fire debris a month after the fire, they had to mow the lawn. What that tells me is that the inspectors did have plenty of work to do when they went to your property. You do have open permits, two were pulled more recently. In a situation like yours I would normally say if you can get sign offs on those permits within 6 months I'd cut the fee in half. In your case I know there have been extenuating circumstances. This goes to Council February 24, which is the 8-month juncture from the fire. So 8 out of the 12 months. If you can get your permits closed by February 24 I'll recommend it gets cut in half. Either way, would it be useful to have this divided over a couple years for payments?

Zhou: I do have insurance, but they are slow. It takes quite a while to work with them.

Moermond: often they will cover the vacant building fee as well. I would talk to them about that. You could file a claim for that, that is often successful. On February 24 if you have your permits finalized, I'll ask Council to reduce this in half. if it isn't done, I'll ask them to approve the full amount.

Zhou: I'll try with my insurance, if they pay I will pay it in one bill. I really tried to work on this right away. I did have a receipt for the contractor doing the cleanup and fire debris. I did have people doing the lawn cutting. I guess there is still things not cleaned up, I'm not sure why.

Moermond: the cost of the cleanups we could talk about separately, but for the moment we're just looking at the vacant building fee. Do you have an email address,

and we could check in by email if your insurance is covering?

Zhou: [redacted]@gmail.com

Moermond: terrific. We will check in with you around February 15 and see what your insurance company says or whether you'd like payments divided over a couple years.

Zhou: I know he pulled permits to renovate the building. Someone went in and cut the pipes in the house, so there is no plumbing. I don't know if their permits cover this, but it will take some time to fix all of these issues. I don't think we'll be done February 24. It has to be totally completed by then?

Moermond: yes.

Zhou: the timing is tight for that. I don't think we'd finish.

Moermond: part of it isn't enough. I need to see the permits finalized. You have incentive to get it done quickly, if it isn't then the bill will be higher. You'll have to work with the contractor. I'm already giving you an extra two months.

Referred to the City Council due back on 2/24/2021

4 RLH TA 21-13

Ratifying the Appealed Special Tax Assessment for property at 811 MARYLAND AVENUE EAST. (File No. J2014B, Assessment No. 208115)

Sponsors: Yang

Reduce assessment from \$442 to \$280.

Kongsue Xiong appeared

Staff report by Supervisor Joe Yannarely: St. Paul Police Department found a forced entry May 29, 2020 at 4:40 a.m. They called in emergency contractor at 6:15 am. Cost of \$280, service charge of \$162, for a total proposed assessment of \$442.

Moermond: I'm reading the police report, do you have a copy of that Mr. Xiong?

Xiong: I have the letter sent out to me not long ago.

Mai Vang: I did send him the packet on December 28 at 8:44 a.m.

Moermond: it appears to me that although the civil unrest happened the end of May, the report wasn't done until the end of July, months later. No doubt because they were very busy. We have an idea in their follow up of what happened, but I'm curious what happened from your perspective. This particular building is 811 Maryland Avenue East, but the address things got boarded at was 1209 Arcade. Tell me, is this a business? What is your relationship with the building?

Xiong: I own the building. May 27 to 29 it went crazy across the city. Unfortunately my building was broken into. My concern is that no one could prevent anything, but if anything happened they should call an owner to take care of something minor. Of course they have the obligation to secure, but they had my information, they should have notified me. Instead of doing that they called their own company. They only put a 2x8 to the door and charged me \$442. I don't think that's fair. The owner must work

side by side to provide safety for the business and people. But the way they conducted this, I don't have any money and they're charging me this much. I pay \$28,000 in taxes. It isn't necessary for them to put that board on my door and charge me that much. I only live a couple blocks away; they should have called me to take care of it. This was minimum work for maximum charge.

Moermond: looking at this situation; the first comment I have is that it was a case where there was civil unrest and an emergency and curfew was declared. It wasn't possible for you to do anything and it was also an emergency and they are obligated to make sure the building is secured so additional damage didn't occur. They have that public safety obligation. Most of the charge here is the emergency call out fee for the company that does the boarding. What I'm going to do here is recommend the service charge is deleted and get you down to \$280. That's the call out charge and the supplies and labor, but the administrative fee is cut off. I understand you would have liked to be out there, but the City has a legal and moral obligation to do their best to secure to prevent future problems. If additional problems would have happened the City would have been liable because they didn't do their part. Hopefully the reduction helps. Even if it wasn't a state of emergency, it would still be a charge in a normal circumstance. This amount is more comparable; as if you had done it yourself.

Xiong: they didn't do it in the middle of the night. I went there and they hadn't done it at 9 am. I went to buy the supplies and then when I came back it was done.

Moermond: the invoice says 6:15 a.m.

Xiong: that's not true.

Moermond: both things might be true because some businesses got boarded, and then they got taken down by criminals, and then they went back to re-board. Repeat visits in rapid succession. So it may have been 6:15 and 10 am. I can't be sure about that. The City does have that obligation though. You have the ability to look at this. We'll send you an email with these details

Xiong: not necessary.

Referred to the City Council due back on 2/24/2021

5 [RLH TA 20-703](#)

Deleting the Appealed Special Tax Assessment for property at 444 PAGE STREET EAST. (File No. VB2101, Assessment No. 218800)

Sponsors: Noecker

Delete the assessment. (Assessment was paid at closing and City to refund VB fee of \$2,284).

Dirk Buekes, realtor o/b/o seller, appeared

Moermond: so we have a vacant building and a fee charged for June 2020 to June 2021. But on August 6, 2020 you got out of the vacant building program. Only about 6 weeks in the program. Looking at this file it made sense to say I would typically waive that fee. The fee was paid at closing, so we're in an awkward circumstance where the Real Estate office would process a check to go back to you. In the future if this comes up, handle it through escrow instead of paying ahead of time.

Buekes: I hear you and I appreciate it. There was a lot of pressure at the time due to

other circumstances as agent and seller. When I called I was just told it had to be paid. Because of developments before closing, the seller didn't want anything that could make it look to the buyer that things are not right so he just decided to pay it and were told it could go this route. It is highly appreciated. In the future I will recommend we do it differently, but here is a big thank you.

Moermond: whoever paid the City is the one who gets the check back again.

Buekes: that was the owner, Mr. Ortiz. His information is on file.

Moermond: it does take some time to process this, about six weeks. With Covid it may be longer.

Buekes: what was your name, I missed that.

Moermond: Marcia Moermond, Hearing Officer for the City Council.

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

- 6 [RLH TA 20-707](#) Ratifying the Appealed Special Tax Assessment for property at 716 SIMS AVENUE. (File No. VB2101, Assessment No. 218800) (To continue Public Hearing to January 27, 2021)

Sponsors: Yang

Continue PH to January 27, 2021. Recommend approving the assessment.

No one appeared

Moermond: this has been going on since at least March of 2020. In a previous appeal they got a 90-day waiver and had an opportunity to reinstate the Certificate of Occupancy instead of getting a code compliance inspection. We had permits pulled and abandoned and partial refunds issued to the contractor. The work wasn't done under permit. Mr. Mitchell indicated he was surprised that was the situation, though I'm surprised he's surprised since he is the general contractor. We have a vacant building fee that has been waived and covers March 2020 to now, 10 months out of 12. I'm struggling to see how they will manage to get the work done and the Certificate of Occupancy reinstated. I'm going to put this in front of Council January 13 and ask them to continue it to January 27 and they can submit info in writing to Council. But I'm going to recommend approval. They could have done better than to notify us this morning they couldn't attend. There are two people involved. Neither informed us neither could make the hearing. It has been rescheduled twice already. I hear there is an emergency but there's also someone else who could have been on the phone and she is on vacation. All things considered I'm recommending approval.

Yannarely: do you want category 1 pending permit sign off or a category 2?

Moermond: I don't see a reason to change the categorization, it is a rental property. I think the Fire C of O orders were accurate and it wouldn't benefit from a full code compliance inspection. We'll continue to cut them a break on that.

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

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

Sponsors: Tolbert

Approve the 2020 to 2021 VB fee, make payable over 5 years. Waive the 2021 to 2022 VB fee to May 27, 2021.

Brent Nelson appeared via phone

Staff report by Supervisor Joe Yannarely: this is a category 1 vacant building opened January 27, 2020 due to a fire. Rehab has been ongoing since then. A 90-day waiver was granted in April. Permits remain open. The last notation by Dornfeld said he talked with property owner who requested another extension and was advised to file an appeal. It is a total proposed assessment of \$2,284.

Moermond: the vacant building fee covers January 27, 2020 through January 26, 2021. Two fee waivers were granted, one by Code and one at the discretion of the supervisor. So at the 6-month mark there would have been no fee. We are now at the 1-year mark. Tell me what you're looking for?

Nelson: it should have been done. The time frame originally proposed was delayed by Covid. Supplies and suppliers shut down, plus the civil unrest which made things go slower. It isn't anyone's fault; it is just circumstance. I keep hearing that Minnesotans help each other out and we're all in this together and they should waive the 2020 fee under those circumstances. This is a financial hardship for me to pay this. It would seriously hurt me. I have contributed to St. Paul all my life. Now when I need help from the City, I'm asking for that.

Moermond: when do you estimate the work to be done?

Nelson: within 3 months. The mechanical is done, all the trades permits are being closed. I'm working fervently on that. It depends a lot on tradespeople. With the civil unrest everyone is busy. I'm hoping 3 to 4 months. It is my understanding under chapter 43 in order to not be considered vacant it needs a Certificate of Occupancy issued.

Moermond: that is correct.

Nelson: that's what we're aiming for. Also section k(1), I understand from my research that there are a lot of problem buildings in the City and I understand the need. In this case we are taking aggressive action, it isn't a nuisance, you don't even see any problems if you drive by. You can't even tell it is vacant. I'm there every day. There are people working every day on it. I guess I'm wondering what cost the City has in monitoring the building. I don't get why it needs to be monitored.

Moermond: the cost of the fee is the program divided by the number of building in the program. An inspector goes by twice a month. That applies whether you're on Summit or Sherburne. As a matter of equity they are treated in the same fashion. Proactively making sure they are taken care of.

Nelson: but a property with no issues uses less City resources.

Moermond: if there were some kind of situation where you dumped fire debris and not picked it up, that isn't absorbed by the vacant building program. The City writes you an order and if the City cleans it up it is a separate charge. It isn't embedded in your vacant building fee. That is different than how Minneapolis handles it. We don't do that

here, it's a monitoring fee.

Nelson: those are the only two cities that even has the program. Most municipalities don't even charge this fee.

Moermond: and St. Paul does. And you do qualify.

Nelson: and a lot of people don't like it.

Moermond: I understand you don't want to pay it.

Nelson: I can't afford to pay it, that's the problem. People think you live on Summit you have all kinds of money. I haven't worked in months due to Covid. I drive a 20-year-old car. You're putting me out on the street.

Moermond: first, have you talked to your insurance company about the vacant building fee? Most insurance covers this.

Nelson: they are stomping at it because they have never heard of it, and especially with the high property taxes I pay.

Moermond: it sounds like you have the legal basis for the charge, you have showed them that?

Nelson: they are aware, it doesn't mean they will pay. They have to decide they are going to cover it. I can't make them do it.

Moermond: that's appealable.

Nelson: I lost personal things; my home was destroyed right after Christmas. I'm elderly. I'm looking for some sympathy from the City. Can you find it in your heart to give me a break please? My mom just died. I took care of her for years. I pay my taxes every year. I never rioted, looted, burned, they get all the attention. I'm asking for some compassion.

Moermond: you're asking for \$2,200.

Nelson: that doesn't mean anything to the City. It means everything to me.

Moermond: is there a contact at your insurance that we could send information to that would validate this charge? Would that help your claim?

Nelson: no. I can't tell them you have to pay this. They are a private company. I'm asking you to prorate it at least.

Moermond: what would the proration be? The rub is, if we were talking about you being out of the program 6 or 8 months in, I could do that. if you're in the vacant building program 12 out of 12 months, I don't have a lot of flexibility about that. I'm hearing you say you'll be out of the program within several months so it is a singular fee we're looking at it. We could waive the fee you're getting billed on now. I could put a waiver on that. Let's put a 4-month waiver in place for 2021 to 2022. That will get you to May 27, 2021. If it isn't done we'll look at prorating it if you're done shortly thereafter. With respect to this year. One is you may qualify for a deferment on the assessment, until point of sale. We can get you that information. We can also make it payable over 5

years, which is about a 4% interest rate. That breaks down those payments a lot. Either may help soften the blow of the expense. As I said we are more than willing to explain this fee to your insurance if you want us to that. It sounds like you don't, but that offer is one the table.

Nelson: I'd be happy to have you do that, but it won't make a difference.

Moermond: that's your decision. Do you have an email address to send information to?

Nelson: [redacted]@yahoo.com.

Moermond: I'll ask staff to send you information about deferral options. Otherwise I'll say let's make it payable over 5 years so it is significantly less. We'll check in with you and find out about which direction you want to go. This is scheduled for Public Hearing January 27. Why don't we send that email and you get back to us by January 22 about which option you would like.

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

8 [RLH TA 20-596](#)

Ratifying the Appealed Special Tax Assessment for property at 1935 UNIVERSITY AVENUE WEST. (File No. VB2101, Assessment No. 208800) (Public Hearing to be continued to February 17, 2021)

Sponsors: Jalali

Continue PH to February 17, 2021 to assess whether property will be rehabbed or removed. If there is a plan, continue PH to April 28 to execute that plan (rehabbed or demolished). If plan is executed, recommend reducing assessment from \$2,284 to \$1,142, and divide payments over 2 years. Divide payments over 4 years if entire assessment is approved.

Ruth Ogbasessia, o/b/o Eritrean Community Center of MN, appeared via phone

Moermond: we left last time with your fundraising efforts and where they're at.

Ogbasessia: we collected \$6,000 on the GoFundMe but we closed it because it didn't go well. But we still want to do it.

Moermond: how much will it cost?

Ogbasessia: we have two choices, completely remove it or fix it. The inspection says it needs a new roof, but right now we are looking at both choices. How much to fix or how much to take it down. The problem we have right now is we have 4,000 people, we can't ask the board to decide, we have to have a meeting about the choice. Some people say it would be cheaper to remove, but we use it as storage. We aren't meeting due to Covid. The building has been closed for 9 months.

Moermond: do you have estimates on fixing?

Ogbasessia: not yet. We just closed the fundraising. We don't even have that money in hand.

Moermond: but you don't even know much money you need for either option.

Ogbasessia: we are looking at which is cheaper but we don't have an estimate.

Moermond: I need to see an end game on this. If you had those estimates that would be helpful for your decision-making and where we're going. I'm looking at June 2020 to June 2021. I would like to cut that fee down, and it would help me to do that if I could see some forward progress on the building. Is that possible for you to get some contractors out?

Ogbasessia: yes I'll talk to my group today. We have to do it. My email is [redacted]@gmail.com

Moermond: I'm struggling with this. We can send you a list of contractors in the City who are licensed to do demo. You'd have to find a company if you wanted to fix. This has a Public Hearing next week since we've been talking a long time. I can ask the Council to continue it for a while, but I need an answer about demo or rehab. It sounds to me like it's a tough time to fix things both due to money and the condition of the building.

Mr. Yannarely, any comments?

Yannarely: Hoffman has proposed BDI (building deficiency inspection). It is in bad enough condition to be knocked down. It hasn't been done yet. It is on our in-house preliminary list to be looked at.

Moermond: so you definitely need to choose your options soon because the City is ready to force the question by saying the City will. They are getting ready to say that to you. I'll ask the Council to consider this in February, if you have a plan of action by then to take care of the problem and have it completed by the end of March. If that plan is knocking it down, great. Know the City might start a process saying they want to look at that possibility as well.

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

10:00 a.m. Hearings

- 9 RLH TA 21-21** Ratifying the Appealed Special Tax Assessment for property at 1030 FOURTH STREET EAST. (File No. J2104A, Assessment No. 218503) (Public hearing continued to July 21, 2021)

Sponsors: Prince

Reduce the assessment from \$452 to \$226. Continue the PH to July 21, 2021 and if there are no same or similar violations, delete the assessment.

*Feng Lor Fang, father of Nkaujxwb Fang, appeared via phone
Mai Vang translated*

Staff report by Supervisor Lisa Martin: a summary abatement order was issued July 10, 2020. The orders specifically said to remove a fridge from the boulevard by July 15. The inspector said he talked to a person on site about the fridge, gave him a business card, and whoever he spoke with said they would remove it. It looks like we reinspected and the work wasn't done. It was sent to a work order for a cost of \$290, service charge of \$162, for a total assessment of \$452. They did make an attempt to move it from the boulevard but it wasn't removed from the property. There is a history at the property, November 6, 2020 dumping of mattress, August 13, 2020 there were tires, September 9, 2019 overhanging vegetation that was taken care of by owner, and

then another dumping complaint April 9, 2019.

Moermond: what are you looking for this morning?

Fang: on July 10 I put the fridge on the boulevard. The inspector came and found the fridge and told me I needed to move it. I moved it from the house to the sidewalk which is 100 feet. When I was told I needed to move it, I moved it back by the garage where I could have my children take care of it and remove it. I was not told I needed to remove it totally. I put the fridge back by the garage and wasn't home. My son found the fridge was gone, he thought it was stolen. I didn't get any notice of the removal except the verbal communication from the inspector. Then September 30 I got the notice of the hearing.

Moermond: the inspector did speak with the owner but a letter was also issued July 10 to occupant and Mary Hue Pa Fang. The order says please remove fridge on the boulevard. I think you are splitting hairs. It doesn't say move it says remove. Moving it is what happened. I understand you may have been making an effort and I do appreciate that. In the balance, when I review this, is the dangerous condition that the fridge with the door on and unsecured presents. Second, there is a history of problems and cleanups at the property over the last year and a half, which is difficult also. I'm going to propose that on January 20th I will ask the Council to reduce this from \$452 to \$226. At the same time I will ask them to continue it. If there is no same or similar violations through July 21, I will recommend it is deleted. I want to create an incentive for no future problems. That means shovel the walk, mow the lawn, take care of any trash and upkeep.

Fang: I'm ok with the recommendation but I do question the notice. I didn't receive anything.

Hue Pa Fang: there is so much illegal dumping and what can be done about that? There is a fence in the back and people dump trash there all the time.

Moermond: cameras, lighting, keeping area clean, put no dumping signs up. Even signs that say area is under video surveillance. Ms. Martin anything to add?

Martin: no, that covers it.

Moermond: I wish you the best. We'll send an email confirming.

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

10 RLH TA 21-3

Ratifying the Appealed Special Tax Assessment for property at 1417 TAYLOR AVENUE. (File No. J2104E, Assessment No. 218303)

Sponsors: Jalali

Reduce assessment from \$157 to \$76. Reduce forthcoming excessive consumption assessment from \$157 to \$76.

James Kalkes appeared via phone

Staff report by Supervisor Lisa Martin: June 19, 2020 a correction notice was issued in regard to the accessory structure of the garage. Compliance date of July 21, rechecked July 23 and found the garage wasn't secured. The property owner did state he intended to remove the garage. July 29 it still wasn't secured so we sent an

excessive consumption fee. There is a demo permit issued, but it was not issued until October. History tall grass and weeds with no work order sent, and graffiti. Cost of \$122, service charge of \$35, for a total proposed assessment of \$157.

Moermond: did you say this is one of two excessive consumption bills to the property not being done on time?

Martin: yes, July 29 and October 7, which is not in front of us today.

Moermond: a week after that second one a demo permit was pulled. Is the work done now? Why are you appealing today?

Kalkes: in July they gave that ticket for the garage with no doors and then I couldn't find a contractor. So when the second order came out, I pulled the permit and did the demo myself. So I wasn't sure if there was a fine from the first or second order.

Moermond: it is one order; the two bills are for times they sent an inspector out and the work wasn't done. When that happens they send you an invoice, and that is for not being in compliance at time of reinspection. Where are you at now?

Kalkes: I took the demo permit out and it is completely down.

Moermond: you need to call the building inspector on the permit and have them come out and inspect the work so they can close it out.

Kalkes: I can do that

Moermond: you have this and the next one coming up. The work wasn't done, let's get it finalized and I'll cut both of these in half. They won't go away entirely. There's something there, and I'll call it \$76.

Kalkes: that works.

Referred to the City Council due back on 2/24/2021

- 11 RLH TA 20-621** Deleting the Appealed Special Tax Assessment for property at 1600 THOMAS AVENUE. (File No. J2103A, Assessment No. 218502)

Sponsors: Jalali

Delete the assessment.

No one appeared

Moermond: I will recommend this is deleted because it is a bad video.

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

- 12 RLH TA 21-17** Ratifying the Appealed Special Tax Assessment for property at 634 WATSON AVENUE. (File No. J2104A, Assessment No. 218503)
(Public hearing continued to July 21, 2021)

Sponsors: Noecker

Reduce assessment from \$322 to \$161. Continue the PH to July 21, 2021 and if there are no same or similar violations, delete the assessment.

Lisa Vang, owner, appeared via phone

Carl Price, fiancé of owner, appeared via phone

Staff report by Supervisor Lisa Martin: this was for a summary abatement order issued July 16, 2020 for tall grass and weeds. Compliance date of July 20. Rechecked July 22 and found in noncompliance. Work was done July 24. No returned mail, no history at the property. The cost was \$160, service charge of \$162, for total proposed assessment of \$322.

Moermond: I am remembering that the appellant said they bought a weed whacker and did some of the work and the video showed that but back yard and along the alley still needed work. We did look at this video and saw what the crew did when they were out there. We appreciate you did get the weed whacker and did the work, what's going on?

Price: we were told it couldn't be taller than 8 inches. We put in a lot of work for 2 days to cut it as best as possible with the string trimmer. There may have been patches that were above 8 inches but we did the best we could. We saw the video, they cut it down to ground level, way below 8 inches. That isn't what we were told.

Moermond: the maximum height is 8 inches. They will cut it to a more conventional height of 3 or 4 inches. You have never had any situation at the property before.

Price: we just bought it in June. We are new property owners.

Moermond: congratulations. My goal is to try and prevent anything happening in the future. I do see there was a good faith effort made and haven't had any problems and are new at this. I'll say I will reduce this in half off the bat, that gets you to \$161. January 20 I will ask the City Council to do that, and then also ask them to continue the Public Hearing to July 21, 2021 and if there are no same or similar violations I will ask them to delete it entirely. Do you have a lawnmower now?

Price: not yet. We bought the trimmer which was inadequate so we have not bought one yet.

Moermond: come spring you will want to do that. a small awn you might get a rotary one. The typical problem is people neglect to shovel or mow or there is dumping. Be aware of that and if you stay on top of it, it shouldn't be a problem come July.

Vang: so we pay that \$161 now?

Moermond: you won't get any invoice until a final vote by the Council. That would happen after July 21 if you do get an invoice.

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

13 [RLH TA 21-15](#)

Ratifying the Appealed Special Tax Assessment for property at 773 COOK AVENUE EAST. (File No. J2101A, Assessment No. 218500) (Amend to delete)

Sponsors: Yang

Delete the assessment. DSI staff provided contradictory information and duplicate

orders for the same issue.

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

Special Tax Assessments-ROLLS

- 14 RLH AR 21-1** Ratifying the assessments for Collection of Vacant Building Registration fees billed during February 18 to August 13, 2020. (File No. VB2104, Assessment No. 218803)
Sponsors: Brendmoen
Referred to the City Council due back on 2/24/2021
- 15 RLH AR 21-2** Ratifying the assessments for Securing and/or Emergency Boarding services during September 2020. (File No. J2104B, Assessment No. 218103)
Sponsors: Brendmoen
Referred to the City Council due back on 2/24/2021
- 16 RLH AR 21-3** Ratifying the assessments for Demolition services from August to September 2020 . (File No. J2102C, Assessment No. 212001)
Sponsors: Brendmoen
Referred to the City Council due back on 2/24/2021
- 17 RLH AR 21-4** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during July 16 to August 17, 2020. (File No. CRT2104, Assessment No. 218203)
Sponsors: Brendmoen
Referred to the City Council due back on 2/24/2021
- 18 RLH AR 21-5** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during July 23 to August 21, 2020. (File No. J2104E, Assessment No. 218303)
Sponsors: Brendmoen
Referred to the City Council due back on 2/24/2021
- 19 RLH AR 21-6** Ratifying the assessments for Graffiti Removal services during October 7 to 15, 2020. (File No. J2104P, Assessment No. 218403)
Sponsors: Brendmoen
Referred to the City Council due back on 2/24/2021

11:00 a.m. Hearings

Summary Abatement Orders**20 RLH SAO 21-1** Appeal of Robert McCarthy to a Vehicle Abatement Order at 1356 JEFFERSON AVENUE.

Sponsors: Tolbert

Grant to May 1, 2021 for compliance. Compliance may be achieved by having zoning approval for legal parking spaces in back yard, or the vehicles permanently removed. All vehicles and trailers must be in good repair and appropriately licensed.

Robert McCarthy, owner, appeared via phone

Staff report by Supervisor Lisa Martin: vehicle abatement order issued to Robert and Sharon McCarthy. There is a white Ford in the backyard, Cadillac in the backyard and the wood trailer with some tree branches by the garage. Unapproved parking area and they appear inoperable. I did watch them for a while prior to issuing the order and they hadn't moved for some time. There is a history at the property back in 2009 with vehicles. That's all I have.

Moermond: I did go and check out the layout of your property. It looked to me like we have a property with a house, a back yard, a garage, a driveway and an alley.

McCarthy: did you see the tree? I'm 76 years old. I'm missing my left arm. I've been quarantined since February 20, 2020 due to Covid. I'm extremely high risk. Mr. Dr says it would be fatal. I have a heart condition. I have AFib. I have 80% blockage in my neck. I'm on warfarnin. I'm due to have surgery on my heart in the next month. I have COPD and sleep apnea, diabetes, back problems, and can't stand for more than 4 minutes. I can't lift more than 5 pounds. I am forbidden to lift anything. We live on social security and a small pension. My wife is totally disabled and has also been quarantined since February. Her right leg is amputated. She has implants in both legs. She spent October in St. Joe's hospital and is now in a nursing home since October 28. She has chronic pain syndrome. She goes to St. Paul HealthEast pain center and has a machine in her back to take away the pain. She can't move from her bed to her chair or toilet alone.

Moermond: this is a public record; do you want to share those details? When we spoke in 2015 you said that as well.

McCarthy: was I quarantined at that time? That is the point. We both are high risk and my daughter is also high risk and she is quarantined with us. We're the only ones in the house. I don't understand why I'm getting this attention. You mentioned 2015.

Moermond: that's what I have in my files, you appealed a parking surface order in 2015.

McCarthy: that was where Tolbert--I brought a sample--I was looking for a variance to put rock on my property rather than tar. Nothing else will work there. At that time—

Moermond: the resolution says you can use class 5 for the area. Let's get back to the vehicles today. How did they end up there?

McCarthy: the Cadillac was my primary car for our family. We had a minivan that was

stolen in August of 2019. I found another car in January. Then we had 3 cars on January 15, 2020. Covid happened and the car still runs but we can't sell because we can't get out of quarantine to go do it. We can't have people drive it to test it because we don't want their germs in the car. I can't go out and see them. We can't sell it so we've been moving it on the street. The first snow emergency we moved it from the street. Cops said we shouldn't have a problem during quarantine. Jefferson is a one direction parking street. The extra car blocks people. We can't move it during a snowstorm, so it was left there. February and March last year, when Covid started, that's where it was. We moved it around and out during the summer. It has only been there 4 weeks, not very long. The police are telling me not to put it in the street, but you are telling me I can't have it on my property. So we have a problem here.

Moermond: why are the police saying you can't have it on the street? That doesn't make sense to me.

McCarthy: you can't have it there forever.

Moermond: you have to move it within a couple days. That is different than saying you can't have it on the street. That's saying you can't permanently store it there.

McCarthy: they've marked it a number of times. We've talked to them about it. It has become a game. With snow emergencies we had to get someone to drive it to the back. We can't push it. Physically we can't do this. We listened to them and just left it there, out of convenience for us. We can pull it out and use it. Lisa should know. I assume she noted the tabs on the van and the Cadillac have 2021 tabs. The cars will work. They are operable. They both start. I can move the Cadillac out but are we accomplishing anything for the neighborhood? No. The van is a full conversion. Legally a motor home or an RV. Originally we had a trailer and motorhome parked on the pad and you never objected. This van was purchased to help travel so we had a place to sleep. If you look at the van, which I doubt—

Moermond: give me some credit here, I looked at an aerial map with photographs before the hearing. At the time it was taken you had a car illegally parked in your backyard. I can see a cement walkway between service door of your garage and the back of your house. All I have to say is it is obvious grass back yard these 2 vehicles are parked in. You indicated you have difficulty moving them out of the back yard but you didn't have trouble putting them into the backyard. That's the rub where I'm struggling.

McCarthy: the van has been in the back yard, and if you would have looked underneath it you'd find out there is a driveway there. A 2-track driveway with pavers and cement blocks. They are over 2 feet wide. They have a 1-foot setback from the alley. They meet all the requirements you put out in your bulletin about paving residential parking spaces.

Moermond: you can't just put parking spaces anywhere on your property though. This is not a legal parking space, even if you put the pavers down, you can't park in that location according to any number of City codes.

McCarthy: why can't I?

Moermond: what do you have in your double garage? Why aren't they in there?

McCarthy: because I have other things stored in there. We have my classic car,

handicap equipment. The Van, after we dealt with you in 2015 had a legal driveway put in across our area. We put a driveway in according to the law.

Martin: there is no site plan. This is a small back yard, there are some pavers from the garage to the back of the property. Who drives the blue van parked in front of the property on the street?

McCarthy: the blue van is for my daughter and my wife and a replacement for the one stolen last year from my house and trashed in Frogtown.

Martin: I ask because I was out there, a lady came out and I watched her walk to her blue van, in which she followed me for over a mile after I left.

McCarthy: that vehicle is for my wife and daughter. The only person who would have come out of my house and done that is my daughter.

Moermond: that's kind of creepy.

McCarthy: what the hell are you talking about?

Moermond: following an inspector after an inspection is kind of creepy.

McCarthy: what?!

Moermond: did you hear what Ms. Martin just said? She said your daughter got in the blue van and followed her for a mile after she did her inspection.

McCarthy: and where was she going and where was Sarah going? No one has any idea.

Martin: the point is that the daughter can move the vehicle and they don't have to be stored in the back yard.

Moermond: the point is that is an option.

McCarthy: my daughter can move the vehicle. She has physical problems of her own.

Moermond: but she can drive a car and move a car.

McCarthy: yes. right. I can take the van out of there tomorrow. We'll do that somehow. I can't push it, we'll find someone. We'll get the Cadillac out of there. But I believe the van is on a legal track as put down in the paving and residential parking spaces your office puts out.

Moermond: this will be easy to figure out. We can ask Zoning if they ever gave permission for a parking space in that location. We'll make that inquiry. Do you have any testimony on the trailer full of branches?

McCarthy: the trailer has been on my property in that spot for 25 years. This is what really peeves me off because it is so doggone petty. Cheryl's father owned this trailer and I inherited it in 1998 when he moved into the nursing home. Cheryl is unable to walk so in the past we've put her handicapped scooter in there when we travel, we hook it to the back of the big white van. We also use it to haul things to the dumb. You indicate it has no plates on it. This is not true. The last plates from 2002 are still on there. When I went to remove that plate I was told they were only putting out licenses

for cars and this was just some type of permanent registration. I know nothing about any sort of registration or plate as she states on her report. There is a plate on there. I've since found out something about registration but that's not something on the report. Since my trailer was identified and set up with the state it was a permanent situation. She also indicates the trailer is "no storage in the yard" and on an unapproved surface. If you look at that spot, it can't be classified as part of my yard. The problem is with the whole area is it was built in 1978 and from then until 2000 when I moved in, it was just a mud hole. The college kids who lived here put all kinds of crap in that spot. It is so polluted it won't grow anything except weeds. When we moved in we landscaped the whole thing and it lasted until about 2005. If you see the big tree over there, it requires water and the only place it can get it from my pad. I will not kill that tree to put in your suggestion of permeable pavers.

Moermond: this was resolved five years ago. Let's stick with what's on the agenda today.

McCarthy: ok, what's on the agenda today is that area and topography of that area. Normally that trailer is parked between the tree and the garage and is used to carry my wife's scooter and sometimes haul stuff. It is sitting there now and has stuff in it because she gave me a summary abatement order for stuff in my yard. She gave it to me the 2nd or whatever, but I didn't get it until 4th, and gave me until the 8th to remove it. I already had it set up with 1-800-GOT-JUNK to clean up all the stuff in the yard. They were supposed to take the stuff in the trailer but they missed putting that trailer load in there. Otherwise if it hadn't snowed we would have gotten it back to the corner where it belongs. If you would have looked at the topography of that land, frankly did you go look at that point in my property? My yard ends at the beginning of my garage. The rest of it is dead space because I can't use it because nothing fits there. It won't grow anything. I can't use permeable pavers because they have holes.

Moermond: Mr. McCarthy, we have a wood trailer full of tree debris, a plastic bucket and some venting material lying on the ground. What is your plan for removing that material? Even if you get to keep the trailer you can't have that be a permanent compost pile in the backyard like that.

McCarthy: it was there, and those branches were supposed to go with 1-800-GOT-JUNK but they didn't take it. I have to pay them again or get someone else to do it or something.

Moermond: yes, you will have to.

McCarthy: well I can't get the goddamn trailer out of the snow! Next spring I will be happy to pull it and do whatever you want with it. I can't get it out now.

Moermond: you can't get it out of its current position. What about the branches inside the trailer? You said you contracted with 1-800-GOT-JUNK to remove it and they didn't. why didn't you call them and tell them they didn't finish the job?

McCarthy: because they said they would charge me another trip charge. 1-800-GOT-JUNK charges by the percentage of the truck they fill so this would be an additional charge to have the truck come out and then [trails off].

Moermond: any other testimony you want to provide on this case?

McCarthy: I don't know what the hell is going on. I don't know. I'm just a poor guy trying

to get through the godd*mn Covid. I don't have money for this stuff and you're just trying to take advantage of the fact that I'm in here for Covid.

Moermond: actually, no. Nobody is taking advantage. These are your vehicles you put in your backyard. You chose not to put them on the street where you had to move them. You are indicating it is difficult to move them. The inspector indicated your daughter is moving another vehicle stored on the street; the blue van. You're trying to say the white van is legally parked because you have pavers, the inspector is indicated that isn't an approved parking location. I will be following up with zoning to find out whether or not that has been approved. Then, I think we're talking about a deadline for removing those vehicles from the yard and what to do with the trailer. At the very least you can remove the blue bucket and venting. You also indicated you are interested in selling the vehicle but couldn't due to Covid. I struggle with that because you'd be outdoors and unless I'm mistaken you wouldn't be in the vehicle at the same time, but I think there are ways to deal with your situation that don't make it untenable.

McCarthy: instead of telling me what I'm doing wrong, you tell me how to fix it. I'm panic stricken over Covid. I'm avoiding everyone. My doctor said it will likely be fatal. This whole thing wouldn't have had to happen if in 2015 you hadn't lied and cheated me when I got my appeal by misrepresenting what I was saying to the Council. But no, they had to go eat cake. Oh it was too much trouble.

Moermond: I have no idea what you're talking about and I resent the implication I lied. You got what you wanted from council.

McCarthy: I didn't want it, I wanted something permeable. That's not what I asked for. I had a special kind of rock. Someone was supposed to come out, the City engineer.

Moermond: this is water under the bridge. I'm looking at these two vehicles and trailer and come up with a deadline. You were moving them on the street, you've decided not to do that in the snow.

McCarthy: I haven't been moving the van because after the previous time I had to get a solution because I needed to park the van there. It is a motor home. We put in a driveway the way you described it in your paving and residential streets to the best of our ability. That was way back when. I don't know why you say this isn't a place for a driveway. I don't understand that. It meets all the requirement. It is long and wide enough. What am I supposed to do?

Moermond: most people use their garage or the street. You have your own reasons to not do those things, I can respect that but I can't say it is ok for you to park in the back yard. I want to give you time to sort this out, understanding your Covid concerns. I cannot provide you medical advice on the world's conditions. I'd like to give you time to handle these vehicles and talk to zoning about if there is approval or how to get approval. I think 90 days is sufficient to answer these questions, and that gives you time to figure out alternatives if you can't get approval for backyard parking.

McCarthy: it says that on a corner lot access to parking may be from a side street. I'm using an alley. What's wrong with the space the van is in?

Moermond: I'm deferring to Zoning on that. It isn't a legal parking space from what I can tell. It isn't my job; it is their business to sort out. In 90 days, this needs to be resolved or vehicles permanently removed by May 1, 2021. Let's get the trailer sorted out. I'm not opposed to it being there, but I am opposed to it being used as storage. It

needs to be in good repair and appropriately licensed. I'm proposing May 1, they may look at it differently, or grant your appeal. We will give you resources from Zoning and ask them what kind of zoning approvals are out there for your records. I know it feels like it is nitpicking, but this isn't a unique situation. It isn't just you.

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

- 21 [RLH SAO 21-2](#) Making finding on the appealed nuisance abatement ordered for 98 GARFIELD STREET in Council File RLH SAO 20-47.

Sponsors: Noecker

Nuisance has been abated.

No one appeared

Staff report by Supervisor Lisa Martin: this is in compliance and nuisance is abated.

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

- 22 [RLH SAO 21-4](#) Making finding on the appealed nuisance abatement ordered for 1122 JACKSON STREET in Council File RLH SAO 19-49.

Sponsors: Brendmoen

Layover to LH January 12, 2021 at 11:00 am for further discussion.

Laid Over to the Legislative Hearings due back on 1/12/2021

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations (NONE)

1:30 p.m. Hearings

Fire Certificates of Occupancy (NONE)

2:15 p.m. Hearings

Staff Reports

- 23 [SR 21-2](#) Review an Appeal of Kevin Mortarj to a Vacant Building Registration Requirement at 1065 ROSS AVENUE.

Sponsors: Yang

Property was found in compliance on reinspection.

No one appeared

Supervisor AJ Neis: this has been approved

Moermond: no action; noted for our staff report.

Received and Filed

2:30 p.m. Hearings

Vacant Building Registrations

- 24 RLH VBR 20-79** Appeal of Jesse Rosillo III, on behalf of Aaron King, to a Vacant Building Registration Notice at 341 ARBOR STREET.

Sponsors: Noecker

Grant the appeal of the vacant building registration.

Jesse Rosillo, o/b/o Aaron King, appeared via phone

Moermond: we received an email indicating Mr. King sent the power of attorney to the house on Arbor, but it was returned.

Rosillo: he didn't have my address, so he just sent it here and it got returned to sender, now he sent it back. Due to Covid restrictions he can't use the phone. When we communicated he said it got sent back. He sent it to my mailing address now.

Moermond: so he's resending to the other address?

Rosillo: I sent it to your email on Saturday.

Moermond: oh, it ended up in the junk email. I'm looking at it right now to see if it is sufficient. It does look like it is. So, we will accept that and you can reside there for the time being.

Rosillo: when can the inspector come and look? I've been reading through the code. Can he come and do his score? I've been trying to make it score lower.

Moermond: if you read everything you would know this was considered owner occupied and you won't be having an inspection now.

Rosillo: oh I see, I tried to do things before. I just want to make it nice for the neighborhood.

Moermond: so the matter is resolved.

Rosillo: the \$2,100?

Moermond: that is cancelled.

Rosillo: I'm just going to work on the property taxes now. we needed this good news.

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

- 25 RLH VBR 21-1** Appeal of Michelle Schumacher to a Vacant Building Registration Notice at 963 COMO BOULEVARD EAST.

Sponsors: Brendmoen

Grant a 120 day waiver (to March 24, 2021) to have demolition permit pulled; building must be removed within an additional 30 days.

*Michael Kutcha, D10 Community Council, appeared via phone
Michelle Schumacher, owner, appeared via phone*

Staff report by Supervisor Matt Dornfeld: opened as a preliminary vacant building in April of 2020 by Inspector Hoffman. It was referred to us by Code Inspector Williams who had been monitoring the file and claimed it had been vacant for some time and there was some neighborhood concern. Nothing has been done since. The property owner did claim demolition was in their plans, but that has yet to take place. November 24 the file was upgraded to a Category 1 vacant building so the registration fee was mailed.

Moermond: you changed it when?

Dornfeld: November 24, 2020 by James Hoffman.

Moermond: sounds straightforward, moving towards demolition.

Schumacher: we closed on the property December 31, 2019 and it had been vacant. She had passed away and left a very large water bill. We were going to have it torn down this summer but with Covid we were slammed with a number of custom builds. We closed 9 in 2019, I am the only employee. I work with general contractors on site. This took a back seat due to those custom homes. The lot is unique, it drops off in the back and will likely be a walk out. We are in the design phase for a walk out home. It requires more as it is very unique. We will have it gone by April without question. I was hoping we could have an extension to remove it, we don't want to remove it and let it sit especially with that lot. We have done all the preliminary work and the remediation to prepare for demolition. We just need the plan in for permit and it will come down in spring. So we're right at one year. It was vacant many months prior to that due to the previous owner's passing.

Moermond: Mr. Dornfeld, it looks like three summary abatement orders have been sent in 2020, is that right?

Dornfeld: I'm struggling with technology in the field, so I will trust that is correct.

Moermond: I'm seeing one August 12, 2020 for tall grass and weeds.

Schumacher: we weren't assessed that; we took care of it. There's a neighbor--

Moermond: the inspector would have gone out and checked because it's a registered vacant building even as a prelim. It wasn't a generic letter. To get three of those isn't great. I'm putting that out there. It cannot continue to be problematic.

Schumacher: agreed, agreed.

Kutchta: you are building a custom home on this site? Do you have an owner or is it spec?

Schumacher: we have someone interested, but we will proceed with the plan regardless. I do one or two spec houses at a time and the rest are custom. Regardless

of buyer or not, we will proceed. Typically we have a turnout of less than a year, we don't purchase and hold. This one was unique.

Kuchta: no other questions or comments.

Moermond: you said it would be demolished by April?

Schumacher: April. It somewhat depends on the permit. We'll apply for that by the end of the month. That takes about 8 weeks, we'll be ready if we have it by end of March and will start on the build then.

Moermond: often in cases like yours I recommend the Council do a 90-day waiver of the fee, which would take you to February 25. I'm not hearing that will get you the building down. At the same time I'm trying to calculate how much grace should be granted considering the City issued three orders in 2020. I'm inclined to say we'll do a 120-day waiver to March 24, 2020 to remove the building, or even have the permit pulled and then removed within 30 days. If that doesn't happen it will be processed as an assessment which you can appeal and we can discuss prorating it. I feel like that is more than sufficient. I know you will be on top of the sidewalk and dumping.

Schumacher: it is certainly fair. We'll have it down and permit pulled by March 24.

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

26 RLH VBR 21-2

Appeal of John Bassett, VADC Holdings LLC, to a Vacant Building Registration Notice at 1054 UNIVERSITY AVENUE WEST.

Sponsors: Thao

Waive vacant building fees for 90 days (to March 11, 2021). Waive requirement for team inspection as code analysis will be required for change in occupancy. Property will not be released from the VB program until permits are finalized.

John Bassett appeared via phone
Camhuong Lee, potential lessee, appeared via phone.

Staff report by Supervisor AJ Neis: this was a Fire C of O and order to vacate by Migdal April of 2019. It continued to be vacant. It has been tagged with graffiti several times. As a result of that and being vacant for over a year, we transferred it to vacant buildings. We don't have an issue with any of it. We are just saying it can't be occupied until it is inspected and approved by the City.

Moermond: so it has been empty for a year and a half and you have been monitoring it, and just referred it to vacant buildings.

Supervisor Matt Dornfeld: not much to add. We opened a category 2 vacant building December 11, 2020. It is currently boarded up due to the civil unrest, I assume.

Bassett: I have Ms. Lee who is the owner of Vietnamese senior care center. That business wants to lease space in that building at 1054 for the purpose of remodeling and moving her business there.

Neis: we would like him to maintain the water and heat in the building because it is partially sprinklered. Second, the building is a B occupancy. If it's a Category 2 vacant building it needs a full code compliance inspection. Especially for a change of use like

this, from B to an I, and a higher risk building due to vulnerability of the occupants. The end result would be same, requiring the code compliance.

Bassett: I understand.

Moermond: I'm not sure where you're at in terms of timing with the rehab of the space. You're still intending to move forward with this plan?

Bassett: she had to close her business down due to Covid last spring, and last fall she was able to open back up on a limited basis. Now she thinks she has the wherewithal to move forward with the renovation again, which was only partially completed before the pandemic forced the shutdown. We're working with a general contractor, Bauer Design Build. They have done a partial demo of the inside. We were in the process of finalizing plans for the renovation with our architect, Lucas Architects, when we decided to put the project on hold due to the pandemic. I've recently been in contact with Bauer, a Brenton Smith, and he gave me some estimate of a time frame on the renovation if we started now.

Moermond: you said some interior demo has occurred already?

Bassett: yes.

Moermond: I didn't find any permits related to that.

Bassett: that would have been done by Bauer. The demolition part of the renovation was done so that Lucas Architects could send in someone to review the space after demo so the planned changes would be structurally sound.

Moermond: typically we see a permit accompany that type of demo. Setting that issue aside, right now all that is in front of me is the vacant building fee. It seems to me that for that question it has been one, it meets the definition of one, so yes it should be in the program. That leaves 2 questions. One is the fee and one is getting out of the program. The fee I can see giving you waiver but I think the project would take longer than the waiver would last. You're talking about a change in use. You're working with an architect who should be familiar with the requirements for the change in use. In this situation Mr. Neis, would you be looking for a team inspection or would you work with the Building Official in reviewing the proposed plans?

Neis: if it is going through a change in use and submitting plans via the code analysis, we'd look at it as a "open box".

Moermond: so we will waive the vacant building fee for 90 days. It won't cover you for super long, that's to March. After that DSI would process this as an assessment, definitely appeal that and we can look at prorating it if you can finish it quickly. I think for simplicity sake we will say that you need finalized permits to be released from the vacant building program. We won't require a Code Compliance Inspection since you're seeking a change in use. Sounds like you may be done by June?

Bassett: that's optimistic. Our contractor is saying 10 to 15 weeks for design and then City and County approvals for the construction. He's saying 3 to 5 months for construction. That would start April at the earliest.

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

3:00 p.m. Hearings**Other-Fence**

- 27 **RLH OA 21-1** Appeal of Daniel Boeseneilers on behalf of Viking Drill & Tool to a Denial of Fence Permit Application at 355 STATE STREET and 328 FLORIDA STREET.

Sponsors: Noecker

*Grant the appeal on the condition that insurance information is resubmitted.
(Insurance was submitted on 1/8/21)*

Daniel Boeseneilers, Viking Drill & Tool, appeared via phone

Boeseneilers: we have a supplemental parking lot for our employees across the street.

Moermond: is the address 324 or 328 Florida?

Boeseneilers: it is directly south of the intersection of State & Florida. Heading north on State it is on your right.

Staff Report by Building official Stephen Ubl: my role is issuing permits within the City, specifically charged by building and legislative code. One of my plan examiners issued a permit that included barbed wire on a fence and did not go through the protocol of having myself review it. The permit was issued and after the fact it was identified it. We made the position the permit was issued in error. In so far as that being done, there were emails back and forth to get to the point where we are today. I denied the permit simply because of just cause for the barbed wire wasn't under the 3 general criteria. I needed some additional support from Council; hence we are here today.

Moermond: I have photographs in front of me, my observation is on the way the wire was attached to the top of the fence. It looked to me like it goes into the right of way. Is that your assessment?

Ubl: yes.

Boeseneilers: it actually faces inward on our property to not extend past the property line. It doesn't go outward.

Moermond: so the picture was taken from the inside?

Boeseneilers: because of the property line we had the folks come in and mark the property line. We didn't want to minimize the amount of fence. We turned all the arms inward, so it is all inside our property and not into anything that isn't our property. We submitted a photo with the photos of a neighboring property. Theirs goes outward.

Moermond: the only other requirement was insurance, Mr. Ubl do you have all that documentation?

Ubl: yes. We are having a conversation for the barbed wire fencing for both State and Florida?

Boeseneilers: we own both properties. 328 is a supplemental parking lot that we secure, it sits sort of by itself. It is where we have a large majority of the nefarious activity in our neighborhood.

Moermond: in the appeal document you listed out 355 State but attached to the appeal is the building permit application which includes the 238 Florida. We will change the title on your appeal to reflect that.

Ubl: I just don't have the insurance document at my fingertips.

Boeseneilers: I did give it to Kari with the first permit, I can resend if you'd like.

Ubl: I thought I saw it because it had to be reflective of issuance of the permit, but I can't seem to find it now.

Moermond: you'll get a follow up letter from Joanna Zimny confirming I am recommending your appeal is granted conditioned on you getting us the insurance document.

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