



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, February 9, 2021

9:00 AM

Remote Hearing

9:00 a.m. Hearings

Remove/Repair Orders

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

Sponsors: Thao

Remove within 15 days with no option to repair.

Moermond voicemail 9:17 a.m. February 9, 2021: will call back in 15-30 minutes.

Moermond voicemail 9:46 a.m. February 9, 2021: we do have a hearing scheduled to discuss the order to remove or repair 854 Edmund, you appear to be unavailable. The conditions from the letter January 19 to you have not been met. I have no option but to report that to council tomorrow and recommend it is removed within 15 days with no option to repair. We'll send you an email on how to participate in that hearing.

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

- 2 **RLH RR 20-31** Ordering the rehabilitation or razing and removal of the structures at 1033 GALTIER STREET within fifteen (15) days after the September 23, 2020, City Council Public Hearing. (To be referred back to February 9, 2021 Legislative Hearing, Layover to LH February 23, 2021)

Sponsors: Brendmoen

Remove within 15 days with no option to rehabilitate.

Adam Soczynski, attorney for Usset, Weingarden and Liebo o/b/o NationStar Mortgage Corp d/b/a Mr. Cooper, appeared via phone

Staff update by Manager Steve Magner: a letter was sent January 15, 2021 confirming that on January 13 the City Council referred the matter back to Legislative Hearing today. The following conditions must be met by close of business Feb 8, 2021: affidavit dedicating financing, work plan or sworn construction statement, and the property must be maintained.

Moermond: have they come to a conclusion about rehab and a plan?

Soczynski: I had hope to have documentation to you. A week ago I got an email saying they have obtained most bids. They have an estimate of \$200,000 to repair. I don't have a breakdown of it. At this point they are trying to figure out if they want to repair or not. This property finally went to sale in the meantime. They ended up being the only bidder in the sale. No one was interested at \$70,000. They are finally the owner after the conclusion of the redemption period. They feel it is unlikely someone will want to redeem it. They are debating shortening the redemption period. They aren't sure if they can or want to commit the \$200,000. They were also seeking bids for estimate of demolition. I did suggest that the City is efficient in doing that, if they decide to go that route. They haven't decided at this point. Therefore, you don't have any final documents or a letter committing the money as of today. Based on all the things happening since our last hearing, they have not accepted the fact they are the ones having to address it one way or another. I think they were surprised at how high the bids came back in terms of having it fixed. Investing that kind of money, they weren't able to make a decision at the time of this hearing. I think they are getting close to deciding.

Moermond: it seems to me that it is down to fish or cut bait on this one. I'm going to recommend to the Council of February 24 that they order it removed within 15 days unless those conditions we mentioned in the last letter are met, plus the shortened redemption time period.

Soczynski: I would be the one to do the shortened redemption period. What you're saying makes a lot of sense. Doing it by February 24 isn't a problem. Everything you are requesting seems reasonable to me.

Moermond: I ask that any documents you may be providing you have in by close of business February 22. If we get them at 2 p.m. on the day of the Public Hearing it is impossible to do our due diligence on them.

Soczynski: being this is a duplex; can you give me a range of what you'd think it would cost to knock it down by the City?

Magner: we put a number of about \$22,000 on it. That should be pretty close. The real wild card is always the asbestos. Bids will likely be less than the \$22,000 and after the survey is done, I account for at least some asbestos. We usually find something. The \$1,500 to \$3,000 range is average. I think \$22,000 is a good number for the cost overall. It could be higher if there is a lot of asbestos.

Moermond: it was constructed in 1887.

Magner: in this case I think that number is pretty good.

Soczynski: that will help my client, thank you.

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

3 [RLH RR 20-51](#)

Ordering the rehabilitation or razing and removal of the structures at 1629 HARTFORD AVENUE within fifteen (15) days after the January 13, 2021, City Council Public Hearing. (Amend to grant 180 days)

Sponsors: Tolbert

Grant 180 days to rehabilitate or remove.

Michael Sauer, attorney Wilford, Geske & Cook o/b/o Lima One Capital, appeared via phone

Margaret Corneille, neighbor, appeared via phone

Staff update by Manager Steve Magner: letter sent January 29, 2021 confirming January 26 Marcia Moermond recommended laying the matter over to today for further discussion. By February 8 they must submit bids, affidavit dedicating the funds, work plan or sworn construction statement, and the property must be maintained.

Moermond: when I look at that list, I see we do have evidence of financing. For the affidavit we have, we have an additional bid added on top of the bid already. The amendment regarding the roof is \$49,170. We'd need an updated affidavit indicating that level of financing would be dedicated to the project. Mr. Sauer, you are aware Nathan Bruhn did do the measurements, and will be working with the contractor to make sure the roof height is adjusted per local codes?

Sauer: yes, I've been talking to him on and off yesterday too. We spent \$1,600 for a licensed surveyor out there, and the height was quite a bit different. It looks like there's a possibility Bruhn is enforcing code from 2018, and the current code has increased the roof height. There's only a .14-foot difference which would drastically change what we had to do to change that roof height. It's a big number difference.

Moermond: this falls squarely under Mr. Steve Ubl as the Building Official. He is ultimately in charge of all the permits related to the property. I see you have a work plan. This is a great work plan, very straight forward. It looks like it is a 13-week plan. As you move forward I think you may want to build in some discussion up front for the height and code questions. We will put contact information in the letter, and copy Nathan Bruhn on the letter as well, so everyone is on the same page. The grant of time from the Council is 180 days, much in excess of your current work plan, so you can more than meet that. If you are at the 50% mark at 180 days you would receive an additional 180 days and your performance deposit continued, contingent upon submitting an updated work plans and resubmitting affidavit for financings. So that option is there. Any questions? Pending the new affidavit, I'm recommending the Council make a grant of time.

Sauer: could I also note once we figure out the actual cost, we may submit another affidavit later if that amount drops. Just to make sure it is clear what we're committing to the project. I think it will drop less than the current \$50,000. I should have that in today or tomorrow.

Moermond: we have the Council Public Hearing next Wednesday, February 17. I would look for that revised affidavit by close of business February 16. And the height issues are something you are clearly engaging in and outside the discussion of abating the nuisance condition of the building

Magner: I think you clarified the issue of roof height. That needs to be worked out with the Building Official.

Moermond: Ms. Corneille, if you have any additional comments I'm going to ask you to put that in writing to go before Council.

Corneille: the snow still isn't being shoveled.

Moermond: please call the City if there are issues with the sidewalk so that they can issue orders and send a crew.

Magner: I'll ask the inspector to go out tomorrow.

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

- 4 [RLH RR 20-53](#) Ordering the rehabilitation or razing and removal of the structures at 1313 SEMINARY AVENUE within fifteen (15) days after the January 13, 2021, City Council Public Hearing. (Amend to grant 180 days)

Sponsors: Jalali

Grant 180 days to rehabilitate or remove.

*Lisa Allred, owner, appeared via phone
Scott Wilson, mortgage holder, appeared via phone*

Staff update by Manager Steve Magner: a letter was sent December 23, 2020 confirming that on December 26 Ms. Moermond will recommend at the January 13 City Council meeting they refer it back to Legislative Hearing today. In order to rehab the property owner must work with DSI to get the code compliance completed, post a \$5,000 performance deposit, submit evidence of financing to do the rehab, and an affidavit dedicating the funds, submit a work plan including subcontractor bids, and the property must be maintained.

Moermond: both you and I have reviewed the file this week, and in my assessment the conditions have been met. From DSI's perspective have they?

Magner: yes, I believe so.

Moermond: so I will recommend on February 17 that the City Council grant 180 days to complete the rehab or removal of this property. We will send a letter to that effect. Any questions?

Allred: none.

Wilson: none. Sounds like we're on course for the better.

Moermond: permits can be pulled now that we've given the green light.

Magner: yes, we can have staff note in the system, so you can pull permits starting tomorrow.

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

- 5 [RLH RR 21-6](#) Ordering the rehabilitation or razing and removal of the structures at 1004 THOMAS AVENUE within fifteen (15) days after the February 10, 2021, City Council Public Hearing. (Amend to grant 180 days)

Sponsors: Thao

Grant 180 days to rehabilitate or remove.

No one appeared

Moermond: I had a chance to look over the materials submitted by the Nilleses. They appeared to meet the conditions outlined in the letter of January 15, 2021. Is that your assessment, Mr. Magner?

Manager Steve Magner: yes. After reviewing that, and checking with staff, we're ready to note a green light for that one.

Moermond: that is my recommendation. This is going in front of Council tomorrow.

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

6 RLH RR 21-9

Ordering the rehabilitation or razing and removal of the structures at 1816 MINNEHAHA AVENUE EAST within fifteen (15) days after the March 10, 2021, City Council Public Hearing.

Sponsors: Prince

Layover to LH March 9, 2021 9 am. PO must have \$5,000 performance deposit posted by close of business March 8, 2021.

Mark Drexler, owner, appeared via phone

Staff report by Manager Steve Manger: the building is a two-story, wood frame, single-family dwelling with a detached two-stall and detached one-stall garage on a lot of 14,810 square feet. According to our files, it has been a vacant building since September 22, 2017. The current property owner is Mark J. Drexler per AMANDA and Ramsey County Property records. On December 2, 2020, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An order to abate a nuisance building was posted on December 7, 2020 with a compliance date of January 6, 2020. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$30,500 on the land and \$122,300 on the building. Real estate taxes are current. The vacant building registration fees were paid by assessment on November 2, 2020. A Code Compliance Inspection was done on January 26, 2021. As of February 8, 2021, the \$5,000 performance deposit has not been posted. There was one summary abatement notice since 2017. There was one work order issued for boarding and securing. Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$20,000.

Moermond: when a code compliance inspection is conducted what things are considered? They inspect it as a single-family home or duplex, historic significance, in addition to the standard electrical, plumbing, mechanical?

Magner: there is a section on the bottom of the code compliance that speaks to that. There was some concern on this one about historic significance. We have checked, and according to our records this property wasn't surveyed in the Citywide survey and isn't in a district. According to our records there is no historical significance. Apparently that wasn't properly disseminated in the original code compliance send out.

Moermond: I suspect Mr. Drexler, based on your letter, you are thinking "I can't have all of this information together" and I want to say, we're going to work with you on this. Do not panic, we have time to sort it through. We just want forward progress. You

submitted this document and I want to give you a chance to highlight your concerns and statement.

Drexler: I did start the renovation of this project in 2018 and I was told I had to list it as a vacant building. I understand rules and regulations but when it went to vacant building it made it a difficult project twice as difficult. Things haven't gone as smoothly as I'd like. At the beginning of 2020 I was ready to make some major moves forward in renovation. At the end of 2019 removed the second floor, as indicated by the structural engineer I hired, and then we had to install a play on the tops of the walls we left for the new second floor and a mistake was made in that process. It took me all of 2019 to figure out how to repair that and fix it so I could put those walls back up. I was ready to do that in the spring of 2020 but then Covid-19 hit. All my plans went out the window. My plan is to go ahead and continue the renovation, which would be the second-floor walls, and put the roof on and exterior of the second floor. I wanted to get the building so it looks like a regular home on the outside, even if there is work to still be done on the inside. My plans are still to renovate but I need more time to get quotes. I have contacted four contractors, one isn't interested, 2 others went out and said they would put together quotes but I haven't seen those yet. I need more time. I have tried to get contractors to help with some of this but a lot don't want to work with an old building. I was planning on doing a lot of the work myself. To move more quickly I'd like a contractor's help.

Moermond: here's where I'm at. I see the code compliance has been done, that's excellent. I see you haven't yet posted the performance deposit.

Drexler: I can do that in short order. I don't know how to do that.

Moermond: we can help you there. It sounds to me like you have a vision of how you want to approach the situation and pulling in contractors for certain aspects, and then the trades items. You are doing what I'd want you to be doing at this juncture. This has a public hearing March 10. Let's talk again March 9, and by that point let's have the performance deposit posted. We will send you a follow up letter, reiterating these things. The performance deposit and code compliance inspection report are the items I traditionally look to so I can say the owner is making a good faith effort. We'll give you the form you need to fill out, and instructions how to do that. Moving forward there are other items we are looking for and it is consistent with your thinking on this. A work plan, financing to execute the project, an affidavit dedicating the funds. It sounds like you've been taking very good care of the property, the only work order was for what I'm assuming is something beyond your control. I don't have concerns this is a nuisance property and that is great. You keep doing what you're doing. We'll send you these materials and March 9 I'd like to walk through where you're at with things. If you're still wrapping up details by March 10, that's fine.

Drexler: there was some items on the code compliance report, one was about the historic preservation district thing and then there were two statements in the code compliance about the electrical work and one about the plumbing. Saying it has to be done by a licensed contractor. I thought as a homeowner I was allowed to do some of the work.

Magner: you can check with the electrical inspector. For you to do the electrical it has to be your residence. If it isn't your residence you can't.

Moermond: so an owner-occupant could, but an empty property could not. That's been my understanding as well.

Drexler: thank you for that.

Referred to the City Council due back on 3/10/2021

- 7 RLH RR 21-10** Ordering the rehabilitation or razing and removal of the structures at 521 YORK AVENUE within fifteen (15) days after the March 10, 2021, City Council Public Hearing.

Sponsors: Brendmoen

Layover to LH March 9, 2021 9 am. PO must have \$5,000 performance deposit posted by close of business March 8, 2021.

Maurice Griffin, owner, appeared via phone

Griffin: I don't want to demolish the house. I grew up in that house.

Staff report by Manager Steve Magner: the building is a two-story, wood frame, single-family dwelling on a lot of 4,356 square feet. According to our files, it has been a vacant building since August 1, 2019. The current property owner is Maurice L. Griffin per AMANDA and Ramsey County Property records. On November 18, 2020, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An order to abate a nuisance building was posted on December 3, 2020 with a compliance date of January 2, 2021. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$6,800 on the land and \$58,200 on the building. Real estate taxes are current. The vacant building registration fees were paid by assessment on September 1, 2020. A Code Compliance Inspection fee was paid on December 30, 2020; however, the inspection has not been done. The inspector notes that the doors are screwed shut and the owner will notify when building is cleaned out and inspectors can have access. Typically there is a lock box on the building. As of February 8, 2021, the \$5,000 performance deposit has not been posted. There have been four summary abatement notices since 2019. There have been eight work orders issued for boarding/securing, four work orders for tall grass/weeds, and vehicle tow order, and one for garbage. Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$20,000.

Griffin: I would like to move back in. I'm not sure where I need to go at the moment. As far as the door screwed shut. I didn't put that on the door. My understanding was, I can't go in so I thought whoever put it there was going to take it off. There is a lock box on the exterior of the house. I thought the electrical inspector was going to show up today. The house has been broken into a couple times, and they totally trashed the house. When I found out that they need to have the ability to walk through the house, I proceeded to get things straightened up and walkable. It took longer than I thought. I talked to Mr. Bruhn last week and said it was accessible and the screws were off the door. There is a lock box as I mentioned already. I don't know where to go from here.

Moermond: Mr. Magner, could you check the computer for notes about how trades inspectors can access the building?

Magner: Mr. Bruhn has completed his inspection. He did send a trial letter Monday. The other three inspectors haven't been there. As long as the lock box is functional they can access to finish. If the owner is in contact with Mr. Bruhn, I would just call

him and ask when it will be finished.

Moermond: the house was cleaned out enough that Mr. Bruhn could do his inspection.

Griffin: the attic is still somewhat of a mess; I haven't gotten to the attic yet. But I looked and it is relatively walkable. In the meantime I'll try to get it straightened out. It was a nightmare. Things from attic ended up downstairs. It was bad. Depressing.

Moermond: it sounds hard. I'm feeling good that you have the application for the code compliance inspection in and those are underway. We don't yet have a \$5,000 performance deposit. That is required for work on buildings with this declaration of dangerous or nuisance. I would look for that to be posted before you get the grant of time before Council. That needs to be done by March 10 so that I can say to the Council that you are working with the City on getting inspections done and getting bids together and financing. So, please give him additional time to do that. He's acting in good faith. That's all I'm going for to be able to put a pin in to get where you want to go with financing and contractors. We'll look for a work plan with a schedule for how you will proceed with work and subcontractor bids, an affidavit dedicating the money, proof that you have the financing to pay the contractors. Those are the main things I'm looking for once we have the code compliance and the performance deposit. My office will send you a letter outlining these expectations and deadlines. I'd like to talk again March 9 to get a sense of your progress. The Council Public Hearing is March 10, I want them to give you more time if you get the performance deposit posted. Any questions?

Griffin: can I do any of the items myself?

Moermond: you can do building items. If you are a licensed contractor in the City of St. Paul, say for plumbing you can pull permits. Most people aren't and need contractors for that work. Your work plan should outline the items you're doing versus a contractor doing. So you could do some of the basic carpentry and painting, but if there needs to be foundational work done, we wouldn't anticipate you'd be doing that, it would be a professional. Do you have an email address?

Griffin: no.

Moermond: we'll mail you a letter the end of the week. Anyone you would like copied on this?

Griffin: just me.

Moermond we have 721 Highway 96 East in White Bear. Is that right?

Griffin: that's my mom's house.

Moermond: do you have another address you want us to use?

Griffin: no, you can just send it there.

Referred to the City Council due back on 3/10/2021

10:00 a.m. Hearings

8 RLH OA 21-2 Making recommendation to Ramsey County on the application of Lori R.

Dittel, heir of Fee Owners, for repurchase of tax forfeited property at 53 COOK AVENUE WEST.

Sponsors: Brendmoen

Recommend allowing for repurchase.

Moermond: looking at this application for repurchase. We looked at the Code Enforcement history on the property and didn't find anything significant. It is a registered vacant building. Ms. Vang, did you receive any police call log?

Mai Vang: yes.

Moermond: the last 5 years show 11 records total. Looking at the violations, 2 are traffic violations, so 9 total. Otherwise we have a couple gone on arrivals and a couple code enforcement interactions in 2018. It is not perfect, but it isn't enough to rise to the level of impacting someone's ability to repurchase. I believe we are in agreement that the Council should recommend allowing for repurchase.

Magner: yes.

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

9 RLH OA 21-4

Making recommendation to Ramsey County on the application of Anthony Costanza on behalf of CMA Investment, LLC for repurchase of tax forfeited property at 353 LARCH STREET.

Sponsors: Thao

Recommend allowing for repurchase, conditioned upon applicant complying with City licensing requirements.

Moermond: this is a repurchase application for tax forfeited property. Application made by Anthony Costanza on behalf of CMA Investment, LLC. He characterizes financial hardship the last few years, and Covid has significantly impacted his financial situation. Our job is to look at the last 5 years of code and police history. We've looked at both of those. Mr. Magner, can you characterize those?

Magner: we should make a recommendation to allow repurchase. Our concern is that the owner of the property remains in compliance with the licensing requirements. Just a requirement he cannot exceed a certain number of cars and exterior storage based on zoning.

Moermond: I agree. Incorporation into the recommendation that he remains in compliance with his licensing requirements. We will attach those to the record and send to the County.

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

10 RLH OA 21-3

Making recommendation to Ramsey County on the application of The Pointe of Saint Paul Condominium Association for repurchase of tax forfeited property at 78 TENTH STREET EAST, UNIT P291 (PIN ID 31-29-22-43-1260).

Sponsors: Noecker

Recommend allowing for repurchase.

Moermond: for 78 East 10th Street, this is a parking structure associated with a condo. The party asking for the ability to repurchase is the Pointe of St. Paul Condominium Association. The amount of taxes was \$383.88. Somehow it didn't get paid, but it is easily corrected. Allow for repurchase.

Magner: DSI has no objections to allow for repurchase.

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

11:00 a.m. Hearings

Summary Abatement Orders

- 11** **RLH SAO 21-8** Making finding on the appealed nuisance abatement ordered for 1098 MARION STREET in Council File RLH SAO 20-50.

Sponsors: Brendmoen

Nuisance is abated and the matter resolved.

No one appeared

Moermond: we are checking to see if the nuisance conditions are addressed. There was an extension given by Council on January 13 which gave her until January 22. What's your staff report Ms. Martin?

Supervisor Lisa Martin: from the original order in November 2020 showing a lot of scrap wood and hoses. There is a significant change from the photos taken this morning. I'd say it is acceptable. We have snow on the ground and freezing temps, not much more she could do that this point.

Moermond: so the nuisance conditions have been substantially abated and the matter resolved.

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

- 12** [RLH SAO 21-9](#) Appeal of Chee Xiong to a Summary Abatement Order and Vehicle Abatement Order at 1151 GERANIUM AVENUE EAST.

Sponsors: Yang

Grant to February 23, 2021 for compliance.

*Chee Xiong, owner, appeared via phone
Ying Vang, owner, appeared via phone*

Moermond: I understand you are married and owners of the property.

Xiong: yes.

Staff report by Supervisor Paula Seeley: our office received a complaint on January 28, 2021 about illegal car repair and the yard was a mess. I went over on the 28th and did

note the rear yard was full of trash and vehicle parts. Inoperable vehicles on an unapproved service with no tabs and no tires so I sent orders to clean up yard and remove the abandoned vehicle from the yard. Also I let Fire Inspection know there were people living in the garage.

Moermond: looks like you give them a February 3 deadline. It looks like if the property wasn't in compliance the City would send out a crew to do that and then send them a bill?

Seeley: yes, correct. Held off on that due to the appeal. It would be significant charge.

Moermond: ok, so we have that. Let's hear from Supervisor Neis.

Staff report by Supervisor AJ Neis: Fire Safety received a referral from Code Enforcement regarding people living in the garage and it being over occupied. Inspector Franquiz went out February 1 and found people living in the garage. They had a propane heater which is very dangerous. They are designed to be used outside, big carbon monoxide issues with that. Also found people were possibly staying in the basement and condemned the garage and the basement for an illegal sleeping area downstairs. He wrote orders with a reinspection scheduled for March 5 at 10:30 a.m. The orders for the condemnation were immediate.

Moermond: you said people were sleeping in the garage. Item 4 in the orders say people are sleeping in the garage based on tenant's statement. Can you characterize why sleeping in garage and basement are dangerous?

Neis: they were using a propane heater, a patio heater, designed for outdoor use. Extremely dangerous. And he found people sleeping in the basement. Those issues are immediate discontinuation. The March 5 reinspection are for the other items, minus the chipping and peeling paint.

Moermond: in the basement I see there are a couple problems. It is problematic people are sleeping there but also there is no egress window and has a key operated hasp lock outside of the door. With hasp locks doesn't even matter where those are, that is extremely dangerous because people can't get out by any means.

Neis: that is accurate.

Moermond: as far as propane in the garage, I'm going to say that's problematic operating flame generating equipment in a garage. I'm thinking that venting is a critical issue because of carbon monoxide?

Neis: most definitely. Not only the fire danger, but carbon monoxide danger.

Moermond: looking at the photos, I saw one halfway through where there were open and exposed wires from the housing of a carbon or smoke existed. That is a complicating problem too?

Neis: yes, that could result in condemnation.

Moermond: so a lot of unsafe sleeping conditions. Smoke alarm order is number 19, indicating the hardwired smoke alarm on main floor is missing. We have the yard, garage, basement, and then various other code issues.

Xiong: I don't know what you recommend to me, but we are going to court tomorrow for a TRO. We had one done last week and, then it was a second one tomorrow. Since September they wouldn't open the door or answer the phone. I don't know what's going on inside. I will do whatever I can to clean it up. Right now, I don't want to go over there. They are mean to me. I drive by a couple times a day; I don't know what to do. I will do whatever possible to clean and repair my house.

Moermond: here's the thing. I need to operate not from the legal perspective of what your contractual relationship with your tenants is; I operate from a safety perspective. My concern is all about safety, without judgement about compliance with your contract. I hear from inspectors that this is an extraordinarily unsafe circumstance in the garage, basement, and no smoke detectors. I am hearing you say you don't have any intentions to address them until the tenants are out of the house.

Xiong: for my safety. I don't feel comfortable cleaning the yard, they are mean to me. I believe it is dangerous. I don't know which one they want and what they don't want. I want to wait to see if they leave the house, and then I will clean the outside and inside.

Moermond: Mr. Neis, in the orders issued by Inspector Franquiz he gave a full month, which I find extraordinary given the circumstances.

Neis: the orders for the condemnation of those areas for sleeping in basement and garage, the March 5 deadline was for the other items to be corrected. For example, if they discontinued sleeping in those areas, they could move inside the home that are safe to live and sleep

Moermond: item 5 in the orders indicate the heating lamp must be immediately discontinued. It doesn't say immediately discontinued as sleeping, nor does it for the basement either.

Neis: it is implied in the orders. It says, "the occupancy must not be used until reinspected". It would never be approved by the office for sleeping.

Moermond: so that implies the immediate, I'm good with that. On February 2, a week ago, the department issued orders that sleeping in those spaces must be discontinued. We heard from the owner she is not comfortable entering the property to ensure that some of these things are addressed. I'm going to say also that Mr. Vang, do you have anything to add?

Vang: she talked to you already, but I don't know, since September 1 the tenant is ignoring calls. He won't open the door. After that, a month ago, we figured maybe he didn't have anyone in there. We called the police to come out. The cops talked to her and we looked around to see if things were damaged. I'm not going over there anymore because, we called four or five times about the yard. I cannot go to tell him; he is so mean. We can't go over there, it isn't safe.

Moermond: so let's talk about the easier thing first. The backyard orders, you would like an extension to address those items. Today is February 9, I'm going to recommend Council give you until February 23 to address those items. We will put this in front of Council February 17. February 23 we'll ask for a staff report. If you haven't addressed the problem then DSI will be authorized to proceed to do the cleanup and asses the cost to the property. With respect to the life safety problems and condemnation and order to vacate. Do we have a sense of the total number of people living in the property, garage, and basement? What kind of occupancy numbers do we

have? If the unsafe spaces of the basement and garage are vacated, what is going to happen to the rest of the house. Mr. Vang, Ms. Xiong, do you know?

Xiong: I have no idea. After it snowed I drove by and I saw footsteps into the garage, I would say maybe 3 or 4 there. But, I see people go back and forth. I sit in the car and watch.

Vang: we go together, I see the same thing.

Neis: it came in as possibly over occupied. It does look like there are rooms. I don't think they are sleeping in the garage because it is four unrelated adults, there appears to be rooms that aren't being used for sleeping that could be. It appears they are sleeping there by choice. There are bunkbeds without mattresses.

Moermond: I also see plywood with holes in it, which are unexplainable outside of gunfire. I'm thinking that also in the context of 2 photos earlier, I see what appears to be a front door of the property which has a board screwed across it barring its opening, as well as a pole holding it in place. I'm concerned about the ability to egress the house in an emergency. It is very concerning to me.

Neis: agreed. I am assuming the front door is accessible, they only need to have one in a single-family home. That does look like the front door is blocked. That is definitely an unapproved lock. There are lots of things concerning in this house. It does look like gunfire or someone with a hammer. Definitely nefarious activity at the house.

Moermond: one wonders if the occupants are hiding in garage and house for fear of something. I have no qualms about making sure the basement and garage are emptied of all occupants, and that would be my recommendation. With the emergency circumstance, I need to put a temporary recommendation on the record pending Council confirmation. Between now and next Wednesday, what I say will be the way things operate. I'm going to recommend that the house and garage be ordered vacated. I do not trust that this is a safe environment to live in and that ordering the basement and garage vacated will be done in safe matter if people continue to live there. I think the circumstance will recreate itself. There is no way for the City to ensure the unsafe spaces aren't used. They could board the garage, but they can't secure the basement space. I cannot see how, if you aren't going in the house, to make sure it happens as owners. The City has no way to go in and make sure it happens either. This property would then be referred to the vacant building program and they would make sure it is vacated and if necessary secured from illegal entry. The problem is too profound. Mr. Neis, can your staff post the house indicating it will be vacated tomorrow? Giving the occupants 24-hour notice. The appeal requesting the extension on the vacate is denied, the effective date of the vacate is tomorrow.

Neis: actually Ms. Moermond, if you look at the photographs, it has been placarded and is very clear.

Moermond: because it is under appeal it needs to be clarified.

Neis: ok. But the appeal was by the owner not the appellant.

Moermond: that doesn't matter legally.

Neis: the occupants are aware. We could in theory re-placard. You want them to have further clarification?

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Neis: tomorrow all of our inspectors are in a mandatory training that has been scheduled. I'm not saying no, I just need to check with my manager. That's why I was hesitant and say today to get a notice out.

Moermond: I would like to recess for 5 minutes.

[5 min recess]

Moermond: Mr. Neis is going to send his staff today and include any resources for the occupants they have for homelessness. We can have Fire staff coordinate with the vacant building staff on Thursday morning to ensure there is compliance with this decision. Any questions?

Neis: you are referring to having the entire home and garage vacated?

Moermond: I don't see a safe path forward to ensure some of the spaces aren't used for sleeping purposes there's no way to separate the basement off. That can't be done. The owner isn't willing or able to take lead on that. I don't see another path forward for compliance.

Neis: understood. Thank you.

Xiong: are you talking about removing people?

Moermond: yes.

Xiong: what about what my lawyer is saying at my second hearing. Is it fair to go ahead and do that?

Moermond: I can't speak to your court obligations and your lease. I'm going to say these are extraordinarily unsafe circumstances and the City needs to make sure people aren't living there. That isn't connected to your legal action.

Xiong: ok. Do I still do my process with the lawyer?

Moermond: I cannot provide you any legal advice with respect to how you should proceed.

Xiong: will you tell me what I have to do next?

Moermond: you will talk to Franquiz or Neis. I assume they would like you present once it has been vacated to provide access.

Neis: that would be a good idea, especially if they would like to secure it.

Moermond: would you like to pick a time now, or connect later today?

Neis: I will have to check inspector availability.

[2 min recess]

Neis: it looks like Inspector Shaff is out and inspector Franquiz isn't available, but I can do it.

Moermond: today it needs to be re-placarded and the services provided. The review of it being emptied would be Thursday.

Neis: I will generate that letter and get that done. I'll talk to Shaff to make sure someone is out there on Thursday. The time I don't have right now. We'll contact the property owner.

Moermond: we will follow up with an email to confirm my recommendation to the City Council. I don't have anything more on this.

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

Orders To Vacate, Condemnations and Revocations (Fire Order)

- 13 [RLH VO 21-5](#) Appeal of Chee Xiong to a Correction Notice-Complaint Inspection (which includes condemnation) at 1151 GERANIUM AVENUE EAST.

Sponsors: Yang

Deny the appeal. Property must be vacated effective February 10, 2021.

Chee Xiong, owner, appeared via phone
Ying Vang, owner, appeared via phone

Moermond: I understand you are married and owners of the property.

Xiong: yes.

Staff report by Supervisor Paula Seeley: our office received a complaint on January 28, 2021 about illegal car repair and the yard was a mess. I went over on the 28th and did note the rear yard was full of trash and vehicle parts. Inoperable vehicles on an unapproved service with no tabs and no tires so I sent orders to clean up yard and remove the abandoned vehicle from the yard. Also I let Fire Inspection know there were people living in the garage.

Moermond: looks like you give them a February 3 deadline. It looks like if the property wasn't in compliance the City would send out a crew to do that and then send them a bill?

Seeley: yes, correct. Held off on that due to the appeal. It would be significant charge.

Moermond: ok, so we have that. Let's hear from Supervisor Neis.

Staff report by Supervisor AJ Neis: Fire Safety received a referral from Code Enforcement regarding people living in the garage and it being over occupied. Inspector Franquiz went out February 1 and found people living in the garage. They had a propane heater which is very dangerous. They are designed to be used outside, big carbon monoxide issues with that. Also found people were possibly staying in the

basement and condemned the garage and the basement for an illegal sleeping area downstairs. He wrote orders with a reinspection scheduled for March 5 at 10:30 a.m. The orders for the condemnation were immediate.

Moermond: you said people were sleeping in the garage. Item 4 in the orders say people are sleeping in the garage based on tenant's statement. Can you characterize why sleeping in garage and basement are dangerous?

Neis: they were using a propane heater, a patio heater, designed for outdoor use. Extremely dangerous. And he found people sleeping in the basement. Those issues are immediate discontinuation. The March 5 reinspection are for the other items, minus the chipping and peeling paint.

Moermond: in the basement I see there are a couple problems. It is problematic people are sleeping there but also there is no egress window and has a key operated hasp lock outside of the door. With hasp locks doesn't even matter where those are, that is extremely dangerous because people can't get out by any means.

Neis: that is accurate.

Moermond: as far as propane in the garage, I'm going to say that's problematic operating flame generating equipment in a garage. I'm thinking that venting is a critical issue because of carbon monoxide?

Neis: most definitely. Not only the fire danger, but carbon monoxide danger.

Moermond: looking at the photos, I saw one halfway through where there were open and exposed wires from the housing of a carbon or smoke existed. That is a complicating problem too?

Neis: yes, that could result in condemnation.

Moermond: so a lot of unsafe sleeping conditions. Smoke alarm order is number 19, indicating the hardwired smoke alarm on main floor is missing. We have the yard, garage, basement, and then various other code issues.

Xiong: I don't know what you recommend to me, but we are going to court tomorrow for a TRO. We had one done last week and, then it was a second one tomorrow. Since September they wouldn't open the door or answer the phone. I don't know what's going on inside. I will do whatever I can to clean it up. Right now, I don't want to go over there. They are mean to me. I drive by a couple times a day; I don't know what to do. I will do whatever possible to clean and repair my house.

Moermond: here's the thing. I need to operate not from the legal perspective of what your contractual relationship with your tenants is; I operate from a safety perspective. My concern is all about safety, without judgement about compliance with your contract. I hear from inspectors that this is an extraordinarily unsafe circumstance in the garage, basement, and no smoke detectors. I am hearing you say you don't have any intentions to address them until the tenants are out of the house.

Xiong: for my safety. I don't feel comfortable cleaning the yard, they are mean to me. I believe it is dangerous. I don't know which one they want and what they don't want. I want to wait to see if they leave the house, and then I will clean the outside and inside.

Moermond: Mr. Neis, in the orders issued by Inspector Franquiz he gave a full month, which I find extraordinary given the circumstances.

Neis: the orders for the condemnation of those areas for sleeping in basement and garage, the March 5 deadline was for the other items to be corrected. For example, if they discontinued sleeping in those areas, they could move inside the home that are safe to live and sleep

Moermond: item 5 in the orders indicate the heating lamp must be immediately discontinued. It doesn't say immediately discontinued as sleeping, nor does it for the basement either.

Neis: it is implied in the orders. It says, "the occupancy must not be used until reinspected". It would never be approved by the office for sleeping.

Moermond: so that implies the immediate, I'm good with that. On February 2, a week ago, the department issued orders that sleeping in those spaces must be discontinued. We heard from the owner she is not comfortable entering the property to ensure that some of these things are addressed. I'm going to say also that Mr. Vang, do you have anything to add?

Vang: she talked to you already, but I don't know, since September 1 the tenant is ignoring calls. He won't open the door. After that, a month ago, we figured maybe he didn't have anyone in there. We called the police to come out. The cops talked to her and we looked around to see if things were damaged. I'm not going over there anymore because, we called four or five times about the yard. I cannot go to tell him; he is so mean. We can't go over there, it isn't safe.

Moermond: so let's talk about the easier thing first. The backyard orders, you would like an extension to address those items. Today is February 9, I'm going to recommend Council give you until February 23 to address those items. We will put this in front of Council February 17. February 23 we'll ask for a staff report. If you haven't addressed the problem then DSI will be authorized to proceed to do the cleanup and asses the cost to the property. With respect to the life safety problems and condemnation and order to vacate. Do we have a sense of the total number of people living in the property, garage, and basement? What kind of occupancy numbers do we have? If the unsafe spaces of the basement and garage are vacated, what is going to happen to the rest of the house. Mr. Vang, Ms. Xiong, do you know?

Xiong: I have no idea. After it snowed I drove by and I saw footsteps into the garage, I would say maybe 3 or 4 there. But, I see people go back and forth. I sit in the car and watch.

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1:30 p.m. Hearings**Fire Certificates of Occupancy (None)****2:30 p.m. Hearings****Vacant Building Registrations**

- 14 [RLH VBR 21-7](#) Appeal of Angela Weber to a Vacant Building Registration Renewal Notice at 1362 PALACE AVENUE.
- Sponsors:** Yang
- The appeal was withdrawn and VB file closed.*
- No one appeared*
- Moermond: appeal withdrawn and the vacant building file closed.*
- Withdrawn**
- 15 [SR 21-18](#) Review Request of Angela Weber to a Ratifying of the Appealed Special Tax Assessment for property at 1362 PALACE AVENUE adopted by Council on January 13, 2021 under File No. RLH AR . (File No. VB2101, Assessment No. 218800)
- Sponsors:** Tolbert
- Delete the assessment.*
- Angela Weber appeared via phone*
- Moermond: I'm calling about the vacant building assessment at 1362 Palace. Just to recap, my understanding is you didn't appeal it originally but when you go the invoice after the January 13 City Council meeting you wanted to file to go to District Court. I asked for that to be diverted to me, so maybe we could help you out. After reviewing your file, considering the fire, Covid, insurance, and the building itself being no more, I'm going to recommend we go backwards in time and put a resolution through to delete this assessment.*
- Weber: I didn't get the first appeal letter. This one I got. I don't know, it has been such a nightmare.*
- Moermond: this should help. We will do that resolution and that should be the end of that.*
- Weber: this is a huge relief. Thank you so much.*
- Received and Filed**