



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

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

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Tuesday, March 9, 2021

8:30 AM

Remote Hearing

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#### 8:30 a.m. Hearings

##### Remove/Repair Orders

- 1 [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. (To be referred back to April 13, 2021 Legislative Hearing)

Sponsors: Prince

*Refer back to LH April 13, 2021 at 9 am.*

*Mark Drexler, owner, appeared via phone*  
*Derek Western, potential purchaser, appeared via phone*  
*Leanna Landrum, potential purchaser, appeared via phone*

*Moermond: we did conduct one hearing to establish the record of why the property is a nuisance and why there is this remove or repair order on the property. We like to start out with a staff report and update the record. Mr. Drexler, understand you've been in communication with Ms. Harr in the Ward 7 office. I'm going to ask if we can keep this within the Legislative Hearing office since this is a quasi-judicial matter. We need to mind our p's and q's regarding ex parte information. Councilmembers will have a copy of all this information.*

*Staff Report by Manager Steve Magner: a letter sent on February 12, 2021 confirming that on February 9, 2021 at the Legislative Hearing, Marcia Moermond recommended continuing the matter to Legislative Hearing on Tuesday, March 9. By close of business March 8 you must post a \$5,000 performance deposit. That was received March 8. Additionally, the property must be maintained. On our last inspection the property was vacant and secure. For your reference in order to rehabilitate, the following conditions must be met to receive a grant of time to rehab the property: evidence of financing, affidavit dedicating the funds, work plan or sworn construction statement, including subcontractor bids and a schedule. Samples are enclosed.*

*Moermond: to begin this, we have a couple ways we deal with orders of this nature. The owner can proceed with demolition on their own, rehabilitate the property with themselves as the general contractor, or the third option is to hire a third party to do that. That sometimes takes the shape of an eventual transfer of title when the work is*

done. There are a couple of legal methods to do that. We have samples of how that's been done in the past. Mr. Drexler, where are you at with things?

Drexler: first, we are in discussions with Ms. Landrum and Mr. Western to develop and transfer ownership after getting the Code Compliance Certificate. Also, we need more time to get the contracts in place, that would be one ask.

Moermond: I don't see a problem with that since you posted the performance deposit. That was the benchmark I was looking for to slow things down. Because that is done it is a sign of good faith and my goal is to keep things moving so we have progress each time we talk. That being said, tell me what's going on in terms of the contract, bids, etcetera.

Drexler: I did hire a lawyer to review the proposal, so everyone is protected. Do you have samples? I'm hoping the next 30 days we will have an agreement and work out the legal contracts.

Landrum: we have been working closely with Mr. Drexler. He has given us access to go in and look and compare to Code Compliance Inspection report. We've received one bid to bring it to code. Our next step is to have a structural engineer come in and look. That should be happening next week.

Moermond: tell me about how you are going to be financing this rehab?

Landrum: this would be cash. We work with several construction partners. We've shown them the property and they are just waiting for us to have an agreement in place with Mr. Drexler. They will come in with their own money and bring it up to code compliance and gain transfer of ownership.

Moermond: so a third party, not you two, are acquiring?

Landrum: we are acquiring, they work in partnership with us. We would have a contract with one of our partners to do the construction and they will also finance the project.

Moermond: tomorrow is the Public Hearing on this. Because the performance deposit has been posted, and we have that code compliance inspection, I'm going to ask them to continue the matter. It is March 9; I'm going to push this to have a conversation on April 13. I'm hoping you have a package you can share by then of bids, contracts, financing and so on. If it isn't enough time to get every detail done, it should be enough to get the vast majority done.

Landrum: absolutely.

Moermond: I will plan on sending it to Council a couple weeks after that. If we can get those materials before the hearing so we can review and respond to them, you'll have that ahead of time.

Landrum: wonderful.

Moermond: ideally we'd have them April 9 and can have that conversation with some feedback ahead of time. If we get it closer to the 13th we'll look at it at the time and it will be slower and you may not get a decision that day. Any questions? I will ask the Council tomorrow to refer it back to Legislative Hearing on April 13.

*Western: who should that be sent to?*

*Moermond: you will get a follow up letter from Joanna Zimny. Send it to her and she will send it on to everyone who needs to see it.*

*Drexler: what was the date again?*

*Moermond: ideally by Friday April 9. We will definitely be discussing it Tuesday April 13. Mr. Magner, anything to add?*

*Magner: no*

*Landrum: can we get those sample contracts?*

*Moermond: Joanna Zimny will send them.*

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

## 10:00 a.m. Hearings

- 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. (Amend to grant 180 days)

**Sponsors:** Brendmoen

*Must have \$5,000 PD posted, affidavit dedicating the funds to the project, and signed contractor bid(s) by 2 pm on March 10, 2021.*

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

*Philip Schloss, owner, appeared via phone*

*Barry Rohweder, potential purchaser, appeared via phone*

*Moermond: we have a Legislative Hearing today, and Council tomorrow. Mr. Magner will update the record and we will talk about the materials that have been received.*

*Staff report by Manager Steve Magner: a letter was sent February 26 confirming that on February 24, 2021 at the City Council meeting, Ms. Moermond asked the matter be referred back to legislative hearing today for further consideration. There are a number of conditions that must be met in order to receive a grant of time to rehabilitate the property: if transferring to a third party, title cannot transfer until rehabilitation is complete and code compliance certificate has been issued. Post a \$5,000 performance deposit with DSI, submit a work plan or sworn construction statement, including scope of work and schedule for completing the project, submit evidence of financings sufficient to complete the rehab, and submit an affidavit indicating the finances will be dedicated to completing the project, and the property must be maintained.*

*Schloss: was that sent to Mr. Rohweder?*

*Moermond: yes. that went to you, Mr. Rohweder and Mr. Soczynski.*

*Schloss: I didn't get a copy of that letter. I'm concerned.*

*Moermond: it was also emailed to [redacted].*

*Schloss: I'll have to check and see, thank you.*

*Moermond: we received some materials. Let's take them in order. The first item, addendum to the purchase agreement indicating the transfer won't happen until code compliance certificate is issued, is acceptable. Item 2, the \$5,000 performance deposit. Mr. Wagner what happened there?*

*Magner: the document was emailed to Legislative Hearing, forwarded to us, and brought to front counter. When the front counter ran the card it was declined as insufficient funds.*

*Moermond: so that was not posted.*

*Rohweder: that's not how that happened. We'll get it done, send me the correct information and we'll get it done.*

*Moermond: what happened?*

*Rohweder: we typically don't have a problem, even if it is a large amount.*

*Moermond: I have a problem it isn't there. It is connected to the ability of funds to do the project. It is a red flag to me.*

*Rohweder: I sent you a screenshot of a bank balance of over \$100,000 in cash. We're prepared to spend \$170,000 on the property. It seems to be very difficult to approve, it is very confusing, I don't understand this.*

*Moermond: I don't see a screenshot.*

*Rohweder: I can send it again. I sent it to Mai and Joanna. Joanna informed me that Mai was out.*

*Magner: I'm going to have Reid Soley email another application and we will include an email for front counter staff so he can send it to Marie directly. If he wants to send it now or right after the hearing, but we would prefer that the filled-out form goes to front counter directly. We did run the card twice, and it was twice denied. I don't know any more than that. I will give him a new application with Marie's contact, he should contact her directly via email.*

*Rohweder: I would prefer that. It happens often times there is a glitch in the system. I just resent it you Marcia.*

*Moermond: we don't have it yet. This is a hearing, Mr. Rohweder.*

*Rohweder: I sent it to [marcia.moermond@ci.stpaul.mn.us](mailto:marcia.moermond@ci.stpaul.mn.us).*

*Moermond: I don't have it. Oh, I just received I now. I do have an account indicating you have \$110,281. That covers rehab, does it cover acquisition? How are you managing the balance of the mortgage with Mr. Soczynski? My understanding is that Mr. Soczynski's bank repurchased for \$70,000. Is that right?*

Soczynski: yes. \$70,000 and change.

Moermond: so when would that be dealt with?

Rohweder: it doesn't have to be dealt with until end of redemption. It needs to be paid for at the end of the redemption period

Soczynski: which is July 21, 2021.

Rohweder: we'll start construction, get the house to a point where we get secondary funding if we need to. I don't think we would need to here. Keep in mind this is all we do for a living. We do 15 to 20 a year, rehabs just like this. This is different because of the red tape with the City.

Magner: your intent is to give Mr. Schloss \$1,000 down now to buy a position in the mortgage, then you are going to fund \$108,000 for the rehab with the idea of having it done before the redemption and then you'll market and sell and pay off the Mr. Soczynski and the bank before July 21?

Rohweder: there is an addendum that Mr. Schloss gets \$7,600 when this is approved. In an ideal world we would do it before July 21, that never happens. For a bank to give me \$70,00 now, they would laugh because it doesn't support that kind of valuation as it sits. We rehab and then will go in again if we need to. I think we'll have the cash for it. If we didn't have the cash available, that's the process. Rehab to the point it has enough equity to get the money from the bank. Ideally we'd rehab and then pay off the sheriff's sale at that point.

Magner: my assumption is that by waiting until the end of the redemption period, your acquisition costs will be more than \$70,000 because it will continue to accrue interest. I understand how leveraging funds works, but the concern I have is that, having done this for a while, people repeatedly state they can complete this within the original 180 days but year after year we have people who can't. This is especially true the last year with Covid pandemic and additional City activities that stopped things. People who have historically been able to complete projects haven't been able to. The concern moving forward is you're saying, "even if we can't get it done by July 21, we can get to the point where a bank will give financing." How are they going to give you financing on a property you don't own? It's a gamble, if you don't redeem July 22, the bank walks away with a property you put \$80,000 into.

Rohweder: I appreciate your position in this. It is almost zero risk to the City. You have me willing to spend \$100-whatever on the property. And the bank behind me. We have 5 months until July 21. The bank will get it and sell it and finish or we'll have it done. There's not a lot of risk for the City in my opinion.

Schloss: let's say the Council decides to demo the building. What is your experience with vacant lot? Like I stated in the letter, what consideration is there? If you destroy the structurally sound building, it is mostly cosmetic. How long are we going to be stuck with a vacant lot and then how long to rebuild? Especially if you have to approve financing.

Moermond: I think you're misrepresenting that but go ahead and finish.

Schloss: what's the deal with vacant lots in the neighborhood it is in?

Moermond: *this has been a registered vacant building since 2015. It has had 40 summary abatement orders and 29 work orders, which have continued since we started this hearing process. This property drags down the value of the neighboring properties. I had no evidence of financing until the email few minutes ago indicating there is \$108,000 there. I don't have an affidavit or a performance deposit posted. Those things were crystal clear in the letter. I'm not trying to play games with you, I'm feeling like you guys are not coming though on the things I've been specific are standard expectations in this type of case. None of the bids are signed, we asked for signed bids. I don't have a bid from a building contractor. I have trades. I still don't have the property being maintained. As of February 24 there was another order issued. That's the kind of thing I'm looking at here. It isn't an accident this ends up under a microscope. If you can come through with what you're supposed to come through with, we've been at this for a long time with the property. My first hearing was August 25, 2020.*

Schloss: *I understand your frustration. You'd have to ask Mr. Rohweder when he can come up with this to meet your criteria. This does need to be resolved as soon as possible and you have been as patient as you can.*

Rohweder: *I've only been involved for a month. The requirement requests by the City are really vague. The affidavit went out on the 16th*

Moermond: *that affidavit was contingent on the preapproval of financing so that affidavit didn't prove anything.*

Rohweder: *I appreciate and agree 100 percent. This is all we do every day year-round. There's are a lot of requirements we don't typically have to do, is my point. I can assure you we have the capacity to get it done and I can get you whatever documentation you need. I need more clarity on what you need. I can get it done today.*

Moermond: *we can go back to the letter sent by Ms. Zimny. You can tell me what you are not clear on.*

Rohweder: *so a new affidavit that the cash funds are devoted to the property?*

Moermond: *I don't know that we're resolved yet that we move forward with the money due and owning on the redemption. Profits from the sale to pay off the property makes me uncomfortable. Maybe Mr. Soczynski has comments on that?*

Soczynski: *I was going to add, when you talk about how frustrating and long this has been going on, there's now a deadline at which point no one can stop or change it. At the end the day it needs to be resolved by the end of the redemption period. If it isn't, it will likely be torn down. We do have some finality with an end date. My experience with properties going to foreclosure, typically someone will come up with the money if the project is completed or not. I can recall one property, someone bought it, tore it down, rebuilt and they paid us off. I don't know if that was before the redemption period, but I heard they tore it down and rebuilt, I've seen it happen. Based on where the markets are now, there are no homes on the market. Houses listed under \$3000,000 in Faribault there are 2 homes for sale. I know the market is tight and they will sell immediately. Regardless, once they get some investment in the home I know my client will be made whole financially before the redemption period.*

Moermond: *Mr. Magner just sent out the performance deposit form to my office and we'll kick it out to you folks.*

Schloss: back in October, he thought it was worthwhile to rehab and you said with the same issue about the financing. What I'm trying to say is that the bank saw it worthwhile to rehab, but maybe that's changed.

Soczynski: based on my client not being in a position to rehab homes, if it can't be completed by Mr. Rohweder, my client will take the position that they will tear it down. They are not in a position now to do the bids and costs in their experience in dealing with red tape internally. They wouldn't undertake it at this point.

Schloss: I understand . The point is the property is "rehabable."

Soczynski: I believe it was at \$100,000. My client is not savvy enough to get bids in the ballpark you can with your connections. Their prices were coming up much higher than what the City has. It probably because it is something that would have been a disaster to do quickly.

Schloss: my point is it is "rehabable." It sounds like all the paperwork gets lost, that's what it sounds like to me.

Moermond: Mr. Schloss, no. Let's go back to the letter. The \$5,000 performance deposit. Mr. Rohweder, what exactly are you going to do?

Rohweder: I will make the deposit in next hour. I'll get it done.

Moermond: Mr. Rohweder, it says submit a work plan, sworn construction statement, or scope of work. This should include signed subcontractor bids and a schedule for completion of the project. I have subcontractor bids that are unsigned. I do not have a sworn construction statement or work plan outside of a schedule that was attached. I'm assuming based on the schedule, NJE will take responsibility as the general contractor. What is that cost as the general contractor and how that breaks down? We need to see that, and we don't have that in the package.

Rohweder: part of the problem is the miscommunication when I was first dealing with Mai, I know she's out now. I sent the construction statement.

Moermond: Mai is actually on the line.

Rohweder: I've sent the construction statement, I sent everything.

Mai Vang: the only thing I got from you was the addendum and the zip attachments.

Zimny: and I received those from her and the same documents sent directly from Mr. Rohweder.

Rohweder: I'm 60, I've been doing this since I was 23 years old. I've never seen a signed proposal from a contractor. I can get it done; it isn't an issue.

Moermond: item 4, evidence of financing has been met. I will need an affidavit indicating the funds will be used towards the rehab of the project. That's important in terms of using other funds over this course of conversation. I need that to be clear. The property needs to be maintained. I don't care who does it, but the City has been doing it and that isn't ok. That shows me everyone isn't serious about this. If you can get me those materials, I don't think the letter was unclear. I am struggling with how you're putting your nonperformance on our lack of clarity.

*Rohweder: we don't do this type of rehab in terms of the City being involved. It has been many years since I've done a vacant building rehab with the City of Saint Paul on a level 3. I can't stress enough we have the capacity to do it and will get it done, this is how we make a living.*

*Moermond: that's fantastic, but I've seen people who do it for a living who finish and also don't. You've said you can get it done quickly; you have a Public Hearing tomorrow at 3:30. Have it done by 2 pm tomorrow so we can respond to it. If I don't have it by 2 pm then I don't have it, that leaves me at 3:30 with no other option but recommending removal. I don't like it but that's where we're at. You may wish to testify which is fine, but we'll work with Ms. Zimny to coordinate that if necessary, but I'm hearing you will have it together before then.*

*Rohweder: you want a signed proposal, reconstructed affidavit and the \$5,000 performance deposit. Those 3 items?*

*Moermond: correct.*

*Rohweder: I will get it done.*

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

**4**      [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. (To refer to Legislative Hearing on April 13, 2021)

**Sponsors:**      Brendmoen

*Refer matter back to LH April 13, 2021. PO to submit bids, proof of financing, affidavit of funds, work plan/sworn construction statement and property must continue to be maintained by noon April 12.*

*Maurice Griffin, owner, appeared via phone*

*Staff report by Manager Steve Magner: a letter was sent on February 12, 2021 confirming on February 9 at the Legislative Hearing Marcia Moermond recommended continuing the matter to Legislative Hearing on Tuesday, March 9. By close of business March 8 the following conditions must be met: post a \$5,000 performance deposit. That was received March 1. The property must be maintained. At our last inspection the property was secure and vacant. In order to rehab, the following conditions will need to be met: submit evidence of financing, sworn construction statement or scope of work with timeline for completing the project, affidavit of funds.*

*Moermond: so the first thing that needed to be done was the performance deposit and that was posted March 1. That takes us to tomorrow at the Council meeting, because that has been done, and the code compliance inspection report is done, I can ask them to continue this in hearing to work on the other items together. Mr. Griffin, where are you at with the work plan and financing?*

*Griffin: I got the letter yesterday. I tried to figure out exactly what it was trying to say. I tried to figure out the legislative codes were trying to say but I couldn't find any information on those things. I'm confused about what exactly you're looking for. I see the big picture, what are they looking for exactly?*



*Moermond: I'm concerned, the letter is dated February 12 at Highway 96 in White Bear Lake. How did that take a month? The letter summarized by Mr. Wagner was one from February 12.*

*Griffin: I got that one. I'm talking about the one he mailed.*

*Moermond: the code compliance report?*

*Griffin: yes, that one.*

*Moermond: have you consulted a contractor?*

*Griffin: not yet, but I just got the letter yesterday.*

*Moermond: they sent it to a PO box.*

*Griffin: I did and I picked it up yesterday. I thought it was going to White Bear Lake.*

*Moermond: when you fill out an application for the inspection they send it to where you put on the application.*

*Griffin: I put the PO box on the application and got a letter in White Bear Lake.*

*Moermond: tell me about your conversation with contractors.*

*Griffin: I haven't talked to one yet since I just got it yesterday. I'm trying to figure out what it all means. They list things but it is kind of general. I'm trying to figure it out. Specifically what they are looking to have done.*

*Moermond: you filled out a form giving the Willernie address. I am confused.*

*Griffin: the letter I got from you ended up in White Bear Lake. I filled out the form for the Willernie address.*

*Zimny: because in the last hearing you asked for it to be sent to the White Bear Lake address.*

*Moermond: you filled out the form with the Willernie address. In the hearing last time we spoke you told me White Bear Lake.*

*Griffin: because I started receiving mail in White Bear Lake, so I thought that's where it would go.*

*Moermond: the inspection reports are specific to the trades' codes being referenced. Sometimes they are general because there are multiple problems that are the same in different part of the structures, for example windows. Not a specific window, it will say is all windows. I would suggest that a qualified trades contractor looks at it. They will know exactly what is being asked for and can explain that to you. They are accustomed to looking at those items and what is required to make it code compliant. You need to talk to contractors. The estimated cost to rehab is over \$100,000. I don't know what your bids are going to turn out like, we need to see financing to do the rehab. How is that going?*

Griffin: working on it. I will be borrowing money from my mom. She will be closing on a property towards the end of March.

Moermond: I'm going to say your homework between now and next time we speak is getting bids in place. Are you going to hire a general contractor?

Griffin: I'm thinking I will be getting bids from 4 contractors.

Moermond: building, electrical, plumbing and heating are in the report.

Griffin: so I'm looking for four contractors?

Moermond: if you hire a general contractor they will have subs they use. That may or may not simplify things. I would start calling people and having them look with the code compliance list and coming up with bids for you. Because you have posted the performance deposit, tomorrow I will ask the Council to send it back to Legislative Hearings so we can talk again April 13. That will give you a chance to get some bids. We can talk about more specifics then. Where would you like the follow up letter to go?

Griffin: Willernie.

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

**3**      [RLH RR 20-22](#)

Ordering the rehabilitation or razing and removal of the structures at 678 SNELLING AVENUE NORTH within fifteen (15) days after the May 27, 2020 City Council public hearing. (To be referred back to January 26, 2021 if conditions are met)

**Sponsors:**            Jalali

Layover to LH April 13, 2021 for further discussion. By close of business April 9, PO must submit feasibility study (examination of building uses).

Gene Gelgelu, owner, appeared via phone

Lisa Kugler, consultant, appeared via phone

Staff report by Manager Steve Magner: there was a letter sent January 29, 2021 confirming that at the Legislative Hearing on March 26 Marcia Moermond recommended laying the matter over to Tuesday March 9. Your decision whether to remove or repair the building must be submitted by March 8, and the windows repaired. The windows were done to our satisfaction.

Moermond: where are we at with the decision to remove and rebuild or rehab?

Gelgelu: we decided at the last meeting, I indicated we were going to have the architect evaluate the building. We did and we decided we are going to rehab.

Moermond: that's good, we have landed on a decision and can move forward with plans and financing to rehab. So now some tasks to undertake. The architect you hired, are they doing the rehab plans?

Kugler: we had a contractor and a structural engineer do the first building evaluation, that was relatively positive. We are just in the process of hiring an architect. It is going to AEDS's board today. It will likely be Cushing Terrell; they are a national firm with an

office in Minneapolis. The major issues I see, other than the rehab of the building, are site issues related to the parking and the alley. So probably the first step is the feasibility study by the architect, the second step is meeting with the City to talk about access and parking issues. From there we are on track for a couple different kinds of financing. There is a request to the State for an appropriation for the building. There also is the potential of a mortgage for part of it. There is also a potential yet to be determined for some federal money. We're following all of the City and federal procurement rules so we don't rule out any of those options.

Moermond: so an architect will be hired to do the feasibility study?

Kugler: not on whether to rehab, like a bubble diagram about how the uses for Little Africa plaza can fit in the building. How does the building work for the uses that are desired?

Moermond: what sort of timeline for that?

Kugler: within a month.

Moermond: I'm wondering what you're thinking of possible outcomes? Are there decision points on whether you would move forward with the rehab?

Kugler: no, it is more what can fit into the building. The kinds of uses that makes the most sense. The decision whether to rehab or demolish has been made.

Moermond: what I need to do is continue to see the benchmarks met toward rehabilitation. Certainly the feasibility study is the first benchmark. There is drawing up plans to be discussed with the City, the zoning concerns and parking requirements.

Kugler: my reading of the situation is it was zoned for general retail with no parking except for street. The uses being proposed fit into that category, so there isn't a specific parking requirement from the City, but there are parking needs from the potential uses and some ways to provide onsite parking. However, they all require discussion with the City as to how to access it and use of the alley. It is not a zoning question; it is more traffic management.

Moermond: so a site plan. So you are going to begin a site plan conversation with city staff.

Kugler: after we get the preliminary architectural work.

Moermond: today is March 9. Let's get that preliminary work on the record here April 9, and that will be a benchmark moving forward. The next would be working with staff around a site plan. Certainly the architect for the inside will be in the mix there, as well as the financing. It seems reasonable that we start at the beginning on this. I'm looking for movement forward throughout.

Kugler: there is a commitment. There was a Met Council grant to the project. It is in queue to be a funded project, but as you know they take a long time.

Moermond: right, and because of that there are different decision points, and we'll keep checking in. The next will be making sure we have the feasibility work done and you possibly even starting the site plan work. Sound fair?

*Kugler: yes.*

*Moermond: we'll talk again April 13. Any questions?*

*Gelgelu: regarding the community gathering engagement, some sort of public gathering? Are we allowed to have activities at the building?*

*Moermond: it depends on the activity. Mr. Magner, can you speak to access to building and by whom and what is ok?*

*Magner: it is appropriate and legal for appellant to have contractors or trained professionals in the building. If his intent is to invite the general public for a social gathering, that isn't allowable until a code compliance certificate and C of O is issued.*

*Kugler: any exception to that? Given that there is plenty of space that isn't dangerous?*

*Magner: the City cannot allow general occupancy of a structure if it is in a category 3 status. We don't know if something could happen. We don't even know the intent of the building until the site plan is submitted. The building is a registered vacant building and not allowable for occupancy.*

*Moermond: there are liability issues.*

*Gelgelu: we wanted to have a community engagement event for the use of the building. That was our intent.*

*Moermond: that isn't ok.*

*Gelgelu: ok, thank you.*

*Moermond: any other questions?*

*[none]*

**Laid Over to the Legislative Hearings due back on 4/13/2021**

**5**      [RLH RR 21-15](#)

Referring to Legislative Hearing review of a potential stay of enforcement of demolition for John Ray, for property at 655 JESSAMINE AVENUE EAST.

**Sponsors:**      Yang

*Layover to LH March 23, 2020 at 10 am. PO must post \$5,000 PD and apply for code compliance inspection by March 19, 2021.*

*John Ray, owner, appeared via phone  
Shelly Myers, tried at 11:25 am, unable to leave message, voicemail full*

*Moermond: Mr. Ray, who is Shelly Myers?*

*Ray: I sought advice from her on the house.*

*Moermond: is she in real estate?*

*Ray: she is a licensed realtor, yes. I have sought some advice from a lawyer also.*

*Moermond: do you want to add him?*

*Ray: not yet. He said I should talk to the Council and my Councilmember first.*

*Moermond: you will have to talk to me because that's an ex parte consideration. The council went through the whole process of reviewing this case with no participation from anyone. Mr. Magner will update the record. I spoke with the Councilmember representing the area to see if she would be willing to entertain looking at this again. You're really here on her good graces, as well as mine. That being said, what's the background Mr. Magner?*

*Staff report by Manager Steve Magner: February 26, 2021 a letter was sent regarding the remove or repair of this property and confirming at the City Council hearing on march 3 referring the matter back to Legislative Hearing today for reconsideration of a potential stay of enforcement on the removal of this property. Ms. Moermond will review information Tuesday, March 9 with the goal of determining whether the Council should stay enforcement, in order that the property may be rehabilitated. In the normal course of events, there are a number of conditions which must be met should a party wish to rehabilitate a Category 3 Registered Vacant Building. These include the following: 1. Should you wish to sell the property, because this is a Category 3 vacant building title of the property cannot transfer until the rehabilitation is complete and a Certificate of Code Compliance has been received. Pending transfer of title, the contract used for this transaction will need to be approved by the Legislative Hearing Officer, 2. A \$5,000 performance deposit must be posted with the Department of Safety & Inspections, 3. Apply for a Code Compliance inspection with the Department of Safety & Inspections. 4. Become Current with Property Taxes. Become current property taxes. We did check and the taxes for 2020 were paid on February 25, 2021. We don't have a code compliance request, a performance deposit, or any plans or financing.*

*Moermond: before I do that, Mr. Magner, when this was originally heard in Legislative Hearings on January 12 staff put a report into the record describing why you were asking for a removal of the building. Can you summarize that? Why is this a property subject to demo?*

*Magner: The building is a two-story, wood frame, single-family dwelling with a detached one-stall garage on a lot of 4,792 square feet. According to our files, it has been a vacant building since June 19, 2019. The current property owner is Eileen M. and John E. Ray per AMANDA and Ramsey County Property records. On October 28, 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 November 2, 2020 with a compliance date of December 2, 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 \$10,000 on the land and \$65,000 on the building. Real estate taxes for 2020 are paid. The vacant building registration fees were paid by assessment on July 31, 2020. As of January 11, 2021, a Code Compliance Inspection has not been done. As of January 11, 2021, the \$5,000 performance deposit has not been posted. There have been thirteen summary abatement notices since 2019. There have been twenty work orders issued for garbage/rubbish, boarding/securing, grass/weeds and snow/ice. Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish exceeds \$20,000. We did not receive an email back.*

*Moermond: notice was mailed to John and Eileen Ray and personal service was received and signed for, building was posted, and it went out by US mail as well.*

*Magner: yes.*

*Moermond: we are talking because you indicated your mother signed and was suffering from dementia at the time she signed for it. That was one of 3 ways notification was provided. We are indulging because of that situation. The first two things that need to happen are the performance deposit and the code compliance inspection report.*

*Ray: I never read my mother's mail. I have a mother in law's apartment. I knew nothing of this until she passed away on December 26. I have never been notified of the property actions. I never got anything that went directly to me.*

*Moermond: the address on record with Ramsey County taxation had 1219 Bidwell street as the owner of record. If that wasn't accurate, I'm not sure, but that is the official record.*

*Ray: that is my address but she had an apartment here.*

*Moermond: it was addressed to you.*

*Ray: she had a big window and would get the mail right away. I've never knew anything about this. It came to both of us but I didn't touch her mail.*

*Moermond: to be fair, your mail. The building itself had a placard on it too.*

*Ray: can't deny that.*

*Moermond: where are we at in terms of the performance deposit and code compliance application?*

*Ray: I didn't know anything like that was out there. I've never been given papers about that. I can't do any of that if I don't know I have to do it. I never saw anything that indicated I needed to do this. I've never gotten mail, maybe she did. I never saw anything that said you needed a deposit, or we would have done it. I told you, a week after she passed I got mail that said you needed to demo it and that's when I started calling you. Since then I got one piece of mail and that said demo it.*

*Moermond: please understand those letters were all sent to Eileen and John Ray to the address of record. Not that legal notification wasn't sent. It was sent. Here we are, we are talking about you ordering a code compliance inspection report and a performance deposit being posted. Where are you at with those two things?*

*Ray: I have done nothing because I didn't know. Hindsight being 20:20 I maybe should have taken the mail from her, but it was her house and her mail. I don't even know what they are. I will have to figure them out.*

*Moermond: it was described in the letter sent. Let's talk from the beginning, that \$5,000 is necessary to get a grant of time from the Council. It is one of several conditions we are looking for to be met.*

*Ray: what was the first one? A post deposit?*

Moermond: a \$5,000 performance deposit. Did you get the letter of February 26 from my office that Mr. Magner just went through?

Ray: I probably did, that's when I called.

Moermond: no, this was a follow up letter sent February 26 to you at an email address we got from you and also to Shelly Myers. What is your ability to post that performance deposit? That is returnable upon the successful rehabilitation of the property. If the council doesn't grant time it is also returnable.

Ray: it would take me a couple days to transfer the money, but I can do that.

Moermond: you need to apply for a code compliance inspection report with DSI. That was also in the letter sent to you.

[Shelly Myers was added to call at 11:39 am]

Moermond: we are just now discussing the conditions that need to be met for Council to give a grant of time for the work to be done. We have summarized all of the notice issues. I'm hearing from Mr. Ray that he didn't look at them even though they were addressed to John and Eileen Ray, so he wasn't aware. You received an email, along with him, with a letter attached on February 26, and I'm asking about the \$5,000 performance deposit. Mr. Ray seems at sea with that. Where are you at?

Myers: I apologize, my computer is down so I don't have access to email. The deposit is for what?

Moermond: a performance deposit is required to work on a category 3 registered vacant building in the City of St. Paul. There is also a requirement that a code compliance inspection report be applied for. Are you familiar with those?

Myers: no I am not; I'm just trying to help the family out.

Moermond: Those two things need to be done in short order.

Ray: how do I get a code compliance inspection report?

Moermond: those forms were attached to the email Ms. Zimny sent to you.

Zimny: there is a link in the letter.

Moermond: it is on the second page. Let's talk about what you'd like to do with this property.

Ray: I didn't even know I had a legal right to go in the house. It was boarded up and said no trespassing or I would have done it. I'd like you to open it back up. I'd like it to stay in the family and let them stay there.

Moermond: so you want to fix up the house.

Ray: the inside is not bad; it just needs some paint and new carpet.

Moermond: I need a code compliance inspection report to tell me that. I am betting it is more than carpet and paint.

Ray: it has a new furnace.

Moermond: we need that code compliance inspection report. That is the finish line. When you do all of those things it can be occupied again.

Ray: can I get inside?

Moermond: it belongs to you.

Ray: I didn't know that.

Moermond: there are phone numbers on the door so you need to own some responsibility. I need you to go back to that February 26 letter from my office and do the performance deposit and apply for a code compliance inspection. Those are step 1 and 2 towards getting this rehabbed. I would like to get those two things taken care of as good faith you are moving forward with this. I'm going to be honest with you that staff's belief is that rehabbing is upwards of \$75,000. That's based on their experience with similar properties. It may be less, or more, based on the bids you get. If they are significantly different than staff estimate we are going to look for high level of detail. To be super clear, it looks there have been 20 work orders for the City to maintain the property. I'm not sure you're doing the basics.

Ray: I have someone who shovels and my brother goes and cuts the grass.

Moermond: and yet we have 20 work orders in the last 18 months.

Ray: I get it. I got a work order recently, after we'd already shoveled.

Moermond: the City doesn't want to be in the business of sending you letters to take care of the property. Most recently, February 8 a letter went out about a snow problem. Lots and lots of orders. Those will be a lot of assessments likely showing up on your property.

Ray: I know, I paid \$6,000.

Moermond: let's get the first two things taken care of. Let's get the code compliance inspection report in the next couple of days. It takes 3 weeks to complete it. You need to secure the property so inspectors have access to it. That means if you have board over the door screwing it shut, you need a traditional door with a lock and the lock box with a key. When the inspector comes by they use the lock box to go in and do their inspection. Each of the trades go through on their own in between other appointments. Let's get that applied for and the performance deposit posted. If you can do that I can keep talking to you. Today is March 9. I'd like to see talk again March 23. I'd like those done no later than close of business March 19. There will be other things we need, as Ms. Zimny's letter indicated.

Ray: what do you need for financing? A bank statement?

Moermond: some people do it differently. I don't want to dictate which type of financing is required. Personal money, construction loan, all of these items are in the letter. Any questions?

Ray: no, I need to get those two things done.



Myers: no, no questions.

Moermond: let's get those things under control so we can continue to talk.

Ray: can I have family in construction do this work?

Moermond: if they are licensed and can pull the permit they can.

**Laid Over to the Legislative Hearings due back on 3/23/2021**

### **Making Finding Remove/Repair Orders**

- 6 RLH RR 21-12** Making finding on the appealed substantial abatement ordered for 134 ELIZABETH STREET EAST in Council File RLH RR 20-13. (Legislative Hearing on March 23, 2021)

Sponsors: Noecker

Layover to LH March 23, 2021 at 10 am for updated percentage completed from inspector. (CPH March 24)

Charnell Hudson, owner, appeared via phone

Moermond: is there anyone else you'd like added on to the call?

Hudson: no.

Moermond: this hearing is to follow up on the grant of time the City Council gave September 9. At this point my job is to check to see where we are at. The 180 days have come to an end. The work isn't done. We did check with the building inspector to get a percentage complete, and he said 20 percent or less.

Hudson: that's done?!

Moermond: he said no permits have been pulled and no evidence of anything.

Hudson: almost everything is done. The only permit they have to get, they did it online. One wasn't pulled, which was plumbing. All the building stuff one there is done.

Moermond: well that is not what I have in the records here. I do have active permits pulled March 9. Literally today. So if my inspector looked yesterday and found no permits. Yesterday, there were none. Today mechanical, warm air and plumbing and an electrical permit in February.

Hudson: those are closed. The building inspector closed them.

Moermond: I see abandoned permits. No closed or finalized permits.

Hudson: I have the cards they signed off on right here.

Moermond: it doesn't show up in my system.

Hudson: they came out yesterday. They signed off on warm air, gas, piping and

*electric.*

*Moermond: those notes are not in the system; I don't know what to tell you. I'm looking at permits issued today.*

*Hudson: and the reason why they weren't issued last week was that they didn't go through online and they had to go in person.*

*Moermond: when you have a category 3 vacant building it needs to be done in person.*

*Hudson: I have the cards right here they just signed off on.*

*Moermond: I don't have that, just yesterday's assessment from the building inspector. You're telling me it is more.*

*Hudson: everything on the list is done. I didn't have the list there, but he had the list and I don't know why he's saying it isn't done.*

*Moermond: I guess I'm looking at this and it is a little concerning that permits were pulled yesterday for work time was granted six months ago for. It feels not squared up.*

*Hudson: ma'am, everything is done there. Everything on that list.*

*Moermond: and I have a building inspector telling me otherwise. We need to clear this up. Why don't you get me copies of what you are looking at? Since permits were only pulled today, I don't have any follow up inspection information at all. You won't have a final inspection on a permit pulled 10 minutes ago. That's a problem. A report back to Council on this is scheduled when, Ms. Vang?*

*Vang: March 24.*

*Moermond: let's talk March 23 and if you are less than 50% done according to the inspectors I will ask for another \$5,000 performance deposit to be posted.*

*Hudson: yes ma'am.*

*Moermond: so we're clear, failure is losing \$10,000.*

*Hudson: yes ma'am.*

**Referred to the City Council due back on 3/24/2021**

**7**      [RLH RR 21-2](#)

Making finding on the appealed substantial abatement ordered for 864 MARION STREET in Council File RLH RR 19-29. (Amend to grant additional 180 days)

**Sponsors:**      Thao

*Grant additional 180 days to rehabilitate or remove (to September 8, 2021).*

*Roger Schilling, owner, appeared via phone  
Richard Bowen, attorney, appeared via phone*

*Moermond: we're checking in on the progress for 864 Marion. A letter was sent February 26 looking for a couple of things, an additional performance deposit, update*

on financing, affidavit and maintaining the property. We do have the performance deposit. I have a question about the money showing here. It looks like it's at First National Bank and the account is Advantage Investments Inc, is that who David Shelton is associated with? The man who signed the affidavit?

Bowen: yes.

Moermond: he's an investor in your project then?

Bowen: yes.

Moermond: do you happen to have an updated timeline for finishing?

Schilling: 90 days is what we're pushing for.

Moermond: I'm reporting to Council on this tomorrow. Tomorrow I will ask them to grant you an extension to complete the work to September 8, 2021. We'll schedule you for Legislative Hearing on August 24. It would be best if you had it done by that date so I can report it is done and completed. That will be our target day. That gives you the 90 to 120 days, plus a Covid buffer.

Schilling: correct.

Moermond: that will be my recommendation to Council tomorrow. We have paperwork in order otherwise.

Bowen: do we not have to appear then tomorrow?

Moermond: if you wish to object to my recommendation you should talk to them, but if you are ok with it save your time.

Bowen: ok I just wanted to be sure.

Moermond: we will send you a letter confirming. Stay well and get busy.

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

- 8      [RLH RR 20-57](#)      Making finding on the appealed substantial abatement ordered for 985 WOODBRIDGE STREET in Council File RLH RR-19.

**Sponsors:**      Brendmoen

*The nuisance is abated and the matter resolved (code compliance certificate issued January 13, 2021).*

*No one appeared*

*Moermond: the code compliance certificate was issued January 13, 2021 and the nuisance is abated and matter resolved.*

**Referred to the City Council due back on 3/17/2021**

**1:30 p.m. Hearings**

**Fire Certificates of Occupancy****9**      [RLH FCO 21-31](#)      Appeal of Dustin Fronk to a Correction Notice-Reinspection Complaint at 594 BRUNSON STREET.

**Sponsors:**      Brendmoen

*Layover to LH March 16 at 1:30 pm for further discussion. PO to submit plans for coming into compliance by noon on Monday, March 15.*

*Duston Fronk appeared via phone*

*Staff report by Supervisor AJ Neis: this was a Fire C of O correction notice that stemmed from a complaint at the property. The complaint was sent to us by the Fire Department. The complaint was for excessive storage in the basement unit, which came into our office back on November 20, 2020. Fire Inspector Franquiz has issued numerous correction notices to the property owner and we still haven't been able to verify the work has been completed. This has been going on several months and there is really no reason other than being denied access to confirm why the issues aren't being abated. There are some exterior issues we would allow to go to spring, but we need to get in to make sure it is corrected.*

*Moermond: there are a fair number of items on the list. It was a complaint-based inspection originally. Have you done a complete Fire C of O inspection?*

*Neis: not yet. It isn't due to 2023 but due the property owner denying access. Our next step would be to schedule a full C of O inspection, which has additional fees and may result in revocation and possibly an order to vacate. All with additional fees.*

*Moermond: why are you appealing?*

*Fronk: it was recommended by Mr. Franquiz. There was an extremely scary situation that happened right away, we started working on everything and cleaned out the basement. Got the stuff stored in there out. Fixed some of the other problems like the bathroom. All the plumbing fixed and were moving onto the window and electrical the day we were there. The next morning my contractor went back and there were police everywhere and a news station and basically the family was involved in a double homicide there. There was a huge argument between the family and the son who was involved in the murder. The contractors were scared. The tenants were in the argument. The brother was always around the house too. The family in the units warned me about the brother when we were working there. To look out for him because he steals things. He comes back because it is family. She told me to be on the lookout for him. Basically it spooked the contractors and me, we were scared to go over there. Ever since they have been not paying rent, and the police couldn't prove anything. Basically they won't move, their lease is up and everything. I'm at a standstill. I have other contractors who will go out there now. The ones I had refused to go back. The tenants won't answer the door. They don't pay rent. I really don't know what to do. Mr. Franquiz told me to file the appeal and he met the brother involved in the murder and he said the brother harassed him. I'm not trying to duck the work; I would love to have it done and not deal with all of this. I have the guys ready but I don't know what to do when they won't leave and I can't get in. All I can really do is exterior items.*

*Moermond: have you consulted an attorney on your rights because there is criminal*

*behavior there? Have you talked to an attorney about that?*

*Fronk: I have Googled and looked into it. My main concern is there is no proof against the family. Even though they were in an argument at 3:30 thirty minutes before it happened. The contractors weren't the type to be scared. They said the family needs to go. Then there is the fact she had already warned me of the brother. All the excess storage was from him. We've fixed the more major items, but I'm trying to figure out what to do next.*

*Moermond: Mr. Neis?*

*Neis: I think you hit on the nose. He's trying to figure out what to next, more action should be taken than googling. He should consult legal assistance and work through the process.*

*Fronk: I can definitely do that.*

*Moermond: that makes the most sense. It sounds like you have plenty of witnesses who could put what they saw in writing for the court. Without collecting rent, it is in your financial interest to have them move on.*

*Fronk: if this was labeled dangerous where they had to move out—I'll take this advice. After I get off this call I will reach out to an attorney about my options.*

*Moermond: today we are talking about deadlines and consequences for not meeting them. I'm looking at in these orders, it looks like the nature of the orders shows a lot of deferred maintenance. Is that your assessment Mr. Neis?*

*Neis: yes, it is. There are some issues, I don't know how hard the tenants were on the property. Damaged doors and motorcycle stored inside is obviously the tenants. Without knowing the conditions prior, I'm not going to make assumptions. Deferred maintenance or tenant cause. How long have they lived there?*

*Fronk: I closed on the place in November. The fire thing happened 2 weeks after I closed. It all happened right when I got the property. They have been there a long time though, maybe 8 to 10 years from what they've told me. I would go and clean up and get a dumpster and come back and more garbage would be there. From my view from being inside, it's a lot of tenant damage. That's another reason I want them out.*

*Moermond: when I look at this list Mr. Neis, I don't see anything that rises to the level of making the unit unfit for human habitation. Is that your assessment?*

*Neis: yes, exactly. It doesn't appear that way, I assume that's why Franquiz told him to appeal. Nothing rises to the level of condemning the property and telling them to leave. The only thing I see that draws concern is item 10, the structural item. He said it was damp, not unsafe. A damaged structural member that was rotting by a leaking wastewater pipe.*

*Fronk: if it is the plumbing stuff, we started with the major things first and worked back down.*

*Neis: typically we wouldn't issue a condemnation on that, it isn't warranted yet. The next steps would be pulling an early C of O and order a full inspection and the next step after that inspection is to go through giving time to comply. Then we would revoke*

for noncompliance and then order it vacated. If we follow that process now we'd be looking at around July.

Moermond: it seems like a long time has passed between when this started in November and now. Procedurally you haven't gone to a full C of O yet and I am surprised.

Neis: I can't speak as to why, other than we've been a little more understanding due to Covid challenges. We would also be working around any police issues; I don't know of any. The inspector was allowed access and did note there was no immediate life safety issues at his December inspection. Due to Covid we've been a bit laxer on the deadlines and allowing people to reschedule.

Moermond: here we are, we have orders with a deadline of March 17. What is the next level of enforcement? Honestly, I don't think the next level is a full C of O. You're moving towards getting your C of O revoked, which may seem like a good solution, but what will happen is the fees accrue because the building isn't being emptied. The City won't kick them out. I'd like you to bring back a proposal on how you will tackle this and it sounds like that includes you talking to an attorney and filing eviction paperwork. I'd like to give you a week to think that through. I'd like to tailor a date to a plan of action. Can you pull something together by next Tuesday?

Frnk: yes, for sure.

Moermond: so you look more deeply at your options. Sounds like you've talked to contractors and maybe you just need to coordinate with them on a particular day and if that requires legal action let's figure that out now and plan accordingly. If you have an attorney you'd like on the phone next week let us know. We'll speak in a week with more specifics from your end.

**Laid Over to the City Council due back on 3/16/2021**

## 2:30 p.m. Hearings

- 10 [RLH VBR 21-14](#) Appeal of Tabatha Jackson to a Vacant Building Registration Notice at 1094 KENT STREET.

**Sponsors:** Brendmoen

Layover to LH Tuesday, March 16 at 2:30 pm for inspection report. Waive the VB fee for 90 days (to May 18, 2021).

Tabatha Jackson, owner, appeared via phone

Moermond: today were looking a vacant building registration predicated on the condemnation and order to vacate that was previously appealed.

Staff report by Supervisor AJ Neis: this was a Fire C of O correction notice previously appealed with a deadline of January 1, 2021. Torrance Harriel went out to verify compliance. Some of the work was completed but not done. A pipe had burst which caused more damaged. The tenant had vacated, and since it was empty and the work was not done, plus the pipe so it was transferred to Vacant Buildings.

Moermond: when was that inspection?

*Neis: it was performed February 12, 2021.*

*Moermond: so five or six weeks after the deadline.*

*Staff report by Supervisor Joe Yannarely: Mr. Dornfeld opened a category 2 vacant building on February 6, 2021. Front window boarded, entry doors barricaded with 2x4's, but it was secured and vacant.*

*Moermond: why are you appealing?*

*Jackson: there was a tenant in the home for a while but he started causing problems the end of 2019. We tried to get things working in February of 2020 and had an eviction put in but due to Covid I wasn't able to get anything moved through until middle of December. He destroyed the house and I had my hands tied. It has been constant work we have been doing. Mr. Harriel didn't walk through the house. I told him a pipe burst and he left, so he didn't even see any of the progress. Some boarded up things are because we consistently have break ins every day to every other day. I'm trying to replace windows and the door got kicked in 4 to 5 days ago.*

*Moermond: is there still a lot of material in the house?*

*Jackson: no.*

*Moermond: Mr. Neis, anything about Harriel's inspection besides the pipe?*

*Neis: no, he said some of the work was completed. If you remember this house was one with excessive materials to be reduced by 90 % but there may be other code violations once things are removed. The deadline was to comply or vacate, plus the water line, which is the reason for the condemnation. It was not needed to do a full inspection knowing if this was going to vacant buildings it would need a code compliance inspection since they were not in compliance with the tenant being vacated.*

*Moermond: Ms. Jackson, tell me more about the path you're on.*

*Jackson: forward moving. It took five 30-yard dumpsters in the past 4 months from the yard. It was a lot of money with no tenants to bring in income. It is time and money to get the material out of the house which has been done. The process of fixing it is already in the works. The amount of damage he caused is hard to do at a quick pace without outside help. I've been complying as much, and as fast, as I can.*

*Moermond: seems like there are two things in play, the first thing is how do you get this house occupied? What is that benchmark? And we have a vacant building fee hanging over your head. To get it reoccupied the main measure for a category 2 vacant building would be full code compliance inspection to create a punch list. The other way would be to have your Fire C of O reinstated. What I don't have a good sense of, and Mr. Neis described this earlier, when the heavy content gets removed there is not a good idea of what is underneath and what code violations there may be. It is impossible to tell. My inclination is to have Mr. Neis's staff assess it and report back on the nature of the violations and depending on the depth and variety of violations we can choose a path forward. Sometimes with hoarded houses that is the main problem, and the repairs aren't significant. Sometimes the hoarding hides greater sins. Mr. Neis, is this something that you could go out and assess as to the severity and variety of*

*problems?*

*Neis: yes. has the water leak been fixed?*

*Jackson: it is in the process of being fixed. There is no water leaking, we're trying to replace the whole system.*

*Neis: it would be hard to assess without utilities up and running.*

*Jackson: Mr. Harriel told me specifically that he was not going to do anything to push to category 2 just because the water leak happened.*

*Neis: he didn't have a choice. I was the one who advised him to do it.*

*Moermond: to be clear, the City's code says if a property has been condemned with major code violations it is a category 2 vacant building. It isn't discretionary. It was condemned as unfit for human habitation and has major code violations.*

*Jackson: I'm just confused because it happened 15 minutes prior to him arriving.*

*Moermond: we have a condemned house and it needed to be in compliance by January 1 or vacated. It was found to be vacated; it wasn't in compliance. I'm hearing you say you were making progress, not that you were done. The photographs do show some holes in the ceiling and other issues that are more involved. I think that we can get Mr. Neis to look at this but I'm concerned, as he is, about if the plumbing isn't working how are the electrical and other systems? Those are questions that are engaged in a code compliance inspection.*

*Neis: was the water cleaned up right away? Potential mold issues. There are layers in dealing with heavy content houses. It meets the definition of a category 2 vacant building. I advised him he doesn't have that discretion. He didn't push for it, that was an accurate statement, but he was told he didn't have a choice.*

*Jackson: absolutely. It was just the situation because we spent all the time and resources to get it close to compliance, which was removing the items, fixing holes. Then at that point we were close and had the unforeseen circumstance that a pipe burst caused him to not be able to look through it.*

*Neis: understand it is nothing personal. Once a Council resolution is adopted, our discretion no longer is discretionary. We no longer have a choice.*

*Moermond: can you please look and see what is going on beyond the water shut off? Clearly plumbing can't be evaluated unless a plumber goes through, but it could be included in your write-up that it isn't functioning. I'm looking for a preliminary assessment, so it could be a Fire C of O, or could be a case where a full code compliance is necessary. It strikes me that a single issue may be the reason for the order to vacate, and if that is addressed it doesn't make sense to push beyond that.*

*Neis: we can do that.*

*Moermond: can you do that in the next week?*

*Neis: I cannot not, let me check Inspector Harriel's schedule. He keeps a tight schedule. I could try and get him to do it--it looks like he's scheduled to meet Ms. Jackson at 1096 Kent at 1:30 on March 11, so they can walk across the street and do the other one that same day.*



*Moermond: are you ready to go Ms. Jackson? That inspection will inform where we go.  
We will waive the Vacant Building fee for 90 days, so through May 18, 2021.*

**Laid Over to the Legislative Hearings due back on 3/16/2021**