



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, April 13, 2021

9:00 AM

Room 330 City Hall & Court House

Remove/Repair Orders

- 1 [RLH RR 21-11](#) Ordering the rehabilitation or razing and removal of the structures at 318 EDMUND AVENUE within fifteen (15) days after the April 21, 2021, City Council Public Hearing. (To be referred back to May 11, 2021 Legislative Hearing)

Sponsors: Thao

Refer back to LH on May 11, 2021 if by close of business April 19, 2021 PO to 1) submit a completed VB performance deposit form with DSI, 2) complete the VB registration form, and 3) the property must be maintained.

Aychoeun Tea appeared via phone

Staff update by Supervisor Steve Magner: a letter was sent March 26, 2021 to Mr. and Ms. Tea confirming that the matter was referred back to today. By close of business April 9, the following conditions must be met: post a \$5,000 performance deposit, submit a new vacant building registration form to DSI, make building accessible for normal means of completing the code compliance, and must be maintained. Once it is open contact Nathan Bruhn.

Moermond: and included in the email and letter was both the vacant building and performance deposit form. Mr. Magner, have any of the conditions been met?

Magner: not to my knowledge.

Moermond: mine either. Ms. Tea, what's going on?

Tea: I dropped them off last night. \$5,000. At the office. I put the \$5,000 check at the office on Jackson. They said someone would call me back or something.

Moermond: you were supposed to have that done by close of business last Friday. Why last minute?

Tea: the money wasn't in so it would clear. Now it is.

Moermond: you didn't do anything else in the letter, nor confirmation of the performance deposit.

Tea: I put the deposit last night at the office at Jackson.

Moermond: what about the vacant building registration form ? Lockbox on door?
Making it accessible?

Tea: I already changed the locks .I put in the paper with the pin number in there.

Moermond: you didn't contact the building inspector. There is a statement you were to do that.

Tea: I am going to call about that. They said I had to talk with Mr. Reid because of something in the computer. I already paid \$400 something dollars last November.

Moermond: and you didn't make the building accessible so no inspection could be done. We talked about this last time. You didn't meet them by the deadline certainly. This is straightforward stuff.

Tea: I just cleared the money, that's why. I didn't have the \$5,000 cleared. I didn't want to write a check with no money.

Moermond: Mr. Magner, any comments?

Magner: I asked Mr. Soley to look for this envelope at the front counter. We haven't been able to find it as of yet.

Moermond: while staff run around the department looking for a document that should have been submitted last Friday, what is your intention of financing and rehab if you are having trouble finding the money to do the performance deposit?

Tea: I will try working on it now.

Moermond: so you don't have the money to fix it right now?

Tea: we have the money to fix but we had to turn around. We don't have the money, you know. We had to turn around.

Moermond: you just said you don't have the money and that you do have the money.

Tea: I do have the money but I had to turn around, you said you need to show the money. I need time to show it to you.

Moermond: and the idea was you would get that additional time if you met the initial conditions, and you haven't met those.

Tea: I know. I try. It isn't easy. Money is not easy. Especially right now in this time. We will fix it. we pay taxes every year.

Moermond: I'm kind of at a loss with what to do with you in this circumstance when you haven't done basic things, outside of the performance deposit it doesn't involve you making any financial investment except purchasing a lock box.

Tea: it is all ready for you.

Moermond: you did that last night?

Tea: yesterday when I went into the office. They told me I needed to talk to Reid Soley, something on the note said. Because I had question about the money I already paid last November. I already paid that once. No inspector came.

Moermond: because the building wasn't accessible and you were asked to make it accessible. You were asked to do it April 9. You're leaving me in an awkward position when the Council has a hearing next Wednesday and those basic conditions aren't met.

Tea: I put the money yesterday. They said Mr. Reid will call me. He had to talk to me. I request that the \$400 something be used—

Moermond: we acknowledged the code compliance application was already made. There was no statement you needed to pay for an additional one in the letter your received.

Tea: I paid the \$5,000 yesterday. The money is clear, that's why I'm a little late. I tried my best. I put in the \$5,000. I will refinance. I will be finished with this house this year.

Moermond: if the City doesn't knock it down first. I feel like you don't understand how serious this is.

Tea: I know. If my check bounces that is serious too. I want it to clear.

Moermond: again, the purpose of the performance deposit is to demonstrate you have the financial wherewithal to undertake this. It is concerning. Why didn't you do the basic paperwork? None of it was done on time.

Tea: I did!

Moermond: and you did it last night and we have nothing today. This goes to Council next Wednesday. We need to confirm you dropped off the \$5,000. confirm you did the vacant building registration. You need to schedule time with Mr. Bruhn, you were told that in the letter. You didn't call him to get that scheduled. That cost you nothing.

Tea: yesterday, they said I had to wait for Mr. Reid.

Moermond: on March 26 we sent you a letter confirming you needed to call Nathan Bruhn. You needed to that by close of business last Friday. You told me you didn't do that because yesterday you talked to staff who said you needed to talk to Reid Soley. You'd already missed your deadline by that point. That isn't a valid reason for you failing to meet the terms. I am being hard on this because if we continue this conversation I need to trust you will come forward with what we need. As you know I have a low level of trust with you doing this work in the past. You need to get on the phone and speak to Mr. Bruhn to get him to do an inspection. We need confirmation of the filled-out forms. If you can get those things done we'll ask for additional time to get plans and financing and continue our conversation to get it rehabbed. Your hearing is April 21, you need to have this done by close of business Monday, April 19. You need to connect with him. I need that done right away. I'm not able to take you seriously when you can't come to the table and work with me seriously.

Tea: I will go to the office right now to talk to him.

Moermond: he's an inspector, you need to call him. I need to see this by close of business Monday, or I'll ask the Council to order it removed. If these things are done, I'll ask the council to refer it back to Legislative Hearing on May 11 to discuss further plans and moving forward. you have to meet the terms to get that additional time.

Tea: do I need to go and ask for the copy?

Moermond: no, the computer will tell us when it is in our office. We need it to be properly sent to the address on the forms. Any comments, Mr. Manger?

Magner: Mr. Soley has looked in every location. I asked him to go check one other place. We haven't turned up any alleged envelope. Contacting Mr. Bruhn, our offices are not open. There is no good reason to come here. She needs to contact him by phone or email and provide the lock box combination. It needs to be cleaned up and ready to inspect. Staff are extremely busy, if they can't access the property they won't inspect. This is disappointing it wasn't done March 26, because Mr. Bruhn could have had the code compliance inspection done. We don't have a lock box combination; Mr. Bruhn hasn't heard from her. There's nothing for us to do. I don't know what else to say. If she has a lock box on the building—

Tea: I do.

Magner: call Mr. Bruhn and give him that. The number is in the letter. It is 266-9003. I will try to find this envelope. If we get it we'll put it in. If has the vacant building form, the check, we'll put it in the system. Dropping off something the day before the hearing when we don't have a facility that is up and running--

Moermond: where did you drop this off exactly?

Tea: in the office at Jackson.

Moermond: what floor, door, box?

Tea: floor 2, I went to a side that had a telephone and they gave me the paper and I dropped it off in a hole over there. They had a phone that talked.

Moermond: does that make sense to you Mr. Manger?

Magner: Mr. Soley has spent this entire hearing downstairs at the front counter. He has talked to all staff. He has gone through every pile we have, including the new items that came in yesterday and this morning. We've gone through everything we have and we aren't finding it. I'm not saying it isn't here, but we haven't found it yet. Mr. Soley has other work to do. I can't have him spend 45 minutes digging through items that should have been received weeks ago.

Moermond: Ms. Tea, you understand you need to meet those conditions. We'll send you a letter confirming this.

Tea: they don't see it? I dropped it in the hole. He gave me paper to fill out. It is impossible it got lost. It is a hole to put the mail in.

Moermond: how should she proceed with the department on this matter?

Magner: give us today to look for it, and if we don't have it we'll notify your office, Ms.

Moermond.

Tea: I can write another check. The paper and everything I filled out and used an envelope they gave me.

Magner: we'll look for the rest of the day and let you know tomorrow morning. And you'll have to submit the paperwork and check again.

Moermond: you have to close of business Monday to clean up this mess.

Referred to the City Council due back on 4/21/2021

3 [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 April 27, 2021. (CPH May 5, 2021) By close of business April 23, 2021 PO/purchaser must submit: 1) contract between owner and purchaser/developer, 2) evidence of financing, 3) affidavit dedicating funds to the project, 4) work plan/sworn construction statement including a schedule, and 4) property must continue to be maintained.

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

Staff update by Manager Steve Magner: a letter was sent on March 12, 2021 stating that the matter was laid over to Legislative Hearing today. By close of business April 9, 2021 the following conditions must be met: because you wish to sell, the title cannot transfer until rehab is done and code compliance certificate has been received. The contract must be approved by the Legislative Hearing Officer. Submit evidence of financing to complete the rehab. Submit an affidavit dedicating these funds to the project. Submit a work plan, sworn construction statement and a schedule, and finally the property must continue to be maintained. Samples were included.

Moermond: I reviewed this yesterday with my staff, and we haven't received any of those items. Mr. Magner?

Magner: I am not aware of any.

Drexler: there are four things we have been working on, one is a signed contract or agreement between me and the contractor. That has been the sticking point. We haven't come up with a document we all can agree on. The other documents are prepared, but they are hesitant to forward them on because they are worried it would contractually obligate them to do certain things without having a signed agreement.

Moermond: is this contractor represented by an attorney?

Drexler: I'm not sure, but I have encouraged them too.

Moermond: quite frankly the City wouldn't be party to any legal agreement. The City is pursuing an order to abate a nuisance action and its cure for failure is to demolish the building. We have no interest or need to be part of a private contract. Is there an

obligation? No, we'll knock it down if there's a failure.

Drexler: thank you for making that clear. I'm hoping that's enough to convince the contractor to send the other needed documents to you today.

Moermond: and this is something that if they have concerns about, their own attorney should be giving advice. I can say the City's interest. I cannot provide the contractor with legal advice, I can just state where we are coming from. Describe where you're at with those documents, I'm trying to get an end game here.

Landrum: I'm on the contracting side. We're working with a contractor who has all the items in place as far as the timeline, repair estimates and the funding, he is represented by an attorney and he wanted a signed agreement with Mr. Drexler before submitting it to the City. We do understand the City has one goal in mind, to cure or demolish. The contractor, per his attorney, was stating he wants a signed agreement before moving forward with providing those documents. We do want to take this project on. His attorney drafted a document which wasn't accepted by the contractor. We sent another agreement based on the samples sent on the 12th, and Drexler is having the reviewed by his attorney. We're ready to move forward as soon as we have a signed agreement.

Moermond: and there's no expectation the City would be a signatory in any such agreement?

Landrum: no, we understand that. The contractor is providing his funds for renovation. His concern is if there isn't a signed agreement he is still the owner of the property. He would like to start as soon as possible but won't do that until there is an agreement between him and owner.

Moermond: I really want to force his hand on this one. I think we need to land this plane, and I'm not hearing about when that might be. I don't need to get inside the details of the discussions between attorneys, but I'd like to get this taken care of.

Landrum: I understand. Mr. Drexler's attorney returned from vacation yesterday, so we're hoping he can review that soon and we can come to an agreement. We're wondering when he can review so we can move forward.

Drexler: one other point, earlier before my attorney was going on vacation, I had emailed Mai Vang and asked if we could get an extension for the signed agreement. She said it would be possible to maybe the 23 but she'd like to see the rest of the documents on time. That's the problem. We're struggling to get to a signed agreement, the contractor doesn't want to forward these other documents because of the holdup with the agreement. It's a catch22. We can't get the other things until the signed agreement, but the signed agreement won't happen—

Landrum: I don't think it is a stalemate. It is two parties that aren't willing to sign each other's agreement. Have your attorney review the documents we sent, then we'd be happy to move forward. We hadn't received an agreement from your attorney before he left and went out of town. It had items that weren't acceptable to us. If he can review it before the 27 and we can come to an agreement this week, we can send the rest of the information to the City.

Drexler: I understand that. I think what has to come into focus today is whether or not the City will give us an extension of some sort, even though we haven't given any

documentation to them. If we can get an extension for all the documents, it would give us a chance to work out whatever issues. If the City isn't willing to do that, then, I guess it is game over. I'm hoping they will.

Moermond: we'll give to April 23 to submit all the remaining items. We'll talk on April 27 to discuss and it will go to Council May 5. That also give you time to find an alternative way to redevelop the property if this breaks down completely. We'll talk again the 27 and hopefully things will be ironed out.

Landrum: thank you so much Marcia

Laid Over to the Legislative Hearings due back on 4/27/2021

2 [RLH RR 21-20](#)

Ordering the rehabilitation or razing and removal of the structures at 1128 MACKUBIN STREET within fifteen (15) days after the May 12, 2021, City Council Public Hearing.

Sponsors: Brendmoen

Unable to reach owner. Layover to LH April 27, 2021. (CPH May 12, 2021)

Tried calling X1772 at 9:10 am – unable to complete the call as dialed

Moermond: will send a follow up letter indicating this hearing was conducted and if he wants to pursue rehabilitation, we will invite him again to reach out. We will put him on the schedule for April 27 if he reaches out.

Staff report by Supervisor Steve Magner: the building is a two-story, wood frame, duplex on a lot of 10,454 square feet. According to our files, it has been a vacant building since May 5, 2009. The current property owner is Xuandiem Tran per Amanda and Ramsey County Property records. On January 27, 2021, 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 February 2, 2021 with a compliance date of March 4, 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 \$16,700 on the land and \$138,200 on the building. Real estate taxes are current. The vacant building registration fees were paid by assessment on June 2, 2020. A Code Compliance Inspection was done on August 25, 2009 but is now expired. As of April 12, 2021, the \$5,000 performance deposit has not been posted. There have been seven summary abatement notices since 2009. There have been four work orders issued for: boarding/securing and grass/weeds Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$20,000. DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days; if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property. Note this is a duplex and must get planning commission approval.

Moermond: wrapping this up, there was no ability to get ahold of the owner. The phone system said it wasn't a viable phone number but it looks as though he was served Mr. Magner?

Magner: yes, personally served.

Moermond: so he had the information and is choosing not to participate.

Laid Over to the Legislative Hearings due back on 4/27/2021

- 5 [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. (Amend to 180 days)

Sponsors: Brendmoen

Grant 180 days to rehab/remove, conditioned upon PO submitting updated construction statement/bid to include prevailing wage for work done himself and an updated financial statement that includes funds and name of financial institution by close of business Tuesday, April 20.

Maurice Griffin, owner, appeared via phone

Staff update by Manager Steve Magner: a letter was sent March 12, 2021 stating the matter was referred back to LH today. By noon April 12 must submit evidence of financing, an affidavit dedicating funds to the project, a sworn construction statement and timeline, and property must be maintained. Samples were sent previously.

Moermond: I just got these before we started our conversation and have only had a little time review them. In that review things appear to be in place. The only question I have is I'm looking for a source of financing. I am seeing an affidavit through Flagship Bank, but I don't see an account supporting that. We'd need to add that information. Before we turn it over to Mr. Griffin, any comments Mr. Magner?

Magner: no, I reviewed them. I guess it is minor but the only question is on one of the bids was something about this is the grand design and construction bid. It originally said \$4,500 and then was reduced to \$3,800. Is that something you are not doing in the kitchen?

[Griffin was disconnected and called back 10:02 a.m.]

Moermond: we had just been reviewing the plans submitted. I had a question about confirmation of financing

Griffin: Mr. Magner was talking about the plan.

Magner: the grand design bid that was \$4,500 was reduced to \$3,800, can you explain that?

Griffin: we thought the \$4,500 was excessive for the amount of work that he was proposing to do, we decided to do it ourselves. That was Sheetrocking and taping. All he is doing now is the paintwork outside. I put a notation on that, I was going to get additional paperwork to you with those two items crossed off.

Magner: your proposal \$53,807, which is significantly lower than our \$100,000 estimate. I think \$53,000 is lower than we've seen on comparable projects that have gone through this process. You indicate there are a number of columns: outdoor soffit fascia, steps, new floors, interior paint, sheetrock, miscellaneous items that you are doing, you've just thrown a cost at them. Is that price just materials without labor?

Griffin: I think that's what it is. Was I supposed to put my labor in?

Moermond: it is helpful as it helps us get a better estimate of what the actual amount is. If you were paying a laborer the work you are doing, we'd want an estimate of that. That works in your favor, especially since the bid is coming in significantly lower than anticipated. Anything you're putting in in sweat should have documentation.

Magner: when individuals are doing this they have a bid from a licensed contractor, they may choose not to use them, which is fine. They can work on their own residence as long as it is not a business. You can do one in 18 months. When you do this, if you aren't providing us a bid from what the contractor was going to do you need to provide a bid at what prevailing wages would be. We'd be looking for something more realistic, 50\$/hour range, like a private contractor would be paid.

Moermond: does that make sense?

Griffin: yes.

Moermond: how long will it take you to turn that around?

Griffin: I'm bad at guesstimating time.

Moermond: let's give you a week to get it into my office. Have it in my hands by next Tuesday, and we'll put this in front of City Council on April 28 to get your time if you meet that condition. I'd like to see the bank statement you provided, it does show the money being there, but it doesn't list the bank in the paper I have. It lists demand deposit with a number, it just doesn't have the financial institution. That would be good practice. It is page one of three.

Griffin: there is no bank name on that?

Moermond: no.

Griffin: ok, I can get that fixed. They printed it for me. I assumed it was on there.

Moermond: we'll look for that so I can recommend granting 180 days.

Referred to the City Council due back on 4/28/2021

- 4 RLH RR 21-21** Ordering the rehabilitation or razing and removal of the structures at 1544 UNIVERSITY AVENUE WEST within fifteen (15) days after the May 12, 2021, City Council Public Hearing.

Sponsors: Thao

Grant 45 days to remove the building.

Bruce Parker, attorney o/b/o Bill McGuire appeared via phone

Moermond: you are the attorney representing Big Top owned by Bill McGuire?

Parker: it is complicated. RK Midway LLC owns the property and has entered into a master lease with Snelling Midway Redevelopment which is owned by Dr. McGuire. So I represent Snelling Midway, LLC which is the master tenant.

Staff report by Manager Steve Magner: The building is a one-story, concrete and metal

frame, commercial building on a lot of 9,148 square feet. According to our files, it has been a vacant building since June 1, 2020.

The current property owner is RK Midway Shopping Center LLC c/o RD Management Corp 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 January 27, 2021 with a compliance date of February 26, 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 \$226,200 on the land and on the building. Real estate taxes are current. The vacant building registration fees were paid by assessment on January 6, 2021. As of April 12, 2021, a Team Inspection has not been done. As of April 12, 2021, the \$5,000 performance deposit has not been posted. An Emergency Summary Abatement Order was issued on June 5, 2020. A contractor was hired to install fencing on the south and east side of building; remove loose building material on roof and stabilize any loose building components. Total assessment for work done was \$2,906.00. There were also three Summary Abatement Orders issued for graffiti on the property since June 1, 2020. There were four work orders issued for boarding and securing the property. Code Enforcement Officers estimate the cost to repair this structure exceeds \$250,000. The estimated cost to demolish exceeds \$50,000.

Moermond: a couple questions. The work orders issued for boarding and securing, what was the timing and circumstances of that work?

Magner: most of those happened early on after last May's incidents.

Moermond: the estimated cost to demolish, excess of \$50,000. Any consideration of clearing site and hazardous materials abatement?

Magner: it is a slab on grade construction. There isn't a lot of material there. Most likely based on the time that has lapsed and the inability of our contractors to do an abatement, a majority would have to go containing which would drive our costs up significantly. If we could do an abatement and any hazardous waste items could be removed prior to the razing, the cost would be reduced closer to that \$50,000 amount.

Moermond: so higher if the materials couldn't be separated.

Magner: yes the cost of razing isn't that high. It is the disposal of the hazardous materials and regulations with BCA and Department of Health.

Parker: ownership is intending to demolish. We have retained Mortenson Construction to obtain bids to demolish. We expect those later this week. Depending on the contractor's schedule, we'd expect demo to be completed by the end of May.

Moermond: this goes to Council May 12, the request from department is a 15-day order. That would give 15 days to pull the demo permit and initiate action, then DSI would grant additional time. Since there is an intent to begin at the end of May that the Council can issue a longer order. I think on May 12 I will recommend they grant 45 days for the removal of the building. That should take care of it, does it form your perspective?

Parker: yes it does.

Moermond: Mr. Magner, for clarity what does that mean from an enforcement

perspective?

Magner: if the permit pulled within the time frame and contractor has started action, we'd follow that process out. If it stalled and passed the 45 days we'd go back to the ownership group and see what the issues is. If we don't have a permit and have no knowledge of a signed contract, then 45 days after the Council date we'd start our process to remove the building.

Moermond: if you initiate the process and then incur costs, and then owner comes forward, that cost would be assessed to the property?

Magner: our costs don't start until we have a contractor. We'd have to put it out to bid, which we aren't doing at this point. We're talking well into July, so if they can't perform by then we'd have to find out why.

Moermond: any questions?

Parker: no and thank you for the explanations.

Referred to the City Council due back on 5/12/2021

10:00 a.m. Hearings

9:00 a.m. Hearings

- 6 [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

Lay over to LH May 11, 2021. By close of business Monday, May 10 PO to submit: 1) work plan/sworn construction statement including bids, and schedule, 2) an affidavit dedicating the funds to the project, and 3) the property must continue to be maintained.

John Ray, owner, appeared via phone

Staff update by Manager Steve Magner: a letter was sent March 26, 2021 confirming the matter was laid over to Legislative Hearing today, property must be cleaned out by April 1, communicate with Mr. Bruhn to initiate the code compliance inspection, and updated financials and continue to maintain the property. We do have the code compliance application, and 3 of the 4 trades are done. We are left with the plumber, and staff is finding out when that can be done, hopefully this week. From there Mr. Ray can have contractors update his bids for review.

Moermond: it sounds to me like you met all the conditions in the March 26 letter. We are waiting for the code compliance inspection report to be issued.

Ray: the plumbing inspector was there yesterday. I think we're covered there.

Moermond: I'd like to give you time to talk to contractors and get a plan to do the rehab. Today is April 13. I would like to talk to you again and have bids no later than close of business Monday, May 10. I'll be looking for a work plan with a schedule,

bids, and the affidavit dedicating the funds to the project, and the property must continue to be maintained.

Ray: yep.

Moermond: we'll send you a letter confirming this. Any questions?

Ray: when will I get the inspection report?

Moermond: we'll check before sending the letter and email it to you if we have it.

Laid Over to the Legislative Hearings due back on 5/11/2021

- 7 [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.

Sponsors: Jalali

Layover to LH April 27, 2021 at 10 am (CPH May 12, 2021). By close of business April 26, 2021 PO to submit a document explaining tentative timeline, funding sources, backup alternatives if different funding sources fail to demonstrate how project will be moving forward.

*Gene Gelgelu, owner, appeared via phone
Lisa Kugler, consultant, appeared via phone*

Staff update by Manager Steve Manger: a letter was sent March 12, 2021 laying the matter over to today. By close of business on Friday, April 9, please submit feasibility study, an examination of building uses. Be prepared to talk about next steps and any conversations about proposed site plans.

Moermond: we didn't receive any feasibility study, what is going on?

Kugler: I'm sorry, we should have sent a letter explaining this. There are a number of funding variables up in the air. None are more certain than others, so a feasibility study wouldn't be appropriate. The legislature will decide by the middle of May and that will have a substantial impact. The project is moving forward. That's why we didn't send you one, it becomes part of the public record, and there are so many alternatives. We've done a number of studies of cost and sources; we are confident the project will be done. We have met with City staff about the zoning and parking issues.

Moermond: who did you meet with?

Kugler: Kowsar Mohamed and Josh Williams. Josh talked to Carolyn Hobart in Public Works who looks at traffic issues. A significant piece of the feasibility is we are proposing to put parking inside the building since there is no parking on site and the residential neighborhood won't be happy with more cars parking on residential streets. We were asked to do some turning studies about getting in and out of the building. Josh doesn't believe we will be required to do a site plan review, but proposed he called a meeting of various departments to discuss some of the site issues. Not a formal site plan review. That's what's going on there.

Gelgelu: Josh is a planner.

Kugler: in terms of feasibility, I am thinking you are looking for something like the one I wrote for the other building. Is that what you're looking for?

Moermond: that would have been great. Lacking that, I'd love to see something I can hang my hat on in terms of a document explaining where things are at and where things are going. You've described it verbally, reduce that to writing. I understand there are variables you don't want in the public record. If you are drafting it you can draft it in a way you are comfortable with the information shared. I need to see something as to how this is progressing.

Kugler: financial sources or uses of the building? Both?

Moermond: we could look at a work plan for how we are going to get from where we are at now to a point where we are ready to pull the trigger on redeveloping the building. A loose schedule of the things that needed to be done and when you anticipate they will be done. The feasibility study it seemed like something it was going to be done and was a concrete benchmark we could put in place. Things seem to be in flux enough that I don't feel like I have a benchmark for progress on the project. It is hard for me to keep going back to Council asking for more time without a roadmap of where we are going.

Kugler: the House Capital Investment Committee voted to make a million dollars available for this project. It is the House; it isn't the Senate or conference committee. It is part of the equity funding. That's the piece that is uncertain, and it is only two weeks.

Moermond: and I'm happy to give time. If you could just explain that, it would be helpful. Hearing it is helpful, but I am looking for you folks to give me a schedule of progression with funding, without, what it will look like.

Gelgelu: we can provide a bigger picture of the plans. They aren't concrete. We can do it this week.

Moermond: that helps me to figure out what kind of schedule we're looking at for the feasibility schedule, cost of project, and so on.

Gelgelu: is this including the proposal that we are requesting funding from?

Moermond: it would be helpful to know the timelines for funding sources and finding out the House passed the funding and you're waiting on the Senate. What is the timeline on the Senate, you know? If that fails, what's the backup plan and those timelines? That would really help us to figure out where we are going.

Gelgelu: sure, we can do that this week.

Moermond: this hasn't been in front of Council for a while. The last time was January 20, 2021. Since then I had a hearing in January, March, and April, so I do need to send it back to them to continue the conversation. We'll talk more about that document. I'm going to ask if you can submit that by April 27 and we can talk about it on April 27, and we can figure out any blanks before it goes in front of Council on May 19, 2021 and then I can recommend a continued layover if we have measurable expectations. Any questions?

Kugler: I apologize for not having explained why there was a delay.

Moermond: I know it is complicated, but I also have an obligation to keep it moving forward.

Laid Over to the Legislative Hearings due back on 4/27/2021

8 [SR 21-61](#)

Referring to Legislative Hearing review of a potential stay of enforcement of demolition for Amazing Homes Ecclesia LLC, represented by Michael Aderinkomi, for property at 1179 SEVENTH STREET EAST.

Sponsors: Yang

CPH April 28, 2021. Recommend a 180 day stay of enforcement if by noon Monday, April 26 PO/purchaser to submit 1) submit work plan, sworn construction statement, or scope of work. This should include signed subcontractor bids and a schedule for completion of the project 2) submit evidence of financing sufficient to complete the rehabilitation 3) Submit an affidavit indicating the finances will be dedicated to completing the project and not diverted until a code compliance certificate is issued and 4) the property must continue to be maintained

*Michael Aderinkomi, owner, appeared via phone
Johnathan Oyinloye, realtor, appeared via phone
Rashad Kennedy, potential purchaser, appeared via phone
Quintal Pillai, partner of Rashad Kennedy, appeared via phone*

Staff update by Manger Steve Magner: a letter was sent on April 2, 2021 confirming that on January 2, 2021 City Council referred this matter to Legislative Hearing and the stay was continued through April 16, 2021. This will go before Council April 21, 2021. The following conditions were to have been met by March 22, 2021: one, a new \$10,000 performance deposit was to be posted by purchaser, this was met on March 23. Two, submit a work plan or sworn construction statement, that has not been met. Third, submit evidence of financing, this has not been met. Four, submit an affidavit dedicating funds to the project, this has not been met. And fourth, the property must continue to be maintained. There was a dumping indecent with multiple tires and concrete rubble and you were given an extension to abate the nuisance.

Moermond: we do have the performance deposit, but our office hasn't received anything additional as of today. Where should we begin?

Pillai: Rashad will submit the sworn construction statement today, along with an affidavit. I have a closing on this on April 16, we plan to begin construction immediately on said property. I believe we also have drawings for that which we should submit to the City sometime today or tomorrow to commence the project. That's where we are with those conditions.

Moermond: you didn't mention financing and the affidavit.

Pillai: the affidavit, Rashad will send today, and the financing letter I will submit on the 16th or so. We have a construction loan on it, but the banker is out of town. I can see if he will get me—you want an email?

Moermond: I want to see an actual loan in place. A loan preapproval shows me nothing.

Pillai: we will send the actual loan. When we close Friday we'll show you the actual

loan.

Moermond: if this is coming tog by the 16th. I can put this in front of Council either April 28 or May 5. How confident are you?

Pillai: 100 percent.

Moermond: ok, this will go to Council April 28 with a recommendation to stay enforcement for 180 days. That stay of enforcement will be reviewed at the 180-day mark to determine whether this is progressing. It needs to be past the 50% mark. If it is, then at that point we can continue the performance deposit and do additional work plans. I anticipate this may take longer than 6 months. If not, then no need for an additional hearing. This recommendation is contingent upon meeting the conditions we just discussed. The sooner you get the documents in the sooner I can draft the document for Council.

Pillai: absolutely. Can I get your contact information?

Moermond: what is your email? We'll send a letter confirming.

Pillai: [redacted].

Moermond: perfect, we will include you on that letter.

Received and Filed

11:00 a.m. Hearings

Summary Abatement Orders

- 9 [RLH SAO 21-24](#) Appeal of James & Connie Supple to a Summary Abatement Order at 616 DESNOYER AVENUE.

Sponsors: Jalali

Grant to April 30, 2021 for compliance.

Connie Supple, owner, appeared via phone.

Staff report by Supervisor Lisa Martin: this was a summary abatement order sent on March 15, 2021 to occupant and owner at the same address, to remove and dispose of all ground feeders and feed from the property. From the photos it shows there is intentional pest feeding which isn't allowed under St. Paul Legislative Code section 45.03. Compliance was supposed to be March 19.

Moermond: Ms. Supple, why are you appealing?

Supple: my husband built a metal container that the pests cannot get into. Raccoons can't. No one can. It is locked in with a rope on top. They can't get into it. Your issue is there is feed on the plywood. Is that the issue with the City?

Martin: the issue is you cannot intentionally feed the animals in the City of Saint Paul.

Supple: we understand that. We have been here 40 years and always had bird feeders.

Why is all of a sudden it an issue? The bird feeders drop seed on the ground. We know there are varmints all over the place. Are you saying no one should have bird feeders in Saint Paul?

Martin: a bird feeder is one thing. This is making it all over the ground, it is far more than just a bird feeder.

Supple: so if we put bird feeders off the ground 3 or 4 feet, the City would be ok with that?

Martin: as long as it isn't overflowing all over.

Supple: don't you think this is a little petty? Of course bird feed comes out on the ground. We have been feeding birds for 40 years. What is the issue now?

Moermond: in the photographs I'm looking, it appears to be a 6-foot square area?

Supple: I'd say 4 feet.

Moermond: that's not a traditional bird feeder.

Supple: ok, so you're saying this isn't a traditional bird feeder. When do we have to remove this and put up a traditional bird feeder?

Moermond: you have a large feeding station. It is very different than a bird feeder with some feed spilling from it. I'm looking for you to tell me what kind of extension you are asking for.

Supple: if you want us to clean it up we will need a week. The issue here is that, again, don't you find this petty? I got people crapping in tents two blocks away and you're on us for bird seed?

Moermond: I think you are aware that these things are complaint based.

Supple: I understand that, but just because it is complaint based doesn't mean it is unlawful. We have made many complaints and never gotten anywhere with the City. How long are you giving us to remove this?

Moermond: you asked for a week, and I think that is more than fair. I think longer would take into account any adverse weather. I will recommend they grant you through April 30 to complete the work. I'll ask staff to report back May 4 to see how it is going.

Supple: thank you very much.

Referred to the City Council due back on 4/14/2021

- 10 RLH SAO 21-27** Making finding on the appealed nuisance abatement ordered for 2359 PEARL STREET in Council File RLH SAO 21-13.

Sponsors: Jalali

The nuisance is abated and matter resolved.

No one appeared

Moermond: sounds like the nuisance was abated?

Supervisor Lisa Martin: yes, that is correct.

Referred to the City Council due back on 5/5/2021

- 11 [RLH SAO 21-28](#) Making finding on the appealed nuisance abatement ordered for 1646 TAYLOR AVENUE in Council File RLH SAO 21-22.

Sponsors: Jalali

The nuisance is abated and matter resolved.

No one appeared

Moermond: the nuisance was abated here as well?

Supervisor Lisa Martin: yes.

Referred to the City Council due back on 4/21/2021

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 12 [RLH VO 21-12](#) Appeal of Christine Ramirez to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 854 EUCLID STREET. (Legislative Hearing on April 27, 2021)

Sponsors: Prince

Layover to LH April 20, 2021 at 11:30 am for follow up on Friday inspection (smoke detectors) and HRO status. (Balance of items to be completed by April 22, 2021).

Christina Ramirez appeared

Ryan Dahlberg, friend of owner, appeared

Ramirez: Mr. Burks is my dad. He got depressed and he started giving up. He didn't make it out of bed for 3 weeks.

Staff report by Supervisor Paula Seeley: this condemnation, there have been two previously. I sent it April 1, 2021 did an inspection and it is ongoing overoccupancy; sanitation, 5 broken windows, no working smoking detectors, toilets weren't working, holes in walls, doors and egress windows were blocked. The floor covering is full of clutter. The critical violation was sanitation, smoke detectors, windows and nonfunctioning toilets. There were electrical issues, exposed wiring. Secondary with the garage and sanitation on the outside. I am sending orders weekly on the yard, City has cleaned it up several times. There was a recent police incident yesterday. I forwarded you that email, so you are aware. It is just we cannot continue to be going out there, condemning it, doing work orders, then 2 weeks later it is back to the same violations and overoccupancy. Off and on we've had a history since 2018. I've had the file since August of 2020 as a case managed property. Before that Westenhofer had it, and prior to that James Hoffman had it. Financially to make the house repairs it will be cost ineffective. I have had a social worker and House Calls involved in the past. They

brought out several dumpsters, and as of six months ago aren't willing to help anymore. They can't be involved anymore.

Moermond: can you tell me, looking at the photos I'm seeing there are 2 bathrooms?

Seeley: for the one bathroom, it isn't a private bath (no door). It is a working sink and toilet that is open on the first floor. The second floor has a full bath. I was out there one day and the only thing done on my reinspection after my condemnation was the toilet downstairs was working and the upstairs was put together but the supply lines weren't working. Nothing else was done.

Moermond: so there is a functioning toilet.

Seeley: almost 100 percent if the supply lines are fixed upstairs.

Moermond: sounds to me like you have a lot of problems going on.

Ramirez: before the pandemic I did I have a job. My dad is old. For the eight years we lived there he never lifted a finger to clean.

Moermond: so you have had the house for eight years. Does your dad still live there?

Ramirez: yes, but he's currently learning how to walk at the Emerald. For six weeks he wouldn't allow me to bring him to hospital. Even with paramedics telling him he needed this he refused to go. He finally went in; he's learning how to walk. Then he will be home afterwards.

Moermond: did these housing problems exist when your dad was there?

Ramirez: yes, I was doing it all by myself. I had some people there that we have gotten rid of. The toilets are both working. The sump pump was looked at, they can be above ground, they don't have to be in a pit.

Dahlberg: the smoke detectors were down because we were painting. That's why the fixtures were down. They are now all working and most are back up. Both bathrooms work. We're in the process of cleaning up the yard. The house was in disarray. Of all the violations she listed; I would say 75% are completed.

Ramirez: the windows aren't yet. There's a police report that some guy broke out the windows. I am getting a restraining order today. I had an angry individual I was dating who went around the destroyed the home. He terrorized my home.

Moermond: I am seeing in the photos—

Ramirez: we fixed the holes in the walls. We had friends giving us supplies to fix. The holes in the doors and the doors in the hinges. Do we need doors on the bathroom? Or can we use a tension rod?

Moermond: if something is provided it needs to be in good repair. If there is a door they are in good repairs. Is there a law that says a bathroom needs a door that closes? No, but the property maintenance code says you must maintain it if it is there. The holes in the walls exposes electrical and makes it easier for fire to pass from one room to another.

Ramirez: we have fixed the holes.

Moermond: I am seeing a lot of junk and material that blocks access too doors and windows.

Ramirez: that is entirely gone. It will be picked up tomorrow. It is all outside to be picked up. It will be taken tomorrow.

Moermond: the history of over occupancy?

Ramirez: I have stopped that. I was helping a friend who kept bringing friends over. It took a while to stop, my brother was letting people in. He has passed.

Moermond: yesterday the police indicated there were a lot of people there who couldn't be accounted for.

Ramirez: they blamed me for the shooting.

Moermond: if they blamed you, you wouldn't be sitting here now.

Seeley: I saw two people this morning who I haven't seen before.

Ramirez: I lost my job due to Covid. I had tenants; I didn't know it was illegal to have tenants in your basement. They had the basement in total disarray. We took care of that as well. I need my home; I don't have another place to go. Finances are bad. Some guy broke our front window, I did a police report. My ex broke the others. I have limited finances. The window in front, can't we just board it? Is it because of fire safety? We have other windows we can use to escape.

Moermond: they can be boarded temporarily. It is the same thing. If it is there you have to maintain it.

Ramirez: I have offers of people willing to buy me a window. One we will be buying today. The guy who broke the window, his mother gave some money. The garage needs to be painted. The windows are the only thing left.

Moermond: 8 years ago you bought this? And your brother lived with you at the time?

Ramirez: yes, my dad wanted him there.

Moermond: so the three of you as the core group, and other people have come and gone over the years. You have rented out rooms, and that's been a problem because those people have created problems, along with your romantic partner. There's a history here that is built up of not just code problems, but other kinds of things. I look at the file and think I don't want to be your neighbor. I need to be concerned with not only your safety, but also the people near you and what they are putting up with.

Ramirez: my neighbor has been helping me.

Moermond: we need a plan that makes it safer and makes the neighborhood better. You own responsibility for having people there. If you are working with me on this, I can be more flexible in terms of work plans. If you are not working with me I can play it by the book and make it really hard. I want you to own some responsibility and take actions to make this situation safer for everyone concerned. I can't sit here and hear

that "this happened to me". I need to hear this happened to me AND here are the steps I'm taking. Then I can hold you accountable if it doesn't happen. Because of the police issues, I look at the code issues much more strictly. I won't be as flexible. Do you want more time to think about how you want to pull together and deal with the remaining problems? Who is going to live there? How are things getting repaired? I want you to be making some commitments now about this. I will follow up with you on this. At the very least there will be bills coming forward from DSI for the inspector's time spent on this property. Ms. Seeley have you processed anything yet?

Seeley: there are not as many Excessive Consumptions, maybe 5 or 6. But there have been 3 major cleanups. The EC's are for the windows and stuff in the yard

Moermond: so those bills accumulate when there isn't compliance. That shows up on your taxes.

Ramirez: we are current. We also have a \$1,600 water bill. They said it would be on my taxes.

Moermond: what happened?

Ramirez: my brother was supposedly taking care of bills. He said he was, but we found out he wasn't. there was a lot of catch up to do with his screw ups. People were trying to live in my garage too. Every time I would go out there was someone trying to sleep in there.

Seeley: it is open today.

Ramirez: I went and cleaned inside; I have to put the boards back on. I put some stuff inside. You'd be surprised with that garage now. I spent four days on the garage and yard, 3 days in the house. I am trying to rectify the situation. I didn't know the guy doing the shooting, I didn't see him in my house. He's the neighbor's cousin. My side door was open. We heard gunshots outside. Mandy took off, and then came back later. I went to the bathroom. He just walked in my house without being invited.

Moermond: we have paper and pens. I am looking for you to respond to a few things. I'd like it in writing. Do you have a problem with writing?

Ramirez: a little bit.

Dahlberg: I can help.

Moermond: I'm looking for the smoke and carbons, I'd like a statement of where you are at to get that into compliance. I would like a statement about the cleanout of the house. I need to see in that statement how we will have direct access out windows and doors for emergencies. People need to be able to get out, but EMS also needs to be able to get in. It sounds like that is a real and present concerns. I need an inspector to put eyes on to confirm. There are exposed wires, so I need to know how those will be fixed. As an owner you can pull a permit to do the fixes, but you maybe don't have the skills, you may know someone.

Ramirez: I didn't see any exposed wires. There are holes in the walls.

Seeley: there are outlets hanging out of the walls. All that stuff needs to be working and properly fixed up.

Moermond: the wiring needs to be safe. Now, the garage needs to be secured from entry. I think you are clear on what that means.

Ramirez: it needs to be painted too.

Moermond: moving forward yes, but I'm trying to hit the most serious items.

Ramirez: it was secure.

Moermond: we are talking about what you are doing now. The other shoe that is going to drop is what about a week from now? What are you doing so we aren't in this same position a week from now? Think about that. The last piece has to do with who is in the house. Keeping the house secure so people who should be there can be safely, and those who shouldn't can't get in. Do you need to change locks? Lock the house when you are in there? What do you need to do to keep this from being unsafe? If you need to change locks, then you need to. If you need to lock when you leave, that needs to happen. I need to hear you say that so you don't get friends of friends coming in doing drugs, bringing guns, and causing trouble. Ms. Seeley, any other highlights? The toilets need to remain working, obviously. I'm inclined to recess and invite them to work thought this for half an hour to attach to the record.

Seeley: I do have concerns, I have had this file open for so long that, it gets clean. The people go away, when I send an appointment letter out. However, when I stop by with the police we have people going out the back. This happens every single time. You have to understand, you have to be tough. Your dad isn't there. I was so worried about him and those filthy sheets and that little room. When is he coming back?

Ramirez: his Medicare is running out, so probably soon.

Moermond: what is the plan for him to have a clean, safe, space?

Ramirez: he needs a PCA.

Moermond: they won't be there before he is. It looks filthy.

Ramirez: I'm closing down on the traffic. It was hard with my brother.

Moermond: you can NOT answer the door and it may be the best thing to do to keep everyone safer.

Ramirez: I invite a friend in, then they answer the door when I'm off in the bathroom or something, and let someone in.

Moermond: maybe you need to ask yourself if this person is a friend, if you are in this position about having to leave your house. What are you going to do to keep this from recreating itself? That's what we need to know. You mentioned a restraining order.

Ramirez: I had a one on him. But I felt like I needed his support with everything going on with my dad and brother. I don't know if they will grant it. If you lock the door he will bust it down.

Moermond: so when? How? You are committing to what to prevent this? That's what I want to happen. I need this to be your come to Jesus moment.

Ramirez: I was a little depressed with my brother and no job, things started piling up. I'm trying to get everything done. You should see the house now Paula. It's a vast improvement.

Moermond: we'll talk at 1:15.

[30-minute recess]

Moermond: tell me the first thing on the list.

Dahlberg: smoke and carbons need to be done. We committed to having all the violations listed done by Thursday, April 22. Carbons, garage door, who is in the house and change the locks, toilets functioning. Exposed wires.

Moermond: and filing for a restraining order?

Ramirez: I have to do that. I'm going to get the paperwork today and turn it in. It is not on Grove Street anymore apparently.

Dahlberg: only have guests that will help repair the house.

Moermond: who is supposed to be living there?

Ramirez: me. Kayla Bahrs.

Seeley: is that Billy's cousin?

Ramirez: yes

Seeley: you told me she was gone. She was causing problems.

Ramirez: no , that was Chrissy. I thought she moved out. She was having her own issues.

Moermond: when you change the locks will she get a key?

Ramirez: yes.

Moermond: who else?

Ramirez: my ex won't leave. He is also the one that broke the doors.

Dahlberg: I will be there as well.

Ramirez: Billy-dee Williams.

Moermond: so the restraining order is against Billy-dee. So that would be asking him to move out?

Ramirez: yes. I ask him to leave all the time and he won't. He knows the laws, that's why. He knows he can destroy my whole house without anything coming back on him.

Moermond: so we have Ms. Barhs, Williams, Dahlberg as legal tenants.

Ramirez: at the moment.

Moermond: when will you be filing this paperwork for the restraining order?

Ramirez: by Monday. I have to fill it out and have proof. My dad and brother tried to do it and it didn't work.

Moermond: what do you need that you don't have?

Ramirez: you have to have instances. To prove it. Prove that he's harassing me.

Moermond: how are you going to prove that?

Ramirez: there are plenty of police reports. He's got 2 felony domestics on him. None of which I reported.

Moermond: we have these reports: April 5, 2021 report for auto theft at the property. March 19, 2021 domestic, other assault, opposite sex. Receiving stolen property, February 15, 2021.

Ramirez: I don't know about that one.

Moermond: that's part of the problem, you don't know what's going on.

Ramirez: people park in front of my house.

Moermond: receiving stolen in property isn't in front of the house. There's a warrant arrest January 19, 2021. Recovering stolen property again, January 16, 2021. December 31, 2021 family/children violation of restraining order. December 12, 2020, aggravated domestic with fist and feet, opposite sex. Domestic assault December 10, 2020. I'm just giving you ones with reports. There are dozens of other calls.

Ramirez: my dad and brother were really call happy.

Moermond: October 18, 2020, family/children violation of restraining order. Same day, family/children notification of restraining order. So serving and violation the same day. August 22, 2020 children/family notice of restraining order. A warrant arrest August 10, 2020. July 5, 2020, domestic other assault, strangulation 2020. June 22, 2020 family/child placement. May 17, 2020 aggravated assault/domestic with fists and feet. March 18, 2020 domestic other assault opposite sex. November 15, 2019 sex offense criminal sexual conduct third degree.

[case numbers were given with each incident]

Ramirez: the domestics I know of.

Moermond: you have 96 calls since January 1, 2017, to January 1, 2021. There are 32 calls since January 1 of 2021. There are bars in this City, the very worst, that don't look this bad. We have a restraining order being served as one of the police reports.

Ramirez: that was the one they vacated.

Moermond: I can't help you with that, but I'm trying to get you in a place where you can

go to the police department with specific information you can ask for. My expectation is, you aren't doing anything else, this is job one for you. Clearly this isn't working, this needs to be taken care of by close of business Thursday.

Ramirez: part of it is fear too. What is he going to do when I do that?

Moermond: you need to talk to the police about that. By close of business April 15, 2021 you have to have the restraining order application in by then. Lastly, the smoke and carbons I'm not going to give to April 22. That should be done by Friday. Ms. Seeley do you have an appointment available this Friday?

Seeley: 8:30 am. this Friday. That's when I usually go by there.

Ramirez: all those police reports, were those all 2021? He didn't write down the year.

Dahlberg: I did.

Moermond: here is what I've done. Plan to abate nuisance. Names, date for smoke detectors. Inspection appointment. Filing a restraining order. Legal tenants are listed. Signatures and dated and I'll accept it as a plan. You'll have an inspection this Friday and you have a date next week for a deadline.

Laid Over to the Legislative Hearings due back on 4/20/2021

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 13 **RLH FCO 21-48** Appeal of Carlos Block to a Fire Inspection Correction Notice at 924 CLARK STREET.

Sponsors: Brendmoen

Grant an extension to July 1, 2021 for compliance.

Voicemail left 1:52 pm: we will try back in a few minutes.

Voicemail left at 2:09 pm: you have made a request to be granted a 60-day extension to June 15, 2021. I'm going to grant an extension through July 1, 2021 and you will receive an appointment letter from DSI after that date. You'll get a confirmation letter from my office.

Referred to the City Council due back on 5/5/2021

- 14 **RLH FCO 21-46** Appeal of Brandon Gerster, on behalf of owner Jonathan Slavik, to a Fire Inspection Correction Notice at 1354 MARYLAND AVENUE EAST (Dairy Queen).

Sponsors: Yang

Grant to April 30, 2021 for compliance.

Brandon Gerster, manager of store, appeared via phone

Staff report by Supervisor AJ Neis: this is a Fire Code violation notice by Inspector Huseby. Very small violation, just 2 violations, one for gas powered trimmer and gas can in basement, and second for a handrail not stable. I believe they are appealing the gas can in the basement. The code is clear that it cannot be stored in an unapproved location. This is a dangerous situation. The owner or manager refused to relocate it out of the building.

Moermond: what are you looking for?

Gerster: we keep a lawnmower in the basement. I've been here 22 years. we never had an issue until now. I understand coming to an agreement. I don't want to bring it back and forth every time I need to do it. I'd like to leave the weed whip there and remove the gas can.

Moermond: Mr. Neis, what is code as it related to fuel powered equipment?

Neis: fueled equipment, including lawn care equipment, shall not be stored, operated, or repaired within a building. The code is very specific. There is no leeway whatsoever.

Gerster: how am I supposed to cut the grass?

Neis: you gave an explanation, bring it back and forth.

Gerster: bringing the weed whip back and forth isn't reasonable. Storing it in my car is much more dangerous.

Moermond: here's the thing. I had a house without a garage, and know what I got? An electric lawnmower. There are ways this can be dealt with. Electric and battery operated is on the list. I know you are in possession of gas-powered equipment. The code is crystal clear on this. You want to compromise. You are using the word reasonable. This isn't a question of reasonableness; this is a question of safety. Splitting the difference isn't going to cut it.

Gerster: how is battery operated safe when there are videos of batteries exploding into flames? I can't find a time when a gas-powered whip exploded into flames sitting there.

Moermond: we aren't talking spontaneous combustion. This is a highly combustible material. I may suggest electric. Regardless, it is not safe to store it in the structure. I can't be flexible on this. There does need to be compliance. Your next inspection is April 20, I'm going to delay that so the Council can consider it since I gather you aren't ok with my recommendation. That gives you time to put together some testimony. This will go to council April 28, the letter from my office will explain how you can submit additional testimony. That is absolutely fine to do

Gerster: when was this code written?

Moermond: decades old I would think. Mr. Neis?

Gerster: why hasn't it been commented on in 21 years?

Moermond: I don't know why someone didn't see it, but it has been seen now. It doesn't mean that because it wasn't called in the past it isn't a problem now.

Gerster: then the Fire Inspectors haven't been doing a proper job in 21 years.

Moermond: duly noted.

Neis: the 2007 Fire Code says the same thing verbatim.

Moermond: and it goes back much further than that.

Neis: yes.

Neis: what about an exterior shed? A small exterior shed.

Gerster: there are issues. We don't have the land mass for that and theft is unreasonable around there. We have to lock our dumpster and our cardboard. That would be unreasonable, it would be broken into constantly.

Moermond: I'm sorry I wasn't able to give you an answer you wanted.

Gerster: why hasn't this been brought up in 21 years?

Moermond: it is in the record now. Mr. Neis is a supervisor, a part of the management team, and you can definitely bring it to the attention of the Council. It will also be in the minutes.

Gerster: how often is a Fire Inspection supposed to be done on a business?

Moermond: depends on the business. This isn't a high risk, what is the cycle?

Neis: every 3 years I believe.

Gerster: we have been inspected every year except for last year.

Neis: sorry its every 2 years. It was inspected by Gavin in 2019. You've had complaints before but they weren't Fire Inspections. We have records, the last one was 2019, before that it was 2016. The one prior was 2014. The one prior was 2012.

Gerster: we have had them show up every year.

Neis: I have documentation otherwise. So I can't speak to that. Perhaps your confusing the other inspections with Fire Inspectors.

Gerster: I don't think so.

Neis: we have notes on every time we go into a building.

Gerster: I'd like to go further with this. We're not going to move it, what happens then?

Neis: I would be issuing a criminal citation.

Gerster: what does that consist of?

Neis: mandatory court appearance and if you were found guilty, potentially a criminal record for something like that, which we would obviously like to avoid.

Gerster: eh, nah, it doesn't matter.

Neis: then we would still make you comply. So, either way.

Gerster: mmm, I guess it is all up for debate and lawyers to figure out.

Moermond: any other questions?

Gerster: I'm still coming back to why hasn't been brought up in in 21 years? That really needs to be addressed.

Moermond: You've made yourself clear on that. Management is aware of it.

Gerster: would someone reach out to me so we can go further with this.

Moermond: I don't think that they are accountable to you on this matter now that it has been addressed. You have been the beneficiary of unenforcement during that time period. I would say you should contact Angie Weise, we can send her information in the letter.

Gerster: sounds good, because that definitely should be addressed. That should actually be brought to the presses.

Moermond: you do what you need to do sir.

Gerster: I'm just saying you aren't doing your job fully then at this point. You are nit picking and choosing who you want to pick on on this.

Referred to the City Council due back on 4/28/2021

15 RLH FCO 21-47 Appeal of Steve Minn, Lupe Development Partners, to a Correction Notice-Reinspection Complaint at 1276 WILSON AVENUE.

Sponsors: Prince

Grant to April 30, 2021 for compliance.

Steve Minn, owner, appeared via phone
Thomas Mueller, SMRLS o/b/o Michelle Baker, appeared via phone
Michelle Baker, tenant, appeared via phone

Moermond: there is an appeal by Mr. Minn of ownership.

Staff report by Supervisor Leanna Shaff: early February we were in hearing regarding a condemnation for lack of water service. The next day it was decided I would go to the unit and inspect per your letter dated February 5, 2021. Item 3 was that the balance of the orders be complied with on March 1, 2021. On March 2, 2021 inspector Thomas went to the property, found no one in the office and no one answered the phone. He tried corporate with no answer. I have an email from him stating that. he sent another inspection letter to be complied with April 2, he found the orders weren't in compliance. He says the manager stated that the owner Steve told them to repair only the ceiling. The balance of the orders which would be closet doors, blinds, cabinets, floor are not complied with.

Moermond: have you read Mr. Minn's appeal?

Shaff: yes.

Moermond: looking for a comment, in conclusion he indicates he would like a reasonable accommodation to not have to do the work until the tenant isn't on premise. Does DSI have any policies in that regard?

Shaff: there doesn't seem to be—these are things that are ordered to be in compliance. We are going to comply with what Council ordered.

Moermond: what I'm trying to nail down, the occupancy of the unit doesn't have to do with enforcement of the orders. Who is in there isn't of concern, it's the conditions?

Shaff: yes. It is the responsibility of the property owner.

Moermond: Mr. Minn, it states here you are looking for "reasonable accommodation to address mentally ill tenant doing purposeful destruction to the unit defeating the owner's ability to implement permanent improvement despite efforts thereto" and a supplemental statement which explains your position. Tell me more about this.

Minn: I am not a medical professional, and not making a diagnosis, but Ms. Baker has mental health workers we have communicated with. We have had an ongoing dance with Ms. Baker since she moved in. She has systemically destroyed the unit. All the damage was done by her after her taking possession. This was a Metro HRA inspected unit that met all the requirements when she moved in. Any of the damage done to the closet doors, blinds, kitchen cabinets, ripping of the new vinyl was caused by the tenant. She ripped the ceiling down in the bathroom we had to repair. She cut a vent pipe, she removed locks to the doors on more than four occasions. Inspector Thomas was with in December when we had to have the locks drilled out after she changed them. He was at least witness to one of those four events. The unit was condemned because she couldn't keep sanitary conditions. The folks at the County sent over special workers to clean it up. The City decided to remove the condemnation even though the fire separation hadn't been cured at that the time. I'm not going to pass judgment on that. There are all tenant damages, there is a letter charge on the tenant's file. She isn't, in my option, in possession of full ability of her faculties. I have video record. We went into the unit recently after giving notice and verified the hardwired smoke detector is functional. She disabled the battery operated one in the bedroom because she smokes in the unit in violation of the lease. She plugs the tub to do laundry and spills water all over the unit. We have video that all the drains are all operating when we sent our maintenance people in to document the drain and smoke detector were operating. But it also shows the condition of the unit is not sanitary. Bottom line is the case workers aren't doing their job. I'm going to file a petition with Ramsey County Court to have a temporary guardian ad litem appointed for Ms. Baker so I can deal with a representative who is reasonable. So I can get her the hell out of my building because she is a menace to other tenants. I have video of her taking her garbage and spreading it up and down the hallways. I've done the life safety repairs necessary. I am unwilling make repairs to the unit that the tenant caused damage to because she will simply damage them again. It is a little game that Ms. Baker is playing. She has stated to her caseworker, who told my management company, that she is intentionally doing as much damage as possible until I let her out of her lease or agree to put a seal on her eviction proceedings. She is purposely doing this damage, and there's nothing I can do prevent her from doing this other than giving her lease violations. I don't have the power to evict under the Governor's moratorium. My position is, I am doing none of the non-life-safety repairs in the unit until she moves out and I am challenging her vacation of the eviction application. I intend to appeal to the

appellant court the Housing Court's refusal to evict her. I don't believe that court even had a finding to have the authority to deny the eviction. Those are my positions. If you want to condemn it until I can do the repairs I would certainly welcome that.

Shaff: at this point I'm not aware of any conditions in the unit that would justify a condemnation. I am looking for, Mr. Minn, can you verify your mailing address please?

Minn: 1701 Madison Street NE, suite 111, Minneapolis, MN 55413. The 811 LaSalle is the address for the entity for the license.

Shaff: that's the owner of record with Ramsey County. We're looking at long term noncompliance with DSI orders that were adopted by City Council and we're looking at referral of the long-term noncompliance to City Attorney's office for misdemeanor citation.

Minn: that's fine, I'm also looking into suing the City for interfering with eviction proceedings.

Mueller: the first thing I'd like to state is that my client, Michelle Baker, and myself never received notice of this hearing from Mr. Minn. I've been representing Ms. Baker for many months. Mr. Minn was aware of the fact she was a represented party. I only received notice yesterday via a phone call from the City wondering if I was aware. I had no idea it was appealed. I don't know why that was, but I'm sure Mr. Minn was aware of her representation. I was just able to get ahold of my client at 1:30 to inform her of this call, so no time to prepare a strong dissent. That being said, everything Mr. Minn is referring to was already litigated. He said he has no power to evict. That is not the case. There is a power to evict tenants under the moratorium, the exceptions are significant property damage. If there as a finding any of these things had been done, I would have to imagine that the judge would see those as significant. All of those things were litigated. The trial lasted all day with 5 witnesses on Ms. Bakers behalf. There were even more from Mr. Minn's side, including the maintenance inspector and property manager, and the judge made a determination. In the order that came out on those issues, the court checked the box and found the allegations not true and dismissed the complaint. I could go through all of those points, but with regard to the ceiling there was testimony from the owner of Scene Clean who said it couldn't have been done by Ms. Baker. The cut vent pipe, Mr. Minn's own maintenance people said it would take heavy duty equipment to do that, equipment she doesn't have or know how to use. With regard to the water and electricity, I have to imagine that Mr. Minn knows it is illegal to turn off water and electricity which is why we filed an emergency lock out petition. With regards to the allegation that this is a result of mental illness. I don't know that has any bearing, it is illegal to discriminate on the basis of mental illness. Two, I find it disappointing that he would make those allegation and view it as having anything to do with this situation. It isn't against the law to rent, even if a person has a mental illness. I would also say that Ms. Baker has not intentionally caused damage, she testified to that under oath in court. All of these issues were litigated and Mr. Minn did not show in the court of law that she did any of those things. Lastly, there is clearly a very bad relationship in this whole situation. Ms. Baker has made it clear she is not interested in staying there, and he has made it clear he doesn't want her there. It has been our interest to find alternative housing. That process has been thwarted by Mr. Minn's actions. We filed a motion, we have a hearing the 21st, to get the eviction action expunged from Ms. Baker's record. That is being vehemently opposed, which is something I don't understand. If the goal is for her to vacate, I would think the interest would be let's get it expunged and agree to that and make it so she can legitimately get out. I am happy to comment on all Mr. Minn's allegations, almost all can be directly

opposed. But for the sake of time I'll leave it at that. The court considered all of those things. Ms. Baker's position is the work be completed and the City continue to hold Mr. Minn to his duties and responsibilities under the law.

Moermond: Ms. Shaff, any comments?

Shaff: no comments.

Minn: Mr. Mueller, have you seen from the court a finding of fact and conclusion of law?

Mueller: what I have from the court is the decision and order dated February 25 in which the court clearly checked the box the allegations of the complaint are not true.

Minn: my point is this, we pressed the court for an actual finding and conclusion of law which we are entitled to, so we can file an appeal. We don't believe a cleaning service could make a determination of how ceiling damage could occur. I won't even refute his comments about what facts are in dispute because there is no finding of fact from the court. The damage in her unit is caused only by her. No one else goes in to cause the damage. Part two, and the most relevant, it was a life safety issue to turn the power and water off when it was condemned. She had electrical appliances precariously perched by sinks full of water and flooded out bedroom and the units next to her were wet. We undertook what we thought were appropriate steps when the condemnation was issued. The fact that the City and the County collaborated to remove the conditions of sanitary negligence, and remove the condemnation is a decision I can't refute. I don't have any power to undo that. I do have the power to refute that the eviction was meritorious. And I'm going to pursue that with vigor. She has caused considerable damage. We have a claim for her to pay, but she hasn't been forthcoming with the damages she said she filed for with her insurance. If she pays for the damages we can probably reconcile and she can go on her merry way. But, she is a menace to society, and I won't give her a free pass unless she makes restitution. I don't want her to be someone else's problem. She deserves to be institutionalized. It is in the public's interest that I see this to the end correction. I visit this property every week, but I can't fix all the things she has busted to have her bust them again. That would be a moral hazard, I won't do that.

Moermond: there is a lot going on here obviously. My scope of authority is relatively narrow. The financial responsibility for executing repairs, that is a separate discussion than whether they need to be executed. What I do have is a Council decision that was made February 17, 2021 which gave to March 1 to comply with the balance of the orders, the items that didn't lead to the condemnation. Based on the orders issued April 1, the March 1 deadline wasn't met. I don't have much latitude. The Council already made a decision on this. I will put it in front of Council again April 28. I will note they have already made this decision and recommend they give an April 30 deadline. That is two months after their original decision. The Council's decision is appealable, the Council could also change their February 17 decision. A reminder that ex parte rules do apply and all communication be made to all of Council and go through my office so all Councilmembers have access. I understand there are objections, and there are consequences to that all the way around, but I cannot make a recommendation to the council based on the current tenant the work not be done and they are living in a less than complaint unit due to their alleged health conditions.

Minn: were going to have to keep playing this out. Who else but the tenant caused the damage? It isn't like she moved in with that damaged condition. I have a signed record

of her moving in with the conditions marked as good condition. She has been in possession. Are you suggesting the landlord caused this damage and have to repair this? Or regardless of who caused it I have to repair it?

Moermond: I am suggesting it is the landlord's responsibility to maintain the unit in a code complaint matter and how the damage is caused, if there is an argument to be had, is a private matter between you and the tenant that I will not engage.

Minn: ok, well, then we will be in District Court with the City on the enforcement eventually for this. I understand your position but I'm not rolling over for it.

Moermond: probably Appeals Court if the Council makes this decision. I wish you all a good rest of your day.

Referred to the City Council due back on 4/28/2021

2:30 p.m. Hearings

Vacant Building Registrations

- 16 [RLH VBR 21-20](#) Appeal of Jessica Kaiser to a Vacant Building Registration Notice and Summary Abatement Order at 1611 FREMONT AVENUE.

Sponsors: Prince

Deny the appeal. Property may not be reoccupied.

Jessica Kaiser, occupant, appeared via phone

Staff update by Supervisor Leanna Shaff: I was there yesterday with Ms. Kaiser. Went through the house, they have a dumpster as she had stated. There are some items in there. The house is still full of items. It is unsanitary. There are electrical, mechanical, plumbing issues. It is not safe nor is it fit to be lived in.

Moermond: is anyone living there now?

Shaff: I don't believe so. She was talking about not being there except to do work and the kids are with her mother.

Moermond: any comments Ms. Kaiser?

Kaiser: I have a contractor I am contacting about some things. I know they need a permit. My mother, I have the number to call her, she said she would be working to try and save it and get the house in her name. I just didn't know what time court was at today. I think I just might talk to an attorney or CPS worker about housing and try and move out. Time to let it go. I have her number if we want to call her. She might have more to talk about the actual house.

Moermond: here's the thing, the reason why your mother might have been good to talk to would have been if she had been actively working to probate the estate. That may have been helpful if the inspection findings were the house was habitable. With an active effort in probate and the housing conditions were ok enough to be habitable I would work with you to get a Fire C of O on the strength of her dealing with this. What I have in front of me is that there there isn't just the no legally responsible party, we also

have the condemnation as unfit for human habitation. That was reinforced by yesterday's inspection results.

Kaiser: who do I contact for that stuff? My mom was asking me. I don't know how to probate it. I was told to go to legal aid but it wasn't leading me to—

Shaff: to interject. The number for SMRLS was given to Ms. Risvold, and Inspector Thomas also gave it to you also.

Kaiser: if it was given to my mom and she didn't take any part in this, then it is all on her. I've been helping pay the mortgage but she didn't say anything about this. If she had the number to do it and isn't doing it, then finding housing is my number one priority right now. My mom doesn't clue me in on a lot of stuff. She hasn't been here since it has been getting cleaned. She doesn't help. That's probably why it is still in the condition it is. No one is here to help. I guess my mom is screwing me over on all of this. I'm ready to let it go myself.

Moermond: so setting that aside and talking about the conditions. My recommendation is your appeal be denied and the house is condemned and be in the vacant building program. I am making the determination today it cannot be reoccupied unless the Council allows for it on April 28. That is the temporary decision on the record, so you are in the vacant building program unless the Council reverses this. I understand there are a couple of pets involved and I hope you can safely deal with them and point out you cannot live in this building. If they find you there they will board it and you will have to make appointments to get your stuff.

Dornfeld: there have been almost nightly police calls to the property, not recently, but at least last week. There are sensitive people in the area that have been calling who are stating it is occupied and people are coming and going at all hours. Police will remove people from the home and it will be boarded up if people are found there.

Moermond: you can be there from 8 am to 8 pm.

Dornfeld: I would like to say 8 am to pm because of the suspected drug activity. The children being removed, and there is literally a neighborhood complaint nightly. There is no code compliance. We are using this to squat and possible drug activity. It is a nuisance. The number one thing is the house be vacated.

Moermond: the house is to be vacated. The hours work can happen is 8 am to pm and no one can live there, the police will see the placard. If anyone is there at 8:01 the neighbors have a right to call and it will be boarded. You want to make sure things are taken care of so your neighbors aren't upset. Again, I can't tell you what a dim view I would take of those pets being left there in these circumstances.

Referred to the City Council due back on 4/28/2021

17 **RLH VBR**
 21-21

Appeal of Angela Pierach to a Vacant Building Registration Notice at
779 RAYMOND AVENUE.

Sponsors: Jalali

Deny the appeal of the vacant building registration.

Angie Pierach appeared via phone

Staff report by Supervisor AJ Neis: this is a revocation of the Fire C of O. The building itself has been vacant for going on three years, since July of 2018. Basically, it hasn't been occupied since. We have monitored it, typically we do it for about a year before sending to vacant buildings. However, this one we've done so for 3 and it has been determined it is time for them to monitor. I assume they are appealing the fee. I don't know if they are intending to reoccupy. It is currently a category 1 vacant building.

Staff report by supervisor Matt Dornfeld: we opened a category one vacant building March 31, 2021 per Mr. Neis's referral.

Moermond: why are you appealing?

Pierach: we purchased the building in December of 2019. We are the current owners. I know it was vacant before that. Our plans were to open a restaurant and as part of that, we purchased the adjacent building at 781 and 783 as part of the purchase agreement. We have a big interest in the neighborhood, we live nearby. We just started our plans to open the restaurant by next spring. With Covid we didn't continue plans last year. We do have renters in the other 2 buildings, commercial yearly leases. I was unaware that we needed to register it just because of the timing. We weren't able to keep things moving, but we have picked up speed in the last 60 days and are hiring an architect and have an RFP out to 3 firms. We have plans, we just had a delay and with our limited means we would really not like to eat this cost when we do plan to keep going. That's the long and short of it.

Moermond: I understand. So, you have an architect, what is your timeline for opening a business?

Pierach: we think breaking ground in the fall, pulling permits and we would open approximately in a year. March or April next year, fully open next summer.

Moermond: ok. I'm in an awkward spot with this case. Often people when they have timelines closer in, it is easier to do a fee waiver for a number of months. As a second option we also say, if you can get it done in six months we'll cut it in half. It seems like you have a year plan on this one. The question is whether or not it should be a registered vacant building. It was found to be an empty commercial premise 3 years ago. And it has continued to be empty. It does fit squarely as to what should be a registered vacant building in St. Paul. So you have this bill, how can we make this less painful during these tight financial times? The answer might be we look at this one fee from April 1, 2021 to April 1, 2022. What I can do is make this payable over 5 years on your property taxes. The interest rate is slightly more than 3%. It is not a perfect solution but it lightens the load in the present moment. I can tell you that we need you to not pay this bill, and let it come forward as a special assessment, and then I can divide it out. The fact it was empty a number of years ago, not just recently, does kind of seal the deal that it is appropriately a vacant building. Mr. Dornfeld, this is a category one vacant building, so no issues with pulling permits?

Dornfeld: no, no issues.

Moermond: so she can go ahead and pursue her plans and there is nothing holding it up because the vacant building fee is out there. That can be handled separately in the future. I know this isn't what you are looking for. You can also submit testimony to Council, and we can also deal with it as an assessment in the future. I'm trying to decrease the sting, knowing it may help some, but not as much as you want.

Pierach: it is not ideal, but I'm still not sure. You are saying, don't pay this fee, and then wait?

Moermond: what will happen, if you don't pay this bill, it will be forwarded to the financial services office and they will process it as a proposed special assessment on your taxes. You'll get a letter about that, with information on how to appeal. Please appeal it and in that process we can make payments. If it is approved, you would be invoiced for 1/5 the bill, which you could pay or you could let it go on your 2022 property taxes. Then the subsequent years for a total of 5 years. You can pay it early. You can handle it however you want, but it takes some of the weight off presently.

Pierach: alright.

Moermond: we will send a follow up letter, and if you have questions let us know. I wish you a good rest of the day.

Referred to the City Council due back on 5/5/2021