



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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651-266-8585

Tuesday, May 11, 2021

9:00 AM

Remote Hearing

Remove/Repair Orders

9:00 a.m. Hearings

- 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

Layover to LH June 29, 2021 at 9 am. By COB Friday, June 25 PO must submit: work plan/construction statement, schedule, affidavit dedicating funds to the project, proof of financing, and property must be maintained.

Aychoeun Tea appeared via phone

Moermond: I understand Mai Vang forwarded you the code compliance inspection report that just came out. Did you get that email?

Tea: no. Today?

Moermond: she sent it this morning.

Tea: I haven't looked at I yet.

Moermond: because you just got the report, I'd like to give you a few weeks to get bids and put together a plan and schedule, and to show the money to use to rehab, as well as an affidavit. Let's put that inspection report to work and do that. I'm going to give to close of business June 18 to submit those documents. I am looking for the plan to be done at that point, and the money for it. I feel like that's plenty of time to do that. We'll talk again on June 22. Any questions?

Tea: no.

Laid Over to the Legislative Hearings due back on 6/29/2021

- 2 **RLH RR 21-24** Ordering the rehabilitation or razing and removal of the structures at 975 HUDSON ROAD within fifteen (15) days after the May 26, 2021, City

Council Public Hearing.

Sponsors: Prince

Layover to LH May 25, 2021 at 9 am. By COB May 18, a code compliance inspection must be ordered, and a \$5,000 PD posted by COB May 24, 2021. (CPH May 26, 2021)

No one appeared

X9503 at 9:18 am May 11: good morning, trying to reach Lorrie Miller. I'm calling again, we called 2 weeks ago, about 975 Hudson road and the proposed order to remove. I am going to recommend it is removed on May 26 if you don't connect with our office. We'll try again one more time this morning.

X9503 at 9:44 am May 11: good morning, this is Marcia Moermond again calling about your property at 975 Hudson. I'm going to make a recommendation on May 26 that the Council order the building removed since we have no indication it is moving forward. We'll send a follow up letter.

Referred to the City Council due back on 5/26/2021

3 [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 June 15, 2021 at 9 am. PO to submit affidavit dedicating funds to the project, and a scope of work and a schedule for completing the project.

John Ray, owner, appeared via phone

Staff update by Manager Steve Magner: a letter was sent confirming on April 13 it was laid over to today for the following conditions to be met: work plan, schedule and affidavit dedicating the financing to the project. The property also must be maintained. Sample documents were attached.

Moermond: we didn't receive signed bids or an affidavit. What is going on?

Ray: I'm having a hard time getting contractors in because someone keeps screwing the doors shut, new and different types of bolts. I don't know why. They don't even want to come back and give me a bids.

Moermond: you had bids and we were looking for them to be signed, are those no longer valid?

Ray: what bids?

Moermond: we have bids from junk masters.

Moermond: can you explain how he can enter Mr. Magner? He seems to be having problems

Magner: I'm not sure as to why. Generally they will put a hasp lock on and a lock box on the building to keep it secure.

Ray: I have done that.

Magner: let me look.

Ray: every two or three days there's security screws put in. I keep having to go buy more tools to get in.

Magner: as of May 3 the police called to have it secured because they found it open again.

Ray: the only thing open is the back door to the porch.

Magner: our contractor uses torque.

Ray: they bought that, and now it is something else.

Magner: it is not unusual that someone else may be using the property. If someone calls the police, we go and find it open and we'll just have it secured.

Ray: who would be calling the cops? I've spoken to all the neighbors. I'll talk to them again.

Moermond: it doesn't really matter if the police go out and find it open to entry. You are the owner; you could put alarms or cameras in to secure the property. Mr. Magner's suggestion is to use the front door.

Ray: we use the back door because it is easiest.

Moermond: it also appears to be the easiest one to break into.

Ray: but they aren't because the hasp is still on. It is almost every other day right now.

Moermond: April 15, 30 and May 4 we have police orders.

Ray: I'll have to go talk to the neighbors. Maybe I need to move it to the outer door.

Moermond: may I suggest a camera.

Ray: that was another delay, it took almost two week to get the City inspector out to get the power on. As soon as I get the power on, I'll get a security system in there.

Moermond: you have to get your act together on this.

Ray: I agree.

Moermond: any other advice about securing the building, Mr. Magner? You have to be able to get bids and contractors in. I don't know what's going on, but you might be well served to get copies of the police reports.

Ray: that's a good idea.

Moermond: find out what they are seeing. You have several in 2020, more in 2021. This is a persistent issue at the property. We're looking for bids and an affidavit. Mr.

Magner, what was the estimate from the department on the approximate amount to do the rehab?

Ray: \$75,000

Moermond: provide an affidavit dedicating at least \$75,000 to the project. That was the other thing we were asking for.

Ray: I put \$60,000 in there. I don't feel comfortable having it my checking

Moermond: you can put it in savings or someplace else. I just need to know the funds are liquid. I would say work with the police, get yourself proper lighting. I understand about Xcel, we can't continue like this. Again, we're holding you accountable to deal with this. This is already being stayed on the good graces of the Council since it has already been voted to be demolished.

Ray: I appreciate that.

Moermond: I'll give you one more shot June 8 to have your bids and work plans together.

Ray: that's the scheduled times?

Moermond: If the Council grants time they give 180 days. So you need to work in that timeline and I need a schedule of how you are approaching the work. Establishing gas, water, heat and electrical are the first things on your list. I need a specific approach to getting it done in general terms. Get yourself squared away with security.

Magner: so we are clear, the original Legislative Hearing on January 12 we read into the record \$75,000.

Moermond: we'll talk again June 8. You have a big to do list.

[Note: June 8 was incorrect date, correct date is June 15 and clarified in letter – JZ]

Laid Over to the Legislative Hearings due back on 6/15/2021

4 [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. (Amend to remove within 15 days with no option for repair)

Sponsors: Brendmoen

Remove within 15 days with no option to repair.

Voicemail left at x2835 at 9:26 am by Marcia Moermond: good morning Mr. Tran, trying to reach you about 1128 Mackubin. We discussed this two weeks ago, we've received nothing from you, and you haven't applied for a code compliance inspection report or posted a performance deposit. The City Council hearing is tomorrow. Because you haven't met those requirements and you indicated financial difficulties I will recommend the Council orders it removed within 15 days with no option for rehabilitation. You can call Joanna Zimny with questions, her number is in the letters.

Manager Steve Magner: the last code compliance inspection was August 2009, and we

haven't received an application or performance deposit.

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

- 5 RLH RR 21-26** Ordering the rehabilitation or razing and removal of the structures at 575 PARK STREET within fifteen (15) days after the May 26, 2021, City Council Public Hearing.

Sponsors: Thao

Grant 180 day for rehabilitation or removal.

Frank Viggiano, owner, appeared via phone

Moermond: we're calling to let you know we've received work plan and financials and we both agree for both properties they are sufficient. Any comments Mr. Manger?

Magner: none.

Moermond: any questions Mr. Viggiano?

Viggiano: my credit union, which was Firefly, merged with TruStone, so some of the documents might say Firefly but the new one is TruStone. Both my loan and my deposits should be under TruStone. So if you see Firefly it just hasn't been converted yet.

Moermond: we'll send a letter confirming this recommendation. It doesn't go to Council until May 26 however Mr. Magner can note in the system that you can begin pull permits.

Magner: yes, I'll have Reid put a note in the system so they can pull permits as soon as possible. For sure beginning tomorrow.

Moermond: so let you contractors know and I'll recommend you get 180 days to deal with these buildings.

Viggiano: how many months?

Moermond: six months

Viggiano: that should be great. I appreciate it and I look forward to investing in St. Paul.

Referred to the City Council due back on 5/26/2021

- 6 RLH RR 21-27** Ordering the rehabilitation or razing and removal of the structures at 595 PARK STREET within one-hundred and eighty (180) days after the May 26, 2021, City Council Public Hearing.

Sponsors: Thao

Grant 180 day for rehabilitation or removal.

Frank Viggiano, owner, appeared via phone

Moermond: we're calling to let you know we've received work plan and financials and we both agree for both properties they are sufficient. Any comments Mr. Manger?

Magner: none.

Moermond: any questions Mr. Viggiano?

Viggiano: my credit union, which was Firefly, merged with TruStone, so some of the documents might say Firefly but the new one is TruStone. Both my loan and my deposits should be under TruStone. So if you see Firefly it just hasn't been converted yet.

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Magner: yes, I'll have Reid put a note in the system so they can pull permits as soon as possible. For sure beginning tomorrow.

Moermond: so let you contractors know and I'll recommend you get 180 days to deal with these buildings.

Viggiano: how many months?

Moermond: six months

Viggiano: that should be great. I appreciate it and I look forward to investing in St. Paul.

Referred to the City Council due back on 5/26/2021

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. (To refer back to Legislative Hearing on June 29, 2021; Public Hearing continued to July 7, 2021)

Sponsors: Jalali

Refer back to Legislative Hearing on June 29, 2021 for status of funds to be granted May of 2021. (CPH July 7, 2021)

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

Staff update by Manager Steve Magner: a letter was sent out to confirm the matter was laid over to today for Legislative Hearing. By close of business Friday, May 7 submit a document of funding sources, tentative timeline. It goes before Council on May 12 with the recommendation of the May 11 hearing. We have the plan, and I have reviewed it and I have no additional comments

Moermond: I reviewed and it meets with our expectation of explaining the roadmap moving forward. There is something for me to hang my hat on going forward to Council to ask for more time to keep working on it. I'm thinking based on the way you wrote it you have key decisions in May, one from the State of Minnesota and the session may or may not be done in May. We thought we'll follow up later in June to see what an

updated plan looks like then, hoping that you have those two decisions in place. Does that make sense?

Kugler: yes, it does.

Moermond: so the Minnesota appropriation and foundation grants, we'll check on that status. We'll send you a follow up letter, and tomorrow I will ask them to continue the matter to July 7, 2021. Any questions?

Kugler: no.

Gelgelu: no.

Moermond: we will talk in six weeks or so.

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

8 [RLH RR 21-38](#)

Ordering the rehabilitation or razing and removal of the structures at 2062 COMO AVENUE within fifteen (15) days after the June 9, 2021, City Council Public Hearing.

Sponsors: Jalali

Layover to LH May 25, 2021 for further discussion. PO to post \$5,000 PD and apply for code compliance inspection by noon on Monday, May 24, 2021 (CPH June 9, 2021)

Byron Anfinson, realtor o/b/o owner, appeared via phone

Earnie Trower, owner, appeared via phone

Staff report by Manage Steve Manger: the building is a one-story, wood frame, single-family dwelling with a detached one-stall garage on a lot of 5,663 square feet. According to our files, it has been a vacant building since November 8, 2001. The current property owner is Ernest B. Trower Jr. per Amanda and Ramsey County Property records. On February 24, 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 March 2, 2021 with a compliance date of April 1, 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 \$83,900 on the land and \$87,200 on the building. Real estate taxes are current. The vacant building registration fees were paid by assessment on December 1, 2020. A Code Compliance Inspection was done on April 15, 2015 but is now expired. As of May 10, 2021, the \$5,000 performance deposit has not been posted. There have been twenty-five summary abatement notices since 2001.

No work orders have been issued. Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish exceeds \$20,000.

Moermond: what I notice is this has been a vacant building for almost 21 years. There was some action, perhaps hoping to rehab, in 2015. Over the course of the 21 years you have had occasion to order some work done, but it has been taken care of by the owner. Those are the things that jump out to me that makes this unique. What is going on for this property?

Trower: I would like to sell if I could. I would also like to rehab if I can't sell. I don't want it demolished because no new house can be built because it was an undersized lot.

Moermond: I thought it was 5,000 for lot size?

Magner: that's my understanding unless there's a setback.

Trower: there are three houses built on two lots. I own the northern third of those 2 lots. My understanding is a new house can't be grandfathered into that lot.

Moermond: I don't know that grandfathered is the right word, I think you'd be looking for a zoning variance. I'm not sitting in a zoning capacity. I can tell you this has got to the point where it is a category 3 vacant building. I believe Mr. Anfinson is familiar with that?

Anfinson: yes.

Moermond: that means that if you were to sell, you could not transfer title until the nuisance condition is abated. So it has to be fixed or demolished by the time title can be transferred. Usually that means you're asking a rehabber to put their good faith in to get the work done, and they often look for things such as a mortgage on the property. Something with a guarantee they can get their money out. If you do rehab on your own that would be fine. It is the transfer of the property that gets sticky. Any contract you enter into needs to be approved by the City as to form. Given that, would you like me to talk about what happens if you do the rehab?

Trower: yes.

Moermond: there are a standard set of conditions and the first two are basic. One is ordering a code compliance inspection report, it sounds like you had one previously, it needs to happen again.

Trower: I didn't know they expired

Moermond: they expire after a year.

Magner: the code compliance inspection is valid for 365 days. If work hasn't commenced in that time, it is no longer valid.

Moermond: it's the first full paragraph. We need a new code compliance inspection report generated. We'll also look at \$5,000 performance deposit posted with DSI. Those two things indicate to me that you have skin in the game and are serious about doing the rehab. After those are addressed we talk about money to do the rehab and work plans to get it done. Those bids have to address the items in the code compliance inspection report. The proposal that goes in front of Council is 180 days to execute those plans. But we need to get these things in place. What's your ability to do those two things?

Trower: what are the conditions of those?

Moermond: it is a huge carrot, if you are able to get it done, you get it back. If you are past 50% at the 6 month mark we hold that and talk with you about getting across the finish line. You are at risk of losing it if you are less than 50% done at the 180-day

mark.

Trower: ok. In terms of the improvements done on the houses, all three have new roofs. I've invested \$50,000 in improvements including \$10,000 in stucco work. Two of the houses have been brought up to code in the past, or as close as required at the time. There is certainly light at the end of the tunnel. I think this is doable.

Moermond: glad to hear that. So you need to order those inspection reports and posting performance deposits and start talking to contractors. There are a lot who know what is required from a code compliance and can provide bids now and tweak them after seeing the inspection report. I'd like to check in with you to make sure those two items are done and we can slow things down to talk about actual bids and contractors and financing. Does that work?

Trower: yes, it does. Do you have a list of general contractors?

Moermond: we do not, that is something that would be a conflict of interest. If you were looking to demolish, we have a list of licensed ones. General contractors are licensed through the state, so we don't have access to that list. Perhaps Mr. Anfinson knows of someone.

Anfinson: I know several general contractors. My concern is that they are so busy right now and materials are so expensive.

Moermond: and we understand that which is why I'm trying to get the first things done so you have time to deal with contractors. I get it, I want to help, but I need you to have your feet in the water.

Anfinson: can I propose having the Council change the category to a category 1?

Moermond: I'm sure you would like that, but that hasn't happened in 25 years. The declaration that it is a nuisance and has been vacant for 21 years. That in itself makes it a category 3. That is not going to happen. It needs to be fixed properly. This is doable, that's why we're having the conversation at all.

Anfinson: I understand. I'd still like to request it. I think it's the best way. To get 3 separate buyers who have skin in the game. They could do that in 60 days.

Moermond: I hear you want to do that; you can make that request to the Council. I would suggest you run a parallel track because I will be saying to Council "you haven't done this before; I don't suggest you do it now."

Anfinson: I understand that.

Moermond: have a backup plan.

Anfinson: that's fine. It is up to the Council if they want to make it category 1, 2, or 3?

Magner: DSI has already sent this to Council to make that declaration and they have acted on it and declared it to be a category 3, and it was signed by the Mayor. That ship has sailed. Now he would be asking to appeal the category 3 status and again I don't recall a case similar where any change in the category has happened. It would seem like if they want to move forward with this, the most convenient way is to simply do the minimum code items. If he has done work and worked on the buildings, I don't

know if that has happened or if there was a permit pulled for that roof work. Mr. Trower would rehab to minimum code, and then sell as minimum code compliance buildings. Then new owners can put in new kitchens or bathrooms, landscaping. We're not saying these need to be elevated to the level they might bring in that neighborhood. If he gets a code compliance and leaves them unoccupied we'd close the vacant building. It meets the minimum definition of a nuisance.

Trower: that gives me encouragement and I appreciate that.

Moermond: so Mr. Anfinson can make some communication to the Council. You are aware of my recommendation, given the Mayor and Council have already made it a category 3 you may want to receive legal advice on the matter but that is up to you. We are happy to work with you if you post the performance deposit and get the code compliance inspection started. Then we have a punch list you can talk to contractors about. We know contractors are busy. Any questions on this Como property?

Trower: if the house is demolished can another house be built? The other two houses are built on one small lot. My understanding if those are demolished only 1 can be built there.

Moermond: that is a question to speak with zoning staff about. Who would you suggest, Mr. Magner?

Magner: let me discuss with staff and get back to you on that.

Trower: my concern is if three houses are demolished and only one can be built how does that continue the interest of affordable housing?

Moermond: and yet they have been vacant for a decade and haven't housed anyone. I'd love to see them in use. The question you are posing, I think you're getting ahead of yourself. Zoning wise is could you build on it? It is likely, you are also a good candidate for a variance especially if you file within a year. Those conversations are best had with zoning who can field those.

Magner: I would encourage Mr. Trower to contact Matt Graybar with zoning. Generally the City's practice is if it is a lot of record with a structure and a dwelling is removed that a dwelling of the same size and footprint can reuse the lot, unless there is some type of change of zoning. Let's say it changes from residential to commercial. Specifically at Como I'm not seeing that being an issue. The other two properties I do believe I've seen cases where we've had lots of similar sized be razed and rehabbed. We do want to confirm this. Definitely talk to Mr. Graybar and pose that question, and zoning can give that definitive answer.

Moermond: we send out a letter after these hearings, including forms and contact information, so you'll get the name and number there. We'll email that letter on Friday of this week confirming these things.

Trower: I want to be fully complaint and work with the City and don't want an adversarial relationship. I'd like to sell them to a new owner. I really apologize for causing any problems for the City and I want to put my best foot forward.

Moermond: we are in the same place and we would like to see them back online too. There are conditions in doing that.

Trower: I have people contact me about these houses every day, but I can't sell right?

Moermond: we talked earlier about how it can be rehabbed by someone else, but you cannot transfer title until the work is completed. Some people who do rehab have developed contracts, which we have samples of. Whatever contract you use is subject to approval by the City.

Laid Over to the Legislative Hearings due back on 5/25/2021

- 9 [RLH RR 21-37](#) Ordering the rehabilitation or razing and removal of the structures at 1253 CLEVELAND AVENUE NORTH within fifteen (15) days after the June 9, 2021, City Council Public Hearing.

Sponsors: Jalali

Layover to LH May 25, 2021 for further discussion. PO to post \$5,000 PD and apply for code compliance inspection by noon on Monday, May 24, 2021 (CPH June 9, 2021)

Byron Anfinson, realtor o/b/o owner, appeared via phone

Earnie Trower, owner, appeared via phone

Staff report by Manage Steve Manger: The building is a one and one-half-story, wood frame, single-family with an attached one-stall garage on a lot of 3,485 square feet. According to our files, it has been a vacant building since August 5, 2004. The current property owner is Ernest B. Trower and Nancy L. Trower per AMANDA and Ramsey County Property records. On February 24, 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 March 2, 2021 with a compliance date of April 1, 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 \$88,500 on the land and \$101,000 on the building. Real estate taxes current. The vacant building registration fees were paid by assessment on September 1, 2020.

A Code Compliance Inspection was done on September 20, 2013 but is now expired. As of May 10, 2021, the \$5,000 performance deposit has not been posted. There have been three summary abatement notices since 2004. No work orders have been issued. Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish exceeds \$20,000. I wanted to comment on Mr. Trower's people contacting him. From a DSI standpoint and what we've seen in the past, I don't know if there's an issue with entering into a contract to rehab these individually, those parties must meet the criteria with funding and contractors and have a PD posted. We've seen it happen numerous times, so it is an option. There is room for him to move forward.

Moermond: so same circumstances as previous property. There was a previous code compliance inspection, We'll need a fresh one and a performance deposit. It has been vacant for 17 years. That in itself makes it a nuisance property. Sounds like you want to look at working with a third party, and we've discussed what is involved.

Trower: it is the most expensive of the 3 houses, it has a lot of potential. I've considered putting a master suite on the second floor and turn it to an upscale property.

Moermond: that sounds promising, explore those options. I'm hoping you can get the

performance deposit and application made sooner rather than later. I'd like to talk you again in two weeks and have those two things done.

Laid Over to the Legislative Hearings due back on 5/25/2021

10 [RLH RR 21-39](#)

Ordering the rehabilitation or razing and removal of the structures at 2075 SCUDDER STREET within fifteen (15) days after the June 9, 2021, City Council Public Hearing.

Sponsors: Jalali

Layover to LH May 25, 2021 for further discussion. PO to post \$5,000 PD and apply for code compliance inspection by noon on Monday, May 24, 2021 (CPH June 9, 2021)

*Byron Anfinson, realtor o/b/o owner, appeared via phone
Earnie Trower, owner, appeared via phone*

Staff report by Manage Steve Manger: The building is a one and one-half -story, wood frame, single-family dwelling with an attached one-stall garage on a lot of 3,920 square feet. According to our files, it has been a vacant building since August 5, 2004. The current property owner is Ernest B. Trower per AMANDA and Ramsey County Property records. On February 24, 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 March 2, 2021 with a compliance date of April 1, 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 \$98,300 on the land and \$86,600 on the building. Real estate taxes are current. The vacant building registration fees were paid by assessment on September 1, 2020. A Code Compliance Inspection was done on May 21, 2008 but is now expired. As of May 10, 2021, the \$5,000 performance deposit has not been posted. No summary abatement orders were issued since 2004 and no work orders were issued. Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish exceeds \$20,000. I'd like to indicate again he could rehab or pick one or two or liquidate through a contract with a third party. There are options, I don't want him to think this is just about demolishing them. The City just wants to get them occupied for our residents.

Trower: I appreciate that. I want to mention, you did send a notice to inspect in February. I was out of town visiting relatives and my mail was on hold, so I didn't get that message. If I had been home and got it I would have replied.

Magner: and we understand that. We do have people review our vacant building list and we do have to move some of these along.

Moermond: when you order the code compliance inspection report, it triggers the four trades inspectors going out to make a punch list to make the properties minimally code complaint. That's the same report as what you already have that are dated. We have a plan. We'll send you sample contracts and zoning contacts, we'll talk again in 2 weeks, on May 25, before it goes to City Council on June 9. If those two conditions are met we can continue the conversation about work plans and financing.

Trower: this June 9 meeting, should I be present with my real estate agent?

Moermond: they aren't meeting in person. You can testify if you want to, in this case if I go forward recommending it is continued so you can keep working on plans, normally

people don't talk to the Council because they are getting what they want. They don't want to pull defeat from the jaws of victory.

Trower: because I have 3 houses, I want to hire one general contractor to deal with it.

Laid Over to the Legislative Hearings due back on 5/25/2021

10:00 a.m. Hearings

- 11 [RLH RR 21-25](#) Making finding on the appealed substantial abatement ordered for 1023 JESSIE STREET in Council File RLH RR 20-33. (Public Hearing continued to June 16, 2021 with the Legislative Hearing on June 15, 2021)
- Sponsors:** Brendmoen
- Refer back to LH June 15, 2021 at 10 am (CPH June 16). Must have code compliance certificate or an approved plan and financing to complete the work by COB June 14, 2021.*
- No one appeared*
- Moermond: tomorrow at Council I will ask them to refer it back to Legislative Hearing on June 15 and Council Public Hearing June 16. If he doesn't have his code compliance certificate he will need to have an approved plan and financing to complete the work approved by us no later than June 14.*
- Referred to the City Council due back on 5/12/2021**
- 12 [RLH RR 21-23](#) Making finding on the appealed substantial abatement ordered for 975 MARSHALL AVENUE in Council File RLH RR 20-47. (Amend to grant 90 days until August 12, 2021)
- Sponsors:** Thao
- Grant 90 days to rehab (to August 12, 2021).*
- No one appeared*
- Moermond: staff reviewed this and find it acceptable. We will recommend the 90 day grant of time.*
- Referred to the City Council due back on 5/12/2021**
- 13 **RLH RR 21-28** Making finding on the appealed substantial abatement ordered for 174 PAGE STREET WEST in Council File RLH RR 20-56.
- Sponsors:** Noecker
- The nuisance is abated and the matter resolved.*
- No one appeared*
- Moermond: it looks like we have a code compliance certificate?*

Magner: correct.

Moermond: so the matter has been resolved.

Referred to the City Council due back on 5/26/2021

- 14 [RLH RR 21-22](#) Making finding on the appealed substantial abatement ordered for 1355 PAYNE AVENUE in Council File RLH RR 20-34. (Amend to grant 90 days until August 12, 2021)

Sponsors: Yang

Grant 90 days to rehab (to August 12, 2021).

No one appeared

Moermond: everything looked ok here to give an additional grant of time?

Manager Steve Magner: yes. 90 days?

Moermond: yes, 90.

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

- 15 **RLH RR 21-29** Making finding on the appealed substantial abatement ordered for 2022 STILLWATER AVENUE in Council File RLH RR 21-3.

Sponsors: Prince

The nuisance is abated and the matter resolved.

No one appeared

Moermond: this is done?

Magner: correct.

Referred to the City Council due back on 5/26/2021

- 16 **RLH RR 21-31** Making finding on the appealed substantial abatement ordered for 1143 WOODBRIDGE STREET in Council File RLH RR 21-8.

Sponsors: Brendmoen

The nuisance is abated and the matter resolved.

No one appeared

Moermond: this is done?

Magner: correct.

Referred to the City Council due back on 5/26/2021

11:00 a.m. Hearings

Summary Abatement Orders

- 17 **RLH SAO** Appeal of Rory Wakemup to a Summary Abatement Order at 781
 21-36 MANOMIN AVENUE.
- The nuisance is abated and the matter resolved.*
- Referred to the City Council due back on 5/26/2021**
- 18 **RLH SAO** Appeal of Paris Getty to a Summary Abatement Order at 855 THIRD
 21-38 STREET EAST.
- Sponsors:** Prince
- Grant to May 27 for compliance with the summary abatement order.*
- Paris Getty, owner, appeared via phone*
- Staff report by Supervisor Paula Seeley: I received a complaint about several rooms being illegally rented out, so I went out there and knocked and left my card. I noted a camper in the rear, with extension cords to the garage, improper storage by the garage and in driveway, and debris on garage apron. I sent a Summary Abatement Order to have that cleaned up as well as an excessive consumption fine due to this being the fifth time we've been out in 12 months. It is a single-family home, so if it wants to be a duplex it needs permits. He did take one out a couple years ago, but it hasn't been inspected and zoning says no plan review. This is a cleanup, the trailer has someone living in most likely, and a refrigerator and debris around garage.*
- Moermond: you're saying we have a complaint of over-occupancy in the house, but that's unconfirmed. You have exterior property code violations for storage, and an illegal occupancy for the camper. No orders written on that, but you'd like to discuss.*
- Seeley: yes, Mr. Getty and I had a lengthy conversation about the camper usage, we need to talk about that.*
- Moermond: regarding the cleanup orders, Mr. Getty, why are you appealing?*
- Getty: I have two occupants in this house the refuse to leave with the Governor's orders. I'm going to court this afternoon and try to finagle the court into issuing an eviction notices. I have an individual that conned me, she has 3 felony counts of theft by credit card. I hired her originally as a PCA, and found out later she never completed the application, because she is specifically prohibited from working with vulnerable adults, which I am. My understanding is that one of the occupants has done work for Ms. Seeley, his name is Michael. He says he knows the inspector. Here's my issue, I have done everything I can to get this trailer, it is unregistered, off my property. They continue to refuse to remove it. For me to be fined as a result of illegal activities of tenants I don't agree with. This is a home-built trailer. No one has been living in it. I told Ms. Seeley that. However scrapping activities have been occurring and it has been a nightmare. This male and female live in a room and it has been a nightmare. The female moved out and then when I was in the hospital was invited back by the male, she is a guest of his, and hopefully I can have them removed. However, the consequences of them living here has been a nightmare. I can't rent the room to anyone else. I have a tenant that has moved in and hopefully I can keep her here, but*

these two individuals are noisy. They fight and throw things at each other. The vacant property was purchased by me, and unfortunately people coming by want to dump their debris on that lot. That's been a continuing issue. I'm an amputee, I have no direct way to remove things left there, and I rely on my tenants. It has just been a problem. I do have a gazebo on the deck damaged last winter. I have a new top on it and I have storage of wood and materials in it. A picnic table and other things for the yard. It is not something that is in violation of any code. If Paula wants to come by and look at it, there is some weight but it doesn't exceed the limit of the deck. As far as the trailer, I was promised by the individual who knows Paula he would remove it, which he did not. He won't clean up around it. I'm asking for the City's help. I should not be charged for it because of the Governor's order that the housing court being prohibited from evicting.

Moermond: that's not 100 percent true.

Getty: I know there are exceptions. I'm going to go down today and see if I can get them into a category that allows eviction. That's my dilemma. I am disabled and as far as the status of my house. I hired a licensed contractor who took out the stairway without getting a permit. I expected him to follow codes, he was a contractor, and he didn't. The only thing that holds me up is the \$15,000 surcharge the Met Council has put on conversion to duplexes. I don't have those funds. I do have plans to put in a series of lifts and I'm trying to find funding for that. That would be my only other alternative. It would be costly to restore the stairway inside the house.

Moermond: so you are hoping to get this converted to a duplex, but that is not in front of me now.

Getty: there is no illegal occupancy. If the other 2 were evicted, it would be myself and 3 other individuals.

Moermond: so you have the new female, and then the guy and a girl, who else?

Getty: male tenants, and the female tenant, and she has a boyfriend who stays over. Plus the two tenants that are illegal. I'm actually concerned for my personal safety. Last night I had to call the police because the male tenant, Michael, the boyfriend of the "PCA", confronted me in my part of the house and was yelling at me and refused to leave. I am afraid for my safety. Since I've been up today I haven't heard them, though at 5:30 this morning she was screaming at Julia Sanford, the PCA. She is always doing this. It is nerve wracking and I hope the court grants the order.

Moermond: what is going on with the camper with the power cord?

Getty: that supplies power to the garage. Apparently the power to the garage has been interrupted, so it is plugged in to give exterior lighting to the garage. It is not a camper; it is a trailer. He has been doing scrapping out of that and that's what all the debris and refuse has been about. On the other side people dump things. I've made sure that's cleaned up. There is still scrapping materials along the trailer. I don't know what to do, I have asked him repeatedly to move it. He hasn't. He can't get it licensed because he doesn't have an ID. He has 2 vehicles that aren't registered in his name. I missed a doctor appointment yesterday because I couldn't get out. The "PCA" refuses to leave. I had problems yesterday with the new tenant, [the "PCA"] wouldn't give a key to a room where she is storing things. I can't go up to the second floor because I have no way to do that. That's why I'm trying to get some lifts in here. I can't tell you what goes on up there. I know drug dealers are coming here and it isn't a healthy situation.

Moermond: let's talk about the vehicle of the male with Julia, and the trailer/camper of his. If he doesn't want these two vehicles, Ms. Seeley can you tell me about the process with Parking Enforcement and towing companies?

Seeley: I write the camper up as non-registered. If I send a vehicle abatement order to have removed and the compliance date comes, he can usually call the police number or I can help. Then the police tow that off the property. It is called a managers tag, and then there is hardly any cost to Mr. Getty.

Moermond: what about the vehicle itself? Can he do that for that as well?

Seeley: what vehicle is that?

Moermond: looks like a white SUV?

Getty: yes, that's the one.

Seeley: I can write them both up, with a compliance date of next week. Usually the police have you call a number and it doesn't cost as much as if parking enforcement does it.

Moermond: in terms of that, you'll write those orders. Mr. Getty will get that and he can take action to work with police to get the vehicles off through the manager's tow process.

Seeley: he just calls the general line and ask for someone to meet someone over there and shows a copy of my orders.

Moermond: talking about the eviction piece. You said the police have been by a lot?

Getty: yes, they have been called repeatedly. They have informed me repeatedly they cannot do anything to remove them, I need to go to court. I have told this to the people here illegally. They don't even pay rent. Today I have the other tenant taking me to the courthouse and I will be going to the first floor housing court and signing a petition. Hopefully the court acts in my favor. I don't think the judge will instantly order them out, he will set a hearing date

Moermond: can I make a suggestion? You have someone giving you a ride, it may be in your interest to stop at the police department on your way and ask them for a log of all the calls to the property and for any police reports written by officers. If you have that information you can attach to your eviction paperwork that will help explain to the court a little bit more and bolster your case.

Getty: unfortunately with Covid, Records is not open. I have to do it through data practices and it takes a while. I don't know if we can do that today.

Moermond: you can put the request in and by the hearing date you could have the conversation. I think that could help you. Are you getting the services you need right now?

Getty: I am. I have senior waiver. With the epidemic it is hard to find PCAs. It's a complicated process to get a PCA license. I'm making some progress. I am getting services I need.

Moermond: this brings us back to the scrapping and the things in the yard. I am not seeing a lot of dumping. It looks like tenant associated materials due to the way it is organized. Ms. Seeley what is your assessment?

Seeley: I don't believe it is illegal dumping. That is not neatly stacked. It looks like it has an intended purpose.

Moermond: right, they didn't drive by and dump a dresser off a truck.

Seeley: we have been here 7 times in 12 months, and every photo I look at doesn't look like illegal dumping. It is neatly piled.

Moermond: is this actually a vacant lot or is it a side yard?

Getty: it's a side yard. I do want you to know we have cleaned up and it is mainly from scrapping.

Moermond: we need to put a time certain on this. If your tenant is a scrapper, this may be the junk left over. I'm not sure. If you can't do it then the City will do it. Have you talked to your garbage hauling service? Have you used your bulky items?

Getty: they've cooperated quite a bit with me. I am hopeful that Michael will remove and move out. Last night he said he is going to stay if I take him to court. I'll see what the prognosis is. If he doesn't, I'm getting the orders regardless. If he doesn't move out and take his trailer I will need the City's assistance.

Moermond: today is May 11. We have in the orders furniture, appliances, trash from property including makeshift canopy off the rear deck.

Getty: that is the gazebo. I don't believe there's an ordinance against that.

Moermond: I think that is whether it is stable. She says makeshift shed and canopy and not building code compliant.

Seeley: it is a tarp on a dilapidated situation. Even without a canopy, there are items that can't be on a deck.

Getty: I have removed the tarps. There is a store-bought cover on it. The rest is the gazebo.

Moermond: Ms. Seeley, can you find time to talk to him about that?

Seeley: I can go out there tomorrow and look and write up the trailer and car and call him.

Getty: I'm home if you want to knock on the door.

Seeley: let's set up a time then.

Getty: 1:00 would be a good time. I'd be happy to show you what is on the deck. As far as the other items, I agree 100 percent they need to be removed.

Moermond: we'll send this to Council on May 26 with a deadline of May 27th, so if you want to object to that you can. We'll send you a letter with this recommendation and

information on how to object. Your deadline is May 27. That's not the trailer or vehicle. With respect to a duplex, I'm not touching that. That's other people. It sounds like you have six people living there now?

Getty: no, five including myself.

Moermond: how many bedrooms?

Getty: four. I have a double occupancy with the 2 I'm trying to evict, then 2 other people. When I get rid of the two illegals, I would have two tenants.

Moermond: Ms. Seeley will meet with you tomorrow. You have a deadline for cleaning up the yard as well as the gazebo if Ms. Seeley finds continued issue there.

Seeley: can we meet 10 am?

Getty: that works.

Referred to the City Council due back on 5/26/2021

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 19 RLH VO 21-14** Appeal of Graham Butler to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 702 AURORA AVENUE. (To refer back to July 7, 2021 Legislative Hearing)

Sponsors: Thao

Refer back to LH on July 6, 2021 at 11:30 am for further discussion and status of eviction moratorium.

Graham Butler, owner, appeared via phone

Staff report by Supervisor AJ Neis: this is a Fire C of O revocation by Inspector Toeller. Basically what's going on in the rest of the house has been completed with a C of O. We've been trying to gain access to the upper unit to finish the inspection since last October. From speaking with Mr. Butler in the past and Inspector Toeller, the tenant upstairs has stopped communicating with Mr. Butler or the inspector and we're kind of at a standstill. Mr. Butler has attempted to allow us access, however the due to the means he did so the City didn't feel comfortable entering the unit. That's where we are sitting. We revoked the C of O for noncompliance. With no access we are requesting at least the upper unit be vacated.

Moermond: without a finding as unfit for human habitation, you aren't physically vacating properties. Rather you are referring to the vacant building program for monitoring and fees along the way. Correct?

Neis: we don't have any life safety issues. We did identify some discoloration in the ceiling meaning a potential leak.

Butler: I have tried to get the City Attorney involved. I received a call from Stacy who stated that the City will not take action against the tenant, it is up to the landlord. Of

course, I can't issue a citation, only a prosecutor or peace officer can do that. I'm caught between the City's own forces—I was at the door with the inspector, he had a common area door for the hallway I knocked down and I went upstairs with the officers, and I told him the police were here and he had to allow entry and he refused. I took actions I thought were appropriate since he changed the locks and put a 2x12 across the door. I took down that door and then three officers showed up and said no, you can't do that. I said yes I can. The City has a right to make entry and inspect and that's what I'm doing. I have been told that's the law and I've checked. I said I have also left a message from the City Attorney who said when you do that make sure you have a locksmith with to change the locks. The officer disputed that and stopped attempts to entry. I asked for a supervisor, he showed up and said my officers need to move on to other things. AJ Neis showed up as well, of course they didn't want to get the City in trouble with illegal entry, so they did not enter. I went in and discovered the barriers on the doors, and non-safety violations such as holes in walls. The tenant was very cooperative but he won't let anyone in. He's paranoid. He's been thrown out of the cathedral and the downtown church. He believes there is conspiracies against him. He has 7 deer heads and a buffalo head in a bedroom. But I can't get the count involved in a mental health check, because how do you prove that? I am hoping to pursue that. I had an eviction order but didn't serve it in time before the emergency executive order. That's been continued through May 19, 2021. I am almost halfway through; I don't think he has changed the right to evict as a way to get rid of someone. He is still saying there is a peacetime emergency. Unless I can show he is seriously endangering the safety of other residents, I can't get him out. Or I need to show a crime like prostitution or drugs. That's the situation. I think, after reading this and the message from the City Attorney, they are leaving it to the landlord. I'm in an impossible situation. I'd like to defer the revocation until Walz' orders are canceled, then give 15 days to file an eviction action. I think that is the way that reasonably resolves the issue and follows the law without attorney's fees being paid by the City. I'd love to throw them out legally. I was replacing the door I had kicked in to allow entry so they could inspect. I would take my chance with a jury of course, but based on the officer's interpretation, it is the same as breaking and entry illegally. I thought it was allowed because the City has the right of entry. That's my plea. At a minimum I'd like to defer or stay revocation until the governor's order is cancelled. I think that will be the end of august but we don't know. I think public safety is protected by him cooped up in there. He claims he's working. The City has taken a hands-off position here. They can issue a misdemeanor that would get him into court and put pressure on legally. I can't do anything legally.

Moermond: we aren't going to land the plane today about what's going to happen with the Governor's orders. We do have a looming July 1 general opening he has discussed. It makes sense to me to send this to Council on May 26 and ask them to refer it back to Legislative Hearing on July 6, 2021. By which point we should have a better idea of the Governor's orders and good plan of action.

Butler: genius. I hope you're getting big bucks for this. Thank you.

Referred to the City Council due back on 5/26/2021

20 [SR 21-94](#)

Review Appeal of Sheri Galindo to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1082 EUCLID STREET adopted by Council on April 21, 2021 under File No. RLH VO 21-11.

Sponsors: Prince

Grant to June 4, 2021 for compliance with orders and have dryer vent permit finalized.

No one appeared

Moermond: we'll put a resolution into Council granting an extension for compliance to June 4. That should cover the time needed to get the dryer vent permit finalized.

Received and Filed

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 21 **RLH FCO** Appeal of Andrew Songle to a Fire Inspection Correction Notice at 784
 21-58 LAUREL AVENUE.

Sponsors: Thao

Appeal granted, duplex status affirmed, on conditions that 1) the second and third level remain connected by an unlocked interior stairway, 2) the basement living space and first level may be considered one unit if lease confirms single household occupation and all occupants having keys for interior stair access, and 3) a one hour fire separation shall be installed separating furnace/water heater utility area(s) and the rest of the building.

Andrew Songle appeared via phone

John Derus appeared via phone

Moermond: we are wrapping up on your appeal. I'd like to get an update from Mr. Neis.

Staff update by Supervisor Neis: follow up from the inspection after the hearing regarding 784 Laurel. I did that last Friday with the property owner. The inspection of second and third floor, there was clear connection between those units by the front stairwell. The front entry door to the second floor only accesses second and third floor. Second kitchen issue is not an issue. They were clearly communally living. The only concern I had was the first floor with the basement. That is a different set up because they use that rear stairwell which connects the basement up to third floor. The tenant in the basement is part of the household on the main floor, but they have to use a key to lock a door on the main floor as well as the basement to avoid the 2nd and 3rd floor tenants from accessing their dwelling. I did look in the file and none of this work was done under permit, it is clear this was an illegal triplex in the past. However, that is not these owner's intent and they have been very cooperative. There was a door where they finished the basement going from basement to first floor that had been removed for better access, however that door would have been required for a fire separation to block the furnace and water heaters from the space. We have 2 of each inside a dwelling unit. I told the owners they would need to provide a fire rated door and assembly going into the utility closet and laundry/furnace room. Has to be installed under permit. If that is done we have no issue with the way it is currently occupied.

Moermond: tell me one more time, we have the first floor and basement connected. We have no door separating them and it is an interior connection? With a fire separation issue? And then another door that remains locked so floors 2 and 3 don't have access.

Neis: correct.

Moermond: is there a non-keyed way to get from the main level to the basement?

Neis: no.

Moermond: but if they do the fire separation between the water heater and furnace it would be?

Neis: no, if a variance was granted they could keep the doors locked without that direct access. It is a direct path but it is secured. They have to go through a hallway to enter the other part of the unit.

Moermond: I'm struggling with the basement and first floor situation. I'm hearing that the only way to access the other part is through a keyed door.

Neis: that is correct, but the basement also has a separate door they can escape out of. If the tenant in the basement wants to go cook dinner, they go through the common hallway and go to the first floor past the water heater and furnace and use a key to access the kitchen. If the tenants on the first floor want to go down and use the shower, they have to use a key to get to the basement part.

Moermond: and no way for that key to be eliminated?

Neis: no, because the second/third floor unit shares that hallway.

Moermond: and describing the basement again, the furnace versus sleeping space?

Neis: it is in the common hallway now since that old door had been removed. It appears to have been done quite some door.

Moermond: I don't recall any orders about the fire separation issue.

Neis: you are correct. Different set of eyes on it.

Moermond: alright, so we have a duplex intended at this location, we definitely have the first situation functioning satisfactory. The other unit is problematic that it is a keyed separation between the two levels. I am going to recommend the Council continue this and consider it one unit and condition it upon it being clear that in the leases used this is one unit. I'm concerned about it being used as a Mother in Law room or sublet. Those sort of funny things that would make it an almost triplex. Does that make sense?

Derus: it does. Some context, we have owned this ten years. As a standalone unit it has its own bathroom but no kitchen. I don't know, it is like a studio with a bathroom on it and a closet. I don't know how someone could live there. We clearly don't intent to do that. If there were language in the lease, I have no issue with that. We have never done it nor would we. People would have to be comfortable renting a room without a kitchen.

Moermond: which people do, just looking for a room.

Derus: and we don't want that.

Moermond: we want to cover any future owners. We'll come up with some language that covers both and they are treated as single units with shared keys between all the

tenants. Then I'm comfortable moving ahead. You'll get new orders about the fire separation issue. Are you going to want to appeal that?

Songle: I'd like some more clarification on that. Do you want a new door on that room or where the old door was?

Neis: it has to go on the doors where the closet is, one where the water heater is and then also the laundry room area. A door to wall off the closet and the laundry room.

Songle: there is nothing in that closet room.

Neis: there is a water heater and a furnace. I can meet you out there and discuss it.

Songle: I can send some photos.

Neis: yes, or a Skype or Zoom.

Songle: we're ok with that if that's what needs to be done. Not a big deal.

Moermond: a 1-hour fire separation?

Neis: a 20-minute door.

Moermond: so the resolution before Council I will say there needs to be a one-hour fire separation between furnace/water heater and the balance of the building. I will come up with some working about tenancy on the first level. Second and third are fine. Any questions?

Derus: no, we appreciate the time and you working with us. We appreciate the partnership here.

Referred to the City Council due back on 5/26/2021

22 [RLH FCO 21-63](#) Appeal of Daniel Peterson to a Correction Notice-Complaint Inspection at 1075 AVON STREET NORTH.

Sponsors: Brendmoen

Layover to LH June 29, 2021 at 1:30 p.m. to check on status of Contract for Deed paperwork with Ramsey County.

Daniel Peterson, occupant and probable owner, appeared via phone
Michael Kuchta, D10 Community Council, appeared via phone

Staff report by supervisor AJ Neis: just recently received a notification from DeLisle Company that the paperwork regarding the contract for deed was resubmitted to Ramsey County. We don't know if it has been approved. We are just waiting on that, which can take up to a couple months. Once that is updated, if it is done, it wouldn't be a certificate of occupancy building.

Moermond: Mr. Peterson, are you buying this on a Contract for Deed from DeLisle?

Peterson: yes.

Moermond: you live there now?

Peterson: yes.

Moermond: how long have you been there?

Peterson: four years. We had problems with this before.

Moermond: so you've been there four years and the contract didn't get registered, but now he is doing it?

Peterson: yes, that's my understanding.

Kuchta: no comments, just observing to get the facts.

Moermond: Mr. Neis, when did you talk to Mr. DeLisle? Which one did you speak to?

Neis: Dan DeLisle.

Moermond: and he's already done the paperwork?

Neis: yes, just waiting for it to get registered.

Moermond: we'll revisit this June 29 and make sure the paperwork is done, and if the County agrees Mr. Peterson is the owner occupant we'll be all good. Otherwise, we will have a further conversation. Hopefully it will be resolved by then. Any questions?

Peterson: no.

Moermond: we'll send a follow up letter.

Laid Over to the Legislative Hearings due back on 6/29/2021

2:30 p.m. Hearings

Vacant Building Registrations (NONE)