



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

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

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Tuesday, May 18, 2021

9:00 AM

Remote Hearing

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#### Special Tax Assessments

#### 9:00 a.m. Hearings

- 1      **RLH TA 21-247**      Ratifying the Appealed Special Tax Assessment for property at 779 LAFOND AVENUE. (File No. J2117A, Assessment No. 218526)

**Sponsors:**      Thao

*Continue PH to October 6, 2021. If no same or similar violations, reduce assessment from \$450 to \$225.*

*Jennifer Thompson, owner, appeared via phone*

*Moermond: you received a copy of the video and orders?*

*Thompson: yes.*

*Staff report by Supervisor Joe Yannarelli: this was a summary abatement order issued to remove a toilet in rear of the property by the garage. Orders sent January 26, 2021 with a compliance date of February 2. It was rechecked February 2 and found in noncompliance. Parks did the abatement February 3 for a total proposed assessment of \$450.*

*Moermond: why are you appealing?*

*Thompson: the main reason is we didn't receive the notice and it was a quick turnaround, just one week. We own it but live in Minneapolis. We didn't get the mailing until it was already picked up. We had set the toilet out thinking someone might want it, never guessing it would turn into this. We didn't even get the letter is the main reason. It was such a short time. We like to clean the property up and make it nice, we aren't leaving garbage around. We were trying to be good neighbors. We're hoping we don't have to pay \$450 for a toilet we cleaned and were trying to help out someone with.*

*Moermond: not exactly true, there were previous orders for garbage and snow and garbage in 2018. There is a history here.*

*Thompson: we didn't close on the property until after that September work order. We*

*had to attend a hearing for that one in September because it was during that transition period, but it wasn't our garbage.*

*Moermond: when did you close?*

*Thompson: September 22.*

*Moermond: the other concern I have is, it was a full week, and getting mail from Minneapolis to St. Paul isn't a 7-day endeavor.*

*Thompson: because we don't want our personal address on record we have a commercial mail receiving box. Usually they get scanned in quickly. It doesn't get sent to our house, it was sent to this traveling mailbox where it is scanned and emailed to you. As a general question, is it usually that fast of a turnaround?*

*Moermond: usually it is faster, depending on what it is. If it is actual garbage bags sitting out, it would be 3 or 4 days. I'd like to create an incentive for the future. Sounds like you didn't get notice through your own choices of how you want to be communicated with. Looking at your assessment, believing there is some culpability in your part but also wanting to create an incentive to prevent future issues, I'm going to ask the Council to consider this again October 6, 2021. If there are no same or similar violations I'll recommend they cut it in half. That I'd love to see happen. So it is something, not everything, but hopefully helps. You have a Public Hearing on July 7, and I'll ask them to continue to October 6 and look to see if we can decrease.*

*Thompson: my question is, can we be emailed instead? Because we are not trying to leave garbage around. This is so expensive. Is there a way to do it more efficiently so it gets there instantly?*

*Moermond: right now the City hasn't had the money to do any upgrade and it is required to send to the owner of record with Ramsey County.*

*Yannarely: I haven't heard anything about changing over to that.*

*Moermond: everyone agrees it would be great, but the computer system generates letters. My office uses email for our case files because it is easier for us. I do agree and I think that message is received from DSI and it is a matter of getting the budget.*

*Thompson: is there a way to have our personal address just for the City? We can't control our tenants; I want to avoid this in the future. We're trying to do the right thing, but these fines are so quick and high.*

*Yannarely: I would think the Certificate of Occupancy, if they have the correct address, it will generate the right response.*

*Moermond: the last time that was updated the RP was to Luke Thompson in Minneapolis*

*Thompson: that's us and our actual home. So in the future it should go there instead of the commercial address?*

*Moermond: it should go to both. The legal requirement is that address on 4th street, but I need to look at that main owner of record. That's something you may think about, I don't know. It is up to you.*

Thompson: ok.

Moermond: it's the cost of deploying the crew to pick it up.

Thompson: that I understand and get, the struggle is just the timeline being so quick.

Moermond: if you had mail going someplace where you got it, you may have saved yourself 3 days. IT also could have been picked up by the bulky pickup by the garbage service.

Thompson: yeah, we were trying to give it away to be useful to someone. We were hauling garbage to the dump and paying for those loads, we were trying to not be wasteful.

**Referred to the City Council due back on 7/7/2021**

**2      RLH TA 21-235      Ratifying the Appealed Special Tax Assessment for property at 1080 THOMAS AVENUE. (File No. J2113A1, Assessment No. 218540)**

**Sponsors:**      Thao

Approve the assessment, make payable over 2 years.

Khoa Nguyen, owner, appeared via phone

Moermond: I understand you received the documents and video via email?

Nguyen: yes.

Staff report by Supervisor Joe Yannarely: this was a summary abatement order issued to dispose of a mattress and a bunch of broken furniture in the rear yard. Issued November 24, 2020, compliance date of December 1. Found in noncompliance on December 1 and the work order was done December 2 for a total proposed assessment of \$750.

Moermond: why are you appealing?

Nguyen: I'm appealing because when I got the letters I talked to my tenants right away, she said she'd take care of it. After the weekend I said wow, it looks good, thank you. I didn't know the City had done it. She lied to me basically. Then I got the bill and was like woah. After that I called her and she said well, I didn't know, I thought I'd called someone to take care of it. I said no, you didn't, because I got the bill. Then after Covid they didn't want to pay rent. I am here to appeal because I want to have a reduced fee. Is that possible?

Moermond: I'm trying to figure out on what reason it would be reduced. Notice was provided and the City did the work. Sounds like your complaint is with the tenant.

Nguyen: yes, I have the text and everything. Then they abandoned the unit.

Moermond: this is not a fine. It is the cost of deploying the crew and remove a large volume of things, and the disposal costs. It sounds like you had an arrangement, but it was a private arrangement and I'm trying to figure out how St. Paul's taxpayers are responsible for that.

*Nguyen: I was able to find the tenant's new address, can you guys send them a bill?*

*Moermond: the City isn't a party to your lease. You enforcing your lease is up to you. The City holds the property owner responsible for maintaining the property. If you choose to put that responsibility on someone else, that's on you. Would it be helpful to have it divided over a couple years? It is between 3 and 4 percent interest.*

*Nguyen: yes, that would be helpful. The last couple years have been hard.*

*Moermond: on June 2 I will ask the Council to approve the assessment and make it payable over 2 years. Within a week or two of that decision you'll receive an invoice for half the amount. That you can pay, or let it roll onto your 2022 property taxes. The other half will be on your 2023 property taxes. Either of those options work, or you can pay part based on your budget.*

*Nguyen: excellent idea. What happens if I decide not to hold the property anymore and sell?*

*Moermond: the assessment goes with the property, so how you deal with that in a sale is up to you and the buyer. I wish you well.*

**Referred to the City Council due back on 6/2/2021**

**3      [SR 21-89](#)**

Review Request of Carolyn Brown, Community Stabilization Project, for Ratifying the Appealed Special Tax Assessment for Property adopted by Council File No. RLH AR 20-160 on February 10, 2021 at 942 GALTIER STREET (File No. J2103B, Assessment No. 218102).

**Sponsors:**      Thao

*Approve, make payable over 2 years.*

*Carolyn Brown, Community Stabilization Project, appeared via phone*

*Staff report by Supervisor Joe Yannarelli: according to the police report, they were responding to activity at a vacant house. They went out to make sure it was clear and then the door was secured with clips. Total proposed assessment of \$427.*

*Moermond: are you representing the owner? Gil Pariente?*

*Brown: yes I am. This happened prior to me being involved, but everything has been addressed at this time.*

*Moermond: this is just a boarding. It is the cost of sending a boarding crew out for an emergency. This was 12:15 pm, and they couldn't reach the owner.*

*Brown: what's the timeline to have it paid?*

*Moermond: this was already assessed and we are reviewing something already ratified to the taxes, based on Jane Prince's references even though this is Ward 1. She sent it back to Legislative Hearing. I can make it payable over a couple years, but I don't hear a dispute that the boarding happened. Is that right?*

*Brown: yes.*

*Moermond: we have the police saying they needed someone out we can't leave it open to entry and can't get the owner to come. They were on the scene for an hour and ten minutes. Would it be useful to have it payable over 2 years?*

*Brown: yeah, that would work.*

**Received and Filed**

**4**      [SR 21-88](#)

Review Request of Carolyn Brown, Community Stabilization Project, for Ratifying the Appealed Special Tax Assessment for Property adopted by Council File No. RLH AR 21-24 on April 14, 2021 at 1120 PAYNE AVENUE (File No. VB2106, Assessment No. 218805).

**Sponsors:**      Yang

*Approve, make payable over 5 years.*

*Carolyn Brown, Community Stabilization Project, appeared via phone*

*Staff report by Supervisor Joe Yannarely: this is a category 2 vacant building, made on the revocation of the C of O in October of 2020. Total assessment of \$2,284. There has not been a code compliance report requested yet.*

*Moermond: what's going on here?*

*Brown: I want to be able to pull permits and get it inspected within the next week.*

*Moermond: so you're ordering the code compliance?*

*Brown: yes.*

*Moermond: so repairs will be happening. This went to assessment already; it covers October 2020 through October 2021. We're 7 months in already. That's kind of a long time in. What is your timeline to do this project?*

*Brown: the next couple of weeks. We have everything gutted and painted; we just need a walkthrough. Can the vacant building fee be made payable over time too?*

*Moermond: I'm going to flag that I don't see any permits on file. Mr. Yannarely?*

*Yannarely: I don't believe so.*

*Brown: when they condemned it was because of the tenant. One thing that had to happen was someone had to look at the chimney, which we did do. There's nothing that needs a permit.*

*Moermond: and you didn't get a code compliance inspection report so that's going to get you in some hot water.*

*Brown: they haven't done anything yet.*

*Moermond: work is happening without permits.*

*Brown: no, it hasn't. Just the painting.*

*Moermond: oh, ok. Definitely I can make this payable over 5 years. Is that useful?*

*Brown: yes.*

*Moermond: sounds good and sounds like you will move through this quickly so you won't have future vacant building fees.*

**Received and Filed**

## 10:00 a.m. Hearings

- 5      **RLH TA 21-176**      Ratifying the Appealed Special Tax Assessment for property at 553 VAN BUREN AVENUE. (File No. J2017A1, Assessment No. 208554) (Public Hearing continued to October 6, 2021)

**Sponsors:**      Thao

*Continue PH to October 6, 2021. If no same or similar violations, reduce assessment from \$322 to \$222.*

*Vivian Kang, owner, appeared via phone*

*Moermond: calling you again about your assessment at this property. We've talked a few times. Did you receive and watch the video this time?*

*Kang: yes.*

*Moermond: so you have the information. What are you looking for now you've seen the video?*

*Kang: we are requesting a one-time waiver because I know the City sent the letters, but we never received them. We have a good history of addressing letters in a timely matter for many years. In the videos it is clear the tenants removed the snow to their best efforts on their side street and they cleared to the steps to get to their property. From their end they got the letter and cleared but maybe not as thoroughly as possible. It shows in the before video someone had removed the snow to clear the walk, and when you do it when the snow is hard it is hard to scrape to the concrete. The amount left was minor and completely frozen. It is clear the tenants did the work. I have seen that level of frozen light layer throughout the City many times. It is an extreme level of scrutiny. The after video doesn't show a huge difference of snow piled on the side. It is a minor difference. This is harsh when someone did the work, clearly.*

*Moermond: the orders were sent January 28, and ice buildup doesn't just happen. It happens because snow wasn't cleared off the sidewalk. There was 5 inches of snow on January 17 and only 1.5 inches snow fell before the order. That wasn't one inch of snow ice buildup. That was clearly the 5 inches. It had been there a long time, a full 10 days before the neighbors even called to complain. It is difficult to walk on bumpy ice. It is definitely easier to remove right after the snow. Local code says it needs to be removed within 24 hours of the snow stopping. I would also say it isn't the City's responsibility to remind you to shovel the walk. The walk did have a pathway down the middle to cement. I'm not sure that was a result of someone shoveling it or a result of people's feet walking on it over time and breaking it up. I see some responsibility on your side for this issue. You have two orders back in 2020 and then this one in 2021.*

*You have 3 in 12 months, in itself that is enough to trigger an excessive consumption bill because you have 3 valid nuisance violations.*

*Kang: are you saying the City sent a snow removal letter prior to January 28?*

*Moermond: the letter was January 28, 2020, and 2 other violations in 2020 one in October and one in June.*

*Kang: those were taken care of by us.*

*Moermond: right, and my point is the City shouldn't have to tell you to take care of business. You should be doing it on your own, making sure your property is maintained. I get you did it once the City flagged it. The City isn't your property manager.*

*Kang: right, I know. We are reminding our tenants all the time. Back then the tenants who were living there had a hard time with their jobs and weren't able to be as attentive as they wanted to be. Since we have a good history—*

*Moermond: I'm saying I don't think you do have a good history. The City has sent 3 letters in 12 months, that's not a good history.*

*Kang: I guess I'm speaking for all the properties, not just this particular one.*

*Moermond: I'm going to say if you have no documented problems between now and October 6, 2021, I'll recommend they reduce it by \$100. That's the extent of my grace on that.*

*Kang: what's the current amount?*

*Moermond: \$322 to \$222.*

*Kang: I appreciate it. The cost breakdown on the letter has the breakdown of costs. Based on the work that seemed to be done, primarily putting down salt. The time would be 30 minutes maximum. So \$40?*

*Moermond: no, I don't agree with your calculations, but you are welcome to submit your analysis to the Council. They may see it differently.*

*Kang: do you see how it breaks down?*

*Moermond: I do see that. They charged \$160 for snow and ice and \$162 for service charges. They are charging you for labor and salt to get to the \$160. You can dispute that with the Council.*

*Kang: so the default fee on top of that? What is that?*

*Moermond: \$80 and \$80 are the basic fees.*

*Kang: so the City is saying they spent 2 hours?*

*Moermond: they are saying half an hour plus salt.*

*Kang: half hour should be—*

*Moermond: it is \$160 an hour with a minimum of 30 minutes, plus the salt and sand piece.*

*Kang: so 30 minutes for each one, that should be \$120 total.*

*Moermond: the other is not divided in half.*

*Kang: oh, so \$80. Where did the other \$160 come from?*

*Moermond: administration fees for processing it onto your taxes.*

*Kang: ok.*

*Moermond: I know it is not the outcome you're looking for, but it's the outcome you'll get from be based on your 2020 history. You can definitely submit additional info to them. You have a public hearing on July 8, and you should have received information on providing commentary to them.*

*[note: July 8 was the prior 2020 Public Hearing date, CPH June 2, 2021 and appellant was sent email confirmation]*

**Referred to the City Council due back on 6/2/2021**

- 6**      **RLH TA 21-232**      Ratifying the Appealed Special Tax Assessment for property at 310 LAWSON AVENUE EAST. (File No. J2108E, Assessment No. 218307)

**Sponsors:**      Brendmoen

*Approve the assessment.*

*Voicemail left May 18, 2021 at x8933 at 10:19 am: this is Marcia Moermond calling again about your appealed assessment for 310 East Lawson. We also tried twice on May 4. Given we haven't been able to reach you I am going to recommend on June 16 the Council approves the assessment.*

**Referred to the City Council due back on 6/16/2021**

- 7**      [RLH TA 21-229](#)      Ratifying the Appealed Special Tax Assessment for property at 880 CASE AVENUE. (File No. J2107E, Assessment No. 218306)  
(Legislative hearing May 18, 2021)

**Sponsors:**      Yang

*Approve the assessment.*

*Tried calling May 18, 2021 10:21 am x8152: mailbox full.*

*Moermond: we have tried in May 4 twice, and again today. We a can't get through. I will recommend approval of the assessment.*

**Referred to the City Council due back on 5/19/2021**

- 8**      **RLH TA 21-239**      Ratifying the Appealed Special Tax Assessment for property at 77 COOK AVENUE WEST. (File No. J2118A, Assessment No. 218527)



**Sponsors:** Brendmoen

*Delete the assessment.*

*No one appeared*

*Moermond: this to be deleted because notice only went to the tenant*

*Supervisor Lisa Martin: yes, Paul Nguyen and occupant at 77 Cook.*

*Moermond: yes, and not the address of record with Ramsey County.*

*Mai Vang: two notices went to 77 and none went to 79. We let them know.*

**Referred to the City Council due back on 7/7/2021**

**9      RLH TA 21-254      Ratifying the Appealed Special Tax Assessment for property at 1043 KENT STREET. (File No. J2118A, Assessment No. 218527)**

**Sponsors:** Brendmoen

*Approve the assessment.*

*No one appeared*

*Moermond: the owner is no longer appealing. I will recommend approval.*

**Referred to the City Council due back on 7/7/2021**

**10     RLH TA 21-236     Ratifying the Appealed Special Tax Assessment for property at 711 OAKDALE AVENUE. (File No. J2118A, Assessment No. 218527)**

**Sponsors:** Noecker

*Approve the assessment, make payable over 2 years.*

*Gholamreza Ashrafzadehkian, owner, appeared via phone*

*Ashrafzadehkian: I'm in a meeting right now.*

*Moermond: we can try back in half an hour.*

*[called back at 11:00 a.m.]*

*Staff report by Supervisor Lisa Martin: on February 8, 2021 a notice to remove snow and ice from the sidewalk was issued to owner on Beard Ave in Minneapolis as well as occupant. They did a reinspection on February 22, work order was issued February 24. Total proposed assessment of \$322. There is a history at the property, garbage, snow a couple times, and tall grass and weeds. No other work orders issued, just sending the orders.*

*Moermond: why are you appealing?*

*Ashrafzadehkian: this is a rental property and the tenants are responsible for cutting the grass and based on the City's order we provide the garbage. I have done what I could and when I look at that sidewalk it looks like they did their best. It is probably*

*not good enough for the City. If you could cut them some slack, that would be great.*

*Moermond: I thought they did a bad job when I looked at the video. I think the neighbors did good a job, but your tenants were not.*

*Ashrafzadehkian: it is very narrow. It is 30 feet. The City has much better equipment than my tenants do.*

*Moermond: a shovel is normally what is required to clear a sidewalk. They don't appear to have deployed that in a timely fashion.*

*Ashrafzadehkian: Covid doesn't help. They are scared to come out and do anything. They have lived here a couple years.*

*Moermond: and it is your job. Looking at your situation, in the past 12 months there were 5 code enforcement violations. A garbage, 2 other snow and ice and the tall grass and weeds. There are definitely maintenance issues at this property which don't help your circumstance.*

*Ashrafzadehkian: the last year has been difficult for everyone, if you could take that into consideration I would appreciate it.*

*Moermond: I can make it payable over 2 years, but I'm recommending approval. The Council may see it differently, you can go ahead and do that. it would be different without the history, but there is.*

*Ashrafzadehkian: ok, thank you very much.*

**Referred to the City Council due back on 7/7/2021**

**11 RLH TA 21-241**

**Deleting the Appealed Special Tax Assessment for property at 876 LAWSON AVENUE EAST. (File No. J2116A, Assessment No. 218515)**

**Sponsors:** Yang

*Delete the assessment.*

*Kerrie Sigler, o/b/o minor child and potential owner, appeared via phone*

*Moermond: calling about some appealed assessments at 876 Lawson. We have four pending assessments we are discussing today. The first two are for snow removal, third for garbage hauling services, and fourth is graffiti.*

*Staff report by Supervisor Lisa Martin: orders were written on January 8, 2021 for snow and ice on the public sidewalk. Compliance date of January 13, rechecked on the 19th and found in noncompliance. Work was done by Parks on January 20. Total assessment of \$322. This is a Category 2 vacant building. There is extensive history on the property.*

*Moermond: Ms. Sigler, before the hearing I reviewed this order and my assessment is, we have a letter going out January 8—*

*Sigler: I don't even want to contest the January one. February 3 is the moment he died and I started calling the inspector's office. My son owns the property and is head of the estate and owns the property. I've been calling since February 4 and have been getting*

*the runaround. I'm still waiting for one guy's call, and that was February 4 I left the message. I have tried. I don't feel there should be extensive garbage bills since it was a vacant building. There was no service being performed. Graffiti I submitted a thing to get the fee waived. I haven't heard anything on that. We shouldn't have to pay for all the neighborhood hood rats. This property is my minor kid's--*

*Moermond: I'm going to stop you for a second and say that the owner per record of Ramsey County is Nathanael Jenkins and will remain that way until title is transferred. So that's who legal notification goes too. I have these two snow orders. I'd like to finish my statement on the January orders. I was saying the orders were sent January 8, the cleanup crew arrived January 20th. Now, to me, there was a lot of snow before January 8 that clearly hadn't been taken care of. However, the crew didn't show up until January 20 and an additional 8 inches fell between when the orders were sent and the crew showing up. It is impossible for me to tell it was shoveled in the meantime. I'm going to recommend this is deleted.*

**Referred to the City Council due back on 6/2/2021**

**12      [RLH TA 21-242](#)      Ratifying the Appealed Special Tax Assessment for property at 876 LAWSON AVENUE EAST. (File No. J2117A, Assessment No. 218526)**

**Sponsors:**      Yang

*Approve the assessment.*

*Kerrie Sigler, o/b/o minor child and potential owner, appeared via phone*

*Staff report by Supervisor Lisa Martin: orders were written on January 29, 2021 for snow and ice on the public sidewalk. Compliance date of February 5, rechecked Feb 5, and the work was done on February 8. Total assessment of \$322. This is a Category 2 vacant building. There is extensive history on the property.*

*Moermond: for this one, hardly any snow fell between when the orders were issued and the crew showing up. The snow that got cleared was the snow the orders were written on. We have an ongoing problem with that, which I don't think is unexpected. Why are you appealing?*

*Sigler: I thought it was for garbage in the yard, then the lady sent me pictures. I can't argue, we have to pay it.*

*Moermond: so I'll recommend approval of this one.*

**Referred to the City Council due back on 7/7/2021**

**13      [RLH TA 21-248](#)      Ratifying the Appealed Special Tax Assessment for property at 876 LAWSON AVENUE EAST. (File No. CG2101A4, Assessment No. 210103)**

**Sponsors:**      Yang

*Approve the assessment.*

*Kerrie Sigler, o/b/o minor child and potential owner, appeared via phone*

*Staff report by Clare Pillsbury: the assessment is \$114.34. The property owner is*

*appealing because it was a registered vacant building with the City from September 2020 to the present day. We did confirm it was vacant, but they didn't submit an UDRF. We recommend approving since it is a requirement for service to be stopped.*

*Moermond: any pending assessments?*

*Pillsbury: yes, one for Quarter 1, 2021 as well.*

*Sigler: we did put it on hold as soon as I found out we were supposed to do that. It is on hold now. I haven't received any bills. My ex-husband's mom was picking up the mail and not giving it to me. Now someone stole the mailbox, I assume a scrapper. I'm doing everything I can to kick squatters out, re-screwing boards, now the graffiti is up again so I'm sure I will get another charge for that. Garbage keeps getting dumped in the yard. I keep going over there and hauling it away.*

*Moermond: for clarity, I dealt with Nathanael Jenkins a number of times and he was clear his mother had permission to run his affairs. It was appropriate for her to receiving that.*

*Sigler: after his death she wasn't supposed to be.*

*Moermond: there is no scheduled hearing for the next assessment. When did you file the form to get the service stopped?*

*Sigler: 3 weeks ago. I did it over the phone with the lady with the garbage company. I asked them to send the mail to my house since there is no longer a mailbox.*

*Moermond: Here is the thing. This was prior to you having any interest in the property. Mr. Jenkins would have received notices the bill had gone unpaid. He had appealed them in the past and was aware of the process.*

*Sigler: he wasn't mentally competent to handle situations like that.*

*Moermond: you aren't a physician to make that statement, and for the record he never came alone. I have 8 appeals I previously heard. That does include garbage hauling, so we did have that conversation. I'm recommending approval, he did get those notifications and that is where things are at.*

*Sigler: was he notified he was able to put it on hold? I wasn't even aware.*

*Moermond: it would have been in plenty of his notifications. His ability is another question. He is the owner of record and right now we're dealing with the past, so I'm recommending approval. In total today we approved two and deleted two.*

*Sigler: how much were the deletions?*

*Moermond: \$322 and the other is \$217.46, the graffiti removal. There will be no further graffiti removal assessments since you submitted the waiver.*

*Sigler: ok, perfect.*

*Moermond: have a good rest of the day.*

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

- 14 [RLH TA 21-240](#) Ratifying the Appealed Special Tax Assessment for property at 876 LAWSON AVENUE EAST. (File No. J2105P, Assessment No. 218404) (Amend to delete)

**Sponsors:** Yang

*Delete the assessment (waiver on file).*

*Kerrie Sigler, o/b/o minor child and potential owner, appeared via phone*

*Moermond: I'm recommending this third one gets deleted since you have a graffiti waiver on file now. It is my practice to delete the assessments if the waiver is put in place. My concern is getting that graffiti removed as quickly as possible. You filed that and we'll recommend that's deleted.*

**Referred to the City Council due back on 5/19/2021**

- 15 **RLH TA 21-253** Deleting the Appealed Special Tax Assessment for property at 981 UNIVERSITY AVENUE WEST. (File No. J2007P1, Assessment No. 208408)

**Sponsors:** Thao

*Delete the assessment (waiver on file).*

*No one appeared*

*Moermond: delete, waiver on file.*

**Referred to the City Council due back on 6/2/2021**

### **Special Tax Assessments-ROLLS**

- 16 **RLH AR 21-51** Ratifying the assessments for Property Clean Up services during February 1 to 11, 2021. (File No. J2117A, Assessment No. 218526)

**Sponsors:** Brendmoen

**Referred to the City Council due back on 7/7/2021**

- 17 **RLH AR 21-52** Ratifying the assessments for Property Clean Up services during February 16 to 25, 2021. (File No. J2118A, Assessment No. 218527)

**Sponsors:** Brendmoen

**Referred to the City Council due back on 7/7/2021**

### **11:00 a.m. Hearings**

#### **Summary Abatement Orders**

- 18 **RLH SAO  
21-40** Appeal of Bob Marley, Jr. to a Summary Abatement Order, Vehicle Abatement Order, and Correction Notice at 1450 DALE STREET

NORTH.

Sponsors: Brendmoen

*Refer back to LH June 22, 2021 at 11:00 am for status of necessary permits. Grant 30 days (to June 22, 2021) for compliance with the vehicle abatement order & cleanup of all non-building materials which are not related to building/repair of shed. Grant 90 days for compliance with orders related to repair or removal of fence and shed structures, conditioned upon PO pulling a permit before June 22, 2021.*

*Moermond: Janis Peterson the receptionist took a message indicating "Bob Marley from 1450 Dale St. N. scheduled today at 11:00 just called to say that he's having issues. Family, court, high blood pressure, can't afford a dumpster, foster care. He doesn't think he can answer the phone today if you call, claiming that he's going to be on another zoom call with the court or something like that and double booked himself. I told him that it could be a window from 11:00 to 12:30 and you would at least try to phone him 2 times but he just said I have too many things going on today and his blood pressure is high. I again, told him that he just needs to answer the phone. It doesn't sound like he's going to answer the phone? He said, thank you and goodbye."*

*Moermond: let's try calling him and see if he is still feeling unwell, then figure out what to do from there.*

*[called at 11:08 am x6580]*

*Bob Marley, appeared via phone,*

*Moermond: you filed an appeal for your mother's property, does that sound right?*

*Marley: yes.*

*Supervisor Lisa Martin: April 29, 2021 we issued a summary abatement order to Rose Natumbwe and occupant to remove and dispose of the garbage, plastic buckets, children's toys, damaged fencing, shower doors, construction materials, bed frames, auto parts, household items, unapproved structure and content next to deck and garage and bed of vehicle from entire property. Issued by Inspector Williams. Also a Vehicle abatement order on April 29 for a white pickup truck with no tabs and missing vital parts, and mercury car, also no tabs and missing parts and appears undrivable. Compliance date of May 13. Final notice was a correction notice, this specifically was to be clear as I met with the occupant with Mr. Williams to go through the items so there was no confusion. It specifically states to remove the unapproved structure near fence and garage and repair damaged fence from around the property. We gave information for House Calls and told him he needed to get a permit. He did go to the permit office to enclose his desk, which is not what we talked about. We have no active permits and this is all still an issue.*

*Moermond: one question, Ms. Martin. I see in the summary abatement order one of the items specifically called out is damaged fencing and that also appears in the correction notice. Can you tell me, are we referencing different sections? The summary abatement order says you would remove it from yard, versus him needing to repair without a City removal.*

*Martin: regarding the Summary Abatement Order, there is broken fencing piled in the rear yard. Also a damaged fence in the correction notice. So the repair, but the summary abatement order covers the broken pieces laying in the yard. The history on*

*this property goes back to 2004.*

*Moermond: so the summary abatement order is for broken fencing laying in yard. The correction order is for damaged installed fencing.*

*Martin: yes.*

*Marley: how can we all get along. I talked to Lisa Martin; she is good person. The fence isn't fixed because the neighbor moved their fence to my property. They are stealing my property and for me to put up a fence, I'm waiting for the City to look for the border so I don't have to refix the fence over and over. The tree is supposed to be cut down. The fence should be removed so the tree can be taken out. That's what happened. It is in the middle of being taken out. The yard to be cleared out and the tree to be down.*

*Moermond: is there a timeline for this?*

*Marley: I have a permit sent February 14, they came and took all my wood. I told Lisa, there is a lack of communication. They don't tell you what you do right or wrong. Just everything has to be thrown. Everywhere else I see white people doing construction they have the stuff on the property. It doesn't make sense I have to take it away. The weather has been up and down. This is something I would want to go to court and talk to a judge about to present it. It is racial discrimination I've been dealing with. They want me to sell the house. Lisa is talking about I have a shower door? That's not mine, it came from the other neighbor when he left. He worked for the City, if you want I can go deal with him and we can handle this. It is a felony. This City worker held a gun on Rose, that's why he moved out. The same guy owns a house at 1445 Aldridge. They keep calling the police, they work for the City. I've been dealing with racism since I came here in 1996. People move in and leave, they forget who they are. I'm doing foster care. They aren't living here, so sometimes I'm not here. The government doesn't care about what my life endangerment is. You hear me?*

*Moermond: I do hear you. We've had this kind of conversation with you and your mother in the past. I've dealt with all kinds of people about storage of construction materials and the question I ask everyone is what kind of timeline are you looking at for completing your project? I heard you say something about February 14 making an application.*

*Marley: I have other things to do. You don't care what the neighbors say. I'll work at night if I have to. I try to not have war with the neighbors. I try to stop anything that makes noise after. I'm trying to clean up everything, I don't want it in the yard. I don't know what the structure issue is. You want it taken out; I won't give up on that. If I'm doing something wrong, teach me. I'm going to keep on doing this over and over. I need a shed to take care of the situation here. I need assistance to get rid of some stuff over here. Lisa told me she was going to give me information.*

*Martin: in the correction notice it states the number for House Calls. They will usually give a dumpster if there is interior storage, which we haven't addressed. He mentioned a couple things, one was tree removal. There is a tree in the backyard, I contacted forestry while onsite to see if they have leads to help. They unfortunately don't have anything; he needs a private company. He claims the fence from the neighbor is on his property, again, this is a neighbor dispute and he needs a survey to determine the property lines. We did explain that. if there's an active permit we do allow people to have construction items on the property. I asked him to file the appeal so he could*

*give us a timeline of when he will have the shed built to a professional state of maintenance.*

*Moermond: so your concern is the shed is not safe?*

*Martin: correct.*

*Moermond: what is your plan, Mr. Marley?*

*Marley: I have to get them to do a survey before I do the fence. Before I dig I have to know if there's any lines in the ground. That means I cannot dig up the fence yet. I want to know where the fence line is. My house moved over, if the border goes into the other person's garage it has to go. They took the space between. He wanted to put his boat there. He knew because we aren't from America we are stupid.*

*Moermond: have you ordered a survey yet? So you have a definitive answer?*

*Marley: they don't show up.*

*Moermond: you might want to hire a different company then. I would look into that. You have to hire someone to do that survey.*

*Marley: all I'm trying to do—I'm stressed out. I'm dealing with foster care. Racism. I don't even know if I want to live in this country anymore. It is too much. I won't live long. That's what they want, for me to leave. Your neighbor, the same guy who works for the City, left debris over here. There are two ladders that belong to him. He took my ladder. He has a photo of that shower. He left the shower door here. He had it in his driveway for more than six months. I used to do violence in 1996, I never lost a fight. That guy cannot beat me up. He left his belongings in my property and you are trying to say I have to remove it? It makes me want to go look for him and get him to come pick it up. Not everything in my yard is me.*

*Moermond: the problem is that you are responsible for maintaining your property. A dispute with your neighbor dumping, that's not what I'm dealing with. I'm dealing with the items in the list, no matter where they came from. I'm looking for a plan about cleaning up the yard. I'm hearing you say that you're stressed and trying to work on quieter things at night. That is a neighborly approach. I'd like to assist you and give you a longer deadline but I need to know when you think you can be done so I can be respectful of the law and your needs. Are you looking at a month? 8 weeks?*

*Marley: I'm trying to do it as soon as possible. I could be relaxing in the yard. It is impossible to tell you. I have to do the fence thing. Another question is the shed. The shed by the balcony. The top is what I need to fix, actually the sides have siding now.*

*Moermond: you know you need a survey for the fence, and you've known for a while and haven't done it. Then you say to me I called a couple companies and they can come out next week and another week to get the survey and then another month to fix the fence. The shed, you need to pull a permit.*

*Marley: it is almost out.*

*Moermond: so you have the building materials there, and I want to be flexible about storing those knowing you will use them. I want to say you get to keep them if you pull a permit and have the shed done in a number of weeks. I need a deadline so everyone*



*has the same understanding. I know you and your mom both work.*

*Marley: I don't work right now.*

*Moermond: so I need more specifics, otherwise the deadline I give is something I put on you and you need to get it done in that time. If you give me a plan we can discuss specifics.*

*Marley: the shed, I put my rakes in. That has been there since 1996. The thing that made it look crooked is the top was flat. The shovels and rakes, that's where I put them. The shed by the garage, I'm taking out. The fence I'm getting the survey, but it has to come out for the tree to come out.*

*Martin: the photograph of the sheds are in the file. She shed next to the deck, the roof is an issue and it doesn't even close. It needs to be a professional state of maintenance.*

*Marley: Lisa, the little shed if its full of wood is ok?*

*Martin: if it is in a professional state of maintenance. You also need to make sure it meets the setbacks.*

*Marley: it doesn't go to the border of the house. I can send you photos.*

*Martin: great, send some photos.*

*Marley: the balcony has siding on it. It is not white anymore. It has house siding on it. It looks nice. Between the balcony and neighbor, I cleaned up all the debris from the other guy. I want to learn how to forgive and forget. Do unto others as they do unto you, you hear me? I will meet up with the guy in the park. He knows where to find me. You hear me? I don't want to bring this to court, it would waste my time. The kids need me. I need to have the yard in a good state and I need to know how I keep the stuff in a good way without anyone being angry at me.*

*Moermond: those two cars, they lack current tabs, are missing vital parts and appear undrivable. When will those be taken care of?*

*Marley: the one not drivable, the black one by the wall of the garage. I talked to Lisa. The other one runs; it just has a problem with the catalytic converter. Richard hates the back window; I have wood in it. He broke it when he trespassed on my property. It is illegal to go through someone's car.*

*Moermond: I'm not hearing any specific timelines in anything your saying.*

*Marley: 8 weeks, two months. I can ask for three months but I'm going to try to do it faster. My question is the shed cannot be built, it was too high or too low. How can I build a shed with no problems? I put concrete there. Lisa, that shed has been there for years. 2000 to today. I got a long list of things to get rid of.*

*Moermond: for the vehicles, I am recommending the Council give you 30 days to deal with those. Today is May 18 so let's say to June 22. On June 22 I'll check to see if they are taken care of. For the fence and the shed structures, I'm going to give 90 days, but it is conditioned upon pulling a permit for the structures (fence and shed) within 30 days. You need to pull a permit to get the full extension. We'll check in on*

*that on June 22. For the rest of the items that need to be cleaned up that aren't building items, I will give 30 days. The idea I have is that you will be able to separate those items for the fence and structures, and you'll have permits so you won't have a problem. June 22 we will talk and see if you have things under control and I'd be happy to give the full 90 days if permits are pulled.*

*Marley: you said the car, the white car runs. That's not going anywhere. The little car I am donating.*

*Moermond: it says you need current tabs and need to put back on missing parts. The black Mercury we are agreed it isn't drivable.*

*Marley: there are two. The black one is being donated.*

*Moermond: 083BWH is the one on the order.*

*Marley: is that the small car? There are two Mercurys.*

*Moermond: there is a Chevy pickup –*

*Marley: that works.*

*Moermond: it doesn't have tabs and you agreed it was missing parts. So deal with those two things in 30 days.*

*Marley: can you send me something for suing Richard for the window?*

*Moermond: we will make sure your inspector and Lisa have copies of the letter. This puts you on a schedule with expectations and gives enough time to do the work. Ok?*

*Marley: yes. I need assistance in doing this. I don't know how America runs. I don't know what to do.*

*Moermond: we just talked about what you need to do.*

*Marley: the white truck is not going. Richard broke that window. I don't know how to sue Richard. I don't know what I'm going to do when I find him, he's not going to get away.*

*Moermond: sounds like the window needs to be fixed in 30 days.*

*Marley: it is Richards fault. Where do I find Richard to pay for that?*

*Moermond: you suing someone else is a private matter. I don't know anything about that. I do know you are telling me it runs, has a broken window and no current tabs. You have control of tabs and missing parts. I'm giving you a timeline which I believe is reasonable. The City staff gave you a couple weeks, I'm giving more time.*

*Marley: I'm grateful.*

*Moermond: we'll send you that letter to work off of. You want to get on that survey right away. Get ahold of House Calls. If you are removing things from the interior of the house you can use the same dumpster to throw exterior items. You need to get ahold of them to help you out.*

*Marley: you have their number?*

*Moermond: it is in the correction order, and we'll put it in the letter as well.*

**Referred to the City Council due back on 6/2/2021**

## **11:30 a.m. Hearings**

### **Orders To Vacate, Condemnations and Revocations**

- 19     RLH VO 21-16**     Appeal of Thomas and Pamela Bleise to a Re-Inspection Fire Certificate of Occupancy with Deficiencies (which includes condemnation) at 2245 HILLSDALE AVENUE.

**Sponsors:**     Prince

*Deny the appeal, noting the property is now in compliance and certificate issued.*

*Pamela Bleise, occupant, appeared via phone*

*Moermond: I am calling about your appeal for 2245 Hillsdale. I also have Leanna Shaff on the line, supervisor in Fire and Inspections. It sounds like this should be quick and painless.*

*Staff report by Supervisor Leanna Shaff: this is a Fire C of O that started January 6. We had inspections February 8, March 18, March 31, and May 11. A couple of things going on in the unit. Inspector Thomas was not able to gain entry on May 11, some of the outstanding orders were excessive combustibles in the basement. Thomas was at the property yesterday and gained access and signed off on the Fire Certificate of Occupancy.*

*Moermond: so the Fire C of O will be issued and the revocation and condemnation lifted?*

*Shaff: yes.*

*Moermond: Ms. Bleise, any comments?*

*Bleise: when he came out and asked me to remove 50% of my things in my basement, I did that. Then every time he came back he asked for 50% more. I did what he wanted to do, why does he keep coming back saying the same thing?*

*Shaff: my only answer would be it hadn't satisfied the retirement of the inspector.*

*Moermond: but It is ok now?*

*Shaff: yes.*

*Bleise: yes. I see that will never get answered.*

*[man in background]: Why doesn't he check the hood filter with a short and mold in here?*

Bleise: I'm fine.

Referred to the City Council due back on 6/2/2021

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

#### 20 [RLH FCO 21-71](#) Appeal of Steve Basco to a Fire Inspection Correction Notice at 821 CONWAY STREET.

Sponsors: Prince

Layover to LH June 8, 2021 at 1:30 pm for further discussion and update from PO on potential compliance options.

Steve Basco appeared via phone

Staff report by Supervisor Leanna Shaff: this is a Fire C of O inspection done by Inspector Thomas. There are 11 items on the deficiency list and the highlighted items by appellant are item 1, a bedroom has an emergency escape and rescue opening onto an enclosed porch. The fire code is specific that egress go directly to the outside. Item six is the basement unit needs fire resistant construction. Between the floors in a residential building fire separation required is 1 hour. In the basement there is a drop ceiling that we can't tell is a 1-hour separation. There are code complaint ones that have a stamp on them. Then there is item 7 in the basement unit that there is a closet with issues. You can see in the pictures you can see the floor above and have no finishing, so that needs a 1-hour separation. Throughout the basement we need a 1-hour separation between that and the unit above.

Moermond: Why are you appealing?

Basco: the property is 100 years old this year. I've owned it for 18 years through several fire inspections and in this case used this as a bedroom in the past. Is there any variance or nonconforming use or exception for it to be used as a bedroom since it has been in the past? Having several other inspections over the years and never having it brought up, I wanted to find out if there is any exception to this rule or code. I guess, it does lead out to an enclosed porch that is full of windows that leads to the outside. I know when I talked to the inspector, he said it might be something I might be able to get a variance for, which is why I appealed. I have called DSI who told me to call Zoning, and then I called Zoning for a variance, and Zoning said they only do zoning code and would have to go through DSI or building to see if there's an option. I have a lease agreement with tenants right now, so they can't use the bedroom. Another option would be removing the windows from the porch and making it an open porch? I'm nervous about doing that due to crime in the neighborhood plus HPC issues. I guess my point is I'm trying to figure out if there's an option here to use that room as a bedroom.

Moermond: I have a question. Ms. Shaff, the description here in the orders is a little confusing. The inspector talks about a basement, second and third floor unit. Does he mean first, second and basement?

Shaff: I'm guessing that.

*Basco: I'm assuming he means basement, second floor is main level, so actually first floor.*

*Moermond: ok, that's good to straighten out. Mr. Basco, looking at the Fire C of O history and I see that you had a 2016 inspection, and it looks like you lived in apartment 1 then.*

*Basco: probably.*

*Moermond: so the main level unit back then.*

*Basco: correct.*

*Moermond: then another one in 2011. You were living there as well in 2011?*

*Basco: I'm not sure about that.*

*Moermond: looks like the orders went to you there at that time. They were addressed to you at apartment one then.*

*Basco: I've lived there on and off there the last 18 years. It is my only property; it is my primary residence. Though as of right now I live where I work. I do property management.*

*Moermond: on Hennepin, I see that. I see this must have been a duplex in 2011. You wouldn't have been subject to a Fire C of O until it became a triplex since it was owner occupied. So 2011, 10 years ago. If it is owner occupied, would you inspect the owner's unit?*

*Shaff: no.*

*Moermond: so this is the first cycle where the first level unit was inspected? 2011 and 2016, both of which the property was owner occupied for the main level.*

*Shaff: we don't inspect the owner's units. Just the non-owner-occupied units and the common areas and mechanicals.*

*Moermond: so that explains why it wasn't called out in the past. This does come up where a new inspector sees things differently, but in your case it wasn't even looked at in the past. So here we are, the first inspection where you aren't living there, so it comes up as an issue. This is a fire code so there isn't really a mechanism for this situation. I don't want to use variance because then you wouldn't be subject to the fire code. I tell you; how many bedrooms and how many people are in that main level apartment?*

*Basco: two people and it is a two bedroom.*

*Moermond: what's the layout of that? It is unusual a house would be constructed with a bedroom in front. In 1921 it would have been a parlor or living room of some type. You can kind of tell that by the windows on the side of the house. Did you have it as a bedroom when you occupied it?*

*Basco: I can send a diagram over if you want. When you walk in the front door there is a formal living room, a dining room which has built in cabinets, and then a kitchen*

beyond that. On the side with the bedrooms, it is a front bedroom off the porch and a closet, bathroom, and another closet and bedroom. They are identical sized bedrooms. When you look down the hallway there's closets in the bedroom and in the hallways. I didn't convert it to a bedroom, it has the original woodwork and doors. It wasn't a formal living room that was converted into a bedroom.

Moermond: I would bet it wasn't a bedroom when the house was built. That would be extremely original for 1921. If it were, the same building requirements were required now, so if it was it would have been though the porch which would have been open at the time. I can see the windows on the porch are a late addition. I'm struggling here, as a practice we don't grant this type of appeal. I know being in the historic district makes it harder to come up with a solution on this.

Shaff: can a window go out the side there?

Moermond: it would have to do with the design of it, you'd need an architect or contractor to know. It would have to match the other windows in the house. You'd want to take that sideways rectangular window in the front and convert it to standard sized. For me it's a matter of time, not whether or not you need to do it.

Basco: what are my options if I had to do something? Taking off the exterior storm windows?

Moermond: that's one of the options. I'd consult an architect on that. You could go in the other direction and connect that front room to the porch and make it a single room, larger room, with windows to the outside, or you could put a window into the side of the house that serviced that room. You'd want to cost out the options and how you want it to look architecturally. You could ask the Council to look at this differently. The history is that we have had people die because they can't get out through the porch. That's why we take it more seriously. It has been a while but it has happened. Ms. Shaff any comments?

Shaff: it does happen and paramount for us is that people need a way to get out. Our job is fire prevention. Fire safety save more lives in a day than firefighters do in their whole career because we make sure people can get out. We don't want to be the ones who could have done something. That's a D minus, it is the bare minimum required. We want people to escape. The only time you wouldn't need one is if the whole building was sprinkled.

Moermond: you're probably going to want to reflect on which option to pursue, or if you want to change your tenancy situation. I assume it is friends living here with their own room?

Basco: correct. Otherwise I'd just tell them to not use it as a bedroom. In this situation it is roommates.

Moermond: I'd like to set this aside and give you a chance to think through your option and talk again in a couple of weeks about what you're thinking. You can make some calls and that will help us make a more realistic deadline. I don't want to chase the tenants out; I want to make a plan for eventual compliance. Moving on to the basement ceiling, sounds like you have a drop ceiling and the inspector wants to know more about the type of material. Have you pulled down a tile to see if it has any manufacturing marks?

*Shaff: a UL or a UE.*

*Basco: I haven't, but I know they are probably regular ceiling tiles. If they were the fire rated ones they would be more like the heavy sheetrock ones, correct?*

*Shaff: typically, yes. They will have a rating stamp on them. And you'd need to show us the tile and rating paperwork.*

*Basco: just the interior unit of the basement?*

*Shaff: no, the entire basement needs separation.*

*Basco: ok.*

*Moermond: there was a photo on number seven that there's a closet space too?*

*Shaff: there is a closet that doesn't have any type of rating between the units. You look up and see the underside of the floor.*

*Moermond: so you want to pull down a tile, see if there is some manufacturing information you could look up. If it doesn't have a fire rating you probably need to call a contractor or figure out how you want to approach this and put together a plan for how you will do it. Supplies, working with the tenant, that sort of thing. First step is to check the rating and assess the area with no fire separation.*

*Shaff: this work will require a permit more than likely.*

*Moermond: noted. Let's give you a chance to do both of those things. This was your first inspection so normally you would get 30 days. Then they'd come look again and give more time. Let's use this initial period of time to sort how you'd like to approach this. Today is May 18, why don't we talk again June 8 and let's try and figure out a plan of action with some deadlines.*

*Basco: ok. Where there are existing ceiling tiles I can see that being easily replaced, minus getting a contractor and disrupting the tenant. However, what about the rest of the basement? To get that fire rated with the exposed piping and lower ceiling, boiler heat with piping, I'm trying to wrap my head around it. What is happening in these other units? How are these other apartments with lower units addressing working around those variables in building or Sheetrocking these older homes? If it was putting a drop ceiling in, it wouldn't be a big issue.*

*Moermond: it is unusual to see a house of this style with a basement unit for some of the reasons you have mentioned. I can't design a solution for you, I can suggest there are contractors who are skilled at this. Ms. Shaff, what would you say?*

*Shaff: you really would need to talk to a contractor or designer to see if they can come up with a solution. I can't design either, or point you toward an individual contractor.*

*Basco: meeting or discussing a plan in a couple weeks, ultimately, to get a plumbing contractor out there I'm looking at mid-June. I'm going to do my best to schedule a general contractor who may be able to do drop ceiling and put fire rated panels in. See if I can get some bids and a timeline and pricing.*

*Moermond: while we are in the appeals process the enforcement of the orders is*

*stayed. So our job is to figure out a path forward. You are not required to meet this deadline. I would say eyes on the prize. Talk to a general contractor who can give you some advice about the two situations.*

*Basco: sure.*

*Moermond: don't feel pressure to get this done immediately. Let's figure out overall how we will do it.*

*Basco: I just wanted to see about variance or an exception of some sort.*

*Moermond: I'm going to say why don't you get online and look at the rental rehabilitation loan program? You can get low interest, perhaps even forgivable money, to do some of this work. Also if they are affordable units you may qualify for some tax credits. There is money to help you finance this.*

*Basco: yes, any kind of information would be greatly appreciated.*

*Moermond: we'll talk again on the 8th and you'll have some more information.*

**Laid Over to the Legislative Hearings due back on 6/8/2021**

## **2:30 p.m. Hearings**

### **Vacant Building Registrations**

- 21**     [RLH VBR 21-24](#)     Appeal of Chris Johnson to the Code Compliance Certificate Requirement and Summary Abatement Order at 1764 BUSH AVENUE.

**Sponsors:**     Prince

*Layover to LH May 25, 2021 at 2:30 pm. PO to submit revised plan based off code compliance inspection report by close of business May 24, 2021.*

*Chris Johnson, occupant, appeared via phone*

*Dorothy Gustafson, Market Place Homes property management, appeared via phone*

*Rachel Viggiano, NorthSight Management, appeared via phone*

*Moermond: we are mapping out a path forward.*

*Viggiano: I did create the project plan. I can send it now. We are still working on the bids for the other items.*

*Moermond: and the inspection report is dated May 14.*

*Viggiano: we do have that.*

*Moermond: when will you have a revised plan?*

*Viggiano. Should have bids by end of the week*

*Moermond: ok, I'd like to continue this a week and please get that plan in by close of business May 24.*



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

**22 RLH VBR  
21-29**

Appeal of Shalanda and Nathaniel Mathis to a Vacant Building Registration Notice and Summary Abatement Order at 474 BLAIR AVENUE.

Sponsors: Thao

*Waive the VB fee and make property a Category 1 VB for 120 days (to September 21, 2021), on condition the Fire C of O is reinstated prior to the conclusion of the 120 days. If Fire C of O not issued by this time, property is subject to code compliance inspection and other category 2 VB requirements.*

*Shalanda Williams Mathis appeared via phone  
Nathaniel Mathis appeared via phone  
Stephanie Bruno, realtor, appeared via phone*

*Staff report by Supervisor Leanna Shaff: this Fire C of O had been revoked unoccupied back in December of 2020. We have written correction orders in December, March, and April it was revoked vacant and sent to the vacant building program. The inspector writes he spoke to the property owner and the sale isn't complete and repairs aren't completed. He spoke with supervisor Neis who sent it to vacant buildings.*

*Moermond: I'm seeing that back in December of 2020 there was a decision of Council to grant an extension to March 5 on the condition the property remains unoccupied. So when it was not done in March there was a bit of a delay in sending it to vacant buildings.*

*Shaff: it went on the 16 of April.*

*Moermond: it appears to be as a category 2, is that based on the nature of the orders?*

*Shaff: yes.*

*Matt Dornfeld: we opened a category 2 vacant building on April 20, 2021 per fire inspection referral. I did speak with the appellant and advised them to file the appeal. They had a purchase agreement in place for the home and we talked about some vehicles that needed to be moved. They said they would gone be at time of the sale.*

*Shalanda Williams Mathis: as far as the first thing, we were supposed to have it done by march, which we did. The workers got sick and we couldn't afford doing it anymore so we put it up for sale. We keep getting harassed by this inspector. We call him a week ahead of time and never responded. Then he comes over here knocking telling us he never listened to the message. The house is sold as we speak, the closing date is Monday.*

*Moermond: when does it close?*

*Williams Mathis: Monday the 24 it closes. We put it up for sale.*

*Moermond: and the Council doesn't mention anything about a sale, they just have a March 5 deadline.*

*Williams Mathis: that's what the lady said. Put it on the market if you can't afford it. No one has stayed there; I don't know why they'd say the house was abandoned. We had work done to the house.*

*Nathaniel Mathis: we had someone come over to do some work. The house is sold.*

*Moermond: you have a purchase agreement, not a closing. And hanging in the background you have a vacant building registration calling it a category 2 which would change the nature of your sale entirely.*

*Williams Mathis: what do you mean?*

*Moermond: a category 2 registered vacant building being sold is different than an empty house not in the vacant building program as a category 2.*

*Williams Mathis: can you elaborate?*

*Moermond: with a category 2 vacant building you don't just need a TISH. You need a code compliance inspection report to get a list of items to bring it into minimum code compliance. The person purchasing would need to go through a sale review. It may or may not be the person you have lined up is interested, or able, to do that.*

*Williams Mathis: the purchaser is an investor. His name is Jack Brown.*

*Moermond: sometimes investors buy it in order to rent, and sometimes they buy and flip to another purchaser. When I'm thinking about the best way to approach this, that's one of the things. If someone was buying this and moving in, I could look at the possibility of these orders being converted to owner occupied properties versus a rental. The way it is now you have the heavy-duty report required, so an appeal is the kind of conversation you want to be having if you have a closing on Monday.*

*Williams Mathis: do you want to speak to my realtor?*

*Moermond: if she wants to speak that's fine.*

*Stephanie Bruno: I know I met with the investor several times, we sold it before they even put it on the market. The closing is next week, the 24th. It's a cash buyer.*

*Moermond: I don't connect your conversation. The City Council decision was that the work needed to be done by March 5. You indicated you had a conversation with the fire inspector you were putting it up for sale. The inspector delayed sending it to the vacant building program six weeks. I hear you have a closing, but I also see you have a category 2 registered vacant building and I know that's going to spoil the closing. I'm trying to work this out, it's tricky. The City policy is when buildings get to this point it must meet minimum code compliance. I get you don't have the money to do that.*

*Bruno: I was never told anything when the Fire Marshall called me.*

*Moermond: the City Council's action was in the letter that went to them. I don't know about disclosure to you.*

*Bruno: I told the Fire Marshall I was a listing agent and had sold it to a cash buyer. I told him that and that's all I really know.*

*Moermond: this was declared to be a registered vacant building on April 22, 2021. I don't know what conversations you were having. I can tell you legally where things were at. It is incumbent upon you as a realtor to disclose this status which was apparent from the April 22 letter to your clients. That's several weeks ago. I'm looking at an appeal on May 11. I get this is making the transaction more difficult. I don't think your argument about having a conversation with the fire inspector changes the law. I'm trying to figure out the best way to get it as code compliant as possible for the occupants. If we don't go ahead with the code compliance inspection report and I recommend a lesser standard, what would that look like? In full disclosure, you have a professional legal obligation to disclose this.*

*Bruno: I don't know anything about that.*

*Moermond: the City's requirement is to tell the owners, not track down the realtor. How are you going to manage the disclosure to the purchaser? Your communication to your client is your own business. But the disclosure happened.*

*Bruno: I'm going to hang up and I will call the broker and title company to proceed.*

*Moermond: you might want to wait for the answer on the appeal.*

*Williams Mathis: the people I talked to last said to put it up for sale if I can't afford to fix it. I need to take this to the bigger court system. The house wasn't abandoned, mortgage is paid, grass is being cut. I don't know why you're harassing us. We cannot afford this, it isn't fair. The man that is buying it is going to get this up to code. You all are harassing us. This doesn't make any sense.*

*Moermond: I think we're having a problem with definitions in terms of what was staff was saying about your ability to sell. It is under what conditions.*

*Williams Mathis: tell me under what conditions this house is bad.*

*Moermond: I have the Fire C of O orders from last year which were under appeal. "I wish you would help me, there isn't much to do on it" is what I'm hearing you say. I have a legal requirement it comes into minimum compliance. The TISH indicates a fair number of hazardous conditions which reinforces the assessment of the fire inspector. If it is going to be an investment property turned into a rental we may be able to work with the Fire C of O program on and I say it can't be occupied until it has a Fire C of O again. If it's going to be owner occupied we need to do something else.*

*Bruno: I can't talk anymore; I need to figure out my best option. Nate and Shalonda, do you want me to call the title company?*

*Moermond: my decision is going to be I recommend the Council waive the vacant building fee, and it is made a Category 1 vacant building for four months. 120 days. That means no additional inspection. This is on condition the Fire C of O is reinstated within that four months. If you have someone going in who knows what they're doing that won't be an issue. That takes you to September 21. If that Fire C of O is reinstated by then, then the purchaser won't have a vacant building fee or be subject to a code compliance inspection requirement. There is a window of opportunity for you to get this done. That is the benchmark. If it isn't met the purchaser will get letters about the vacant building fee and the code compliance inspection report. Everyone understand?*

*Bruno: sounds great.*

**Referred to the City Council due back on 6/2/2021**

**23     RLH VBR  
21-30**

Appeal of Patrick Nguyen to a Vacant Building Registration Renewal Notice at 596 CHARLES AVENUE.

Sponsors:        Thao

*Waive the VB fee for 90 days (to August 29, 2021).*

*Patrick Nguyen appeared via phone*

*Moermond: I have a note from staff that say you haven't paid for this appeal yet.*

*Nguyen: I talked with them and said I mailed the check last Friday.*

*Moermond: it hasn't been received yet, so you're aware.*

*Staff report by Supervisor Matt Dornfeld: this was made a category 2 vacant building on May 28, 2019. Since then it has gone through the TISH process and was approved on April 29, 2020. There are current permits on file along with a code compliance inspection. Rehab is ongoing and we haven't had any nuisance problems. I'm guessing we are here to discuss the vacant building fee coming due May 29.*

*Moermond: sounds like you are making good process. When will you be done?*

*Nguyen: I received the letter from the City, with a deadline of May 29. I think I could be done by the end of the month, however four to six weeks more would help. Then I will for sure be done.*

*Moermond: I'm going to give you a fee waiver of 90 days. That will take you to August 29. If you have your certificate of code compliance by then you will have no fee for this year. If you don't, you'll get another letter saying it will be assessed and we can talk about prorating if you appeal that.*

**Referred to the City Council due back on 6/2/2021**

**24     RLH VBR  
21-28**

Appeal of Robert Lunieski, Lunieski & Associates, to a Vacant Building Registration Notice at 1204 GRAND AVENUE.

Sponsors:        Noecker

*Grant the appeal and make the property a preliminary VB, to be reassessed in one year.*

*Robert Lunieski appeared via phone*

*Staff report by Supervisor Leanna Shaff: this was a Fire C of O inspection by Sebastian Migdal. January 3 he sent a letter for January 14 inspection. He wasn't met at the property, and the property appears unoccupied and snow was unshovled. He went again on January 21, still appeared unoccupied, notes that he will be sending to vacant buildings since it has been in revoked unoccupied status for more than a year which is our policy. We have a building that's unoccupied although the appellant says he is storing his items in there.*

*Moermond: so recently identified as unoccupied but no other code concerns?*

*Shaff: other than making sure the sidewalks are shoveled.*

*Moermond: presumably we are good for a bit.*

*Shaff: and presumably storage isn't of hazardous materials.*

*Staff report by Supervisor Matt Dornfeld: we opened a category 1 vacant building on May 3, 2021 per the referral from fire inspections.*

*Moermond: it sounds like you want to use it as storage and not reopen as a business. Tell me about that use.*

*Lunieski: you can see from the pictures what is being stored. That's the merchandise that will be sold out of the building. I won't be doing business during Covid. You'll see there is tables, fixtures, we're ready to go but we won't be doing business right now. As far as shoveling snow I have included a receipt for snow and lawn companies. I pay people to do shovel and keep the lawn tidy. I have the building insured and you can see from the building I have been heating it. You can see in the pictures the building obviously doesn't meet the requirements of a vacant building. That is described in the zoning code as unsecured, secured by other than other than normal means, dangerous, condemned. There are no police calls. No fire calls. It is not condemned or illegally occupied.*

*Moermond: I am familiar with those codes sir. It is the building code and the only criteria that may eventually apply is being vacant for 365 days. We have a recent determination of it being vacant. I'm going to ask staff to make it a prelim and close the file and check again in a year.*

*Lunieski: on some documents this has been declared a vacant building, you'll be taking those off?*

*Moermond: yes.*

*Lunieski: ok, thank you.*

**Referred to the City Council due back on 6/2/2021**

**25     RLH VBR  
21-27**

**Appeal of Carolina Sanchez to a Vacant Building Registration Fee Warning Letter at 1399 THOMAS AVENUE.**

**Sponsors:**        Jalali

*Deny the appeal.*

*Carolina Sanchez appeared via phone*

*Moermond: I notice the owners are issued as Mr. and Mrs. Weistroffer. Are they both deceased?*

*Sanchez: yes, my mother died two weeks before the massive house fire.*

*Moermond: so you must be probating it?*

*Sanchez: I just became the representative of the estate the end of February. It has been a trying time for me.*

*Staff report by Supervisor Matt Dornfeld: 1399 Thomas Avenue had a fire in October of 2020, a severe fire. We gave a 90-day waiver on October 21 and again 90 days later on January 27, 2021. The vacant building fee became due and went to assessment. The property owner called and we spoke for a while, I advised her to file this appeal. We have permits, rehab is ongoing. Not as fast as the owner would like.*

*Moermond: Ms. Sanchez, you have some activity, what's going on?*

*Sanchez: the contractors are trying to rebuild it. They are working on cabinets and trim right now. I'm still waiting for insurance because there is still another payment due for flooring, but I can't push insurance. They're just working on it now and I sent it in a month ago. Between all that and what they have retrieved from the house they put in the garage. March 19 someone broke in and stole a bunch of my parent's things I can never get back. She never appeared for court so there is a warrant out for her. They know who she is. It has been one thing after another. My mom died September 25, we found her dead upstairs. She'd just spoke with me 10 minutes before that. October 18 was a massive house fire and the last thing my mother bought my dog she ran back into the house fire for and died. It's been difficult for me. We are in temporary housing and the contractors said if the insurance doesn't come through to fix the floor we will be homeless. All this is tough on me.*

*Moermond: who is the contractor?*

*Sanchez: S.Robedaux out of Elk River.*

*Moermond: did the insurance company hire them?*

*Sanchez: they're the ones they sent out to us. I needed to get the house done.*

*Moermond: are you working with a specialist in fire insurance? Someone on your side?*

*Sanchez: no, I only have my lawyer trying to help. Mom had bills I didn't know about. My daughter is coming back into town Thursday.*

*Moermond: what is your insurance company?*

*Sanchez: Allstate. Mom and dad paid them for almost 60 years. I don't mean to be crying, it has been a 8 tough months.*

*Moermond: nothing is more difficult than what you are dealing with and I'm so sorry for all those losses.*

*Sanchez: thank you.*

*Moermond: have you talked to your insurance company about them paying this bill? If you have a contact there, we can get this to them. How long did they say to finish?*

*Sanchez: end of July or early August.*

*Moermond: what are you going to do with the property? Are you moving in?*

*Sanchez: we are moving in. We've been waiting. I don't like the temporary place. They have children upstairs stomping and screaming.*

*Moermond: I'm going to look into a couple things. I'm disappointed in your contractor, that's really inappropriate and unprofessional. I also think the vacant building fee is something your insurance should cover for you. I also want to slow it down. The fee is annual and it sounds like the year is from October 2020 to October 2021. You'll be out of the house for 9 or 10 months out of the 12. I can say let the bill sit and it will be an assessment, and then appeal that. I can make that payable over 5 years. What I'd really like to see happen is we can talk with your insurance company and help them to see they should pay for it.*

*Sanchez: right.*

*Moermond: I'm going to have Joanna Zimny send you a letter, it will look like I'm denying your appeal but I want to work with you on your assessment. This won't affect your permits or anything else and we can talk again in about 3 months and in that time hopefully you'll have the insurance company involved. At the very worst it will be payable over 5 years as part of your property taxes. Do you have the support you need right now?*

*Sanchez: I'm trying to do it. Food is hard right now for us. We tried to go as much as we can for the free food. We have an appointment Friday for Allianz field to get milk and meat. I only get \$719 a month because I'm disabled, for social security. It's been difficult.*

*Moermond: I'm going to see if there are any other services. May I ask, how old are you?*

*Sanchez: 60.*

*Moermond: I'm going to see if there are any other services you qualify for that may help you. I'm going to reach out to Lauren Lightner with House calls. She works with people in housing crisis and knows a ton of resources and may be able to help. In terms of food services she will have some knowledge.*

*Sanchez: it has been difficult. I appreciate all the help.*

*Moermond: we'll get it figured out and I want you to breathe easier. We'll try and help you out on this.*

*Sanchez: ok, thank you.*

**Referred to the City Council due back on 6/2/2021**