



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

Tuesday, June 15, 2021

9:00 AM

Remote Hearing

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [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 29, 2021 at 9 am. For recommendation of 180 day grant of time PO to submit by COB June 28, 2021 1) affidavit dedicating funds to the project, 2) sworn work plan/construction statement including signed bids and 3) property must continue to be maintained (CPH July 7)

No one appeared

Voicemail on x5515 June 15, 2021 at 9:15 am: this is Marcia Moermond calling to chat with you about 655 East Jessamine per the letter sent after the last hearing on May 11. This is a follow up hearing to discuss work plan and bids and affidavit. We will try you back in a little bit.

Voicemail on x5515 June 15, 2021 at 9:23 am: this is Marcia Moermond again. We have been unable to reach you to conduct this hearing. There are still 2 items we needed, a work plan with bids and an affidavit dedicating funds to the project. Lacking those items, I cannot make a recommendation the Council stay enforcement on the existing order to remove. If we don't receive those and can't approve the work plan on June 29, I have no option but to recommend the Council order the property removed on July 7. In other words, deny your stay of enforcement. That was done as a courtesy to you since you missed all of those previous hearings.

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. (To refer back to June 15, 2021 Legislative Hearing)

Sponsors: Prince

Remove within 15 days with no option to repair.

No one appeared

Tried x9873 at 9:19 am June 15, 2021: voicemail box not set up.

Tried x9503 at 9:20 am on June 15, 2021: voicemail box full.

Moermond: we tried two numbers; we were unable to leave a voicemail at either one. Ms. Vang, any other numbers for her?

Vang: no.

Moermond: let's go ahead and send her a letter indicating we'd referred this back to give her a chance to do some things which she did not do. Today is June 15, let's put in front of Council July 7 with the order to remove within 15 days with no option to repair, articulating the conditions that were not met.

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

10:00 a.m. Hearings

- 3 RLH RR 21-19** Making finding on the appealed substantial abatement ordered for 1629 HARTFORD AVENUE in Council File RLH RR 20-51.

Sponsors: Tolbert

Grant 90 days (to October 7, 2021) complete rehab. Continue \$5,000 performance deposit.

Michael Sauer appeared via phone

Moermond: this is Marcia Moermond calling about 1629 Hartford. This will be quick. Mr. Magner and I looked through the file before we called. We're in agreement based on what we've looked at and what your folks are saying their timeline is. We will recommend the Council gives you 90 days, to October 7, to finish. Acceptable?

Sauer: yes.

Moermond: we'll put that resolution in front of Council July 7 giving that extension.

Sauer: we haven't forfeited the deposit right?

Moermond: absolutely not.

Sauer: they are really working hard on it.

Moermond: we aren't concerned about that.

Sauer: ok, perfect. They should be done in July so that gives some buffer. That sounds perfect.

Moermond: if something does go wrong reach out, we can work with you. But we have no concerns about the project.

Sauer: they are trying to get it done and sold while the market is hot.

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

- 4 [RLH RR 21-47](#) Making finding on the appealed substantial abatement ordered for 1915 IVY AVENUE EAST in Council File RLH RR 20-23.

Sponsors: Yang

The nuisance is abated and the matter resolved.

No one appeared

Moermond: looks like they got their code compliance?

Manager Steve Magner: the code compliance certificate was issued on May 3, 2021

Moermond: excellent, so we can send a resolution forwarding say it is abated and the matter resolved.

Referred to the City Council due back on 6/23/2021

- 5 [RLH RR 21-25](#) Making finding on the appealed substantial abatement ordered for 1023 JESSIE STREET in Council File RLH RR 20-33. (Amend to grant additional 180 days)

Sponsors: Brendmoen

Grant an additional 180 days (to December 15, 2021) to complete the rehab. Continue the \$5,000 performance deposit.

No one appeared

Voicemail at x6129 at 9:44 am on June 15, 2021: this is Marcia Moermond with St. Paul City Council. I am reaching out to confirm that Mr. Magner and I have reviewed the work plan submitted and found them to be acceptable. At tomorrow's Council Public Hearing I will recommend they grant 180 days to complete the work in front of you. We'll send you a follow up email scheduling an additional hearing to make sure things are done. No additional performance deposit and you are not in danger of losing your current one. Please reach back to my office with questions, but we will send a confirmation letter as well.

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

- 6 [RLH RR 21-45](#) Making finding on the appealed substantial abatement ordered for 657 SHERBURNE AVENUE in Council File RLH RR 20-24.

Sponsors: Thao

Remove within 15 days with no option to repair.

Aychoeun Tea, owner, appeared via phone

Moermond: this is Marcia Moermond. Mr. Magner is on the phone with us calling to conduct a hearing on 657 Sherburne. Per our correspondence we are making a finding

of whether the nuisance has been abated. You are expecting our call?

Tea: yes.

Moermond: I'd like Mr. Magner to update the record and then we'll talk about where you think you are at. Mr. Magner, please get us started.

Manager Steve Magner: letter sent May 28, 2021 to the owner, City Council granted 180 days to remove or rehab. Legislative Hearing scheduled for today at 10 am via phone. DSI will present info on current building conditions. Please contact building the inspector to schedule an inspection to determine percentage of completed. City Council Public Hearing on Wednesday, June 23 at 3:30 pm.

Moermond: Mr. Magner, what do we know about where the work is at with this property?

Magner: Mr. Nathan Bruhn hasn't inspected, so we don't have a percentage. Our records indicate there are only an electrical and plumbing permit on file. Plumbing was issued February 17, 2021 and hasn't inspected. Electrical issued May 24, 2021 and not inspected. No building or mechanical permits.

[Tea dropped from call, was called back in 10:14 am]

Moermond: looks like the call dropped.

Tea: can I put it on speaker? I don't hear you.

Moermond: you can do that. Did you hear what we talked about?

Tea: I got disconnected.

Moermond: I know, a moment ago, it made a noise. Did you hear before that?

Tea: yes.

Moermond: Mr. Magner's last comments had to do with there being both a plumbing and electrical permit pulled but no rough in inspection. He also noted there was no inspection by Mr. Bruhn to get a percentage completed. My follow-up statement was going to be that the expectation was you would call Mr. Yannarely who would schedule a time for him and Mr. Bruhn to visit to determine that percentage. You didn't do that and have that scheduled as instructed.

Tea: I called inspector about the plumbing and he called.

Moermond: Ms. Tea, you received a letter May 28 that told you that you needed to call Mr. Yannarely unless you had your code compliance certificate. You didn't have that, nor did you call Mr. Yannarely. Why?

Tea: maybe I misunderstood, I don't know. I called the electric company and went down there twice. I called them to inspect. That's what I thought it said you need to call an inspector to come inspect. We called 3, plumbing, heating and electric. I called 3 of them.

Moermond : here's what I know. I know from what I can see that you haven't followed through on your obligation to finish the work in the time the Council granted. I can also

tell that you haven't followed through on helping the City assess the percentage of work complete. Based on the permits you've pulled and no rough ins done I can only assume no work is done. That means you are zero percent forward. You get a chance to prove otherwise, but I don't know why the Council shouldn't move forward with its existing order to remove the building when it looks at the matter again June 23.

Tea: I talked to an inspector and they said they would come Monday. What I can I say? He said Monday. I came down there twice but the phone in the office no one picked up.

Moermond: I don't understand why you are coordinating your contractor's inspections.

Tea: they told me they called 2 weeks ago to make the appointment.

Moermond: Mr. Magner? Was this electrical permit issued in error? Unless Ms. Tea is a licensed electrician.

Magner: yes it shouldn't be issued to her since she isn't the occupant of the building. She has indicated she will homestead after its completed, that's why they issued the permit. Is that the plan? She's going to move in after she's done?

Tea: yes. You kicked me out and I couldn't stay there for 3 years. Where do you think I'm going? I want to move in now. I don't have a place to live. My sister died. I want to move right now.

Magner: the bigger issue is we need a building permit issued on the property. We don't have that.

Tea: why are you questioning why I don't move in?

Moermond: in your work plan you indicated that plumbing would be done by Bryan Lane, heating by Neal Heating, and building by RIE construction. We don't have a building permit pulled by RIE. Why is that?

Tea: I thought someone did. I switched it

Moermond: they haven't pulled a permit either. There is no building permit.

Tea: oh lord. I don't know. It is confusing.

Moermond: the work plan submitted from RIE construction isn't the one you are following. The only thing that seems to be true is Lane pulled your plumbing permit. And you didn't say who would be doing the electrical. I didn't know you were an electrician. We don't have a heating permit, or the biggest one, the building permit.

Tea: he pulled the building permit.

Moermond: there is no building permit Ms. Tea.

Tea: I got in a car accident 3 days ago. I'm confused. My car is totaled.

Moermond: that's too bad. I hope everyone is ok. I need to bring us back to the situation with you committing to finish in 6 months. You haven't met your obligations in that regard, followed up with getting an inspection, or even pulling permits.

Tea: could I ask you if the heating pulled a permit?

Moermond: the only permits pulled are electric and plumbing.

Tea: heating he told me he pulled one.

Moermond: I just told you the only ones that have been pulled. Mr. Magner, any comments?

Magner: there was a letter from DSI sent May 3 to Ms. Tea at her residence in Minneapolis indicating the \$5,000 performance deposit would forfeit in 30 days. That was May 3.

Moermond: who is your new building contractor and do you have a bid in writing from them?

Tea: uh, no I don't have that yet. I just need plumbing and heating and they said they would be continued.

Moermond: that's not true and you know that's not true.

Tea: I can continue plumbing heating and I forgot.

Moermond: so you told me not 5 minutes ago you did have a new contractor now you say you don't have a building contractor. You haven't done what you said you would do in the 6 months you were granted. Why should I believe you will finish this project? It doesn't seem like you've even started.

Tea: I will finish it. I have to move in. The car accident and everything hurt me.

Moermond: you had \$28,000 to pay these contractors. How is it you don't have money to pay for housing? You seem to have a permanent address in Minneapolis and have had it for many years.

Tea: it is a PO box.

Moermond: no, it says 5761 33rd Avenue South, Unit 11.

Tea: that building only 10 units. They allow me to use the number 11 to get mail from the City because they cannot use a PO box. That's not an apartment, it is just a mailbox.

Moermond: and you own multiple properties.

Tea: I will finish.

Moermond: there are two paths this can go down now. The first is the City says you didn't come anywhere close to meeting your commitment to abate the nuisance condition within the time granted. The City will proceed with demo. The second path is the City will forfeit the \$5,000 performance deposit you posted, ask for new \$10,000 one, and see a completely new work plan, new bids, and evidence of financing to complete.

Tea: the \$5,000 you said I can continue for 6 months. I tried to call the inspector and went down twice and contractors keep calling too. I came down to ask. They said they didn't receive a permit; it should be done 2 weeks ago. I came down 3 weeks ago. They said they didn't receive a permit and have to do it again.

Moermond: you pulled your electrical permit on May 24, 2021. You had six months from when Council granted time in December to pull a building permit and it took you until the end of May to get an electrical permit pulled. I don't see how this will end well. I don't see how spending good money after bad will work out for this project either.

Tea: I have been sick with my sister. She passed away. It is too much for me. She was sick in December.

Moermond: she passed away before we even had the vote in December.

Tea: I have been sick myself. I realize now it is late but I am asking you Ms. Moermond not to take the \$5,000.

Moermond: it took you so long to put together a work plan to begin with. Months and months. We originally discussed this property more than a year ago. June 9. I worked with you for six months to be able to get a basic work plan and financing in place so you could ask Council for time to get it fixed within the next six months. That takes us to today. Now here we are and you have barely started. You didn't call Mr. Bruhn to do the follow up inspection. I'm not seeing you have made any progress. Rather, you dropped a major contractor. You don't have a new one lined up. I don't have confidence in this case. I don't. I'm not hearing you have a plan for a new contractor. This is just floating around and your comments are all about going into DSI 2 weeks ago to pull your electrical permit. You do have to pull a permit in person for a vacant building, of course. I have been at this with you for a full year now. I honestly don't see a path out. I'm going to recommend on June 23 the Council order the building removed within 15 days with no option for rehab. You can testify to ask them for whatever you would like. If they want to send it back for us to talk again, I'm happy to do that. But I have done with you what I can and I haven't been able to achieve success with your case. We'll send you a letter confirming that and how you can participate. The Council Public Hearing is 3:30 June 23. This is in the letter that was sent May 28, 2021 and will be confirmed in another letter sent later this week.

Magner: do you want to confirm that after the Council passes that resolution they would forfeit the \$5,000 performance deposit?

Moermond: yes, and that would be applied to the cost of the demo.

Magner: ok.

Moermond: we'll send you a letter so you know what your options are to testify. I'm sorry this is the point we are at with this property. I do wish you well.

Referred to the City Council due back on 6/23/2021

11:00 a.m. Hearings

Summary Abatement Orders

7 RLH SAO
21-49

Appeal of Angela Glenhue to a Summary Abatement Order at 1941 STANFORD AVENUE.

Sponsors: Tolbert

Grant to July 12, 2021 for compliance.

[Note: after the hearing Ms. Moermond changed her recommendation on 6/21/21 to grant to September 1, 2021 for compliance on the condition the tarp, yard waste bags and lawn is mowed and boulevard reseeded]

Angela Glenhue, occupant, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: May 25, 2021 a summary abatement order was issued to David Hubleen in Lewiston and the occupant regarding boulevard plantings. Structures aren't allowed don the boulevard. We asked them to remove the metal boxes and open bags of yard waste. Compliance date of June 4. We have had previous orders. Done by Inspector Kedrowski, photos attached.

Moermond: why are you appealing?

Glenhue: before I put in my garden this year I went on the St. Paul City website and pulled up the ordinances and made sure I was following them and all the specifics about planting nothing over 36", within 30 feet of intersections. There is not anything that section 105.04 says you can't use a garden box. One block north 2 houses have one. A block to the east has one.

Moermond: 106.01(a)(2) references obstructions within the Right of Way. Section 2 lists out what the obstructions would be. This is a structure within that definition.

Glenhue: I feel like there was nothing about that on the website about boulevard plantings. That was something I made sure to look up. I don't feel I fall under a different section of the code that doesn't talk about boulevard plantings and put something else.

Moermond: I get it. But it is not actually a plant we are talking about. It is other materials, not plant matter. I get it though; it would be nice if it covered everything. You are right that people have boulevard plantings and it is great you looked up what is and isn't allowed and planning accordingly. The concern is a raised bed that poses a trip hazard and as a metal object if someone trips they could also have a laceration from the metal. That adds a level of concern from my perspective.

Glenhue: the beds I have are specifically designed with a rolled edge so you don't get cut. It is a blunt, commercial product sold for this purpose. It won't cut anyone. I don't feel it is any more of a trip hazard than any kind of plant.

Moermond: there's that and there's the other section of the boulevard which appears to need to be mowed. Are you appealing that as well?

Glenhue: no, not at all. I had mowed 2 days before that letter came.

Moermond: with respect to the raised beds, I'm going to say that I'm recommending your appeal be denied. I have a history of recommending this type of installation be

removed. I do believe this poses a hazard and this is in the public right of way. The only way to keep it there is if Public Works grants you an encroachment permit to install this type of raised bed in the public right of way. You could inquire with them if they would be willing to do that. As it stands now, it is in a violation of section 106 and is an obstruction and hazard for pedestrians. You can definitely talk to the City Council and submit testimony to them and they may look at it differently. We can schedule you for Public Hearing on July 7. I would say that's your next opportunity. I will recommend to them it be removed no later than July 12 so you have a weekend. If the Council goes with this recommendation staff will report on July 13 whether it has been removed. I know there's a lot of deadlines, and we will spell that out in the letter. The next step is July 7. You can present that however you think that's effective.

Glenhue: ok.

Moermond: I do wish you well. The information you've submitted is attached to the record as well.

Glenhue: when is the deadline for submitting additional materials?

Moermond: no later than July 6. We continue adding through July 7, but you can understand the closer to the City Council meeting the harder it is to keep up.

Glenhue: ok, understood. I understand you don't agree and you've been pleasant.

Moermond: I do appreciate what you're trying to do.

Glenhue: I've been working all summer and all the neighbors say it is so beautiful. Then I get a letter saying it's a nuisance and it's a hazard. Everyone likes it and I'm just trying to grow some food for my husband and me.

Moermond: and you can do it, but not with a raised bed. Again, Public Works, go online and see if you can get an encroachment permit.

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

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 8 [RLH SAO 21-50](#) Making finding on the appealed nuisance abatement ordered for 854 EUCLID STREET in Council File RLH VBR 21-32.

Sponsors: Prince

Nuisance is not abated.

No one appeared

Moermond: this goes to Council tomorrow about a finding about the exterior property orders had compliance. You were there this morning Mr. Dornfeld and found no compliance?

Supervisor Matt Dornfeld: as I wrote in my email, Christina was present and she had her friends nearby. They scattered when I arrived. There was a bonfire burning while I

was there. The garage was wide open and filled with junk. She seemed to be in a better place. Didn't appear to be on drugs. The grass has become abhorrent. It is two feet high in some places. She has randomly picked up junk and placed it by an overflowing bin she says is going to be picked up tomorrow. Certainly not complaint. Minor improvement at best. She wrote in big black letters on the boards no trespassing and said there would be a \$2,000 fine. We haven't gotten a neighborhood complaint, but we're getting closer.

Moermond: we'll get it in front of Council and you can mow the lawn.

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

- 9 [RLH VO 21-21](#) Appeal of Philip Black, on behalf of Seu Pin Fung, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 732 CASE AVENUE.

Sponsors: Yang

Grant an extension to June 28, 2021 for compliance.

No one appeared

Tried calling 11:34 am at x8030 on June 15, 2021: voicemail box full cannot accept messages.

Tried calling 11:58 am x8030 on June 15, 2021: unable to leave message

Voicemail 11:59 am x8030 on June 15, 2021: this is Marcia Moermond with St. Paul City Council and we have been unable to reach you to talk about 732 Case. Your reinspection date was June 4. I'll grant an extension to have a reinspection. You need to have it occur by June 28. That is your extension, goodbye.

Referred to the City Council due back on 6/23/2021

- 10 [RLH VO 21-24](#) Appeal of Shai Leibovich to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1569 MARGARET STREET.

Sponsors: Prince

Layover to LH June 29, 2021 for further discussion. PO to connect with inspector for a reinspection prior to June 29.

Shai Leibovich and Carolyn Brown appeared via phone

[tried calling Carolyn Brown 11:37 am: voicemail box full]

Leibovich L: I just spoke with her 2 minutes ago. Let me try her.

[tried calling Brown back 11:39 am: voicemailbox full]

Leibovich: she just texted back; can you try her again?

Moermond: I'll dispense with the background info if you are fine with that?

Brown: yes.

Neis: this is a revocation of the Fire C of O. Order to vacate for failure to allow access. This started in February where the inspector was sending out notices to RBK Management, we were never notified about a change in management. Sent out several notices, no response, then when we realized who the Responsible Party was and then still got the same response of failure to show. This seems to be a continual problem. After 3 appointment letters were sent C of O was revoked for failure to allow access.

Moermond: who would like to speak to this?

Brown: this property is in the process of being sold. They sent the notice to the tenant of this sale.

Moermond: who is buying?

Leibovich L: RBK is selling, my company. We have a problematic tenant. She doesn't give us access to fix either. She has 2 dogs on the property. We decided to sell, and we notified her. She doesn't vacate and doesn't pay rent. Due to Covid we can't evict her

Moermond: what are you looking for today?

Brown: time to get the tenant out so it can be sold.

Moermond: Mr. Neis, did I understand this is revocation for long-term noncompliance?

Neis: no, failure to allow access.

Moermond: so not due to lack of facilities or gross unsanitary?

Neis: correct. We don't know that. We've never been inside.

Moermond: so you wouldn't vacate, it would be referred to the vacant building program and accrue excessive consumption fees for failure to vacate.

Neis: no life safety violations on the property, so no certificate and we won't vacate. The tenant can continue to live there. They won't be required to pay rent since there is no C of O.

Leibovich: so we are being punished twice?

Moermond: we are bound by the same orders you are, that we can't vacate for an administrative reasons. If it was found to be unfit for human habitation we could, but without that finding the City can't.

Leibovich: will that put any fine on us?

Neis: as of right now I could give a criminal citation for allowing occupancy of a building without a C of O.

Leibovich: wow. I don't really understand. What can I do here? On one hand I can't evict her, on the other side I'm getting a citation for what you just said. I don't see what my options are.

Moermond: well the City doesn't have an option for you in this case.

Brown: at this point to avoid the fees, can we just have a date to avoid the citations and give them a walkthrough even though it will be sold?

Moermond: there have been quite a few dates to do exactly that. Mr. Neis?

Neis: this is a perpetual problem with this owner. There's an appeal about the exact same thing right after this. I'm looking forward to that excuse.

Leibovich: that's a bit offensive. This is the problem I have issues with. I work in multiple cities. You cannot tell me you can't get access because the tenant won't allow and then legally I can't do anything about it. I can't evict her or force her to open the door and I'm still held accountable. Normally I'd file for eviction and we'd be done. Because of Covid my hands are tied. You are calling that fact an excuse and I don't appreciate that.

Moermond: noted. Ms. Brown, any other comments? You wanted to schedule time?

Neis: this would be in coordination with Thomas or Supervisor Shaff. This is on the east side of town.

Leibovich: and I have an issue with Inspector Thomas. Every time we have an issue it involves him.

Moermond: well, I guess I'm asking what are you looking for? Ms. Brown wants an inspection to create a list to get a C of O back in place. That's your target? Is this a single-family home?

Brown: yes.

Moermond: I don't see a current TISH and there is no valid C of O or code compliance certificate. You weren't intending to close without those were you?

Leibovich: of course not. We cannot go in yet to do it.

Moermond: so we are in a circle here.

Leibovich: can you give us another time? I will knock on the door myself and see how we can figure this out.

Moermond: today is June 15. Mr. Neis do you have access to Mr. Thomas or Ms. Shaff's calendars?

Neis: I do not.

Moermond: I'm going to lay this over for 2 weeks to June 29 and give you a chance to get an inspection and get the ball rolling. We can put a deadline in based on that list.

Brown: am I going to be copied on this email with this date as well?

Moermond: are you asking if you should be coordinating with Mr. Thomas?

Brown: do I coordinate with Leanna and Mr. Thomas?

Moermond: that's probably most straightforward. Mr. Neis?

Neis: yes, she should reach out to inspector Thomas to coordinate what date and time will work.

Moermond: we are laying it over to June 29 Legislative Hearing.

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

11 [RLH VO 21-23](#)

Appeal of Shai Leibovich to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1017 REANEY AVENUE.

Sponsors: Prince

Layover to LH June 29, 2021 for further discussion. PO to connect with inspector for a reinspection prior to June 29.

Shai Leibovich and Carolyn Brown appeared via phone

Staff report by Supervisor AJ Neis: this is a revocation of Fire C of O for failure to allow access. We have not been inside. No known code violations. No access granted by property management.

Moermond: so same deal.

Brown: we just had an inspection on Reaney in November last year. Now we're back at it again?

Moermond: what's going on with that Mr. Neis?

Neis: we're in the same situation in regard to this one. The building was inspected and approved in October of 2020. However, it ended up becoming a class D and due for renewal because there was four no entries. Then we had to revoke the C of O to get access again. Then 2 additional no entries, then got access and approved the certificate after several months. Same pattern as Margaret. They become due because of the pending revocation which puts them at a class D building. It is very hard in this City to be a class D building.

Moermond: so that is why the quick turnaround in the next cycle?

Neis: yes.

Moermond: alright, similarly no access and you think you can provide access now?

Brown: I just need a date and a time. I can send an email to Thomas and Leanna.

Moermond: so a two-week layover to June 29 as well. We'll send a follow up letter confirming that.

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

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 12 [RLH FCO 21-82](#) Appeal of Terry Hopkins, Americold LLC, to a Fire Inspection Correction Notice at 236 and 240 CHESTER STREET.

Sponsors: Noecker

Layover to LH July 13, 2021 at 1:30 pm for further discussion. PO to submit proposed plan for compliance.

*Terry Hopkins, general manager, Americold, appeared via phone
Doug Hartman, district director of operations, Americold, appeared via phone
John Brisson, facility maintenance manager, Americold, appeared via phone
Lucas Pangle, attorney representing Americold, appeared via phone
Susan Detlefsen, corporate safety partner, Americold, appeared via phone*

[Moermond gives background of hearing process]

Moermond: we did receive the package of materials. Although there is a header indicating it is confidential and nonpublic data, the hearing coordinator did indicate it would be public record. If you want to withdraw that information you can, but it is public if being considered here. My understanding you have agreed its public information for this purpose?

Pangle: correct.

Staff report by Supervisor Jim Perucca: we're talking about a range of addresses 236 to 250 Chester which is the C of O address for this range of addresses. C of O inspection was done May 11, 2021 by Inspector Migdal. He did find four deficiencies. I believe several have been abated already. I haven't seen the fire alarm system documentation for the annual maintenance, I've asked him to forward it. This facility is S1 storage of over 236,000 square feet. There is a key box and fire alarm system. No sprinkler system. The hazard code is placarded is 310, I'm assuming that anhydrous ammonia for the refrigeration system?

Moermond: we'll assume so.

Perucca: besides this 704 placarding that needs to be replaced that was called out. It also needed interior exits need obstructions removed and the storage height in the refrigerator/freezer warehouse areas have access of 12-foot storage. Its 24 foot in some areas at time of inspection. Needs to be reduced to no more than 12 feet off the ground.

Moermond: one of the things that came up in reviewing the appeal is the question of whether or not this has come up in the past as an issue in previous inspections. Any comments?

Perucca: I was able to review the last 20 years of inspections; seven C of O inspections of the building. Prior to this the last inspection was done in August 2016. A four-four, which is an internal complaint from St. Paul Fire Department indicated there were issues with high pile storage in the building. That complaint was rolled over to the C of O process and was addressed August 5, 2016. It said in freezers, coolers, warehouse reduce storage height to 12 feet or less or have approved high pile storage

protection. There was 24-foot storage in 27-foot high ceilings. So that was 2016 by Mitch Imbertson. It was finally approved March of 2017. Approximately 6 months later they came into compliance with storage height. 5 out of the 7 previous inspections, note they weren't the owner at all of these inspections, there were other issues dealing with storage height. Mostly with idle pallets and other issues. It has been addressed in the past to the point where there were conversations with my colleague Inspector Neis in 2010 that there was a desire at that time by the Fire Marshall to have the building sprinkled. Due to codes that didn't apply to existing buildings. That wasn't enforceable and it was continued to allow to operate with the square footage that exists. For new construction build today, the square footage alone would require a sprinkler system. But as long as the 12-foot high max storage is met there is no requirement for a system to be installed.

Moermond: could you forward to me the previous inspection reports so they can be added to the record for my consideration and for the appellant's?

Perucca: certainly.

Moermond: we're not 10 mins in and already have the layover we are expecting. I'll turn it over to you.

Pangle: You'll note there is a substantial contingent from Americold today, and that's because we the corrected notification presents a substantial problem with different areas requiring different expertise. You've already hit on one of the main issues for us, which is this "grandfathering" issue. What was previously required under the code. The facility was built in the 1970's and they have operated this facility safely since. Given all the measures we've disclosed to you we think we think we can continue to operate the facility safely for a variety of reasons. Rather than spending this time and resources on historical code compliance analysis, we'd rather discuss the practical and feasibility issues presented by the noticed correction action. Those are the 3 principle issues and we'll take them in turn and let the main people who know about them discuss them. The first is the design and construction of a sprinklered system is economically infeasible. Susan will speak to that in a moment. The second is the use of the space and the terms imposed by the Fire Official, in other terms the reduction in storage height, renders that space economically unviable for Americold. In other words if this was to be used with the reduction and without a sprinkler system they would be unlikely to be able to continue their business. Third is the point I have already touched on, which is that Americold has taken extensive measures not required by the Fire Code. The operation under current system doesn't propose a greater danger to life or property. Our ask is that the Hearing Officer determines that what Americold already has in place: the extensive inspection and recurrent audits makes Americold unique. It does things over and beyond things not envisioned by the Fire Code. You can determine if those measured adequately protect life and property. If there's any room for disagreement on that point, we'd like the opportunity to develop some sort of alternate prevention strategy with the Fire Official.

Moermond: could you restate what you just said?

Pangle: we're asking you to determine that the measures we currently have in place are adequate to protect life and property in the light of the fact that the requirements are economically unfeasible. However, if there is disagreement about that, given we think the procedures are so effective at protecting the facility, we'd like the opportunity to develop an alternate strategy either with the Fire Official or through a variance of some type.

Detlefsen: we included in the package a previous plan and cost analysis. We took a facility we had to repair and looked at the quote. You're looking at over \$1,500,000 to start. Keep in mind we are only doing 60% of a comparable facility. On a cost-effective basis we have to design the facility, get the plans and permits, and then we still have the two systems because it is buildings. That presents another problem. That will increase the cost significantly. It would be closer to \$3,000,000 to put in systems that meet current codes. I'm not sure if you had an opportunity to look at the quote, but it outlines what was needed.

Moermond: you're talking about the 2018 information from Texas?

Detlefsen: yes.

Moermond: you're saying that is comparable to what is being looked at here. Mr. Pangle said as a corporation you're trying to come up with an equivalent measure of safety design which may or may not look like your Texas solution.

Detlefsen: the Texas facility already had a system. It was a newer building, but we needed comparable material costs. That's why we used those quotes. It is a ballpark figure to look at what it would take. As far as a comparable system, no system exists, it has to be designed. Problems will be working around current electrical and mechanical. Some of those things would have to be relocated. Many upgrades would have to go in to accommodate a sprinkler, thus forcing the cost up. Mr. Pangle was referring to, we take a lot of precautions to make sure we don't have issues in the facility. Inspections, walkthroughs, mandated barriers, racking instructions, and storage plans to get to that place.

Perucca: I just wanted to add, the fire code is not prescriptive. We aren't telling you how to do something, we tell you what needs to be done. Our correction orders we do not mention you having to add a sprinkler system because of it exceeding 12 feet. Our orders are to reduce storage to no more than 12 feet. If your preferred prescriptive solution is a multimillion-dollar solution that's fine, but we aren't asking you to sprinkle this building.

Pangle: we have two alternatives: one is the sprinkler, the second is the economical solution of reducing storage to less than 12 feet. Mr. Hopkins, do you want to speak to how it would harm the facility?

Hopkins: we are a break-even case right now with the cost of running the facility and leasing the building. At the end of the year we are at a break-even point. We take into account the major account we hold here. It's a nationwide account so its offset at another location. If we have to reduce to less than 12 feet we would cut our capacity by less than half and we'd essentially be non-operational. The customer wouldn't want that limited capacity for their needs. The site, financially, would be a complete los2.

Perucca: historically that was an issue and at the last C of O cycle you were able to comply in a relatively timely matter. What conditions have changed since then?

Hopkins: I have only been here for 3 years and my understanding is—

Perucca: Mr. Brisson is the RP on all previous inspections. What conditions have changed in the last 20 years that you can't comply at this point?

Brisson: we have never had to comply at 12 feet or less. They re-inspected and the heights were never below 12 feet. That has never happened. The racking position is higher than 12 feet. We utilize all the rack positions in the warehouse.

Perucca: I find that disturbing. Our practice isn't to look the other way and approve something that isn't correct. There seems to be some discrepancy on how past practices may have occurred.

Hopkins: the type of product we store here primarily is vegetable totes. The cardboard bins that have watermelons in them at the grocery store. And then frozen peas and corn. That's what most of our high-pile storage is. We have done this the past five or six years at least. We looked our inventory at the time of that March 22 fee and we had over 6,000 totes stored here. We would not have had any way to have that unless it was piled that high.

Perucca: I know our inspections are a snapshot in time once every 3 years. What happens on the other 364 days times three isn't always evident to us. From the official records that we have was that you were in compliance in the past, meaning storage was under 12 feet. If you are saying something different I'm curious to see where those discrepancies in compliance may be.

Brisson: when they have come back and done the inspections we have corrected the other deficiencies listed. They come back and go through and make sure you have corrected them.

Perucca: correct. But like today if there is something that needs to be corrected, we would continue to pursue that to the appeal or revocation of the C of O for noncompliance. Since that hasn't happened in the past, I can only deduce that you did something to comply with the last orders. At least for that snapshot in time.

Brisson: when we receive the prior inspections perhaps that will shed some light on this.

Perucca: very good.

Pangle: I think that highlights the whole issue. The economic problems as well as the last issue, which is the substantial preventative measures already in place. Susan, can you speak to the programs already in place?

Detlefsen: we have a number of procedures we must follow, including emergency and egress inspections. Emergency exit lighting. Exit signs. We make sure there are monthly inspections. Annual hydrostatic testing. All of our employees are given fire extinguisher training.

Moermond: this is covered in the attachment to the appeal. Are you covering this again or is this new information?

Detlefsen: that's in documents in the appeal. They are required. We currently do them.

Moermond: and by and large those things are in the fire code. What I'm not hearing are places in between closing down shop and paying millions to sprinker the building. Let's see what happens over the course of some time here. I would like to see those fire inspection reports from the last 20 years Mr. Perucca was referencing. I have seen a couple similar buildings to this with higher hazard storage, but also better

preventative measures in place. I think Mr. Pangle was mentioning putting together plans that may mitigate the concerns here. I'm not hearing plans yet that do that, outside of the dramatic expenditure of sprinkling the building, or closing up shop because storage at this height is the only way of doing business. I'm going to continue this matter to July 6 or July 13. Anything work better on your calendar Mr. Pangle?

Pangle: July 13 because it will give us more time to bring the most comprehensive proposal.

Moermond: I would like to have a conversation that is someplace a little less extreme, that would be great. Let's talk July 13. We'll send a follow up letter and email those inspection reports. Expect the letter Thursday or Monday with a confirmation of time and date and inspection reports.

Laid Over to the Legislative Hearings due back on 7/13/2021

13 [SR 21-110](#)

Review Request for Extension for Appeal of Mike Bertrand to a Fire Certificate of Occupancy Correction Notice at 935 FOREST STREET adopted by Council on October 14, 2020.

Sponsors: Yang

Deny the extension request (property is in compliance).

No one appeared

Moermond: my understanding from Mr. Franquiz is no extension is needed because the property owner came into compliance?

Fire Supervisor Neis: correct.

Received and Filed

14 **RLH FCO
21-93**

Appeal of Shai Leibovich to a Correction Notice - Re-Inspection Complaint at 188 ACKER STREET EAST.

Sponsors: Brendmoen

Grant an extension to August 1, 2021 for compliance.

Shai Leibovich and Carolyn Brown appeared via phone

Staff report by Supervisor AJ Neis: this is a fire inspection correction notice. It was a reinspection. It says complaint, it wasn't a complaint. This building received its C of O back in January 2021. However there were seasonal deficiencies so we expected them completed in the spring. We gave a deadline for this spring and they are appealing for additional time. As you can see there are multiple orders written on the property.

Moermond: what are you looking for today?

Brown: time to get the exterior work completed. The stairs, shed, and some painting that needs to be done.

Moermond: "some time," can you be more specific?

Brown: at least until mid-July.

Moermond: nothing appears to require a permit. I'll ask the Council to give an extension to August 1.

Brown: thanks. We'll be done.

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

2:30 p.m. Hearings

Vacant Building Registrations

- 15 **RLH VBR** Appeal of Kenneth D. Burnett to a Vacant Building Registration Fee at
 21-33 329 LAWSON AVENUE WEST.

Sponsors: Brendmoen

Deny the appeal of the VB registration.

Kenneth Burnett, owner, appeared via phone

[Moermond gives background of appeals process]

Moermond: did you get squared away as far as your ability to pull permits?

Burnett: so far I haven't come to anybody at 24-hour store. I was dealing with my agent and no one is there. I went by today. At the end of the week I'm going to reach out to my agent again. I haven't talked to him since the permits been lifted. I don't know what is going on with them so far. They know I talked to you guys. I'm going on vacation next week. I'm trying to get them going on when they are going to start doing my house. It has been going on a long time. I just found out after talking to the claim adjuster. Mai Vang said the insurance company should be paying for it. The insurance money is gone to fix my house. Two days after the fire, all that trauma, I got 24 hours signed papers to start working on this. So far the house is torn apart. They started changing the house from a duplex and did some framing. HVAC was trying to pull a permit and you cut it off. I told them they could now and I haven't heard from them. This has been very traumatic to me with all this stuff going on. I have to pay this new thing you have and I never got a letter saying it was a City ordinance. I didn't know until the past due notice came. I wasn't sure what was going on. But yeah, so I'm just waiting for them to get HVAC back out there. They never give me updates. They just said don't call unless it is important. That's a bad vibe, they are moving pretty slow. I can't wait to get back in my house. I signed papers 2 days after the fire. It has been very hard. I've been going through a lot of ups and down with stress and being depressed about this whole thing. The guy burning my house down with a cigarette and everything else going on right now. I don't want anyone to go through this, it is really hard. I'm trying to get back to my house and my life, but I get nothing but discouragement after discouragement. Now you want to impose this fee on me. It isn't coming out insurance, it is coming out of my pocket. So I'm being penalized again. They have to know you don't put nails in plywood. It won't keep anyone out. They broke in twice because they didn't put screws in. I lost two televisions, a movie camera, some old coins. Now we're here. I don't know what to say.

Moermond: I'm just looking to see what's going on with the boardings? You said there

was a boarding?

Burnett: they had a guy come out that night. I was out there with my wife and my dogs and the guy boarded it up with nails. That was a guy called from the City to board it. They didn't secure it. You need to put screws in, then they can't get in the plywood. You need to correct that so the next person doesn't get vandalized. So now I'm getting charge \$288 for a house you didn't even secure. I took that loss. Now I'm back here for \$2,127.

Moermond: that's J2109B, not scheduled for Council until July 21. Did I understand that this was your neighbor who started the fire? And it took your house too?

Burnett: yes, 331 West Lawson. The Fire Marshal told me he was home. I called the Fire Department, it was strange. He said it started with a cigarette. Burning the ceiling to the duplex up there, that's when I happened to wake up. I heard a big bang. Thank god I wasn't upstairs sleeping. It didn't take long for the fire to start billowing the room with smoke. I went back that day and the next day they broke in downstairs between the houses. I know for sure it is the meth addict upstairs. He's been robbing people. He broke into his apartment and then into mine. I had to pay \$585 to board upstairs and downstairs and put a stud on the garage so they don't break in there and then board the windows so they didn't cut the stud. That's how it started. They said a cigarette. I lost my brother and four cousins in a fire. It has been hard. They still haven't pulled electrical, it thought they had. I know that's open right now. I have to do my roof, siding, It is a lot of work.

Moermond: have they given you an estimate on when they may be done?

Burnett: in the beginning, June 30. Well, I got news for you, it won't be done by October unless we're lucky. I don't have a lot of confidence in them. I've been very disappointed. It will be past July 21. They aren't even one third done. All I know is it has fallen on me

Moermond: When there is a fire this extensive the property does automatically end up in the vacant building program. They put a 90-day waiver in place. When you are dealing with insurance 90 days isn't a long length of time. Staff put another 90 days in. So we're six months out. That's why you're getting the letter now. I know it seems surprising; it was intended to be a kindness. It may not read that way. I will tell you there's a couple things I can do, but I need to explain it involves bureaucratic machinery again. The first thing is that boarding, we can talk about that. I would like to set it up so you're appealing that so we can talk if that is a reasonable fee for that service. I'm going to have staff reach out and schedule a time for us to have that conversation. The other thing, I'm going to let this bill float to assessment. I have a lot more tools to decrease this as an assessment than I do as bill. I can only delay or waive it as a bill. Its already been six months. But if we get into assessments I can look at decreases and payments over time. I have more flexibility in managing it. I'd like to do that so we can have more of a problem-solving conversation around it.

Burnett: the thing about an assessment. You're going to charge me the money either way. I might as well put it on my card and get it over with.

Moermond: the longer we wait to talk about it, it isn't accruing interest. So best to hold off as long as possible. I'm to ask Ms. Vang, although your assessment is scheduled to go to Council July 21, I'm going to push that into the fall. I'd like to have a conversation about that and the Vacant Building fee maybe in September and

October. We'll have a better idea of what is going on with your house being fixed up by then and be able to work with it that way. Does that sound ok?

Burnett: sure, that gives me more time. I hope they start doing my house. I am frustrated with the company.

Moermond: all the construction services and materials are so tight because of Covid. That makes it even worse.

Burnett: yes. No one wants to work and can't find people to drive trucks. There will be a lot of roadblocks. Floor and sheetrock. I just hope I get back in this fall. I don't want to move in the winter. There's so much stuff I have to go through.

Moermond: we can talk in the fall and have better information then. In the meantime, there's no interest collecting on the vacant building fee or your boarding assessment. It is just going to sit there until we talk.

Burnett: yeah.

Moermond: that's cheaper than putting it on your charge card.

Burnett: when I talked to the inspector he said the guy next door is trying to sell the house. They were trying to sell it before the fire. I hope 331 West Lawson is taken down. I don't know if you can tell me. They haven't done anything yet.

Moermond: I sure don't know. We'll send you a follow up email confirming all of this so you have that. For now, it is a vacant building so whoever the contractor is does need to go to DSI in person to pull permits. They can't do it online.

Dornfeld: I have nothing to add you haven't said already.

Moermond: we'll talk again in a couple months. Have a good summer.

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

**16 RLH VBR
21-38**

Appeal of Shai Leibovich to a Vacant Building Registration Notice at 980 CONWAY STREET.

Sponsors: Prince

Grant to July 13, 2021 to have Fire C of O reinstated. Waive the VB fee for 45 days (to July 18, 2021).

Shai Leibovich and Carolyn Brown appeared via phone

Moermond: we have both Fire C of O and vacant building issues here?

Staff report by Supervisor AJ Neis: yes ma'am. This is a revocation of the Fire C of O and order to vacate. Started January 2021. Several orders written to make the corrections, which weren't completed. As a result the building was sent to vacant buildings. At the time there were 14 outstanding violations for both the upstairs and downstairs units. The work wasn't completed in the time allotted, so it was sent to vacant buildings.

Staff report by Supervisor Matt Dornfeld: we opened a category 2 vacant building on June 2, 2021 per the revocation referral by Inspector Thomas. At the time of the file

the inspector was unable to confirm whether it was vacant. He did say it was secure at the time of inspection.

Brown: the property is not vacant. There were 14 orders, the one we are working on now is HVAC. That's what is outstanding. Mr. Thomas wanted to make sure each unit could control their heat. It is a challenge. The HVAC people we found aren't licensed in Ramsey County. Now we have found someone to do that. As far as the other orders, they have been taken care of.

Moermond: I'm curious why you didn't appeal the previous inspection. Why are we talking about a vacant building and not the Fire C of O orders?

Brown: we've filed on this before.

Neis: they may be referring to the last time, the certificate was revoked as well on the last inspection cycle that occurred.

Moermond: I have a 2020 and 2021 Vacant building registration appeals. No vacate or C of O appeals.

Neis: there was an appeal on March 3, 2020 on the condemnation that led to vacant building. The repair was fixed upon last inspection.

Moermond: yes, a vacant building registration appeal. It just seems like we're so far down the road, you know. We have a vacant building fee in play now. Help me out here.

Leibovich: whatever needs to be fixed we can fix. We have someone ready to fix the HVAC. They worked on Edmund. Whatever he asked us to do wasn't asked in any previous inspections. We are going to do it, but everyone we asked for the prices were outrageous or couldn't pull permits. Now we have someone who can do it for a reasonable price. Right now they are a bit behind, I am guessing they can do it in the next month. I'm not aware of any other corrections. We have a section 8 tenant, and they pass it every time.

Moermond: you have been getting letters since February.

Leibovich: I am not getting those letters. I know from Carolyn that all other corrections will be fixed. HVAC will be done in the next 30 days. Anything else, if it isn't done, it will be.

Moermond: Mr. Neis, I'm wondering what kind of notes your inspector has on getting into the building to do inspections over the last six months.

Neis: certainly. The first notice sent on January 12, 2021 was a letter on initial inspection for a reinspection on February 5. 13 violations on the property. Inspection done on February 5 for reinspection on February 26. New deficiency added. Another letter was sent on February 26 which was a revocation to say to get the work done by March 23 or have the property vacated. Nothing was done. Another letter was sent March 23, nothing was done. Reinspection April 19. Another letter sent April 19, nothing done for a reinspection on May 28. Another letter sent May 28, same outcome. And again for this additional revocation that was sent out. So he either made access or was unable to gain access but was unable to confirm violations were done on multiple occasions. Again, the revocation had to be done at the last inspection just over a year

ago in order to gain compliance. An appeal was filed, more time given, and it became due again due to the class D classification.

Moermond: so this went into the vacant building program June 3. How fast can you finish this list?

Leibovich: we can finish it fast. I'll get all the funds to Carolyn to hire direct people. If we can't get it done you can condemn it and put in a category 2 and we're fine. We'll carry the costs on that. No argument on my side.

Moermond: April 1, 2020 I asked the Council to give to May 1 and waive the fee for 90 days. You got a good recommendation and then an extension on that recommendation and here we are a year later playing the same game. Getting all the way to the point of a vacant building registration. A 90-day waiver in that circumstance seems like the only thing I can hold over your head. The City won't enforce a vacate for administrative reasons, which we discussed earlier. We're in that place with it.

Leibovich: I apologize for that; I have no words. You were on the right side here and we are in the wrong and I admit it when that happens. I'll be on top of it if we get more time. If you decide not to I respect that too.

Moermond: July 7 I'll recommend you are given until July 13 to have your Fire C of O reinstated. 45-day fee waiver, to July 18. You have to get that Fire C of O reinstated or you're looking at a big bill and a category 2 status.

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