



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 22, 2021

9:00 AM

Remote Hearing

Special Tax Assessments

9:00 a.m. Hearings

- 1 [RLH TA 21-265](#) Ratifying the Appealed Special Tax Assessment for property at 959 BEECH STREET. (File No. J2021A2, Assessment No. 208559)

Sponsors: Prince

Approve the assessment.

Rachel Theobald, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarelli: this was as summary abatement order issued on April 3, 2020 to remove mattress and mufflers next to garage. Compliance date of April 10. Rechecked April 10 and found in noncompliance. Work was done by Parks by on April 13 for a total assessment of \$432.

Moermond: why are you appealing?

Theobald: first, the letter didn't come to us, the owners. It just went to the address. Our address hadn't been updated. We only got notification from our tenant the day before. I told them to get rid of it. They said they did, so I assumed it was done. Then I got no further notification until I got the tax assessment ratification. I don't know why it took this long, maybe because of the pandemic? The tenant who was responsible has already moved out because it took so long. The girlfriend is still there, but she's a single mom so to make her responsible after this much time, when it was her boyfriend who said he took care of it, seems wrong.

Moermond: a notification did go out last year. Because of the pandemic, the Mayor pushed out all assessments of this type to 2021 due to Covid. He didn't want additional costs on people's taxes during a financially difficult year. So we are looking at 2020 and 2021 taxes now. There would have been a chance to appeal last year, this is round 2 on this. It looks to me like we don't have a C of O for this property? Are you aware of that?

Theobald: no

Moermond: you need one since it not owner-occupied now and it's a rental. The owner of record with Ramsey County it looks currently like is "Advantage Foam Insulators" in Newport, MN. The 2020 tax statement went to Peter Theobald at 959 Beech. That was who was specified by you as the owners. 2019 was also that same name and address. 2021 indicates "Advantage Foam Insulators". So there was a change with RC between 2020 and 2021. The City's obligation is using the information maintained by Ramsey County. Is that right Mr. Yannarely?

Yannarely: yes, that is correct.

Moermond: so you look at their records to determine who to send the notification to. If their records are up to do date, that's how it happens it goes to the wrong party?

Yannarely: it automatically pulls from Ramsey County tax records, correct.

Moermond: so it went to the wrong place because you listed you were owner-occupants of the property. You also took a homestead exclusion on this as Advantage Foam Insulators. That's not good as a rental property. You also did that in 2020. Yes, you did in 2019 too. You really want to clean that up. If you were renting this property back then and doing a homestead exclusion, you need to talk to Ramsey County. You are renting a property without a Fire C of O. As far as legal notification and due process, it did provide notification to the owner of record with Ramsey County. I'm going to recommend approval of this assessment. We'll send you a link to the Fire C of O form and get your property inspected. I strongly recommend you iron out the problems with Ramsey County too.

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

2 RLH TA 21-281 Ratifying the Appealed Special Tax Assessment for property at 939 CONWAY STREET. (File No. J2119A, Assessment No. 218539)

Sponsors: Prince

Approve the assessment.

Mike Podany appeared via phone

[Moermond gives background of appeals process]

Podany: yes I received the background info from Mai Vang.

Staff report by Supervisor Joe Yannarely: summary abatement order was issued April 8, 2021 indicating to remove trash containers and furniture near alley. Compliance date of April 14. Rechecked April 14 and found in noncompliance. Parks did the work for a total assessment of \$554.

Moermond: why are you appealing?

Podany: I have a rental property on the corner and I always get people dumping stuff. It is happening all the time.

Moermond: so you're saying this was dumping?

Podany: yes.

Moermond: you know when I looked at the video, it looked like maybe part was dumping. Usually that's a pile by the alley. This looked like stuff throughout the yard.

Podany: there is no garage there. They come through and throw it out of their cars.

Moermond: but it was throughout the entire yard. It was far and wide.

Podany: why can't they have a tent in the yard?

Moermond: let me look at the video again. I don't remember the tent specifically.

Podany: in other cases I got a letter saying it was partly falling down. Like they used it and it blew partially down. Then they had a blow-up pool.

Moermond: let's focus on these orders and the cleanup in April. You have a ton of stuff dumped, and you didn't want to clean it up because it was dumping. To tell you the truth it looks like it could have been a move out too. You have the same bags in the containers as you do outside. But you got the orders in the mail and then what happened?

Podany: I didn't take any action. In other cases I have gone and cleaned up.

Moermond: I'm rewatching the video I looked at yesterday.

Podany: it seems like once a month there is stuff out there.

Moermond: those two things are neatly piled there. Could it have been from your tenant? You get some bulky items as part of your garbage hauling bill.

Podany: I've even had a car dumped. They parked their car there. That was last year.

Moermond: I'm not 100 percent sure I would label this as dumping. It may have been, but it also could have been tenant related. In any event orders went out. Have you used the bulky items as part of the hauling service? Looks like you have a duplex?

Podany: no. I asked the lady before where I could dump this stuff. I know Minneapolis has vouchers for large items.

Moermond: we don't use vouchers here. Based on the size of the container you get a certain number of bulky items as part of your bill. For each medium container you get 3 items picked up. So you would get six as part of the bill you pay already. Calling ahead to the hauler would be all you would need to do. Tell them there's a loveseat by the garbage can, can you pick it up? If you get orders on it, call the inspector, and say you already called the hauler and it will be picked up on your next pickup day.

Podany: I just call Waste Management?

Moermond: pretty much.

Podany: I was unaware of that.

Moermond: a lot of mail goes out on that.

Podany: does it come to me?

Moermond: I think the billpayer. This goes beyond bulky items though. There are open garbage bags throughout the yard. The hauler wouldn't go pick that up. Neatly organized by the can, and knowing it was your intention to have extra bags picked up, they would do that.

Podany: the renters will set it next to the can if the dumpsters are full.

Moermond: yes, that appears to be the case here along with furniture, a tire, and a toy. It makes it look like it is more tenants than dumping. Definitely pursue the bulky item piece of it. It looks like the City is out there a lot doing work.

Podany: yes, all the time in the alley dumpster item there.

Moermond: looking at 2021, January had two calls for snow and ice on sidewalk, February for garbage overflowing, another garbage complaint in March. April another one. May and June also had garbage complaints. Yard mowing last year. It kind of continues on a regular basis. If it were less consistent I'd give you an incentive to not do this. In this case I'm going to say you are responsible for maintaining your property. I cannot say to the other taxpayers in the City they should be responsible for cleaning this up. We will send you information about bulky item pickup. That may help going forward, but I'm going to recommend this is approved.

Referred to the City Council due back on 8/4/2021

3 RLH TA 21-286 Ratifying the Appealed Special Tax Assessment for property at 1164 EDMUND AVENUE. (File No. VB2109, Assessment No. 218815)

Sponsors: Jalali

Approve the assessment and make payable over 5 years.

Josh Casper appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this entered the Vacant Building program August 3, 2020 due to a fire. It was given an automatic 90-day fee waiver and then an additional 90 days on November 30. As of right now it is still not rehabbed, so the fee was processed for a total assessment of \$2,284.

Moermond: what are you looking for today?

Casper: we're asking the fee continued to be waived. We are still the owners and intend to return. The insurance company locked down the scene for 2.5 months. It started with an espresso machine in the kitchen. The insurance company hired their own investigator to look into it. Following that, we had a dispute with insurance over content claim. There was extensive smoke damage so no clothes or furniture were recoverable. The company's initial claim was \$40,000 to \$50,000 off just on content so we couldn't move ahead on construction. We finished that piece and have pulled a permit. Demo has been done in the primary fire areas. We countered the insurance company settlement offer of missing historic value items in the home. They rejected and demanded appraisal based on the Minnesota Fire Insurance Policy. They named their own attorney as their independent appraiser. We sued on that because we wanted

a fair process. Last Friday the Ramsey County court ruled in our favor. They removed their appraiser so we are waiting for that process to proceed. It is not as though we don't want to do that work, we just don't know what it is yet. The 3 appraisers have to meet and go through the house and determine full scope of damages before the contractor who we have hired can finish the work. Those have been the delays. Really it is all out of our control. In terms of the situation a lot of it was Covid delays too. The \$2,200 would be an extreme hardship given the circumstances.

Moermond: this is a claim against the company for most people, especially in light of the fact the delays were due to their actions. What has your attorney told you about that?

Casper: he said we can attempt to recover it, but there's no guarantee it would be paid back. The City ordinance said 90-day period. 180 days would have been hard to have it done without any insurance delays. They don't think the company would pay that back.

Moermond: let me lay this out. The City in its code that covers vacant building fees has an automatic waiver for cases with fire. Fires are more complicated than other situations with vacant buildings. Staff then also put on another waiver. Those waivers say, if the work is done in the time the waiver was granted there will be no fee. If the work had been done in that totaled 180 days. There would have been no fee. A grace period. In all other cases there would not be a grace period unless it was granted by City Council. What I'm dealing with now is it being in the vacant building program in early August of 2020. It will have been in the program for 12/12 months by the time it goes to Council. That would be waiving a year's worth of fee and that is outside the bounds of what I can recommend. I can't say you don't have to pay a fee when all other vacant buildings do. This then comes into a group of things you would logically claim for the insurance company to cover as part of the expenses incurred because of the fire. If we can provide additional information to you about how that works, we are happy to. I'm stuck with the fact it has been in the program the entire year, beyond the six-month waiver. I get it is Covid and I bet you we are going to be talking about a second vacant building fee for 2021 to 2022. I think that's the one we'll be able to prorate because you'll have been able to finish the rehab. I think this first fee is not one I would recommend movement on the City's part. But the forthcoming one you are likely going to be able to get that reduced significantly. You'll be getting a letter telling you that you need to register and pay for the 2021-2022 year. When you get that, that tells you also that you can appeal. Do that and I can give you a 90-day waiver. You won't get it done, but it puts a pin in and allows you to pull permits without having to deal with the fee. Then when it goes to assessment, which it will if you don't pay it. We could talk about prorating it. I'm thinking you'll have things underway and we can get things chopped down to size then. I am recommending you bring this to the insurance company.

Casper: when does this go to Council?

Moermond: July 21. Practically speaking that means if they vote to ratify that on July 21 you'd be invoiced in a couple of weeks. That invoice can be paid then, or you can choose to not pay and it would roll onto your 2022 property taxes. After a period of time, it will accrue interest which will show on the City's webpage. If you're waiting for insurance to pay up I'd let it ride.

Casper: we'll put it in for the appraisal process, but I don't have a time frame of when even that will happen yet. They are trying to get six individuals in a room together.

Moermond: the interest rate is around 4%. In the event that you are not able to get the insurance company to pay that is not a terrible rate to be stuck with. If you can get them to pay it wouldn't matter. I would stay sitting with it is how most people in your circumstances deal with it. Again, we can keep talking about this. I'm wondering, and you can think about this, I have the ability to make it payable over 5 years. That's not going to make a difference to the insurance company, they would pay it as the claim. But in the event you don't get this paid as a claim, it would decrease the impact of that assessment on your taxes as you are digging your way out from the fire and those expenses. Is that something you'd like me to put forward?

Casper: sure, if you want to put that in.

Moermond: hedging your bets. Any preference?

Casper: 5 years is fine.

Moermond: I will recommend it is approved and made payable over 5 years so if you aren't successful it won't be one big blow in 2022.

Casper: sure.

Moermond: you can submit additional testimony to Council objecting to my recommendation. You'll get that letter to renew the vacant building registration, please appeal that so we can put a waiver on that.

Casper: perfect thank you.

Referred to the City Council due back on 7/21/2021

- 4 RLH TA 21-277** Ratifying the Appealed Special Tax Assessment for property at 205 GOODRICH AVENUE. (File No. J2024A1, Assessment No. 208564)

Sponsors: Noecker

Approve the assessment (paid at closing).

No one appeared

Moermond: paid a closing so we don't need to read that. Approval.

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

- 5 RLH TA 21-280** Ratifying the Appealed Special Tax Assessment for property at 2015 IVY AVENUE EAST. (File No. J2119A, Assessment No. 218535)

Sponsors: Yang

Approve the assessment (paid at closing).

No one appeared

Moermond: paid at closing, approval.

Referred to the City Council due back on 8/4/2021

- 6 RLH TA 21-271** Ratifying the Appealed Special Tax Assessment for property at 1238

MARION STREET. (File No. VB2109, Assessment No. 218815)

Sponsors: Brendmoen

Continue the hearing to September 1, 2021. If building demolition permit is finalized, delete the assessment.

Joachim Mueller

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this is a category 1 fire exempt vacant building opened November 16 as a result of the fire. Given an automatic 90-day waiver. There has not been a change so the vacant building fee is proposed for a total assessment of \$2,284.

Moermond: when was the fire?

Mueller: November 7, 2020.

Moermond: why are you appealing?

Mueller: the fire was November 7, started by the tenant. Shortly after I had a conversation with James Hoffman and he alerted me to the fact I will get a letter about the vacant building fee but I shouldn't panic but it will be automatically waived for a few months. I think 3, and that this could be extended. The idea being people doing the responsible thing and repairing it so it is not a burden on the City. Then in December I got a letter from the City. I don't have it with me, essentially stating the vacant building fee was overdue and if not appealed it would go to assessment. I do have on my computer a form I started filling out on December 21, 2020 for an appeal, and my comments are "I had a phone conversation with Mr. Hoffman who told me it would be waived for a few months and if no repairs are done there would be no fee". I was calling the number since it sounded like it was past due and I talked to the lady on the line and she confirmed that the fee would be automatically waived. I don't recall exactly what she said but I took away I didn't need to file the appeal because I was under the impression this was a misunderstanding and I'd get an extension in due time. Fast forward to April or May and I get the letter about the assessment ratification and that's when I realized that the process had gone through. I was calling Hoffman again and talked to him about it and he said yeah, it would be waived for 90 days and then it would go forward with no appeal. I told him we are in the process of rebuilding and he saw all the permits and plans and he said I should appeal. That's what I did, so I sent an email with that request.

Moermond: pulling up the records, I wanted to validate where you were coming from. Mr. Yannarely, can you confirm, it appears the vacant building registration went out right away even though there was a fire? And a month later the warning letter. I can see that Ms. Sheffer put a note in the system on November 16 saying there should be a 90-day waiver, but those letters went out right away. There's the note in the system but he didn't get confirmation correspondence about the 90-day waiver, which is automatic. That takes him through the beginning of February. At the beginning of March the department said the 90 days has expired, we're going to send this as an assessment now. Is that fair from DSI's perspective, Mr. Yannarely?

Yannarely: that is accurate. It was sent November 17 and warning letter December 17.

Moermond: Mr. Muller, I do see you have a building permit pulled. Have you gotten estimates of how long it will take to get it rehabbed?

Mueller: the builder says if the City approves the plans and he can start after July 4, he said he will be done by November 7. It depends on the permitting and approval process, which I don't have insight too. The plans were submitted the end of May. If things go fast it should be 4 to 6 weeks to get approved they said. The idea would be to have it completed by the one-year anniversary.

Moermond: sure. here's where this puts me. That means out of the year from November 7, 2020 through November 6, 2021 you'd have spent the entire year in the Vacant Building program. So even with the 90-day waiver, even with a 180-day waiver, the project wouldn't be done until the year is done. That's not through any fault of your own, it is the nature of a fire. I often see owners bring the fee to the insurance company as part of their claim as a cost they incurred because of the fire and ask them to cover it. Have you talked to them about that?

Mueller: there is a certain amount of money I can remove for cleanup and demo, but the prices I have been quoted for that already exceed what insurance will cover. Also when I talked to Hoffman he said if it is demoed it won't be on the vacant building list anymore. So when I said the house will be finished in November but the demo is going on so it will be torn down the end of the month.

Moermond: oh! You are tearing a house down and building a new one?

Mueller: yes, restoration would exceed the market value of the house. The house will be torn down. We have the asbestos assessment and are waiting for the City's ok it can be torn down.

Moermond: oh ok, I have a new construction building permit, let me see if that includes the demo. Mr. Yannarely can you look as well? I'm thinking it makes it a lot simpler.

Yannarely: I don't see a demo permit but I see a notation "to be wrecked". There's a CMA agreement.

Moermond: it looks like your contractor pulled a permit for new construction at this location for \$250,000. that permit hasn't been issued. From my perspective that isn't anything to worry about. You still have a house to remove. If you have the hazardous materials stuff dealt with you can move quickly towards demo. This goes to Council July 21, 2021. I'm going to ask the Council to consider the matter September 1, 2021. If that demolition has occurred and the building is down, and the demo permit is signed off, I'll recommend they delete this assessment entirely.

Mueller: that would be wonderful.

Moermond: tell your demo contractor you have a couple grand riding on this so he needs to get the building down. The contractor you are hiring needs to pull the demo permit. That needs to happen.

Mueller: I will call right after this.

Moermond: it does look like other things are happening that are related, like a permit to abandon the sanitary sewer. There's a permit pulled to cut the water lines. Some of it is happening but I really want to see the building demo permit pulled and finalized.

Referred to the City Council due back on 7/21/2021

7 RLH TA 21-276 Ratifying the Appealed Special Tax Assessment for property at 1211 RANDOLPH AVENUE. (File No. J2023A, Assessment No. 208539)

Sponsors: Tolbert

If PO has updated information with Ramsey County to 43 Mackubin, reduce assessment from \$478 to \$378.

Matt Jackson, owner, appeared via phone

[Moermond gives background of appeals process]

Moermond: I did see a transcript of the voicemail that was left by you.

Staff report by Supervisor Joe Yannarely: this is a summary abatement order to remove discarded windows and debris from backyard and fence line. Issued April 29, 2020, compliance date of May 6. Rechecked on May 6 and found in noncompliance. Inspector tried to reach out to owner listed but phone was disabled. Abatement crew was dispatched on May 11 for total proposed assessment of \$478.

Moermond: why are you appealing?

Jackson: I guess the bulk of my appeal is because the orders were sent to my mom's house and I don't know how my mom's address got associated with sending things like that. I did change my mailing address to her address for a while when I was traveling.

Moermond: I looked at this and the answer is when you closed on the property at 1211 Randolph and updated the tax information--

Jackson: I bought it in 2001. I can assure you that—

Moermond: let me finish. From 2017 through 2021 Ramsey County lists your address as the taxpayer as being the address at 973 Linwood. When the City pulls an address to send notice they have to send it to the taxpayer's address of record because it could result in a special assessment to the taxes. It wasn't just USPS forwarding. It was that official record and how you told the County to deal with your property taxes.

Jackson: this was from May of 2020?

Moermond: yes, April orders, cleanup in May. We're talking about it now because the Mayor asked all for these things to be delayed.

Jackson: I'm going through the process to change the address of where to send my abatement orders. I have to fill it out for each property.

Moermond: that's one place.

Jackson: I bought a new house in October of 2019. I've had my mail going there. I've had all paperwork going to that house. So I guess, if there pulling from an address in case of taxes, why wouldn't they use the newest one? Why would they use my mom's and not the house in 2019?

Moermond: because that's where your tax statement goes. The fire inspection people don't know if they're reaching out to a property manager, owner, or business owner. They just want the right contact for inspections. The cleanups are serious about their actions and corresponding assessments so they go to the owner of official record with taxes.

Jackson: why isn't the house I purchased the official address?

Moermond: anything you own and don't want your mom's address with needs to be changed with Ramsey County.

Jackson: I'm doing that now.

Moermond: you're doing that with fire.

Jackson: Ramsey County told me I had to do it with fire and that's where they do it from. I've talked to several people with Ramsey County. Just yesterday I talked to a different inspector who said to call 266-8989 and tell them you need to change notices. They said they get their info with the fire and we pull from there. What I'm confused about though is whatever the paperwork is I have to do that to change my address to the current one.

Moermond: yes.

Jackson: I never went through those channels to get to Linwood though. I never did any of this paperwork that is required.

Moermond: I could only see 5 years' worth of information with the County. Most people when they close is when that address gets locked in. When you closed on 1211 Randolph the address of record of the owner submitted to the County was the Linwood address. I'm assuming that's what happened. I can only see 5 years. You would have to ask Ramsey County to see when it was originally registered.

Jackson: I lived at 226 Grotto for 15 years. I don't get notices like this often and when I do I'm good about cleaning it up. When I did, they went to my house on Grotto. Basically I was at my mom's 20 years ago which is why the address was used and then there was a 15-year period on Grotto and now I live on Mackubin. I was getting notices and for some reason now it is going back to my mom's. I don't know how long it was locked in.

Moermond: I don't see anything associated with Randolph going to Grotto.

Jackson: I lived there like 2003 until a couple years ago. That's where I got all the notices for all my places.

Moermond: I don't see any notices for this one.

Jackson: I definitely got notices from the City and it went to Grotto. I didn't get the notice. My mom is usually good about telling me if I get random mail. She didn't tell me about this so I didn't get the notice. Clearly picking up 8 storm windows---I replaced the storm windows the prior fall. We stacked up the old ones against a fence in the backyard. The same winter the guy who owns the fence was ordered to replace the fence because it was leaning. They were tucked in the backyard, no one could see them. They got discovered because the fence had to get replaced. I would have just

had a scrapper take them if I'd known. They didn't get picked up because I wasn't willing to do it, I didn't get the notices in time because they were sitting on my mom's table for a few weeks. It was unusual circumstances. Instead of moving the windows they called the City. I know that's not their responsibility. It was a problem that was easily solved and I would have done it. I guess my excuse is I didn't see the notice, but it is dumbfounding it is this much money to move 8 storm windows. I didn't get notice and was hoping to get some mercy on how much I'm being charged.

Yannarely: I'm looking at your C of O right now and it lists Linwood and a number of x5527? Is that valid?

Jackson: yes.

Yannarely: the inspector said it was disabled. if you provided that number to the C of O you must have also provided the address.

Jackson: I didn't. She just got done saying the reason they use that one is because it was tied to closing.

Yannarely: no, that's ownership. The C of O form you filled out.

Moermond: there were orders in 2018 where I do see the Grotto address. It isn't addressed to you it is addressed you at Linwood but the Grotto person is Charles Leonard Jackson, trustee, on Grotto. Your address as owner of record is on Linwood on these orders.

Jackson: I'm doubly confused by that. It was just a couple of windows.

Moermond: in any event I'm looking at more than 2 storm windows.

Jackson: yes 7 or 8.

Moermond: so not a couple.

Jackson: sorry I wasn't accurate. Either way my point is I would have happily solved the problem if I had known. Maybe I'm responsible. I can genuinely say I didn't fill out paperwork. The stuff I'm filling out now I never filled out to have things sent to Linwood. I would have happily gotten rid of the windows had I known about that. I'm probably too belligerent for my own good, which probably won't help, but there are other situations in my file showing if I get a letter I do the work. I got one for tall grass on a lot I own.

Moermond: that's not helping either. Why did you put these windows there instead of the garage or somewhere else?

Jackson: there is no garage or basement at that building. There's a laundry room but no storage. Basically it is all apartments and a furnace and laundry room. I didn't put them there, I had someone who was painting the windows and replacing the storms. They put the old windows against the fence late in the fall, and then to be honest they didn't tell me where they put them and it wasn't at the front of my mind. Then winter came. I don't know. I didn't think of it. They got put there by the workers since there was no better place. If I knew it was going to turn into this I would have done something right away.

Moermond: I have to tell you I wouldn't leave my junk out like that. if I was a neighbor I

wouldn't be happy about it.

Jackson: they weren't visible to any neighbor. They were in a side yard leaning up against the fence. You couldn't see them from the alley because of trees and garbage cans. You can't see them from the neighbor, who is a gas station. It's a deep lot and they aren't visible. If he hadn't been replacing his fence they probably would have sat there for 10 years.

Moermond: and I'm not feeling better about this.

Jackson: I'm not saying I would have. I'll give you all the addresses I own. They are well maintained properties. There isn't trash sitting around any of them, if I do and I get a notice I take care of it immediately. I have a pickup and the means and time to do the work. It is not that I wouldn't have done it, I just didn't get the notice. The windows got put there late in the fall and you took them early in the spring and I just didn't get to it

Moermond: May isn't early. From what I can tell the City met its legal obligation which is to send the notification to the address of record with Ramsey County taxation. How that came to be with them is a matter for you to resolve with them. Given you purchased at a time when you did live at Linwood that would be my best guess.

Jackson: I need to set up paperwork with the Fire Department separately from the County? They don't get their addresses from the Fire Department?

Moermond: absolutely not. Ramsey County maintains their own information.

Mai Vang: their number is 651-266-2000.

Moermond: we can send you an email with the website. I'm sure you can google Ramsey County taxation. It is 266-2000.

Jackson: ok.

Moermond: we'll send this to Council September 1.

Jackson: say it. I already know.

Moermond: if you have your address changed with the County by then I'll knock of \$100.

Jackson: ok.

FOLLOW UP: PO emailed 6/24/21 with information that he had changed information with County (attached to record) - JZ 6/24/21

Referred to the City Council due back on 9/1/2021

8 RLH TA 21-272 Ratifying the Appealed Special Tax Assessment for property at 1802 ROSS AVENUE. (File No. J2107B1, Assessment No. 218115)

Sponsors: Prince

Reduce assessment from \$459 to \$100.

Peter Yahiaian, o/b/o owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: St. Paul Police Department were notified of a break-in at this address on December 30. They noticed the back glass door was smashed. They checked to make sure the house was empty and then called in a boarding contractor to secure the building. Total proposed assessment of \$459

Moermond: I notice there's a police report attached to the record; can you highlight that?

Yannarely: indicates what I said. The back glass door was kicked in. Unknown if anyone was inside. Caller was waiting outside for the squad. They checked to make sure it was empty and then called in the contractor to secure. Snow inside the house. Occurred at 2:30 in the afternoon.

Moermond: why are you appealing?

Yahiaian: I'm calling on behalf of the owner. I've taken over the project. That day my electrical contractor was the one who called me and then the St. Paul Police Department because he didn't want to enter without it being checked. I was able to talk to the police because my neighbor Jose house-sits and was already there ready with the boards. We were waiting for them to clear. I spoke with them and said my neighbor has the boards and we'll take it from there. He said he had already called out a company and because it is a vacant building the rules say I need to call it in and it was mandatory. I said it wasn't fair because I have my hired worker living next door with a board. I would have paid him \$100 not \$500. I spoke with him personally on the phone, the officer. They failed to mention that in the report. That's why I was seeing to appeal because they didn't give us a chance to do it. We were readily available but they said because it was a registered vacant building it didn't matter and they were calling the contractor. The bystanders were there and the contractor was there and ready. The police wouldn't let them.

Moermond: the police prevented it?

Yahiaian: yes they said they had to.

Yannarely: this doesn't make sense to me either. It is highly unusual. We have canceled calls often for the contractor when someone arrives ahead of time. There's no mention of it in the report.

Yahiaian: under oath I'm telling you I had people there with the items but his excuse was he already contacted the company to do it. I told him to cancel it. He told me to take it up with the City and I would have to talk to them.

Yannarely: calls are canceled routinely.

Yahiaian: we are getting things done.

Moermond: it has been a vacant building for 11 years. I'm happy to hear that. The call came to the St. Paul Police Department at 2:35 p.m. They arrived at 2:51 p.m. and they stayed until 4 p.m. The boarding contractor arrived at 3:05 p.m. So 25 minutes after the police. You're saying your neighbor was there with boards and tools ready to

go and was prevented by the police from doing the work?

Yahiayan: 100 percent. The neighbor next door is Jose.

Moermond: last name?

Yahiayan: I don't remember. I work in Detroit. Jose is there and cuts the grass, he is a contractor himself. I didn't hire him per se but he's ready to help me because he's my neighbor. All I can say is his name is Jose. I talked to the officer and he said to deal with the City later when you get the letter. I asked the officer at the time how much would it cost, he said \$100.

Moermond: it sounds like the officer doesn't actually know.

Yahiayan: they aren't supposed to know prices. He said about \$100, you'll get a letter to clarify that and deal with it. I was upset but what could I do at that point? He wasn't letting anyone do anything. I wasn't there but I was on the phone with them which was in the report. I'm asking for a significant reduction. I know they did their job, but it was unnecessary.

Moermond: and I need to figure out whether Jose whose last name we don't know can be a responsible party for securing the scene. I hear you say you told the police that. You are not the owner of record either. So the police are dealing with that as well.

Yahiayan: I explained to them. They had to do their job. It was unnecessary when the neighbors are right there ready to help with me on the phone. The police don't know who the owner was.

Moermond: so Jose went running over with the cell phone and had you on the line?

Yahiayan: yes and the electrical contractor. It was Early Bird electrical. They were there and they made the initial call. Everyone had sufficient tools to do what they needed to do but it was blockaded by the police.

Moermond: it sounds like the house was open for a while. There was snow in the house.

Yahiayan: Jose mentioned to me he noticed some foot tracks in the area, they were probably scouting the house. He saw no damage then. It happened sometime early morning. My contractor came at 2:30 p.m. Jose is routinely in his backyard. There's just a chain-link fence. He's always checking for me. I understand everyone did their job. I'm not arguing that, I'm just asking either for it to be dismissed or a fine reduction.

Moermond: and you understand it is not a fine.

Yannarely: it is interesting the police wouldn't know they could cancel and are quoting \$100 prices.

Yahiayan: we're looking to have it marketed by mid-July and rented by August 1. All the neighbors are happy. I talked to Matt Henkle, I just paid him \$200 to maintain the lawn.

Moermond: I will recommend this is reduced to \$100.

Yahiayan: I appreciate that.

Moermond: this goes to Council July 21 and within a couple of weeks the owner will get notification.

Referred to the City Council due back on 7/21/2021

10:00 a.m. Hearings

- 9 [RLH TA 21-260](#) Ratifying the Appealed Special Tax Assessment for property at 181 FRONT AVENUE. (File No. J2021A1, Assessment No. 208558) (Public hearing continued to October 13, 2021)

Sponsors: Brendmoen

Continue PH to October 13, 2021. If no same or similar violations, reduce assessment from \$450 to \$225.

Derick Crockett, owner, appeared via phone

Moermond: we are following up from your appeal a couple of weeks ago. At the time we spoke you'd just gotten the video the day before and hadn't looked at it. Now you've had a chance. What I saw when I reviewed was six black contractor bags and they written and the orders and removed. Is that what you saw?

Crockett: yeah I guess that is what was removed. I'm not sure if it was ours or not but it doesn't matter. It probably was I guess. It was on our property but we never received anything. The first we learned of the bags was when we got the bill. You said you sent it to 3549?

Moermond: the orders sent April 1, 2020 went by US mail to that address.

Crockett: my wife said she never received anything. We've got quite a few things from the City about cleaning up and we've always done it. I don't know how we left bags there.

Moermond: Ms. Martin, what's the history since the fire in 2019? Looks like some activity early on and then nothing?

Supervisor Lisa Martin: let me look through the vacant building file.

Moermond: it was a vacant building file, but I don't think it is anymore.

Crockett: it is still vacant but we're getting ready to rent it out.

Martin: tall grass & weeds September 24, 2020, garbage December 21, 2020. Nothing current

Crockett: we have been having problems with the people across the alley. In the last week I've had to move a couch back to their property 3 times. I had to knock on the door and ask them to stop. They know no one is living there so they put trash on my side of the alley. Every time we have received something we went above and beyond to get it removed.

Moermond: there was work done so I can't get you out from that. if there are no violations between now and October 13, 2021 I will recommend it is cut in half to \$225.

Crockett: I'm confused about what you said about violations. If you send a letter saying something is on the property, is that a violation? Or if you send it and we remove it? I'm trying to understand.

Moermond: the City doesn't want to have to send any letters at all that there is a violation. So if they send a letter saying there is six bags, that's a violation, regardless of whether you pick it up or not.

Crockett: got it. How do I handle this when I'm not there every day?

Martin: if it is on your property you're stuck with dumping unfortunately. You can put up no dumping signs, cameras, motion lights. Those all deter people from dumping.

Crockett: but if they put it over there and I get a complaint it puts me back at square one.

Moermond: the property that people are coming and dumping from, are those tenants or owner occupants?

Crockett: I don't know. It's the people right on the other side of the alley.

Moermond: both of those properties are owner occupied. I would reach out to them.

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

10 RLH TA 21-273

Deleting the Appealed Special Tax Assessment for property at 687 CHARLES AVENUE. (File No. J2022A2, Assessment No. 208561)

Sponsors: Thao

Delete the assessment.

Yan Chen, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: April 14, 2020 a summary abatement order was issued to the occupant at this address well as owner on Stevens in Minneapolis to remove overflowing recycling bins and debris near containers. Compliance date of April 20. Work was done April 23. No letters returned. The video shows the same items from photos. And there is a history at this property.

Moermond: why are you appealing?

Chen: she said the same thing showed up on reinspection. That is not the truth. I don't know whether you had a chance to read my letter?

Moermond: I did.

Chen: she said that the property has issues. I want to stop to say the issues are my tenant is a hoarder. The litter is because people just dump things. I had video

evidence but it crashed. So basically the property itself has a lot of issues. What happen with this event is my tenant is a hoarder had a bunch of mattresses. I took them out for the garbage company to pick up on Friday. There was more dumping during that time.

Moermond: we're not talking about mattresses today. Those orders were from March. We're talking about something occurring in April. The orders sent in March are different than the April orders.

Chen: I thought we were talking about the cleanup assessment.

Moermond: yes, the cleanup April 23. You were talking about March.

Chen: yes it was April. I'm sorry. I don't think I mentioned March.

Moermond: you mentioned March in your voicemail and your statement now.

Chen: in April I put the mattresses out and asked the garbage company to pick it up. I also told inspector Williams to come after Friday after the garbage company comes. They came and cleaned it all up and over the weekend I prepared the 2 trash cans for the next week. That's April 24, the second inspection. When he went back to look the 2 cans someone had tipped over. Just dumping the contents I had prepared over the weekend all over. I don't know what to say. I started to put a camera up, it is just impossible. I picked everything up and what can I do? It was a coincidence. That's why I'm contesting. The first and second picture shows completely different items. The trash crew came in and probably didn't see anything so they emptied my trash can. That's the whole story. I think the fee should be eliminated from my point of view. I have done everything correctly trying to clean up the property.

Moermond: I'm looking at the video from when the crew showed up again.

Chen: it should be very clean. I put a couple tires and scrap metal out.

Moermond: what I'm seeing in the video is a baby chair, plastic furniture, items behind the recycling container, and the recycling container is somewhat overfull.

Chen: that's all the things I cleaned up.

Moermond: Ms. Martin did you review the before video on this one?

Martin: this is Inspector Seeley's.

Chen: I really want to bring the issue; I called the Councilmember twice and each time I didn't get a phone call. I'd like to bring the issue to him. It is unfair to put the burden on the property owner to maintain the property when there is virtually nothing done by the City. I think the police report---I can never trust my tenant. It is people dumping. Taking things from the garage. Dumping my trash can. It is unfair to put the burden on the property.

Moermond: and I can't address that problem with you today. Ms. Martin?

Martin: the video is listing everything there and said it was all removed but I'm not seeing what was there

Moermond: I saw a good faith effort to remove the items in the Summary Abatement Order itself. I didn't see it was 100 percent taken care of. In light of that I'll recommend deletion of the assessment. You are responsible for maintaining the property. You are taking proactive steps to prevent it. Having a hoarder as a tenant does complicate things.

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

- 11 RLH TA 21-274** Ratifying the Appealed Special Tax Assessment for property at 2162 STEWART AVENUE. (File No. J2120A, Assessment No. 218536)

Sponsors: Tolbert

Approve the assessment (PO is no longer contesting).

Voicemail on June 22, 2021 at 11: 38 am: this is Marcia Moermond calling Jake regarding an appealed assessment for 2162 Stewart. We'll try back in about 10 minutes.

Voicemail on June 22, 2021 11:52 am: this is MM calling again about the appealed special tax assessment. I'm going to continue this to July 6, we'll schedule you between 10 and 11:30 am and try you again.

[follow up email to property rep confirmed they were no longer contesting. Attached to record. – JZ 6/23/21]

Referred to the City Council due back on 8/4/2021

Special Tax Assessments-ROLLS

- 12 RLH AR 21-60** Ratifying the assessments for Property Clean Up services during February 26 to March 11, 2021. (File No. J2119A, Assessment No. 218535)

Sponsors: Brendmoen

Referred to the City Council due back on 8/4/2021

- 13 RLH AR 21-61** Ratifying the assessments for Property Clean Up services during March 15 to 29, 2021. (File No. J2120A, Assessment No. 218536)

Sponsors: Brendmoen

Referred to the City Council due back on 8/4/2021

11:00 a.m. Hearings

Summary Abatement Orders

- 14 [RLH SAO 21-46](#)** Appeal of Dennis J. Juvland to a Summary Abatement Order at 2078 BUSH AVENUE.

Sponsors: Prince

Grant to August 18, 2021 for compliance.

Dennis Juvland, owner, appeared via phone

Moermond: we are following up with you on your property about trimming the boulevard overgrowth. I understand you've had some communication with Joanna Zimny in my office?

Juvland: yes.

Moermond: Forestry has made a determination in the past that they will take care of the boulevard area for trees originating the boulevard area but won't do cleanup for trees that don't originate there.

Martin: that is correct. They did it about 8 years ago. They will come back again in July and do it again. This is an undeveloped boulevard and the City won't continue to maintain it.

Juvland: I submitted some exhibits. My property line is 20 feet from the curb. I don't own that

Moermond: you own all the way to the curb; you don't pay taxes on it. It is described in your deed as a public right of way. Basically an easement to pass through your property there. Yes, you are the owner. There is a public easement, you are not required to pay taxes for that portion of your property. The right of way is similar to the utility easements in the back. Any questions?

Juvland: the trees that overhand Peterson Avenue supposed to be cut to 14 feet. Any trees that overhang the boulevard are the City's responsibility. They trimmed the property last fall and wouldn't do those.

Moermond: we just described it. The City will do it during July. We'll give you a deadline beyond that to August 18, 2021 to complete the trimming of your trees, so you will see what the city has done.

Juvland: I understand that. The City did trim some of the trees last fall. Why didn't they trim those? Those are boulevard and overhand Peterson up to 14 feet. I asked the code enforcement officer who was out here today and they didn't seem to know what the code was.

Moermond: we have just clarified that for you. We can confirm with a letter that copies Forestry. You are welcome to appeal further to the City Council.

Juvland: no problem. I'll take care of it.

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

15 [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. (To refer back to June 22, 2021 Legislative Hearing)

Sponsors: Brendmoen

Layover to LH on June 29, 2021 (PO requested an interpreter).

Bob Marley Jr, owner, appeared via phone

Moermond: I'm following up with you on the orders for your property at 14:50 Dale. We scheduled a hearing today to talk about permits for work you said you'd be doing repairs on your fence and shed. I will ask for a staff report to get us going.

Staff report by Supervisor Lisa Martin: a summary abatement order, vehicle abatement order, and correction notice were issued in April. Had a hearing extending to the 21. The summary abatement order included a long list of items including unapproved structures. Mr. Marley has moved some of the items but they are still on the property. Some in the truck bed. Some in the driveway. Part of the structure has been moved over. The inspector was there yesterday to take photos and he did meet the owner at the property, no significant progress made. Unapproved structure by the home has contents inside, the one by garage has been partially removed and contents are on ground, in driveway, and truck bed. The portion of the white fence remains leaning. He didn't contact House Calls for a dumpster. The owner informed him he doesn't want to obtain a permit.

Marley: I would like to say that Mr. Williams, I give him credit to let me know about the court date. He sees everything the same way it was. I took everything apart. The structure is down. He doesn't see that. He sees four boards up for privacy. He thinks that is a structure. We got along good yesterday but he didn't give me the information about the court issue which took more of my time. The cars have tabs on all 3 of them, except one. The owner is mentally ill and I'm going to do it today. I talked to Mr. Williams and he didn't want to listen to anything or help me, just told me tomorrow is a court date. The place doesn't look the same. I threw trash and I have leaves and the tree and I'm ready to take the truck. I don't know, I don't have any bike in the backyard. I have 2 bikes and the kid is crying they don't want the bikes to go. I guess I have to put it in the house. I have nothing to move the trees with. I don't have a place to put it. He had the guts to tell me "oh I'm sorry" but I don't know about the license plate he took but he had 12 disciples and cops over there. I have a noose on my tree and no one cares about that. Today is not the same way as yesterday. I took the stuff out. You are only seeing the old pictures. The wood I'm building a shed right now with. Ms. Martin, you gave me permission to keep the shed by the garage. I don't get why I'm blamed for something I've been using the whole time just because some new people moved in. I'd like to request everything you have against me from day 1 of this year to today so I can go to court. The window to the truck, I want Richard to pay for the damage he did. Your English isn't making sense to me most of the time.

Moermond: you didn't request an interpreter; do you want one?

Marley: the whole court system I have always had one.

Moermond: your mother is requested one. Did you want one? We sent you a letter on May 21 about this. The last 20 minutes hardly makes a difference in the matter. Are you officially requesting an interpreter for this matter to continue?

Marley: yes.

Moermond: we'll try you in one week with an interpreter on the line.

Marley: what language?

Moermond: Swahili as usual.

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

- 16 [RLH SAO 21-52](#) Making finding on the appealed nuisance abatement ordered for 1352 SEVENTH STREET WEST in Council File RLH VO 21-8. (Legislative Hearing on June 22, 2021)

Sponsors: Noecker

The nuisance is not abated. The Department of Safety and Inspections is authorized to take action to abate the nuisance.

Cynthia Johnstone, occupant, appeared via phone

Moermond: I understand Ms. Skar is not representing you in this matter at this point.

Johnstone: ok.

Staff report by Supervisor Lisa Martin: we had a vehicle abatement for a van/RV that was supposed to be in good repair with current tabs. Unfortunately it is still not in compliance. We would recommend having it towed.

Johnstone: I can't find the mirrors. I was out yesterday and last week and I was going to go this afternoon. I'm working on it now. The mirrors were stolen. I have a new battery in.

Moermond: the city council granted until June 1 for compliance with the Vehicle Abatement order. You are not in compliance. I need to put a recommendation back in front of Council tomorrow . I will tell them this nuisance condition has not been abated on deadline and DSI is authorized to act.

Johnstone: all I need is what?

Moermond: you need to have it compliance with the codes.

Johnstone: just for the mirrors?

Moermond: you need to work with DSI on what they are looking for. Mirrors are a vital part and not having them means not in compliance.

Johnstone: I've been to like 5 different stores. I'm going again this afternoon.

Moermond: this goes to Council tomorrow. I will recommend the nuisance isn't abated and the department is authorized to move forward. What kind of calendar are you working on these days between Council action and department action, Ms. Martin?

Martin: probably only a day or two, especially because this RV is packed full and has garbage all around it.

Johnstone: my son is homeless and left stuff in the back. I didn't know.

Moermond: it has been plain since March this has been the point.

Johnstone: I'm having trouble finding the mirrors and I had that accident at that store so I'm slowed down right now.

Moermond: numerous extensions have been granted to take that into account. Ms. Martin, any comments?

Martin: no. We will issue the tow order and it will be gone by Thursday probably.

Johnstone: a lot of money was put into my RV. I hate to lose it over a couple mirrors. The battery was over \$100.

Martin: when the police come to tow, if it has mirrors and the vehicle starts and has current tabs, then they won't take it.

Johnstone: it has tabs and a battery. It just needs the mirrors. I'm going out again today.

Martin: I would like to state for the record that parking another vehicle behind it won't prevent them from taking it. They will move any vehicle to tow it.

Johnstone: I don't know how bad you want it but I'm going out today to find the mirrors.

Moermond: the City has been patient.

Johnstone: I can't stop a thief from stealing them.

Moermond: it is unusual to have that particular problem. You know my recommendation. And you understand the action the City will be taking. And you understand if it is in compliance when the police arrive they won't tow it.

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

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 17 [RLH VO 21-19](#) Appeal of Derek Thooff, Attorney, on behalf of Pa Nah Vang, to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 865 JESSIE STREET.

Sponsors: Brendmoen

Layover to LH July 6, 2021. Revised work plan addressing life safety issues as priority items by COB July 1, 2021.

*Derek Thooff, attorney o/b/o owner, appeared via phone
Ms. Pa Nah Vang, owner, appeared via phone*

Moermond: we are going to reschedule to next Tuesday, there was confusion on our agenda, we had you slated for 11:30 and then you got moved to 11:00 because it's a Code Enforcement case now. We will schedule you for 11 to 12:30 next Tuesday. We've had a chance to review the work plan and I'm not satisfied with the plans to deal with what I consider the critical items, the exposed wires, gas shut off valve and water heater. Those are critical items that can't wait 30 days to get a bid. I understand you have some texts in the record, but that won't suffice. Just be aware of that we'll discuss that further next week.

Thooft: I have a deposition all day next Tuesday. Is there another day we could do it?

Moermond: if you can submit a revised work plan I'm happy to look at it that Tuesday and discuss the following Tuesday. You know my concerns; the priorities and deadlines I believe are flipped around. Let's turn that around and we'll talk again on July 6.

Thooft: certainly.

Laid Over to the Legislative Hearings due back on 7/6/2021

18 [RLH VO 21-26](#)

Appeal of Francis Phan to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 756 CLEVELAND AVENUE SOUTH.

Sponsors: Tolbert

Grant to September 1, 2021 for compliance. Lift the revocation of the Fire C of O.

Francis Phan, business owner, appeared via phone

Brandon Long, Highland resident, appeared via phone

James Farnsworth, ED Highland Business Association, appeared via phone

Kathy Carruth, Highland District Council, appeared via phone

Phan: I don't know anything about this.

Moermond: I have several people who want to talk about this. Did you want to be on the call?

Phan: yes.

Moermond: there seems to be some bit of confusion if someone would like an extension. I assure you I have no interest one way or another about whether an appeal is filed. I'm happy to review and go through this process, that's exactly what this is for. [Moermond gives background of appeals process]

Staff report by Supervisor James Perucca: Inspector Huseby initially did the inspection on February 2, 2021, continued to a resinspection date of May 18, and reinspection date last week of June 17. In her orders she found several issues pertaining to this address. Mostly they were pertaining to the exhaust hood and makeup air for the cooking area and associated related features with that. Exhaust fan on the roof was replaced with a noncompliant fan, including a missing hinge kit for cleaning the duct work and grease. We needed an inspection report for cleaning of the unit that was more current. The makeup air unit for the kitchen, and any work done needed a licensed HVAC contractor. There has been other work done on the fans that appeared to have been installed by a contractor that may have not been licensed in St. Paul. We haven't been able to identify that person or had that provided to us. Of the additional orders on the current list outstanding, 3 of the orders are unrelated to this space for 756 Cleveland.

Moermond: when did this inspection cycle start?

Perucca: initial certificate of occupancy inspection was February 2, 2021.

Moermond: were these issues called out at that time?

Perucca: yes. inspector Huseby had been working with the owner and trying to convey the issues at hand and has been on the subsequent orders of March, April, and May of this year.

Moermond: looking at the appeal say the repairs are in progress. I do see a permit situation here. Mr. Perucca can you summarize what's going on permit-wise with DSI ?

Perucca: received communication by email early last week that the licensed contractor Faircom Service Company had been contacted and would be submitting a permit to the City for the correction of the outstanding deficiencies for this address. Due to situations with increased workload our permit process people are now working on May 28 orders, with a little over 500 permits waiting to be processed.

Moermond: so 3 to 4 weeks behind in processing permits?

Perucca: I was able to find this permit in the mix today and have requested it be moved up to a priority for processing. Once that permit is processed the contractor may call our mechanical inspector for a final inspection. Unfortunately prior to a permit being entered our trade inspectors are unable to do their processes. This is being expedited as quickly as possible so that a final inspection can be made, hopefully within days.

Moermond: I'm wondering, are there any other permits required for the work in the orders?

Perucca: in the file for this address there is one open electrical permit, unrelated issue it looks like. 3 radar fans, need a final inspection.

Moermond: so the orders today, in order to address them, the mechanical permit is the only one necessary?

Perucca: yes, unless there are other issues found. The mechanical permit should be the only one.

Moermond: so bar disaster, only mechanical. Mr. Phan, it sounds like this is a matter of time and you are in general agreement with the orders. Is that a fair assessment?

Phan: before Faircom we had Luxt contractor who came out to repair everything, but he isn't doing it anymore and that's why we turned to Faircom. I call him every weekend, I just called again this morning. He said the City is so behind in permits. Once they have the permit they will call the inspector to come out and inspect it.

Moermond: has he done work then?

Phan: everything is done, it is just the permit he is waiting for. The fan is done and the hinge kit is done and grease trap has been done for weeks now.

Moermond: the other items on the orders are taken care of as well?

Phan: yes ma'am.

Moermond: anyone else have any comments?

Long: no, it would be great to have an executive summary of what's going on in plain language so those outside of DSI can understand. Sounds like it is a permitting issue so I hope we can resolve this

Farnsworth: no, nothing substantial. I'm just here to help businesses in Highland navigate this process. I want to make sure the owners got into this process and conversation and we are here to support them.

Carruth: I think Brandon and James covered it. I know the Highland District Council feels the same way. We want to advocate for our small business and understand and have a fair process.

Moermond: fantastic. I will do my best to do a quick summary of this in what I hope is more basic terms. One of the questions I asked was when this started. Restaurants are inspected once every 2 years. They have an initial inspection. It is common for the orders under appeal to have to do with exhaust fans and makeup air. These things come up frequently and are often appealed because they are expensive to address. Plans need to take into the capital needs of a business over time. After the initial order from Fire Inspections they follow up a month later. That happened here in March, to hopefully cross some or all of the items off the list. Another in April to do that. And then another in May. By the time the May inspection occurs they are a bit against the wall procedurally because that's the traditional window for compliance with orders. The 90-day rule. They do revoke as the next tool of enforcement. Each of these sets of orders are appealable. There is a paragraph in each of the orders, so you can hit the pause button at any point to discuss the orders. We can talk about deadlines, whether the order is appropriate for the situation. Sometimes orders aren't correct and we can address that. We can have a supervisor review the work. There are different options in the appeals process. At the end the duration of time, long term noncompliance, led to the revocation. Based on everything I've heard and the false starts and the slowness of DSI's ability to issue permits right now, a deadline further out makes sense. If the work is done and done perfectly, then great. That assumes everything is perfect. What I'd like to do is double the time we're talking about, so if there is a minor correction required or rescheduling needed we take that into account. What I'm going to do is recommend to the City Council that they lift the revocation of the C of O and grant and extension to September 1 to comply with the orders. If there isn't compliance by September 1 the department is authorized to revoke the C of O again. But I think in that 9 weeks we should be able to get this buttoned up. If it can't be, we'll say that again is appealable to discuss a further extension. Mr. Phan, any questions?

Phan: no ma'am.

Moermond: does that extension sound like it will work?

Phan: yes, ma'am.

Moermond: does anyone else have any questions?

[all: none]

Moermond: we will follow up with a letter confirming this recommendation. Today is June 22. It will be on the July 7th agenda to give that extension and lift the revocation. Any questions we are always happy to engage and assist in that regard.

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

1:30 p.m. Hearings (NONE)**Fire Certificates of Occupancy****2:30 p.m. Hearings****Vacant Building Registrations**

- 19 RLH VBR 21-39** Appeal of Thomas J. Conroy to a Vacant Building Registration Fee at 1203 EDMUND AVENUE.
- Sponsors:** Jalali
- Deny the appeal of the vacant building registration fee.*
- Thomas Conroy appeared via phone*
- Moermond: last time we spoke we spoke about a boarding assessment. This is about a vacant building registration. [Moermond gives background of appeals process]*
- Staff report by Supervisor Joe Yannarely: this was a category 1 vacant building, fire exempt on February 26 after the Saint Paul Fire Department referred it to us for a fire. The mandatory 90-day fee waiver was in place, has since expired and that's where we are now.*
- Moermond: that fee waiver, if it went into the Vacant Building program in February the waiver time period was from February 27 through May 27th?*
- Yannarely: yes.*
- Moermond: why are you appealing? What's going on?*
- Conroy: the only communication I had from the City was the boarding fee. I mentioned this at our last hearing, the only time I received anything from Vacant Buildings was the letter from James Hoffmann on May 27. Prior to that I had received no notice it was even registered as a vacant building. I spoke with James about that and he said they had changed it to notifying people at the end of the waiver. I didn't understand completely. I was speaking with my real estate lawyer about another matter and I mentioned it to him and he was saying because I had been negotiating with the insurance company the whole time. I document all my calls and emails and correspondence from anyone. I have to, it is the way I am. Had I had any notices I would have prompted the insurance company to move faster. I spoke with James several times and he reassured me; I got the letter on June 1. That the first thing I knew about an assessment. We spoke back and forth four times now. I assured him I'm going to go along with the program as far as getting inspectors here as soon as I can. It is in my best interest to get back in my home. The thing is, I spoke with the mortgage company twice and was assured in the next few days they will pay the adjuster so I have funds in the next seven days to go ahead and start my project. I guess I'm asking for a continuance for 90 days, James asked me to ask for this, so I can get the ball rolling and then he will review after 90 days he will see if I'm making progress and review and ask for more time then. I guess I'm asking for more time to*

get my ducks in a row. I have an electrician and plumber lined up. I just need the funds to get them down to pull permits.

Moermond: Mr. Yannarely, it looks like Mr. Hoffman sent out letters March 1, March 31, and May 27. Did all 3 of those go out, or is there a change in practice?

Yannarely: no, they did go out. I think James was referring to the fact letters go out and mention the fee, but he was trying to convey that they have a 90-day waiver from the fee. That's what James was trying to say, it may have been inelegantly. There is a fee but you are exempt for 90 days. We used to hand out the second 90-day waiver but we're trying to put that on you, Ms. Moermond, to do those extensions.

Moermond: it also appears Mr. Hoffman has in his notes he placarded the building as a registered Vacant Building on February 26. Do you see that as well? I'm looking to confirm we had due process at the beginning. I believe there was between the placard and letter.

Yannarely: we don't have another address so they did go to 1203 Edmund.

Conroy: I received every correspondence from my insurance company, mortgage company and I never got anything except the letter I got June 1 and stamped June 27.

Moermond: you are saying you didn't get the March letter. I hear Mr. Yannarely say they did get mailed and didn't come back. There was also a placard on the building.

Conroy: no there wasn't anything on the house. No ma'am.

Moermond: I have a note from the inspector there was.

Conroy: I've had adjustors and contractors here.

Moermond: is there a blue placard on the house?

Conroy: no there is not.

Moermond: Mr. Yannarely, this is unusual. He said there's a photo but I don't see anything attached.

Yannarely: I'm looking in Amanda right now. I can reach out to Mr. Hoffman, but he did put it in his notes. There is no photo in the Amanda documents.

Moermond: are you appealing this building's status as a registered vacant building Mr. Conroy?

Conroy: I did read the codes and ordinances; it does say a fire makes it uninhabitable. I'm disputing getting notice. I've crossed my I's and dot my T's, he said we could have put contingencies in with the insurance company. You can't add on after the fact. If I had known I would have put that in there. I never missed a letter or anything at this house. We have been maintaining the property, Marcia, every single day. Grass. Shoveling. Picking up mail. Meeting with our adjustor.

Moermond: I think if your attorney is clever you can figure out a way to do an addendum. You've asked for an additional waiver. Right you have a bill. You didn't get one for the first 90 days. That is consistent with City code. You're asking for another

3-month waiver and you're saying you're going to try and get it done, but if I don't, I want another bite at the apple. I'm going to say let's process this as an assessment and if you can get it done in six months I will prorate the fee. I'm not going to eliminate it entirely. If its 8 or 9 months I can still prorate, after that is the full fee. I cannot prorate a bill, but I can prorate assessments. If this goes unpaid it will be an assessment. You'll get another letter like the boarding assessment and we can have a conversation then about how to handle that. prorating it, making it payable over a couple years. That should also get you time to talk to your insurance company in the interim. Mr. Yannarely, can he go ahead and pull permits if the fee is unpaid?

Yannarely: yes.

Moermond: so nothing today will impede his ability to get the house fixed.

Conroy: thank you both kindly. My wife hasn't been working in Covid and I'm disabled so we live on a limited income. I will do my best. I can guarantee you Marcia I will be back in this house near 90 days or before. That's super, thank you for whatever you can do for me. I spoke with James and we have a dumpster. We are on it.

Moermond: I wish you well, take care.

Yannarely: just to be clear, the assessment will go through and he will appeal to get the reduction. Just so he knows.

Moermond: absolutely, same as the boarding assessment.

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

**20 RLH VBR
21-40**

Appeal of Anne Kreiser, agent for Kraus-Anderson, to a Vacant Building Registration Fee Warning Letter at 1450 UNIVERSITY AVENUE WEST.

Sponsors: Thao

Grant a 90 day waiver (to September 4, 2021).

No one appeared

Moermond: Ms. Zimny called yesterday and spoke to them about a 90-day fee waiver, and they were fine with that.

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