



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

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

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Tuesday, July 6, 2021

9:00 AM

Remote Hearing

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#### Special Tax Assessments

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

- 1     **RLH TA 21-304**     Ratifying the Appealed Special Tax Assessment for property at 554 CHARLES AVENUE. (File No. VB2110, Assessment No. 1543973)

**Sponsors:**     Thao

*Reduce assessment from \$2,284 to \$1,142 if code compliance certificate is issued by August 18, 2021.*

*Danilo Araya, owner, appeared via phone*

*[Moermond gives background of appeals process]*

*Staff report by Supervisor Joe Yannarelli: this is a Vacant Building fee opened February 15, 2018. Just the annual fee. There have been 12 work orders since the file was opened. Right now we have 2 permits recently closed and the other permits are opened. It looks like the rehab is ending soon. We are four months into the anniversary date. The total proposed assessment is \$2,284.*

*Moermond: can you tell me what you're looking for today?*

*Araya: we are proposing due to the amount of work we've put in, we're fairly close to being done. We're looking to close those last 2 permits; we have to go back to the HVAC guy about 2 minor things and we should be able to close this up. We also have a person interested in moving in and making it a rental. I would like to ask kindly and respectfully if the City is willing to waive the vacant building fee. We're very close, for sure by the end of July we'll be done.*

*Moermond: I'm looking at a Public Hearing on August 18 for them to consider the assessment. You say you'll be done by end of July. The finish line is not when you get your Fire C of O to rent it. The finish line is getting your Code Compliance Certificate. That means you have all your permits signed off and Bruhn issues that code compliance. If you can get that done by August 17 I will recommend the City Council cuts the fee in half. you'd be in the program for six months. This fee covers February 15, 2021- to February 2022. If you are done by August of 2021 that means you will have been in the program 6 of 12 months and halving the bill would be fair. That will be*

*my recommendation to Council. You can ask the Council to do more if you would like. The finish line is that Code Compliance Certificate.*

*Araya: absolutely.*

**Referred to the City Council due back on 8/18/2021**

- 2**      **RLH TA 21-297**      Ratifying the Appealed Special Tax Assessment for property at 963 COMO BOULEVARD EAST. (File No. VB2110, Assessment No. 218816)

**Sponsors:**      Brendmoen

*Reduce assessment from \$2,284 to \$571.*

*No one appeared*

*Moermond: for this property we are reducing from \$2,284 to \$571. Came close to the time period of the expiration of the extension. They didn't make it but they came close. More of a reduction than I'd normally recommend.*

**Referred to the City Council due back on 8/18/2021**

- 3**      [RLH TA 21-305](#)      Ratifying the Appealed Special Tax Assessment for property at 461 LYNNHURST AVENUE WEST. (File No. J2120A, Assessment No. 218536)

**Sponsors:**      Jalali

*Layover to LH July 20, 2021 at 9 am (PO unable to be reached).*

*Tried calling 9:38 am – unable to leave message, timed out.*

*Tried calling 10:16 am – unable to leave message, timed out*

*Moermond: we got no answer or voicemail. I'd like to lay it over to July 20 to try to contact them again. We can email the Property Representative and indicate that. In the meanwhile could we ask Mr. Kedrowski to go look at the property and the video, aerials and photos sent by the property rep and give his opinion on that?*

*Yannarely: we will do that.*

**Laid Over to the Legislative Hearings due back on 7/20/2021**

- 4**      **RLH TA 21-308**      Ratifying the Appealed Special Tax Assessment for property at 1323 PAYNE AVENUE. (File No. VB2110, Assessment No. 218816)

**Sponsors:**      Yang

*Approve the assessment.*

*Andrew McNattin*

*[Moermond gives background of appeals process]*

*Staff report by Supervisor Joe Yannarely: on June 17, 2020 we opened a category 2*

vacant building on this property upon the revocation of the C of O. Fast forward to July 21 of this year the C of O was approved and we closed the file. A year in the program comes with a total proposed assessment of \$2,284.

Moermond: why are you appealing?

McNattin: the property was never vacant. This goes back so far. I was talking with Inspector Migdal who approved the most recent C of O, along with Brian Schmidt who has the garage Fire C of O. They are 2 separate occupancies and certificates. It was never actually vacant, there was a tenant there who unfortunately has now been evicted through this situation. We spoke of this last year. I appreciated the extension given. It was never vacant. I never treated it as such until I got notifications. I understand the problem with respect to the Fire C of o and there was some confusion on my part about the 2 separate certificates even though it is one property. I guess my problem is once I was aware this was an issue I took measures to make sure it was compliant. Migdal observed a mattress in the back room and other items indicating it was being occupied as a residence. I took actions to make sure it was corrected and taken care of but there were limitations based on the tenant going silent on me. It's the first eviction I've ever done. I didn't want to evict him but with the compliance of C of O and the fact he wasn't paying or communicating. I feel like I've been a good citizen and there was some confusion—

Moermond: I don't understand how there was confusion when we discussed the waiver and the determination was you were in. This flows from that decision made by Council.

McNattin: can you refresh my memory?

Moermond: I heard the appeal of the vacant building registration November 10; it went to Council December 2. You were given an extension to get your C of O reinstated by December 10 to be released from the vacant building program. That didn't happen so you stayed in the program, then you got an extension, and hence we are talking about it because you never did get released from the program. We are at the 1 year and 2-week anniversary. You had 2 opportunities to be released. I am in a position now of saying it has been more than a year. Your C of O is now reinstated which is fantastic but I have this full year in the Vacant Building program which doesn't leave me options. I can make it payable over a couple years but in terms of providing a break on the fee I can't see my way clear to do that with these circumstances. Would it be useful to have this payable over a few years? You'd be invoiced a part of the fee this year, and then the next 2 years. If you don't pay it, it goes onto the 2022 taxes. The interest rate is on the back of the letter you got, around 4%.

McNattin: I guess as it relates to why it dragged on. I had to perform the eviction. I initiated it after that hearing on November 10. I worked diligently to do that. I couldn't just make him disappear to become complaint. I spent a lot of money going through the eviction. There were no citations with respect to snow or grass or anything on the vacant building radar. The C of O was being contested because his use wasn't complaint. As soon as that was established I worked to get him out. The eviction moratorium played into it too. I had emails with someone explaining the situation, then didn't hear anything back. In your mind this was vacant for a year but I was doing everything possible to make this go away. We're back on track now. To me it is like let's move on here. There was very little anyone had to do because I did it all. I can't control the length of time these evictions take. They take forever which is why I try to work with tenants because it takes so much time and costs so much money, not only so they don't have them on their record.

Moermond: I am looking at a long record.

McNattin: which record is that?

Moermond: I'm looking at the vacant building registration and the extension. It has been discussed several times. Given that, I'm inclined to recommend approval. I can spread it over time. The Council doesn't have to agree with me and they could look at it differently. We can make sure you know how to do that to submit that testimony. If they went with my recommendation would it be useful to make it payable over a couple of years?

McNattin: no, then I'm paying more money for this.

Moermond: we will email you to make sure you have the right information to submit additional testimony. That is totally fine to do and they can change it if they want to.

McNattin: would anything have possibly changed your mind? There was nothing I was going to say that was going to convince you. You have a good landlord that's doing everything I can and the City is getting nothing. I've gladly paid for Sebastian's time. This was a waste of your time and mine. I have emails with your clerk saying this is the status. What could I possibly do? This is \$2,500 the City is taking from me for a property I'm already taxed heavily on. I just don't understand what this is. This isn't a blighted property. No one has been causing problems. The lawns been mowed. No one has slipped because the snow isn't shoveled. I don't understand.

Moermond: and I guess I'm not ready to engage in that conversation with you because the Council already—

McNattin: but you make these decisions—

Moermond: no, the Council does. You can make that exact same argument to them. You can put that out there, ask them to cut it in half, talk about Covid. Put that out there.

McNattin: I'm asking why you, as their proxy, are unwilling to engage in this conversation?

Moermond: we can send you the files.

McNattin: alright, thank you.

**Referred to the City Council due back on 8/18/2021**

- 5      RLH TA 21-296      Ratifying the Appealed Special Tax Assessment for property at 1297 SEVENTH STREET WEST. (File No. VB2109, Assessment No. 218815) (Legislative Hearing on July 20, 2021)**

**Sponsors:**      Noecker

Layover to LH July 20, 2021 at 9 am (unable to reach PO).

Tried calling 9:45 am July 6, 2021 – unable to leave a message; timed out.

Tried calling 10:37 am July 6, 2021 – unable to leave a message; timed out.

*Tried calling 11:02 July 6, 2021 -- unable to leave a message; timed out.*

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

**6 RLH TA 21-293** Ratifying the Appealed Special Tax Assessment for property at 936 WESTMINSTER STREET. (File No. J2110B, Assessment No. 218111)

**Sponsors:** Brendmoen

*Approve the assessment.*

*Tobias Fritch o/b/o Drachenschuppe, LLC appeared via phone*

*[Moermond gives background of appeals process]*

*Staff report by Joe Yannarely: the St. Paul Fire Department was called out to this property on Sunday, March 21 in response to a fire in the back porch. After containing the fire they requested a private contractor to secure. Total proposed assessment of \$712.*

*Moermond: why are you appealing?*

*Fritch: from my perspective I was informed about the fire, which occurred around 2 am, I was informed at 5:30 am via text and was at the property as soon as I could be. I got there at 7:30 am. The building had already been closed up. I could have done the work myself and secured it myself. It was just closing the entrance, as it states on page 2 of the report, a couple of wooden planks. I would have been more than willing to do it myself. I raced there as fast as I could. It is unfortunate the company had already done it. At 5 am when the fire department left they gave me a limited chance to do anything about the unsecured property. It could have been a reasonable approach to be contacted to take care of it myself. I'm appealing because of the short timeline and window. I'd like the charges reduced or dismissed. After I was informed about it, I diligently cooperated with the City. You can check the City's files; I had reported the damage to the fire inspector first thing Monday. They came out as soon as possible, March 23. I would be humbly asking you to consider a reduction or dismissal of the charges.*

*Moermond: at 2:47 am the fire department is on the scene and they put out the fire and are left with a structure open to entry. I don't know if you have a sign hanging at your property indicating the number to call. They do look for that sort of thing when onsite. I'm not seeing they located anything like that. A building that is open to entry creates a public nuisance as a danger for future crime as well as being dangerous for people entering. The City has public interest in making sure those things don't happen.*

*Fritch: my tenants were at the location when the fire happened. They were interviewed by the firefighters after the fire was out. It was reasonable to request the number from them. They contacted me themselves by cell. If I had been contacted at that time I would have taken the steps necessary. I fully appreciate the motivation of the City to prevent injury or bodily harm, but I'm asking you to appreciate the fire fighters left the scene past 5:30 which is when my tenants left too. I don't have the actual time. I was at the building 7:30 am, so 2 hours.*

*Moermond: the receipt from the contractor says they were out there at 2:57 am. So the building was secured from entry at basically 3 am. That is quite a bit earlier in the*

timeline here.

*Fritch: I cannot speak to that since I wasn't at the location. I asked my tenants and they said they left at 5:30 and the last cleanup activities were still happening. I haven't seen the receipt so I cannot speak to when they started or finished. It is unfortunate that even though they spoke to my tenants I wasn't informed. We're talking about a 4.5-hour window if it was 3 am. It feels unfair to not be informed and then receive a charge when I wasn't able to do it myself*

*Moermond: I'm looking at a letter sent March 24. Can you tell me the process to notify owners in these situations?*

*Yannarely: once we get the invoice from the contractor and verify the work took place, we sent the letter telling them when the work happened and the cost. We also provide the case number for police or fire department so they can get that for their insurance.*

*Moermond: so it would have had an invoice attached from the contractor and the case number?*

*Yannarely: we don't send the invoice, we reference it.*

*Moermond: Mr. Fritch I understand your frustration but the tenants cannot be considered legally responsible parties for making sure the building is secured. I believe this could be submitted to your insurance as part of the claim. In the context of the damages it is probably a negligible cost. I am stuck with the fact that securing the building is a major public safety concern and the Fire Department must deal with this the same way the Police would with a building that's been breached. I understand your frustration and invite you to submit additional testimony to the Council. I am left with an emergency situation and costs incurred in protecting your private property and the public. I will recommend approval of this assessment. We can send you a follow up email on how to do that.*

*Fritch: what kind of testimony and information would persuade a different ruling? I understand it is an emergency and the public interest but I am not able to fully recover those costs from insurance.*

*Moermond: I am the last person you should ask advice about that. You should put forward what you think is the best argument for your situation. That's the best advice I can give you.*

**Referred to the City Council due back on 8/18/2021**

## 10:00 a.m. Hearings

- 7      RLH TA 21-301      Ratifying the Appealed Special Tax Assessment for property at 416 FAIRVIEW AVENUE SOUTH. (File No. CRT2110, Assessment No. 218210)**

**Sponsors:**              Noecker

*Delete the assessment*

*No one appeared:*

Moermond: this is a Fire C of O fee?

Mai Vang: the owner paid the cost on time.

Moermond: the owner paid DSI and it went forward to assessment in error.

[This went to assessment in error and was assessed \$242 plus admin fee which totaled \$399. Legislative Hearing Officer recommends deletion of the admin fee of \$157, noting \$242 was paid. - MV]

**Referred to the City Council due back on 8/18/2021**

- 8**      **RLH TA 21-292**      Ratifying the Appealed Special Tax Assessment for property at 15 KELLOGG BOULEVARD WEST (File No. CRT2110, Assessment No. 218210)

**Sponsors:**      Noecker

Approve the assessment, noting it was already paid.

No one appeared

Moermond: this was paid as an assessment and therefore we are approving, noting it was already paid.

**Referred to the City Council due back on 8/18/2021**

- 9**      **RLH TA 21-295**      Ratifying the Appealed Special Tax Assessment for property at 1880 OLD HUDSON ROAD. (File No. J2110E, Assessment No. 218313)

**Sponsors:**      Prince

Layover to LH July 20, 2021 at 10 am (unable to reach PO).

Hamadeh Abumayyaleh

Tried calling 10:47 am on July 6, 2021 multiple times – automatically removed from Teams.

Moermond: is this resolved at all?

Yannarely: no.

Moermond: we'll call back when we have a minute.

Tried calling 11:15 am – automatically removed from Teams.

Moermond: we have tried several times to call. Something odd is happening that the phone isn't even allowing it to ring. We'll send a follow up email indicating we tried and confirming the phone number. Lay this over to July 20. We have clarified using an aerial map and looking at parcel lines that the correction notice itself should be modified to indicate that the parking is not occurring on vacant land, but rather occurring on an unapproved surface. That is the concern I have with this one. There's an apartment building on it so it isn't vacant land if it's the same parcel.

**Laid Over to the Legislative Hearings due back on 7/20/2021**

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- 10 RLH TA 21-290** Ratifying the Appealed Special Tax Assessment for property at 1426 SCHEFFER AVENUE. (File No. CRT2110, Assessment No. 218210)
- Sponsors:** Tolbert
- Reduce assessment from \$346 to \$189.*
- No one appeared*
- Moermond: delete the service charge, DSI billed incorrectly.*
- [Note: this was stated incorrectly and only the admin fee should be deleted - JZ 7-8-21]*
- Referred to the City Council due back on 8/18/2021**
- 11 RLH TA 21-294** Ratifying the Appealed Special Tax Assessment for property at 605 STRYKER AVENUE. (File No. J2107P, Assessment No. 218409)
- Sponsors:** Noecker
- Delete the assessment (billed in error).*
- No one appeared*
- Moermond: delete, it shouldn't have gone to assessment.*
- Referred to the City Council due back on 8/18/2021**
- 12 RLH TA 21-303** Deleting the Appealed Special Tax Assessment for property at 925 WILSON AVENUE (vacant lot) . (File No. J2109E, Assessment No. 218310)
- Sponsors:** Prince
- Delete the assessment.*
- Justin Kessler appeared via phone*
- [Moermond gives background of appeals process]*
- Staff report by Supervisor Joe Yannarely: this was an order to put tabs on a green chevy that lacked tabs and appeared undrivable and was parked on an unapproved service. Was to be abated January 19, was found to be not in compliance. Wasn't abated until January 26. The total proposed assessment is \$157.*
- Moermond: so the work was done but not done by deadline. A crew was sent to take care of it, but then it was done.*
- Yannarely: I don't think a crew was sent, just a correction notice. Wait a second.*
- Moermond: looks like a vehicle abatement order? So the police going out with a tow truck?*
- Yannarely: correct.*
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MM: Mr. Kessler, why are you appealing?

Kessler: my appeal is in regard to, there was also a second assessment related to a January cleanup. What happened is Ramsey County had a mistake in their filing. I used to own 925 and 919 Wilson. In October I sold the house at 919 Wilson and unfortunately when the paperwork was filed with Ramsey County they mistakenly changed ownership related to 925 Wilson as well. So that didn't get corrected until I was looking to put 925 Wilson the market and the realtor said the records said I didn't own it anymore. I got that resolved April 30, 2021. Any of the notifications related to what we're talking about never made it to me because the records had it going to the company that owns 919 Wilson. No opportunity for me to correct and deal with the issue. The other assessments on the property got to an invoice and that's going to Council to have that amended and deleted. I would assume they would do the same here.

Moermond: let's pause on that one. I can see that on December 3, we have notification of that correction order going to Home Investment Group.

Kessler: that's the company that I sold the 919 Wilson property too.

Moermond: looks like they temporarily owned it and have now sold it again.

Kessler: yes.

Moermond: that's great. So we have 919 going on. Then we have the 925 with notification not going to you, going to Home Investment Group. I'm trusting you that happened the way it did, so I'll recommend this is deleted. Tell me about the other assessment?

Kessler: the other one was for \$478, similar situation.

Moermond: an address?

Kessler: also to 925 Wilson. I've been working with Mai Vang, I talked to her a couple of weeks ago.

Vang: I have a resolution draft going to Council tomorrow for deletion.

Moermond: so that's been taken care of. I reviewed and signed off on that. That one is taken care of. You shouldn't get further correspondence on either one of these then.

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

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

- 13 RLH AR 21-62** Ratifying the assessments for Collection of Vacant Building Registration fees billed during October 15, 2020 to February 15, 2021. (File No. VB2110, Assessment No. 218816)

**Sponsors:** Brendmoen

**Referred to the City Council due back on 8/18/2021**

- 14 RLH AR 21-63** Ratifying the assessments for Securing and/or Emergency Boarding

services during March 2021. (File No. J2110B, Assessment No. 218111)

Sponsors: Brendmoen

Referred to the City Council due back on 8/18/2021

- 15     **RLH AR 21-64**     Ratifying the assessments for Demolition service from March 2021 at 535 Forest St (C.D.G.B. Funds). (File No. J2104C, Assessment No. 212003)

Sponsors: Brendmoen

Referred to the City Council due back on 8/18/2021

- 16     **RLH AR 21-65**     Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during February 15 to March 22, 2021. (File No. CRT2110, Assessment No. 218210)

Sponsors: Brendmoen

Referred to the City Council due back on 8/18/2021

- 17     **RLH AR 21-66**     Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during January 20 to February 19, 2021. (File No. J2110E, Assessment No. 218313)

Sponsors: Brendmoen

Referred to the City Council due back on 8/18/2021

- 18     **RLH AR 21-67**     Ratifying the assessments for Graffiti Removal services during February 26 to April 6, 2021. (File No. J2107P, Assessment No. 218409)

Sponsors: Brendmoen

Referred to the City Council due back on 8/18/2021

### 11:00 a.m. Hearings (None)

### Summary Abatement Orders

### 11:30 a.m. Hearings

### Orders To Vacate, Condemnations and Revocations

- 19     **RLH VO 21-14**     Appeal of Graham Butler to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 702 AURORA AVENUE. (To refer back to July 6, 2021 Legislative Hearing)

Sponsors: Thao

*If property is inspected by July 30, 2021, grant the appeal and lift the revocation of the*

*Fire Certificate of Occupancy. If property has not been reinspected, deny the appeal of the revocation of the Fire Certificate of Occupancy.*

*Graham Butler, owner, appeared via phone*

*Moermond: we are following up on our May 11 hearing on the revocation of the C of O. I'm going to ask Ms. Shaff to update the record and we'll talk about what's been going on from your perspective.*

*Staff update by Supervisor Leanna Shaff: I can't really update the record as far as an inspection, there hasn't been one. The Governor has lifted the eviction moratorium starting June 30 for renters who have materially violated their lease so we would go forth with the revocation and refer it to the Vacant Building program. However we aren't vacating buildings so it would be on Mr. Graham to do his legal process. The Vacant Building program entails a fee and fees for monitoring*

*Moermond: that isn't in front of me today but is one of your tools.*

*Shaff: we'll go forward.*

*Moermond: today we were talking about the status of the eviction moratorium. June 30 there was a substantial change.*

*Shaff: yes, for renters who have materially violated their lease.*

*Moermond: are you aware of that change Mr. Butler?*

*Butler: I haven't been aware of the details of what a material violation is. My intent was as soon as August 1 go down to the courthouse along with the hundreds of landlords and file an eviction. Is this part of another of executive order, Ms. Shaff?*

*Shaff: part of the off ramping.*

*Butler: I haven't heard the details of the off ramping. It comes down to what is a material violation of the lease.*

*Shaff: you're an attorney, right?*

*Butler: I don't practice anymore, so don't put a heavier burden on me. I will find out what substantial changes are. I am slaving at the mouth to get him out and if there is a way I certainly will do it. I am in a situation where you have some knowledge that I'll have to go on the computer to look at. Unless the legislator said you don't have your executive powers anymore I don't see how the bill would overcome those orders without something in the paper. You're saying it is part of the budget bill?*

*Shaff: you can find it on the State website, I'm sure you will find it.*

*Moermond: Jennifer Ho, the State's Housing Commissioner has laid out some info on that. That is something you can pursue. That was information we were waiting on, and we seem to have that information now. Of course, there is going to be a large backlog in eviction actions being filed as well as foreclosures. That is simply the way this is going to work out.*

*Butler: what does foreclosure have to do with it?*

*Moermond: I'm just putting out there that there is a backlog of cases post Covid and eviction moratorium. So when you mentioned being one of many to file I'm reinforcing that you are. And not just for landlords, but also owners whose financial institutions have been kept from filing.*

*Butler: what website are you using when you say the State? Is it MN.gov? I'll see what can be done there but in the meantime, as we discussed last time and as Ms. Moermond, and you asked Mr. Neis. This isn't a fire and safety issue. It is an access issue. I thought I had the backing of the City inspectors to go in there so I had access until an officer showed up and said I couldn't do that. I had five officers.*

*Moermond: I don't think that's an accurate characterization of the way the conversation went. I think you're saying the City doesn't support you which isn't accurate—*

*Butler: I'm saying the officer didn't support me. I had a supervisor show up and he said his officers have to be on other calls. There was a break in my understanding. I want the City laws enforced. I am not the person dragging my heels. It is the governor's office with their state emergency. If this isn't held to be a material violation, and I'm hoping they nonpayment of rent is a material violation. Then I think we should wait until August 1. What do you think?*

*Moermond: as I understand the situation with the off ramp right now, if there is an application for rental assistance made there may be a substantial delay in your ability to evict for nonpayment of rent. Is that a reason to delay the C of O revocation? Your private contract with the tenant says you should have access I'm sure, as well as state law. City CAN require for purposes of inspection. The City has sent letters and it is still the City's position they want to do a periodic inspection of the apartment. Ms. Shaff, can you send another letter to provide one last opportunity to have the inspection.*

*Shaff: yes, I can talk to the area inspector and get that done*

*Moermond: today is July 6. I think it is reasonable to have that inspection before August 1. That means before Friday, July 30. I will say if we can get a set of inspection orders based on a current inspection prior to July 30, I will recommend the appeal is granted lifting the revocation of the C of O and these items converted to a regular set of correction orders. Another bite at the apple. If there isn't another inspection by end of July the certificate remains revoked and the department has options for additional enforcement. Those options are also appealable. Noncompliance could be taken into account for any eviction action you would wish to pursue, Mr. Butler*

*Butler: I'm totally confused. It sounded good.*

*Moermond: we'll reduce it to writing.*

*Butler: I don't understand when you say it is revoked, is it revoked or not? It isn't revoked if there is an appeal or not?*

*Moermond: this will go to the Council and my recommendation is it remains revoked.*

*Butler: when was it revoked? The appeal prevents the revocation.*

*Moermond: no, it stays the revocation.*

*Butler: staying the revocation is quite a different matter.*

*Moermond: it is stayed and once the Council acts on it the stay is gone.*

*Butler: and what are you asking the Council to do? I'm sorry to make you sigh, I just need to understand.*

*Moermond: I am recommending to the Council if there is an inspection by Friday, July 30, the revocation of the Certificate be lifted and the orders converted to standard correction orders. If there is not access, the appeal on the revocation of the c of o be denied. It is a conditional matter. That is what I'm putting in front of them. There's a way for it to come out either way.*

*Butler: ok. Thank you.*

*Moermond: this will go to Council July 21; we will send it in writing as well.*

*Butler: alright, I'll read what you write.*

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

**20 RLH VO 21-19**

Appeal of Derek Thooft, 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

*Grant to September 1, 2021 for compliance with June 16, 2021 orders related to exposed wires, gas shut off valve and water heater (items 4, 5, & 11), including necessary permits. Grant to October 15, 2021 for balance of the orders.*

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

*Moermond: were following up about this property at 865 Jessie. Would you like us to try Ms. Vang?*

*Thooft: yes if you can get her on the phone that would be great. I know she's been struggling with an upper respiratory infection and been tested for Covid.*

*[tried calling x3511 at 12:32 pm on July 6 left voicemail:*

*Moermond: I'm trying to reach Pah Nah Vang. We do have your attorney on the line, we'll continue with the hearing on 865 Jessie. I understand you've been ill; I wish you quick recovery.]*

*Moermond: we did receive a bid last night at 9 pm which is what slowed us down this morning. Looking at that bid and trying to decipher it as compared to the orders. Any comments on this bid?*

*Thooft: no comment, I'd just site Ms. Vang has arranged for a number of them. That was the first one to come in. because of the influx of work with Covid she's run into an issue with most contractors requesting up to \$200 to even do a bid. She's done 4 or 5 of those and waiting the results. Then will look at the most cost-effective option and*

*will enter into a contract to get that work done. With the bidding, Ms. Vang started feeling ill about 9 days and her doctors indicated it was Covid so she had to cancel some of the crews coming to do the bids. She did get a Covid test and the negative results on Friday. The symptoms were similar so they had her quarantine. I do anticipate a flurry of other bids coming in but we don't have them at this time.*

*Moermond: I will put two deadlines into place. The first is going to be for the critical life safety issues, we've discussed those in the past. We're talking about exposed wires, gas shut off valve and water heater. September 1, 2021 deadline for those. The work completed under permit means a sign off permit. An owner can do the electrical work in an owner-occupied home. Mr. Kedrowski is on the line and was on the most recent inspection, I'll ask for commentary for him. The other deadline is for the balance of the orders which will be October 15, 2021. Mr. Kedrowski, in terms of expectations and follow up?*

*Inspector Richard Kedrowski: once you set the deadlines we ask the client stays in contract with how things are progressing. The permits would go through trades and we would close them on our list.*

*[Thooft was disconnected at 12:38 p.m.]*

*Moermond: we'll send him a follow up letter and copy you on it.*

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

**21**      [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

*Grant to July 16, 2021 for items relating to meter cover and blocked egress (items 2, 5 & 12) and grant to August 10 for the balance of the July 2, 2021 orders.*

*No one appeared*

*Voicemail for Leibovich at x1156 at 12:44 pm July 6, 2021: this is Marcia Moermond, we'll try reaching out to Carolyn Brown.*

*Voicemail for Carolyn Brown on July 6, 2021: following up on our hearing on 1017 Reaney. We need to put deadlines into place. The deadline for the orders can all be one month out, to August 10, except for 3 items. Those items are the cover on the meter box on the exterior, the air conditioner in the sleeping room on 5 and the dresser blocking egress. Those deadlines are July 16 for those 3. This will go to Council next Wednesday. We'll send an email about this.*

**Referred to the City Council due back on 7/14/2021**

**22**      [RLH VO 21-29](#)

Appeal of Elisa Sloves to a Correction Notice-Complaint Inspection (which includes condemnation) at 1619 UNIVERSITY AVENUE WEST.

**Sponsors:**          Jalali

*Layover to July 13, 2021 at 11:30 am (requested by owner). Property cannot be occupied in the interim.*

*Elisa Sloves, owner, appeared*

*Moermond: we had a hearing to discuss the condemnation of your property at 1619 University Avenue and we heard from your husband you wanted to continue this and not talk about it?*

*Sloves: yes, we wanted to reschedule.*

*Moermond: I have looked over the matter and discussed with the Supervisor of Commercial Inspections and I will continue it to next Tuesday, July 13 at 11:30 am, but I want to do that conditionally that the space won't be used in the interim. Are you willing to do that?*

*Sloves: yes.*

*Moermond: as long as it is not used we will continue it to next Tuesday.*

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

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

#### 23 RLH FCO 21-99

Appeal of Anna Decrans, Premier Housing Management, to a Reinspection Fire Certificate of Occupancy With Deficiencies at 765 EDGERTON STREET.

**Sponsors:** Brendmoen

*Grant to August 10, 2021 for compliance.*

*Anna Decrans, o/b/o Premier Housing Management, appeared via phone*

*[Moermond gives background of the appeals process]*

*Staff report by Supervisor Leanna Shaff: this is a Fire C of O on a triplex that should have started last November 25 but we had a no entry. We got in December 18, 2020. There have been a couple delays where management was asking for more time. The latest set of orders are being appealed, mostly to do with the mechanical room. Looking at the photos of that, Inspector Franquiz called out an occupancy and fire separation. It clearly appears there is some sheetrock work done and penetration through the floor and ceiling assemblies. In a mechanical room that is problematic because the key issue in a fire is compartmentalization, when and if an issue happens we want to protect the residents as long as we can, giving them time to get out. Consequently, saving as much as we can of the building. The required separation is a 1 hour and it clearly has deterioration and change in that room means it no longer has the necessary separation. There has also been some recent plumbing work it looks like; the supply lines aren't the traditional copper ones. They aren't supported properly. Inspector Franquiz did have water heater issues on that building. I'm going to rescind those orders because in 2012 these water heaters were installed and signed off during at category 3 code compliance.*

*Moermond: so the fire separation is the more pressing matter?*

*Shaff: correct. We don't have the necessary 1-hour separation between mechanical*

room and the units themselves.

*Moermond: I noticed in your earlier reports when the cycle started you weren't allowed access to the entire space. Scanning the records, it looks like the first time the mechanical room issues show up is March 26. So they've been in play a few months now.*

*Shaff: correct.*

*Moermond: why are you appealing?*

*Decrans: thank you for going over that. I didn't realize it was the 1-hour fire separation, I agree it needs to occur. The problem right now is the cost. We are struggling due to the lack of rental payments. We got one bid from a framer for \$2,500 alone, not including the materials. The owner did review it himself and wanted more time to get the funds and to do what is necessary. From my standpoint I would have pushed it harder had I realized it was truly a fire separation that was needed. The plumbing work we needed clarification about the supply line. Our maintenance people say it is up to code and it was supported properly. So, seeing the requirements for the support would be helpful so we can ensure that's done and if we have to have permits.*

*Moermond: what I just thought I heard Ms. Shaff say on that was that she is going to withdraw that order instead of debating whether it is compliant, saying it was approved in 2012 under that permit and she is withdrawing item 11.*

*Shaff: that was the water heater replacement.*

*Moermond: oh, I thought it was the water lines.*

*Shaff: it is number 11, but it says water lines and then another sentence said bring the water heater into compliance. The water heater piece I was able to confirm they were signed off on in 2012, however it does not appear they are run or supported properly. A licensed plumber under permit needs to do this. Looking at the discoloration some other lines may need to be replaced also. A lot of these lines kind of fly through the air.*

*Moermond: looks like they are resting on PVC in the photos?*

*Shaff: or not even attached to the walls, just hanging by their own weight.*

*Moermond: ok. The part of number 11 pertaining to the water heater installation is being withdrawn. The orders themselves pertaining to the mechanical room do actually use the phrase "fire separation" which is the key phrase here. Tell me how you are going to prioritize that.*

*Decrans: we'll get the framer in there and the drywaller in to get that to the rating necessary. Then we would work on the supply lines and get the permit and licensed plumber out.*

*Moermond: it appears that the ceiling and walls have been compromised so they may have given the 1-hour separation at one point, plaster has fallen, holes put into them. They simply aren't present. So if there is a hole in it and it was good a year ago, and the plaster fell off you lost your 1-hour separation because it wasn't maintained. Other parts we have some wood falling off, just poor maintenance. A class D rating does*

*reinforce the notion it has been poorly maintained. So we are looking at a couple of deadlines here. I'm glad to hear you are prioritizing the fire separation. Has BB Housing looked into the rental rehab program for some support? The condition of the building would help you qualify for that financing assistance. Have they done that?*

*Decrans: not to my knowledge. I will reach out to them.*

*Moermond: the scope of the work may be something that works to your advantage. As I look at these orders, we have some building stuff, some holes in soffits, crack in the wall, building screens. Some exterior maintenance that property management takes care of.*

*Decrans: they have all been rectified.*

*Moermond: so we are down to the plumbing and fire separation work. I'm going to give you a deadline of August 10 and send it to Council July 21. That's a generous deadline.*

*Decrans: I agree.*

*Moermond: whenever I hear about fire separation in a mechanical room I think of 1032 Duluth which had a fire in the mechanical room that took out a 32-unit building.*

*Decrans: right.*

*Shaff: the whole list then, since we're already into July 6, the remaining list is all August 10?*

*Moermond: that's correct.*

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

- 24**     [RLH FCO 21-83](#)     Appeal of Wally Nelson, Morrow Partners, Inc., to a Fire Inspection Correction Notice at 774 CASE AVENUE.

**Sponsors:**     Yang

*Layover to LH July 20, 2021 at 1:30 pm.*

*No one appeared*

*Moermond: 2-week layover, I was unsuccessful in closing the loop with Ubl.*

**Laid Over to the Legislative Hearings due back on 7/20/2021**

**2:30 p.m. Hearings (None)**

**Vacant Building Registrations**