



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, August 3, 2021

9:00 AM

Remote

Special Tax Assessments

9:00 a.m. Hearings

- 1 **RLH TA 21-356** Ratifying the Appealed Special Tax Assessment for property at 1285 BEECHWOOD PLACE. (File No. VB2111, Assessment No. 218817)

Sponsors: Tolbert

Approve the assessment and make payable over 5 years. (Property to remain a Cat 2 VB and require a Code Compliance Inspection.)

Becky Amidon, owner, appeared via phone

[Moermond give background of appeals process]

Staff report by Supervisor Joe Yannarely: this entered the Vacant Building program November 2, 2020. Referred to us by St. Paul Regional Water who said it had no service since 2013 and it appeared gutted on the interior and being rehabbed. There was a previous 90-day waiver given by you. Another appeal December 15 and you gave until April 5, 2021 to finish main floor otherwise the Vacant Building fee would be assessed. The fee goes November to November for a cost of \$2,284.

Moermond: can you tell me why you're appealing?

Amidon: I want to know how we get off the Vacant Building list. At this point, we have been practically living there working on it. The lawn is taken care of. The trees are taken care of. I need to know how we get it taken off the list.

Moermond: it looks like you were able to pull permits for the work in 2012. That would be expired. The way to get it off the list is getting a Code Compliance certificate if it is Category 2. Reoccupied if it is Category 1. Right now it is a Category 2, no doubt connected to the fact the property is gutted. I'm looking at exceedingly old permits on this thing. I think what is going to need to happen is get a Code Compliance Inspection to create a punch list of things to bring into minimum code compliance. Then when those permits are finalized you're off the list. That's the threshold. As a Category 2 registered Vacant Building you're not allowed to live in it.

Amidon: he doesn't sleep there.

Moermond: perfect.

Amidon: the other part of the problem is we can't find a contractor to do the work my husband can't do. Prices are really high. They're all booked out at least a year.

Moermond: I do hear that a lot these days. In your circumstance I see this has been going on a long time, so while the current contracting and supply situation is playing into it now, it hasn't necessarily played into the disfunction that got us here now. I want to see those permits finalized and have it done. You're in the same place. I have a Vacant Building fee that covers November 2020 to November 2021. It is the second time you've been in the program. Matt Dornfeld, the Vacant Building Supervisor, let you out of it. I'm not sure why. It appears that circumstances are unchanged since then based on status of permits. So consideration was given, and there was also a fee waiver to April 5. If the fee is November to November, we are 9 months into the year the fee is for. By the time it hits Council it will be 10 months. I can't see you're going to be done by November of 2021. I'm thinking there are two things you need to know today. About the fees, I'm going to recommend this fee is approved. I can ask City Council to make it payable up to 5 years. If that is useful I am happy to do it. The interest rate is on the back of the notification letter, it is between 3.5 and 4% generally. The other thing is I think we might have an opportunity for your next Vacant Building fee to get you out if you can get permits finalized. You need to order a Code Compliance Inspection Report and you'll need to pull new permits. The building permit your husband can pull, unless it is something requiring engineering. I'm not sure about electrical. Generally, I could do my own electrical, but because it has been empty so long I don't know if they consider it your primary residence. I'd talk to them about that.

Amidon: the plumbing has been inspected.

Moermond: that permit is 9 years old.

Amidon: so even though it was inspected it is no good anymore?

Moermond: yeah. These things don't live indefinitely. It was inspected in 2012. They will want a fresh assessment of conditions. A lot can happen to a house in 9 years.

Amidon: ok.

Moermond: the inspection report is just shy of \$500.

Yannarely: \$485 I believe.

Moermond: we can email you the Code Compliance application. I would say to fill that out and get that in. Part of that is having a lock box on the door so that the inspectors can get in.

Amidon: there's already one there.

Moermond: perfect. Nathan Bruhn can answer your questions on that. The Category 2 ship has sailed, I'm afraid. That will need to happen. I'd be willing to stake a lot that you couldn't get any further inspections on those permits and those are expired because they are so old. They usually expire after a year with no activity. The fresh ones can be pulled once you have that Code Compliance in place.

Amidon: once the Code Compliance is done we're off the list?

Moermond: once you address the items on the list and the permits are finalized. The report doesn't get you off the list.

Amidon: the work doesn't have to be complete?

Moermond: no, the work needs to be done and permits finalized. This is minimal code compliance. You may want to do things fancier than that, maybe consider that as the next phase but it isn't required to get off the Vacant Building list

Amidon: right. When do we have to have this done so we don't get another Vacant Building fee?

Moermond: your next bill would come in October, covering November 2021 to November 2022. That bill is appealable and I'd be happy to hear that and work on a 90-day waiver which would take you into February 2022. If you can get it done before February 3, there would be no fee whatsoever for the next year. If it took you between February and May, I'd be happy to look at prorating it for the year. It gets harder once you're six months into the year.

Amidon: sure.

Moermond: I think we can get you out if you're on top of the Code Compliance Inspection and pulling those permits. If you are as far along as I think you are, I don't think it will be too bad.

Amidon: I was just hoping to not have to pay the past one.

Moermond: in your type of situation I haven't ever recommended it be deleted. I've heard hundreds of cases like this. It is simply too far into the year.

Amidon: I'm considering whether it is worth hiring a lawyer or not.

Moermond: you certainly can. The next step, if the Council acts in a way you don't want them to, are on the back of the letter.

Amidon: but as far as with you today, I can either choose to have a hearing with Council or I can just agree to what you're suggesting and it is done?

Moermond: you have a hearing already scheduled, in the same letter that told you about today's. September 15 and the current plan is to be doing in person hearings. They would like to be able to have people testify remotely if they can do it technologically. That is possible, probably. But there's a lot going on to maintain meeting security and get input. They're working on it now. Right now, they are taking testimony by way of voicemail or you can write something that would be attached to the record. When there is a contested recommendation it is flagged for them. If you wanted to be represented by an attorney the attorney would do the same kind of thing.

Amidon: I am sure I know the answer, in your experience in this type of situation, if someone does appeal to the City Council what are the odds it goes the way I would want it to go? Or do you not pay attention at that point?

Moermond: I pay extremely close attention since I work for them. I make these

recommendations on these behalf. I walk in and say according to Leg code this building meets the definition of a registered Vacant Building. You already made that finding in April. They were given an opportunity to have it be a Category 1 and get out of the program and they didn't meet those terms. Now we are 10 months into the program and so I recommend approving. I recommend she focuses on the next year. The bigger deal was it is now a Category 2 Vacant Building. A decision was made on that. Could a lawyer do something different? Sure, maybe.

Amidon: that's the bigger deal. I didn't really understand that at the time.

Moermond: you were given that status and the opportunity to get out of the program as cheaply as possible. That would be the report I would be giving. 10 months into the year it would be statistically unlikely to happen. That doesn't mean it won't happen.

Amidon: so if I had understood I should contest the Category 2. If we were Category 1 what would be happening right now? What is the difference between Category 1 and Category 2?

Moermond: the difference is the punch list we talked about.

Amidon: the Code Compliance Inspection Report? Oh, ok.

Moermond: you aren't moving in without those things taken care of whether you move in yourself or sell. If you are selling it for someone else to finish they will use that is a disclosure report. I talked to you November 2020, December 2020, and you got a waiver through April which is a lot longer than 90 days. We did discuss in the hearing you should get a Code Compliance Inspection Report.

Amidon: but with Category 1 you don't need that?

Moermond: you don't, it is considered to be a turnkey property. The idea was if you could get your permits taken care of you could be done.

Amidon: what about with the 2? The \$2,284? Would that be assessed whether it was Category 1 or Category 2?

Moermond: yes.

Amidon: so the main money difference is having this Code Compliance Inspection Report fee?

Moermond: yes. Mr. Yannarely?

Yannarely: do you plan on selling?

Amidon: we want to live there.

Yannarely: you don't want to live in a house that trades haven't verified is done correctly. That's the way this is. You would want this for your own benefit. It is \$493. The plumbing you did 9 years ago probably you won't have a problem getting it signed off, but it needs to be done.

Moermond: and plumbing gaskets sitting dry for 9 years may have an issue. It isn't perfectly simply. I could be ignorant about that, but that would be why eyes need to be

on it. We will send you a link to the Code Compliance application but also a copy of the record of your previous appeals. You have a letter already with the Council Public Hearing information. You'll get a letter from Joanna Zimny and she can answer or forward it on to staff to answer.

Amidon: as far as the public hearing goes, if I don't do that then this just goes on our taxes?

Moermond: yes, because this I heard September 15, you would be invoiced within a couple weeks. You can pay that invoice, or if it goes unpaid it is certified onto your 2022 taxes. I did mention earlier that this could be paid over 5 years, which you can pay early on it, so I want to mention that again. You're doing a lot right now with your money, so if that is useful I'm happy to do that.

Amidon: so a little higher to drag it out over 5 years?

Moermond: yes interest would accrue.

Amidon: it says 2.25% on this letter. But that can change?

Moermond: whatever it says in your letter is what it would be for the whole 5 years.

Amidon: why don't you do that then.

Moermond: ok I will recommend approval payable over 5 years.

Amidon: if I don't want to do the Public Hearing I just don't do it?

Moermond: yes.

Amidon: so we need everything done by February 3 to avoid another fee?

Moermond: in October you will get your next annual bill. When you get that letter, appeal it, and ask for a 90-day waiver. I'm happy to do that but I need an appeal in front of me to do it. That gets you to February 3 with no fee if you can be done with then. After that I can help you through the assessment process and we can talk about prorating it.

Amidon: it is possible for us to be out of the Vacant Building by February 3?

Moermond: with no fee.

Amidon: but I need to appeal the October bill?

Moermond: yes, to get the fee waiver. And feel free to ask questions along the way.

Referred to the City Council due back on 9/15/2021

- 2 RLH TA 21-348** Ratifying the Appealed Special Tax Assessment for property at 1054 PAYNE AVENUE. (File No. J2111B, Assessment No. 218113)

Sponsors: Yang

Reduce assessment from \$487 to \$321.42.

Ashima Hasnudeen appeared via phone

[Moermond give background of appeals process]

Staff report by Supervisor Joe Yannarely: it appears the St. Paul Police were called out April 25 at 5:28 pm in response to a smashed window and door opened. They then called in a contractor who came at 6:55 pm to secure the building. The cost of the total proposed assessment is \$487.

Moermond: the biggest part of that is the \$250 and that is the emergency call out fee?

Yannarely: correct

Moermond: so just by virtue of the Police Department calling on an emergency basis that amount is in place. Ms. Hasnudeen what are you looking for today?

Hasnudeen: I am looking to contest this fee?

Moermond: why?

Hasnudeen: I was not aware this incident happened until I received a letter from Joe. I was not informed by the police or my tenant until I got the letter. When I started inquiring my tenants finally told me what happened and he said he had no idea what was going on. I spoke to Joe, who was very helpful in directing me for more information. I got a copy of the police report and then I went back to Joe and asked him my next step. He said I could contest the payment if I wanted to. Trying to negotiate and resolve it. I was very upset I wasn't informed about the incident by either my tenant or police department. had I been informed I would have gone myself and secured it. without that being done it went ahead of the game and was done for me, hence the fees incurred.

Moermond: I am looking at the record. It is hard for me to tell what kind of contact information they may have had. It isn't incumbent upon the police to reach out to the owner in an emergency. Their job is to make sure it is secure right away and deal with the public safety part of it. I do see they were there for almost 2 and a half hours. I don't know if during that time, the report is so brief, if there were any calls made. I am guessing the business had a number posted outside and they may have tried to reach the business owner. If there is a Fire C of O that is visible they will try to call the C of O responsible party.

Hasnudeen: right.

Moermond: I see that it lists Proto Auto care of Enrique Estrada at 1054 Payne. So he's the one who you have said should accompany Fire inspections people for those, so that's who they would contact at that point.

Hasnudeen: when I spoke to my tenant, he did say he got a phone call. He showed up an hour after the incident and he said by the time he got there they were already doing the boarding and it was out of his hands. That's why I'm saying there was not enough time. The timeframe, the police have a job to do, but the citizens have their responsibility as well. Someone has to give leeway for this to be resolved, whatever that fine line is.

Moermond: I hear that your tenant went there. I'm also seeing that the timing from the

report it came in from a person walking by at 5:28 on a Sunday afternoon. About an hour later, 6:36 pm the police arrived at the scene. It was considered a low priority call. They got there, they checked to make sure there were no people in there, unsafe conditions. They did a walkthrough. They called the boarding contractor who says they were called at 6:55 pm. So 20 minutes after the police arrived. It was 7:52 that the scene was cleared. I'm not sure what happened between when the contractor was called if the scene was cleared if they were waiting for your tenant to show up. They aren't on the line so we don't know. But if they were waiting for an hour it seems like there was a lot of grace given. Would he be able to join us in a call?

Hasnudeen: I spoke to him when I got the letter and this morning to pick his brain. He did tell me it was about an hour after the call he showed up. It was a Sunday so I don't know where he was in order to come as quickly, or not quickly, as he did.

Moermond: right.

Hasnudeen: it is a tough situation to see how to proceed. I get all the schematics. But if I was involved I would have resolved things much faster than it going to the City. Had I been aware, I would have been on top of it.

Moermond: what would you have done?

Hasnudeen: board it up, be on the scene to take responsibility and allow the cops to leave. To make sure it is not open to the public to prevent more issues. I had no idea about it at all until I heard from Joe, that's when I spoke with my tenant. I was totally out of the loop of everything.

Moermond: it does look like you made your tenant the Responsible Party. I hear you would have gone there to take care of it. The City did incur the cost of doing the boarding, which puts me in a place of balancing the public responsibility for securing the building versus private responsibility for securing. To what extent is the individual taxpayer versus all taxpayers? I'm going to cut you a little break on this. I'm going to recommend the Council reduce it by one-third. So down to \$321.42. That is a one-third reduction. The majority of the responsibility continues to lie with you, the private property owner. I think that is a generous conclusion. If you want to contest that, which you are welcome to do, you can submit additional information to Council which there is information on the letter you received

Hasnudeen: can I get your last name again please?

Moermond: [spells last name] I am the Legislative Hearing Officer to the City Council.

Hasnudeen: you have been very fair. I won't contest further. I don't want to waste anyone's time again. It isn't worth it

Moermond: I wish you a good rest of the day, take care.

Referred to the City Council due back on 9/15/2021

10:00 a.m. Hearings

- 3 [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 August 17, 2021 for 1) decision on assessment and 2) further discussion of proposed plan for temporary parking if appeal of July 20, 2020 Correction Order is filed.

*Hamadeh Abumayyaleh appeared via phone
Samir Abymayyaleh appeared via phone*

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: looks like this assessment is for Excessive Consumption. Correction notices sent May 26, July 16 for noncompliance of orders for vehicles parked on a dirt lot. There is an extensive history at this property. Looks like Inspector Seeley has spoken with the owner about not allowing parking on the lot. Total proposed assessment of \$279.

Moermond: what are you looking for today?

Hamadeh Abumayyaleh: my father owns capitol view apartments. The lot that people are parking in is our property. We got approved to build a 155-unit building starting this fall. We already are approved. St. Paul is encouraging us to build it. They told us that for people to park there we need a ramp or class 5, which would be pointless if we are tearing it down. We're putting 60 mill on this property alone. We're doing everything by the book. I talked to Zachariah, with traffic in a T3 zone and you need gravel or have a building ramp but he encouraged us to let you know we're building a building here and it would be a waste of resources. While they build it imagine we do need to use it for surveys. We keep it clean. There's no garbage. The tenants that park there are our tenants. The dirt road lot is excess for the tenants if there is no street parking. It is also our property. If we were to build a ramp it would be a waste of money because it will be changed right after. With Covid, there was some scarcity of resources for the new building. Price of wood skyrocketing. St Paul is well aware of our plans. They congratulated us on it because are the first building within a 5-mile radius of over 100 units. We're getting dragged down on the back end of for this dirt lot road. We have lighting there for security. And we are planning to use it for construction so it won't be available soon anyways. It will be used.

Moermond: I'm happy to hear about the construction, but I guess I don't know why it makes you special in terms of not having to comply with rules to prevent run off and allow you to park in area that is not properly surfaced. I never saw an appeal of the correction notices telling you to stop parking there. You could have dealt with it then and you didn't. You received orders several occasions with information about the appeal process and working with the City to create a plan for a limited parking area perhaps. I'm not excited about this entire thing remaining dirt with parking and unsecured soils and you using it this way when I have to enforce the law differently 2 blocks down the road. Help me out with a way to treat you differently than the way I treat them. Can you make a plan or say or do something? I hear where you are coming from but I also have to be fair.

Hamadeh Abumayyaleh: to add on to it, it is zoned for parking. We were supposed to get 20 spots on the side of the road. We built the building May 2019 and they didn't put those spots on. There is a limit because Saint Paul wants to limit the number of cars. The other thing is for this dirt lot road, we're not trying to be treated special—

Moermond: actually you are. I'd like to see a plan on limiting the parking and usage

thereof. I don't see I current building application

Hamadeh Abumayyaleh: it is 1870. Can I add my father to the line?

Moermond: we'll add him in. In the computer I am seeing July 23, 2021 a PDF applicant upload happened.

[Samir added to call]

Moermond: we were talking about the long-term noncompliance and I was hoping for a parking plan to cover you in the interim during the construction. I think what I might do, this goes to Council for consideration August 18. I can ask the Building Official to review this. I'm not comfortable treating this parcel differently than others when looking at parking on dirt without a plan in place about why I should treat you differently. There may be a space where we can do it on a limited basis. I'd like a statement with an end game. This exact area, for this amount of time. These types of cars. So we all have a shared understanding an expectation.

Samir Abumayyaleh: we are basically in the process of doing phase 2. We have the grading and building permits. It's a 150-unit building going up shortly. We are also negotiating with Jeff, the neighbor across the street at 1865. Jeff Boston. Six months we've been negotiating to purchase that land for backup parking for both buildings and a phase 3 project. We are looking how to accommodate the parking we need. I know the assisted living may be able to allow us to park there. We are trying to find alternatives and talk with neighbors. MNDOT said that once they get the full design going they will offer to see if there is any land to provide more parking. That's been in the works the last 5 years. We're trying to find alternatives and get more parking. We aren't just sleeping and neglecting the situation. It is a big burden to have the high density without 1 for 1 parking. We are left with dealing with the cars. They allow us to build more but they don't help or accommodate the parking for the 120 units. Making it a T3 high density property is good, but the offhand is they limit the parking.

Moermond: if I may. I know in the context of this major development this parking matter is relatively small potatoes but it is something I talk to other property owners frequently. I'm trying to figure out how to treat you fairly. I hear you have some plans in the works with your comments. I see that you have a couple of building permit applications for 1870. What I'm going to do is ask, would you be available to discuss in 2 weeks' time? I'd like the building official to be part of the conversation.

[Hamadeh Abumayyaleh was disconnected and re-added at 10:41 am]

Moermond: I'd like you to think about what a plan would look like and I'll reach out to the building official to review those plans and we can talk again in 2 weeks to resolve this. I'm going to send you an appeal form and have you file an appeal of the correction notice. The correction notice is dated so long ago technically they aren't appealable anymore, but I'm going to take an appeal on them. The matter involves both zoning and code enforcement. With respect to the code piece I can work with you, with zoning I can work on deadlines but I cannot grant variances.

Samir Abumayyaleh: correct. I get it. I appreciate it.

Moermond: I'd like you to take the northern third and put class 5 down to stabilize the soil while construction is ongoing. That is easy to clear. If that's not consistent with your construction plan, whatever portion you do that on we'd look at a temporary

solution like that. That is relatively affordable and changeable.

Samir Abumayyaleh: it would be not cost effective to put class 5 down. We're pretty much shovel ready.

Moermond: I see the Council approved the lot split. But if you intend to have parking there, I need to see it with some type of surfacing. Because this is a temporary use, I'm willing to look at it. Think about it for the next couple of weeks.

Moermond: I have email address for Hamadeh Abumayyaleh, not for Mr. Samir?

Samir Abumayyaleh: [redacted]

Laid Over to the Legislative Hearings due back on 8/17/2021

4 RLH TA 21-357 Ratifying the Appealed Special Tax Assessment for property at 1735 CALIFORNIA AVENUE EAST. (File No. CRT2111, Assessment No. 218211)

Sponsors: Yang

Approve the assessment, noting that the May 5, 2021 final notice indicates pending administrative charges if unpaid.

Diane Picha, owner, appeared via phone
Joseph Boehmer, responsible party, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a Fire C of O assessment. Total proposed assessment of \$466. Single-family home. We had an appointment letter that went out January 11, 2021. Correction orders February 10, February 12, and March 12, 2021. Compliance date of April 1, 2021. We didn't get any returned mail. All mail sent to the Responsible Party Joseph Boehmer, Homestead Plus LLC, 14183 Aspen Ave NE, Prior Lake.

Moermond: why are you appealing?

Picha: in all the years I've rented this house, since 2012, we have had multiple years with multiple inspections because we failed something and had a resinspection. That happened again this year and for some reason the City decided on the resinspection they will bill the full inspection fee. I should not have been billed for 2 separate inspections on this.

Moermond: I was hearing Ms. Shaff say there were 3 inspections and that's what led to the extra charge. Ms. Shaff?

Shaff: on the initial inspection, done by Inspector Vue, the basement was being used by sleeping with no egress. That has a short turnaround and we do charge an inspection fee to come back out. She came back out again 2 days later to confirm compliance, which left the rest of the list to comply with. On that initial C of O inspection it was evident no one had been in prior to the inspection because we found that basement room being used as a sleeping area. Safety is paramount of course, so we go back out right away to reinspect that and make sure it is in compliance.

Moermond: the date for the original concern was February 10, 2021.

Shaff: that was the initial C of O inspection.

Moermond: The short turnaround to confirm the basement wasn't being used was February 12, 2 days later. So there is a charge for that. Then the second inspection on March 12 to cover the rest of the items. Does that explain that, Ms. Picha?

Picha: so you are saying you get two, the third is why I was charged?

Shaff: correct.

Picha: ok, then given that my next appeal is that Joe made an attempt to pay this and it was sent back to him with a letter from the City saying he could not pay it. I find it silly that we attempted to pay this fee and the money was sent back saying no, you can't pay it.

Shaff: I can answer that Ms. Moermond.

Picha: I shouldn't be billed the extra fees. I feel that check should have been accepted as payment. A late fee is fine, but don't bill me all these fees and put this on my taxes. I was never notified of any of this until now when it is going to be ratified onto my assessment.

Moermond: lets un-ring that bell. This assessment has not been ratified. This assessment won't be until the Council vote on September 15. What you have done is appeal that assessment which means we are figuring it out and what the appropriate road forward is on it. You asked a question about number of inspections and the attempted payment. Is there a date that Mr. Boehmer tried to do that payment?

Boehmer: if I could jump in, the initial charges, I want to confirm for my records. I know there were 3 inspections, the initial C of O is \$206? Or is it \$103 per inspection?

Moermond: the \$103 is for reinspection in addition to the freebie original inspection. Inspection 3 and 4 would charge out at \$103.

Boehmer: ok, I wanted to confirm that check for the basement was covered until the initial \$206, regardless.

Moermond: correct. When was the attempted payment date?

Boehmer: I have the check here with the letter which was dated June 5, so mailed June 5 and the letter stamped would have received June 9 by DSI. The letter states that the balance was outstanding 60 days and is assessed to your property as of June 1 and sent back to me with that check.

Moermond: and assessment is the first term they apply to it. It isn't putting it to your taxes, they are saying they want to and are putting it out there, but it isn't ratified until the Council votes. This is the proposal. Ms. Shaff, knowing that, can you explain what is going on?

Shaff: the first bill went out April 5, with a 30-day deadline. Once that goes by, you get a second bill. That was sent May 5. That states that is your final bill with 15 days to pay. When we get a check that is obviously a month past the due date, we don't have

a mechanism to process it. Once they fail to pay by the second notice we turn it over for assessment.

Moermond: so the reasoning is, you have already forwarded it to the next office for collection by the time the check came to you. There is no way for your office to deal with it at that point.

Shaff: correct. June 5 is 2 weeks after it was due from the second bill.

Moermond: Ms. Picha, you are the property manager?

Picha: owner.

Shaff: all mail goes to the Responsible Party, so all notices would have gone to him. I know Ms. Picha said this was the first she heard of it.

Picha: is there a way to change that? Like when the City water has an outstanding bill, before they do it they sent a notice to me directly saying the tenant hasn't paid the bill, this is a heads up.

Moermond: the tenant isn't the legally Responsible Party, it is a courtesy of the Water Utility to let the tenant act on your behalf and that is why it goes to the property owner of record when there will be a shut off. You signed a form for the C of O program management to whoever you want, in this case Mr. Boehmer. The City is reaching out to who you legally told them to reach out to. I hear where you are coming from, you are getting it now. How did it come to pass that people are sleeping in the basement?

Picha: I wasn't aware, it's a fair question

Boehmer: I wasn't either until we found out. That was the tenant's sister who was staying there for a couple weeks between a move out. They had thrown a bed down there and she was staying there, even though there was an upstairs room available. She wasn't a tenant.

Picha: there were only 2 tenants and there are 3 bedrooms so it doesn't make sense to me why they would be sleeping down there.

Shaff: looking at the pictures I see a bed, clothes racks, a couple nightstands. It doesn't appear too temporary. There's a lot of stuff there. It appears it is more than couple weeks' stay.

Boehmer: that's fine. That's been resolved. The biggest thing is how do we get this paid? We attempted to. I can't do it electronically. We've just been holding off on payment. I tried to pay in June, got it sent back, I can't pay electronically. I don't know how to correct this.

Moermond: what does it say about paying via assessment? This has been listed as a pending assessment online since June 2.

Shaff: I don't have an answer for you.

Moermond: can you get a copy of the letter given to people sent to people after the deadline? I'd like a generic copy on the record since we discussed this.

Boehmer: I can pay it online today. Diane has had other issues.

Picha: that's only if were willing to pay the extra amount. I don't believe we should be charged the full amount.

Moermond: because you think your late fee should be different than others even though this was processed as an assessment?

Picha: I don't agree with the whole process of not taking someone's money after 60 days.

Moermond: the City will take your money now. I'll get a copy of the letter to make sure of what that says. We do have your email Ms. Picha. Mr. Boehmer, can we get yours?

Boehmer: [redacted]

Moermond: I'm going to get a copy of that letter DSI uses and I can tell you it has been payable online since June 2. I get you don't want to pay the processing fee as an assessment but I can also say the bill you received says it will be processed as an assessment if it isn't paid in a timely fashion. Putting out there this shouldn't be a surprise. You are more than welcome to contest, but I'm holding off on my recommendation for now. We'll let you know by email what that is.

Referred to the City Council due back on 9/15/2021

5 RLH TA 21-354 Ratifying the Appealed Special Tax Assessment for property at 818 EDMUND AVENUE. (File No. J2111E, Assessment No. 218316)

Sponsors: Thao

Approve the assessment. (PO also needs a Fire C of O for property)

David Lavin appeared via phone

[Moermond gives background of the appeals process]

Staff report by Supervisor Lisa Martin: looks like March 11, 2021 a Summary Abatement Order was issued to occupant and owner in New York for removing furniture, boxes, and lose debris in yard by alley. Compliance date of March 18, 2021. No returned mail. This is because more than 3 times we've issued orders here. I have a total proposed assessment of \$157.

Moermond: I see there are some notes that there are 3 previous orders. The one that triggers this is one from March 11, and the previous ones were September 15, 2020, December 31, 2020, and February 17, 2021. Is that correct?

Martin: yes.

Moermond: why are you appealing?

Lavin: I have questions. We have 2 issues. One, when there is something that needs to be removed I get a letter in the mail after the date by which it has to be resolved. It keeps happening. I'm at my wits end because by the time I receive it is too late. I have this issue with this property and another around the corner. The other issue is this is happening is because people keep dumping. It isn't my tenant's furniture. Both this

and the other property I am spending a fortune running a neighborhood dump service for people dropping their junk in front of places I own. I'm not sure what to do but it doesn't feel just if someone is dumping couches I am responsible for getting Waste Management to charge me the money to take it, but also get assessed when it isn't fast enough because I don't know about it. I am more than just contesting this payment. I'm here to talk with you about finding a solution. This will just keep happening. I'm losing my mind about it. You name it and it is getting dumped. How am I supposed to get ahead of this if the mail is coming 3 weeks after and it isn't our stuff to begin with?

Moermond: let's break this down. Ms. Martin, let's walk through each of these cases here and explain where it is at with what appears to be there. I pulled up the September 15, 2020 order. Then we can talk about notification and contacts. The first order went out September 15 to remove overflowing recycling boxes off the property. I have the photo up, does that look like dumping or tenant material Ms. Martin?

Martin: that looks like tenant material.

Moermond: that is my conclusion as well. It is relatively organized and all stacked in the same area.

Lavin: if that's the case then I need to provide better guidance to the tenants. If recycling is organized in the place it is supposed to be.

Moermond: it appears from the photograph they have a large amount out there. Ms. Martin, what is your advice?

Martin: they can keep it in the garage until recycling day.

Lavin: that's the neighbor's garage.

Martin: or contacting the garbage company.

Lavin: if it is out waiting for recycling shouldn't that not incur a fee? The notice gives you a better part of a week.

Moermond: the expectation of the hauler and recycling hauler is they collect the materials in the bins. There isn't an expectation they go into the property to pickup materials. Arrangements can be made sometimes after the holidays for extra bags with a small charge. I don't know how that works with recycling.

Martin: it is similar. Most of the recycling if you need additional cans or bins and ask them. But typically people call and get it taken care of.

Lavin: I wish they were proactive in that regard. Sadly they are months behind on rent.

Martin: do you have someone who manages the property locally?

Lavin: I have a handyman. Those tenants have been tenants for 3 or 4 years but the last year and a half has upended everyone's lives and they don't want to be proactive in their communication.

Martin: maybe you want to list your management as the Responsible Party.

Lavin: we send things out from St. Paul to other addresses in St. Paul and it has taken forever. It is not a me problem. We're happy to check daily, it is not a problem.

Martin: have someone drive by.

Lavin: candidly, that's not possible at \$100 an hour.

Martin: there's no Responsible Party listed. The notice would go to the responsible party, occupant, and the owner. That may help get quicker response time.

Moermond: there is no Fire C of O for this rental building. That is a requirement of the City of St. Paul. Unless you are an owner occupant, which you do list yourself as.

Lavin: no. That shouldn't be.

Moermond: it does appear that is what happened a few years ago. You did that in 2018 so you don't have a Fire C of O for the building. We don't have an email for you.

Lavin: david@mimomaproperties.com

Moermond: my office will send out a Fire C of O application form.

Lavin: great.

Moermond: to confirm, when you send orders Ms. Martin they automatically populate with who the Responsible Party is?

Martin: yes, they should definitely add that.

Moermond: if there is a local maintenance person I would list them. With local mail it doesn't take more than 2 days. We haven't had a problem. Out of state we do from time to time. Someone local should get it pretty quickly. Let's get you squared away inspection wise, that would help.

Lavin: I heard about being mailed to New York. All our addresses have been updated to California a year ago. Those haven't been going to NY in some while.

Moermond: September of 2020 order so maybe that was before?

Lavin: yes, it was.

Moermond: it was just that one was quoting. The next one that comes up is December 20, 2020.

Martin: I see a Summary Abatement Order to remove a sofa from the rear yard. Compliance January 7. Also went to address in New York. Overflowing garbage and containers neatly placed.

Lavin: the tenants have explained it wasn't theirs. I checked with them.

Moermond: it is quite neatly placed between the garbage and recycling.

Lavin: we get 3 pieces of furniture drop off a week. We get 3 a year and then we have to pay, its never-ending.

Moermond: what suggestions does Code Enforcement have?

Martin: having motion lights, cameras, often I've seen owners have one of the tenants with reduced rent to have as an onsite caretaker.

Lavin: I have that on Farrington, which is why we're not getting the notices. They tell me what is dumped, but I still end up paying \$30 an item.

Martin: well it is cheaper than us doing a cleanup.

Lavin: yeah. It just feels like I'm running a neighborhood hauling service.

Moermond: we do hear that. The City did put into the place the hauling program which includes the bulky items as you know, in the hopes people would use that and reduce the dumping. We are seeing good improvement in some areas and less in others. Places where there is less access to good information we do see more problems.

Lavin: yes, and both these properties would fall into that. I'm just trying to figure out a way to not end up with this phone call in six months again.

Moermond: is this a duplex?

Lavin: yes. The other one is a multi, and I can't switch it to commercial.

Moermond: how many units?

Lavin: five.

Moermond: you should be able to do that. Five units you can use commercial. We'll send you that information. Last one is a vehicle parts tucked up right by the house and air conditioner. That isn't a traditional dumping location.

Lavin: the AC was mis-delivered apparently. They eventually brought it inside. But it wasn't either of my tenant's. I don't know what the deal is with the bumper.

Moermond: I'm going to recommend the Council approve this assessment. I know that is frustrating, but my thinking is in many circumstances, put in some lights, put up a sign about video surveillance, no dumping, but the fact you don't have a Fire C of O and haven't had one for a long time makes me look at this and stick with the assessment. Get that Fire C of O in place. That is a problem. I'm going to recommend approval. We'll send an email with those resources. I'm sorry you are going through this. You aren't alone, hopefully it will decrease over time.

Lavin: the C of O was an oversight. It was not intentional and we will get it figured out.

Referred to the City Council due back on 9/15/2021

Special Tax Assessments-ROLLS

- 6 RLH AR 21-74** Ratifying the assessments for Collection of Vacant Building Registration fees billed during August 28, 2020 to March 17, 2021. (File No. VB2111, Assessment No. 218817)

Sponsors: Brendmoen

Referred to the City Council due back on 9/15/2021

- 7 **RLH AR 21-75** Ratifying the assessments for Securing and/or Emergency Boarding services during April 2021. (File No. J2111B, Assessment No. 218113)

Sponsors: Brendmoen

Referred to the City Council due back on 9/15/2021

- 8 **RLH AR 21-76** Ratifying the assessments for Demolition service from March 2021 at 750 Chatsworth St S. (File No. J2105C, Assessment No. 212004)

Sponsors: Brendmoen

Referred to the City Council due back on 9/15/2021

- 9 **RLH AR 21-77** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during March 23 to April 11, 2021. (File No. CRT2111, Assessment No. 218211)

Sponsors: Brendmoen

Referred to the City Council due back on 9/15/2021

- 10 **RLH AR 21-78** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during February 22 to March 19, 2021. (File No. J2111E, Assessment No. 218316)

Sponsors: Brendmoen

Referred to the City Council due back on 9/15/2021

- 11 **RLH AR 21-79** Ratifying the assessments for Graffiti services during April 15 to May 11, 2021. (File No. J2108P, Assessment No. 218410)

Sponsors: Brendmoen

Referred to the City Council due back on 9/15/2021

- 12 **RLH AR 21-80** Ratifying the assessments for Dangerous Tree(s) Removal services during April to May 2021. (File No. 2105T, Assessment No. 219004)

Sponsors: Brendmoen

Referred to the City Council due back on 9/15/2021

11:00 a.m. Hearings

Correction Orders

- 13 **RLH CO 21-5** Appeal of Donovan Tegg to a Correction Notice at 9 ALICE COURT.

Sponsors: Noecker

Grant to October 15, 2021 for compliance.

Donovan Tegg, owner, appeared via phone

Moermond: I have your appeal for 9 Alice Court and before we go to deeply into this, I might not have a complete set of appeals. Is that your intention? For example, the paved area between 491 and 3 seem to be connected.

Tegg: you're saying we don't have a complete appeal?

Moermond: I'm trying to figure that out. Did you intend to appeal beyond 9 Alice?

Tegg: no. I own the adjacent property as well. At this point appeal wise, no.

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: a correction notice was issued May 25, 2021 to 9 Alice Court regarding property. The driveway has been expanded without prior site plan approval. If they submit and it isn't approved it must be removed. Compliance was for July 26.

Moermond: what are you looking for?

Tegg: we want to be compliant and following the rules. We built a garage a couple of years ago, and construction came through the driveway area. It is very much on the far east side of the property line. It got damaged so we put down some gravel, about 100 square feet. Sort of unintentionally, but it has been useful. I am looking for the ability, which I should have done this sooner, to put together a site plan to submit to see if we are allowed to extend it about 100 square feet to park an additional car here. With the rental properties down the road there is no street parking. We can get around them but they are parked essentially in front of our entry. It is what it is. We just would like to opportunity to see if we can create this additional spot. I'm a landscape contractor. We totally understand and can put it back to turf which I'm happy to do if we are denied. My long-term goal is a paver driveway. No need for curb cuts or anything. Nothing major.

Moermond: I will recommend the Council grants to October 15, 2021 to come into compliance. I'm selecting that because if you haven't gotten your approval, and things go sideways, you couldn't stabilize with seed and netting still this fall. A good middle ground?

Tegg; that would be fantastic. It isn't a big area if we do have to sod. I just want to the remainder paved and if we can get this extension done that would be great too.

Moermond: solved, approved, or removed by October 15.

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

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

14 RLH VO 21-31 Appeal of Nichole Ruiz to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 666 ARLINGTON AVENUE EAST.

Sponsors: Yang

Property to be inspected Wednesday August 11, 2021 at 1:30 to confirm progress and completion of items as represented in the work plan. If confirmed, grant the appeal on the condemnation and order to vacate and grant to September 17, 2021 for compliance. Note that item 21 must be completed by a licensed exterminator. Property to be reinspected Friday, September 10, 2021 at 9:30 am.

Nichole Ruiz appeared via phone

Moermond: I have your work plan here, and ready to talk about it. I'm ready to accept your work plan and answer your questions. I'm going to do a couple of changes though. One is, I was looking for a work plan, access to property and a deadline. The work plan is in hand. I've looked it over with Supervisor Shaff, we are in agreement that it is acceptable except item 21 regarding extermination. I am going to require you hire a professional exterminator. You cannot comply on your own, I need to see documentation from a professional. It may require repeat visits, but I wouldn't consider this in compliance without that occurring.

Ruiz: if we can come up with the money. We have a lot of things.

Moermond: this isn't a negotiation. This is about you not losing your housing. You seem to think you can get out from under this if you become the owner. These orders still apply, it would just be a Code inspector. I need you to engage this work plan, but I need you to hear I'm accepting all of it except for the extermination. You have to come up with that to keep this going. When I saw what I saw in those photos, that's the way I'm treating it. Access to the property has to happen twice. Once in the near future, and once the second week in September.

Shaff: one of the things I want to note is the professional exterminator may have some comments as to how the rats were getting in. They certainly can't control if the entry point still exists. I would ask those issues to be required to be addressed and in compliance prior to the date you decide.

Moermond: there is a lot of material you say is done and I'm glad to hear that. I'd like to have that confirmed by the inspector, so we will get them out there. Ms. Shaff, how would you like to handle that?

Shaff: the earliest that could happen would be Wednesday, August 11 at 1:30 pm.

Moermond: so that inspection will occur to confirm progress as specified in the work plan. Let's set up a second inspection for the week of September 6 to confirm everything is done in the timeline put together by Ms. Ruiz.

Shaff: Friday, September 10 at 9:30 am.

Moermond: if there is the progress and the completion represented, I will recommend the Council at the Public Hearing on August 18 give an extension to September 17, 2021. I'm saying that in case something happens that requires a reschedule. The extension is granted and that if the work is completed as represented when it is inspected August 11, I will recommend the condemnation and order to vacate is

granted. That means the rest of the orders must be dealt with and we are not talking about vacating. If you told me it is done make sure it is and that will get the order to vacate lifted. Then you have a chance to progress on the rest of it. I will add to that by the reinspection you will have had to have an exterminator in to do first treatments so the inspector can review those documents on the 11th. We'll send a follow up letter on this. A question about transferring it. The glitch in this is the property taxes haven't been paid, so I don't think the County will accept a title change until then. Actual ownership cannot occur until that happens.

Ruiz: I was going to go tomorrow and get that sorted.

Moermond: once we have documentation of that the file goes from Ms. Shaff to a different team.

Ruiz: ok.

Moermond: I wish you well. I'm glad you are taking care of this.

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

15 RLH VO 21-32

Appeal of Ann Tran, ATH & WEAL LLC, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 754 SHERBURNE AVENUE.

Sponsors: Thao

Grant to November 12, 2021 to have Fire C of O reinstated.

Ann Tran appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a Fire Certificate of Occupancy inspection conducted by Inspector Harriel. This started last summer. The first appointment letter went out July 8. We had no entries September 15, October 15, and November 18, 2020. Correction orders on December 29, 2020, January 29, April 9, and May 12 of 2021. On June 17 and July 20 it has been pending revocation for long-term noncompliance. It has been difficult to get anything done. I know there was a TISH done last April but we still have 7 outstanding orders from the last inspection on July 20.

Moermond: I'm looking at a new owner as of June 17, 2021. Ms. Tran, you acquired this from Vue Tran. Any relation? Or is that random?

Tran: random.

Moermond: you go this property with this set of order. Legally he was supposed to disclose to you this was going on, and from your statement he didn't. that is unfortunate. We can work to make this go better. Looking at the orders, what are you looking for?

Tran: we are looking to remodel and sell the house. We don't really need the rental license. The tenant moved out yesterday. This week we started working on fixing it so we can resell it.

Moermond: ok, so you don't need to have this at all then. No Fire Certificate of Occupancy?

Tran: no, I don't. I'm concerned if the property doesn't have the occupancy then it turns into a vacant building. That's what I don't want.

Moermond: right, right. From what I'm looking at in the orders—

Shaff: there is a fire photo document from June 17.

Moermond: I'm not reading these as being major code violations. I read them as being maintenance oriented violations, not of significant concern. What I'm going to say, Ms. Tran, on the issue in front of me now, is only the Fire Certificate of Occupancy. You have no intention of using it. You could do these few repairs and get it, even if you don't use it. Or, you can just let it slide and the Fire Certificate of Occupancy program will refer it to the Vacant Building program. The question then becomes whether it's a Category 1, 2 or 3 or even in the program. That is appealable. I would hear that on its own, but I would be getting too far in front of where we are at. The more serious the orders the more likely it is you will be a Category 2 and do the Code Compliance Inspection process. I was probing because these don't seem like serious orders. Moving forward that would probably mean you would be a Category 1 or out of the program. I can't guarantee that but that is generally how that looks. So you have some decisions to make about how you want to manage this situation. The path of least resistance for you. As an outsider the simplest thing is to do the corrections and get your Certificate of Occupancy and pay the small fee and be done with it. Then do your updating to flip the house.

Shaff: if they do get the C of O she wouldn't have to do another TISH.

Moermond: that is true. If she is doing a lot of repairs or updates the inspection report after it is done would be a much be a more favorable report property-value wise.

Shaff: either way.

Moermond: but you are absolutely right, that can be used as a substitute for the TISH report. So you can save yourself some money there. That is an option and is more affordable than the actual TISH report. I'd like to give you a time to do the corrections as long as you don't occupy the property. I will give you 90 days?

Tran: four months? We need plumbing and electrical. The workers are busy now.

Moermond: I will give you until November 12, 2021 to get your Fire Certificate of Occupancy issued. If it is issued by then it won't go to the Vacant Building program. If for some reason you don't get your Certificate of Occupancy, just remember you can appeal that Vacant Building registration and we can have another conversation then.

Tran: ok, thank you so much.

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

1:30 p.m. Hearings

Fire Certificates of Occupancy

**16 RLH FCO
21-114****Appeal of Erin Washington to a Correction Notice - Re-Inspection
Complaint at 910 FOREST STREET.**

Sponsors: Yang

Grant to August 27, 2021 for compliance conditioned upon tenant continuing to work with House Calls. Property to be reinspected the week of August 30th.

*Erin Washington, on behalf of CIR group, appeared via phone
Diana Carey, House Calls Social worker, appeared via phone*

Moermond: first we had continued this matter for a couple of weeks for House Calls to do an assessment for services to help this tenant manage her situation better. Ms. Carey has had some success in initiating those conversations. Getting services in will be time consuming due to health concerns, bureaucracy, and children are involved. The orders are not orders to condemn, they are straightforward correction orders. The only one that give me pause has to do with the bedroom window in item 3 being partially blocked by a TV. Given the visual impairment reported and the blocked egress that should be addressed sooner than later. I'll give two weeks on that, so August 20th. Would it work in the same time period to have the deep cleaning done Ms. Carey?

Carey: 3 weeks would be better. Our crews are busy right now.

Moermond: I can live with that. Let's go with August 27 with reinspection the week of August 30th. Ms. Shaff, a reinspection on those 2 items that week?

Shaff: the windows and the cleaning?

Moermond: the other repairs are fairly straightforward. Ms. Washington, can you do that too?

Washington: we can. We could also even put the tv on the wall. She needs housing, I'm happy to do anything to help. I just can't keep doing the repairs as a revolving door.

Moermond: my recommendation to Council will be the extension is conditioned upon the tenant continuing to work proactively and cooperatively with House Calls to maintain the unit and not jeopardize the housing with CIR group.

Washington: is someone going to talk to her about her responsibility with cleaning?

Moermond: that's a private matter between you all. I'm trying to set it up that permanent housekeeping can be set up so there is someone there periodically. That is something House Calls can facilitate?

Carey: yes.

Moermond: given the visual impairment and income she seems like a good candidate. That would take care of some of the concerns there.

Carey: yes.

Moermond: when Ms. Shaff goes to reinspect, none of the items address the cats.

Shaff: yes, no. they have three which is allowed. Is it reasonable all of this is done for reinspection the week of the 30th?

Carey: on my part I would say yes.

Moermond: I like it is a bit of a bellringer which speaks to seriousness. It won't give me a ton of heartburn if you need a further extension and call us. Keep that in your back pocket. I will be understanding of that. I want to give a goal here so she is hearing it needs to be focused.

Washington: if we could get them as comfort animals--

Moermond: is she prevented from having animals?

Washington: she can have comfort animals.

Carey: I can help her get a letter from her doctor.

Washington: I can come over too if that's helpful. I don't mind doing that. She knows our maintenance person pretty well; they have some trust built.

Moermond: I will leave that to you guys. You both are excellent professionals and I'm so impressed by both of you. I really appreciate the humanity you have brought to this. If you have concerns about the deadline, we're happy to work with you. I just want to put some fire under the feet so she feels it is serious and needs attention.

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

17 RLH VO 21-33

Appeal of Loretta Kimmet-Mobley to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1132 MARYLAND AVENUE EAST.

Sponsors: Yang

Grant to September 7, 2021 for compliance with the July 30, 2021 orders.

Loretta Kimmet-Mobley appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this was a Fire Certificate of Occupancy inspection by Inspector Franquiz. This has been going on for quite some time. The first orders were written in March. We had a lot of these issues still going on cited then. We did have difficulty reaching the property owner because they didn't update their numbers, but we have been doing this for some time. It has come to my attention, Franquiz has noted as early as the end of May it is the intention of the property owner to sell and they would like their tenants not to be there anymore. Some of the content issues have been reduced, but not quite enough. Most concerning now is there are some frayed wires at the fuse panel, you can see it in the pictures. The dead face for the breaker box was not on. It is frustrating we don't have a lot of movement in getting this into compliance. We would like to get it there soon.

Moermond: you said you sent out appointment letters?

Shaff: we had an inspector out due to illness; another inspector wrote on February 18, 2021 there were two unsuccessful attempts to reach party. No email on file. St. Paul

Regional Water didn't have a listed number for the property owner or responsible party. Sometimes the numbers we have aren't correct.

Kimmet-Mobley: I think the numbers are correct. They haven't changed for 30 years. Sometimes the voicemails do fill up. I'm not sure why they couldn't get ahold of us.

Kimmet-Mobley: people don't necessarily have landlines anymore.

Kimmet-Mobley: we do.

Shaff: it has been going on since March and we don't have enough movement on the orders.

Moermond: the march 29 orders seem to reflect the orders issued now. some things have been done. Originally 24 items were listed, there are 14 now one of which is the revocation

Kimmet-Mobley: I have to say there were a lot of items related to have the tenants having so much material in the house. It was hard to even get in and do some of those things. And I think there was miscommunication and misunderstanding on what Efrayn required. Even since the last order everything is almost done, other than the tenant getting things done. We have contracted someone to do a new electric panel. He said the panel door was missing, we need to get it taken care of and we know that.

Moermond: item 10 says more than that, speaking of frayed wires also. But continue, please.

Kimmet-Mobley: the other big thing is a new stove. We are looking for that. We have completed all the other items. We have been there all weekend; we are also working with the tenant. 3 of the items were related to their items and the cleanliness. Lauren Lightner would be willing to sit in, I forgot to mention that. They had a crew there a week or so ago. Even after that Efrayn feels they need to get rid of another 25%. They don't get rid of stuff unless someone is there with them. We've been trying to do some of it, I know House Calls was too. They did get rid of half a dumpster of stuff. They still have stuff upstairs in the attic bedroom and an alcove full of things. The basement still has a lot of materials. The husband has a lot of tools. My husband has tried to work with him too. I don't think it is enough to pass the test next time, but it has made progress. Under orders, I asked them to do something by the next time I'm there and it is not done. It has been frustrating both ways.

Moermond: any comments Ms. Shaff?

Shaff: is the house still on the market?

Kimmet-Mobley: we took it off temporarily. We'd like them to move but they can't move yet.

Shaff: I don't see a TISH report.

Kimmet-Mobley: we haven't done that yet. Our marketer said we could use this inspection, but we haven't passed. We will have to do a TISH. Maybe he was wrong.

Moermond: he is correct if you get your Fire Certificate of Occupancy that can be a substitute document, but it can't be revoked.

Kimmet-Mobley: ok right. I was trying to appeal because the inspection is when we were on vacation. I had told him when that was, so I was hoping to get it postponed until a few days when we are back so I can check the tenant has done it. Lauren said she is willing to go out while were gone and look at the stuff and cleanliness. We think we have everything else just about done.

Moermond: the hard thing here is the HVAC contractor and the stove. It is just not cheap these days.

Kimmet-Mobley: the HVAC was just vent covers. The electric is bad that is what needs to be done.

Moermond: I'm willing to go out to September 7 and then an inspection occur after that.

Kimmet-Mobley: that works. Who is responsible to remove the tenants if we happen to fail?

Shaff: you are responsible.

Kimmet-Mobley: file an eviction?

Shaff: that's a private issue. I would consult an attorney

Moermond: and if the certificate is revoked they don't owe rent.

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

2:30 p.m. Hearings

Vacant Building Registrations

- 18 RLH VBR** Appeal of Christina Harding, Green Jacket LLC, to a Vacant Building
21-49 Registration Notice at 1233 CONWAY STREET.

Sponsors: Prince

Grant the appeal and release property from Vacant Building program. Grant an extension to September 17, 2021 to have Fire Certificate of Occupancy reinstated.

Christina Harding, o/b/o Green Jacket LLC, appeared via phone

[Moermond gives background of the appeals process]

Staff report by Supervisor Leanna Shaff: attempted inspection by Inspector Thomas. We have correction orders for March 11, March 18, and April 12. Pending revocation on May 3 and revoked vacant as unoccupied on July 6. All the mail went to BlackBridge, LLC. We have had them as the Responsible Party since March 4 of 2019 and we haven't received any returned mail nor gained access.

Moermond: the July 6 Fire Certificate of Occupancy orders specify the exterior items, and the order to vacate.

Staff report by Supervisor Joe Yannarely: Mr. Hoffman opened up a Category 1 Vacant Building. House looked in decent shape and was secured by normal means.

Moermond: any thoughts on the garage? Looks like a fire has condemned the garage?

Yannarely: he made no notes on that.

Harding: why is the house Category 1 when the whole issue was the garage had a fire? It was reinspected in March with Thomas and everything was good. I have no idea who BlackBridge is. I started working for another management company and I pulled this property with me. I pulled it back under my company under Covid. I don't know who BlackBridge is. We never got any of those letters. I have since changed the Certificate of Occupancy. As far as I know the Certificate of Occupancy went through with Thomas back in March. Someone set the trashcans on fire in the garage. We do have a dumpster being delivered tomorrow at 10 am because the previous tenant left everything he owned in the house and garage. Then we are ripping down the garage. I'm working on if I need permits to do the demo. We haven't received any of the letters. Someone with Green Jacket did get this last letter. So I'm dealing with all of it. The house is occupied by one of the roommates still and until I can get the other roommates crap out a new roommate can't move in. I filed an appeal last week and he said all I need to do is talk to Vacant Building and they would pull it out of Category 1 knowing I am taking care of it and the garage is coming down. I don't know why it is a Category 1 when I did the Certificate of Occupancy and have tenants in there.

Moermond: Ms. Shaff?

Shaff: Inspector Thomas hasn't been able to gain access to the property.

Harding: as far as I know when I talked to whoever it was, it was closed in March. No one called me or sent me any letters.

Shaff: we wouldn't call you if we believe that BlackBridge was the Responsible Party.

Harding: In February we got the Certificate of Occupancy letters. That's why I don't know why it went back and forth to BlackBridge. I met Thomas there in February. There was just one thing in March and the tenant said he let them in.

Moermond: the first letter went to Trent Peterson at Green Jacket. The rest went to BlackBridge. I don't know who they are.

Harding: I don't know how that happened because they have nothing to do with the property. Do you have paperwork on that? Trent is one of the owners under Green Jacket.

Moermond: it has to have owners' signatures on that.

Shaff: we don't keep copies of that. They are reviewed, entered, recycled.

Harding: I apologize. I have no idea who that is or how that happened. I don't know if there was a mix-up in address, but neither I nor Trent did that. How do I move forward with this so my tenants don't have to move out? I thought this was stemming from the garage; I thought the Certificate of Occupancy was fine.

Moermond: BlackBridge lists its address as Smith Avenue. I was trying to sort out who

that is.

Shaff: the principle of BlackBridge are Ryan Whistler. They do own property around town.

Harding: and I have no idea who they are and have never heard of them.

Moermond: the previous Certificate of Occupancy was issued with them, not with you. It is kind of odd that way.

Harding: is it possible it somehow reverted back to them? Did they own it before? He hadn't heard of them either though.

Moermond: I don't know. Let's get an inspector to do a walkthrough and hit a reset button on this. Did you fill out a new form for the Certificate of Occupancy Responsible Party?

Harding: I've always done those on my own. Is that something new?

Moermond: it needs to be the owner. Anyone could say anything.

Harding: so all the ones I did last week I need to have done by these owners?

Moermond: yes. The paperwork does need to catch up. The City's position is it doesn't want to accept a random person's word they are the Responsible Party.

Harding: it seems like what happened me or it reverted.

Moermond: as a category 1 I don't think there is a concern. Category 1 can be occupied. You just need your Fire Certificate of Occupancy. It isn't condemned. You need to get that done. Your problem isn't the Vacant Building registration, it is the lack of certificate. Get that Certificate of Occupancy back in place, that will allow continued occupancy.

Shaff: Ms. Harding can email Inspector Thomas and copy or me, or he is typically in the office between 7:30 and 9 am Monday through Friday.

Moermond: this is summertime, what does his calendar look like?

Shaff: 3 weeks out.

Moermond: let's grant the appeal to be removed from the Vacant Building program. Grant an extension to get Certificate of Occupancy reinstated by September 17, 2021. If it isn't by then we'll be back talking about Vacant Building status and the fees along with that.

Harding: are there outstanding orders on the garage?

Shaff: it is condemned and you will need a demo permit.

Harding: ok. I'm on it. I will have Trent email over the Certificate of Occupancy with his signature and copy Leanna.

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

19 RLH VBR
21-51

Appeal of Jodi Leshner - representing - Leslie A. Fisher Trust to a Vacant Building Registration Notice at 1605 FIFTH STREET EAST.

Sponsors: Prince

Grant the appeal and release the property from the VB program.

Jodi Leshner, o/b/o Leslie Fisher Trust, appeared via phone

[Moermond gives background of the appeals process]

Staff report by Supervisor Leanna Shaff: attempted Fire Certificate of Occupancy inspection by Thomas. We have no entries on January 13 and 30 of 2020. Revoked vacant on February 27, 2020. Inspector Thomas hasn't been able to gain access to the property.

Moermond: I notice we have mention of the address in the appeal.

Staff report by Supervisor Joe Yannarely: we opened a Category 1 Vacant Building because conditions looked good. Mr. Hoffman was contacted. Ownership wasn't aware there was an issue.

Moermond: so the Vacant Building program opened the file July 13 and then another letter went to the Stinson address, which has been the correct address the entire time. What is confusing from the City's perspective is when you have a change of address you let the County know. Typically Fire inspections needs a form filled out, but if you change it with the County usually the US postal service expires and mail bounces back. Then staff would know it wasn't the right address. That didn't happen. I'm thinking we need to hit reset on this and get your Fire Certificate of Occupancy underway and call this a mulligan.

Leshner: the letter I received July 26 is for an appointment August 10 with Inspector Thomas. So that's what we got July 26.

Shaff: is the house occupied?

Leshner: it is.

Shaff: can we inspect August 10?

Leshner: yes. I did email him to ask if it can be pushed up to 10 on that day per the tenant's request, but if we can't we can do it at noon.

Moermond: so we'll recommend the Council grants the appeal and you are back at square one with the Fire Certificate of Occupancy program.

Leshner: thank you.

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

20 RLH VBR
21-48

Appeal of Wessam Sonbol to a Vacant Building Registration Fee Warning Letter at 1446 RICE STREET.

Sponsors: Brendmoen

Waive the VB fee for 90 days (to October 15, 2021).

Wessam Sonbol appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: opened July 2019 after a fire. Had quite a few abatements in the last 18 months. 8 Summary Abatement Orders resulting in 3 work orders.

Moermond: what's going on?

Sonbol: the rehab is going well. I bought the building in November or December 2020. We have had people working even during the winter. This is the first time I'm doing this. We have people in almost every week. We pay our taxes. We have been paying for the different licenses and clean the property. We want it up and running before the end of the year. For me to pay all this and the Vacant Building fee on top of it. With all respect it is ridiculous for someone as small as I am and who is working as hard as I am. That's why I requested the appeal. I don't feel it is fair for me or others like me. I have hired people, we wanted to have it done by August. Covid has not helped the situation. It is costing double the money. I'm working as hard as I can. My request is to get me out of Vacant Buildings. I am doing what I can.

Moermond: I appreciate that. Looks like the fire happened in July 2019.

Sonbol: around December 2020. Not even 9 months ago. When you factor in our winter it makes it difficult to work but yet I hired people to come in. This is a big building. It isn't small. We gutted it inside and out. Inspectors constantly.

Moermond: as is legally required.

Sonbol: I'm not leaving it vacant and I am paying a lot of money so please help me.

Moermond: when I look at the file I notice a couple of things. One is we do have a recent sale, which is important to note. December of 2020. I do notice that since you've purchased the property there have been several occasions where the City has had to issue orders to maintain the property. That isn't great. It hasn't been a ton, just twice.

Sonbol: I'm new to this, so I'm learning what I don't know. I've spoken with the inspector every time, they educated me and I appreciated it. I've hired someone to make sure it has been cleaned. I've acted within days of getting the letters.

Moermond: here's where I'm going. The City is acting as a property manager which is part of what the Vacant Building program does. Making sure a building such as yours is maintained. It is hard to be a neighbor in these circumstances. It is important you're doing your work and the City is doing the work it is doing. I'd like to set you up for no Vacant Building fee or a prorated fee. The Vacant Building fee is for July 15, 2021. So the bill covers July 15 to July 2022. So right now let's put a 90-day waiver in place. That's going to take you to October 15, 2021. If your permits are finalized by then you have no fee whatsoever. Sounds like that may be ambitious. If it doesn't work out, I want you to appeal the assessment that comes forward and we can talk about prorating it then.

Sonbol: 90 days is too ambitious. I'm running thin and praying as hard as I can. If you saw the messages with my contractors you would go nuts.

Moermond: I get where you are coming from. I also know it takes money to run the Vacant Building program and this has been a property that has a few problems. I can also make it payable over a couple of years as an assessment so it is not one big punch. The Council could look at it differently. There's another bite at the apple at that point. It isn't my practice to put a waiver in place longer than 3 months. Then working with you on prorating it.

*Sonbol: I have to ask. You say you have this program. Someone sends me this letter. I take care of it. I look at the building next to me. Is the City doing anything about the trash being thrown all over? The City hasn't done sh*t about the park next to me, it looks like crap. Excuse my language. I'm spending thousands on taxes and fees for folks to check on the building. I'm paying hundreds for people to clean the building. I've spent \$600 for people to make sure the parking lot is clean as the City requested. Now someone says you have to pay \$2,000. It is very unfair of the City to put this like this.*

Moermond: it was disclosed to you when you bought the property this was a registered Vacant Building and subject to these fees.

Sonbol: it was a surprise to me.

Moermond: that's a disclosure problem with you and your seller.

Sonbol: why didn't you get the money from them? Why didn't they pay it?

Moermond: we did get money from them.

Sonbol: why are we talking about last year's fee?

Moermond: it is not. It is a prospective fee. This is 2021 to 2022.

Sonbol: oh, sorry. I misunderstood

Yannarely: first fee went to assessment. Last years was paid by a Visa.

Moermond: so this is the third fee. I'd like to put it on the shelf and let you get some work done. I understand your frustration. Let me ask you Mr. Sonbol, you said the parking lot where?

Sonbol: it's the park next to me. Then the other the building right behind me. I'm sorry if I sound frustrated.

Moermond: you aren't the first person. I get it. You own a restaurant that had a fire during Covid. I totally get it. This program has been around since the 80's. I'm sure you can understand bad things happen in vacant buildings. We'll have an inspector swing by the apartment building and we'll talk to Parks & Rec about the issue as well.

Sonbol: sounds good.

Moermond: you have the same right to a cared for neighborhood as they have. We need to make sure that is respected.

Sonbol: I appreciate it.

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

**21 RLH VBR
21-50**

Appeal of Alissa Gray, Winifred Partners LLC, to a Vacant Building Registration Fee Warning Letter at 1490 SEVENTH STREET EAST.

Sponsors: Prince

Grant the appeal and release from VB program (property is demolished).

No one appeared

Moermond: were granting the appeal because the building has been demolished.

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