



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
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651-266-8585

Tuesday, August 10, 2021

8:00 AM

Room 330 City Hall & Court House

Remove/Repair Orders

8:00 a.m. Hearings

- 1 **RLH RR 21-52** Ordering the rehabilitation or razing and removal of the structures at 904 CHARLOTTE STREET within one hundred and eighty (180) days after the August 25, 2021, City Council Public Hearing.

Sponsors: Jalali

Grant 180 days to rehab or remove. Allow permits to be pulled prior to CPH.

Shu Ping Teoh, owner, appeared via phone

Moermond: both Mr. Wagner and I have reviewed your materials, and the revised materials, and find them acceptable. We're going to recommend the Council gives you 180 days to do the rehab or removal. It goes to vote on August 25, but because we are in agreement he can set it up that you can start pulling permits.

Magner: I'll notify staff who note it in Amanda. They can apply starting tomorrow.

Moermond: remember for a Category 3 Vacant Building they have to go in person to pull the permits.

Magner: yes, you can't do it online.

Moermond: so remember to tell your contractors that. Your paperwork is in good shape, you can get going if you're ready.

Teoh: thank you so much.

Referred to the City Council due back on 8/25/2021

- 2 [RLH RR 21-37](#) Ordering the rehabilitation or razing and removal of the structures at 1253 CLEVELAND AVENUE NORTH within fifteen (15) days after the June 9, 2021, City Council Public Hearing. (Refers back to July 13, 2021 Legislative Hearing)

Sponsors: Jalali

Layover to LH August 24, 2021 at 9 am. By COB August 23, Purchaser to 1) post new \$5,000 performance deposit with DSI, 2) submit a work plan/sworn construction statement including signed contractor bids and a schedule for completing the rehab, 3) an affidavit dedicating the funds to the project, 4) updated financials if necessary once receiving contractor bids and 5) the property must continue to be maintained.

Ernest Trower, owner, appeared via phone

Byron Anfinson, realtor on behalf of Mr. Trower, appeared via phone

Tom Distad, purchaser, appeared via phone

Voicemail left for Kate Hyland at 8:17 am: we'll try back in a couple minutes but we'll get started with this discussion.

Moermond: you've been leading the communication on behalf of Mr. Trower, Mr. Anfinson. Where are you at?

Anfinson: Mr. Distad and their company has purchased the three properties. They want to demolish the one on Como and rehab the other two. Right now they are in the process of getting bids and lining up contractors and getting the legal paperwork together so they're protected as this goes along since they don't have title yet.

Moermond: correct. With respect to the Purchase Agreements. They aren't the best we've seen, but we'll accept them. I am hearing there hasn't been a general contractor go through on behalf of Mr. Distad to do the scope of work, but I don't know that for sure. I'm wondering for the two rehabbed properties where are you at?

Distad: I'm getting the bids prepared this week. We got under contract about a week and a half ago. We are still waiting for the legal documents. The electrician was out of town last week. We are hoping to get them and plumber through next week. We've left messages about getting the demo inspection.

Moermond: let's talk about the Cleveland and Scudder rehabs first. You have a contractor preparing bids this week. You have some legal work still you want to do. When your contractor comes through, we're also looking for a schedule and a plan over time of how you will execute the rehab. This is something most generals can do as part of their sworn construction statement. It is probably easier to be specific in round one so they don't have to go back and do it later.

Distad: so hypothetically you'll say, we're expecting to do this work on this day.

Moermond: we'll summarize what we look for to get the grant of time to do the work on cat 3 buildings. The first item up is the Performance Deposit by the party that is doing work. Mr. Trower did post those for each property which allowed us to slow this down earlier. For the two properties that will be rehabbed Mr. Trower will ask for his Performance Deposit back and you will need to post another \$5,000 Performance Deposit into place.

Distad: I'm familiar, I've read them.

Moermond: because Como isn't going to be rehabbed, he can ask for his Performance Deposit back and it doesn't need to be replaced. We do have a Bridgewater Bank statement with roughly \$195,000. Staff estimated the rehab cost would exceed \$75,000; staff inadvertently put \$50,000 in the letters. That's not the actual number we need financing for. If the General Contractor says it will cost \$82,000, then we look to

see you have \$82,000. That's a moving target until we have solid bids on the rehab. We would also look for an affidavit dedicating those funds to the property. We have the purchase agreement, and the property is being maintained. Mr. Magner, anything I'm missing? Main things are work plan, revised financing if needed, and affidavit.

Magner: no, I think you covered all of it.

Moermond: How fast can you turn around those items, Mr. Distad?

Distad: as soon as our attorney is able to get us the documents for us and Ernie to sign, I'll be comfortable putting up the bonds. I should have that this week.

Moermond: so the next time I have hearings is August 24. These two I'll lay over and hopefully wrap things up and get you the grant of time.

Distad: that would be perfect.

Moermond: if we can greenlight things on the 24 we can have DSI issue permits within a couple days, before the Council vote September 8. The goal is getting the nuisance abated. Once the bases are covered you have the greenlight.

Laid Over to the Legislative Hearings due back on 8/24/2021

3 [RLH RR 21-38](#)

Ordering the rehabilitation or razing and removal of the structures at 2062 COMO AVENUE within fifteen (15) days after the June 9, 2021, City Council Public Hearing. (Refers back to July 13, 2021 Legislative Hearing)

Sponsors: Jalali

Layover to LH August 24, 2021 for further discussion.

Ernest Trower, owner, appeared via phone

Byron Anfinson, realtor on behalf of Mr. Trower, appeared via phone

Tom Distad, purchaser, appeared via phone

Moermond: now let's talk about the one being demolished. Different flavor. The plan is to demolish and rebuild?

Distad: yes, we want to put up a duplex at some point, then go into planning.

Moermond: and you've initiated a demolition contractor? Talking with them?

Distad: yes, I talked to the contractor. We've reached out to the City to do the inspection.

Moermond: do you have the Amanda records up Mr. Magner? Any thoughts?

Magner: we were wondering what your recommendation is going to be as far as time, is he going to be able to get his contractor out and start proceeding, or does he need more than 45 days?

Distad: we are hoping to do the other 2 properties first and demolish this last.

Moermond: that's not happening. I need to button up this project. I need a similar start

time on this.

Distad: ok. Well, I guess I'll consider it before the 24.

Moermond: you could choose not to purchase it. Mr. Trower would keep his performance deposit in place and look at other decisions. If the City did the demolition, the estimate they had is exceeding \$20,000. The bids the City gets are very competitive, if not better, than what private individuals can get.

Magner: that's generally true. I would certainly suggest to all parties that they should at least consider doing it because the City does add administrative costs. We can do it and put it on the taxes and then sell it right away. Your admin fee is kind of equaled out if you consider you are essentially getting free financing.

Distad: we'd be happy to do that.

Magner: title can transfer as soon as the building is down. If that's what all parties agree to.

Distad: can I think about that for 2 weeks?

Moermond: you definitely can do that. That's where I'm leaning now. If it goes to Council on September 8 normally I say 15 days for removal. That translates in real time to 15 days in which you as owner have time to do the demo. If you don't then Mr. Magner's team goes through the process of seeking bids and a hazardous materials assessment. That is going to be another 6 or 8 weeks after the initial 15 days. Then the assessment for the work would come forward in 2022. So that would be how that maps out if that's the path that happens. Mr. Magner, am I missing anything?

Magner: I think that would work if that's what all parties want to do. It may be simplest. It gives them a lot more time because they can have five months before they get the invoice. It would be a whole other year before it went to taxes. A lot more time than coming up with \$20,000 tomorrow to raze the building.

Distad: that kind of sounds like the situation we were hoping for.

Moermond: so you have that information somewhat written up, we'll send you a copy of the notes from the meeting.

Distad: do we get an estimate of what the cost will be before we say let's move forward?

Moermond: there's no way to do a full estimate until the hazardous materials assessment. The \$20,000 is more or less average.

Magner: that's what we normally see for lump sum bids. Hazardous waste on top of that which is a case by case basis. Generally we go to the lowest bidder. We know age of construction there is probably some type of asbestos in it.

Distad: I was more wondering are we told what it's going to cost before we move forward?

Moermond: we can ballpark it, but the City is not going to ask for bids until you choose not to act. Mr. Yannarely is one of Mr. Magner's supervisors in his department.

He could have staff share with you a list of licensed demo contractors so you could get a few bids, which would be similar to what the City gets. That would give you a sense of what you are talking about then. Mr. Magner can you do that?

Magner: I can have him send it to Mai.

Moermond: and option 3 is doing the demo on your own. I'm willing to go as far as 30 days, but I won't let it go for six months. I need action sooner than that. It sounds like we can deal with that in a way that will work financially for all parties. If it won't, we can talk more on August 25. Does anyone have any questions?

Trower: what is the process for me on getting my deposit back?

Magner: email Reid Soley to request the funds for those 3 properties.

Moermond: I would add you are going to want that Performance Deposit in place until the deal is done. It is that Performance Deposit which allows me to say to the Council you have skin in the game. As soon as you get it back and it is not replaced I don't have that to show you are really in it.

Trower: that's exactly why I asked.

Distad: as soon as I send ours in we'll get yours out Ernie.

Trower: sounds good. I didn't want to cause a problem.

Anfinson: you've been extremely helpful.

Moermond: you'll get a letter from Joanna Zimny. You'll get the minutes from these hearing later. If you have questions after that, just reply to that and she is masterful at getting answers.

Laid Over to the Legislative Hearings due back on 8/24/2021

4 [RLH RR 21-39](#)

Ordering the rehabilitation or razing and removal of the structures at 2075 SCUDDER STREET within fifteen (15) days after the June 9, 2021, City Council Public Hearing. (Refers back to July 13, 2021 Legislative Hearing)

Sponsors: Jalali

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Moermond: correct. With respect to the Purchase Agreements. They aren't the best we've seen, but we'll accept them. I am hearing there hasn't been a general contractor go through on behalf of Mr. Distad to do the scope of work, but I don't know that for sure. I'm wondering for the two rehabbed properties where are you at?

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Moermond: let's talk about the Cleveland and Scudder rehabs first. You have a contractor preparing bids this week. You have some legal work still you want to do. When your contractor comes through, we're also looking for a schedule and a plan over time of how you will execute the rehab. This is something most generals can do as part of their sworn construction statement. It is probably easier to be specific in round one so they don't have to go back and do it later.

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Laid Over to the Legislative Hearings due back on 8/24/2021

- 5 RLH RR 21-24** Ordering the rehabilitation or razing and removal of the structures at 975 HUDSON ROAD within fifteen (15) days after the May 26, 2021, City Council Public Hearing. (Amend to remove within 15 days)

Sponsors: Prince

Order the building removed within 15 days with no option to repair.

Derek Thooft, attorney o/b/o Lorrie Miller, appeared via phone

Moermond: we're following up on 975 Hudson. Did you have number for Lorie Miller to add her in or how do you want to proceed?

Thooft: I don't have one, I tried to prior to today but I was unsuccessful.

Staff update by manager Steve Magner: a letter was sent July 29 confirming that on July 27 the Legislative Hearing officer recommended if by close of business Thursday July 29 you've installed a lockbox she will lay it over to August 24. If you don't meet the above condition it will be discussed today, August 10, to discuss removal of the building. By close of business June 11 there is a list of items to be completed, and they have not been done as of that letter.

Moermond: the first thing was that lockbox and that did not happen. Still no inspection. Any information on where things are at Mr. Thooft?

Thooft: this has been a case of one step forward and three steps back. We contacted her after the last hearing, had contact with her and were moving forward and in the process of getting it on and then she realized the window was broken. This triggered PTSD for her, she believes it was from her stalker. She called me in a panic freaking out. I guess went back into hiding. We have been in contact with her since. We said we'd take care of it. She cannot locate a key. We've been instructed to change the locks and secure the window. So a safe place where she is not in fear of her stalker. We put a lot of effort in on our behalf and It was unsuccessful. I'll leave it at that.

Moermond: and I'll note first half 2021 taxes have not been paid. It is also showing up as scheduling to tax forfeit in 2022 for the simple fact she owns \$37. That kind of strikes me as the rhyme "for want of a nail." This is kind of bad. The inability to get a lockbox on a door to even have an inspection since early May. I've never spoken to her on the phone. We've bent over backwards to be of assistance and haven't been successful. We haven't even got the most basic things taken care of. I get there is a high level of dysfunction here, but that's also how we ended up having this particular conversation. Right now, I feel boxed into a corner that the most basic thing hasn't happened. We've continued this matter, by the time it gets to Council, almost 3 months after it went originally. I would normally never continue a case without that Code Compliance Inspection in place. It is not like the first time she heard about it was in May. It has been required since it was a Category 2 Vacant Building. From what

I can tell it entered the Vacant Building program in 2015 as a Category 2. She got one several years ago, and they last one year before they expire. I'm having to put this in front of Council once again with the recommendation for the building's removal. I indicated that would be the way I was going in the letter sent by staff. I'll put it in front of Council on August 25. You know what to do to impress the Council.

Thooft: we'll do our best. I've handled a lot of these and this isn't how I typically do my job. It has been a lot of unfortunate circumstance on my end. I have put in more time and work on a lot of cases, and unfortunately was just unable to get the stuff done that needed to. I understand the corner you're in.

Moermond: it does have all the earmarks of someone who has walked. You're involved, so maybe not completely, but the lack of action tips the scales. On August 25 I will ask for the Council to order it removed within 15 days with no option for rehab. Information will be in the letter.

Referred to the City Council due back on 9/8/2021

6 [RLH RR 20-22](#)

Ordering the rehabilitation or razing and removal of the structures at 678 SNELLING AVENUE NORTH within fifteen (15) days after the May 27, 2020 City Council public hearing.

Sponsors: Jalali

Layover to LH September 14, 2021 at 9 am. for further discussion. Staff to follow up with Fire, PED & Building Official.

Gene Gelgelu, AEDS, appeared via phone

Lisa Kugler, consultant, appeared via phone

Moermond: I have looked at the document submitted July 23. In the section labeled next steps for project design. There is a question for asking for help from Mitra Jalali. My message to them is that this is quasi-judicial and she shouldn't be interacting on the project

Kugler: we didn't realize that.

Moermond: she will be sitting basically as a judge on the remove or repair question. As a judge she can't have the preliminary actions on the project without later recusing herself. We'll have to figure out another way to help facilitate that if you need City help.

Kugler: to my knowledge she has not been able to do anything with it.

Moermond: and this is why, so you know. I talked with her Aide earlier, Matt Privatsky. I do know they are aware of what is going on, which is to your benefit. That being said, the meeting with Water and Public Works is mentioned. What is that you would want to walk away from those meetings with? Consulting with them about development plans? What is the ask?

Kugler: specifically it is that in order to meet code we have to put in new water service because the current one doesn't have enough pressure for a sprinkler system. Where the water comes from is across Snelling, so we are told in order to get a new water service we have to rip up Snelling Avenue which is owned by MNDOT and has been recently repaved. And we are told it would cost \$100,000. Our proposal we talked to Josh William about, who talked to someone at Water, was we take the water from

Blair and run it up the alley for everyone's advantage. It seems there should be another solution. Josh was told that the Water Department doesn't do lines in alleys. So what we need is a discussion about what the issues are with that and a group decision about which way we pursue. We either have to persuade the State we can rip up Snelling or we need to take the water from Blair. Maybe a civil engineer could maybe have another solution. I don't know what that would be. My only thought is there are sprinkler systems that don't use water. But I suspect those are very expensive, but maybe not as expensive as tearing up Snelling.

Moermond: based on what you're saying, I think the Water utility should be part of the conversation. Rather than Public Works, I think you want to involve a fire engineer from DSI who could discuss this in general terms. Mr. Magner, what staff do you think need to be present for this conversation?

Magner: I think they need to maybe back up and discuss the fire suppression options that won't require an increase in the water supply first. They certainly could talk to our fire engineer but they may need to talk to the private sector to get those systems priced based on their architectural plans.

Moermond: I can reach out to the Supervisor of Fire Inspections who happens to be a fire engineer and see what their initial thoughts are. I know that often they say bring me a plan to react to. A tank system may be relevant to. Again, I can reach out to them and see if we can't facilitate some of that. Josh Williams is an engineer?

Kugler: a senior City planner at Planning and Economic Development.

Moermond: oh, ok.

Kugler: we do have preliminary plans that will inform someone as to what is needed, I think.

Moermond: we have a project manager, Kowsar Mohamed with Planning and Economic Development. Carolyn Berhman project architect.

Kugler: she is with the architecture firm, Cushing Terrell. She isn't there anymore due to a health problem but we have a new person assigned who we are meeting this week. The survey has been completed and there were no unexpected results.

Moermond: you wanted to present to Hamline-Midway this summer. Have you had that discussion?

Gelgelu: we haven't met with the coalition but we had community engagement with people in the community. Katy Mudge of the Hamline-Midway collation.

Moermond: I feel like I have a good handle on this. To confirm, the State money. The direct grant was not given, rather it was put into a pool to apply for funds?

Kugler: no, there is a new wrinkle to that. The money was put into a program that will select what are called "partner organizations" and those organizations will make grants to specific projects. So one more step in the process.

Moermond: ok, got it. I'm going to reach out to some staff and see if we can't as a City figure out a strategy on this. It is complicated for us on several levels legally. Different departments have different missions when it comes to this property. I'll reach out to

Planning, Water, and Fire. Is the sprinkler system something you're talking about with an engineer?

Kugler: the person with Kimley Horn has been out of town. I haven't talked to him. I would think he would know something in general about what to ask for, and then we can talk to a sprinkler contractor. We need to not sound like total idiots.

Moermond: totally understand that. I'm committing to you I'll reach out and pull together a meeting. I'll lay this over to September 14. We'll reach out in the meantime to schedule I'm sure. This would be off the record, more work sessions with relevant people

Kugler: that would be very helpful and we can include the engineer too.

Moermond: I will try to do some of the advocacy to move things forward. Ms. Jalali can't do that.

Laid Over to the Legislative Hearings due back on 9/14/2021

10:30 a.m. Hearings

- 7 RLH RR 21-51 Ordering the rehabilitation or razing and removal of the structures at 134 CASE AVENUE within fifteen (15) days after the August 25, 2021, City Council Public Hearing. (Legislative Hearing on August 24, 2021)**

Sponsors: Brendmoen

Layover to LH August 24, 2021 at 10 am to confirm PO has 1) posted a \$5,000 performance deposit and 2) has submitted a signed contract for completing the "trash out" of the property. (CPH August 25)

Craig Barbee, attorney o/b/o Bank of America, appeared via phone

Staff update by Manager Steve Magner: a letter was sent July 30 laying the matter over to today for status of trash out and foreclosure status.

Moermond: sounds like were talking about property maintenance and a cleanout so the Code Compliance can occur. And posting the performance deposit. Where are you at?

Barbee: my client has commenced foreclosure. Sale is set for October 7, and we will also be reducing the redemption period to 5 weeks since it is vacant and abandoned. I contacted the conservator's attorney. They also have an order regarding the personal property which I sent to my client. They can do the trash out since it has been abandoned by the owner. They are in the process of getting bids for the trash out. They expect one by the end of the week. They do want to have it cleaned out so the inspectors can get in and do the Code Compliance Inspection. My client needs that before they can make a definite determination that they want to do the rehab. That's where we are at. I hope for more information on bid and scheduling of trash out in the next week or so.

Moermond: this is scheduled to go to Council August 25. It seems reasonable that if you get a bid on the trash out this week it could occur by August 24 and have the Performance Deposit posted by then. If those 2 things happen I'm happy to recommend another six weeks to work through some of the other things going on.

You'll get the Code Compliance Inspection Report and talk to contractors.

Barbee: I don't know about the scheduling of the trash out. I hope it can be done by then, but I think as part of the bid process they will have to find that out. I don't know their availability. Could we agree if they have it scheduled in the next six weeks? I honestly don't know how long these companies take.

Magner: I think that is fair to say that Bank of America can certainly have their local Field Rep have a contract with a company to have it scheduled. Maybe the work won't be done by the 24, but shortly after. If you amend your recommendation to require the Performance Deposit and a signed contract. It sounds like they have plenty of money to hire someone to do this.

Moermond: August 24 we'll have a brief confirmation to confirm the Performance Deposit is posted and a trash out contract in place. I expect the trash out to occur no longer than four weeks after August 24. Those can be benchmarks for continuing the conversation.

Referred to the City Council due back on 8/25/2021

8 [RLH RR 21-15](#)

Denying a stay of enforcement of demolition for property at 655 JESSAMINE AVENUE EAST. (Amend to grant a stay of enforcement for 180-day extension)

Sponsors: Yang

Stay demolition for 180 days to complete the rehabilitation.

John Ray appeared via phone

Moermond: both Mr. Magner and I have reviewed your materials and are in agreement we can recommend to the Council that the order to remove is stayed for 180 days for you to do the rehab. That will go to Council August 25. On the strength of our recommendation, how will the department manage permits Mr. Magner?

Magner: we'll note it in the system today and he can begin pulling permits starting tomorrow.

Moermond: because it's a Category 3 your contractors will have to pull permits in person, not online. That's all we have unless you have questions.

Ray: I don't, and I'm ready to go so I don't lose my spot in line. Thank you so much for your help.

Referred to the City Council due back on 8/11/2021

9 [RLH RR 21-55](#)

Making finding on the substantial abatement ordered for 975 MARSHALL AVENUE in Council File RLH RR 21-23.

Sponsors: Thao

Grant additional 90 days to complete the rehab (to November 18, 2021). Continue the performance deposit.

Tony Bassett appeared via phone

Moermond: did you want us to call Joel Hilgendorf?

Bassett: no need.

Moermond: we have Mr. Magner on the line to follow up on the Council's order granting 180 days. We need to make a determination.

Magner: a letter was sent July 26 scheduling this hearing. An email from Nathan Bruhn indicates it is at 95% completed and looks like they are finishing up some minor details with trades permits finalized in the next two weeks.

Moermond: that is sounding really good. What's your estimate for being done?

Bassett: the builder tells me by the end of the month but I wouldn't hang my hat on it. It has been painfully slow, as you know. We spoke a couple of weeks ago and you gave us until September 26.

Moermond: we did. Is September 26 reasonable?

Bassett: possibly longer, but it is looking good at this point.

Moermond: what I'd like to do is setting aside the fee and how that will work itself out is making sure you have the time you need to finish. This is currently scheduled to go to Council August 18. I'll ask them to give you a 90-day extension to abate the nuisance. If something goes sideways that should cover you, that is 90 days from August 18.

Bassett: very good.

Moermond: we'll continue the performance deposit and go with that.

Bassett: I very much appreciate your patience on that.

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

10 [RLH RR 21-54](#)

Making finding on the appealed substantial abatement ordered for 1355 PAYNE AVENUE in Council File RLH RR 21-22.

Sponsors: Yang

The nuisance is abated and the matter resolved.

No one appeared

Moermond: following up on this property. Mr. Magner is there a finding on this one? A code compliance issued?

Magner: yes, it was issued.

Moermond: so the nuisance is abated the matter resolved.

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

11 [RLH RR 21-42](#)

Making finding on the appealed substantial abatement ordered for 1004 THOMAS AVENUE in Council File RLH RR 21-6.

Sponsors: Thao

Grant an additional 180 days to rehabilitate. Continue the performance deposit.

Kathleen and Kerry Nilles appeared via phone

Moermond: I have Manager Steve Magner on the line as well. So, the purpose of today's hearing is to do a follow up after the 180 days. It is not quite done yet, so we'll update the record and then talk about your plans.

Manager Steve Magner: a letter was sent July 16 scheduling the hearing today. Nathan Bruhn indicates they are doing it in phases and the exterior is 90% complete, the 2nd floor unit is 95% complete, and the 1st floor unit is 55% complete.

Moermond: so we're past that 50% mark. So the first thing is the Performance Deposit gets continued. What are your plans and timeline right now?

Kerry Nilles: we've got the second floor is just details, putting trim up and tiling the bathroom. We're waiting on that shipment, they're way behind in production. The exterior we have about 3 days of work left to do those final details. The first floor has been insulated. We were broken into and they cut a lot of wire and tried to get the gas line out so a bunch of the wiring has to be replaced. Basically we have a weeks' worth of work to do some headers and lapping and we'll be ready for Sheetrocking and taping. The issue we are having is we wanted folks to come in and give us a hand, but labor is in very short supply so we are having to do it ourselves. We're working there virtually every day and plan to until we get it done. We are committed to getting it done. As soon as we get the materials we need, and hopefully some help on the Sheetrocking. Everyone is weeks and months booked out. That is our plan, just to keep on going.

Moermond: based on where you are at, if you can continue at the same pace, you'll be done in 90 days?

Kerry Nilles: I think we can be. I think we would be close.

Moermond: and I want it 100 percent. I'm going to recommend a grant of 180 days to complete. That is the max amount I can recommend. You really have to bring this home.

Kerry Nilles: so from this date we have 180 days to complete?

Moermond: from the Council vote on August 18 you will have 180 days.

Kerry Nilles: we'll have that done.

Moermond: and we'll continue the Performance Deposit and send you a letter confirming the details. Good luck, hopefully there are no supply glitches.

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

12 RLH RR 21-57

Making finding on the appealed substantial abatement ordered for 901 YORK AVENUE in Council File RLH RR 20-32. (Legislative Hearing on August 24, 2021)

Sponsors: Yang

Layover to LH August 24, 2021 at 10 am. PO to 1) pull building permit, 2) contact Nathan Bruhn to do inspection to determine percentage completed. (CPH August 25)

Scott Redinger appeared via phone

Moermond: we're calling about your property at 901 York to make a determination about whether you're done or not and if not how we move forward.

Staff update by Manager Steve Magner: letter sent July 26 scheduling the hearing today. Mr. Bruhn stated in an email there is no building permit and there is active plumbing and electrical permits but he has not been in contact to do an inspection. Possibly they are just getting started.

Moermond: we really do need Mr. Bruhn to have a percentage with eyes on, but what's going on Mr. Redinger?

Redinger: the electrical contractor has been in and finished the code compliance work. I don't know if he's called for an inspection, I would invite them out if he hasn't. as far as the plumbing it is 95% complete, we're waiting for some cabinetry work so he can come back in and do that. that's \$15,000 worth of work there, and \$5,000 on the electrical that's done. I did have a lockbox on the door so the inspectors could access it, we've had vandals bust it off twice and steal the keys and break into the garage with the keys so I've replaced the locks and haven't put one on. If I could get a time frame I could put a third lockbox on for access. Having one on is a target for criminals the first time they stole about \$6k worth of supplies and tools. They removed cartons of new flooring and the tools to install it. the second time we did not leave anything in there of value they could take, so other than damage they didn't steal anything.

Moermond: it looks like you don't have a building permit. Is there a reason?

Redinger: the electrical and plumbing pulled theirs but we were waiting for them to wrap up. It has been slower to anticipated due to heavy demand. They said they could do it quicker than it actually took

Moermond: get that electrical inspector in there and the plumbing done. I'm saying that because if you are at the 50% mark that allows me to recommend to the Council they continue your existing performance deposit so you don't lose it. if you aren't at 50% then that PD could potentially be forfeited or they could require another \$5,000 performance deposit, so you'd have \$10,000 hanging waiting for you to finish. If you can demonstrate to Nathan Bruhn you're halfway done that's an easy answer for me to continue that. I'd like to give you a chance to do that and also connect with him so that he can review your situation. I'm needing a percentage from him. He has to make that call. I'm going to continue our conversation to august 24 and between now and then see if you can't get the electrical and plumbing inspected.

Magner: it is imperative a building permit is pulled. It should have been the first thing pulled. He won't go until that permit is pulled.

Moermond: so that needs to be done by august 24. I suggest you do it within the week so Mr. Bruhn can start working on it.

Magner: that has to be done in person too. Please note that.

Moermond: for a Category 3 Vacant Building this has to be done in person.

Redinger: the plumbing and electrical have been pulled, correct?

Moermond: yes. David Newstrom for plumbing and Pulse Electric for the electric. You need to get Mr. Bruhn in there, the faster you get that building permit in your hands the faster he can answer whether you are 50% done. You have \$5,000 riding on that. It is in your interest to get it taken care of. We'll talk to you August 24 and hopefully we've made headway on these permits.

Referred to the City Council due back on 8/25/2021

11:00 a.m. Hearings

Correction Orders

Summary Abatement Orders

- 13 [RLH SAO 21-60](#) Making finding on the appealed nuisance abatement ordered for 1372 VICTORIA STREET NORTH in Council File RLH SAO 21-55.

Sponsors: Brendmoen

The nuisance as related to tree and fence are not abated and the Department is authorized to take action to abate the nuisance conditions. PO to send confirmation of extermination as proof that nuisance is abated related to raccoons and soffit and eave repair.

*Mark Eveland, o/b/o Mr. Bastel, appeared via phone
Chuck Bastel, owner, appeared via phone*

Moermond: first we'll talk about the tree removal and then the fence removal or repair. Then we will talk about the holes in the eaves and raccoon infestation connected to that. In a few weeks we'll talk about that garage but that is in the future.

Staff update by Supervisor Matt Dornfeld: I was by there yesterday and nothing has changed with the fence nor the trees. As far as the raccoons and holes that sightline as we discussed before is from the back of the neighbor's home. They have dogs and I don't feel comfortable walking back there without authorization to check. I have emailed Mr. Eveland and he stated he believes Mr. Bastel did hire an exterminator and the raccoons were removed and the holes were possibly covered, but I cannot confirm that to be true.

Eveland: that's pretty much it. I did call an exterminator after our last hearing. They came out and talked to Chuck. He said he does have the paperwork. He did hire them and they removed the raccoons and they told me part of their contract is to repair the holes where they are gaining access. That should be taken care of. We agreed to have the City take care of the trees and fence

Moermond: I need to see the receipt from the exterminator.

Eveland: I have the paperwork; I will call them to have them send something I can forward to you.

Moermond: that would be great. I need that as confirmation the work was done and paid for. We'll put a resolution in front of Council for the other work not being abated and the Council authorizes DSI to go ahead and do that as we discussed.

Eveland: yes.

Moermond: perfect, any questions?

Bastel: what's wrong with the gate?

Eveland: Chuck, it is not attached

Bastel I'm perplexed. I don't know what to do. I thought I could live my golden years in peace and safety and I'm being [muffled]. I am not very young and I don't have many years left and the years I have left I'm being tormented

Eveland: I just want you to understand they're going to send someone out to do the tree and look at your fence.

Bastel: the gate? The gate?!

Eveland: they'll explain what needs to be done.

Bastel: how many cars have I had stolen and I'm going to get them. I'm not dead yet

Eveland: this isn't the time, Chuck.

Bastel: I've been robbed and looted. I'm not dead yet!

Eveland: the next step is talking about your garage.

Bastel: [muffled yelling in background] that's how you get killed! You stand between what someone wants and—they're going to get killed. Here comes the mailman.

Eveland: anything else on the agenda?

Moermond: no, we'll authorize the Department to do the abatement and look for the exterminator documentation from you.

Eveland: do you understand that Chuck? Someone will come out to look at the gate and tree?

Bastel: I'm 85 years of age! I don't have much time left in this world and I'm being tormented and I'm not eating or sleeping or feeling right! I'm being tortured to death.

Moermond: I wish you all the best.

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

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

1:30 p.m. Hearings**Fire Certificates of Occupancy****Summary Abatement Orders**

- 14** **RLH SAO** Appeal of Greg Post to a Summary Abatement Order at 677
 21-62 BIRMINGHAM STREET.

Sponsors: Prince

Deny the appeal, noting the nuisance is abated and the matter resolved.

Greg Post, owner, appeared via phone

Staff report by Supervisor Lisa Martin: Summary Abatement Order issued July 27, but our inspector reports that it has been removed, so it has been closed.

Post: I maybe overreacted over the form letter. I wasn't up to speed to deal with it in short order. I'll keep plugging away at my other projects.

Moermond: the appeal is denied, noting the property is now in compliance.

Referred to the City Council due back on 8/25/2021

2:30 p.m. Hearings**Vacant Building Registrations**

- 15** [RLH VBR 21-54](#) Appeal of Bonnie Barlage to a Vacant Building Registration
 Requirement at 679 COTTAGE AVENUE EAST.

Sponsors: Brendmoen

Layover to LH August 24, 2021 at 2:30 p.m. PO to have permits finalized and be reinspected on Monday, August 23 at 9:30 am.

Bonnie Barlage o/b/o HavenBrook Homes, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this started with the appointment letter January 5, 2021. January 25, 2021 the Certificate of Occupancy inspection was done with Der Vue and me and the Responsible Party Travis and Joe. Smoke and carbons missing in bedrooms. The Responsible Party replaced those immediately. We noted other deficiencies including foundation issues. Followed up again February 26. March 4 the Responsible Party requested a week extension which we granted. March 17 a no entry. John at HavenBrook was emailed. It was rescheduled. March 31 no entry and tenant was unaware of reinspection. Ms. Vue left a voicemail and sent an email and issued orders for access. April 13 reinspection was accompanied by Responsible Party John, and Inspector Vue sent a copy of notice to the occupant. On April 30

inspection accompanied by Responsible Party Travis and there was some frustration expressed on how long the repairs were taking. Inspector Vue emailed and called Ms. Barlage with the orders. May 17 Ms. Vue spoke with Mitch who stated during his inspection it needed extensive work due to foundation. Ms. Vue requested a start and end date. On May 20 the property was going to be sold and tenants were to be moved but no confirmation. Responsible Party requested the Certificate of Occupancy be cancelled. Vue called and said if it is still occupied it still needs to be corrected and can't be cancelled. At that point on June 11 we didn't have sufficient information from HavenBrook and they had missed the reinspection from June 10 so their extension was denied. On June 23 no entry and we revoked for long-term noncompliance. July 7 the Responsible Party was not present for reinspection. No repairs completed when tenant allowed access. That resulted in no process. The appeal said all the work is done. As you heard from my timeline, we have had a difficult time verifying that due to failure to show or selling or not selling. One of the issues is the S-trap in the kitchen, and the plumbing permit is still open. As far as we are concerned the work has not been done. Cap missing on sewer pipe. Still issues with foundation.

Moermond: so June 30 you sent a letter saying you are pulling the plug and sending to Vacant Building program if it wasn't done by the July 7 deadline.

Staff report by Supervisor Matt Dornfeld: not much to add other than we opened a Category 2 Vacant Building per that referral from Fire on July 29, 2021.

Barlage: I don't have too much to add. I did think there was another inspection July 26. I'm not sure of the outcome of that. We were in the process of selling. We missed our window of opportunity. Since then we have backtracked and get the tenants to relocate. There wasn't one she was happy with to move her into. So we made the repairs and I understood from Mitch they were done. The tenant isn't interested in moving, she wants to stay. I can't ask her to leave because of the eviction moratorium and I can't cancel her lease. I'm stuck with her until it is lifted.

Moermond: who is Mitch?

Barlage: our newest renovation manager.

Moermond: it sounds like you were expecting an inspection on July 26 but the letter looks like there was and the results were that it wasn't repaired or vacated and it was sent to the Vacant Building program.

Shaff: yes, that is correct. Inspectors made every good faith effort to contact the Responsible Party and failure to comply will result in immediate action.

Moermond: I guess I'm not sure, it has been more than seven months the City has been trying to work with you and your company to address these orders. That hasn't happened. I was hearing you were offered an opportunity to put together a plan for an extension and didn't take advantage of that. do you have a path forward?

Barlage: a little bit of the hiccup was when we were given the opportunity to do the plan the initial reaction was to put it up for sale. The owner isn't interested in doing much more for repairs at this point but we are unable to remove the tenant as well. I have offered her every house available and she doesn't like any of them.

Moermond: so the owner doesn't want to fix it. That's what this comes down to.

Barlage: yeah, he isn't looking to fix it but we can't remove the tenant either.

Moermond: and boy would it be convenient for you if the City could on your behalf.

Barlage: I don't even think you can right now.

Moermond: we wouldn't do it under Covid. Ms. Shaff?

Shaff: long term noncompliance is an administrative reason and we don't vacate. But there is concern about sewer gasses coming up through that S-trap. But we won't vacate the property for the property owner not doing what they're supposed to do.

Moermond: if you aren't going to vacate what are the other tools? One is sending it to the Vacant Building program but that results in it not being vacated and Excessive Consumption charges for not vacating? Anything else? Criminal citations for not complying with orders?

Shaff: no, the courts aren't open to that. The principle owner is an LLC out of Georgia. So writing a criminal citation isn't going to do anything. My hands are tied. We have lots of inspection fees already racked up but we have a home with tenants in it the owner doesn't want to fix.

Moermond: the one enforcement soft spot is the tenants pursuing a remedy action through the court resulting in court ordered repairs. Quite a pickle here. It seems like we've talked before Ms. Barlage?

Barlage: I've been here a couple times in this situation.

Moermond: Ms. Shaff, do you have the name of the tenant?

Shaff: I do not.

Moermond: I see item 4 outstanding about excessive combustible storage by a gas meter? And that still existed upon a reinspect?

Shaff: yes.

Moermond:: that seems like a simple fix.

Barlage: I agree and I thought that it was. I'm taken aback the plumbing permit is still open.

Moermond: I'd like to continue this for 2 weeks and get those permits closed and get an inspector out before August 24.

Shaff: I can have Inspector Vue out there Friday, August 20 at 9:30 am or Monday, August 23 at 9:30 am.

Barlage: Monday the 23 at 9:30.

Moermond: let's get those permits closed and Ms. Vue out there to make observations about what is done and not done and then you can present a plan on anything outstanding.

Shaff: I'm under the understanding that HavenBrook homes has changed their name?

Barlage: we are in the process. Nothing has been done on paper.

Shaff: when that happens I need a list of all your properties with updates on the name change.

Barlage: yep.

Laid Over to the Legislative Hearings due back on 8/24/2021

**16 RLH VBR
21-53**

Appeal of John Mathern, 1905 Iglehart LLC, to a Vacant Building Registration Renewal Notice at 1899 IGLEHART AVENUE.

Sponsors: Jalali

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

John Mathern appeared via phone

Moermond: I am calling about 1905 Iglehart. [Gives background of appeals process]

Staff report by Matt Dornfeld: this property was a made a prelim Vacant Building February 2019. It was upgraded to a Category 2 of August 2019 per Mr. Magner. On September 8, 2020 the appellant filed an appeal which was heard by you with a ruling that allowed permits to be pulled and a refund of a Code Compliance Inspection fee. The Vacant Building fee had already gone to assessment at that time and you ruled the property owner was to appeal the assessment and you would consider prorating that assessment. There are 2 building permits, one for a garage and one for a single-family home. There has been some activity on both. The last update on garage was June 2021 and the last for the home was late May 2021. The property has not been a nuisance, so no Summary Abatement Orders issued.

Mathern: the permits were issued, we built the garage and put the roof on and the inspector inspected it and asked us to submit the truss layout. We are waiting for that. We have no electric to it, he's about 3 weeks out. The sheetrock is in, cabinets ordered and will be installed in 2 weeks. It has been under consistent inspection and work. The exterior is not because we have special materials on order because we wanted to preserve this house from the 1880's. The interior work has never stopped. We are now getting our finished materials delivered and our hardwood floors. It isn't vacant, we have a furnace operating and water.

Moermond: it is a Vacant Building according to the Code. But I'm going to ask the Council to give a 90-day waiver, so if you are done by November 15 and permits are finalized by then you will have no fee. If you aren't, we'll talk about it in terms of an assessment.

Mathern: that's fine. Thank you very kindly.

Referred to the City Council due back on 8/25/2021

**17 RLH VBR
21-52**

Appeal of Nazira Isoeva, Doston Holdings LLC, to a Vacant Building Registration Fee Warning Letter at 754 VAN BUREN AVENUE.

Sponsors: Thao

Waive the VB fee for 90 days (to October 30, 2021).

Nazira Isoeva appeared via phone

Staff report by Supervisor Matt Dornfeld: was made a Category 2 Vacant Building back in July of 2020. The property was condemned and there was chronic criminal activity and illegal trespass. Problem property until the new ownership took over March of 2021. It has been smooth since then and they have a code compliance on file and rehab is ongoing.

Moermond: what's going on?

Isoeva: we purchased and we are renovating it. I got a letter saying there's a Vacant Building registration fee and I was appealing to see if we could not pay that and get an extension. We are selling it within 90 days.

Moermond: I can do a 90-day fee waiver on this. If it is done within 90 days of the anniversary you won't have a fee. The property went into the program July 30, so 90 days gets you to October 30 to have the work done.

Isoeva: perfect.

Moermond: if you don't get it done it will come forward as an assessment which we can also talk about separately.

Referred to the City Council due back on 8/25/2021

3:00 p.m. Hearings

Special Tax Assessments

- 18 RLH TA 21-346** Ratifying the Appealed Special Tax Assessment for property at 303 CLARENCE STREET. (File No. CG2102A4, Assessment No. 210109)

Sponsors: Prince

Approve the assessment.

No one appeared

Voicemail at 3:24 pm: this is Marcia Moermond calling about an appealed special assessment at 303 Clarence. You believe you paid the bill on March 2021 via card and staff were looking for confirmation of that. If you have that send to staff but as it stands now we've tried calling before so I'm recommending approval of the assessment.

Referred to the City Council due back on 8/25/2021

- 19 RLH TA 21-342** Ratifying the Appealed Special Tax Assessment for property at 2127 NORTONIA AVENUE. (File No. CG2102A3, Assessment No. 210108)

Sponsors: Prince

Approve the assessment.

No one appeared

Moermond: we didn't ever get a phone number for the property owner so Clare Pillsbury sent a letter in the mail to her along with a service hold form since she's anticipating being away this winter. We needed more detail about why she was appealing. We haven't been able to confirm she was double charged as she thinks she was. The hauler indicates she hasn't been. Lacking any additional information and having no returned mail in 2 weeks I'm recommending approval of the assessment.

Referred to the City Council due back on 8/25/2021

- 20 RLH TA 21-355** Ratifying the Appealed Special Tax Assessment for property at 161 PENNSYLVANIA AVENUE WEST. (File No. CG2102A4, Assessment No. 210109)

Sponsors: Thao

Delete the assessment.

No one appeared

Voicemail left at 3:29 pm: this is Marcia Moermond calling with respect to a hauling assessment at 161 Pennsylvania Avenue West. We will be reviewing the file and staff is recommending it is removed because it was demolished. I'll go along with that recommendation so that will be deleted and you won't get any further billing on that.

Staff report by Chris Swanson: the resident called about a Quarter 1, 2021 assessment for garbage service. She was calling because the property was demoed in 2020. We followed up with the hauler and confirmed that did happen. They removed the charged back to September 2020 and asked the City to remove the Quarter 1 and 2, 2021 charges.

Moermond: no property so no garbage need. Recommend deletion.

Referred to the City Council due back on 8/25/2021

- 21 RLH TA 21-358** Ratifying the Appealed Special Tax Assessment for property at 1489 SIXTH STREET EAST. (File No. CG2102A4, Assessment No. 210109)

Sponsors: Prince

Reduce assessment from \$218.13 to \$189.69.

No one appeared

Staff report by Chris Swanson: calling in about Quarter 1, 2021 and the property owner said he paid, however we talked more with him and found out the payment he remembered was applied to Quarter 2 and confirmed with the hauler there was no payment in Quarter 1. The hauler did recognize the bill was sent to the wrong address so they are requesting the late charges are removed, so down to \$189.69 for service for 2 carts at the property.

Moermond: and they are ok with that so there is no need to call them. I'll recommend that reduction.

Referred to the Charter Commission due back on 8/25/2021