



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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651-266-8585

Tuesday, September 7, 2021

9:00 AM

Hearing will be conducted remotely

9:00 a.m. Hearings

- 1 **RLH TA 21-296** Ratifying the Appealed Special Tax Assessment for property at 1297 SEVENTH STREET WEST. (File No. VB2109, Assessment No. 218815) (To refer to September 7, 2021 Legislative Hearing)

Sponsors: Noecker

Approve the assessment.

Marlene Barrett, owner, appeared via phone

Moermond: we are calling you back about your special assessment for the Vacant Building fee. It looks like there was a determination a building only Code Compliance Inspection Report was needed. That was communicated to you by Joanna Zimny, there's a note in the system on that. You can go ahead with the garage sale. That was also communicated to you. What's is your end game now in terms of doing the repairs? I'm asking in the context of the fee covering January 29, 2021 through January 2022. We're seven and a half months in on this fee out of twelve months. I'm struggling to see how I can decrease it.

Barrett: our plan is to have everything done within the next couple of weeks. We planned to have it done by now. We'll have it done in the next couple weeks.

Moermond: you haven't even ordered the building only Code Compliance Inspection. I'm not sure what you think "done" is.

Barrett: I'm sorry. I didn't know I was the one who was supposed to do that. Was that recently?

Moermond: it was sent August 17. Joanna Zimny is resending it.

Barrett: absolutely, I will do that. I'll get that done immediately.

Moermond: I'm thinking it will take time to generate that, and then do the work. I hear you saying you have only a couple things you want to finish up but I don't know what inspectors are going to say.

Barrett: I think we have most of the stuff done. We're working on the steps and putting those back together. I know that's something getting done this week.

Moermond: well good. That sounds like progress.

Barrett: I think the bigger things are taken care of. But I know that was one of the big ones and getting the handrail back on.

Moermond: right. I'm struggling seeing how I can decrease the fee, because you'll be in the program well over half the billable year, and I typically don't decrease it if it goes over half. You're a month and a half over now, I'm guessing it will be 8.5 to 9 before you have your certificate. I can definitely make it payable over 5 years. I know you want to sell, right?

Barrett: yes, the person helping me is a realtor.

Moermond: so this would be dealt with at sale then.

Barrett: yes, I want it on the market this fall.

Moermond: so this would be dealt with at closing if it isn't paid before then. I wish I had more tools to help you, but we're far enough in I don't know I do. I really wish you guys the best, and I'm glad things have shaken loose and you're making progress. Have you had your garage sale yet?

Barrett: no, we haven't. We are organizing it.

Moermond: so on your way.

Barrett: right. I wish we had done it. It was hard to get anyone to help me. It became overwhelming.

Moermond: that does happen sometimes. I'm going to recommend approval of this assessment. You can definitely ask for a different outcome. There is information in the letter you got about the assessment. Ms. Zimny can also send you information on contesting as well.

Referred to the City Council due back on 9/22/2021

2 [RLH TA 21-367](#)

Ratifying the Appealed Special Tax Assessment for property at 990 MARION STREET. (File No. J2124A, Assessment No. 218543)

Sponsors: Brendmoen

Layover to LH September 21, 2021 at 10 am (unable to reach PO). (CPH October 6, 2021)

Voice mail left at 9:20 am: this is Moermond: trying to reach Xe Xiong about an appealed Special Tax Assessment for 990 Marion for a cleanup. We'll try back in 5 minutes.

Voice mail left at 9:27 am: this is Moermond: calling again about Special Tax Assessment for 990 Marion. We were going to talk about to about it this morning. Because you are unavailable I'll continue this to September 21 at 9 am. We will try you then between 9 and 10 am.

Laid Over to the Legislative Hearings due back on 9/21/2021

10:00 a.m. Hearings**Special Tax Assessments-ROLLS**

- 3 **RLH AR 21-84** Ratifying the assessments for Collection of Vacant Building Registration fees billed during October 20, 2020 to April 19, 2021. (File No. VB2201, Assessment No. 228800)
- Sponsors: Brendmoen
- Referred to the City Council due back on 1/5/2022**
- 4 **RLH AR 21-85** Ratifying the assessments for Securing and/or Emergency Boarding services during May 2021. (File No. J2201B, Assessment No. 228100)
- Sponsors: Brendmoen
- Referred to the City Council due back on 1/5/2022**
- 5 **RLH AR 21-86** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during April 14 to May 14, 2021. (File No. CRT2201, Assessment No. 228200)
- Sponsors: Brendmoen
- Referred to the City Council due back on 1/5/2022**
- 6 **RLH AR 21-87** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during March 22 to April 21, 2021. (File No. J2201E, Assessment No. 228300)
- Sponsors: Brendmoen
- Referred to the City Council due back on 1/5/2022**
- 7 **RLH AR 21-88** Ratifying the assessments for Graffiti Removal services during May 14 to June 9, 2021. (File No. J2201P, Assessment No. 228400)
- Sponsors: Brendmoen
- Referred to the City Council due back on 1/5/2022**

11:00 a.m. Hearings**Summary Abatement Orders**

- 8 [RLH SAO 21-67](#) Appeal of Dallas Robertson to a Summary Abatement Order at 1012 COOK AVENUE EAST.
- Sponsors: Yang

Appeal was withdrawn by PO.

No one appeared

Moermond: we have a case that's being withdrawn because they were issued to the wrong property?

Supervisor Lisa Martin: the photo was on the wrong Summary Abatement Order, but it has been abated.

Moermond: so photo was on the wrong order, still a problem, but not this problem.

Martin: correct.

Moermond: the matter is resolved, and the appeal is withdrawn and can be archived.

Withdrawn

Maiking Finding Nuisance Abatements

- 9 [RLH SAO 21-65](#) Making finding on the appealed nuisance abatement ordered for 1450 DALE STREET NORTH in Council File RLH SAO 21-57.

Sponsors: Brendmoen

Recommendation forthcoming.

No one appeared

Moermond: you had an opportunity to drive by. We're looking for an Ubl item, the repair or removal of the fence and excess fencing materials. What were your observations?

Supervisor Lisa Martin: basically he still had kind of a fence structure next to the garage between the two neighboring properties that doesn't meet code. The fence in the backyard is leaning, not secured, and definitely not up to code. He started siding his deck. I'm not sure if he has a permit. In the front of the property he is starting to build another structure and adding some white fencing to the front. We'd have to check with the Building Official as far as the permit status and where the fence issue stands.

Moermond: it looks like we have an active issued permit still from February 2020. We have no follow up inspection. Virgil Thomas went out July 28, 2021, but no inspections since. That would have been when we were discussing it last.

[Ubl joined call]

Moermond: we are doing follow up on the fence. You had granted him to the beginning of September to get his fence stuff done. He had fencing materials in the yard and fence structure that wasn't stable. He got his permit reactivated. Virgil Thomas was out at the end of July, but no subsequent inspection. Has he not called for one?

Ubl: yes, that's what that means typically.

Moermond: Lisa Martin was just out there.

Martin: from the alley on the north side of the garage there is a fence connecting to the neighbor's garage that doesn't meet code. The fence around the backyard is leaning and not structurally sound. It appears he is building another structure in the front yard. He added siding to the deck and fencing to the front yard

Moermond: so we need Virgil to go take a look at this and make a determination on whether he met the deadline you guys gave him.

Ubl: yes, we can do that.

Moermond: September 15 I'll put this in front of Council so we need to know by September 13 if it has been abated.

Ubl: yes, ok.

Moermond: are you writing more orders on the front yard structure Lisa?

Martin: I'm not sure what the fence permit entails, does it include part of that permit? Maybe the Building Official can answer that question when they are there?

Ubl: yes.

Moermond: we'll leave it open ended until the 13th and then put a finding in front of Council on September 15, either abated and resolved or the City can take action to abate the nuisance condition. However you define that. The fencing material he was allowed to keep in the yard pending completion of the fence, but if it is not completed it is not in use and he hasn't kept his side of it. Is that where you're at?

All: yes.

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

- 10** [RLH SAO 21-61](#) Making finding on the appealed nuisance abatement ordered for 1372 VICTORIA STREET NORTH in Council File RLH SAO 21-55.

Sponsors: Brendmoen

Nuisance is not abated. DSI is authorized to take action.

Mark Eveland appeared o/b/o Charles Bastel, via phone

Moermond: the purpose of this hearing to check in to see if the garage, which constitutes a nuisance and dangerous structure, was abated. Looking at the DSI records, no demolition permit has been pulled. Mr. Dornfeld, any findings on this?

Supervisor Matt Dornfeld: yes, the garage is still standing. No progress has been made on the garage.

Moermond: so the conditions haven't been abated, the question becomes whether the Council authorizes action within a particular time period. That isn't my call at this moment. I'm going to hold off on that determination and let you know what my recommendation will be.

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

11:30 a.m. Hearings**Orders To Vacate, Condemnations and Revocations**

- 11 **RLH VO 21-38** Appeal of Tina Smith to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 807 AURORA AVENUE.

Sponsors: Thao

Deny the appeal.

Tina Smith, tenant, appeared via phone

Moermond: I understand you are the tenant, is that right?

Smith: yes.

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this started out as a referral on March 30. It was a Code Enforcement referral. Our referral said mice infestation, basement being used as living area, and very dirty. Inspector Toeller went out March 31. He saw furniture in the yard and a railing in the grass. Tenant wouldn't allow access without notice or give contact information for the landlord. Given what he saw, it was due for a Fire Certificate of Occupancy inspection so he scheduled that. We were provided April 7 with a video showing the tenant violently denying access to Quality Residence's workers attempting to do corrections. The appointment was moved to May 20. Supervisor Neis joined Inspector Toeller and the St. Paul Police Department at the residence. The tenant answered but said she had no notice for an inspection and no work was done inside. Quality Residences failed to show or answer phone calls. Under direction of Supervisor Neis they hung a revocation placard with notice to fix deficiencies or vacate in 30 days. On July 1 no one showed. July 14 the Responsible Party called and said there were no changes due to lack of tenant cooperation. They initiated eviction proceeding. August 13 the Responsible Party said there was an eviction trial August 18. August 19 the court authorized the eviction and tenant had 7 days to leave. At that point since the court issued an order to vacate, Inspector Toeller moved out the inspection for repairs. We have not been in the property to reinspect because the courts have given notice.

Moermond: I see there are photos from August 23, is that right?

Shaff: looks like there are, yes.

Moermond: Ms. Smith, tell me why you're appealing?

Smith: there is a whole lot of mice infestation and roaches. I never knew anything about any inspection. When the guy came and asked if he could come in my basement, I had been going through so much and people had been coming to my house and they weren't who they said they were. When he said the complaint about kids in my basement. I told him I could understand about the stuff outside, but the kids in the basement threw me off so it was like it wasn't real. When they came back with the landlord, I let them in with no problem. They did everything they needed to do

and he told her what she needed to do. I had no problem with any of that, whatsoever. As far as the guy who came the day before she came, they were here for five hours and didn't do anything. The next day they came back and I said I have an errand and told them to come back in 2 hours. I told them to work on the outside. The landlord then showed up, I told her the same thing. The video they showed was me irate because I am a victim of domestic violence, I was getting dressed and heard something. It sounded like drilling. She drilled my locks. I got really upset because it was just wrong. I told her I would call the police. I did, twice. She left. And then after that the next thing I know I get a letter on my door with 7 days to vacate. Then all this eviction, I thought it was illegal what she did. She didn't do her job so she decided to retaliate. She called DCFS on it. I have the letter she put on my door. She put a different letter for court. I'm still going to court. I'm sitting outside in my car, because again she changed the locks on me and we're still in the process of going to court. I don't know what to do, I'm trying to get me and my kids a place to stay.

Moermond: and you know I don't have anything to do with the eviction? I'm just looking at the Fire Code orders.

Smith: yes. She's lying and being very vindictive all because I'm protecting myself because it was wrong what she did.

Moermond: have you talked to someone to help you be represented? Maybe SMRLS?

Smith: I have talked to them and they told me to just move. Due to Covid, I can't move. I'm on section 8. There's no one in any office, I can't even get my emergency assistance right now. No one is anywhere.

Moermond: is there something in particular in these orders you want to appeal?

Smith: she is saying the reason I have to move is because I destroyed the property. It is interior stuff, upkeep, and she's blaming it on me.

Moermond: Ms. Shaff, when you guys go out and do an inspection you aren't concerning yourself with who created the problem, rather that the problem exists. So for an infestation, you aren't looking at holes or garbage but rather the evidence of the infestation exists. It is not a "whose fault is it" situation. How do you make your findings and handle that?

Shaff: does the violation or condition exist? In the case of an infestation we will take into consideration if there is garbage and food out. Some of the contributing factors to having the issue taken care of. We're going to call the violations without assigning blame as to what is happening. Of course with garbage, it is a tenant's responsibility to make sure the residence is clean and sanitary into owner provided containers. But a broken window we don't say obviously the tenant or landlord did it. The condition just exists

Moermond: what I'm struggling with here is we have a deadline for the owner to do the fixes by September 24. What I'm not hearing Ms. Smith, is you are debating whether the issues exist, but rather whose fault it is.

Smith: yes.

Moermond: something created by landlord or tenant, neglecting comes to the same thing, a deadline for it to be addressed. Right now the deadline is September 24. I'm

not involved in your access to the property, so I can't speak to that or eviction proceedings. I can just say whether or not the September 24 deadline makes sense. I'm not hearing that is something that's concerning you. I'm hearing you are frustrated about how it is discussed in the court system.

Smith: ma'am she is blaming everything on me. I haven't had a stove for 2 years. I told her I had to use a toaster oven to cook my thanksgiving meal. My house is absolutely clean. She is saying the mouse infestation is my fault. I bought traps, bombs, if you ask me I think someone is bringing them. I can get it clean and then all of a sudden there are 1,000 of them running around. She says I owe \$48,000 for this place. I don't know where she even got that number. I put a double deposit down here. She is blaming it all on me.

Moermond: and I don't have control over that at all.

Smith: I know.

Moermond: all I can say is whether the deadline makes sense. You don't even have access right now?

Smith: all my stuff is still here. She knows what she is doing Is illegal. The grounds of eviction are the damage to deposit. She isn't evicting me for the money. It is Section 8 who is paying her, not me.

Moermond: I'm afraid Ms. Smith, I'm not hearing anything I can take action on in this setting. I can't connect this to the deadline on the Fire orders.

Smith: I know ma'am. She never even tried to come fix anything. She did this on purpose after she called DCFS on me. She said I have blood on the walls, screwdrivers. I am a mother and a grandmother. I don't understand. The guy who came to put the order up, I didn't know how to do an appeal. He said, "I don't have to come in, she hasn't made an effort to come do anything."

Moermond: and I don't have any control over her. She has a September 24 deadline right now.

Smith: what items does she have to address?

Moermond: everything in the August 20th letter you appealed.

Smith: everything disappeared. It is me and another person on the lease, but I am the only one on the court documents. The only one going through this. I thought that was illegal.

Moermond: again, this isn't something I can deal with at all in this setting.

Smith: any way I can get a copy of the letter?

Moermond: your email is [redacted]?

Smith: can you email it to [redacted]?

Moermond: ok. We will email those out to you so you have a copy of that. We will keep the September 24 date in the orders. I wish you the best.

Referred to the City Council due back on 9/22/2021

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 12 **RLH FCO** Appeal of Wally Nelson, Morrow Partners, Inc., to a Fire Inspection
 21-83 Correction Notice at 774 CASE AVENUE.

Sponsors: Yang

Grant the appeal on the condition the front door is permanently removed from the porch and both bedroom windows are fully operational and both porch and sleeping room are clear of obstruction(s).

Wally Nelson, owner, appeared via phone

Moermond: I think Joanna delivered the message that we couldn't make this front room a sleeping room without all sorts of changes. I am wondering if you have any questions?

Nelson: if I tell that lady to move her bed into a different room, you do an inspection, she's going to move it back in. Every resident for 20 years has done it. The back two bedrooms are contiguous, you have to go through one to get to the other. In saying that, I understand the code, I get it. The simplest solution is allowing us to remove the front door. The windows are directly in front of those doors. Not one person is going to step up a 32" ledge instead of walking around a door. Get rid of the storm door and I think we're good. We've had numerous inspections and now we have a problem 20 years later. I'm a common-sense guy, looking for a common-sense solution.

Moermond: I understand. Looking at the floor plan, I don't understand how no inspector has called the back two bedrooms out.

Nelson: they have access to the outside, so it isn't an issue.

Moermond: it is, they need two ways out. The back bedroom has one way outside and then another way out through an intervening room. I met with Steve Ubl, Angie Weise, and a City Attorney to talk through options on this. Leanna, looking at the orders, is this also in the building code?

Shaff: today's building code wouldn't allow that, but I didn't go back through to whenever to figure it out.

Moermond: pulling the front door makes it safer. Does it make it safe enough?

Nelson: the people upstairs in any building in St. Paul. They go into an enclosed porch. They exit through a bedroom, down steps, and that door opens right into a porch. The upstairs enters into an enclosed porch. There are a ton of duplexes like that. I get it. The upstairs people open their door right into their porch too.

Moermond: yes, Steve Ubl was talking about it during our conversation as well.

Nelson: a common-sense solution is removing the door and be good with it. I'm

working on the house, so it is fine if you need more time to think about it.

Moermond: time is your friend, the longer I don't decide, the longer it stays that way. I'll take one more look at it, but you have my initial assessment.

Referred to the City Council due back on 9/22/2021

13 [RLH FCO
21-135](#)

Appeal of Enrique Monjarrez and Erin Delaney (Monjarrez), Trustees, to a Reinspection Fire Certificate of Occupancy With Deficiencies at 785 STRYKER AVENUE.

Sponsors: Noecker

Layover to LH September 14, 2021 at 2:30 pm. (rescheduled per PO's request).

No one appeared

Moermond: there has been a request from the appellant to continue the matter for a week. That isn't a problem, we'll do a one week layover on that.

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

14 **RLH FCO
21-144**

Appeal of Salim Ntambwe to a Fire Inspection Correction Notice at 115 ACKER STREET EAST.

Sponsors: Brendmoen

Deny the appeal. Bedroom must cease being used as a sleeping room.

Salim Ntambwe, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a Fire Certificate of Occupancy inspection by Inspector Cassidy. The deficiency being appealed is the bedroom exits onto an enclosed porch. The code requires that emergency escape and rescue opening go directly outside, not through an intervening space. There is storage on that porch that would also exacerbate that issue.

Moermond: we have one window from this room with an air conditioner, and then the one without opens onto the porch which has furniture on the other side. Mr. Ntambwe, what are you looking for today?

Ntambwe: I appealed because I have had fire inspections before and the inspector never mentioned about the window. It was being used as a bedroom before and there is an egress window capable of escaping. His girlfriend just passed, so he has her stuff in there, usually it is empty. It is 4 feet from the storm door to escape, and then 12 feet to the main door. There are 2 different doors, one to the house and the porch. I was trying to see if we could remove the items, I did mention that to the tenant. That was why I appealed, to see if that was possible, if we keep it clear.

Moermond: traditionally the answer is no. Could you put together a floor plan for this unit to give me a better idea of what we are talking about?

Ntambwe: this room is first when you walk in, to the right. Eleven by twelve feet. Two

windows in the front and the porch also has windows. The inspector said if we removed the windows on the porch we could keep it as a bedroom, but there is a lot of burglary in St. Paul so the tenant would not feel safe.

Moermond: and I'd like to see a floor plan drawn so I can get a better assessment. Right now what I'm looking at I'm seeing that you could remove the windows. What we have now is a compromised egress to begin with. This hasn't been used as a sleeping room prior, but is now, so these rooms in the front haven't been built for sleeping originally. Usually living rooms, parlors, living spaces not sleeping spaces. How it fits together becomes important. Could you do that within the next two weeks?

Ntambwe: the drawing won't change anything due to the fact the porch is in front of the unit. The only thing would be to tear down the porch

Moermond: I think we may have another way, that may be adding a window to exterior wall. It is up to you whether you provide it. If you do we could look at some of your options. Without that I don't have the ability to discuss options. It is up to you

Ntambwe: you can't put a window to the side because the neighbor is 4 feet from the wall, with a walkway right where the window is. The other side is the hallway. It isn't that important for me; I want to clear that in the inspection so it can be used. That's the purpose of the appeal. There is one bedroom upstairs, one in the back. I was trying to see if it was possible to even use it as a bedroom. It isn't a must.

Moermond: it is up to you if you want to provide that information which could be used to approve some options. Right now my answer would be no. Ms. Shaff, an egress with 4 feet between properties, is that a concern?

Shaff: we would look at the property and look at the property line, because you can't rely on another person's property to get out. So if they are 4 feet apart, including window wells needing 3 feet. If the neighbor built a fence on the property line that compromises thing.

Moermond: we don't know where the property line is.

Ntambwe: my wall is their property fence. They are just crammed together. My other thing is the only reason why it is treated that way is because it was a rental. If I sold it they would use it as a bedroom.

Moermond: and it would still be illegal.

Ntambwe: but when it is owner occupied owners do whatever they want. I believe the law allows anyone to live in the house to do whatever.

Moermond: we aren't going to go down that path. If you want to reach out with a floor plan we can discuss options that may exist, but right now I'm recommending the Council deny your appeal. I'll continue this one week in case you want to submit something, otherwise we'll assume you aren't interested in pursuing it further

Ntambwe: I was just trying to see if there was a way to approve as a bedroom if we clear the stuff in the front.

Moermond: and there might be but you don't seem willing to provide a floor plan at this time. Without a floor plan I can't have a meaningful conversation about options. If you

want to provide that, we can talk about it, but otherwise I have nothing to base a recommendation on.

Ntambwe: that's fine.

Moermond: we'll send an email confirming the recommendation, you are welcome to respond with a floor plan.

Referred to the City Council due back on 9/22/2021

**15 RLH FCO
21-137**

Appeal of Wendy and John Slade to a Fire Inspection Correction Notice at 1005 CONWAY STREET.

Sponsors: Prince

Grant an extension to November 16, 2021 for items 1, 2 & 6, and to September 13, 2021 for the balance of the orders.

John Slade, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a Fire Certificate of Occupancy inspection August 12 from James Thomas. There are 7 deficiencies, it looks like what is being appealed are the exterior items. When I look at the pictures, it looks like you are unclear of what needs to be done on the shed? There is peeling paint, rotten boards. The code requires that you repair the wood that is damaged and missing, protect the wood with paint. Scrape and repaint. Does that help?

Slade: you were able to get the photos I sent? Repair the wood. Repaint that. repair or replace. Then scrape and repaint.

Shaff: you could reside, not have a shed, different ways to comply. It is up to you, of course.

Slade: when Mr. Thomas and I were looking at it, he talked about his theories on sheds which are they can fall apart. Certainly there are some stuff on the front door and wood needing to be redone, but it doesn't look structural.

Slade: address any rotten wood, unprotected surfaces. I see stuff at the bottom that looks like it is starting to rot. That type of thing. The next item is the stairs going to the front of the house. Looks like they have been patched beforehand that is failing. Then looking at the house and pictures of that, we have some deferred maintenance. Rotten decking. Moss on railings. Rotten wood on corners of the house. We have some woodpecker damage. The same type of thing, how you come into compliance has different methods. You need to bring it into minimum code compliance.

Slade: there was some decking that had problems?

Shaff: you went with Thomas, right?

Shaff: yes I did.

Shaff: so look at the house and look at where the wood is peeling and rotting.

Shaff: when I look at the very front porch supports, I see unevenness. I don't know if that's rotting. I was hoping in the front --

Moermond: I see 3 layers that are warped. They are not uniform. The inspector submitted similar photographs.

Slade: yes, I just hadn't seen them.

Moermond: the steps we have some cement work. I wasn't hearing about the flooring of the front porch, but rather exterior walls and holes and patching those holes, painting, and scraping. Those items, 1, 2, and 6. I'm comfortable giving 90 days, to November 15. The deadline for the balance of the items is September 13, can you meet that?

Slade: I'm looking over and there are some exterior things, the ledger board with the woodpeckers, that is clear. Number 5, fire on the ground, she has taken out the fire pit and will be reseeding that. They may be getting an enclosed burning thing with a top, those have a 15 feet from property line or structure?

Shaff: that is correct.

Moermond: so does she have those done? September 13 is the deadline, is that doable?

Slade: yes.

Moermond: so 1, 2, and 6 extension to November 15.

Slade: the only question I have is looking at the photos of the front porch and uneven decking and rotten wood.

Moermond: it doesn't appear to be called out in the orders.

Slade: ok. Did I slip from B to C with my grade?

Shaff: yes, you did.

Slade: darn it, sorry about that. That would be a 2 year?

Slade: correct.

Slade: I talked to Stephanie Harr about this. I was just texting my contractor and 90 days shouldn't be a problem.

Referred to the City Council due back on 9/22/2021

**16 RLH FCO
21-139**

Appeal of Stephen Dick to a Correction Notice - Re-Inspection
Complaint at 415 MOUNT IDA STREET.

Sponsors: Brendmoen

Grant to July 1, 2022 for repair or replacement of parking surface.

Stephen Dick, owner, appeared via phone

[Moermond gives background of the hearing process]

Staff report by Supervisor Leanna Shaff: this is a reinspection by Inspector Franquiz. One of the items on there is basically Inspector Franquiz found a parking surface in disrepair. If you look at the photos for this, it looks like there is a conglomeration of everything for a parking surface. The asphalt has definitely deteriorated, looks like there may have been some class five, but it may be leftover dirt. It is all weeds. Not sure if the concrete belongs to Mr. Dick's property or the neighbor. You can see where it is in a general state of disrepair.

Moermond: what it looked like to me when I looked at an aerial photograph was we have a double driveway apron that enters onto a space that is mixed asphalt and class 5. The asphalt, and perhaps even some cement, is pretty degraded, but present. Fair assessment?

Dick: oh yeah. I agree. I want to repair it. I got two quotes, and they are both really expensive. Both between \$5,000 and \$6,000. I just don't have that kind of money lying around right now. It isn't perfect surface. I know it needs to get fixed, but if I could have a year it would help me a lot. I have multiple tenants who haven't paid me and are behind on their rent. I have another tenant who I have a lawsuit against to make up the \$15,000 in rent he didn't pay during Covid. I just want a year, and then I could probably get better rates next year anyways. If we could push it out until next year it would be beneficial to me. The street is all legal parking with no permit requirement. There is always a spot when I go over there. It isn't even necessary for them to park off of the street. Just another point I would like to make. There is plenty of parking everywhere. The tenants have never complained about it either. They didn't mow so these items came up.

Moermond: so your tenants are responsible for mowing the lawn?

Dick: yeah, and they know that now. It is in the lease that they are.

Moermond: looks like you have a tree growing out of the foundation at the front door too.

Dick: we cleaned that out. Everything has been resolved except for this. I talked to the inspector myself the day of the resinspection and I told him my whole struggle. He told me to file this appeal if I couldn't afford it. He also found the mortar item that isn't on this list. I can have that fixed tomorrow. No problem.

Moermond: can you give me a handshake that the property will be maintained in the time you're asking for? Garbage picked up, lawn is mowed, walk is shoveled and so on?

Dick: for sure, yes. One hundred percent.

Moermond: if that property is maintained otherwise I can see my way clear to doing an extension to July 1, 2022. But I really want to make sure you are on top of that. This is an area where, especially on a corner property, it is important things are taken care of. People see it and form impressions of the neighborhood. If it looks better we all feel better.

Referred to the City Council due back on 9/22/2021

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

- 17 **RLH VBR** Appeal of Sterling Scott, Tenant, to a Vacant Building Registration Notice
 21-59 at 1069 BEECH STREET.

Sponsors: Prince

Waive the VB fee for 90 days (to November 18, 2021). Make property a Cat 1, and allow permits to be pulled.

*Sterling Scott, tenants, appeared via phone
Tom Mulcahy, owner, appeared via phone
Nancy Cleveland, owner, appeared via phone*

Mulcahy: what is this going to cost us? Already we had to pay \$2,200. I'm tired.

Moermond: that's what we can discuss in this process and what you would look for as a better outcome. That is what appeals are about. Looking at the orders and seeing if something can be done to help you out in an appeal. My job is to hear that and develop a recommendation for the City Council. [gives background of appeals process]

Mulcahy: Stirling can't pay the rent. That's the first problem. He can't have multiple tenants. He's not supposed to have that. So he is trying to buy more time to stay in place. It is going to cost him the same amount and we won't get any rent. I'm floored that we have gotten to this point. We're getting hit by the City not towing vehicles. I don't care, all of his tenants are gone. He's not supposed to be subletting. I am tired of Covid.

Staff report by Supervisor Leanna Shaff: this is a Fire Certificate of Occupancy conducted by James Thomas. The first inspection was supposed to be May 5, we have a no entry. May 27 no entry. June 15 correction orders, July 15, correction orders. August 4 pending revocation and August 18 it was revoked. Basically the orders as they sit now, we have a bedroom on the Southwest side that one of the windows is blocked. One window needs to be available for emergency escape. Smoke alarm affidavit. Extension cords.

Scott: this has been taken care of.

Shaff: he did call out vehicles on the property need to be removed or operative.

Scott: they are all gone.

Shaff: please let me finish. Immediately remove excessive accumulation of combustible materials, around mechanical and water heater. I will agree with the landlord, this is a civil issue. With the subletting, Thomas stopped counting at 7 occupants. He did state it seems the tenant is subletting. We're more concerned with how many, we can have a max of six people.

Scott: it is only 5 ma'am.

Moermond: and the inspector counted 7. Let's let her finish.

Scott: he was counting people that were visiting me.

Moermond: the last thing I heard Ms. Shaff state was he stopped counting at 7.

Shaff: other than that this basically is revoked for long-term noncompliance. We do hold the Responsible Party responsible for their civil agreement with their tenant.

Staff report by Supervisor Matt Dornfeld: I have nothing to add other than we opened a Category 2 Vacant Building per their referral August 18, 2021. My discussion with Ms. Cleveland was more about processes than information helpful here. She basically just explained their side of the story about not receiving rent and the current tenant is subletting and they have lost their rights because of Covid and are frustrated and disappointed they are in the Vacant Building program and frustrated with the whole process. I mostly was listening and advised her to join the call today.

Moermond: and we tried another phone number. It seems to me, Mr. Mulcahy, have you considered civil action? I assume you have. Is there anything going on in that arena? I'm asking for an endgame, I can do some delays and wondering what your situation looks like.

Cleveland: I just hopped back in the car. We've been traveling and I'm sorry I missed the first part.

Mulcahy: we're an LLC, so it costs \$1,000 to start.

Cleveland: we don't have a problem doing that. We've never done this before.

Mulcahy: then we got a \$2,200 bill. Stirling has been looking for a place to live for a while now.

Cleveland: we just got into the process with Mr. Thomas, we have done several of the inspections together and Mr. Thomas and Tom and I have done the last one together. We asked Mr. Stirling to correct the issues that are his. Not knowing that we had the ability or clearance to actually unplug his computers. There are places in our letters back saying you can't have multiple extension cords, or have to have a power surge protector, rather than unplugging his items, we haven't felt comfortable doing that. I would definitely do it moving forward. The bones of the house are fine, it is the stuff and the people there that is the problem. We have made several calls to get cars removed. It's a lifestyle. James and I haven't always gotten along but I do agree with him, Stirling is subletting. He is not allowed to do that in our lease. We didn't know it was a rooming house situation when it got to a number. He was saying it was family for a long time, and we don't really impede on our tenants often. That will be changing.

Mulcahy: we don't have any rights. We went down this path.

Cleveland: we were surprised that a tenant could appeal. I didn't know anything about it until I called Matt and he told me.

Moermond: I'll cut to the chase here. It sounds to me like you're trying to help Stirling move along and we're talking about a delay of action here. I don't want to see you in the Vacant Building program if this can be turned around. What I'd like to see is you get your Certificate of Occupancy.

Mulcahy: what does it cost us?

Moermond: I would like to figure out a way for you to get your Certificate of Occupancy reinstated, which does mean you'll have to deal with the subletting but it would put a pin in any Vacant Building registration. Giving you a chance to get in compliance without that fee hanging over you. That's what I'm thinking may be useful for you. I'm looking at 90 days to get this squared away. Is that something you'd like to do?

Mulcahy: if I pay this \$2,200 it goes to the Vacant Building process; I have to get a building permit? Does that cost something? How much does it cost? Right now, 90 days times no rent.

Moermond: no, no. I don't want you to have to pay the Vacant Building fee if we can stop it. What I'm saying if you can get the Fire orders taken care of in 90 days you're not in the program at all. No fee, no new inspection, no new permits unless the orders require them. This is the most painless thing I can do for you right now, but it does mean you have to deal with the subletting situation through private civil action. That's up to you. That would get you out with the least amount of money out of pocket

Cleveland: I would agree with that. Is there anything we can go forward with to impeach Stirling to find a new home, or do we have to evict? Is there a way anyone can help him with that? and we would move forward breaking this contract

Moermond: the first question is will the City vacate? The second is what is your legal ability to deal with it? I cannot give you legal advice. We have a revocation of the Certificate of Occupancy; what steps do staff take next to enforce that?

Dornfeld: since Covid has taken over, our process has changed. We have not been vacating properties for the last 12 months or so.

Moermond: unless they have been determined unfit for human habitation. This would be an administrative reason.

Dornfeld: we're not in the business of vacating tenants for landlords.

Cleveland: no, you're not. So we have to go forward—

Moermond: let's say you got a waived Vacant Building fee for 90 days. I'll change it to a Category 1 Vacant Building. We'll see if you can't get that reinstated. Ms. Shaff, that would be determined by your staff?

Shaff: yes, Inspector Thomas.

Moermond: Mr. Scott has been waiting patiently.

Scott: I am going to pay them rent as long as I'm here. I'm close to finding me somewhere else to go. I should be gone in a week and a half, 2 weeks at most. I'm grateful for everything they have done. I am trying to run a house to get paid and help people and help myself at the same time. I'm from Alabama. I'm going to take care of my end of the bargain, just like I said I'd do. It was always someone else I tried to help. It has never been me. I always took care of my end of the bargain. I was grown that way. I am trying to get out of their place as soon as I can. I should be gone within a couple of weeks. That's all I wanted to add. I'm going to pay my rent as long as I'm

here.

Cleveland: is it possible we just call you when we are done, Ms. Shaff?

Shaff: call or email inspector Thomas. You can always copy me. Please note though that they are booked a good 3 weeks or more, so the sooner you book the better once you know you'll be done.

Referred to the City Council due back on 9/22/2021

18 [RLH VBR 21-56](#) Appeal of Lialoni Hutchinsen to a Vacant Building Registration Notice at 722 GERANIUM AVENUE EAST.

Sponsors: Yang

Layover to LH September 21, 2021 for update from Fire Inspector on progress of existing correcting orders.

Lialoni Hutchinsen, tenant, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a Fire Certificate of Occupancy inspection done by Der Vue. The original inspection was supposed to be May 14, 2021 and was reschedule at the request of the Responsible Party. May 21. I accompanied, along with the St. Paul Police Department, with Inspector Vue and the Responsible Party, Christina. The biggest item is the upper unit in the duplex, you enter through the back and we found the decking stairway to get into the building to the landing, before you go in the interior stairs, was dilapidated and rotting and unsafe. We have been dealing with this since June, and no repairs have been made and no permits pulled. We finally got to the point that we have no stairs that enter through the back. It shows what appears to be a chair to get into the building to get up to the unit. This has gone on too long and is basically unsafe.

Moermond: I am looking at this and we have long-term noncompliance. So not a condemnation for egress.

Shaff: correct.

Dornfeld: I don't have anything to add. We opened a Category 2 Vacant Building per that referral.

Moermond: what are you looking for today?

Hutchinsen: I've been here four years; I try to keep this place up to code as much as possible because I never get any help. I always clean up after his first floor tenants. They would never do it. When he decided to be MIA, it put me in jeopardy. Last year I was shot in the chest, I'm missing my right lung. I got Covid twice. I took it upon myself to do everything for the house. I got the construction person to do the back stairs, I got those done. I had the hall basement cleaned up. I had the carpets cleaned. I had pest control come out and take care of all the issues. I cleaned the entire house, up and down. I thought that he would jump in to figure out what he had to do but that never happened. When Inspector Vue came and said because of the back stairs it should be condemned. I only have that way in. This is my home and I lived there though all this stuff. It has never been me that's the problem. You have to do

what you have to do to keep your home. I couldn't get the front porch done, there are 27 things on the list. There are maybe 2 things I couldn't get done. I pretty much did everything on the list. I even helped the people downstairs; I didn't know he was renting out rooms. There were people going in and out, it was a little scary. The police were here a lot for unit 1. Now that unit is vacant and clean. I know Daryl won't do it, but I did. I don't feel like I should be punished for his wrongdoing. That back stairs were rotting from the day I moved in. I rebuilt the entire stairs. They said it had to be completely rebuilt. I feel like I've gone beyond for this house, it is my home. I need to have my home. I didn't want to lose it.

Moermond: Ms. Hutchinsen, this Daryl, is he associated with DeLewis properties?

Shaff: DE Lewis is Daryl Lewis.

Moermond: looks like the owner is something different. He's the responsible party.

Hutchinsen: that he is not. He is not responsible. Christina is the one who picked up the rent, answered the calls. I used to correspond with him, but after that I never spoke to him. A normal landlord you would have interactions with. The people downstairs don't stay long enough to have any type of interactions. There have been four different tenants downstairs since I lived here. It was scary for me when they were renting rooms. These people were so bad, stealing cars. It was chaos. It was never quiet, but now they are gone. It is clean and quiet.

Moermond: if Ms. Shaff drove by she would see stairs there?

Hutchinsen: yes ma'am.

Moermond: when was that done?

Hutchinsen: about two weeks ago.

Shaff: that would explain why I'm not seeing a permit per se.

Hutchinsen: you should.

Shaff: oh yes, there is one to tear down existing steps and rebuilt but the contractor was DeLewis

Hutchinsen: that's not who it was.

Shaff: that was from July and he's the applicant. If you hired someone different, they would need to pull a permit. We have had earlier in July; we had a delay then for the building permit because of lack of appropriate documents. Who did the work?

Moermond: we have no permit issued, right? It is pending?

Shaff: our permit input is behind.

Moermond: he submitted a permit with the value being \$1.

Hutchinsen: what?

Shaff: so who is the contractor that did the work and where is there permit?

Moermond: I'll lay this over for someone to go out there and look at the stairs. Let's do a 2 week layover. Der Vue will reach out to set up a time.

Laid Over to the Legislative Hearings due back on 9/21/2021

19 [RLH VBR 21-58](#) Appeal of Steven Kraut to a Vacant Building Registration Notice at 58 LAWSON AVENUE WEST.

Sponsors: Brendmoen

Layover to LH September 21, 2021 to have permits finalized.

Steven Kraut appeared via phone

[Moermond gives background of appeals process]

Staff Report by Supervisor Leanna Shaff: the City Council gave until the end of July to come into compliance. August 2, 2021 Inspector Franquiz performed the inspection July 30 and noted several doors had new frames and encasements with no permits for the work. Electrical work was done. Still deficiencies that weren't corrected. There was correspondence in regard to building code requirement for the doors. It was determined a permit was required. He informed them it takes 8 to 12 weeks to replace the bathroom window. It is frustrating that according to his work plan he had said he was able to repair, then decided to replace, but it wasn't within the timeline. We have six orders still on, resulting in the revocation again. There were issues with the bathroom glass shower, the electrical work we didn't have paperwork for. Some unfinished repairs on walls, etcetera. You will see from pictures they weren't completed in a professional state of repair. There is a permit for two windows that still haven't been inspected. There is a building permit required for installation of the door. We revoked for noncompliance with the Council's resolution.

Staff report by Supervisor Matt Dornfeld: I have nothing to add other than we opened a Category 2 Vacant Building August 18, 2021 per Fire inspection referral.

*Moermond: sounds like you are behind where you expected to be. What's going on?
Kraut: when I submitted the work plans for the repairs, I had asked for 180 days originally because I didn't know how long it would take for windows and doors to come in. I tried to complete everything by July 30th and I noted in my notes I sent to you that I thought I had everything completed. Then they didn't like my plumbing under the bathroom sink, I redid that twice. The windows weren't in as of that date. I tried to repair and it would close but wouldn't latch. I found some sheetrock in there. It was the original window from 1890's. That was replaced when it came in August 16. Plumbing was redone on August 12. Then shower stall came in and was installed on August 16. Regarding the walls, there are no holes. They were patched. When he did the inspection August 2, he informed me it had to be painted as well. We painted over the patches to be in compliance and that's the bottom line. Everything is done and completed, permits were pulled. Electrical invoice, I sent the most recent one from when they put in the lighting outside and in the bathroom.*

Moermond: I'm not finding any request for six months to do the work or in the hearing.

Kraut: I asked for 180 days.

Moermond: that is six months. Maybe it was your original appeal you asked that?

Kraut: they gave me until July 30.

Moermond: we are going to give you 2 weeks to get a sign off on that permit and have your Fire Inspector walk through. You get on the phone tomorrow morning before 8 am to call your building inspector to meet that deadline. We'll lay this over two weeks.

Laid Over to the Legislative Hearings due back on 9/21/2021