



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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

Tuesday, September 21, 2021

9:00 AM

To be conducted remotely

Special Tax Assessments

9:00 a.m. Hearings

- 1 **RLH TA 21-368** Deleting theAppealed Special Tax Assessment for property at 485 JESSAMINE AVENUE EAST. (File No. J2124A, Assessment No. 218543)

Sponsors: Brendmoen

Delete the assessment.

Luz Sanchez Palacio, owner, appeared via phone

[Moermond gives background of the appeals process]

Moermond: are you the owner? The tenant? What is your role with the property?

Palacio: the owner.

Moermond: did you just buy it?

Palacio: I bought it May 3.

Moermond: I don't even need the staff report. The orders went out May 6, that means during the time you owned it something happened, but the old owner got notice. Therefore you didn't have a chance to take care of it. I'll recommend this is deleted. This assessment is gone.

Palacio: that's what I wanted to talk to you about that. I didn't even move in until July. I was doing work on the property; I didn't know what happened.

Moermond: there's no way you could have. It will be deleted.

Referred to the City Council due back on 10/6/2021

- 2 **RLH TA 21-393** Ratifying theAppealed Special Tax Assessment for property at 671 LAFOND AVENUE. (File No. J2201A, Assessment No. 228500)

Sponsors: Thao

*Delete the assessment if there are no same or similar violations by January 12, 2022.
If there are violations, reduce assessment from \$508 to \$100.*

Maria Solis, tenant, appeared via phone

[Moermond gives background of appeals process]

Moermond: what is your relationship with the property?

Solis: tenant.

Staff report by Supervisor Joe Yannarelly: this was a Summary Abatement Order to remove mattresses, box spring, carpeting, boxes by the alley. Issued May 10, compliance date of May 17, found in noncompliance on May 19, work order issued and done by Parks on June 9 for a total proposed assessment of \$508.

Solis: it was on there early May; it was leaning on the garage of the neighbor's to the right. Almost on his garage door.

Moermond: what color is his garage?

Solis: I believe it is white.

Moermond: what color is yours?

Solis: grayish blue. It was on his garage for quite a while, and then one day I went out and it was leaning on my garage so I couldn't even get out the garage door. I pushed it back to his and it stayed there for a few more days, then when he was outside I told him they were on my garage doors. He said they weren't his. He has a mattress in his backyard, so I didn't believe it wasn't his. Then right after that I got Covid. I actually went outside the day they were cleaning it up and spoke with the police officer that went with them. He asked who I was, expecting the former tenant. I explained it was on the neighbor's garage and it was his. I installed cameras out there, because earlier we had a dog crate dumped. I told him I had been sick. He told me I'd have a chance to appeal.

Moermond: how long have you lived here?

Solis: I believe I moved in early November 2020.

Moermond: Mr. Yannarelly, any other problems besides this since she moved in?

Yannarelly: I don't see anything.

Moermond: how is your landlord?

Solis: she is good.

Moermond: is there electric in your garage?

Solis: yes.

Moermond: do you have a motion detector light out there?

Solis: yes, now I do.

Moermond: it sounds like you're taking the steps you need to protect yourself from this happening in the future. If it does, call the inspector on the orders and say you got dumped on, and you're not sure what to do. I have it on camera. Explain what is going on and work with them. You have taken 2 of the main steps I ask people to do, which is lights and cameras and that's fantastic. The Council looks at this January 12, and if there are no other violations between now and then I'll recommend it is deleted. If there are violations, I'll reduce it to \$100. A violation would be if someone calls and says the sidewalk isn't shoveled, the complaint isn't a violation but if the inspector shows up and says yes, the snow wasn't shoveled. That is a violation. A founded violation gets you to \$100, otherwise it goes away. I'm impressed at your responsibility.

Solis: I didn't even know until this happened, that if someone dumps it is your responsibility.

Moermond: do you know about the bulky item pickup with the garbage?

Solis: yes, I looked that up right after this happened.

Referred to the City Council due back on 1/12/2022

- 3 RLH TA 21-390** Ratifying theAppealed Special Tax Assessment for property at 1047 SHERBURNE AVENUE. (File No. J2201A, Assessment No. 228500)

Sponsors: Thao

Delete the assessment (City to be reimbursed by Highland Sanitation for cost of assessment).

No one appeared

Moermond: we are looking at a cleanup assessment. The owner received the notice and called Highland to pick up the couch as part of one of their bulky items for the year. Highland forgot about it and didn't go out for several weeks, by which time the City had picked it up. The owner did what we wanted and is now stuck with the assessment. We talked to staff in Public Works' garbage program about Highland failing in its obligation, which resulted in a significant assessment. Highland should be held accountable. They spoke with Highland and agreed to reimburse the City for the cost of the assessment. We will delete the assessment. The payment from Highland will be a deduction from their reimbursement check for this quarter.

Referred to the City Council due back on 1/12/2022

- 4 RLH TA 21-377** Review Request to an Appeal of Angela Burton to Ratifying the assessments for Securing and/or Emergency Boarding services during December 2020 at 104 LARPENTEUR AVENUE WEST. (File No. J2107B, Assessment No. 218106).

Sponsors: Brendmoen

Delete the assessment.

Angela Burton, owner, appeared via phone

Charles appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: on December 22, 2020 at 1:40 am the St. Paul Police Department called for an emergency board up for a 4x8 boarding. The cost of this boarding was for a total assessment of \$496.

Moermond: so \$250 for them to show up, \$84 for supplies, plus the \$162 administrative fees. This sounds dramatic, what happened Ms. Burton?

Burton: it was like 4 in the morning. It wasn't at 1:00. They had put a board up that was not even secure. There was no reason for the windows to be busted, and I'm appealing because I cannot afford the cost of the City charging me for the board. The board wasn't even up secure. It did make holes in my siding and with the replacement of window and damage within the house there is no way I can afford this payment at all. I had to actually have the family members come over to put plastic up because it wasn't even covering the windows. [muffled background talking]

Moermond: if someone else wants to talk I'm happy to talk to whoever

Burton: I thought they did, but they say they don't. I started having issues with my washing machine, vents were removed from my wall. They had been removed before. There was so much insulation from the attic all throughout the house.

Moermond: can you describe to me the story of what's going on? We have something going on December 21 and 22 of last year. What was going on at the house? The order of events?

Burton: I can only tell you the beginning because was taken from my house and not allowed back in. I had the door open and an officer asked me if he could come in and search it. I told him yes and had the door wide open. I put my jacket on and after that I don't know what happened. All I know is I came into a destroyed home.

[Charles comes on the phone]

Charles: a murder had happened. That's the reason everything came to happen. The police wanted to know if the suspect was inside the house. They removed her from the house, she kept telling them no one was in the house and no one saw any weapons. They came through the window.

Moermond: did they find someone in the house?

Charles: no, no one was here.

Moermond: that's relieving she wasn't in the house with a stranger hiding there. That's a relief. So she had to leave because it was a crime scene?

Charles: when they asked her to come, she came out. She explained to them the front door was open and you don't have to do any of these things. I guess they told her what they were going to do. She gave them permission to enter the house but they entered the house they wanted to.

Moermond: what I don't have is a police report that describes the situation well,

unfortunately. Sometimes they write up their perspective clearly. In this case, probably because it is a murder investigation, they are holding that privately. I can't tell from their write-up what is going on. The police report only says death investigation. The only reasonable part was if they felt like the front door needed to be secured they could have done that, but the other piece is the window here. It doesn't make sense the way it is being described. I'll recommend this assessment is deleted. She shouldn't hear anything more about it.

Burton: thank you, thank you.

Referred to the City Council due back on 10/13/2021

5 SR 21-140

Review Request of Stephanie Powers, for Ratifying the Appealed Special Tax Assessment for Property adopted by Council File No. RLH AR 20-160 on February 10, 2021 at 914 COOK AVENUE EAST. (File No. J2103B, Assessment No. 218102).

Sponsors: Yang

Approve the assessment.

Stephanie Powers, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarelli: this was opened by Inspector Hoffman; it came over as condemned but still occupied. He arranged to be met at the property to vacate it with the St. Paul Police Department on August 13. When the police vacated the property we had Restoration Professionals secure the building. The cost of that securing was \$165, plus a service charge of \$162, for a total assessment of \$327.

Moermond: Ms. Powers, why are you appealing?

Powers: I never got the assessment. Someone signed me up for this so I could hear what was going on. I'm writing it down and taking notes. The lady living there, Roxanne Stumbo, was squatting in the house on the condition she pay the taxes and utilities. She kept saying she was going to buy the house; I'm fine paying this one. This is the first I've heard about it

Moermond: we talked about this last time; the legal notification went to you at a different address.

Powers: I talked to the County and I saw I applied in December 2019 and they never processed it. It should be updated now.

Zimny: the current tax address is 1742 Arlington Avenue East.

Moermond: is that correct?

Powers: yes.

Moermond: I'll recommend approving this one.

Received and Filed

- 6 [SR 21-141](#) Review Request of Stephanie Powers, for Ratifying the Appealed Special Tax Assessment for Property adopted by Council File No. RLH AR 21-2 on February 24, 2021 at 914 COOK AVENUE EAST. (File No. J2104B, Assessment No. 218103).

Sponsors: Yang

Approve the assessment.

Stephanie Powers, owner, appeared via phone

Staff report by Supervisor Joe Yannarely: this was for a board of an opening smaller than 4x8 feet and four doors screwed shut. Requested on September 25, 2020 by James Hoffman at 11:30 am.

Moermond: so someone was breaking in repeatedly after the fire.

Powers: that would have been Roxanne. Is there anything I can do to make her pay for that?

Moermond: I'm afraid that's a private matter. I'll recommend approval.

Received and Filed

- 7 [SR 21-145](#) Review Request of Stephanie Powers for Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during July to September 2020 at 914 COOK AVENUE EAST. (File No. CG2004A4, Assessment No. 200166)

Sponsors: Yang

Reduce assessment from \$107.02 to \$53.

Stephanie Powers, owner, appeared via phone

Moermond: we'll forgo a staff report on the garbage. We're looking at 3 quarters for this. Third quarter of last year, fourth quarter of last year, and first quarter of this year, 2021. My understanding the house was occupied for half of the third quarter, so we'll reduce that one by half.

Powers: I rolled the cans up behind the garage August 14.

Moermond: we'll reduce it to \$53 even. The 4th quarter you'd have been in the program the whole time because of the fire, so that one is deleted. The first quarter of this year I'm also recommending that is deleted because you were in the Vacant Building program the whole time. I understand the garbage staff has mailed you an Unoccupied Dwelling Registration form so we can stop generating those bills until it is habitable again.

Powers: sure, yes.

Moermond: so the boarding assessments are approved, 2 deleted garbage assessments and one reduced in half.

Powers: excellent than you.

Received and Filed

- 8 [SR 21-146](#) Review Request of Stephanie Powers, for Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during October to December 2020 at 914 COOK AVENUE EAST. (File No. CG2101A4, Assessment No. 210103)

Sponsors: Yang

Delete the assessment.

Stephanie Powers, owner, appeared via phone

Moermond: we'll forgo a staff report on the garbage. We're looking at 3 quarters for this. Third quarter of last year, fourth quarter of last year, and first quarter of this year, 2021. My understanding the house was occupied for half of the third quarter, so we'll reduce that one by half.

Powers: I rolled the cans up behind the garage August 14.

Moermond: we'll reduce it to \$53 even. The 4th quarter you'd have been in the program the whole time because of the fire, so that one is deleted. The first quarter of this year I'm also recommending that is deleted because you were in the Vacant Building program the whole time. I understand the garbage staff has mailed you an Unoccupied Dwelling Registration form so we can stop generating those bills until it is habitable again.

Powers: sure, yes.

Moermond: so the boarding assessments are approved, 2 deleted garbage assessments and one reduced in half.

Powers: excellent than you.

Received and Filed

- 9 [SR 21-147](#) Review Request of Stephanie Powers, for Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during January to March 2021 at 914 COOK AVENUE EAST. (File No. CG2102A3, Assessment No. 210108)

Delete the assessment.

Stephanie Powers, owner, appeared via phone

Moermond: we'll forgo a staff report on the garbage. We're looking at 3 quarters for this. Third quarter of last year, fourth quarter of last year, and first quarter of this year, 2021. My understanding the house was occupied for half of the third quarter, so we'll reduce that one by half.

Powers: I rolled the cans up behind the garage August 14.

Moermond: we'll reduce it to \$53 even. The 4th quarter you'd have been in the program the whole time because of the fire, so that one is deleted. The first quarter of this year

I'm also recommending that is deleted because you were in the Vacant Building program the whole time. I understand the garbage staff has mailed you an Unoccupied Dwelling Registration form so we can stop generating those bills until it is habitable again.

Powers: sure, yes.

Moermond: so the boarding assessments are approved, 2 deleted garbage assessments and one reduced in half.

Powers: excellent than you.

Received and Filed

- 10 [SR 21-161](#)** Review Request of Steven Little, on behalf of Maureen Honish, to a Ratifying theAppealed Special Tax Assessment for property at 284 ALBERT STREET SOUTH adopted by Council September 15, 2021. (File No. VB2111, Assessment No. 218817)

Sponsors: Tolbert

Layover to LH October 5, 2021 at 10:00 am (per PO's request).

Steven Little, attorney SLR Law Office o/b/o Maureen Honish, appeared via phone

[Moermond gives background of appeals process]

Moermond: this was levied on September 15. The letter we got from you the next day, September 16, so we pulled it back to reconsider.

Little: I would like to mention it would be helpful if I had my client participate.

[Little called Ms. Honish, who was in her car.]

Moermond: would she like to reschedule so she isn't in the car?

Little: yes she would like that.

Moermond: ok, we will reschedule for October 5 at 10 am.

Laid Over to the Legislative Hearings due back on 10/5/2021

10:00 a.m. Hearings

- 11 RLH TA 21-367** Ratifying theAppealed Special Tax Assessment for property at 990 MARION STREET. (File No. J2124A, Assessment No. 218543)

Sponsors: Brendmoen

Delete the assessment if by October 4, 2021 PO 1) installs motion detector light, 2) puts up no dumping/video surveillance sign(s), and 3) cuts back overgrown brush between garage and alley.

Xe Xiong, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarelli: on April 27, 2021 a Summary Abatement Order was issued to dispose of bed spring and headboard behind the garage by the alley. Compliance date was May 4, rechecked May 5 and found in noncompliance. Was rechecked again a week later. At that time he issued the work order which was abated by Parks on May 25 for a total proposed assessment of \$460.

Moermond: Mr. Xiong, why are you appealing?

Xiong: that thing is not ours.

Moermond: so it got dumped there?

Xiong: recently we've been having a lot of trash, strangers stopping and dumping trash there. They put it there and just leave. That's not ours.

Moermond: I'm wondering, you go the letter saying it needed to be cleaned. You didn't put it out there, but can you tell me why you didn't call the inspector about it? Asking him for some help?

Xiong: I was on vacation at the time. My son and daughters were there but they didn't open it because it had my name. When I got back everything was already finished. I didn't notice until I got the letter saying I had to pay. I looked through all the mail again and that's when I found the thing they wanted me to clean it up.

Moermond: looks like the inspector gave a long time, a month, to get it cleaned up. I don't know how long you were on vacation for but that's a long time have to clean it up before the crew arrives. The City did let you know. I get you didn't open your mail, but the City did let you know. This is the alley side of your garage?

Xiong: yes.

Moermond: do you have cameras or motion detector lights?

Xiong: not on that side. I do on the front side. I do have cameras, but not back there.

Moermond: if you could install a camera or even a sign saying it is under surveillance and no dumping, and a motion detector light. I would rather you spend your money on that than on the cleanup. The other thing making you an easier target is it says you have overgrown bushes and trees. If you cut those back people are less likely to dump. By making it look taken care of, people don't dump as much. Will you meet me halfway on this? I can work with you and delete this assessment if you take those steps.

Xiong: yes ma'am.

Moermond: can you do it by October 4?

Xiong: cut the bushes?

Moermond: cut the bushes, a sign, and a light.

Xiong: I don't know how I will install a light on that side. I guess I can do it yeah.

Moermond: I'll have an inspector go by October 4. If it is done I'll recommend it is deleted. We'll send a follow up email.

Referred to the City Council due back on 10/6/2021

Special Tax Assessments-ROLLS

- 12 RLH AR 21-89** Ratifying the assessments for Property Clean Up service during June 1 to 11, 2021. (File No. J2201A, Assessment No. 228500)

Sponsors: Brendmoen

Referred to the City Council due back on 1/12/2022

- 13 RLH AR 21-90** Ratifying the assessments for Property Clean Up service during June 15 to 30, 2021. (File No. J2202A, Assessment No. 228501)

Sponsors: Brendmoen

Referred to the City Council due back on 1/12/2022

Vacant Building Registrations

1:30 p.m. Hearings

- 14 RLH VBR
21-56** Appeal of Lialoni Hutchinson to a Vacant Building Registration Notice at 722 GERANIUM AVENUE EAST.

Sponsors: Yang

Grant an extension to November 1, 2021 to have Fire Certificate of Occupancy reinstated. Waive the VB fee for 90 days (to November 17, 2021). If unable to have C of O reinstated make the property a Cat 2 VB and must be vacated.

No one appeared

Tried calling Hutchinson at 1:34 pm: didn't connect

Tried calling Hutchinson at 1:35 pm: didn't connect

Tried calling Hutchinson at 1:48 pm: didn't connect

Moermond: we have tried 3 times to get ahold of Ms. Hutchinson about her appeal. Based on the follow up inspection and the 77 photos taken I believe it should remain a Category 1 Vacant Building and have until November 1, 2021 to have its Certificate of Occupancy reinstated. If they are unable to do that, given the nature and variety of violations, it makes sense it should become a Category 2 Vacant Building. We'll waive the Vacant Building fee for 90 days to November 17, 2021. We'll send a follow up letter to the appellant and copy the owner.

Supervisor Shaff: so the vacate, if it isn't in compliance, will be November 1?

Moermond: yes.

Referred to the City Council due back on 10/13/2021

- 15 RLH VBR
21-58** Appeal of Steven Kraut to a Vacant Building Registration Notice at 58
LAWSON AVENUE WEST.

Sponsors: Brendmoen

Grant the appeal, the property is now in compliance.

No one appeared

Voice-mail left at 1:38 pm: this is Moermond: calling and I understand you have your permits finalized so I'm going to recommend your appeal is granted and the matter is now resolved. We'll send a follow up letter as well.

Referred to the City Council due back on 10/13/2021

- 16 RLH VBR
21-61** Appeal of Anna Decrans, Premier Housing Management, to a Vacant
Building Registration Notice at 765 EDGERTON STREET.

Sponsors: Brendmoen

Waive Vacant Building fee for 90 days (to December 2, 2021) and grant extension to November 1, 2021 to have Fire Certificate of Occupancy reinstated.

Anna Decrans o/b/o BB Housing, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this property has been in appeals before, back in July. They were granted until August 10 for compliance. The inspector was on vacation, so the inspection was not until August 31. At that time he noted the interior and exterior deficiencies were not corrected. That's why we sent it to Vacant Buildings. At that time, August 31, it was currently vacant.

Moermond: so orders were issued August 31?

Shaff: yes.

Staff report by Supervisor Matt Dornfeld: we opened a Category 1 Vacant Building with Inspector Hoffman per that report. There are some active permits on file that remain open.

Moermond: attached to the appeal you had a timeline of inspections and repairs which takes us up to the present, more or less. I did see you had pulled a plumbing permit and that was finalized and we have a building permit inspected today. Framing was approved in that inspection. Where are we going from here? What's your timeline?

Decrans: now that the framing has been finalized the Sheetrocking will begin. He can't get out there until the 25 to start. It will be done within a week. All of the week should be done by October 1, assuming the first week of October is the final inspection on the building.

Moermond: so for the building permit. There are a number of things on the orders, I'm wondering if those other items have all been addressed so you would be ready for a Certificate of Occupancy inspection at the time of the building permit.

Decrans: the retaining wall will be complete as well.

Moermond: it makes sense to me given what I'm hearing you should have an extension to November 1, 2021 to get this wrapped up. In the meantime we'll waive the Vacant Building fee for 90 days and hopefully you'll be done. You're a Category 1 so you can pull permits and do what you need to do. If you have your Fire C of O reinstated by November 1 you'll have no issues.

Decrans: I apologize for the resources the City has put into the follow up on this. I know everyone is frustrated so I apologize.

Moermond: for every 100 properties there are always a couple that take more time. These things happen. Get ahold of your Fire Certificate of Occupancy inspector and your deadline is November 1 so probably set something up soon to confirm things are done.

Referred to the City Council due back on 10/13/2021

**17 RLH VBR
21-63**

Appeal of Shirzad Raimi, Venture Capital LLC, to a Vacant Building Registration Renewal Notice at 666 FULLER AVENUE.

Sponsors: Thao

Waive Vacant Building fee for 90 days (to January 5, 2022).

Shirzad Raimi, owner, appeared via phone

[Moermond give background of appeals process]

Staff report by Supervisor Matt Dornfeld: this is a Category 2 Vacant Building opened October 2018. We went through the TISH process and the current owner was approved on April 21, 2021. Currently we have Code Compliance Inspection permits on file. No nuisance complaints. I believe we are here to talk about the Vacant Building fee coming due October 5.

Raimi: today we have inspection for mechanical and plumbing, hopefully they will pass. I will schedule a building inspection tomorrow. Hopefully we'll close permits this week.

Moermond: just to cover all bases, let's waive the Vacant Building fee for 90 days in case something happened. If you can have your Code Compliance Certificate you have no fee at all.

Raimi: that's great, thank you.

Referred to the City Council due back on 10/13/2021

**18 RLH VBR
21-60**

Appeal of Jeffrey Boston, J and M Boston Properties LLC, to a Vacant Building Registration Notice at 1865 OLD HUDSON ROAD.

Sponsors: Prince

Waive the VB fee for 90 days (to December 1, 2021).

Jeffery Boston, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a scheduled Certificate of Occupancy inspection by Inspector Migdal. No one met him at the property on August 23 and he notes that it looks like the property is vacant. He referred it to the Vacant Building program.

Staff report by Supervisor Matt Dornfeld: Inspector Hoffman opened a Category 1 Vacant Building on August 21, 2021 per that referral. At the time of inspection the commercial building appeared vacant and secure.

Moermond: it looks like you're selling the building?

Boston: it has been for sale since the previous renters left October 1, 2020. We've been working with them a year. We have a property owner that is closing the end of October. Moving along well. Then he can occupy the building.

Moermond: I have a way through this for you. I'm hoping that this purchaser will be able to get his Certificate of Occupancy right away since they will be occupying it. What makes sense is let's do a 90 day waiver on the Vacant Building fee and give them that time to get their Certificate of Occupancy in order. If those things happen we have no fees and you're out of the Vacant Building program and everything is easy. It is committing him to getting his Certificate of Occupancy by December 1. Does that sound ok?

Boston: I'm going to make application for that in October anyways. I spoke with a couple people and I'm going to try and get an occupancy permit concurrently.

Moermond: who should he be working with on that Ms. Shaff?

Shaff: Inspector Migdal.

Boston: it shouldn't be a problem. We've always passed every inspection. Today I went over and it had some weeds and cleaned it all up which should take care of another problem I have. It has been a rough year with Covid and I'm older now. It was difficult to sell it, I didn't want to cause problems.

Moermond: we have a good path forward and hopefully we'll have no hiccups.

Referred to the City Council due back on 10/13/2021

2:00 p.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 19 [RLH VO 21-40](#) Appeal of Jessie Dalbec, dba Twin Cities Home Rental on behalf of Owner, Barbara Branum, to a Revocation of Fire Certificate of Occupancy and Order to Vacate 1177 FOURTH STREET EAST.

Sponsors: Prince

Layover to LH October 5, 2021 at 1:30 p.m. for an update on building conditions from inspector.

*Ms. Jessie Dalbec, o/b/o Twin Cities Home Rental, appeared via phone
Barbara Branum, owner, appeared via phone*

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this Fire Certificate of Occupancy process started February 23, 2021 with Inspector Thomas sending appointment letter. We have a no entry on March 9, May 4, and May 24 we understand there was a Covid exposure. June 4 another Covid exposure. We have issues on July 7 that the tenants supposedly were being the Responsible Party. On July 21 we have a Covid exposure. Pending revocation on August 9 and revoked on August 25. We just haven't been able to get access or have corrections done. We've had difficulty reaching Ms. Dalbec. It goes into voicemail and we don't get returned calls. No one shows up at the property, no one responds to knocks on the door.

Moermond: you said July 7 the tenant was identified as the Responsible Party? What does that mean?

Shaff: maintenance had been at the property but had left before the inspection with the expectation the tenants open the door for the inspector.

Moermond: so the tenant accompanying the inspector rather than a property manager, got it. As I understand it, Ms. Dalbec represents property management and Ms. Branum is the property owner. I'm going to turn it over to Ms. Branum.

Branum: I wasn't informed of this. Make sure I get copied; I'm not being copied. I could have been out there. I am retired, and none of this would have happened. This notification was sent on August 31 and I guess I got it the next day. Then I called to see what was going on. I called Shelly with my property management.

Dalbec: that timeline is a bit different than mine. It all starts because we aren't receiving mail around here. I'm not sure if it is backed up. The first notice of inspection we got was for one in May. Then we didn't get the inspection notice in time, so we missed it. I can't quite remember when the inspector got the list done, it was late May or early June, because that's when I got the list of repairs. That's when I sent them to the tenant to rectify the issues, a lot were basic cleanliness issues. From then on it was another mail issue. We'd get the letter 2 weeks after the inspection date. I did call the inspector a few different times to explain that we weren't trying to blow him off.

Moermond: it sounds like you aren't answering calls either.

Dalbec: I looked back at all my voicemails I don't have any. I also had my coworker check hers and she didn't have any either. I'm not exactly sure what is happening. I do have a number of emails to him without any responses. I do know the office hours are small. I did finally get ahold of him and he knew who I was and asked if he could please email me the notices since the mail system is so bad.

Moermond: Ms. Shaff, can you talk in general terms about the Certificate of Occupancy Responsible Party process?

Shaff: in many instances in a civil agreement, the property owner will contract with management company to represent them in their property. Our mail will go to the

person identified as the Responsible Party by the owner, or to the owner themselves. It does only go to one party. We mail out our notices, that is the legal requirement. Our system does not, nor is it our policy and practice, send to an email. If we do email it is a manual process, sometimes remembered by the inspector because our system doesn't do that, nor do courts recognize it. Our Responsible Party is Nick Hubers at an address in Minneapolis. If that should be changed the property owner must send in a new form. We will only mail to one person

Moermond: at some point you received a form as Nick Hubers at twin cities home rental

Shaff: that was entered by Der Vue on October 8, 2019.

Branum: Huber, is he with Twin Cities Rental?

Dalbec: he is the owner of twin cities home rental, that is the correct address

Branum: the mail goes to him first?

Shaff: the only notification we would send you was for if the bills that didn't get paid and you got a tax assessment notice as the property owner.

Branum: if the mail is going to him, he should be sending it to Jessie here.

Shaff: that would be their internal process.

Dalbec: yes, and I do get it. I'm the one who gets the mail.

Moermond: it does sound like Twin Cities Home Rental has a very different record of these events than the City does. What are your plans in terms of getting this done and dusted? Ms. Dalbec, have you been to the property?

Dalbec: I have not, but our handyman was there the day of the last inspection and said everything was done.

Moermond: what date do you think that is?

Dalbec: August 26, 2021.

Branum: but when was the last inspection he went? That was the first I heard about some of this.

Dalbec: August 26 was the last inspection we received.

Moermond: the staff report and letter both state August 25, so you have an error in your records. At that point there was a deficiency list that went out, so I'm not sure what he thought was done. Did he leave again like he did in July? Or did he stick around?

Dalbec: he left because the tenant was home.

Moermond: there is a misunderstanding between your handyman and inspector about what needs to be done. The tenant is not the property manager and can't take responsibility for understanding the corrections. He walked away saying there was

nothing to do, but the inspector created a list with 10 items. I'm looking for some responsibility for getting this squared away. Speaking of responsibility, my understanding was you wanted this rescheduled because you haven't paid the \$25 fee. You do need to pay that but since this was a revocation and order to vacate I wasn't willing to do that, but it is a disappointing situation that doesn't speak well of management practice.

Dalbec: I sent the appeal in.

Moermond: our staff said you communicated you mailed the check in.

Dalbec: I did.

Moermond: it has not been received as of today's mail. That's very unusual.

Dalbec: that's honestly what I think the issue is, we aren't getting a lot and it has been super late.

Moermond: and that doesn't happen with our stuff. Ms. Branum, I think you need to have a representative present for an inspection to finish this. Can you make sure that happens with the management company?

Branum: I can do that. I can be out there myself.

Moermond: there are some tenant items, it doesn't look like the most difficult list. The window air conditioners are no longer an issue at all in Minnesota this time of year so it should go quickly. What I would suggest is I will continue this for 2 weeks and I need you to speak to Mr. Thomas and make an appointment for him to do a follow up inspection on this.

Branum: you want me to do that?

Moermond: it is up to you how you want to do that. You own the property. I need a commitment it happens. If that check doesn't come in the mail we'll have another conversation about management practice at that point as well. That puts us out to October 5 in my 1:30 time slot, and hopefully the matter will be resolved.

Branum: I need a copy of the items.

Dalbec: yep.

Moermond: reach out to Thomas right away to get on his calendar.

Laid Over to the Legislative Hearings due back on 10/5/2021

2:30 p.m. Hearings

Fire Certificates of Occupancy

- | | | |
|----|-------------------|--|
| 20 | 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

Grant the appeal on the condition the property remains unoccupied, except by owner-occupant. (LH staff to follow up in 90 days)

Enrique Monjarrez and Erin Delaney, owners, appeared via phone

[Moermond gives background of appeals process]

Staff report by supervisor Leanna Shaff: this is a Fire Certificate of Occupancy conducted by Fire Safety Manager Angie Weise. I accompanied Ms. Weise to the inspection where Enrique was with. Came up with a list of things that needed to be corrected. On that list there are 16 items that are required to be corrected to meet minimum requirements for the Fire Certificate of Occupancy program. The letter was sent out August 10 with a reinspection date of September 14. There was an appeal filed, so our orders are stayed pending appeal. I understand the last appeal was delayed in order to accommodate the appellant

Moermond: and us, we were running very late that day. That's probably more on us. In any event, I'm going to ask, is the property occupied?

Shaff: it was unoccupied.

Moermond: Mr. Monjarrez and Ms. Delaney, why are you appealing?

Delaney: I guess basically the biggest thing is we were trustees, unfortunately the conditions the house was in while both the older adults were alive was notorious for being hazmat material. The 3rd trustee is actually Tom Smith, former chief of police, he could confirm conditions and remediations during their life. Right before Marilyn's passing I cut a check for \$94,000 from my personal funds when she was at Southview Acres on palliative care. I was supposed to be receiving money back through the lawyer from the estate, only to find out that the house was unable to be sold for more than \$35,000, which was inconsistent with what the estate law. The estate law stuff is confusing. Long story short we probably spent \$60,000 more to rehab it to be in any condition for a fair market value sale. Through the lawyer who they had worked with 20 years, we do have a purchaser who has been going through the sale for about a year. Both our work as well as the stuff he had done which has been snafued with Covid stuff. It has completed a program through St. Paul, as well as Ramsey County, for a minority and refugee first time home buyer program. We have worked with a realtor already in establishing the price, terms, over about the last 9 months. It was part of her curriculum for qualifying. That TISH inspection is happening tomorrow morning at 8 am with George Yuri with Structure Tech. This has never been a rental property nor did we intend to be landlords. I am up to my neck in loans for this stuff.

Moermond: you have that schedule for tomorrow. Is a purchase agreement in place?

Delaney: that's what Bree is working on. Part of what she does, we used a mutual realtor and someone who is approved by that program. Part of why I'm not going to pay or be able to pay to paint the exterior, that is understood to be the new purchaser to do their preferred color and use their contractor. That has been discussed and is in the purchase agreement. It is being covered under some sort of a grant program for the purchaser.

Moermond: you have the TISH coming, sounds like you'll have the same realtor as the buyer.

Delaney: Brianna Lindgren with Thomas Keller.

Moermond: so that's set up. You're caught between 2 bureaucratic things in the City.

Delaney: yes, and also with the County, because with them everything is Kosher. Taxes went from owner occupied to single-family dwelling. They already did the abstract work and deed stuff. That's what put things in limbo, they don't transfer the deed to the trustees, they wait until the sale. Then to the lawyer who cashes out the estate. The trust is more of a pain than going through probate and a will. It has caused a lot of tears and debt and emotions. There are no words for this. I'm going to be happy when it is sold and we're very close to doing that. We are going through Dakota Abstract for that. I did forward the receipt from the vent and stuff and I didn't want to appear as being a stinker. We didn't have to do that but we are trying.

Moermond: we're going to hold all of this and as long as the property remains unoccupied by someone who isn't the owner. You're getting the TISH and your purchaser you need to disclose the TISH report, but also this Fire inspection report, so they can see what they wrote as well. Disclose that statement and don't have the house occupied and I will recommend the Council grants your appeal.

Delaney: the realtor got a copy of that right away.

Moermond: I'm going to check on your case in 90 days. We'll talk then and make sure this is on track. We'll ask them to grant the appeal and then to send it back for review in 90 days. So it will sit there for a bit, until you get that closing taken care of.

Delaney: thank you so much.

Moermond: we have a path forward here. This should handle a lion's share of the concerns.

Referred to the City Council due back on 10/13/2021

21 [RLH FCO](#)
[21-151](#)

Appeal of Laurel Hedlund to a Fire Certificate of Occupancy Approval
With Corrections at 429 MOUNT IDA STREET.

Sponsors: Brendmoen

Layover to LH October 12, 2021 at 2 pm. Property Rep to submit a schedule for mitigating mold and tuck pointing issues in basement by COB October 8, 2021.

Laurel Hedlund appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a referral inspection that is a follow up on the Certificate of Occupancy approved with corrections by Franquiz. The orders in front of you today were first noted June 8 and then when it was approved with corrections on July 12, 2021. We have a continuation of the orders; they haven't changed since the approval. Ms. Hedlund is looking for more time I think. You've seen the pictures. We have issues with mold in the basement and excessive moisture and properly grading the building to minimize water from entering.

Moermond: when the orders originally went out on this when?

Shaff: June 8, 2021.

Moermond: I read your appeal about new construction next door, what's going on?

Hedlund: as far the grading, I have consulted with a couple companies and the way the new construction has been built doesn't allow for a 2% elevation of a swale, a divot in the ground to direct the water. In this case running down the neighbor's property into mine and into the street. There are some challenges of how that can be done without a 2% or greater elevation. The broader issue is the house next door and the retaining wall were built in 2017 and I've been trying since 2018 to get the construction company or Dayton's Bluff Neighborhood Development to correct it. They said it would be constructed to code when I gave them permission to enter my property and clearly it isn't. 2019 we met on site, in November, and they told me they were going to build a swale. I have emails on all this stuff. They said oh it is too late we'll have to do it spring of 2019. I said ok. I emailed them in April to follow up and they said they changed their minds and they aren't going to build one. I tried to file a complaint with the Better Business Bureau. It looks like I have to take legal action. The City should be enforcing the code as far as how it should have been built next door and the grading was done or wasn't done. All of the water from the neighbor to the left and behind comes right to my property. They also removed a gravel area for parking and I didn't give permission for that. I don't know who did it. I wasn't consulted. I signed a release for them to go on my property to do the development but they really messed everything up. I don't know who is in charge. I don't know. When I met with the director of Dayton's Bluff, we had a City inspector. He was there but I don't remember his name. They just never fixed it.

Moermond: I could see from one of the photos you have a dehumidifier running in the basement. I'm wondering if you have tried to work on the mold on the walls to abate it at least partially?

Hedlund: yes, we have put a chemical on the walls and I think it is helping. I can look up the name. It got good reviews, a commercial chemical that remediates mold. It is a spray; it was down there when Efrayn was down there. That's been applied. It is called RMR-86 Pro instant mold stain and mildew stain remover, and that's the second product you put on. The first one is RMR – 141 Mold Killer to inhibit the growth of mold and mildew. EPA registered.

Moermond: is there anything about how frequently they can be used on them?

Hedlund: no, I mean it should be a one-time thing I'm guessing.

Moermond: I just still see black on the walls in the pictures. Maybe improvement but not complete abatement?

Hedlund: yeah, and part of that is I don't know if it is all mold. It is a 104 year old building. There is efflorescence where minerals and dirt leach in.

Shaff: there is definitely a mold there.

Moermond: isn't efflorescence white?

Shaff: typically yes. There are definitely water issues here. Definitely some issues with mortar joints too. They appear to have failed in spots.

Moermond: we would benefit with a plan for moving forward, which sounds like you will want to look at another treatment and some tuck pointing in the basement and also maybe litigation. I can definitely ask the Building Official about the permits and how that worked for the neighboring property. I do see the long term solution includes figuring out where the water is going, but in the short term we need to figure out how to get the mold abated to make it a safe home. Have you talked to contractor about this at all?

Hedlund: I have done research online and I had a contractor do the chemicals. Until the grading is fixed it seems like an uphill battle. The dehumidifier has been there for years. Every time it rains there will be water intrusion if the grading isn't corrected.

Moermond: looks like the new construction was in 2016 at 427 Mount Ida. I can ask, but the fact of the matter is it becomes a private dispute between you and the neighboring property owner and the extent to which the owner will seek recompense from the developer. The City says your property needs to be maintained in a safe manner for your tenants. I get it won't be taken care of completely until the water is rerouted. I can talk to the Building Official and see if he has ideas, but if you could come up with a plan on addressing this to improve the safety and habitability of the house. Getting the mold spores down before the house is closed up for the winter is in everyone's interest.

Hedlund: when the builder got their permits closed, it seems like they shouldn't have been, considering it was improperly graded. The slope and retaining wall weren't correct. Isn't the builder responsible?

Moermond: you're asking me to opine on building code issues but I would defer to the Building Official on this.

Hedlund: is there someone I should talk with? How do I proceed?

Moermond: first, you want to do more abatement in the basement. Maybe more dehumidifiers. I don't know. I am looking for a short term plan, and I'm going to try to talk to the Building Official. Maybe get an inspector out there and get some insight out there. That is the next step. I don't think we'll finish this conversation today. I have no end game yet. I just know I want it as safe as possible while the longer term stuff is happening. Let's go out 3 weeks to October 12 and if you can have something to my office by October 8 in terms of a plan to make sure the mold situation and tuck pointing is addressed.

Laid Over to the Legislative Hearings due back on 10/12/2021

**22 RLH FCO
21-147**

Appeal of Yusef to a Correction Notice-Reinspection Complaint at 928 ARCADE STREET.

Sponsors: Yang

The matter resolved and file is closed.

Yusef appeared via phone

Note: owner would not give whole name or role with the property.

Moermond: this is Moermond with the St. Paul City Council. I have an appeal you filed

for 928 Arcade but in reviewing the matter has been resolved.

Yusef: how?

Moermond: the permits were finalized, which was what was included in the orders. Fire said the orders have been closed out so there's no standing for appeal.

Yusef: this started in February of this year and now we are in September. That was part of DSI orders as a repair.

Moermond: but the matter is closed and I have nothing in front of me to hear an appeal on. There is no case here.

Yusef: and you are who?

Moermond: I'm the City Council's Hearing Officer. The appeal shouldn't have been processed because it was resolved, so I'm going to ask staff to return the appeal fee.

Yusef: yes ma'am, thank you.

Moermond: I'm sorry about that.

Yusef: no need to apologize, you're just doing your job.

Referred to the City Council due back on 10/13/2021

- 23 RLH FCO 21-82** Appeal of Terry Hopkins, Americold LLC, to a Fire Inspection Correction Notice at 236 and 240 CHESTER STREET.

Sponsors: Noecker

Layover to LH October 26, 2021 at 2 pm for staff review.

No one appeared

Moermond: I'm asking this matter be continued to Legislative Hearing on October 26. In the interim I will work with staff to get some questions answered after reviewing the Americold submission because we had some open questions. We'll talk with the property representatives October 26. This has already been communicated to them.

Laid Over to the Legislative Hearings due back on 10/26/2021

- 24 RLH FCO
21-141** Appeal of Adrienna Case, ShowCase Properties, to a Fire Inspection Correction Notice at 295 PAGE STREET.

Sponsors: Noecker

Grant an extension to November 19, 2021 for compliance.

Adrienna Case, o/b/o ShowCase properties, appeared via phone

Moermond: we have the follow up inspection report and it looks like a ton was done, which is great. We still have the issue of the bed in the basement. Is that still there?

Case: as far as I know it is still there. I've been on them in telling them they need to

remove it but they don't seem to be motivated. I didn't get an updated report, can that be emailed to me?

Moermond: my inclination is to do an extension and if further enforcement action needs to happen they can do that in the future. I'm looking at this list and wondering how long you need?

Case: I don't know how long it will take because the tenants are going to get served with an eviction and nonrenewal of lease and I anticipate this list to grow significantly.

Moermond: for nonpayment of rent?

Case: no, I want to take possession of the property. They are on a month to month lease.

Moermond: and what would the effective date of that be?

Case: they will be served on Thursday the 30th, so they'd be out the end of October. I am anticipating an uphill battle, I don't think they will move out, and think I will have to move on to eviction. If they were out end of October I can have it done within 2 weeks.

Moermond: I am going to give you an extension through November 19, at some point make an appointment for an inspection around then. That will be a status check, either they are gone and it is done or there is a longer list. The inspector will decide about that list and whether it has escalated to a revocation. Whatever that is appealable also. I think we need to keep this moving even if it is slow.

Case: absolutely. What would be the escalation?

Moermond: the Fire Inspector would revoke the Certificate of Occupancy and create a vacate date based on that for noncompliance with the Council's decision on the extension. That would be the next step.

Shaff: I would hope if they haven't vacated you would already have begun your proceedings. I expect you to do your job as a landlord. The City wouldn't be the ones trying to vacate the property for you.

Case: sure, I don't have a problem with that. I've hired an attorney and we are going through all the steps we need to to get possession and to get these items done.

Shaff: Ms. Case, get in touch with Inspector Powers to set up a time prior to that November 19 date.

Referred to the City Council due back on 10/13/2021

25 [RLH FCO](#)
[21-149](#)

Appeal of Arnold Kampa to a Fire Inspection Correction Notice at 1084 LARPENTEUR AVENUE WEST.

Sponsors: Brendmoen

Layover to LH October 12, 2021 at 2 pm. City engineer to assess structural integrity of garages.

Arnold Kampa, owner, appeared via phone

[Moermond gives background of the appeals process]

Staff report by Supervisor Leanna Shaff: this is a Fire C of O inspection by Inspector Neimeyer. Although Mitch Imbertson was also onsite. There are a couple garages at the site and unfortunately the garages haven't been inspected. They had to have their own Certificate of Occupancies and this one is the 2 car garage. Inspector Niemeyer condemned the garage because of foundation issues and damaged west wall. It is quite a state of disrepair.

Moermond: looks like you are looking for more time for bids? That makes perfect sense.

Kampa: this wasn't the only one I was appealing.

Shaff: I see that. On the 3 car garage it is also condemned for reasons including the roof falling in and cracks in the back walls. Are we talking about the bar also?

Kampa: the only other thing I wanted to cover on the bar was the northeast stairway.

Shaff: the stairs to the basement?

Kampa: numbers 10 and 11 on the report.

Shaff: the northeast corner stairs Inspector Niemeyer states the wall studs are no longer properly supporting the roof to the stairs to the basement and stair treads are missing and rotted.

Moermond: so he didn't condemn the stairs, my question would be if it is part of fire egress for the building?

Kampa: regarding the garages, I'm trying to get an idea of a monetary standpoint if it is better to tear down or repair them. I've talked to 4 contractors and 3 demolition people. Very little difference between the two. A bit more to repair than to replace. I never had a problem with the City and I always want the garages there. I don't even use them for storage for the business, I wanted them as a buffer between the bar and the neighbors. That's my thinking on that. It came as a shock to having never had anything written up to having them condemned. I knew the roof on the 3 car needed to be repaired and it was in my plans, not this year. The 2 car garage the part of the wall is on the back side I never really saw. The damage to the northwest corner is from the house and they have been parking in the garage and they must have backed into it. As far as the stairway, it is the same thing. So far I have only been able to get quotes for demo and backfilling it in and I'm getting so many different opinions about it. One said I need to put asphalt on the cement block, one says I don't. I'm questioning whether it wouldn't be easier to rebuild. It isn't part of the fire egress. We have a sign saying the door doesn't work. That's about it. It needs to be replaced and I'd like to do that. I'm running into the guy with the best quote can't get to anything until spring. I don't believe any of these items represent a public safety concern. Certainly not for bar patrons. I've always wanted to work with the City because it has always been good to me. I've been there since 1982. You don't hear about Ted's because we don't make a lot noise. That's where I'm at with it. I would just like more time on that. It will be quite expensive.

Moermond: I'm not having a problem with the time if the structure isn't in danger of collapse. If it is, we need to take appropriate safety measures to secure it from entry.

I'd like to lay this over so we can have the City structural engineer look at it and double check that. Sometimes if they are close to collapse we like to have them locked up, fenced up, something to buy some more time. If we can do that I'm more than happy to do that. In terms of the stair repair I'm fine with a longer period on that too. I will share you contact information with him. His name is Brian Karpen, I'll have him reach out to you to come out and look.

Kampa: terrific. I appreciate that.

Moermond: we'll touch base in 2 weeks. I'll call Mr. Karpen tomorrow.

Kampa: my wife has stage 4 breast cancer, and she has infusions that day.

Moermond: ok absolutely not a problem. Let's go out to October 12. My best wishes to your wife.

Laid Over to the Legislative Hearings due back on 10/12/2021

**26 RLH FCO
21-156**

Appeal of Erik Holtzclaw to a Fire Inspection Correction Notice at 995 VAN SLYKE AVENUE.

Sponsors: Brendmoen

Layover to LH October 12, 2021 at 2 p.m. for further discussion. PO to submit floor plan of unit.

Erik Holtzclaw, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this was a Fire Certificate of Occupancy inspection by Mike Cassidy. It looks like item 5 in the notice is what's being appealed. That is in unit 2 the left bedroom, the window opens into an enclosed porch.

Moermond: I wish I would have seen this earlier. Would you be ok with delaying this and doing a floor plan for me of the unit?

Holtzclaw: yeah.

Moermond: that would help me evaluate this, and we can talk again in 3 or 4 weeks.

Holtzclaw: how do I get you that?

Moermond: we'll send you an email with a letter confirming this. You can email it back to us or mail it. Whatever works for you. We'll send you a letter confirming this and let's talk in 3 weeks, October 12 at 2 pm. There are a few option in these situations but it helps me to see where walls are.

Holtzclaw: the inspector took photos; can you see those? Or should I send some too?

Moermond: if you think they would be helpful certainly send them in. The photos I have don't give me a lot of information. I'm thinking in more broad terms of what is going on. Whatever you think would be important for me to see.

Laid Over to the Legislative Hearings due back on 10/12/2021