



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, October 26, 2021

9:00 AM

Remote Hearing

9:00 a.m. Hearings

Remove/Repair Orders

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

Sponsors: Prince

Layover to LH November 9, 2021 at 9 am. PO/Purchaser to 1) submit work plan, including schedule and bids, 2) financial documents sufficient for completing the rehab, 3) affidavit dedicating funds to the project, 4) contract with third party doing rehab for review, 5) purchaser to post new \$5k PD, 6) bring real estate taxes current; and 7) property must be maintained.

Voicemail for miller at 9:15 am: this is Marcia Moermond trying to reach Lorrie Miller about removal or repair of 975 Hudson. We'll try back in 10 minutes and try Mr. Thooft then.

Voicemail for Miller left at 9:29 am: this is Marcia Moermond calling again. We'll try you attorney now.

Thooft was called at 9:30 am: not in office, assistant asked to call back in 10 minutes.

*Lorrie Miller, owner, appeared via phone
Derek Thooft, attorney, appeared via phone
Sam Steadman, potential purchaser, appeared via phone
Lee Yan, contractor and potential purchaser, appeared via phone*

Voicemail for Steadman at 10:00 am: this is Marcia Moermond calling you about 975 Hudson, I have Lorrie Miller and Derek Thooft on the line. We'll get started and try you back in a couple of minutes.

Moermond: we have a letter sent October 15. Mr. Magner will summarize where we left things last.

Staff update by Manager Steve Magner: confirming on October 12 the matter was laid

over to today. Please plan to discuss preliminary work plans and bids based on your recent Code Compliance Inspection Report. It is advised you begin having contractors into the property, noting all items in the Code Compliance Inspection Report must be addressed. You or the party doing the rehab must 1) bring real estate taxes current, 2) evidence of finance to complete the rehab; 3) submit a contract for review with the third party doing the rehab, noting transfer of title cannot be done until Code Compliance certificate is received 4) work plan with schedule and bids, and 5) property must be maintained.

Moermond: let's try calling Mr. Steadman again.

Miller: he wants to hear from the City it can be rehabbed.

[Voicemail for Steadman left at 10:05 am: good morning again Mr. Steadman Marcia Moermond reaching out to you again about 975 Hudson. We're in the midst of the hearing. We can include you in the follow up letter if we get your contact information. We will proceed with the hearing]

Moermond: who would like to speak first?

Miller: I do have a purchase agreement with the buyer however we haven't adjusted it to meet the City's requirements. He wanted to speak with someone from the City before we did that. That's what we've been waiting for. I did try to send a couple emails to have a call prior to today's hearing so we could have it ready to go. Alternatively if someone could send him an email or something to let him know this property can still be rehabbed and we need to have this contract that delays title transfer. He has said he is agreeable to that.

Moermond: I assume you've forwarded the written correspondence to him?

Miller: I have. I think the main issue is this point he wants a confirmation from the City this is a property than can be rehabbed.

Moermond: and this is typically that forum we'd discuss that so it is of record, not just informally over the phone by a staff person. We can answer in writing his specific questions then too. We can try to call you back after our 11:00 hearing if possible. If we can I'll reach back to you. If you can submit the other materials--

Miller: he said to try calling again.

Moermond: let's do that.

[Mr. Steadman was called in 10:10 am]

Moermond: this is Marcia Moermond from St. Paul City Council. We have Lorie Miller, the owner, Derek Thooft, her attorney, and Mr. Magner the Manager of Code Enforcement on the line. We just discussed the background on this property. I understand you have questions as a potential purchaser. What are those?

Steadman: what level of severity is this property? I know it is between a Category 2 and a Category 3, which one? What is the process for restoring it?

Moermond: the measure for the level of severity is the Code Compliance Inspection Report from October 11. Do you have a copy of that?

Miller: I did send that to you Sam. I sent that with the other items from the City.

Moermond: staff estimates the cost exceeds \$50,000 which is a ballpark figure. That's not the worst I've seen. It is a Category 3 registered Vacant Building. The main difference is the title cannot transfer until nuisance is abated. Hence the use of contracts to protect you as the buyer. We've sent samples how this has been managed. It is not uncommon. Often it is an addendum to a purchase agreement. You would be responsible for providing a work plan, the Performance Deposit, evidence of financing and so on. I assume you have those things in hand being a real estate professional.

Steadman: that's not a problem. Is there a bond?

Moermond: a \$5,000 Performance Deposit. We have that already, so we'd look for a new one by you if you're going to transact this and Ms. Miller's would be returned. Alternatively you could have an addendum in the Purchase Agreement. We'd be amenable to that.

Steadman: so I'd have to put another one?

Moermond: whoever is pulling permits.

Steadman: ok.

Moermond: it is refundable upon issuance of the Code Compliance certificate. You'd get 180 days to do the rehab, you just ask in writing for it to be returned. If you aren't done in 180 days we'll talk to you in a hearing. I'd be looking for 50% done minimum at 180 days as determined by the building official.

Steadman: that makes sense.

Moermond: and then maintenance of the property. Other questions?

Steadman: let's say if I buy and close, from that date I have 180 days?

Moermond: yes, it is when the Council grants 180 days. Day 1 is the day after the Mayor signs the resolution. Day 1 is typically the following Monday after the Council votes. If you have approved documents prior to that, permits can be pulled earlier than the Council vote.

Steadman: ok cool. Has that timeline started yet?

Moermond: no. This matter was originally in front of Council May 26, it has been continued several times so possibility for rehab is exhausted. This is the 11'th hour, but Council hasn't done anything but send it back to me for consideration now. Hopefully we can send it to Council in a few weeks after we talk again.

Steadman: got it.

Miller: it sounds like we need to get the paperwork together and then she will present it to the Council and then the 180 days starts.

Steadman: I understand. Can we add in my contractor? Lee Yan.

[Lee Yan was added to call 10:20 am]

Steadman: we have the seller Lorrie on here and the City to talk about the process to get this from a Category 3 to an active property.

Moermond: I'll summarize Mr. Yan. [Ms. Moermond outlines rehab of a Category 3 property including title transfer and purchase agreements]. We also need a work plan, construction statement with a schedule, how this will be tackled. The subcontractors and schedule for undertaking the work. We need to know you know what you are doing. If you are partners you'd be working on that together, but we do need evidence of financing.

Steadman: can you talk about the Performance Deposit and the timeline?

Moermond: [Moermond outlines how the 180 grant of time works with the Council Vote again, and how the Performance Deposit and refund works].

Yan: understood. Is there someone who has more details of specifics on the property?

Moermond: there is the Code Compliance Inspection Report. Do you have that?

Yan: I don't have that.

Miller: I did send it to Sam, but I can send it again or send it to you directly.

Moermond: we'll send a follow up letter by email. Are you gentleman able to put together a plan and show financing in two weeks' time?

Steadman: we already had our electrician in. He's worked in St. Paul a lot. Our master plumber was in this morning. So they will give us scope and cost. Everything else we've done before. We just need to see that Code Compliance Inspection Report.

Moermond: we'll send a package of materials we have on record. I'm going to put this for 9 am November 9 and hopefully we can review those materials then and get this greenlighted.

Steadman: are there open permits?

Moermond: no. No permits are allowed.

Laid Over to the Legislative Hearings due back on 11/9/2021

2 [RLH RR 21-59](#)

Ordering the rehabilitation or razing and removal of the structures at 830 IGLEHART AVENUE within fifteen (15) days after the September 22, 2021, City Council Public Hearing. (Amend to grant 180 days)

Sponsors: Thao

Grant 180 days to rehabilitate the property.

David Shramel, owner, appeared via phone

Moermond: we've been spending the last few minutes going over the plans and financials you sent over and wanted to let you know we'll recommend the Council gives

180 days for the rehab. The conditions outlined were met. Any questions?

Schramel: last time we spoke you said once it was approved I could pull permits? Is that the case?

Moermond: it should be. Mr. Magner?

Magner: Mr. Soley will note in the computer permits can be pulled starting tomorrow. Just a reminder, because this is a Vacant Building, you can't pull the permits online, it has to be done in person.

Schramel: for all trades?

Magner: yes because it is a Vacant Building.

Moermond: we'll send a follow up letter, reach out with any questions.

Schramel: and I won't be needed November 3?

Moermond: not unless you want to object to my recommendation for more time.

Referred to the City Council due back on 11/3/2021

- 3 [RLH RR 20-22](#) Ordering the rehabilitation or razing and removal of the structures at 678 SNELLING AVENUE NORTH within fifteen (15) days after the May 27, 2020 City Council public hearing. (To Refer to October 26, 2021 Legislative Hearings)

Sponsors: Jalali

Layover to LH December 14, 2021 at 9 am for further discussion. PO to submit written update by close of business Friday, December 10, 2021.

No one appeared

Moermond: they sent us an updated report on what they are doing. That report addressed what I was looking for to outline their progress. I don't see as long as we have this that we have to have a conversation now. From reading the report we'll have better information on timing come December. I'd like to lay this over to December 14 at 9 am. Any concerns Mr. Magner?

Magner: I don't have anything at this time.

Moermond: we'll be asking for an updated status report and a better timeline, but we can ask them about that then.

Laid Over to the Legislative Hearings due back on 12/14/2021

- 4 **RLH RR 21-65** Ordering the rehabilitation or razing and removal of the structures at 701 HAZEL STREET NORTH within fifteen (15) days after the December 1, 2021, City Council Public Hearing.

Sponsors: Prince

Remove within 15 days with no option to repair.

No one appeared

Staff report by Manager Steve Magner: the building is a one-story, wood frame, single-family dwelling with a detached one-stall garage on a lot of 13,068 square feet. According to our files, it has been a vacant building since March 9, 2020. The current property owner is Catherine A. Fehr (deceased) per Amanda and Ramsey County Property records. On August 18, 2021, 2021, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on August 24, 2021 with a compliance date of September 23, 2021. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$36,400 on the land and \$163,400 on the building. Real estate taxes are current. The vacant building registration fees were paid by assessment on April 1, 2021. As of October 25, 2021, 2021, a Code Compliance Inspection has not been done. As of October 25, 2021, the \$5,000 performance deposit has not been posted. There have been nine Summary Abatement Orders since 2020. There have been twenty-six work orders issued for garbage/rubbish, boarding/securing and tall grass/weeds. Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$20,000.

Moermond: just a couple of clarifications. Back in March of 2020 I had an appeal of the Vacant Building registration itself. We don't have photos of the interior, but you have a form 4 from EMS. Can you describe what that says?

Magner: severe hoarded house. No pathways or entry or egress throughout home. Individual was found lying on the ground. No caretakers or family members to care for her or her home.

Moermond: she reported she lay there 5 days. During our Legislative Hearing House Calls was involved and she participated by phone from the nursing home. A relative, a representative of the estate, signed for the certified mail and has chosen not to participate. Given the conditions and lack of participation, as well as the owner being deceased, we have no option but to order the removal within 15 days.

Referred to the City Council due back on 12/1/2021

- 5 RLH OA 21-14** Making recommendation to Ramsey County on the application of Margaret A. Mindrum for repurchase of tax forfeited property at 90 CROCUS PLACE.

Sponsors: Noecker

Recommend allowing repurchase.

No one appeared

Staff report by Manager Steve Magner: there was a repurchase application filed with the County. The application states that considering the circumstances, including death of father in 2013 caused depression. Several years dealing with financial crisis caused by depression. Covid and mental paralysis I am now reclaiming my life. The forfeiture of my house included. My grandparents lived here since 1922. So they would like to repurchase.

Moermond: any Code Enforcement history?

Magner: no. Stucco permit in 1995. There's never been any code activity.

Moermond: no police history when we asked the police. This hasn't been a municipal problem and the owner should be allowed to repurchase. Is that also DSI's position?

Magner: yes.

Referred to the City Council due back on 11/10/2021

10:00 a.m. Hearings

Making Finding on Nuisance Abatements

- 6 [RLH RR 21-36](#) Making finding on the appealed substantial abatement ordered for 854 EDMUND AVENUE in Council File RLH RR 20-44. (Legislative Hearing on October 26, 2021)

Sponsors: Thao

Continue \$5,000 PD and grant an additional 180 days to rehab.

Susie Thill, owner appeared via phone.

Moermond: we got your materials and reviewed it and wanted to let you know it is acceptable. We'll recommend to the Council you receive an additional 180 days to do the rehab. Sounds like it won't take you that long, but that's the standard.

Thill: alright, thank you.

Referred to the City Council due back on 10/27/2021

- 7 [RLH RR 21-44](#) Making finding on the appealed substantial abatement ordered for 1179 SEVENTH STREET EAST in Council File RLH RR 21-40.

Sponsors: Yang

Layover to LH November 9, 2021 at 10 am. Purchaser to submit updated work plans/schedule by COB November 5, 2021. Purchaser also to have building inspector in to determine percentage completed before November 9 (CPH Nov 17, 2021)

Quentis Pilliai, purchaser, appeared via phone

Rashad Kennedy, purchaser, appeared via phone

Moermond: do we need to add Michael Aderinkomi to the call?

Both: no.

Moermond: this is a status update, we'll have Mr. Magner update the record, then we'll talk more about moving forward.

Staff report by Manager Steve Magner: [reads Mai Vang's October 1, 2021 letter]. Mr. Bruhn indicated in an email to staff he hadn't been contacted by anyone and they don't

have an active building permit. They do have an electrical permit. He cannot give a percentage at this time.

Moermond: are there any Code Enforcement issues with property maintenance?

Magner: there were some extensive gutting and we want to make sure the building remains secure. So they need to make sure the openings remain boarded and they maintain the lot. Now that it is winter the public sidewalks as well.

Moermond: I guess the first thing we need is for you to have a building permit pulled and Mr. Bruhn to do an assessment. Can you do that in the next couple of days?

Pilliai: we have requested a building permit about four months ago, right Rashad?

Kennedy: at least 5 months ago.

Pilliai: so it was requested 5 months ago. We are currently on hold because of that. We had another meeting with the City last week and everything was approved, so we should get it granted this next week.

Moermond: you went in front of the planning commission for a Conditional Use Permit from commercial to residential use, and that was granted. That's great. Your permit will be triggered based on that being finalized.

Pilliai: absolutely.

Moermond: in light of that I'm going to consider this further and I will reach out to Planning to see what is going on. Not sure why there was such a delay but we will have that of record.

Pilliai: when we submitted the plans 5 months ago we were never told this was the process. We should have been told that. We weren't told that until a month ago.

Kennedy: yeah, about 5 weeks ago.

Pilliai: as soon as we found out we engaged it immediately. It was the failure of the City. We talked to the City people who apologized. They simply forgot to mention that to us. It is all said and done. You can see the building is secure. The gutting is done. We have new doors and windows. As soon as we get the permit we can get that inspection and when we get that inspection we'll finish it about 2 to 3 months after our framing inspection. All the major components are done, we're just waiting on the City right now.

Moermond: I think I see where in our records things went off the rails. I will follow up on that. I'm assuming finances are identical to where we were at before?

Pilliai: correct.

Moermond: can you send me an updated work plan and schedule based obviously on the delay. The old one is void. Get us an update. I will follow up on quality control issues at DSI, this wasn't ok. You are at the point of water under the bridge but I don't want this to happen to anyone else in a complicated project.

Pilliai: if we had had the permit we could have finished the stuccoing and mechanicals,

electrical and plumbing, but we couldn't. We had to wait for that permit. From the time the permit is issued we are 3 months out.

Moermond: I'm going to look at this again in 2 weeks, please send an updated construction statement taking into account the delay.

Pilliai: perfect, thank you ma'am.

Laid Over to the Legislative Hearings due back on 11/9/2021

8 [RLH RR 21-43](#)

Making finding on the appealed substantial abatement ordered for 521 YORK AVENUE in Council File RLH RR 21-10.

Sponsors: Brendmoen

Layover to LH November 9, 2021 at 10 am. Purchaser to submit updated work plans/schedule and proof of financing by COB November 5, 2021. (CPH Nov 17, 2021)

Maurice Griffin, owner, appeared

Moermond: my job is to review where we are at with this. Sounds like you aren't quite done yet.

Staff report by Manager Steve Magner: Mr. Bruhn has been out and determined it was at least 50% complete.

Moermond: that's the magic number that means I can recommend your Performance Deposit is continued. It won't be forfeited or need an additional one posted. That's to the good. I'd like to find out from you what is going on.

Griffin: I had contractors lined up who didn't show. I ended up doing the painting and gutter work myself. Also got rid of some trees to help some gutter issues, so there was extra stuff done.

Moermond: there are always things that pop up along the way. I'd like to see an updated work plan. You have a contractors leave the job. Do you have new ones lined up?

Griffin: most of what is left is basically plaster and sheetrock work.

Moermond: are those trades permits finalized? The plumbing?

Griffin: the inspector wanted some modification done and I need to get back to that. The electrician was out and said things were good. The heating I haven't had out. I had a broken radiator—

Moermond: which ones stopped?

Griffin: the gutter work and trim painting.

Moermond: those 2 are gone but the plumbing, HVAC and electrical are on the job?

Griffin: no they are all done. The chimney and tuck pointing are done. Most of the exterior work is done.

Moermond: Mr. Magner, can you check the status of the trades permits?

Griffin: what are trades permits?

Moermond: building, electrical, HVAC, plumbing. We'd be looking that those permits have their rough-in inspection and any corrections done before its closed in.

Griffin: the plumber requested that one.

Moermond: Mr. Magner is pulling the inspector's notes and see what is going on.

Magner: we have a plumbing permit from July 1 that is active. We have a building permit from May 15 active. Electrical permit from May 5 that has been inspected but not finaled. And a plumbing permit from May 3 that is inspected not finaled. And Mechanical from April 30 that are still active. None have been completed to totality.

Moermond: what are those contractor names?

Magner: mechanical is Darlene Whitehead. Plumbing is the same. Building is by owner. Electrical is David Walters, D & G Electric, Inc.

Moermond: alright, which ones still work for you?

Griffin: mechanical and plumbing are the same and will finish. Defined finished for electrical?

Moermond: get the permit finaled.

Griffin: when the electrician was out for the rough in, what is it that needs to be done to make it a final?

Moermond: fix any corrections required. Mr. Magner are there any notes on that? Is your contractor still on the job?

Griffin: my understanding was the electrical was finished as far as what he needed to do.

Moermond: it was approved with corrections May 11.

Griffin: That was all done.

Moermond: that is the kind of thing the inspector wants to look at.

Griffin: I'll get him back out. I didn't realize he needed to be back out.

Moermond: permits need to be finaled, that is the measure.

Griffin: I'll call the contractor.

Moermond: I'd like to see a plan on getting from where you are at now to getting it done. By done I mean permits signed and finaled. They are active now. It means the inspector has not said it is complete.

Griffin: to the permits, I need to do what?

Vang: we can outline in the letter.

Moermond: we'll include that and the inspector you need to work with. I need you to show me updated financing. If bills are paid, show me that. If they aren't, I need to see you have that in the bank. I'd like to talk to you again in 2 weeks.
How far out are inspectors now Mr. Magner?

Magner: 3 or 4 days out.

Moermond: let's talk again November 9. If we push it to mid-November it is too far out if things need to be corrected. Have us something by Friday, November 5 or Monday, November 8 so we have it ahead of time.

Laid Over to the Legislative Hearings due back on 11/9/2021

11:00 a.m. Hearings

Staff Reports

- 9 [SR 21-182](#) Review Appeal of Derek Thoof, Attorney, on behalf of Pa Nah Vang, to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 865 JESSIE STREET adopted by Council on July 21, 2021 under File RLH VO-21-19.

Sponsors: Brendmoen

Moermond: the inspector reported the work wasn't complete and had open permits and wanted to discuss enforcement moving forward. We have Lisa Martin on the phone. Ms. Martin, this was a condemnation correction order and it doesn't seem like the orders split out the items that were principle violations vs. secondary leading to the condemnation. Where are you at?

Supervisor Lisa Martin: June 16, 2021 notice to pull permits and make sure electrical, plumbing, venting, gas stove was done under permit. It was partially complied with. We need a closed permit on gas stove and gas shut off. The only other issue is the electrical permit was only pulled for replacement fixtures, not to verify all the replaced fixtures in the kitchen were inspected. It had all done without permit prior to this. We'll reschedule for an inspection next week. We can only Excessive Consumption for noncompliance until those permits are signed off.

Moermond: you have partial compliance. The exposed wires were dealt with likely.

Martin: the open electrical was the one above the sink, which was done under permit.

Moermond: so it is the October 15 items and the balance of the orders. So the order to vacate was lifted by meeting the resolution conditions, so then looking at the other items and Excessive Consumption for that unless there is good faith effort in your view. I'm fine leaving it to you guys at this point.

Received and Filed

Special Tax Assessments

- 10 **RLH TA 21-449** Ratifying the Appealed Special Tax Assessment for property at 1454 ARONA STREET. (File No. CG2103A2, Assessment No. 210111)
- Sponsors: Jalali
- Approve the assessment.*
- Voicemail at 11:08 am: this is Marcia Moermond from St. Paul City Council calling to discuss your appeal for garbage hauling services at 144 Arona. We'll try you back in a few minutes.*
- Voicemail at 11:15 am: this is Marcia Moermond trying you again. We have an email address for you so we will send an email for providing testimony for the Council. If you have questions please call staff Joanna Zimny 266-8515, who will also send that follow up email on how to testify at the Public Hearing November 17.*
- Referred to the City Council due back on 11/17/2021**
- 11 **RLH TA 21-446** Ratifying the Appealed Special Tax Assessment for property at 1774 REANEY AVENUE. (File No. CG2103A3, Assessment No. 210112)
- Sponsors: Prince
- Approve the assessment.*
- No one appeared*
- Staff report by Clare Pillsbury: resident stated they moved in in April 2021 and dint receive garbage until May. They don't want to pay for the month service wasn't provided. We confirmed that the initial invoice for Quarter 2 2021 was for a 64 gallon cart. Their records confirm that there was a 64 gallon cart at the property when the property owner took possession on April 9, 2021. The property owner did call the hauler on April 19, 2021 to update the account and again on April 23, 2021 to request a 35 gallon cart. Hauler records confirm that the 35 gallon cart was delivered on May 7, 2021 to the property. Based on this timeline, the hauler credited the account \$76.92 for a 64 gallon from April 18 to June 30, 2021 on July 5, 2021. Therefore, staff recommends approving the assessment.*
- Moermond: because they already got money back through credit from the hauler.*
- Referred to the City Council due back on 11/17/2021**

1:00 p.m. Hearings

Vacant Building Registrations

- 12 [RLH VBR 21-70](#) Appeal of Salina Amey to a Vacant Building Registration Notice at 283 CURTICE STREET EAST.
- Sponsors: Noecker
- Appeal withdrawn and fee will be refunded.*
- No one appeared*

Moermond: Mr. Dornfeld, please update the record.

Staff report by Supervisor Matt Dornfeld: per Vacant Building Inspector Gavin, he stated he spoke with the property owner this morning. I told her we were closing the Vacant Building file and reminded her she has remaining code enforcement orders. Conversation went well. She said she was planning on calling the Legislative Hearing office later this morning to reconfirm with them there is no hearing this afternoon.

Moermond: staff indicated we haven't heard from her. The matter under appeal is the Vacant Building registration not previous correction orders which Council has considered. I will consider it resolved as staff has withdrawn their orders. We'll have it withdrawn and archived. Because this file was closed so quickly we will refund that appeal fee.

Withdrawn

**13 RLH VBR
21-72**

Appeal of Dan Carlson to a Vacant Building Registration Notice at 1154 GALTIER STREET.

Sponsors: Thao

Waive the VB fee for 90 days (to January 6, 2022).

Dan Carlson, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor AJ Neis: this is a revocation of the Fire Certificate of Occupancy for long-term noncompliance. The Certificate of Occupancy process started November 2020. Inspector Harriel made several attempts to do inspections, gave some extensions because work was in progress and due to Covid. The Certificate of Occupancy was revoked after the tenants moved out. The unit was vacant with multiple code violations. I did speak with Mr. Carlson and advised him of the appeals process. He indicated some extenuating circumstances why things weren't getting done in the time allowed. House is currently vacant and as you can see from photographs it needs some works. There are definitely permits needed.

Moermond: so revocation October 1 and then referred to you.

Staff report by Supervisor Matt Dornfeld: we opened a Category 1 Vacant Building October 4, 2021 per that Fire referral.

Moermond: Mr. Carlson what are you looking for?

Carlson: to clarify what happened. This family supposedly moved out October 2020, they wanted to purchase the home. That had a falling out because we couldn't agree on a price. Ms. Tenant slowly moved their things out during Covid. The moratorium was going on, my attorney couldn't get an answer from the tenants if they had moved out. They have a large water bill, and they are paying \$28 a month for water which gave them the authority to live in the home. I couldn't do anything about it. We had 3 inspections. First time we went out the doors were locked; she had changed the locks. Second time she wouldn't let us in because of Covid and asked to reschedule. We had to change the locks so the third time had a police escort and a locksmith. When we finally got in it was partially moved out off. She took out a kitchen and bathroom sink.

The water was dripping for a month and destroyed the kitchen floor. The attorney said I couldn't move anything out until we have confirmation she vacated. We had no way of getting ahold of her, even to this day. Patricia Whitney, our attorney, said unfortunately our hands are tied. I explained this to the inspector. He was nice enough to give us another extension. Early August the moratorium lifted. I wrote 3 letters, per my attorney's instructions, saying we would hold the property 28 days and if not we'd dispose of it. We got the property back in late August based on the moratorium and hands being tied. It isn't a Vacant Building by choice. I was losing \$1,700 a month on this thing. I'm a General Contractor and doing the work myself. If you go there now it is night and day. I need 3 months to get this house back to where it should be. I think the Vacant Building citation communication and what has actually happened didn't need to happen. Just based on what I explained to you, this wasn't an abandoned home. This was hardship due to a tenant who knew what she was doing by paying the water bill. It is a big burden on my shoulders. I'm asking the City to waive the fee so I can get the work done.

Moermond: I will recommend the Council gives a 90 day waiver, which takes you to January 6, 2022. After that the fee will kick in again, it sounds like you'll be done around then. If it goes longer the Vacant Building fee will be processed as an assessment, which is also appealable and we can look at prorating based on when you are done. So you have a 3 month waiver. Staff made this a Category 1 Vacant Building, usually buildings in this condition are a Category 2 so you are lucky in that regard. The measure for being done is getting your Fire Certificate of Occupancy reinstated. As a Category 1 that is it.

Carlson: we have 3 months to get it back where it needs to be. We can get our Certificate of Occupancy during that. This will be put on the market, so until it is sold, I can't occupy. How does that work?

Moermond: I guess what I'll say is get your Certificate of Occupancy reinstated. You can use that in lieu of a TISH report. That gives us a clean line to get you out of the Vacant Building program in spite of it not being occupied. That's the cleanest way bureaucratically so you aren't dangling indefinitely.

Carlson: I appreciate that, thanks for working with us.

Referred to the City Council due back on 11/10/2021

- 14** [RLH VBR 21-71](#) Appeal of Scott Beck, Havenbrook Homes, to a Vacant Building Registration Notice plus Revocation of Fire Certificate of Occupancy and Order to Vacate at 1125 MARGARET STREET.

Sponsors: Prince

Layover to LH November 9, 2021 for update on Fire C of O status. If Fire C of O is reinstated release building from VB program.

Scott Beck, Havenbrook Homes, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor AJ Neis: this is a Fire Certificate of Occupancy that started April 2021. Revoked due to long-term noncompliance. We had orders issued, a couple no entries, more correction orders. Inspector Thomas revoked the certificate in August and advised having the work done or vacate by September. It was still occupied when

he went back. Advised them to vacate by September 15. Still occupied. My understanding is the house is finally vacated. This has a clean inspection history. There has only been one complaint on this property in seven years for a snow walk which was resolved. It was a class A previously. Some of the violations noted by Thomas do appear to be tenant caused. Reducing combustible materials. Unsanitary conditions inside. Illegal burning on the property. No dog license. A lot are tenant caused issues.

Staff report by Supervisor Matt Dornfeld: October 4, 2021 we opened a Category 2 Vacant Building file per that referral.

Moermond: what are you looking for today Mr. Beck?

Beck: we had issues with the resident but they have vacated. We addressed every item on here now.

Moermond: ok. I think we should give a window here for an inspection to see if it signs off the way it is now given its good history prior to this circumstance. Is someone available in the next 2 weeks to go look?

Neis: I'll send an email to Ms. Shaff and Mr. Thomas to make those arrangements.

Beck: I can send an email too.

Moermond: I'm going to continue this for 2 weeks to November 9, if they sign off on your Fire C of O you're out of the Vacant Building program. If they don't, we'll try to sort through what is next then.

Beck: that sounds great.

Laid Over to the Legislative Hearings due back on 11/9/2021

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 15** [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 November 9, 2021 at 2 p.m. for further discussion.

Moermond: this is being laid over because the staff meeting to discuss this had to be rescheduled.

Laid Over to the Legislative Hearings due back on 11/9/2021

- 16 [RLH FCO 21-153](#) Appeal of Mark Younghans to a Correction Notice-Reinspection Complaint at 1191 EARL STREET.
- Sponsors:** Yang
- Layover to LH November 2, 2021 at 2 pm. Owner to submit a contractor statement of their evaluation for the brick wall by 10 am Monday, November 1.*
- No one appeared*
- Moermond: the owner has asked for a one week layover. He says he has an engineer coming Saturday. In our email response we'll look for something in writing from the engineer, something to be reviewed by the City's structural engineer. We can also add anyone else to the call.*
- Laid Over to the Legislative Hearings due back on 11/2/2021**
- 17 **RLH FCO 21-162** Appeal of Robert Olsen to a Correction Notice-Reinspection Complaint at 1008 LAWSON AVENUE EAST.
- Sponsors:** Yang
- Deny the appeal and grant an extension to December 1, 2021.*
- No one appeared*
- Voicemail at 2:16 p.m.: this is Marcia Moermond calling you again about your appeal for the driveway at 1008 Lawson Avenue East. Unable to get ahold of you. I'm going to recommend the appeal is denied and an extension be granted through December 1, 2021.*
- Referred to the City Council due back on 11/10/2021**

3:00 p.m. Hearings

Other - Fence Variance Request

- 18 [RLH OA 21-13](#) Appeal of Gebi Tufaa to a Denial of a Fence Variance Request at 841 MARION STREET.
- Sponsors:** Thao
- Appeal was withdrawn.*
- No one appeared*
- Moermond: noting the appeal has been withdrawn by the owner.*
- Withdrawn**
- 19 **RLH OA 21-15** Appeal of Yevgeny Lapitsky to a Denial of a Fence Variance Request at 2383 YOUNGMAN AVENUE.
- Sponsors:** Tolbert

Recommend a variance of up to 7 feet for section of fence north of driveway.

*Mr. Yavgeny Lapitsky, owner, appeared
Ruben, interpreter, appeared*

[Moermond gives background of appeals process]

Moermond: one of the things that came up for me looking at this is that this address is on Youngman, but the house is facing and its front entrance is on Alton. When a house is sideways on a lot, do you determine front and back based on address or lay of the house?

Ubl: I don't have a definitive answer on that. To my knowledge it hasn't come across my desk.

Moermond: in reviewing the ask for the variance, you and I discussed the sidewalk on Alton how it comes to a complete stop there. Running parallel with where the sidewalk edge would be is the portion of the fence that you say should be 4 feet according to code because it is to the front of the house. If I'm reading the address as the front of the house, which is Youngman, then it is the back of the house.

Ubl: agreed.

Moermond: so my first question is in making the decision on how staff was looking at it, what do you think?

Ubl: they are following some direction under zoning code that I don't have at my fingertips.

Moermond: this is unusual where the street address isn't the address the house is facing. That's where part of the problem is arising from I think. If it were the back of the house, which one would expect, there wouldn't be a problem at all. There would be no need for a variance because it is the back. It is the unusual situation that it sits sideways.

Moermond: and it wasn't readdressed after construction. How old is the house?

Lapitsky: 1970.

Moermond: any thoughts Mr. Ubl? Sounds like you need additional zoning information?

Ubl: I'm not sure there is an impact to the neighbor to the north. That's all I can add without speaking to zoning.

Moermond: because it is facing the right of way and you have a side yard?

Lapitsky: only a side yard. Between our houses there is a space like this desk.

Moermond: which way does this house face?

Lapitsky: Alton.

Moermond: the property to the north also faces Alton so the footprint, if the fence would be to the front of their house, six feet in height to the right of way.

Ubl: either a 4 or 6 foot fence would obscure the visibility of the driver leaving the garage.

Moermond: point one is that the address is Youngman although it faces Alton. Presumably staff reviewing the application called Alton the front because the front door goes there. We have a relatively deep right of way. It looks at least 6 or 8 feet plus the sidewalk. We're talking about 10 feet right of way which slightly changes the current calculus for visibility.

Ubl: at the intersection to the north on Stewart. I don't see it as an impact to traffic. Additionally you have a multifamily apartment complex across the street, impact would rest on the house directly to the north.

[Ubl talks with zoning administrator]

Lapitsky: the fourth page. The actual height of my current fence is 5 feet. Plus, I put the decorative grape vine on it, so it is 5 and a half feet. I didn't have any problems with driving for 40 years. This is a bad reason for denying it.

Moermond: it is just something that needs to be discussed.

Lapitsky: this is proof.

Moermond: what he is talking about is something he would ask about any fence. It is a question that needs to be asked about any fence. Mr. Ubl is consulting with the City's Zoning Administrator to get a handle on front vs. side. If this were the back it wouldn't be an issue whatsoever. It is unusual your address wasn't changed when the house was built.

[Ubl rejoins call]

Ubl: the zoning administrator's position is that they are neutral with an existing building and address like we have. It rests on safety. If there is no safety impact they are fine with it.

Moermond: do they have any explanation of whether this is side or back of property?

Ubl: no. He didn't have any comments on that.

Moermond: if it is the back then no variance is required. If it is the side then there is.

Ubl: his comment is in this situation if the house doesn't face the street address as identified they are neutral in it. Because it is existing condition it could go either way and he wouldn't have a "dog in the fight."

Moermond: Zoning is neutral in interpreting back versus side yard.

Ubl: they don't see it as an issue.

Moermond: and your staff interpreted it as side yard because they looked at the front of the house being the front despite the address. Which makes perfect sense. Given the unique geography of this location and the fact the fence in question would be at least 8 to 10 feet from the curb, also minimal impact on the neighbors.

Lapitsky for sure, for sure.

Moermond: because of the layout of the property and the section of fence is at least 10 feet from the curb and visibility issues aren't engaged and the fact that this could be interpreted as a backyard I will recommend the Council grants a variance for up to 7 feet. Mr. Lapitsky, a note will be put in your file allowing you to pull the fence permit. You'll get a letter, and we will copy them.

Ubl: I can put a note in the system and reopen and send it to the permit clerks.

Moermond: so what does he need to do?

Ubl: wait until tomorrow and the contractor can obtain the permits.

Moermond: perfect, we'll send this to Council as soon as possible, but we're in agreement on process. So he can get the permit before the Council vote.

Referred to the City Council due back on 11/10/2021