



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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651-266-8585

Tuesday, February 15, 2022

9:00 AM

Remote hearing

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 22-71** Ratifying the Appealed Special Tax Assessment for property at 913 JOHNSON PARKWAY. (File No. J2214A, Assessment No. 228513)

Sponsors: Yang

Approve the assessment, make payable over 5 years.

Joseph Dalbec, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: Summary Abatement Order issued august 2, 2021 to owner on Johnson Parkway to dispose of and remove a shed, the contents of shed and rear yard, auto parts, scrap wood and miscellaneous debris. Compliance Date of August 31, 2021, rechecked October 4, and November 3. It was a substantial abatement done November 4, 2021. Mr. Dalbec appealed Summary Abatement Order under SAO 21-63 adopted by CC on September 1, with an additional extension given until October 1, 2022. Making finding resolution SAO 21-66 found to be unabated and authorized DSI to take enforcement. [Videos are described] There is an extensive history at the property, I know there are some extenuating circumstances with his son.

Dalbec: I need help with this.

Moermond: you would like it decreased or spread over time? Or both?

Dalbec: what does decrease mean?

Moermond: that means you come up with an argument it shouldn't cost as much as it does. I can't make this argument for you; we're looking at a substantial cleanup. I can make it payable over 5 years. You would get an invoice for about 1/5 the amount. If it goes unpaid it goes onto your 2023 property taxes, and 1/5 would keep showing up until 2027.

Dalbec: how much is it all together then? 1/5 off?

Moermond: it is about a \$3,000 assessment now, so 1/6 is about \$600 a year.

Dalbec: so only \$600 dollars?

Moermond: per year, Mr. Dalbec. Over 5 years.

Dalbec: so how much? My taxes are \$1,700 now.

Moermond: without interest, it would be about \$300 for each payment spring and fall.

Dalbec: \$600 total?

Moermond: per year.

Dalbec: but it wouldn't show much on taxes?

Moermond: it would go up that much. You'll have other property tax things but looking at your 2022 proposed taxes its \$1,274. So this would make your new total each year more like \$1,900.

Dalbec: how much per half then?

Moermond: divide \$1,900 by 2. So \$900 to \$1,000 per half.

Dalbec: oh darn.

Moermond: your son should be paying part of this. It is his stuff that was being cleaned up.

Dalbec: yeah. Oh boy.

Moermond: we talked about how his behavior was going to cost you money and this is the money it is costing.

Dalbec: darn. When do I have to start paying it?

Moermond: you could get an invoice and pay part of it this year, or wait and let it go to next year's property taxes

Dalbec: that would be better, yeah. If you said I need any help you would help me out.

Moermond: this is the kind of help I can give.

Dalbec: 7 years is good.

Moermond: I hope you talk with your son about his financial responsibility in all of this.

Dalbec: we're going to be ok huh? We'll get it paid off. We only have to pay half, is that what you said?

Moermond: you have to pay the whole amount; we will spread the payment over 5 years. Each year you make a spring and fall payment. 10 payments over 5 years.

Dalbec: we can afford \$800. That would be good. We're on a fixed income.

Moermond: right.

Dalbec: down to \$700, then we could afford it.

Moermond: the amount is what it is, \$2,900 over 5 years. That's the amount it is.

Dalbec: ok thank you. You think I made the right choice?

Moermond: I don't think you have a lot of choice at this point. This is as generous as I can be about the payments. I know it was your son's stuff and communication problems that led to this cleanup.

Dalbec: he said a lot of his tools got taken during the cleanup.

Moermond: he had fair warning. They were August orders and the crew didn't come until November 4. If he wants to file a claim for the loss he can, but there was a lot of notice and 2 appeals we talked about. You went in eyes wide open about the implications.

Dalbec: ok, have a good day.

Referred to the City Council due back on 3/23/2022

2 [RLH TA 22-46](#)

Ratifying the Appealed Special Tax Assessment for property at 1191 MINNEHAHA AVENUE EAST. (File No. J2214A, Assessment No. 228513)

Sponsors: Prince

Layover to LH March 1, 2022 at 9 am to review property manager's photo.

Sherita Mosley, o/b/o Quality Residences, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: October 22, 2021, a Summary Abatement Order was issued to occupant at 1191 Minnehaha as well as Danmark Properties in Brooklyn Park and Quality Residences in St. Paul, specifically for a mattress. Orders were sent October 22, compliance date of October 29. Rechecked on October 29 and the work was done November 2, 2021. No mail returned. Cost is a total assessment of \$544. There has been a history of garbage in the past but has been abated by the property owner.

Mosley: I am appealing because I have a picture and notice it was picked up on December 26, 2021, and the video and picture it looks like it was a second dump on the property.

Moermond: can I ask you a question. You said December 26?

Mosley: I'm sorry, October.

Moermond: I would need to see that photograph. The photos I do have show the same mattress against the alley.

Mosley: I was sent a photo October 26 at 11:20.

Moermond: if they just threw the mattress in the alley and took a picture of the wall that doesn't prove anything. That looks like it may be what happened

Mosley: if you look at the recent history, we have sufficiently taken care of all past abatement orders. If the tenant did just move it, I would like you to take into consideration how we have greatly improved on all orders we have received.

Moermond: and I have just this one instance in front of me. When I do look at these, I do have to say by the time the City writes these orders the City is acting as property manager. It is 3 times in 2021 the City wrote orders. That's not great

Mosley: we do have an abatement team that monitors our properties. We can add this property. With Covid our tenants haven't really been taking care of things. In addition to the video, you can clearly see there was a second dump. It was definitely moved.

Moermond: I'm happy to look at that picture. I can continue this for 2 weeks so I can examine that.

Mosley: what is the email?

Moermond: Mai Vang sent you the email with photos and the video, just respond to that and attach yours.

Laid Over to the Legislative Hearings due back on 3/1/2022

3 RLH TA 22-70 Ratifying the Appealed Special Tax Assessment for property at 1219 MINNEHAHA AVENUE WEST. (File No. J2215A, Assessment No. 228514)

Sponsors: Jalali

Delete the assessment.

Nazira Isoeva appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: November 10, 2021 a Summary Abatement Order was issued to the property to remove construction debris from rear and side yard. Orders were sent November 1, 2021, compliance date of November 17. Rechecked on November 18 and found in noncompliance, and the work was done November 19, 2021, for a total proposed assessment of \$730.

Moermond: it looks like you purchased the property November 13, 2021, is that right?

Isoeva: yes.

Moermond: orders were issued to the old owner November 10. You'll win based on a technicality. So I will recommend this is deleted.

Referred to the City Council due back on 3/23/2022

4 RLH TA 22-69 Ratifying the Appealed Special Tax Assessment for property at 341

STINSON STREET. (File No. J2215A, Assessment No. 228514)

Sponsors: Thao

Approve the assessment.

Lei Jiang, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: November 10, 2021, a Summary Abatement Order was issued to owners at Stinson and Edina to remove garbage from yard, alley, overflowing trash. No mail returned. Cost was a total proposed assessment of \$674. There are photos and a video and current orders from January 5, 2022, for this same issue.

Moermond: why are you appealing?

Jiang: I made very sure I got a letter that I communicated with the tenant right away. I am sure there is no issue, I told them the same area. I saw the videos; I have no issue. The only comment I would like to offer is the trash bags in the front yard are leaves the tenant raked. They don't have a large car, so I tell them to leave them up front so I pick them up in my van. I was supposed to come the next day. That's why those dozen bags are on the curb. The other thing was I talked to the tenant, they said last summer there was a family doing remodeling and they were putting that in their trash can since they didn't have enough room, causing the cans to overflow. It is a hardworking immigrant family. Their language skills aren't quite there. I saw the workers spent some time there, but if there is possibility at all given the 2 reasons I listed to reduce the amount? That's all I have to say.

Moermond: We have the leaves in the front, but there is stuff everywhere throughout the yard. The leaves are marginal in terms of the overall effort. The cost is dispatching the crew and the volume of material taken. It was a large volume. At best I could do a \$25 or \$50 reduction. I'm not sure I will because it was clear that the property had orders and asking them to put out bags doesn't seem the most sensible thing to do. It was a violation to have it out there the way it was, and you already have the orders on the property. I'm going to recommend it is approved. As far as the language difference, you are the landlord and responsible for your communication with your tenants.

Jiang: it isn't like I received the City order, I asked them to put them back there. They out it out there a day or 2, I do it every week. I would guess they put it out there the night before.

Moermond: and honestly, as messy as the yard is, it is hard for me to say that is the neighbors fault putting things into the garbage and recycling. It very much looks generated from this property.

Jiang: yes, the messy yard, I take that. The neighbor thing was about the overflowing trashcans. I'll make sure this won't happen again. [hangs up]

Referred to the City Council due back on 3/23/2022

10:00 a.m. Hearings

Special Tax Assessments

- 5 **RLH TA 22-62** Ratifying the Appealed Special Tax Assessment for property at 709 BEDFORD STREET. (File No. J2215A, Assessment No. 228514)

Sponsors: Brendmoen

Approve the assessment.

Laurel Hedlund, owner, appeared via phone

[Moermond gives background of appeals process]

Moermond: we did just receive that email you sent at 9:34 this am.

Staff report by Supervisor Lisa Martin: this was a Summary Abatement Order issued November 17, 2021. Compliance date of November 22, 2021, rechecked November 22. Work was done November 23. No returned mail. Total proposed assessment of \$506. There is a video and a history at this property.

Hedlund: there is a problem with dumping at the property but in this instance, the tenant's personal belongings were removed. It may have looked sloppy, but in her mind it wasn't garbage. There was a hose reel, a tarp, and a flower bed. There were some extra bags in her bin, they would have been removed Thursday. They weren't lying around. The neighbor hasn't had bins for a month, it is a fourplex. I sold it and reminded the new owner they needed service. The line between the properties is ambiguous. The tenant generally keeps her area pretty clean. She does yard things, crafts. She didn't consider that garbage and was upset it was taken.

Moermond: can you comment on the window frames and junk in the back of the yard that was junk?

Hedlund: that was 703, next door.

Moermond: it was very clearly on your property

Hedlund: it did look like that, yeah.

Moermond: so she lost a tarp, the planter that was upside down, I didn't see the hose reel in the video or photos. I'll take your word for it. I did see a green garden hose.

Hedlund: I think that was plastic box thing up against the shed.

Moermond: I don't know. I did see the hose, but I didn't identify that if that's what that was. There were things taken that were legitimately included. The tarp I don't have a lot of sympathy with. A tarp in the yard with leaves on it looks like junk. The part that gives me pause was the raised garden bed, even though it was upside down and not in use I would see it differently than the work crew. With respect to the neighbor not having service it doesn't impact this assessment today. In terms of her getting money back for those items, it isn't possible in this process to refund the value of what this may be. She would need to file a claim with the City. I can only talk about the cleanup that did occur. I look at it also and I don't know, looking at the before photos, it is hard to tell, the bags being around and the window frames piled up in the back, I trying to

figure out whether it was a good faith effort. Did you go there and see what was going on?

Hedlund: none of those items were on the property or belong to 709 Bedford.

Moermond: do you watch the video?

Hedlund: yes, they are on the property now. There are a lot of people that live next door and things get shoved around.

Martin: there was also a permit for 709 Bedford for a window replacement.

Hedlund: that was months earlier and they did remove that window.

Moermond: looks like 3 windows were in the backyard. I'm only concerned whether it was on the property or not. You didn't go by the property because you didn't think the order was for things that were your responsibility?

Hedlund: the tenants assured me everything had been removed from her side of the property. She had submit multiple complaints about the neighbors. I told her she needed to keep her yard in a way the City doesn't have a problem with it. I do go by monthly; I don't know exactly when this time. It didn't look like an issue, but next door there were heaps of garbage. The way the garbage and fences are she has to go around so they can reach the garbage by the company. There's some overlap in practice. Previously I told her to keep the bins behind the fence to deter dumpers. All bins for both properties used to be on 709 when they were put outside the fence. I forgot where I was going with this.

Moermond: you said you didn't go by because you talked to the tenant and didn't believe anything was there was your responsibility.

Hedlund: correct

Moermond: this is the third time which would normally get you Excessive Consumption fees. I will look at the video one more time to see if I can give credit for any good faith effort, but that would only be a minor reduction. I do see there were items covered that should have been taken care of by you.

Hedlund: the things that were legitimate trash were the window, which didn't belong to me, but I get it, and then a table. The rest were things in her yard she uses for her various yard projects. I mean it might not be the most aesthetically pleasing but doesn't rise to the level of needing to be abated. The window and thing next to the window, they aren't mine, but they are on my side I guess.

Moermond: yes, ok. That shows up in the photos clearly. I'll take one more look and we'll send you an email.

[videos reviewed again]

Moermond: after reviewing the video four times, there were two windows, tabletop and legs removed. There were some paper bags in the shrubs in the side yard taken. Loose trash raked up. A few items stored against the shed including a garden hose storage, a tarp lying on the ground with leaves in it that was taken, 2 black plastic bags visible propped on the garbage container. Those were removed. And there was

an upside down planter structure removed. It seems to me that the photograph of the property does include items that were removed, therefore I don't believe a good faith effort was made to clean up, because same items shown up as videos. Were there additional items taken? It appears so and the appropriate venue would be a claim form filed with the City and that will be forwarded.

Referred to the City Council due back on 3/23/2022

- 6 RLH TA 22-48** Ratifying the Appealed Special Tax Assessment for property at 550 EDMUND AVENUE. (File No. J2215A, Assessment No. 228514)

Sponsors: Thao

Delete the assessment.

No one appeared

Moermond: we have carefully reviewed the email, the Summary Abatement Order, the photos associated and an aerial map and Google street view in order to determine where this junked furniture seems to be located. It is hard for us to determine exactly but it seems to be at least 75% associated to the property with the double garage, which this property does not have, so we will recommend deletion of this assessment.

Referred to the City Council due back on 3/23/2022

- 7 RLH TA 22-59** Ratifying the Appealed Special Tax Assessment for property at 1577 MARION STREET. (File No. J2206E, Assessment No. 228305)

Sponsors: Brendmoen

Continue PH to October 5, 2022. If no same or similar violations, delete the assessment.

Thang Nguyen, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: September 8, 2021, a vehicle abatement order was issued to the property for a tan Ford with expired tabs. It was rechecked and still appeared inoperable and still had expired tabs. He issued an Excessive Consumption letter. Went back out September 28 and he listed the issue was now abated. This is an Excessive Consumption fee for a total assessment of \$157.

Nguyen: when I received the mail from the inspector I called him and told him it is useable. He said it wasn't and I don't know, the tabs peeled off in the weather. It was usable. He told me to go to DMV and get new tabs and put them on, and I called and asked if everything was ok.

Moermond: it looks like from what the City is telling me, they wrote orders, you weren't done on deadline, so they sent an inspector and they want to charge you for that inspector visit. They went back a week later and it was done, tabs on and tire inflated. They are saying they wasted a trip and want you to pay for it. you had things done pretty quickly and a history of taking care of things when orders were issued. I'd like to see the City issue no more orders for this property. If you can keep this property clean with no orders, no vehicle, no snow shoveling or lawn mowing, etcetera, I will recommend that this gets deleted. Let's take this out to October 5, 2022. Now to

October 5 with no violations means it is deleted. Stay on top of your yard.

Nguyen: thank you very much.

Referred to the City Council due back on 3/2/2022

- 8 RLH TA 22-58** Ratifying the Appealed Special Tax Assessment for property at 1233 RANDOLPH AVENUE. (File No. CRT2206, Assessment No. 228205)

Sponsors: Tolbert

Delete the assessment.

No one appeared

Moermond: we have a Certificate of Occupancy fee. The fee was paid to DSI and just not registered in the system correctly so it got processed as an assessment incorrectly. Recommend deletion because it was already paid to DSI.

Referred to the City Council due back on 3/2/2022

- 9 [RLH TA 22-60](#)** Ratifying the Appealed Special Tax Assessment for property at 1941 STANFORD AVENUE. (File No. J2209A, Assessment No. 228508)

Sponsors: Tolbert

Approve the assessment.

David Heublein, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: May 25, 2021, we issued a Summary Abatement Order to the occupant and a copy to the owner. Boulevard plantings that are not allowed, neither are the structures. Remove the open bags of yard waste and metal planters. There was an appeal which gave them an extension through September 2021. There was no returned mail. Work order was sent for a total proposed assessment of \$450. The history on this goes back to 2001 dealing with the boulevard plantings and issues there.

Moermond: I do remember hearing an appeal on that order. The City Council on July 7 gave an extension to July 12 to mow and reseed the dirt and remove the tarps and gave until September 1 for a couple other things. Definitely it was reviewed. Why are you appealing?

Heublein: it seems to me if the planters are ok on other properties in St. Paul it shouldn't be a problem for us to have planters with vegetables and flowers. We have money invested in the planters; they are about a foot high. I don't think it is right to assess this to take away things we spent money on to beautify the City. Now we're in trouble for doing it.

Moermond: and you understand this was appealed and it was discussed thoroughly with your tenant.

Heublein: why is it ok in other instances?

Moermond: it isn't. when the City becomes aware they do something about them. With the permanent planters.

Heublein: I can send you pictures, and they are still there.

Moermond: the metal planters?

Heublein: yes.

Moermond: we'll take a look at the video.

[video is reviewed and narrated by Moermond]

Moermond: it looks like the metal was removed from the beds but they didn't re-level it by raking it out. I'm struggling, your tenant's voice was heard. You got the orders as well with a clear understanding with the expectation and the right place to take that was with the City Council. That didn't happen. Here I am all this time down the road looking at this. The long deadline was given to get you through the growth season so what had been planted could be harvested. That was a generous extension to be human about the situation. I'm struggling with that.

Heublein: how does the statute read as far as the boulevard. What did we violate?

Moermond: you can't have a structure raised in the boulevard or plantings that height. We aren't going to re-litigate something heard by Council last summer.

Heublein: what is the number of the statute?

Moermond: chapter 33 in property maintenance as well as the section about boulevard, as well as encroaching in the public right of way, which this is. 3 sections come to mind, though I don't have my computer in front of me.

Martin: section 105 chapters 34 and 45.

Moermond: that's boulevard plantings not right-of-way encroachment.

Martin: right, and as well as I mentioned this has been going on many years.

Heublein: someone was pissed off at my tenant and has been harassing them for years over piddly, pissy, things. I pay my taxes and maintain my property. I think it is really crummy.

Moermond: I get that.

Heublein: thank you.

Moermond: and we heard from your tenant and she did have an opportunity to address it and so did you and it didn't happen.

Heublein: we are 100 miles away. That's no excuse but \$450 to tear everything out my daughter put in to beautify the situation. I think we are being singled out. I don't think it is right and I don't like it one bit.

Moermond: you can definitely testify to the Council, email, register to speak, but I'm

going to recommend approval. The expectations were super clear that these legal matters were discussed thoroughly and the Council discussed and had a decision. I can't re-decide something they already did decide. I'll recommend approval, I would suggest you testify and encourage you to do so. We'll send a follow up email on this.

Referred to the City Council due back on 2/23/2022

Special Tax Assessments-ROLLS

- 10 RLH AR 22-19** Ratifying the assessments for Property Clean Up services during November 1 to 10, 2021. (File No. J2214A, Assessment No. 228513)

Sponsors: Brendmoen

Referred to the City Council due back on 3/23/2022

- 11 RLH AR 22-20** Ratifying the assessments for Property Clean Up services during November 15 to 29, 2021. (File No. J2215A, Assessment No. 228514)

Sponsors: Brendmoen

Referred to the City Council due back on 3/23/2022

1:00 p.m. Hearings

Vacant Building Registrations

- 12 RLH VBR 22-11** Appeal of Houa Yang to a Vacant Building Registration Requirement at 930 FOREST STREET.

Sponsors: Yang

Waive the VB fee for 90 days (to April 4, 2022) to receive a Fire C of O.

Houa Yang, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: this was referred to the Vacant Building department by Seeley January 3, 2022. Inspector Seeley stated the property appeared vacant and there was a lengthy history of garbage, vehicle and snow and ice complaints over the course of 2021 that resulted in 2 work orders to remove and 1 work order to remove snow and ice. There were also complaints about inoperable vehicles in yard. Seeley stated she had difficult time contacting the property owner and transferred it to me because she felt it was no longer occupied at the time of her last inspection.

Yang: I recently acquired it; my title just came in the mail yesterday. I purchased late December and early January. It was the previous occupant's trash. I agree they did a bad job in trashing their belongings, they were just dumping it outside. That property is a recent purchase, it is a rental property. I put in \$70,000. It isn't vacant, it is an investment property. The time you are describing I had renovation teams working on the building.

Moermond: you said you are spending \$50,000 [on your appeal] but I have no building permit on the project.

Yang: yes, carpeting, cabinetry painting. Nothing structural.

Moermond: and that's \$50,000 worth of work?

Yang: yes.

Moermond: I am skeptical. This is going to be a rental property.

Yang: it is on lease right now.

Moermond: you don't have a Fire Certificate of Occupancy right now which is required for it to be rented out. So that would be illegal.

Yang: where do I get that?

Moermond: you're making big mistakes is where I am coming from which makes it harder for me to be helpful.

Yang: what kind of mistakes?

Moermond: you're saying \$50,000, and \$50,000 almost no matter what kind of work qualifies for needing a building permit. You are telling me you are doing rehab and its major. Again, building permit. Any kind of building permit whatsoever. If you are pulling cabinets, you are pulling sinks, moving things around. Those kind of things, again, permit. A fire Certificate of Occupancy means it has been inspected and approved to be non-owner occupied.

Yang: sure, I have no problem. I just don't want to be charged when I'm putting in a lot of money.

Moermond: how fast will you be done and get your Certificate of Occupancy?

Yang: it is done. I can get the Certificate of Occupancy ASAP.

Moermond: you've rented it?

Yang: they are coming out to view it. I can pull that. No issue.

Moermond: I'm looking at my calendar. Today is February 15. I suggest you go on the City's website and pull that Fire Certificate of Occupancy application, otherwise we can email one out to you as a courtesy. Can you confirm your email?

[confirms email]

Moermond: great. I'm going to waive the Vacant Building fee for 90 days and if you get that Fire Certificate of Occupancy you'll have no Vacant Building fee forthcoming.

Yang: thank you so much.

Moermond: that will be by April 5 you need your Fire Certificate of Occupancy. Make

the application, have the inspection, and get the certificate.

Yang: do I have to prove the \$50,000?

Moermond: I'm not going to follow up on that but yes, I am suspicious when I hear that. It isn't getting off on the right foot with me. You'll have that waiver to get your Fire Certificate of Occupancy.

Referred to the City Council due back on 3/2/2022

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

- 13 [RLH VBR 22-13](#) Appeal of Zaw Wai to a Vacant Building Registration Notice at 933 FIFTH STREET EAST.

Sponsors: Prince

Layover to LH February 22 at 1 pm to discuss the proposed work plan.

Mon Mon Tun, daughter of owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a Fire Certificate of Occupancy inspection done by Inspector Huseby. It started June 15, 2021. It got a grade D with 29 deficiencies. The property owner met Inspector Huseby, she had to come back on the 16th for vacation of the basement, which it was. This was in front of you on an appeal on June 29, 2021, and your recommendation was to grant to November 21 for orders on garage siding, item 3, and July 30 for the balance of the orders. It was again in front of you on appeal on the 24 and you recommended an additional extension to October 21 for items 2,3,4 and 7 and November 1 for balance of the orders. September 7 the property owner emailed Huseby that no work had been done. Unfortunately during that time she was out on leave. On January 8, 2022, Huseby wrote she met the property owner and tenant at the property and found tenant removing gas powered equipment and personal items from basement. We have dryer issues and heat issues. The property owner has failed to follow the orders adopted by Council and there are new violations. It is referred to the Vacant Building program and the appellant wants more time to fix the property. We've had plenty of time and 2 appeals. Here we are.

Moermond: what's going on with the tenants and your appeal?

Mon: the inspector said she had a family matter, I waited for the inspector for 40 minutes and she didn't show. I called the City and they said 30 minutes is enough and they recommended me to leave a message for her. I did two times. I also emailed her with no reply until January 26, 2022. Then she set a new inspection date. I don't want my building to be vacant. January 31 she came and she said the tenant moved out, that's what she checked. My father is 80 years old with an eye issue and going to the Philips Eye institute. My dad had eye surgery; I don't want my dad to be blind. I rescheduled this matter. The inspector didn't show up. I tried my best and I called a contractor.

Moermond: you're talking in circles a bit and not at all addressing the January 31 letter and the fact that these things aren't done. You were given an extension, and an additional extension. This is the third time. This appeal was processed incorrectly, it should have been a Vacant Building registration. Do you have people living there?

Mon: no one is living there. I just want 2 weeks and I'll try my best.

Moermond: we'll talk in one week and I'll have the correct staff on the phone. Your appeal was processed at a lower level than it should have been. You are in the registered Vacant Building program, and it is empty and it has its certificate revoked. You cannot put any tenants in there while we have this discussion. The question next week is whether you should be in the Vacant Building program and if so, what category and what repairs need to be done to be reoccupied. May I suggest you put together a work plan on how to deal with this, knowing you've had a couple of extensions already. It will be at 1:00 next week. We need to talk about whether you need a full Code Compliance Inspection or can get your Certificate of Occupancy reinstated and your pending Vacant Building fee.

Laid Over to the Legislative Hearings due back on 2/22/2022

2:00 p.m. Hearings

Fire Certificates of Occupancy

14 RLH FCO 22-15

Appeal of Marina Liberman, Moscow on the Hill, to a Fire Inspection Correction Notice at 371 SELBY AVENUE.

Sponsors: Thao

Grant to March 7, 2022 for compliance.

Marina Liberman, o/b/o Moscow on the Hill, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a Fire Certificate of Occupancy inspection done by Inspector George Niemeyer. He writes that he conducted the inspection with Marina on January 19. He found that curtains had been hung throughout the east dining area. A sheer material with a plastic sheet behind it. He asked the property owner what the plastic material was and they stated it was a shower curtain liner. The problem with that is two issues. First, those plastic liners and other material are not rated for hanging throughout an assembly space. They will burn hot, fast, and toxic, creating a dangerous situation. Second, there is also the possibility of sprinkler head obstruction, so in a fire situation it is possible the water flow from the sprinklers would be obstructed and let the fire spread further. You can see in the pictures how they are hung. The code does provide by code two reasons why they need to be removed.

Moermond: any egress concerns?

Shaff: there would be, there is the possibility of not being able to see the exit signs and we don't want people to have to run through them to escape. Definitely would cause more hazard. Also noted there are other concerns, not under appeal today, but did find several corroded sprinkler heads.

Liberman: we've changed those out, it isn't an issue anymore.

Moermond: Ms. Liberman, tell me why are you appealing?

Liberman: we have been in business for 28 years and with Covid it has harmed our business tremendously. It is the hardest year we've had since we have opened. We tried to help the customers to feel safe and healthy. Where we can we moved the tables apart to give them more space, but in this room we can't do that so we decided to do these curtains. We can clean them and people feel safe with the barrier. It is easy to move them. They aren't in the way of the sprinklers. The emergency sign exit isn't in this room.

Moermond: I can see it in the photo provided.

Liberman: I am hoping it is temporary. For the health of our customers, if we can do this as a temporary solution? It has been hard on us; we need to protect our customers to stay in business. We are short on staff. We always cooperate with the Fire Marshall, that's why we've been in business so many years. It is extraordinary what we are trying to do. Soon cases will be dropping and we can remove it. At least until it is warmer and we can seat more people outside. People feel better outside.

Moermond: I'm not persuaded by your arguments about it being a Covid deterrent, but I'm not an air circulation specialist. We have highly flammable material; I do agree with the inspector's assessment and this is introducing in something flammable and creates an obstruction. If you are trying to get out in a fire, you have to make your way through the curtain, as well as the room. As far as the sprinkler head obstruction, in the photo you show me it shows the curtain against the wall, but the tracks run across the ceiling. So if the curtains are in the middle they would be obstructed. So obstruction depends on the placement of the movable shower curtain. I hear the Covid difficulties and am sympathetic to that. I think you'd be better served on using HEPA filters.

Liberman: we did, we have \$7,000 worth of filters.

Moermond: and I think that's better than a shower curtain which isn't a safe solution.

Liberman: it is just between the tables.

Moermond: I can see it is how you have it positioned and I don't think it's a safe solution. Council could look at this differently. I'll have the Council look at it March 2 and I'm going to ask them to give you a March 7 deadline to remove the curtains. If you want to object to that you certainly can do that. We'll send a letter confirming that recommendation.

Liberman: March 7 is when I have to have it down?

Moermond: that's my recommendation to the Council. They could look at it differently.

Liberman: so I'm waiting for the letter then.

Referred to the City Council due back on 3/2/2022