



# 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*

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Tuesday, February 22, 2022

9:00 AM

Remote/In-Person (330 City Hall)

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#### 9:00 a.m. Hearings

##### Remove/Repair Orders

- 1 [RLH RR 21-75](#) Ordering the rehabilitation or razing and removal of the structures at 419 FRY STREET within fifteen (15) days after the January 12, 2022, City Council Public Hearing. (Amend to grant 180 days)

**Sponsors:** Jalali

*Grant 180 days to complete rehabilitation.*

*Paul Johnson, owner, appeared via phone*

*Moermond: we received your submitted materials, and we're missing the financials. You understand this will be voted on tomorrow at 3:30?*

*Johnson: and I can have it in today if that helps?*

*Moermond: it helps you. I think you need to do that and we need a schedule. We have bids and no schedule.*

*Johnson: I have a question on that. The question was they can start anytime but without approval I wasn't able to move forward with that. The contractor had a March 11 start date in the estimate, the Deans contractors said starting within 2 weeks. I can't give them a guarantee I'm approved.*

*Moermond: you aren't getting approved without a schedule. I'm not going to wait until after a Council vote for a schedule. You can have broad brushstrokes what it will look like. You have a start time in 2 to 3 weeks and it will take X number of weeks to get it done.*

*Johnson: understandable.*

*Moermond: Mr. Magner indicated it needed a shovel order on February 16, 2022. Must have had ice buildup. That is a problem. It is snowing heavy today so you should get the message if an inspector goes by at noon tomorrow it should look good.*

*Johnson: ok.*

Moermond: you are under a microscope while this is going on. It doesn't look good when the City is cutting you a break, which we want to do, but you aren't being a good neighbor by not shoveling. So later today you will send the financials. The bids are accepted. That gets us halfway there. We need schedule, financials, and property to be maintained.

Johnson: I'll make sure it is shoveled and get the financials over today.

Moermond: sounds good, thank you.

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

**2**      [SR 22-30](#)

Consideration of a potential stay of enforcement of demolition for Derek Thooft, Thooft Law LLC, on behalf of Lorie Miller, for property at 975 HUDSON ROAD.

**Sponsors:**      Prince

Layover to LH March 8, 2022. (CPH March 16) By COB March 4, 2022 PO to 1) submit work plans including schedule and scope of work/sworn construction statement; 2) submit contractor bids, 3) submit evidence of financing escrowed in an account sufficient for rehabilitation, 4) submit affidavit dedicating funds to the project 5) additional \$5,000 performance deposit, 6) submit purchase agreement with third party and 7) property must be maintained.

Derek Thooft, attorney, appeared via phone  
Lorie Miller, owner, appeared via phone

Voicemail for Miller left at 9:37 am: good morning this is Marcia Moermond calling to discuss 975 Hudson and will try you again in a few minutes but will start the discussion since Mr. Thooft is one the line.

[Thooft gives alternate number for Miller and she is called in at 9:38 am]

[Resolution 22-8 is read into the record by Ms. Moermond]

Moermond: we did receive an email indicating the taxes have been paid, so that is done. Do you have a development partner in this? where are you at?

Thooft: there have been a number of developments to get this moving along. Lorie paid the back standing taxes, she has gotten her general contractors license and is putting work into the property. Maintaining it and someone paying to move the snow and keeping things in working order. There have been a number of days where she has been out there with her kid moving the snow.

Moermond: so have I, what has she done above the basics?

Thooft: we're pushing having that third party. We had contact with Scott Montgomery, and a Joseph Sotzman. They have a long history of developing properties in St. Paul. We've worked with them on bids. There is hesitancy on numbers so we haven't come to a final agreement. We are exploring both. Ms. Miller, I'll turn it over to you.

Miller: we do currently have 3 subcontractor bids and as Derek has said, I have my contractor's license as well. Mine had expired and I had to do the test over again. I

*passed with flying colors. It was new to me to know you were looking for a partner on this. I have made several calls. It does take time to get these people through the property to give estimates. We do have 3 subcontractor bids and my license. With all the time that goes by things are continuing to improve. I did just sell another property and we are closing today or tomorrow. It will net more than enough to do this project.*

*Thooft: can you touch on the change in your financials over the last 3 months and the properties you are working on? Now for the first time in a while you have the funds to do this and this is your sole focus now, no other properties, correct?*

*Miller: correct. I have been actively disposing other properties and netting proceeds so I could get to a point where I can afford this project. We are within a day of that. The buyer is anxious to close, they have already moved in. Getting the property ready that is even in reasonable condition, putting on the market takes time, sale takes time. We're just waiting on the last piece for title. I'm excited to actively work on the project. It is a different situation for me from having significant health issues from my C-section and nonpaying tenants during Covid. This is a situation I haven't been in for several years but I am actively trying to improve my situation and dispose of properties to rehab this one and then hopefully I can sell it to a happy family.*

*Thooft: can I ask, what is the 60 day plan if the Council gives us grace here?*

*Miller: it depends on which way they go, 30 or 60 days. I would love the opportunity now that I am licensed again to pull permits and make progress. Give me a trial run and see what I can get done in 30 or 60 days. That would be amazing. Otherwise I have calls around to 10 other generals if that is something the City cannot live without. It will take time to get estimates and ask generals to get in there and do the work. It was not clear to me until recently.*

*Moermond: what wasn't clear?*

*Miller: requiring having a partner.*

*Moermond: Mr. Thooft, we discussed that a number of times.*

*Thooft: and I discussed it with my client. It is not as simple as finding someone and signing them up. There are projects, and materials and work are at a premium. A lot of the contractor's schedules won't work with our schedule. A lot of people aren't willing to come in even until the summer. We are trying to piece together what we can now to get something done in the next day or week as opposed to months.*

*Miller: they are back logged.*

*Moermond: can I ask you when you think you are aware it was necessary a third party was required to do the rehab? You implied a month ago.*

*Miller: yes.*

*Moermond: I have a letter from October 15 stating that.*

*Miller: that was Stan doing it.*

*Moermond: no, that was saying you needed a third party, not a specific one. I wanted to clarify the record that this isn't a new requirement, but rather ongoing requirement*

due to the length of time and continued non-performance. I heard this case first April 27 of 2021. That was a good six months in before I made that requirement.

*Thoof:* Ms. Moermond, one thing I wanted to jump in on it isn't a lack of effort for trying to get a third party involved. We put in a lot of effort to getting Sam involved. We sunk 3 months into plans and talking to their attorney drafting documents, and once we had a document that would pass the sniff test of the City they backed out. We contacted a number of people Lorie had worked with in the past and were unsuccessful. I've talked to Montgomery and Joe Steinmaus. I've talked to 10 to 12 third parties, contractors or investors. Its either a timing or monetary issue. We've run into a lot of pushback. Even before Sam we looked into potential partners for financial or work aspect. As far as the HVAC and plumbing I believe we talked to 5 contractors, including a current client of mine that owes the firm some favors, and we learned to get the job done we would be paying them to do work on the weekends and after hours. They couldn't fit us in their current schedule. I thought that was relevant to point out. We've drawn up 3 different contracts, one with Sam, one for a sale, one for a contractor. I'm still working on calls but is turning into more with the cost of supplies and timing

*Miller:* before I was knocked off my seat I was rehabbing Category 2 properties in Minneapolis and St. Paul, including a fourplex on Marshall. That thing was a beast. Now that I have funds know I can do this single-family home.

*Moermond:* did you say you have current subcontractor bids?

*Miller:* yes.

*Magner:* looks like the property is being maintained.

*Moermond:* excellent.

*Thoof:* we are trying. I know from the outside objectively it hasn't gotten done on the timeline you want but isn't a lack of effort. We're putting in a lot the last month, probably more. We've had hour long phone calls with subcontractors. We've had a tough time getting generals on board. This has become personal to my law firm. I don't want to see this knocked down. I've gone through a lot of personal connections to get it done. It may not mean anything to you, but we are trying. Ms. Miller had sticker shock on the last bill my firm sent her because we are doing a lot of work.

*Moermond:* I'll give you a chance to show me a plan. We need plans, a scope of work, a sworn construction statement with a good level of detail and a schedule. I need to see those subcontractor bids. I trust you have evidence of financing to execute, I don't trust that it is dedicated. I want it escrowed or separated so it can only be spent on this project. You have obligations with other properties in your portfolio.

*Thoof:* we'll escrow it for the property. Do you know how much you want to see?

*Moermond:* at least what the subcontractor and general costs are. That's what needs to be set aside. The City estimated at the beginning it would exceed \$50,000. If your bids are under \$50,000 I need high level of detail how it is being done. More isn't an issue. That's ball-parking. I would like an affidavit dedicating the funds, we can send another sample. I'd like another \$5,000 Performance Deposit posted.

*Miller:* ok.

*Moermond: this is scheduled to go back to Council March 16. We can discuss this March 8. Anything I missed in my list Mr. Magner?*

*Magner: rehab plans, contactor bids, general timeline, dedicated funds escrowed and new \$5,000 Performance Deposit posted. The taxes obviously were paid. That covers it except the property continuing to be maintained. Make sure someone shovels tomorrow.*

*Moermond: let's get those materials no later than March 4 so we can review them before the March 8 hearing. You have a couple of weeks. You can develop a six month work plan. I don't want to do this in increments, I only have a sledgehammer, not a scalpel. If you fail at the six month mark we still have that schedule.*

*Thooft: I have a criminal case the morning of the 8th. Can we do this after 11 am?*

*Magner: I do have something at that time.*

*Thooft: I can try to move my criminal hearings; I can submit a letter. I have 3 of them.*

*Moermond: any other time March 8 that would work, Mr. Magner?*

*Magner: not really, after these hearings I'm booked all day.*

*Thooft: you guys have been patient. I'll move my stuff to make this work.*

*Moermond: we'll put you first on the agenda at 9 am*

*Miller: thank you very much.*

**Laid Over to the Legislative Hearings due back on 3/8/2022**

**3**      [RLH RR 21-70](#)

Ordering the rehabilitation or razing and removal of the structures at 1722 REANEY AVENUE within fifteen (15) days after the December 22, 2021, City Council Public Hearing. (Public hearing continued to January 5, 2022; to refer back to January 11, 2022 Legislative Hearing)

**Sponsors:**      Prince

*Layover to LH March 8, 2022 at 9 am. By COB March 7, 2022 1) third party purchaser must post a new \$5,000 PD, 2) submit purchase agreement showing title won't transfer until rehab is completed, and 3) property must be maintained.*

*Joseph Rossman, attorney o/b/o Reverse Mortgage Funding, LLC, appeared via phone  
Anthony Hernandez, realtor, appeared via phone  
Natasha Boone, real estate investor, appeared via phone*

*Staff update by Manager Steve Magner: letter was sent January 28, 2022 confirming at the January 25, 2022 the matter was laid over to Legislative Hearing today. By noon on Monday January 21 please submit updated work plan and construction statement.*

*Moermond: that Code Compliance Inspection Report was issued January 31, 2022. Can you update me on one thing Mr. Manger, property maintenance?*

*Magner: it does look like we recently sent a snow and work order. We have been doing*

snow, lawn, and garbage pickup consistently over the last year.

*Moermond: in the first hearing we talked about between June of 2019 and mid-November 2021 there were 28 Summary Abatement Orders. It would appear the City is the property manager and continues to be in spite of this process. Mr. Rossman, you are representing Reverse Mortgage. I understand from Ms. Zimny that the Code Compliance Inspection was issued but they failed to transmit it to you?*

*Rossman: yes. The property maintenance, I'm not sure what the disconnect is. They keep indicating to me it is being maintained, specifically with regards to snow removal and curb appeal. I will have to take some blame on this one following the last hearing, they sent the Code Compliance Inspection January 31. I did have the birth of my second son February 1, he was 5 weeks early, I just dropped the ball in following up on that. I wasn't aware until Ms. Zimny emailed me a copy this morning, but I know as a representative of my client it is my responsibility to make sure all necessary steps are met in your letters. Unfortunately I don't have an updated construction statement and work plan. I do have samples and plan on following up with my client and getting that resolved ASAP so we can keep working toward the ultimate goal of rehabilitating the property to your requirements.*

*Moermond: Mr. Hernandez, what is going on from your end?*

*Hernandez: I have been actively marketing on the MLS. It was hard before we got the Code Compliance Inspection, but now we have that, we have 3 offers the seller will be reviewing today with a noon deadline for highest and best. Hopefully they will take one. They are aware if they purchase they have to have an agreement to fix the repairs before property changes ownership. We do have 3 willing participants to this process.*

*Moermond: Ms. Boone?*

*Boone: I wasn't aware from my realtor that there was a highest and best today so that's news to me. I am an interested party. I flip homes and have a team of contractors and I was hoping I could offer my contractors do their bid, maintain and they could pay directly to fix what needs to be fixed, and then I was able to purchase.*

*Moermond: Mr. Hernandez, Rossman, do your investors understand the City's expectations? That there will need to be a sworn construction statement, schedule, work plan, subcontractor bids? Is that understood?*

*Hernandez: yes, from what I have articulated and the documents they have read. The offers are aware of the situation.*

*Moermond: and they'd have to show financing to do that work plan?*

*Hernandez: correct, yes. They say they are able to do so.*

*Moermond: ok.*

*Rossman: my client would like to sell the property and have someone with more experience do the work. Title wouldn't transfer until afterwards. We would cross our T's and dot our I's in the purchase agreement. I'll make sure those requirements are met by both my client and any third party purchaser.*

*Moermond: and the Performance Deposit was posted December 28, 2021. I do have*

some sympathy for your position Mr. Rossman, and I'm glad to hear Mr. Hernandez has this set up with bidders. What I'm curious about is the turnaround time in doing the scope of work and financing and we also need a new Performance Deposit from the purchaser. If that is settled tomorrow about highest bid, what are we talking about in terms of the rest of the information?

Hernandez: that is a good question. I don't specifically know. I'd think realistically to get a general contractor in to bid on that stuff, I would think at least a couple of weeks. Two to three I would estimate. Another question I have is, I am just tasked with marketing, if the seller already has an agreement ready they want to enter into because it is such a strange situation with doing work before closing, I don't know how ready the seller is in terms of what they need on their end to step into that agreement. Like if they have a contract ready, because the deal is structured the way it is. I would assume they'd have special contract ready the buyer would enter?

Moermond: that is typically the process. Mr. Rossman you have samples?

Rossman: yes, we are delayed due to my failure to follow-up the last couple of weeks. I think an offer needs to be accepted. I don't have information on which of the 3 offers will be accepted and I haven't had any contact with the buyers. I presume it should be fairly smooth transition. They should have their own contractors get a bid together quickly if they are in this line of business. My client was planning on waiting for that new Code Compliance Inspection and getting new bids on their own. The buyer could utilize those as well. I guess I would propose we give you an update the next week or so with regards to the plan? Whether my client will do the construction statement and work plan themselves or if there is a purchase agreement they have accepted. Then give you an update on a timeline on the plan and Performance Deposit from the new contractors.

Moermond: ok.

Rossman: my client's preference would be to sell, but they do want to avoid a teardown and do the rehab themselves. The missing piece is what is going on with the offers, if it is realistic one will be accepted and then I can start working with the purchaser to make them up to date and the City's requirements. Ultimately, they want to do the work to avoid teardown, whether it is through a sale or rehabbing themselves.

Moermond: I think you will have landed the plan no later than March 8 on who is going to do the rehab, whether you have sold it to a third party or whether you will do it on your own. Whoever undertakes the rehab would need to post a new Performance Deposit, whoever that third party is. We then could continue the case to March 29 to discuss work plans, financing, and so on. I think it is reasonable a contract be in place the same time as the Performance Deposit. Those 2 things need to be in place, if you are doing it on your own then same deadline, March 29 for a deadline. Ms. Boone would you like to be copied on this?

Boone: yes.

Moermond: alright. We have a plan and I have lost my patience with the City shoveling the walk. You all know it is snowing today. If I have an inspector drive by at noon tomorrow I expect the walk to be shoveled. Honestly, if I am a neighbor and I know the City is talking to owners about this and giving you extra time and you can't be bothered to maintain, I am a frustrated neighbor. I don't want that and I think you don't either. Just so we understand each other.

*Hernandez: I will relay those sentiments.*

*Moermond: we'll talk again in 2 weeks.*

**Laid Over to the Legislative Hearings due back on 3/8/2022**

- 4 [RLH OA 22-2](#) Making recommendation to Ramsey County on the application of Home Buyers, LLC for repurchase of tax forfeited property at 702 WILSON AVENUE. (Legislative Hearing on February 22, 2022)

**Sponsors:** Prince

*Recommend County Board deny the application for repurchase.*

*Moermond: we are looking at the repurchase application for 702 Wilson. The County has asked for City input on whether this has constituted a municipal problem as the Ramsey County board will be considering a repurchase application relating to its tax forfeiture. The applicant for repurchase is Homebuyers, LLC. \$8,688.68 in delinquent taxes owed. The department has asked for feedback no later than March 4, so this goes to Council tomorrow. Noting for the record, Mr. Magner?*

*Magner: we have been conducting multiple work orders out there, 12 work orders since January of 2020. It is a condemned and registered Vacant Building. I don't know who Homebuyers, LLC is but the party allowed it to be condemned and a registered Vacant Building. If anything this meets the definition of nuisance for the municipality. I would not recommend allowing repurchase.*

*Moermond: and digging into his more. It appears January 6, 2020, the property was condemned as unsafe for human habitation and there is significant dilapidation in all the major systems. As soon as it was condemned it appears to have been referred to the Vacant Building program, and with 12 work orders Over the last couple years, the City has been doing a lot of property maintenance. Mr. Magner, it was forfeit August 3, 2021. Has the City done anything since the County became responsible?*

*Magner: January 19 orders, there was snow and work done by the City on the 21.*

*Moermond: so we did have to shovel. Any other instances since the County took over?*

*Magner: previously it was tall grass and weeds June 20, 2021.*

*Moermond: it appears on 3 occasions the police have had to call for boarding since it has been broken into. It has been unsafe for the neighbors. Mr. Magner, do you have the police record on this? I have 5 years of calls, and 32 calls in that time period. They are really heavy in 2019 and 2020. The time period preceding it becoming a registered Vacant Building, and the year after. A significant police problem. A single-family home with a lot of maintenance issues, being broken into, a lot of police calls. Condemnation and in bad shape. Based on this I would concur that this constitutes a municipal problem, and you indicated Department would recommend against repurchase?*

*Magner: yes.*

*Moermond: from what I can tell this is an investment property. When it was owned it was rental, not owner occupied. No one is returning to their homestead. This was an*



*investor who didn't care for it before or after it being a registered Vacant Building. I concur the Ramsey County board deny the application for repurchase. If they do allow for repurchase they should require it must be transferred to a third party within 90 days so the current owner doesn't remain the owner to ensure the nuisance conditions are actually abated.*

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

## 10:00 a.m. Hearings

### Making Finding on Nuisance Abatements

- 5 [SR 22-3](#) Review Request for a potential stay of enforcement of demolition of Joe Steinmaus for Steve and Richard Schoneck, for property at 288 AVON STREET NORTH.
- Sponsors:** Thao
- Grant 180 days for rehab of property. (CPH March 9, 2022)*
- Joe Steinmaus, purchaser, appeared via phone*
- Moermond: we just had a moment to review your plans. We'll send a resolution to Council to recommend you get a grant of 180 days to do the rehab. Based on that recommendation from us Mr. Magner will greenlight permits being pulled now.*
- Steinmaus: thank you so much.*
- Magner: I'll notify staff to note that in the system, so you should be ready to go tomorrow.*
- Received and Filed**
- 6 **RLH RR 21-67** Ordering the rehabilitation or razing and removal of the structures at 1034 BRADLEY STREET within fifteen (15) days after the December 22, 2021, City Council Public Hearing. (Amend to remove within 15 days)
- Sponsors:** Brendmoen
- Remove the property within 15 days with no option to repair.*
- No one appeared*
- Moermond: this was in front of council January 25. The Council did receive a letter of testimony from the owner, Mr. Jonathan Stein explaining the life circumstances that have kept him from this hearing process or maintaining the property. Based on his letter we sent it back to Legislative Hearing in hopes we could get a number to discuss his options to maybe help him retain some of his equity. We have not been successful in getting a response, via email or phone. I really don't have any options but to send this back to Council recommending still that it is removed with no option for rehab.*
- Referred to the City Council due back on 3/9/2022**
- 7 [RLH RR 22-7](#) Making finding on the appealed substantial abatement ordered for 904

CHARLOTTE STREET in Council File RLH RR 21-52.

**Sponsors:** Jalali

*The nuisance is abated and matter resolved.*

*No one appeared*

*Moermond: this received its Code Compliance certificate on November 12, 2021. We can send a resolution indicating the nuisance has been abated.*

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

**8**      [RLH RR 22-1](#)

Making finding on the appealed substantial abatement ordered for 318 EDMUND AVENUE in Council File RLH RR 21-11. (Public hearing continued to March 16, 2022)

**Sponsors:** Thao

*Continue PH to March 16, 2022. By COB March 11, 2022 PO to 1) post additional 5k PD, 2) submit updated work plan and bids, 3) show proof funds are in escrow sufficient to complete project, 4) submit updated affidavit, 5) pull electrical permit and 6) property must continue to be maintained.*

*Aychoeun Tea, representing owner, appeared*

*Staff update by Manager Steve Manger: a letter was mailed February 18 a letter was sent regarding the remove/repair confirming on February 8 at the Legislative Hearing, at which you did not appear, Ms. Moermond laid the matter over to today at 10 am. By close of business February 18 submit an updated work plan, updated bids for all trades, financials should include the amount of all outstanding bids including permits that need to be pulled, and post of a new \$5,000 Performance Deposit. As of this morning we have no Performance Deposit. Updated proof of financing, and a new affidavit, and last, maintain the property*

*Moermond: has it been maintained?*

*Manger: yes.*

*Moermond: Ms. Tea, there were a number of things required, tell me where you are at?*

*Tea: the bank said I needed a form from you about the money. 5 months ago when we did the \$5,000 they said they wouldn't accept it.*

*Moermond: who is they?*

*Tea: the bank.*

*Moermond: what does the bank have to do with the posting the Performance Deposit? We ask the funds be separated, not how you segregate the funds.*

*Tea: he only has one.*

*Moermond: can he get another account and segregate the funds? That seems pretty straightforward.*

Tea: *I can do that.*

Moermond: *we have no electrical permit.*

Tea: *you said the owner can pull the permit. I tried to pull a permit.*

Moermond: *but you are not the owner.*

Tea: *I brought the paperwork. Now they say not that permit.*

Moermond: *can you clarify what is allowed and not allowed with the electric, Mr. Magner?*

Tea: *he homesteaded the property.*

Moermond: *the house has new wiring without any inspections.*

Magner: *I don't think I can comment on that. That is a question for the senior electrical inspector since the work was done without permits. It is one thing when you reside there and do work and get it signed off. You can't just start doing work on a Vacant Building and then after the fact ask for permits. We don't know who did the work. This isn't a call I can make.*

Tea: *he did the work.*

Moermond: *there was only one electrical permit that was for re-energizing the house. He would need a separate permit. He did the work and he didn't pull a permit.*

Tea: *he didn't?*

Moermond: *I know for sure he didn't. We have one permit for re-energizing the house.*

Tea: *lately. That's what I went to do.*

Moermond: *in 2017 a permit was issued a closed without approval. He never got it finalized. He needs a new permit. You were told this in a letter too.*

Tea: *when I came I thought that's what I pulled.*

Moermond: *I know your time is limited Mr. Magner, any specific comments in this case?*

Magner: *we're way behind the 8 ball on getting work done. Time was granted but I don't know anything has been done according to Nathan's statements.*

Moermond: *we can check with the senior electrical inspector, you could as well, and confirm whether the former owner- occupant could pull a permit. He would need a new one. There is no current permit for the work, and he never had the prior one inspected.*

*[Magner had to leave for other City commitments]*

Moermond: *what is going on with plumbing? Where is your bid? Who is doing your bid?*

Tea: yes, I submitted it.

Moermond: and it wasn't accepted because it didn't include all the items on the list.

Tea: I talked to him. He has so many problems it is hard to talk to him. I've known him a long time.

Moermond: the thing with the plumbing, work was done without permit and the permit pulled now has to include that work.

Tea: he did come to do it. He corrected all this. He added more money. I went to do it with him.

Moermond: so we have no inspection on the previous permit and we don't have a new one for this other stuff. There needs to be another permit for the additional \$1,700 of work to be done. What about building?

Mai Vang: pulled by Mr. Tea.

Moermond: so he's doing all the building work? You need to separate the funds, square away the electrical permit, and post a new \$5,000.

Tea: I'd like to appeal that. I can't help him.

Moermond: understood. I'm denying that. This isn't your first property.

Tea: I'm asking for 5 more months.

Moermond: and I'm willing to work with you but I need to see that \$5,000 Performance Deposit.

Tea: he did pay that.

Moermond: I need an additional one.

Tea: he doesn't have it. I cannot help him.

Moermond: this isn't you first rehab; you know what is involved.

Tea: I try to help him.

Moermond: I've never met him. As far as I know it is only you.

Tea: because he's not good. I've been a mother for almost 50 years. I try to protect him. I don't know. 54 years I take care of him. He isn't good in here.

Moermond: it seems like a lot of money for him to not be here.

Tea: that's why I'm asking for \$5,000. I'm done helping.

Moermond: this is your second time asking Council for that exact same thing. I'll point that out.

Tea: \$5,000 for him, Covid, everything is hard. I'm asking to finish the job. He bought

everything to finish the job.

*Moermond: we started our conversation on this a year ago. I worked with you for 5 months to get plans together for you to do it. That was even before the Council vote. Now it is six months after that. A year later and we are still not done. I'm asking for an additional \$5,000. You can ask the Council that they waive that requirement, but that's what I'm asking them to put on you.*

*Tea: the plumber, his wife died, and the brother died, they said what can I do Tea? I said why don't you help my son to finish. Everyone has trouble. Not that I don't want to do it, I do what I can. Plumbing. Heating. He had trouble.*

*Moermond: we gave a lot of patience to get his plans together.*

*Tea: I talked to him, they said they go pull a permit, now they are stuck because they are ready to work. They can't pull permits. I try everything, what can I do? I try to help him out. I never bring my son here because you know, he isn't good. If he was, I could bring him. That's why I had to go looking for a social worker.*

*Moermond: your relationship with your son is your business.*

*Tea: I know and now I'm asking for your help to finish. I had problems with my sister, so now I'm asking and you'll never see me come back again.*

*Moermond: how close are you to a final on that?*

*Tea: you give me 5 months. I will finish. We'll pull a permit helping him. Please, he's been my son for 40 years. Please. I'm wrong. Now I know I'm wrong. That's not right of me. I'm not broke but I'm so set in my life. I should be happy. I try to help him. He has no medical for 40 years. I am ashamed. I do my best. I think I ruined his life. I know the doctor comes here, I tried to work hard with him. I don't want trouble. You know how many times I fixed his car? I want to protect him but I think I do the wrong thing. That's why I ask you, just give me one more chance, then I can go on with my life too.*

*Moermond: the document from last summer shows he has money.*

*Tea: he does.*

*Moermond: then why doesn't he have the \$5,000 to post?*

*Tea: he doesn't have more money.*

*Moermond: how much do you owe the plumber?*

*Tea: I think \$2,000 more.*

*Moermond: how much do you owe the HVAC person?*

*Tea: he said \$10,000. When you approve he will want the money. He is waiting to pull the permit now.*

*Moermond: is there anything else he has to pay for?*

*Tea: he wanted \$5,000 first.*

Moermond: so that's \$12,000.

Tea: he has more than \$12,000.

Moermond: yes he does. And I'm asking for a \$5,000 Performance Deposit

Tea: he had to buy the things to finish the inside.

Moermond: when you went to Council in July 2021 you showed Oudan Tun Tea had \$28,000 in this account. He's been paying his account and now the same account shows a balance of \$17,000.

Tea: he bought sheetrock and other supplies.

Moermond: of course.

Tea: I tried to help him.

Moermond: what you provided on his behalf said he has the money. And he still has the money?

Tea: it said \$14,000 when I checked.

Moermond: it says \$17,000.

Tea: he paid for a car last week.

Moermond: and that's my concern about having a checking account.

Tea: I can ask him to do it separate.

Moermond: I won't change my mind on my recommendation. The Council may look at it differently. Show me a plan, you say five months, show me that. You'll need that electrical permit. That plan should include when he will have the building work done. I'll put this in front of Council March 16. I will need the electrical permit pulled. I need a schedule for how you will get this done. I need separate financing. So the only disagreement is on that \$5,000 Performance Deposit. You need to figure that out or get the Council to agree with your position on it. You can come in person and talk to the Council.

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

**9**      [RLH RR 22-5](#)

Making finding on the appealed substantial abatement ordered for 655 JESSAMINE AVENUE EAST in Council File RLH RR 21-15.

**Sponsors:**      Yang

By COB February 28 PO to submit 1) updated work plan including bids, 2) updated proof of financing, 3) post an additional \$5,000 PD and 4) property must continue to be maintained.

John Ray, owner, appeared via phone

Moermond: calling about your property at 655 Jessamine East. This is the hearing

where we review the progress after the 180 days granted by Council.

Staff update by Manager Steve Magner: letter was sent January 25 scheduling this hearing. Nathan was at the property and indicates via an email today that the contractor will be pulling his repair permit today.

Ray: he got that.

Magner: the project is about 15% completed. They started demo and cleanup.

Moermond: 15% complete is what I'm zeroing in on. What is going on Mr. Ray?

Ray: the contractor had problems with electrician and plumbing. I was in regular contact with him. I finally brought in a new contractor, and he pulled the permits this am. He met with Nathan this morning to get those permits approved.

Moermond: what do you show on your end Mr. Magner?

Ray: would have been nice if the contractor said he was having problems when I called him every week.

Magner: building permit was issued this morning.

Moermond: you didn't keep with your work plan or time the Council granted to complete. Under chapter 33 of the Legislative Code the City could forfeit the \$5,000 you posted for failure to perform and require a new \$10,000 one. In your case because you have the permits pulled I'll recommend they require an additional \$5,000 but not forfeit money already posted. So you'll have \$10,000 waiting at the finish.

Ray: who I do post that with?

Moermond: the same place as you did the first one. we can send another copy. We need an updated work plan that reflects where you are actually at, and confirmation you still have the money to finish the project.

Ray: that's fine. I'll get that out.

Moermond: this is scheduled to go out Council March 2. Is this work you can have done for me by February 28? The updated bids, deposit, and the money?

Ray: yep. I appreciate your patience.

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

**10**     [RLH RR 22-6](#)

Second Making finding on the appealed substantial abatement ordered for 1004 THOMAS AVENUE in Council File RLH RR 21-42. (Public hearing continued to April 6, 2022)

**Sponsors:**        Thao

Continue PH to April 6, 2022. If PO does not have its CC certificate and rehab complete, PO must most an additional \$5,000 PD.

Kerry & Kathleen Nilles, owners, appeared via phone

*Moermond: we have Mr. Magner on the line, we'll have him update the record. We will walk through where things are at and where things are going. We have 2 different grants of time from Council.*

*Manager Steve Magner: There was a letter sent January 25, 2022, scheduling this hearing.*

*Kerry Nilles: Nathan was through the building last Friday. He did a full inspection last Friday. Did you get that report?*

*Kathleen Nilles: has anyone from the City got that?*

*Moermond: that would be correction orders for that permit.*

*Kerry: as we were doing the walkthrough he said the exterior is 100 percent complete. He put second floor at 95% because we have millwork and painting and fixtures in the bathroom. The lower level was at 90%. That again is a lot of painting, the fire doors have been installed. The biggest holdup is the mechanical because it has been so difficult. AC is completely finished. They are waiting for an inspection, which may take another month. They are running 4-6 weeks behind. The boiler people are installing it as we speak. We waited months to get them on board, since we had heat we went to the bottom of the list. They should be done by the end of the week. Nathan said as soon as the boiler is finished call because they are running late on inspections and permit applications. Get fixtures in and I'll come back with the plumbing inspector and as far as he is concerned we are done. He said he was going to chat with you, to call you.*

*Moermond: I don't have information from him.*

*Kathleen Nilles: we have been trying to get the mechanical people. We tried 15 contractors, many say they no longer work in St. Paul, and we have a little cloud over our heads because one guy canceled for a broken leg, another moved to support a family in Ukraine. It was one frustration after another. We couldn't find anyone licensed or willing to work in St. Paul, or the ones we did fell through. We are grateful for the guy in there now. That is 95% of what delayed us. We are almost complete. Setting sinks and toilets, millwork, some painting*

*Kerry Nilles: I have been in business for the last 4 years in St. Paul. I had 3 plumbers tell me, who I've worked with for 25 years, and they say they won't work in St. Paul anymore. One had \$15,000 worth of stuff stolen from their truck. The other, people came at gun point. They aren't willing to take the risk until things calmed down. That and the fact you have to wait sometimes weeks for permits and supplies. It took 3.5 weeks to get valves for the radiators. Because the parts don't seem to be made here, we're waiting for things to come in. We waited for 2 weeks to get subfloor adhesive to build the wall around the mechanical. Every store was sold out. We have a garage door waiting for a track since November. We needed primer for metal and Menard's is empty. They said they have product but they can't get cans to put it in. We have done everything I know how to do on a job to get the job done. Everyone I talk to is in the same boat. Ordered tile and we couldn't get the bullnose because its made in Mexico. All the little things add to up frustration and delays, but we've tried. I am working down there 7 days a week, 10 hour days, to get things done.*

*Kathleen Nilles: we don't want to do a half-a\$\$ job, so the quality of what we are doing is top notch. Nathan was very pleased with how and what we are doing.*



*Kerry Nilles: when we walked out together on Friday he said he would contact you to let you know. You can certainly check with him. He was very positive about it.*

*Magner: you think you'll be done in 30 days?*

*Kerry: depends on mechanical people finishing up. I can't imagine it would go longer than 60. Bathrooms, cabinets, countertop, sinks in.*

*Magner: can the kitchen build-out and fixtures be done concurrently with the bathroom?*

*Kerry: the 2 new hot water heaters have to be up and running. The fixtures are there, it is a matter of getting that part done to do finish work in kitchen and bathroom.*

*Moermond: this goes to Council March 2. This is the second follow up we've done, which is a lot. In cases like this I normally am talking about revoking a Performance Deposit and requiring more. I can see you are very close and would like to give you a chance to pull this across the finish line. I'll recommend on March 2 the Council continue it to April 6. If you are complete, great, if not, I'll ask for an additional \$5,000 Performance Deposit to get more time to work on it. There's a consequence. That isn't a forfeiture, so you're lucking out there.*

*Kerry: that sounds fine.*

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

## 11:00 a.m. Hearings

### Summary & Vehicle Abatement Orders

- 11    **RLH SAO 22-6**    Appeal of Karla Holmlund to a Summary Abatement Order at 1059 BURGESS STREET.

**Sponsors:**        Prince

*Grant to April 1, 2022 for compliance.*

*Karla Holmlund, owner, appeared via phone*

*[Moermond gives background of appeals process]*

*Staff report by Supervisor Lisa Martin: a Summary Abatement Order was issued February 8, 2022. It went to Craig Holmlund and occupant on burgess to dispose of bag and contacts in and around garage and miscellaneous debris and backyard covered with tarps. Compliance date was February 15, 2022. Quite a bit of stuff in photos. Sounds like the owner is looking for extra time*

*Holmlund: I have been in the buying and selling business for years and ended up with chronic pain and health issues that caused me to slow down. Yes I did it and yes it is pretty bad. I have a storage locker with lots of room but I have trouble getting over there. I've been working on it slowly. Covid got in the way, a couple of my workers refused to get vaccinated, I have diabetes and asthma. My son was going to help but his baby needs heart surgery Monday so he has to be very Covid cautious. All the*

people I counted on haven't been able to help. I called the garbage hauler and got I figured out. We got rid of a bunch of stuff yesterday when it was warm. The garage, I wonder if they are referring to my storage tents in the yard. I need to empty those in the spring if I can have my big sale. Otherwise I'll throw it. Frankly, I have a lot of books and things to get rid of and I found a place to take those. I've been doing research on where I can get rid of it instead of selling it. I have a lot of things that aren't worth fussing over anymore. A lot of my friends have waited to deal with their stuff. I the thrift stores are filling up. There is stuff frozen to the ground in the backyard. We did make as much progress as we can. I have asthma and have trouble breathing the cold air. We're taking care of what is visible in the front. We got rid of one third of the stuff by the garage. I use a walker. My daughter has a pulled muscle under her arm. It is incremental and have to work when we can with the weather. I wanted it gone before we worked today, I was really upset. It has been so frustrating [crying]. Ever since we got that notice my blood sugar has gone up 20 points. I need more time to fix it.

Moermond: this doesn't sound like this is your first experience of needing to clear things out, right?

Holmlund: the Council I was working with retired and I am working on it now. This is the end of it. I had to put some in bins in a hurry. There are precious family things intermingled with those things. I do have some of my best sale stuff out there. The hauler was amazing only charged \$3 a bag. We have a place to get rid of the metal and wood stuff now. We're having to do stuff more slowly because my husband turned 70. Covid has thrown me for a loop. I will be doing childcare for my son. They work for the State fulltime. It is embarrassing. I have severe ADHD.

Moermond: and you don't need to disclose this personal information. I don't know the City is going to have the patience to wait until spring sales. I think the City wants this cleaned up. There is a lot there. One way is for you to clean it up, and one way is for the City to clean it up. Sometimes the City doing it is easier even though it is more expensive. I'm willing to work with you on an extension, but it is pretty bad. It didn't get that way overnight and you've had this experience before. So you know you're in a bad place you shouldn't be.

Holmlund: yes. I do feel hopeful I can get it cleaned up once the weather is warmer. I'm bringing in bins. I want a chance to find the important stuff. I had planned to have the stuff out of the driveway by the time of our call. I'm actively doing things and I expect there to be deadlines but I was hoping for incremental ones. Driveway by such and such date and this area by such and such. I work well when I have a clear picture.

Moermond: I'm going to give you a deadline of April 1. I'm going to ask the inspector to check on it April 4 and report back to me on Tuesday about whether you are done. If you are not, the following day, Wednesday the 6 I will report to Council and they will authorize the Department to finish the cleanup. So they could be doing the cleanup as soon as Thursday the 7 or 8th of April. That gives you six weeks and whatever is left the City will cleanup.

Holmlund: any chance you can give 2 more weeks?

Moermond: the Council may be willing to entertain a longer extension, but I am not. Your Public Hearing will be March 9 and you can request they give you additional time beyond April 1.

Holmlund: I need to speak to an inspector about a particular area.

*Martin: you can, but there is no exterior storage allowed. So it needs to be in a garage or removed from the property. It cannot be a tent structure, those have to go as well.*

*Holmlund: those have to go too? By April 1?*

*Moermond: if you want to talk to an inspector it sounds like Ms. Martin can make that happen, or she can talk to you as well.*

*Martin: correct.*

*Holmlund: I don't want this to be more contentious than it has to be, so I will do my best.*

*Moermond: I don't view it as contentious; it is just setting boundaries.*

**Referred to the City Council due back on 3/9/2022**

## 1:00 p.m. Hearings

### Vacant Building Registrations

- 12    **RLH VBR**            Appeal of Mon Mon Htun, on behalf of Zaw Wai, to a Vacant Building  
      **22-13**                    Registration Notice at 933 FIFTH STREET EAST.

**Sponsors:**            Prince

*Grant to April 4, 2022 to have Fire C of O reinstated. Make property a Cat 1 VB and allow permits to be pulled.*

*Mon Mon Htun Wai, daughter of owner, appeared via phone*

*Moermond: I want to start by saying you plan and photos Mr. Imbertson, Mr. Dornfeld, and I have reviewed. Things seem to be on the right track, we do have one comment. Item 4 regarding the water heater. Mr. Imbertson has worked with his staff and has a comment.*

*Supervisor Imbertson: I spoke with Ms. Huseby and she talked to the mechanical inspector and found the permit applied for was denied and needs to be re-applied for as a plumbing permit. Not sure if that was conveyed to you or your contractor. The contractor can do the work under his license but needs to pull it as a different permit.*

*Moermond: so let your contractor know he needs a plumbing permit. Genz Ryan should be familiar. I'm inclined to accept your work plan, which leaves us with the question of deadlines. It seems like things are well underway. I want to make sure you don't end up with hiccups when applying for permits. Right now you are a Category 2 Vacant Building which would slow you down, so I'm going to ask Mr. Dornfeld to change it to Category 1 so you can pull permits easily. I need to put a deadline in place again, I'm thinking that you need to have all permits signed off by April 4, or the Vacant Building fee will be processed. So essentially you have 60 day waiver of the Vacant Building fee.*

*Mon Mon: so I have to apply for permits?*

Moermond: yes, your contractors can keep working and you have an April 4 deadline.

Mon Mon: thank you for all your help, I promise it won't happen again.

Moermond: I wish you luck, take care.

**Referred to the City Council due back on 3/9/2022**

**13 RLH VBR  
22-14**

Appeal of Ty Lawrence, Trifecta Source LLC, to a Vacant Building Registration Fee Warning Letter at 284 MAPLE STREET.

Sponsors: Prince

Grant a 90 day waiver (to May 7, 2022).

Ty Lawrence, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: went into the Vacant Building program February 2020. Trifecta Source Ent went through the sale review process and was approved January 13, 2021. Looks like Code Compliance and permits are on file. No nuisance abatement issues. My guess is we are here to discuss the fee that came due February 9, 2022.

Moermond: tell me where are you at with things?

Lawrence: I'd just like more time. The biggest hurdle is certain contractors have left us hanging high and dry to get the last few items done. I have one mechanical repair left, a dryer vent, and some combustion air mechanisms. I finally tracked down an HVAC gentleman to handle the ventilation. I'm trying to narrow down the day, hopefully early next week. I get a contractor, they catch Covid, or some other issue. I'd like to save \$2,700 if I can. Nothing is safer than an occupied house, we're paying lots of extra money for security.

Moermond: February of 2020, so this fee covers February 2022 through 2023. I can definitely do a 90 day waiver on that, which takes you to May 7. If you are able to get your Code Compliance certificate by then you have no fee whatsoever. If you go longer and it is processed as an assessment, we can talk again if you appeal that and we can prorate if you are done in less than six months

Lawrence: I shouldn't have a problem getting done.

Moermond: my office did get an email from a neighbor who feels like it is an eyesore and has been for 24 years. Sometimes when they people have problem properties they are operating out of the past, not the present. If it has been that long it takes time to turn that ship around. Just be aware and you maybe want to be especially on top of shoveling and those types of things. Just a heads up.

Lawrence: I do have a good set of people going through, we'll stay on top of it. They'll be there tomorrow to shovel.

**Referred to the City Council due back on 3/9/2022**

**1:30 p.m. Hearings (NONE)**

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**Orders To Vacate - Fire Certificate of Occupancy****2:00 p.m. Hearings****Fire Certificates of Occupancy**

- 14 RLH FCO** Appeal of Curtis Burroughs to a Fire Certificate of Occupancy Correction  
**22-16** Notice at 1606 HEWITT AVENUE.

Sponsors: Jalali

*Grant to March 18, 2022 for compliance with all non-zoning related items (items 3, 4, 5, 6, 7, 8 & 9). Refer back to LH June 14, 2022 at 2 pm to discuss zoning status and timeline for moving forward.*

*Curtis Burroughs, owner, appeared via phone*

*Moermond: calling you back about your property on Hewitt. We have Mitch Imbertson on the line again as well. I understand you have talked to Yaya Diatta with Zoning.*

*Burroughs: yes.*

*Moermond: I was just catching up with Mr. Imbertson and trying to figure out how we could stage the response to your appeal with some different deadlines. Some things should be done quickly, then other things like going to the Planning Commission will take longer. In the future, which I don't know, there may be building corrections based on what designation you end up with. In talking with them, I'm thinking it makes sense to put a deadline a month out to have all the orders taken care of except those related to the duplex/triplex status. An inspector would come out to confirm.*

*Burroughs: yes, I was ready for him on the 15th.*

*Moermond: as soon as you file an appeal that stays everything until this is resolved.*

*Burroughs: I would be open anytime to having the inspector come out on the items flagged on the inspection.*

*Moermond: Mr. Imbertson do you want to schedule that on Mr. Toeller's calendar, or should he reach out to Toeller?*

*Imbertson: please reach out to Toeller directly, he should be able to schedule it pretty quickly.*

*Moermond: I'm going to put this in front of Council March 16 and I'm going to say to them you need to have the non-zoning issues done by March 18. Then I will ask them to refer this back to me June 14, at which point I will expect you will have come to a conclusion with the planning commission on the triplex vs. duplex status of your building. We can map out the appropriate orders from that point moving forward then. I'm not 100 percent sure what changes would be necessary to de-convert or to make sure it is properly converted to a triplex. It is premature to look at that until the zoning matter is resolved.*

*Burroughs: is that with Yaya?*

*Moermond: he can provide guidance but you need to make the application with the planning commission. He has a staff person he is going to the Ramsey County Historical Society to pull the information on old documentation that may help to illuminate the issue. He's getting you started.*

*Burroughs: I'm new to this process. I need to reach out to the planning commission. Is that in person?*

*Moermond: when Yaya gets a hold of you he can give instructions on the best way to fill out the paperwork. You want a legal nonconforming use. He can give information on how to proceed.*

<https://www.stpaul.gov/departments/safety-inspections/building-and-construction/zoning-appeals-and-variances/establishment-nonconforming>

**Referred to the City Council due back on 3/16/2022**

**15 RLH FCO 22-1** Appeal of James Sundberg to a Fire Inspection Correction Notice at 1055 LAUREL AVENUE.

**Sponsors:** Thao

*Recommendation forthcoming.*

*Jim Sundberg, owner, appeared via phone*

*Moermond: I have had a chance to read through the orders. Did you consult a professional in this and get more information?*

*Sundberg: I reached out regarding the estimated cost if I was required to do what is proposed. I did talk to some landlords and get their feedback.*

*Moermond: good.*

*Sundberg: most of them said that since it has been that way for 20 years why are we rocking the boat now, when it wasn't an issue in the past. Another comment is I haven't seen in writing where it is required to have a kitchen facility in this situation. How did you interpret the safety inspection's response?*

*Moermond: I'm looking at the citation in the orders from February 8 and that is looking at §34.07 saying that a dwelling unit must have kitchen facilities that are adequate/permanent including a permanent cooking source and kitchen sink. That's the code outlined. We talked before how if this were a rooming house, it wouldn't have to have that but would have access through another unit. A main kitchen, that kind of thing. That isn't what this is.*

*Sundberg: my comment on that was I looked at §34.07, which isn't in front of me, but that is a definitions section. It is definitions of various terms. If you go further down, there is also a definition for rooming unit. That's what this is at. Any group of rooms used or intended to be used for living or sleeping but not cooking or eating. I thought that's what this covered. The answer the City supplied is basically a definition of building. The definition to me doesn't interpret as a requirement to me. We have had 3*

tenants since 2003. We have rented the place knowing there was not a kitchen, it was a rooming unit with separate bathroom. The tenants didn't accept any more and that's how it was accepted. The cost is unknown without opening up walls. It will shrink the sleeping area by at least one-third. The room just isn't that big. It's a 10 x 15 foot sleeping area as is. I'm having a hard time understanding, fire and safety in my eyes is safety for building and inhabitants and I don't understand how a kitchen has anything to do with fire safety. I don't get why it was even brought up, to a point. I'd like to reiterate; their 2 week delayed response is only a definition.

Moermond: I hear your argument and am willing to ponder that. If the orders were issued correctly but an error in the past doesn't mean it is ok now. It means there was a 20 year error that is now being fixed. That is what case law says. I can look at the definition issue. If a conversion is necessary, it is neither fish nor fowl. It isn't a full-fledged apartment nor is it a rooming house. A rooming unit is intended to be referred to a building house is my assumption but I will check on that. But I want you to know where I am coming from it too. If I send this to Council and you don't agree where I end up, of course you can testify and submit additional information. There is still that opening as well. I will look at your argument and give you something in writing by the end of the week.

Sundberg: what else should I say? Or should I just wait for your response?

Moermond: I can't suggest things to argue. You've talked your perspective through. I'm going to put a recommendation out there that you can respond to at the City Council now we have the proper orders and your response.

Sundberg: was anyone from the City involved today?

Moermond: oh of course, I forgot to say, Mitch Imbertson a Fire Supervisor is on the line with us. Mr. Imbertson, I'm sorry I didn't announce your presence. Any comments for the record?

Imbertson: it sounds like nothing I have to say now would resolve before Council, but to clarify the notices. The inspection conducted of the property is a fire Certificate of Occupancy inspection but despite that title it isn't just fire and safety, it also enforces property maintenance code, chapter 34 of the Legislative Code. That also includes habitability and minimum standards for the property. We aren't stating it is directly related to the safety of the occupants, it is habitability and upkeep out of that maintenance code. As far as the definitions, it is cited that way as it is the most direct way for us to cite the standards out of that definition. It is classified as a dwelling unit, so that is where that definition comes from we are looking at under §34.07. Our opinion would be to classify this as rooming unit. A rooming unit is part of a rooming house, so in order to having a legal rooming unit it has to be in a rooming house and meet those additional requirements under the rooming house code. There are a number of requirements there for §34.17 for rooming units on residential properties. That would apply to a building containing rooming units that supports our argument.

Sundberg: and that would be independent of the units because it is a multifamily home.

Imbertson: you could have that as a mixed occupancy in the same building, it isn't common but I have seen it set up that way. Unless we are incorrect on our definitions or you can get a variance on the kitchen facilities you are still stuck in the same position of providing kitchen facilities for that unit. The difference is whether they are

*within the unit or available for common use.*

*Moermond: ok.*

*Sundberg: I'm surprised this hasn't come up for other properties in St. Paul where a person rents a room with a shared bathroom and no kitchen opportunity at all. Especially in parts of the City where more houses have been converted from a single-family home to a multi-unit.*

*Moermond: and that's the different kind of classifications we've been talking about. I'm glad Mr. Imbertson talked about some combination situations. I'm going to ask him to do some homework on that and find out what kind of designation those have had zoning or otherwise that is has been allowed.*

*Sundberg: I'm just surprised.*

*Moermond: I'm not, but I feel like I've seen it all. I haven't come across one of these yet.*

*Sundberg: we've been in front of you on various occasions over the last few years. My wife came in front of you dealing with primary evictions. We talked about this same unit in the early 2000's. The City required egress windows.*

*Moermond: did you get a variance on it?*

*Sundberg: no, we replaced it. Just so you know, we came in front of you on that. We put in the egress window in.*

*Moermond: Mr. Imbertson is going to do that homework. I will summarize that and consider your argument today. I will close this out in writing.*

**Referred to the City Council due back on 3/9/2022**