



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

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Tuesday, March 29, 2022

9:00 AM

Room 330 City Hall & Court House

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

##### Remove/Repair Orders

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

**Sponsors:** Jalali

*Layover to LH April 26, 2022 at 9 am for update on engineering report, changes in rehabilitation plans and any financing changes. By COB Monday April 18, 2022 PO to submit engineering report to City for review by staff.*

*Lisa Kugler, consultant, appeared via phone  
Gene Gelgelu, AEDS and owner, did not appear*

*Voicemail for Gelgelu at 9:07 am: good morning this is Marcia Moermond calling you about 678 Snelling. We do have Lisa Kugler on the line and will proceed with a brief hearing and copy you on the letter.*

*Moermond: we've looked over your materials but wonder if you want to highlight anything before we begin.*

*Kugler: I think you know there was a fire. My understanding is the insurance company has officially determined it was caused by an unauthorized person in the building. We don't know yet whether the roof joists were affected, so they are being tested. We haven't found a roofer willing to go up there. We have one that will go there in 5 to 10 days. Frankly we're concerned if it gets warm it will mold. We did have the environmental company out today to test the debris to make sure it isn't hazardous so it can get taken to the landfill. Thursday is the deadline for the Federal application. There have been some additional foundation contributions so we don't know yet the final outcome of the insurance settlement. Our hope is that much of what was damaged was going to be demolished more anyways, so it may not cost more except we'll have to redo the roof entirely. No interim solution for that. Its good from an energy point of view, it is just more costly. The policy has a 15% reduction from the award since it was vacant for more than 60 days which I guess is typical of commercial properties. We're proceeding with the rehab. We are totally done with schematic design*

and we'll have to try to understand to the extent we can find out what the EDA schedule is. Tragically AEDS didn't get the money we were hoping for from DEED. They had 18 million dollars and received 175 million dollars in proposals. They felt compelled to spend half of that outside the Twin Cities. That's a huge disappointment. Maybe there will be more this session given how much extra money is available but that's what I know. Cautiously optimistic.

Moermond: does the insurance company hire a structural engineer or does AEDS do it?

Kugler: AEDS is doing it. It will be Braun Intertec. It was my idea for them to take the samples vs having a contractor do it. I don't know many who would understand how. So they will just take care of it all and we're assuming it will be covered by insurance, but it does need to be done. WE did have our structural engineer out there but it isn't clear either way. It wouldn't be all the roof trusses.

Moermond: I know our senior building inspector and structural engineer did go out and I have an email from them internally saying they need to evaluate the structural engineering report you get. I don't know if that was verbally communicated to you. Reviewing the file this morning I realized you weren't copied on that email and would need that information. I think you and I talked about this as well

Kugler: it shouldn't be a problem. I think it should be done within the next 2 weeks but I'm not certain.

Moermond: who is the roofer looking at the project?

Kugler: I am bad with names; I can send it to you. We sent the RFP to four or 5 roofers and most declined. One said he may look again when there wasn't snow. The RFP we possibly emphasized too much we were making no representations as to the conditions of the roof because I wanted it clear people have to figure that out themselves how to do it. I don't know how you go about fixing a roof you may not be able to stand on. I wanted it clear. The person doing the roofing needs to know that.

Moermond: Mr. Magner, any comments about reclaiming buildings?

Magner: I think Ms. Kugler understands where the City is at. Obviously the City needs that structural report to be submitted to our engineers before we came more forward with any permits. Remnants of fire need to be addressed in a cleanout. When it comes to the roof structure, obviously there is a good collaboration between their engineer and a licensed contractor who has experience in this and can make a determination which process would work vs. a complete removal. It sounds like you're talking about reroofing—

Kugler: not right now, we just need it repaired now so water doesn't come in.

Magner: I guess the concern is twofold, you have a short term fix and then a longer term how it will be repaired when it is rehabilitated. The last question is the structural integrity and the concern of the walls with it being a brick building. A fire with heat and water being introduced, that needs to be looked at too. I haven't been close to the building to make any observations but those should come out in your additional engineering report

Kugler: the preliminary look didn't show that kind of damage but I'll make sure the

report talks about that. I think it is called MACK support, a 3D video the insurance company took if you want to see the interior. I can email that.

Moermond: that sounds interesting and I would say in terms of conditions we'd rely on the inspector's report but the video would be interesting.

Kugler: I will forward it. Apparently the City gave permission for a new electric line to be put in so they can install a new security system put in. Kind of late but better than nothing.

Moermond: so we have information coming in we don't have yet all which have an impact on the cost of doing the rehab. You don't have that DEED money so we do have financing concerns. But we don't have answers. When do you think you'll start having answers?

Kugler: two to three weeks. There is also another request into the State, a different kind. We'll see where that goes. I don't want to talk about it more, but we're trying to have as many irons in the fire as possible.

Moermond: I still need to keep this on the line where it isn't an indefinite period of time, but we need a horizon on getting it done or pulling the plug and say it will never get financed. We had a big bump in the road and we want to take that into account but balancing the fact we've been at this quite a while. Why don't we talk April 26 and I'm hoping you'll have that engineering report to us prior to that for City engineer to evaluate and the hazardous materials assessment is done. And you'll have an answer on temporarily roofing or sealing the roof to prevent further water infiltration. We'll touch base on that and any change in financing at that time.

Kugler: the contractor was going to get rid of the debris, does that require a permit?

Magner: if the owners are cleaning up fire debris and not doing any demo there is no permit. If there is demo you need a permit. The removal of fire debris is regulated form Ramsey County Environmental and talk to them to make sure one, they are aware of what they are removing, two that they are removing it under county, state, federal government guidelines and 3 where is it going and what are they doing with it

Kugler: my understanding is it is fairly little in the interior anyways, so not a lot of potential asbestos but it will be evaluated this morning.

Moermond: and fire damage, pretty much that does end up going to hazardous material landfills because you can't have full knowledge of what all of it is, but I'm not an expert

Magner: any fire debris is regulated by the PCA and federal government. It is up to the individual hauler to disclose to the landfill what they are bringing in and the landfill has to meet certain requirements. Small ash and other debris like wet sheetrock probably is fine, but a dumpster full of ash is likely another issue. We defer to Ramsey County as the authority on that since they regulate it.

**Laid Over to the Legislative Hearings due back on 4/26/2022**

## 2 [RLH RR 21-60](#)

Ordering the rehabilitation or razing and removal of the structures at 1941 UNIVERSITY AVENUE WEST (STORAGE/GARAGE) within fifteen (15) days after the September 22, 2021, City Council Public Hearing. (To be referred back to September 28, 2021 Legislative Hearing)

**Sponsors:** Jalali

*Layover to LH April 12, 2022 at 9 am. Property reps to work with PED project manager and submit updated bid by COB April 8, 2022.*

*Dawit Solomon, President Eritrean Community Center of MN, appeared via phone  
Essey Asbu, Secretary Eritrean Community Center of MN, appeared via phone  
Ruth Ogbaselassie, treasurer Eritrean Community Center of MN, appeared via phone*

*Moermond: where I'm at is I feel like we need to hit reset on the plans knowing those plans are going to be revised based on those competitive bids. We also don't know if the old amount will be sufficient for the work now. It would have been enough, but is it enough based on new ones? We need to evaluate that. I don't think a project manager has been assigned to you yet with Planning and Economic Development. I'm wondering, have you talked to the staff over there about a preconstruction meeting?*

*Asbu: we haven't. The holdup was whether we got the grant or not. We have chosen Don Fields to help us. He gave us estimates and we've worked with him before. He has a detailed plan for the space. If Planning and Economic Development has anyone they want to work with us we'd be happy to. The bid we had previously was sufficient but we would supplement anything extra with fundraising from our members. We just started that. Our members are pretty generous.*

*Solomon: we have informed them we will need updated bids. That's in the process.*

*Moermond: do you have a timeline on when you're expecting those updated bids?*

*Asbu: we did ask for one and he said he would work on it. form the previous bid to now material costs have gone up, so he is giving a new bid soon but I don't expect it to increase a lot from the initial one*

*Moermond: and my concern is making sure the regulations that cover the STAR dollars are taken care of. So whatever bid you use needs to be ok with that department. I'm going to ask if you can send in the plans you have so far. At the time we last spoke you gave a plan with 2 bids, one with a new foundation and one using the existing concrete floor. Do you have an idea of which path you are taking?*

*Asbu: Field evaluated said we could use the concrete but he's doing a more thorough observation this Saturday. We were waiting until that money was granted to proceed.*

*Moermond: and that happened March 9. We need to get Planning and Economic Development involved and need that updated bid from your contractor. Will they have a writeup within 2 weeks?*

*Asbu: we hope so.*

*Moermond: I'd like to talk again in 2 weeks and have that bid. We'll get the project manager from Planning and Economic Development on the phone too so they can explain what is involved from their end.*

*Asbu: are we meeting this project manager beforehand?*

*Moermond: I hope they reach out beforehand. I will encourage them to do that. Mr. Magner, any comments?*

*Magner: from a Department standpoint our concerns still remain to be the existing structure. It is further collapsing. If it isn't raised immediately we want to ensure they secure the site. They do have a fence and a gate. We want that gate locked at all times so unauthorized people are not entering the site.*

*Moermond: that is a priority for the Eritrean Community Center?*

*Solomon: we unlock it sometimes because Waste Management comes and takes the garbage. They don't have a key. Or maybe we can put a combination lock on it.*

*Moermond: the highest priority is the site is secured and the City doesn't want the building to collapse and certainly not when a human is present. That safety priority and we need to move quickly because of that ongoing collapse. Send in that updated bid and we'll talk April 12.*

*Asbu: I apologize we didn't show up the last meeting, we had an emergency and apologize for missing that.*

*Moermond: I appreciate that, we are fine.*

**Laid Over to the Legislative Hearings due back on 4/12/2022**

### **10:00 a.m. Hearings**

- 3      [RLH OA 22-4](#)      Making second recommendation to Ramsey County on the application of Home Buyers, LLC for repurchase of tax forfeited property at 702 WILSON AVENUE adopted by Council under File No. RLH OA-22-2.

**Sponsors:**      Prince

*Layover to LH April 12, 2022.*

*Moermond: at this point we haven't received a copy of the actual application for repurchase from Ramsey County or the title information that was the trigger for the request from Tax Forfeiture staff for it to be reconsidered. Lacking that we'll lay this over for 2 weeks in hopes that information will be produced.*

**Laid Over to the Legislative Hearings due back on 4/12/2022**

### **Making Finding on Nuisance Abatements**

- 4      [RLH RR 22-17](#)      Making finding on the appealed substantial abatement ordered for 698 DESOTO STREET in Council File RLH RR 21-58.

**Sponsors:**      Brendmoen

*Layover to LH April 12, 2022 at 10 am. PO to submit updated work plan by COB April 8, 2022.*

*Johnathan Gutierrez, owner, appeared via phone*

*Moermond: we're basically at the six month mark after Council gave you that time to do the rehab and it isn't done yet. So this is a check in to see where we are at. The first piece of information we need is that percentage complete.*

*Magner: Inspector Nathan Bruhn stated it was at 45%. Exterior and framing are complete they are just waiting for trades and the permits are pending.*

*Gutierrez: our Vacant Building fee came in play this month and because of that they wouldn't let the permits go through. I actually went last Thursday and paid the Vacant Building fee so the permits can be processed. That was why.*

*Moermond: that makes sense. When you talk to your contractors what timeline are they giving you?*

*Gutierrez: the challenge now is every trade has trouble getting their supplies. They're ready to do it, I think HVAC started this week. It is hard for me to tell you something they can't tell me based on materials. HVAC, then plumbing, then electrical. I'm hoping we'll be done in the next 2 months and we'll continue with other finishing, insulation, drywall, and whatnot. But a specific timeline based on the supply and demand problems it is hard to give you specifics. We struggled to get our trusses and framing; it took way longer. They're doing everything they can.*

*Moermond: do you still have the money set aside for completing the work?*

*Gutierrez: yes, with all my trades, they've been paid 50% and the contracts are in place. The materials are being ordered. We don't have anything holding us back there. Just timing and supplies are the problem.*

*Magner: mechanical has one active issued, a warm air permit under review, another mechanical issued, all from March 24. There's an electric permit tried for on March 21, 2022 and that was abandoned because the person who applied is trying to do it online. The contractor needs to come in person to do that. We do have a finalized warm air from 2020. Also an active building permit. Jesse Larson needs to come in person to get the electrical permit.*

*Gutierrez: that's probably a miscommunication. Why do they have to do it in person?*

*Magner: our technology doesn't allow Vacant Building permits to be issued online. Any Category 2 or Category 3 Vacant Building permits have to be applied for in person. Everything else has to be done online. The volume of permits and this specific designation doesn't warrant the technology changes at this time.*

*Gutierrez: got it. I'll communicate that to my electrician. That's probably the issue.*

*Moermond: moving forward the City Code says if you are 50% or more complete your Performance Deposit is automatically continued. If you are less than 50% it becomes discretionary by the City Council. You are close enough to 50% I don't have concerns about continuing your current Performance Deposit and you don't have to post an additional one. The next question is we need an updated work plan. We can send you a copy of that plan and you can update that for us. I'm looking for it to be done within another six months. Hopefully that would get you through any supply chain issues.*

*Gutierrez: at this point yeah, most of the materials we have for HVAC now. That was a big holdup. The rest of the trades I don't think we'll see too much of an issue. Six months should be plenty of time.*

*Moermond: we'll look for an updated plan on what you think the new schedule will be.*

Gutierrez: sure, I'll get that in.

Moermond: can you get that into us in 2 weeks?

Gutierrez: yes.

Moermond: so we'll talk again in 2 weeks and confirm it looks good so we can go to Council and recommend another six months to finish.

**Laid Over to the Legislative Hearings due back on 4/12/2022**

## 11:00 a.m. Hearings

### Summary & Vehicle Abatement Orders

#### 5      RLH CO 22-1      Appeal of John Lorenz to a Correction Order at 2099 SCENIC PLACE.

Sponsors:      Prince

Grant to May 1, 2022 for compliance.

John Lorenz, owner, appeared via phone

*[Moermond gives background of appeals process]*

*Staff report by Supervisor Lisa Martin: February 28, 2022 I issued a correction notice regarding vehicles in the driveway that looked inoperable and didn't have current tabs. He was looking for a longer extension than I was willing to give. He's looking for longer time until it is warmer.*

Moermond: in your appeal you said 30 day extension. Tell me what that means to you.

Lorenz: we're getting into warmer weather. I have to work on them myself. Finances are an issue. So when it is cold it is hard to get it done. Now it is getting warmer so there's more opportunity to do it. I was looking for the time to make one of them work. One I've already contacted Cars for Kids that will be going away. The two I'm concerned with are the Buick which was my mom's. Last fall I found it had a brake line problem and the power steering went out as well as some faulty electronics. I need the time to determine if I can get it done. I know there's a time limit and constraints. Buying a used car is tough right now so I'm looking for some decent weather and time to get out there and make or break. Get it usable and get rid of the others. The Astro is behind the Buick so I can't get it to Cars for Kids until I get the vehicle running. The Yukon has 460,000 miles on it.

Moermond: the order Ms. Martin issued is a 'would you please take care of this' order, the other kind is a 'would you take care of it or the City will tow it', which she didn't. I'm happy to recommend Council gives you an extension to May 1. If it isn't done at that time, they will need to escalate it to the second level. That will also be appealable.

Lorenz: I would hope to get it done; I don't want it hanging over my head.

Moermond: so there's your 30 days. An inspector will come by May 2 and take a look.

*Lorenz: I appreciate that, very good.*

**Referred to the City Council due back on 4/13/2022**

## **1:00 p.m. Hearings**

### **Vacant Building Registrations**

#### **6      RLH VBR 22-18      Appeal of Nicholas Gibbs to a Vacant Building Registration Requirement at 1372 PACIFIC STREET.**

**Sponsors:**      Prince

*Grant the appeal and release the property from the VB program.*

*Nicholas Gibbs, owner, appeared via phone*

*[Moermond gives background of appeals process]*

*Staff report by Supervisor Mitch Imbertson: this was a Fire Certificate of Occupancy inspection which went through its renewal inspection May of 2021. There were some corrections and a few reinspections that ultimately resulted in revoking the Certificate of Occupancy August of 2021. When we revoke it is generally for long-term noncompliance. It was then referred to our Vacant Building program. I'm not sure of any contention on the orders.*

*Moermond: what is the building use?*

*Gibbs: it was a rental.*

*Moermond: single family?*

*Gibbs: yes.*

*Imbertson: one unit residential.*

*Staff report by Supervisor Matt Dornfeld: we opened a Category 1 Vacant Building February 24, 2022 per that referral. Noting there is a TISH on file as of March 8, 2022. It is my understanding the house is to be sold.*

*Gibbs: April 25 is closing. I just did a purchase agreement last Thursday and it will be owner-occupied.*

*Moermond: you feel solid on the closing?*

*Gibbs: yes, I do mortgages. We're good to go. And they'll occupy right away.*

*Moermond: Certificate of Occupancy was revoked when?*

*Imbertson: August of 2021.*

*Moermond: I'm going to ask Mr. Dornfeld to check to see if this is occupied by August of 2022. That's one year from when the Certificate of Occupancy was revoked. If it isn't*



*we'll be talking about Vacant Building registration then. That's an entire year. In the meantime I'm granting the appeal and he will just have that as follow up. So you shouldn't have any issues.*

**Referred to the City Council due back on 4/13/2022**

## 1:30 p.m. Hearings

### Orders To Vacate - Fire Certificate of Occupancy

- 7      **RLH VO 22-12**      Appeal of Lakisha Carpenter, Tenant, to a Notice of Condemnation Unfit for Human Habitation and Order to Vacate at 1842 STILLWATER AVENUE.

**Sponsors:**      Prince

*Deny the appeal but grant an extension to May 2, 2022 on the order to vacate.*

*Sebastian Ellefson, attorney on behalf of Ms. Carpenter, appeared via phone  
LaKisha Carpenter, tenant, appeared via phone  
Luke Steive, case manager Lutheran Social Services, appeared via phone*

*[Moermond gives background of appeals process]*

*Staff update by Supervisor Mitch Imbertson: a Fire Certificate of Occupancy process, it has been condemned and is still in condemned status due to conditions. There is an updated correction notice dated today from an inspection March 28 from Thomas. It warranted leaving in condemnation status. The extermination and order related to tenant garbage and excessive storage were all abated. There are still serious concerns in the remaining items including deferred maintenance, sanitation, and repairs.*

*Moermond: looking at the photos, a lot of the more surface type issues were dealt with but there were some deep cleaning issues?*

*Imbertson: yes, that appears to be correct. I wasn't at the property personally so I'm not aware if the attorney's photos were taken before or after our inspector's photos or if they're different angles or areas. Thomas's photos show some additional remaining sanitation issues that aren't quite as evident in the other photos we received. Especially issues pertaining the carpet where Thomas noted it needed repair or replacement, beyond a simple vacuuming. Items of that nature.*

*Moermond: looks like Mr. Ellefson filed an ETRA. Why don't you begin?*

*Ellefson: we did file an ETRA and have a hearing set in front of Bergstrom in Ramsey County Housing Court. The issues we have in that case are the same issues in this one. We're trying to hold the owner and manager to account and fix the items or provide alternate housing to Ms. Carpenter. My purpose coming here today is one, I want to see which of these items in the list, if any, are attributable to Ms. Carpenter and why that is. She believes she's taken care of everything she can as far as quality of the property. That has legal bearing on the ETRA case; if the owner can prove the tenant caused some of the issues. I'd like to have a finding that none of the remaining issues are under the control of Ms. Carpenter. I'm concerned about housing until that case, I don't want her kicked out. I'd like a stay to continue.*

*Moermond: have you worked with Lutheran Social Services on this? I understand their rent subsidy has been withheld. Are they working with you on this?*

*Ellefson: we aren't working in concert with them but we haven't really spoken on the matter.*

*Moermond: Mr. Steive we talked last week about your organization escrowing funds, I'm wondering where all that is at relative to this ETRA.*

*Steive: can we add Aron Griffin?*

*[Aron Griffin was added to call at 2:13]*

*Carpenter: the supervisor said there was no sanitation issues. The photos we submitted yesterday were taken right before the inspection.*

*Moermond: we've been talking about the ETRA. I don't know if Ms. Lightner (Ross) has any services for the deeper cleaning issues. But carpet replacement and so on isn't something her organization typically works with. Mr. Steive, you were just talking about where Lutheran Social Services was at.*

*Griffin: first, I was in touch with the subsidy Department, it isn't in escrow. It just wasn't paid to the landlord because of the conditions. It is being held and will not be paid moving forward. Regarding speaking with the lawyer, we asked Ms. Carpenter to sign a release of information so we could speak with him and she refused at that time. So we haven't spoken with him. The lawyer did reach out to the subsidy administrator and he was told we couldn't speak to him without that release.*

*Moermond: Mr. Ellefson, tell me, your client isn't interested in signing that release so Lutheran Social Services can work with you?*

*Ellefson: we had some emails back and forth and we haven't done it, but it will happen.*

*Moermond: I do see there has been progress since the last time we spoke. Both in terms of the orders being shorter and items being removed, the extermination was done. I assume if the exterminator said that there needs to be a repeated visit that will be followed through on. I'd look for that to be done according to their recommendation. I'm comfortable giving an extension on the vacate date to allow for time for the rest of the list to be addressed. Mr. Ellefson, I don't think I'm going to venture into the waters of determining what is landlord vs. tenant caused problems within this list. The fact the problem exists is what the City concerns itself with, and not attributing it to landlord or tenant. A backed up sewer causes sanitation issues whether it's a break in the sewer system or a t-shirt was flushed. The resolution of the problem needs to be worked out between you and the owner. Mr. Imbertson, any other comments?*

*Imbertson: I would agree with those comments. We don't determine on our inspection whether the issues are caused by tenant or landlord. Looking through the pictures I can assume there is a combination of both unless it was rented with some of the sanitation issues or dirty carpet and trash on the floor. Some is related to use and occupancy of the property but we don't make a determination who is responsible, what is normal wear and tear and requires the carpet being replaced. We deal with this being the issue and this is what needs to be done. I haven't been to the property personally but after speaking to the inspector the most recent inspection orders do appear to be accurate.*

*Griffin: I was present last week and I may have missed something. I asked what we needed to do to get out from under the condemnation I was told the combustible items needed to be removed from home and front porch and the exterminator. I thought we remedied those and now we're talking about other things. Am I confused or did I mishear?*

*Moermond: what I intended to communicate, and perhaps didn't do well enough, was that I'm happy to continue the conversation on the order to vacate without vacating if those major items were dealt with and that was an act of good faith in addressing those items that were the worst in my view. In doing that we bought time to talk about the rest of this. That was my thinking. It gave us some breathing room to deal with the rest of this. I wasn't trying to parse out which ones would result in an ongoing order to vacate. I am seeing things that are concerning but I am also thinking that the breathing room we bought continues to be there. I know it will be better if the property continues to be under an order to vacate with a longer deadline in terms of the ETRA to illicit a response. Mr. Ellefson?*

*Ellefson: I do agree with you. Can we do a condemnation but not an order to vacate? It does let the court know the seriousness. I don't have an objection as long as there is not an order to vacate.*

*Griffin: I will say we did reach out to the landlord and they are back around. We reached out via email. Not sure that makes a difference.*

*Ellefson: once we get the waiver signed I'd love to connect on those particulars.*

*Moermond: you have a hearing on the 7th. I'm thinking addressing these problems will require possibly hiring professional cleaners, particularly the basement floor. Those kinds of things are more time involved. In the end I'm looking at vacate date of May 2, 2022 and we'll do an inspection. That would give indication of seriousness but also sufficient time to manage the items. You're looking at cleaning and carpentry by and large in the ETRA?*

*Carpenter: how can we clean if nothing has been remedied? The mold and sewage haven't been remedied. The sewage continues to come up. It has been an ongoing problem. Nothing has been flushed by the kids. There are trees and we believe that to be the problem. There is substantial mold throughout the house. The exterminator couldn't go in the attic to eliminate those rodents because the City allowed the landlord to screw the door shut. Deem cleaning the house without remedying anything, how does that work?*

*Moermond: sounds like you are going to have a conversation in court about who is responsible for addressing those issues. The inspector didn't see the backup nor is he professional in determining the cause. I don't see mold items in the orders.*

*Carpenter: that's the problem. It continually comes through and he did take a picture of the sewage with the tissue and the poop around the drain indicative of the sewage has come up again. The manager came in and painted that floor and it has come up again since then.*

*Ellefson: this is definitely what we'll argue in front of the judicial referee. We need to convince them it is the owner that needs to do these things, including things that may not be on the City's list.*

*Imbertson: regarding the sewer, we do have on the most recent report item 11, to have the plumbing and waste vent tested to discover leaks and defects which may possibly address any sewer items. Otherwise we need to see it cleaned properly before we can determine it backs up again, so we can tell it wasn't the same issue from previous orders.*

*Carpenter: no, it happened again.*

*Moermond: there are City programs to help with sewer line replacement if necessary. It could be it has failed and needs replacing. There are contractors the City uses and financing available. That applies to landlords as well. I'm going to put out there that May 2 date and hopefully that lights a fire for there to be action taken. If there is a change in circumstances I'm happy to talk with you all. This will go to Council April 13. I'll recommend they deny the appeal on the order to vacate but grant an extension to May 2. If the court comes back and gives a week beyond that let me know and we can coordinate. I'd like to work at cross purposes to problem solve this.*

*Ellefson: so there will be another hearing to assess the conditions before May 2?*

*Moermond: I'm not anticipating we'll need another hearing. The City's role at this point is to create the list of what needs to be done. That referee can determine who is responsible for doing what to determine the habitability of the house.*

*Ellefson: I wanted to verify based on the current report items 2, 8, and 10 have been taken care of?*

*Imbertson: I believe that is correct. The report is numbered differently but yes 3 things were abated from the previous inspection.*

*Ellefson: and that March 29 report I can get via email?*

*Moermond: Joanna Zimny will send everyone on the call the orders along with the photos taken so everyone has the same information.*

*Ellefson: sounds good to me.*

**Referred to the City Council due back on 4/13/2022**