



Minutes - Final

Legislative Hearings

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Tuesday, April 5, 2022

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 22-107** Ratifying the Appealed Special Tax Assessment for property at 706 CONWAY STREET. (File No. VB2208, Assessment No. 228807)

Sponsors: Prince

If property has received its CC certificate by May 18 reduce assessment from \$2,284 to \$1,142, otherwise approve in full.

Jay Mitchell, property rep, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: this is a Category 2 Vacant Building revoked Certificate of Occupancy since November 2012. Current permits for Warm Air, Mechanical, Plumbing, Electrical and building, all issued February 2021. No history on the property under current owner. Total proposed assessment of \$2,284.

Mitchell: all our open permits have made it to inspection, we are set for Finals on electrical and plumbing by April 25. Everything should be done within the next 90 days now the weather is nice.

Moermond: we're four months into the billable year. You have a Public Hearing May 28 which is six months into this bill. If you have your Code Compliance certificate issued by then I'll recommend they reduce it by half. if you don't, I won't.

Mitchell: understood.

Referred to the City Council due back on 5/18/2022

- 2 [RLH TA 22-91](#) Ratifying the Appealed Special Tax Assessment for property at 59 KING STREET EAST. (File No. J2207B, Assessment No. 228106) (To refer to April 19, 2022 Legislative Hearing)

Sponsors: Noecker

Refer back to LH April 19, 2022 at 9 am. (unable to reach PO)

Called at 9:10 am: - mailbox full, unable to leave message.

Called at 10:17 am: mailbox unable to leave message

Moermond: we'll send an email indicating we were unable to connect or leave a Voicemail because it was full. We'll continue the matter to April 19 at which time we'll try again. This goes to Public Hearing tomorrow so we'll refer it back to Legislative Hearing April 19.

Referred to the City Council due back on 4/6/2022

3 RLH TA 22-114 Ratifying the Appealed Special Tax Assessment for property at 88 KING STREET WEST. (File No. VB2208, Assessment No. 228807)

Sponsors: Noecker

If property has received its CC certificate by May 18, 2022 reduce assessment from \$2,284 to \$1,142, otherwise approve in full.

Jesse Haug, contractor o/b/o owner, appeared via phone

[Moermond give background of appeals process]

Staff report by Supervisor Lisa Martin: this is a Category 1 Vacant Building, a duplex referred by Fire for a fire. 90 day waiver due to the fire.

Moermond: so we're 7 months into the billable year. What are you looking for today?

Haug: I work for Restoration Professionals. The fire was June 26. I spoke with the owner, Kyle Leubeck. I filled out the Vacant Building form November 28. Based on what we do, we do a lot of work in St. Paul, it is generally enough for us to fill out the form and get an extension to do the repairs. Late January early February the property was broken into and the gas lines and copper pipes were stolen. We had to start the rebuild again, but we had to work back through insurance for an additional claim. That is why we're still working on it today. The upper unit is complete minus carpet. Downstairs we have drywall done and passed most of our inspections. Now putting carpentry back together. 45 days, possibly 60 before it is completed and the owner can hopefully get back to putting tenants in.

Moermond: what are you looking for in this appeals process?

Haug: to waive the Vacant Building fee.

Moermond: I can't do that. Mr. Leubeck received a 90 day waiver already. We are 7 months passed when it went into the Vacant Building program. It will be 9 months by the time it hits Council. I'll say I'll recommend it is cut in half if you have your Code Compliance certificate by then. If you don't have it done it will be the entire fee. I'm sorry about the fire and break-in, that does make it more difficult. We need to recover at least some of the cost of the Vacant Building program through the fees.

Haug: okay.

Referred to the City Council due back on 5/18/2022

4 [SR 22-35](#) Review Request of Ratifying the Appealed Special Tax Assessment for

property at 1600 UNIVERSITY AVENUE WEST adopted by Council on February 23, 2022 under File RLH AR 22-4. (File No. J2205B, Assessment No. 228104)

Sponsors: Jalali

Approve the assessment.

NOTE: as property owner agrees with assessment no amendment to AR is necessary.

Jason Sklar, o/b/o Spruce Tree Centre, appeared via phone

[Moermond give background of appeals process]

Sklar: I can speed up your day and take over a bit.

Moermond: I would rather not, I need to hear form the City first.

Staff report by Supervisor Lisa Martin: this was a boarding done at the property at 4:52 am. This was done to help prevent further damage to the property. Cost was \$310, service charge of \$162, total assessment of \$472. No returned mail.

Moermond: Mr. Sklar?

Sklar: I did some double checking with a colleague and the vendor who did the eventual repairs to the glass doors. We got information that was different than what our notes had. We don't disagree the City did this service. Our notes were that the vendor boarded this up immediately and ordered glass and made the repairs. We are calling to say capitulation and our information was wrong and they didn't do the boarding. The City did provide that service and we are happy to pay the fee.

Moermond: thank you. Let me say that its good you appealed to square things away and it also helps for the City to check their records. It helps improve the way we do business as well. No harm, no foul. I appreciate you looking further into this. I wish you a good rest of the day sir. I'll recommend approval of the assessment.

Received and Filed

5 RLH TA 22-121 Ratifying the Appealed Special Tax Assessment for property at 1865 OLD HUDSON ROAD. (File No. VB2208, Assessment No. 228807)

Sponsors: Prince

Reduce assessment from \$2,284 to \$753.

Muhammed Abumayyaleh, representative and son of Samir Abumayyaleh, appeared via phone

Samir Abumayyaleh, owner, appeared via phone

[Moermond give background of appeals process]

Staff report by Supervisor Lisa Martin: this is an unpaid Vacant Building fee. Registration was August 26, 2021. It went to assessment January 1, 2022. The Certificate of Occupancy was approved February 16, 2022. Total proposed assessment of \$2,284. No mail returned.

Moermond: can you tell me why you are appealing?

M Abumayyaleh: we purchased October 15. We had tenants in the building that month. But we didn't get our Certificate of Occupancy until the end of January. I am looking to have it prorated from October to January.

Moermond: the property went into the Vacant Building program in August. You're saying you want to pay October through January. August and September go with the property, not with the owner.

M Abumayyaleh: we got it middle of October and people were using the space by that time.

Moermond: you didn't have a Fire Certificate of Occupancy but you were using it? Is that what you are telling me?

M Abumayyaleh: yes. it was being used, not vacant.

Moermond: you know that is illegal right?

M Abumayyaleh: they aren't occupying, they are working on the building.

Moermond: so you had people doing rehab in the building.

[Mohammed's father, Samir Abumayyaleh appeared]

Moermond: we have a Vacant Building fee that covers August 2021 and got its Fire Certificate of Occupancy February 16, 2022.

S Abumayyaleh: what happened?

Moermond: it got its Fire Certificate of Occupancy February 16. It lost its Fire Certificate of Occupancy in August of 2021. It was a registered Vacant Building for 5 months. I gather you're looking for the fee to be prorated?

S Abumayyaleh: I think it should be waived. We own 1880 but are starting phase 2. We also own the parking lot at 1895. We've invested a lot of money. We just had my son's catalytic converter stolen from the parking lot yesterday. It was vacant over 2 years. We have over half the building occupied. We spent detailed work, no walls torn down, painting cleaning some lighting. Cosmetic things inside and out. I don't feel we should be penalized for the fee. We brought it back to life. I've done this 30 years and I've never paid a Vacant Building fee.

Moermond: good for you. I have to say you bought a registered Vacant Building. It was in the program already. Why you weren't anticipating a fee I don't know.

S Abumayyaleh: I didn't even know there was a vacant issue at the building.

Moermond: that should have been in your closing documents. Let's check when it became a pending assessment. January 4 it became a pending assessment. It should have been disclosed by the seller. You need to seek recourse with them rather than the City. That's a private matter between you. It was in the program 5 of 12 months. I'm willing to reduce it to 1/3 of the year, \$753. That's the best I'll do for you today.

S Abumayyaleh: ouch.

Moermond: this is a proportional cost. It costs money to run the program. I appreciate your investment in the City, but I also assume you are investing because you'll get cash returns for doing so. If you weren't anticipating this cost you need to talk to the seller. The seller had 2 bills by the time it was sold for this Vacant Building fee.

S Abumayyaleh: the total fee?

Moermond: \$2,284. And I'll recommend it is prorated to \$753.

S Abumayyaleh: ok, I appreciate it. I'll try and talk to the previous owner.

Referred to the City Council due back on 5/18/2022

6 [RLH TA 22-127](#) Ratifying the Appealed Special Tax Assessment for property at 1069 BEECH STREET. (File No. VB2208, Assessment No. 228807)

Sponsors: Prince

Layover to April 19, 2022 at 10 am for further discussion. LHO to review emails sent to inspector.

Nancy Cleveland, owner and representative of Blue Ribbon Homes, appeared via phone

[Moermond give background of appeals process]

Staff report by Supervisor Lisa Martin: this is an unpaid Vacant Building fee. Previously given a 90 day waiver by you which expired December 7, 2021. Revoked for noncompliance. Huge history at the property but it is a Vacant Building currently. Total proposed assessment of \$2284

Cleveland: we are looking for a reprieve for 90 days to get it up and running and back into sale position. We had a tenant that left that we had a problem with. The fact from our position is we don't want a Vacant Building in St. Paul either. We love St. Paul but no longer feel it is a good fit for us. We are a small operation with 2 five bedroom homes in St. Paul. The last gentleman didn't pay rent, kept telling us he was going to get Covid money, he never did. We've got \$1,650 in the last 15 months. We're behind on the property period. Our taxes have gone up 30% on that home. We used to rent it section 8. Sterling needed a place to go. He's an older African American gentleman. He had a lady talk on his behalf who said point blank it is hard to find housing for older African American men. He was good on rent for a while. Trash was another story. I know the history on the house involves that. We've had so many trash violations. It would be fine one day and the next day it would have cars and junk. He vacated and never told us. We figured that out maybe six weeks after he left. He hasn't answered a call or text in over 5 months. I know you have a copy of our order to vacate. When you look at what is wrong with the building, nothing is wrong with the structure or mechanics. Inspector Thomas viewed it as a boarding house, Sterling said it was only 4 people over and over. Thomas told us later we had every right to unplug anything that is a violation. I went through the list every time, I didn't feel comfortable doing it myself. I would have never dreamt of doing that with personal property. But the deficiency list, can't get to the window. Extension cords. I gave the smoke detector affidavit back to Thomas. We called repeatedly on the vehicles in our neighborhood.

They belonged to the apartment next door. They have a vacant lot with the apartment on the other side. They were looked at as being our cars. Mr. Mulcahy offered to pull it 10 feet away so it wasn't near our property line. We did take everything away from the furnace and water heater and provided clearance. The rooming house was a problem. I'd never been confirmed of that, but that was what Thomas felt. We were both surprised Sterling was allowed to appeal. He wasn't even paying rent. At this point I tried to file an appeal again in our name and I was right on the deadline, our attorney left the business for personal injury. The woman said I was right on the deadline, I told her I can drive it in, she said go ahead and mail it and later called Tom Mulcahy back and said we missed the filing date. We now have a \$1,300 energy bill, we pay insurance, we have a huge water bill. We want it ready to sell. We have no intention of having it be a Vacant Building. We simply couldn't get him out or collect rent and he wouldn't let us in. If it is hostile I'm not going. Tom isn't. Thomas didn't want to go in either. I'm asking for a stay on the Vacant Building charges. Even 60 days will get us back to normal. Listed or inspected and we'll keep it.

Moermond: you were present in an appeal hearing and your voice was heard. So due process was given to you and Mr. Sterling, who was a legally interested party. Both you and your co-owner were present. You were given a 90 day waiver to get the Fire Certificate of Occupancy reinstated with no fee. We had that hearing in September. It still isn't taken care of. That is really what we were looking for. I even recommended it be a Category 1 Vacant Building so you could pull permits. What I have now is a property in the program for 7 and a half months out of 12, by the time this goes to Public Hearing May 18 it will be 12 months. I won't recommend a waiver in this circumstance. The best is some way prorated. If you have your Certificate of Occupancy reinstated immediately then we could talk about it. Right now as it stands, you were given an opportunity and it came and went. We still don't have action.

Cleveland: November 21, 2021 I emailed Inspector Thomas and asked to schedule an inspection, let us know when you are available. He did not answer. December 6 I sent the same email, and I said our Beech property is vacant we're asking for an inspection.

Moermond: do you still have those emails?

Cleveland: I do. I'll send it now to Mai Vang.

Moermond: what you said is super important and I want to take that into consideration. I'll look at those and I'd like to follow up with DSI on those and not come to a conclusion on this appeal today.

Cleveland: I appreciate that. I am looking at my December 6 email and we couldn't get Sterling out and Tom was going to remove the toilet and sink and make it difficult for him. I'm sending it to Mai. It says Tom on one, but it was me. He doesn't write for me. We tried November 21 and never got a response.

Moermond: I'll be more informed to continue our conversation. We'll talk again in 2 weeks.

Laid Over to the Legislative Hearings due back on 4/19/2022

10:00 a.m. Hearings

Special Tax Assessments

- 7 [RLH TA 22-87](#) Ratifying the Appealed Special Tax Assessment for property at 1276 BRADLEY STREET. (File No. CRT2207, Assessment No. 228206) (Legislative Hearing on April 5, 2022)
- Sponsors:** Brendmoen
- Reduce assessment from \$399 to \$242.*
- No one appeared*
- Staff report by Supervisor Leanna Shaff: cost was \$242, service charge of \$157 for a total assessment of \$399 for a duplex Fire Certificate of Occupancy. The Fire Certificate of Occupancy is under 1274-1276. The appointment approval letters were sent to Krishna in Centreville and duplicate sent to Krishna Wells was sent to Poppy Street in St. Paul. The inspector updated the property owner's information in the new Certificate of Occupancy folder but not the approved folder for billing. Bills went to the incorrect address. I did speak with the property owner and they will pay when they are billed by real estate*
- Moermond: and that was confirmed by Mai. Reduce from \$399 to \$242.*
- Referred to the City Council due back on 4/6/2022**
- 8 [RLH TA 22-88](#) Ratifying the Appealed Special Tax Assessment for property at 608 CASE AVENUE. (File No. CRT2206A, Assessment No. 228208)
- Sponsors:** Jalali
- Layover to LH April 19, 2022 at 10 am (unable to reach PO).*
- Voicemail at 10:29 am: this is Marcia Moermond calling from St. Paul City Council about your appealed assessment for 608 Case. We'll send you an email in case it is easier for you to appeal by written statement. If you'd prefer we call you back respond to that email and indicate that is your preference.*
- Laid Over to the Legislative Hearings due back on 4/19/2022**
- 9 [RLH TA 22-118](#) Ratifying the Appealed Special Tax Assessment for property at 1496 SIXTH STREET EAST. (File No. CRT2207, Assessment No. 228206) (April 5, 2022 Legislative Hearing)
- Sponsors:** Prince
- Reduce assessment from \$577 to \$420.*
- No one appeared*
- Staff report by Supervisor Leanna Shaff: total proposed assessment of \$577. Certificate of Occupancy for a commercial building. Orders sent 8/30/21. Invoice sent 10/21/21 and 11/22/21. No returned mail. Bills were sent to Ramsey County/Ryan Ries, 2015 Van Dyke St, St Paul MN 55109. Per Assessment office, recommends reducing from \$577 to \$420 (removing service fee of \$157) for payment was received. check received in Nov 2021 but was not processed until now and was not an assessment until Jan 2022.*

Moermond: so decrease the fee from \$577 to \$420.

Referred to the City Council due back on 4/6/2022

10 [RLH TA 22-94](#)

Ratifying the Appealed Special Tax Assessment for property at 1015 CHURCHILL STREET. (File No. J2206B1, Assessment No. 228113)

Sponsors: Brendmoen

Layover to LH April 19 at 10 am (unable to reach PO).

Moermond: we don't have a phone number for this, so we'll continue it for 2 weeks to April 19. Let's send an email to the owner saying we've done that and have her provide a number if she wants, or she can send in a written statement and do the hearing.

Moermond: Mai just informed me there is an emailed statement in the record of why she is appealing. She says she wasn't informed at the time of a charge for boarding. The scale of the boarding was extensive looking at photos to secure the garage. The City has to do it to make sure no one enters a dangerous structure. I'm going to, without the ability to have a conversation, hold off for 2 weeks again. but note to her without talking to her I'll recommend approval and payment over 5 years.

Referred to the City Council due back on 4/20/2022

11 **RLH TA 22-110**

Ratifying the Appealed Special Tax Assessment for property at 113 COOK AVENUE WEST. (File No. J2208E, Assessment No. 228307)

Sponsors: Brendmoen

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

Cheryl Hilyar, owner, appeared via phone

[Moermond give background of appeals process]

Staff report by Supervisor Lisa Martin: October 12, 2021 we issued a Summary Abatement Order to occupant and owner to remove of oil bags, household items and debris from rear yard and alley. Compliance date October 19, 2021. It wasn't done so an Excessive Consumption fee was added for a total proposed assessment of \$157. It was abated by Owner on November 2, 2021. No returned mail

Hilyar: I had requested additional time. I don't know why he came when I did.

Martin: November 4, 2021 notes say property owner called and requested extension for another week after Excessive Consumption sent; Extension granted until November 12. November 15 it was reinspected and the garbage removed from alley and partially from rear yard, cleaning was not completed upon reinspection.

Hilyar: I thought I had good communication with the inspector. I don't understand. Someone had trimmed the neighbor's tree and put 2 huge piles on my fence line. I was ordered to get those removed and it took 5 pickup loads. My friend had to help me. It was a lot of work. I don't know why people pile things by my fence. He plows his snow against my fence and I am unable to get through my gate. I feel like tearing the fence down. I don't have a garage which isn't an excuse. Before I bought it, it was a rental so they didn't need lawnmowers. It seems like I always have stuff in the yard and I don't

know what is legal to be there. I did end up complying but I thought we kept communication open.

Moermond: it looks like you were granted a bunch of extensions and it still wasn't done on the last visit and they want to charge you for that visit

Hilyar: that's not true, it was done.

Moermond: eventually.

Hilyar: you know what. I'm not in a fighting position. Whatever.

Moermond: I would like to create an incentive for there to be no issues moving forward. Today is April 5, I'm going to ask the Council to continue this matter to October 5, 2022 and I will look and see if you have had any violations from now to then. If you have not, I will recommend this is deleted.

Hilyar: that's awesome. I know I have to clean the yard right now. I have some things out there that don't belong. I have some health issues, so I haven't been there. A friend said he wanted to come clean my yard. I said awesome. Physically I cannot do much. I might get a write up before I get the yard clean but I hope not. If he drives around I know I'll get one.

Moermond: I do wish you well. Take care of yourself, I'm glad you have some help. You could also reach out to House Calls and there may be some services there. We'll send you that information

Referred to the City Council due back on 5/18/2022

12 RLH TA 22-112 Ratifying the Appealed Special Tax Assessment for property at 1672 MANTON STREET. (File No. J2208E, Assessment No. 228307)

Sponsors: Yang

Continue PH to September 14, 2022, if PO has pulled a fence permit delete the assessment.

Ling Nie, owner, appeared via phone

[Moermond give background of appeals process]

Staff report by Supervisor Leanna Shaff: November 4 two orders were sent, Summary Abatement Order for overflowing trash and trash in rear yard, second was a Vehicle Abatement Order for a yellow ford that was missing tires, no current tabs, undrivable. This was the third violation within 12 months so an Excessive Consumption fine was also sent. This property along with others on that block continues to be an issue. The cost was \$122, SC of \$35, and total assessment of \$157.

Moermond: why are you appealing Ms. Nie?

Nie: I was aware and called Paula right away and told her the vehicle wasn't mine, it was the neighbors who parked between our properties. I have been communicating with her. The trash cans and the car, both were not mine. I spoke to her right after that and I cleaned up the yard and took pictures. She said my yard was fine. She also spoke to a neighbor about the car. It remained for 1 or 2 months after the inspection

notice was delivered. I spoke to Paula many times and I tried to talk to her before this hearing to get something in writing but I couldn't get ahold of her. If I spoke to her she'd remember. I called her 3x in November and she said she was going to remove it from my property because it wasn't mine, but unfortunately it wasn't. That's my reason.

Moermond: we had 2 things that happened November 4. You were talking about the vehicle but there was also an order to clean up the yard. So two issues going on. Even if we took the vehicle out of the equation there are still 3 problems in 12 months.

Nie: I want to clarify that. The trash cans were not mine. The neighbors pushed it on mine, close to the shade side. I spoke to Paula and she is aware of that as well. I have no control of the neighbors; they aren't respectful to me. I've spoken to them. There's not much I can do. I try to push their can back in their parking lot but the next day it comes back to mine. Paula knows the history.

Moermond: and Ms. Martin has access to Paula's notes on the property so she can speak to that as well. Ms. Martin, looking at the file anything to add?

Martin: this whole alley, a lot of those homes are a continuous issue. A lot is the neighbor with overflowing trash blowing into her yard. Maybe if there was a fence between the two but anything on her property is her responsibility to remove. We've had mattresses or garbage, its hard to define where it is coming from. If its on her property it is her responsibility

Moermond: do you have a shed on your neighbor Ms. Nie?

Nie: I have a shed.

Moermond: when you look at the photo on the Summary Abatement Order can you see towards the right hand side behind some cardboard a blue cart?

Martin: a blue cart with a cardboard box.

Moermond: I assume that's this property's recycling can?

Martin: correct.

Moermond: it looks like you got orders as recently as March 1 for problems on this property. What is going on in terms of resolving this issue?

Nie: March 1 of this year? I don't think so.

Moermond: oh I see, two properties. The yellow house with the shed is this property and it's a duplex?

Mai Vang: there are two addresses in one house.

Moermond: ok, got it. So there are also orders for the same property in the same time period. I'm struggling with this. It is your responsibility to manage this. it seems like the City is out there frequently to keep the alley in order. I'm sympathetic you have a problem, but this is chronic. What steps will you take to address this?

Nie: last winter I couldn't put the fence up, but I want to do it this spring. There isn't much else I can do.

Martin: the one from March 2022 it was in compliance. It was actually from 1668, not from 1674.

Moermond: any forthcoming Excessive Consumptions on this?

Martin: not I can see. I think a fence is the best thing to do.

Moermond: I think so too. That's the best possible solution. You're doing that this summer?

Nie: yes, just waiting for warmer weather.

Moermond: I'm going to ask the City Council to continue this to September 14. If you have a fence permit pulled we'll delete this.

Referred to the City Council due back on 5/18/2022

13 RLH TA 22-79

Ratifying the Appealed Special Tax Assessment for property at 1757 MINNEHAHA AVENUE EAST. (File No. J2208E, Assessment No. 228307)

Sponsors: Prince

Approve the assessment.

Randi Carr, owner, appeared via phone

[Moermond give background of appeals process]

Staff report by Supervisor Leanna Shaff: October 28--

[Carr was disconnected at 11:13 am and called back]

Staff report by Supervisor Leanna Shaff: October 28, 2021 a Summary Abatement Order was issued to occupant and owner at Woodbury address to remove refrigerator, scrap wood and debris from driveway, to remove and properly dispose of. Refrigerator was on a truck bed, so not properly disposed of. There is also another Excessive Consumption coming your way soon.

Moermond: this is for too many inspections in 12 months.

Carr: we had renters not obeying the City's rules, so we filed an eviction in October and were approved by the County. They had until December to get out. I was advised not to go there until December. That's why I didn't get it out of there, it wasn't mine and I was advised by the Court not to go there until December

Moermond: the court said not to clean up the alley?

Carr: they said not to go on their property.

Moermond: you are still responsible for maintaining the property.

Carr: I did tell them to clean it up and they didn't listen.

Moermond: that sounds like a matter between you and your tenant.

Carr: they no longer live there; they burned the house down.

Moermond: oh my goodness. So this is the smallest of the problems you're faced with.

Carr: yeah. There's another one from December ad because of the fire we couldn't go in until the City did their inspection. It is cleaned up now.

Moermond: so the City is out there doing a lot of work. It looks like no work orders were issued but that it was so many visits they want to charge you for excessive issues. We all agree you had problem tenants with horrible consequences. Now you say you have it cleaned up and that sounds great. You're back on your feet?

Carr: yes.

Martin: I still show this as Vacant with open permits.

Carr: there are 3 permits pulled and 2 are closed, we're waiting on heating.

Martin: I have a plumbing permit open, electric, and building permit open. That's the pending ones I see.

Carr: we have the sheet on the signed off plumbing permit. We cant get the building permit closed until the other things done.

Martin: there are 2 open plumbing permits, one March 9 that doesn't show it as approved. You may want to contact the plumbing inspector.

Carr: the contractor would do that.

Moermond: talk with your contractor and see whether the obligation lies with you or them to schedule that. Lots of contractors do have the homeowner for doing that, and ultimately you are responsible regardless.

Carr: the plumbing is.

Moermond: it doesn't show in our system.

Carr: I'll call them.

Moermond: perfect that's what we're looking for. Everyone incurred costs on this, that's what is terrible about this. You have this one today and one more coming down the pike. I'm struggling to figure out how the responsibility is with the public at large vs. you as the private property owner. I feel terrible you went through what you did. It sounds like the neighbors also went through hell. I wouldn't want to live next door to this, how frightening.

Carr: the tenants didn't care about anything, that's why the court advised us not to go until they were out because it wouldn't have been a good situation.

Moermond: I don't know if you told the court you had City orders or not?

Carr: I did.

Moermond: and this is the cost with not taking that action and it's a private matter between you and the tenant. I can't say this is the responsibility of the taxpayers at large.

Carr: they didn't pay rent for a year so I can't imagine I'll get any money from them.

Moermond: I understand but I'm still stuck with the taxpayers this.

Carr: I talked to the inspector, asked for a couple weeks, he said yeah and then I still get these bills. We were moving everything out and taking care of everything. Why did they go multiple times when they knew the situation and he was ok with it?

Moermond: October 28 there was an order issued because of the refrigerator and debris. That was the third order in 12 months. May 12 there was a Vehicle Abatement Order and September 2 there was a work order for tall grass & weeds and garbage. So you may have gotten extensions but 3 founded violations make you eligible under City code for these Excessive Consumption charges. You didn't have the City do the cleanup but you still had the founded violations for the orders issued.

Carr: I'll just pay for it like everything else. I don't know what else to say.

Moermond: I recognize you are left holding the bag and I don't know how to undo it in your circumstance.

Carr: it is just irritating. I told him it would be done in December. I talked to multiple people. We're not paying for a Vacant Building. I was in contact twice a week. I didn't just ignore it.

Moermond: and the City didn't dispatch a crew to do the work. so you did get those extensions, This is a separate matter

Carr: but it was cleaned up.

Moermond: yes. I hear you. I'm going to recommend approval of this, but you are welcome to ask Council for a different outcome.

Carr: I don't have time for that.

Moermond: we can send that information to you.

Carr: ok.

Moermond: I do wish you well. Take care.

Referred to the City Council due back on 5/18/2022

14 RLH TA 22-95

Ratifying the Appealed Special Tax Assessment for property at 1880 OLD HUDSON ROAD. (File No. J2206E1, Assessment No. 228312)

Sponsors: Prince

Approve the assessment.

Samir Abumayyaleh, owner, appeared via phone

[appeals process given in earlier hearing same day]

Moermond: one we discussed previously and I said I would delete. But we also sent one back that preceded the ones we've talked about, for \$2,295.

Staff report by Supervisor Lisa Martin: this was for Excessive Consumption being billed December 2, 2021. No vehicles. No returned mail. Extensive history. Total proposed assessment of \$157.

Samir Abumayyaleh: we paid a few of these already. My son just notified me they have all been paid. There should be no issues moving forward. the parking lot across the street should resolve the issue.

Moermond: you think this was paid?

Samir Abumayyaleh: yes, my son is 100 percent sure.

Moermond: it was paid and everything is alright. I wish you a good rest of the day.

Son: can we have the one waived you would delete?

Moermond: that following one is on the agenda today and I'm recommending deletion. The one preceding these 2 you said you paid.

Son: ok.

Referred to the City Council due back on 5/18/2022

15 RLH TA 22-96

Ratifying the Appealed Special Tax Assessment for property at 1880 OLD HUDSON ROAD. (File No. J2208E, Assessment No. 228307)

Sponsors: Prince

Delete the assessment.

Samir Abumayyaleh, owner, appeared via phone

[appeals process given in earlier hearing same day]

Moermond: one we discussed previously and I said I would delete. But we also sent one back that preceded the ones we've talked about, for \$2,295.

Staff report by Supervisor Lisa Martin: this was for Excessive Consumption being billed December 2, 2021. No vehicles. No returned mail. Extensive history. Total proposed assessment of \$157.

Samir Abumayyaleh: we paid a few of these already. My son just notified me they have all been paid. There should be no issues moving forward. the parking lot across the street should resolve the issue.

Moermond: you think this was paid?

Samir Abumayyaleh: yes, my son is 100 percent sure.

Moermond: it was paid and everything is alright. I wish you a good rest of the day.

Son: can we have the one waived you would delete?

Moermond: that following one is on the agenda today and I'm recommending deletion. The one preceding these 2 you said you paid.

Son: ok.

Referred to the City Council due back on 5/18/2022

- 16 RLH TA 22-105** Ratifying the Appealed Special Tax Assessment for property at 1530 SHERWOOD AVENUE (1400 PROSPERITY AVENUE). (File No. J2208E, Assessment No. 228307)

Sponsors: Yang

Delete the assessment.

No one appeared

Moermond: we have on our agenda first 1400 Prosperity and now 1530 Sherwood. Mai Vang will explain what is going on with this.

Mai Vang: the assessment roll has 1400 Prosperity, but the actual address is 1530 Sherwood Avenue. Stamp has both addresses listed. There was confusion there.

Moermond: not different addresses for the same building, they are different parcels.

Mai Vang: no. They are the same parcel. I contacted the owner and her argument is that she does not own 1400 Prosperity. I had to contact the assessment office to verify 1400 Prosperity is listed. She says they use Parcel Identification Number but Tanya Panzer has noted to archive 1400 Prosperity. When I called her she said yes, her address is 1530 Sherwood. I sent an email to Inspector Thao to verify the mattress on the parking lot on 1530 Sherwood is the same as the recheck photos. Lisa Martin responded and said the photos don't match the Summary Abatement Order photos and recommended deletion of the assessment.

Martin: I think we're covered to delete this one.

Moermond: and the property is named Kitty's Corner.

Mai Vang: she said she talked to you twice and wanted [Lisa Martin] to visit Kitty's Corner. She will email you.

Referred to the City Council due back on 5/18/2022

- 17 [SR 22-47](#)** Review Request of Brandon Stecher to a Ratifying of the Appealed Special Tax Assessment for property at 1237 CONWAY STREET adopted by Council on March 23, 2022 under AR 22-19. (File No. J2214A, Assessment No. 228513)

Sponsors: Prince

Delete the assessment.

Brandon Stecher, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: a Summary Abatement Order was issued October 28, 2021. It went to occupant and the owner at the same address to remove and properly dispose of furniture from rear of property. There is a photograph of the furniture by fence. It was not removed and a work order was sent. Total proposed assessment of \$478. No returned mail. No history at the property. It has been well maintained.

Moermond: why are you appealing?

Stecher: I am looking to not have to pay this. The couch wasn't mine and I didn't know it was there. In the Voicemail I left earlier the neighbor next door had his garage burn down and when the owner was cleaning it up they got a dumpster. During that time the neighbor next door asked me if I put that couch there. I said no, I had no idea whose it was. Then a month or 2 later I'm opening up the mail and I see all this mail from the City. Someone moved it from next the dumpster on his property to the alley next to my fence. There is a privacy fence so I couldn't see it. I never go in the alley. And when I was receiving all this mail it was when I had Covid. I finally got around to opening them and eventually got to you, Marcia. My neighbor asked me if I put the couch there and I think he left a Voicemail a couple days ago or talked to someone to verify what I've said. Basically I didn't know it was there and it wasn't mine, I didn't know until I saw all this mail saying \$500. With the neighbor verifying my story I don't know what else is needed.

Moermond: in your favor is there have been no violations since 2013.

Stecher: I bought it in 2014.

Moermond: I'm looking at whether there was a good faith effort to address it. It sounds like there was a lot of communication about where that couch belonged garbage-wise and there was confusion amongst the neighbors and then Covid. Taking that into account I'm going to recommend Council deletes this assessment.

Stecher: thank you.

Moermond: you were probably invoiced on this already. You can disregard the invoice. Any problems related to that reach out to assessments. It should be voided in our system.

Stecher: thank you very much.

Received and Filed

18 RLH TA 22-129 Ratifying the Appealed Special Tax Assessment for property at 427 WHITALL STREET. (File No. J2208E, Assessment No. 228307)

Sponsors: Brendmoen

Approve the assessment.

Thomas Wybierala, owner, appeared via phone
Cherie Ventrelli, o/b/o Wybierala, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: this is related to orders sent September 29, 2021 to obtain a building permit to store box trailer on the property or remove it. Orders January 27, July 23, and this one September 29. Total proposed assessment of \$157 with no returned mail.

Moermond: what are you looking for today?

Ventrelli: I spoke to someone at the City that told me I didn't have to have a building permit because the container was not big enough to have to obtain a permit for it.

Moermond: looks like the order says to obtain a permit or remove it. So you couldn't get a permit and didn't remove it?

Ventrelli: I didn't realize it was for this box. I wanted to talk to someone about these Excessive Consumption fees that have been put on their taxes. There are several of these charged to the property.

Moermond: and I only have this one in front of me today.

Ventrelli: I think we need to come in and speak to someone about this. It has been going on for 3 years. Excessive Consumption charges on Mr. Wybierala's taxes for 3 years for excessive fees.

Moermond: I've seen a lot of those pass through. Those weren't necessarily appealed. I have in my records between 2012 and the present, 12 different appeals for this property. 8 of which are for assessments. And all of those are for Excessive Consumption of code enforcement services. So there have been appeals.

Ventrelli: correct me if I'm wrong. When the City comes out to inspect it is because a complaint is generated, correct?

Moermond: yes.

Ventrelli: I'd like a record of all the calls that generate these inspections for the last 3 years. He's charged these every month. It is not he isn't in compliance. The City billed him for the same charges for 3 years now. It is the same thing every month over and over. I would consider this to be harassment, wouldn't you?

Moermond: each of these orders are appealable in their own right. I'm hearing you ask for records for his property, that is not a problem. Ms. Vang, can you forward a data practices request to DSI on behalf of them?

Ventrelli: I would like a record of the complaint for each one of these. I don't want to know who; I just want to see the call generated for the complaint. I don't care who called, I don't need to know that. I want to see there was a complaint for each and everyone of these fees on his taxes. This is higher than us I think. I would like to see these fees on his taxes and he's finding it hard to pay the taxes. The City has taken the opportunity to apply these fees so he is losing his property. There is also another situation where the property was transferred to Gerald Trish—

Moermond: the City never owned that parcel.

Ventrelli: they do now. Which they should not because the executor cannot transfer property to himself that belongs to someone else.

Moermond: I have no idea what you are talking about. I need to focus on this Excessive Consumption. You say you shouldn't have to pay because it was harassment. Anything else?

Ventrelli: no I guess not.

Moermond: 8 were appealed, 6 were no shows and 2 were attended. If Mr. Wybierala disagreed with the assessments there was a process for that to be appealed. I would suggest he seek counsel separately. Mr. Wybierala ,do you have any questions?

Wybierala: I guess not, other than I will be getting ahold of an attorney.

Moermond: that is likely a good idea. The orders generated were founded so I'm struggling why they shouldn't have to be paid.

Ventrelli: if he was to get the permit for the box we have out there, will that correct this situation until we can contact an attorney?

Moermond: this goes to Council May 18, 2022. You can come to that Public Hearing and make an argument to Council. The order itself said for the thing to be removed or get a permit. That was not something you could get a permit for so it had to be removed and it wasn't.

Martin: we don't allow storage pods on the yard or in a vacant lot. It wouldn't be approved. It isn't an accessory structure. It wouldn't be allowed to be approved on the property.

Wybierala: I have furniture in there because I'm working on the inside of the house.

Ventrelli: it is being issued as storage.

Martin: it can be in the driveway temporarily but not in the yard.

Wybierala: that is the driveway.

Moermond: I wis you would have appealed it when you received the order so we could deal with it then. It is now way down the line. I know that you know how to appeal.

Wybierala: I never received paperwork on it.

Moermond: you say that but just referenced having to go downtown to get paperwork on it. That doesn't jive.

Ventrelli: I went down there. He got a form saying he needed a permit but he wasn't aware this hearing was for the container. I thought it was for the Excessive Consumption fees.

Moermond: this is for excessive consumption.

Ventrelli: ok. I guess at this point, you might as well file whatever you need to file. He will consult with an attorney or whatever about suing the City.

Moermond: works for me. To clarify I have asked my staff to send an email to DSI indicating Mr. Wybierala would like a copy of the record of the file on the property and that isn't a problem. That is public information.

Ventrelli: what about the other charges on his taxes?

Moermond: those went to hearing but are already certified to the taxes. You should consult an attorney.

Ventrelli: ok, we have a situation with the property next door supposedly owned by the City.

Moermond: do you have an address?

Wybierala: there is no address. I believe my dad bought it a long time ago. If it was it would be 419 or 423 or 425 Whiteall. There are four lots here. The guy on the corner is 415 Whiteall.

Moermond: was it Phalen View Real Estate, LLC?

Ventrelli: yes it was.

Moermond: that was tax forfeit to the State of Minnesota. No one transferred anything to anyone. The City doesn't own it. It is owned by the State of Minnesota.

Ventrelli: he was the executor of the trust for Richard Wybierala. He transferred the property into his name without consent of the family.

Moermond: I would suggest you consult legal counsel. I see 3 founded complaints in 12 months. I will recommend approval and the Council may look at it differently.

Referred to the City Council due back on 5/18/2022

Special Tax Assessments-ROLLS

- 19 RLH AR 22-34** Ratifying the assessments for Collection of Vacant Building Registration fees billed during July 21 to November 12, 2021. (File No. VB2208, Assessment No. 228807)

Sponsors: Brendmoen

Referred to the City Council due back on 5/18/2022

- 20 RLH AR 22-35** Ratifying the assessments for Securing and/or Emergency Boarding during December 2021. (File No. J2208B, Assessment No. 228107)

Sponsors: Brendmoen

Referred to the City Council due back on 5/18/2022

- 21 **RLH AR 22-36** Ratifying the assessments for Demolition service from December 2021 at 2062 Como Ave. (File No. J2203C, Assessment No. 222002)
- Sponsors: Brendmoen
- Referred to the City Council due back on 5/18/2022**
- 22 **RLH AR 22-37** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during October 22 to November 19, 2021. (File No. J2208E, Assessment No. 228307)
- Sponsors: Brendmoen
- Referred to the City Council due back on 5/18/2022**
- 23 **RLH AR 22-38** Ratifying the assessments for Graffiti Removal services during December 9 to January 13, 2022. (File No. J2206P, Assessment No. 228405)
- Sponsors: Brendmoen
- Referred to the City Council due back on 5/18/2022**

11:00 a.m. Hearings

Correction Orders

- 24 [RLH CO 22-2](#) Appeal of Eva Stites to a Correction Order and Appointment Letter at 1099 GERANIUM AVENUE EAST.
- Sponsors: Yang
- Layover to LH April 12, 2022 at 11 am (unable to reach PO).*
- Voicemail at 12:15 pm: good afternoon Ms. Stites this is Marcia Moermond from St. Paul City Council calling you about your appeal at 1099 Geranium. We'll try back in 5 minutes.*
- Voicemail at 12:21 pm: good afternoon again Ms. Stites. This is Marcia Moermond calling you about your appeal for the correction order. You haven't answered twice. I'll continue this one week to Tuesday April 12 and you should be available between 11 and 12:30 to discuss the matter.*
- Laid Over to the Legislative Hearings due back on 4/12/2022**

1:00 p.m. Hearings

Vacant Building Registrations

- 25 **RLH VBR** Appeal of Lucy Iburg to a Vacant Building Registration Requirement at
 22-17 106 DOUGLAS STREET.

Sponsors: Noecker

Waive VB fee for 120 days (to August 10, 2022).

Lucy Iburg, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: this is a Category 1 Vacant Building back in April of 2018 due to a fire. It was upgraded to a Category 2 in September 2018. Since then the building has gone through sale review and we have a Code Compliance and permits on file. I believe it is being remodeled into a dentist office. I believe we are here to discuss the fee coming due April 10, 2022.

Iburg: we should be done in 2 to 3 months. We have put so much money into the house I would like some help. It will be a gorgeous site. Money-wise we don't have any money left for the clinic and we'll be done in 3 months.

Moermond: 3 months would be a waiver to July 10, 2022 to get it done. This has been in the program since 2018. I'd like to get it out of the Vacant Building program and some latitude. I'm going to give you 120 day waiver on the fee, through August 10, 2022. That means if you get your permits finalized by August 10 there will be no Vacant Building fee. If they aren't finalized, a fee will be processed as an assessment, which is also appealable.

Iburg: that is fair. They say June.

Referred to the City Council due back on 4/20/2022

26 [RLH VBR 22-21](#) Appeal of Victor Nenghimobo Clement to a Vacant Building Registration Notice at 467 IVY AVENUE EAST.

Sponsors: Brendmoen

Layover to LH April 12, 2022 at 1 pm for Property Rep to complete provisional Fire C of O application.

Inie Clement, power of attorney for owner, appeared via phone
Akpan, occupant, appeared via phone

Boniface Chimoh – Voicemail left at 1:57 pm: this is Marcia Moermond calling from St. Paul City Council trying to call you into a hearing regarding 467 Ivy Avenue. We'll try back in a couple of minutes. Voicemail left again at 1:59 PM: this is Marcia Moermond again trying to call you into a hearing again on 467 Ivy Avenue. Follow up with Inie Clement after to see what is happening.

Moermond: Ms. Clement, you wanted just those 2 people added?

Clement: yes, if possible.

Moermond: and Boniface was a first name. What is the last name?

Clement: Chimoh

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: January 11, 2022 we received a complaint this property was nonowner occupied and several rooms were being rented and door to bedroom and not secure. Inspector Der Vue wrote that even though Ramsey County says the property owner resides at the property, our information says the owner does not reside there. We learned that there is a manager assigned but we weren't able to get ahold of them. It was transferred to inspector Ganzel who has tried numerous times to enter the property. He has met with today's appellant on some occasions, and not met sometimes. We believe it is not owner occupied and it does require a Fire Certificate of Occupancy. This has been going on since January. What has been given to us by appellant was a Durable Power of Attorney (POA) which states the property owner lives on Princeton in Eagan MN. We have also learned the property owner is incarcerated and doesn't reside there, nor does his immediate family. Since we have had difficulty in getting anyone to step up and be responsible and responsive and apply for a Fire Certificate of Occupancy and allow a full inspection, we ordered it vacated since it lacked a Fire Certificate of Occupancy.

Staff report by Supervisor Matt Dornfeld: Inspector Hoffman opened a Category 2 Vacant Building March 22, 2022. He met with St. Paul Police Department, Restoration Professionals, and the fire inspector at the property to vacate and secure the property.

Moermond: Ms. Clement you hold a durable POA. What are you looking for today?

Inie Clement: the unit is not abandoned and is not vacant. We have family members that have consistently been there and a friend that was in crisis that moved in. From the beginning before Mr. Clement had his temporary absence. He has several sons that pop in now and again. He called them on the 16th and 18th. I have documentation of that. It was purchased as a fixer upper years ago. No one was allowed to move in until the unit met code at the time. It was also given a Fire Certificate of Occupancy. I showed he was the primary resident as of his letter March 3. I didn't receive it until the 15 because it was mailed to the Princeton address. It is supposed to go to his primary residence. I wrote not to send his mail there. Before we found out the mistake on the POA where he accidentally said he lived in Princeton. It is cleared up now he isn't there. After I sent the documentation he is the owner and primary resident, he accepted the evidence from me. I went to the office and dropped it off. That is why they didn't come out on the 17th to inspect. He said he has a concern since Victor is not around, who do they contact or follow up for emergencies. That is when I brought in that information to prove it is his primary residence. He lives there, he is temporarily absent. He requested I bring in the POA and the special sheet that mail should not be sent to Princeton, that it should be sent to Ivy. So I submitted that. All I could understand was that everything was ok as of Friday. Friday morning he called and I missed it and I called back right away. The next day I had was Monday, I called Monday morning and he said he already abandoned the building. I asked why, the problem has been taken care of. That is when he told me the question he had on Friday. They came and took the cars that were parked in front of the property. They were being used by the people in the property. They had current insurance.

Moermond: ma'am you didn't file an appeal on that. I don't have anything related to vehicles.

Clement: alright. I did appeal on the 18th and have the inspector reinspect from the 19th. I never received any notice. We have smoke alarms.

[Victor Clement called Inie Clement on her phone but could not be heard]

Inie Clement: he said he's the owner of both buildings. The Ivy house is his primary residence. He says he has a commitment warrant.

Moermond: I have a question. My understanding is Mr. Clement is incarcerated and has been for some months?

Inie Clement: yes.

Moermond: how long will he be incarcerated for.

Inie Clement: September of 2023.

Moermond: that's the earliest?

Inie Clement: he said it may be sooner depending on the valuation guide.

Akpan: I am a nephew of Victor Clement. I have lived at the address since 2019. This invasion of officials shocked me. I just left there to South Carolina on March 15. Barely a week after I left I got a call from Inie Clement that officials went there to shut it down. That is the home I know. My home is in Minnesota. It is not true it is abandoned. Neighbors gave their testimony. They seem me take out the trash every Thursday. Go to work and come back. We pay water bills. We have people there, including myself and Mr. Boniface.

Moermond: I hear where you are coming from. The phrasing in the letter of March 21 is not the best and should not read that way that it is "condemned as unfit for human habitation". It should have been ordered vacated for not having a Fire Certificate of Occupancy. None of the violations listed rose to that level. That doesn't mean it can be occupied without a Fire Certificate of Occupancy if it isn't nonowner-occupied. The owner will be incarcerated for the foreseeable. That means anyone who is not Victor Clement cannot reside there. I have a POA that allows Inie Clement to apply for a Certificate of Occupancy on his behalf. That's the most straightforward path unless Inie Clement moves in herself. Having that Certificate of Occupancy gets you out of this trouble. The things in the order shouldn't be too big a hurdle to jump. Repairing the foundation corner, some holes in siding. Dealing with the smoke alarm you said you already did. These are pretty simple so we are simply at an administrative straight jacket on this now. We need that Certificate of Occupancy issued and then people can be there. That would make Inie the responsible party according to the POA and responsible for repairs and meeting the inspector. Is that one you will take on?

Inie Clement: what about the Fire Certificate of Occupancy it already has?

Moermond: it doesn't have one at this time.

Inie Clement: what happened to that old one?

Moermond: it never had a Fire Certificate of Occupancy. Perhaps you are thinking about another inspection report. This is required for no owner occupied properties, which it has been since October. The conversation started in January. I'm looking for you to fill out that application. If you do that we can unlock the doors and get out of the Vacant Building program. That's the most straightforward path. Are you willing to do that?

Inie Clement: I'm already remodeling a building.

Moermond: you didn't answer the question.

Inie Clement: I already requested the inspector to unscrew the doors to get estimates.

Moermond: that's not the same thing. We'll email you a form to apply for a Fire Certificate of Occupancy. You are not answering. You need to say you will be the Responsible Party for this property. That means filing out the form, paying the fee, and getting inspected.

Shaff: we won't issue without the fee. I believe it is \$117 for the provisional application.

Inie Clement: the fire Certificate of Occupancy inspection is different than the one we had?

Shaff: the one you had was a complaint.

Moermond: he was only looking at the items that were obvious and complained about based on that complaint. There will be a more thorough inspection that would make it possible for this to be lived in. I really think this is the way to go. It gets people back in. the faster you do this the faster you get back in. is that something you are willing to do?

Inie Clement: ok, alright.

Moermond: does Victor Clement have any questions?

Inie Clement: [to Victor] they are suggesting we get a provisional Certificate of Occupancy which allows people in while it is inspected.

Moermond: I will continue the matter to next Tuesday. I'm hoping by tomorrow you have that paperwork done. You can come by our office to get it or go to DSI to get it.

Shaff: that would be best. Go to 375 Jackson, second floor. Ask them for an application for a provisional Fire Certificate of Occupancy

[Ms. Clement repeats what was said to Mr. Clement]

Moermond: if you fill that out as soon as possible people can live there while it gets inspected. Next Tuesday I will check to see if you have done that. If you have you'll be out of the Vacant Building program and it won't be ordered vacant. In the meantime enforcement is stayed. Please submit an updated POA with Mr. Clement's correct address.

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

**27 RLH VBR
22-20**

**Appeal of Jay Mitchell to a Vacant Building Registration Requirement at
16 ACKER STREET WEST.**

Sponsors: Thao

Waive VB fee for 90 days (to May 9, 2022). Property to remain a Cat 2 VB and require a CCI. Allow permits to be pulled once CCI is complete.

Jay Mitchell, property representative appeared via phone

[appeals process not given as Mr. Mitchell was talked to earlier in the day on another hearing]

Staff report by Supervisor Leanna Shaff: February 7, 2022 the Fire Department called one of our inspectors, Brian Schmidt, due to unsafe furnace and carbons. He met with Xcel and the Fire Department and the Red Cross was called and tenants taken care of. The meter is fully locked. The condemnation is due to faulty heating equipment and unsafe carbon monoxide levels when the heater is running. There are some exterior foundation issues, holes, but the issue for the condemnation is the unsafe carbon monoxide levels.

Staff report by Supervisor Matt Dornfeld: we opened a Category 2 Vacant Building February 9, 2022 per Inspector Shaff's referral. Most recently, as of April 3, my report reads Police were called to the property and noted the placard were ripped down and someone was staying inside and there was the smell of gas and water main was broken and gushing water in the basement. The police called the Fire Department and the gas problem was rectified and they also called the Water Department and the water was shut off.

Moermond: Mr. Mitchell, sounds like you had a break in and some other issues. What are you looking for today?

Mitchell: we had some problems finishing this. They kept coming back. We just want the furnace and water heater done with permits. We've got to dry out the building. Until that happened there was nothing to make it a Category 1 instead of needing a full Code Compliance.

Moermond: it went to the Vacant Building program because it was condemned. It is a matter of Code, anything condemned becomes a Category 2 automatically. That's how we end up there. You were right; it was a singular item with the carbon monoxide problem that lead to the condemnation and I see building items and now hear additional problems with gas and water. Which concerns me that multiple systems need to be evaluated. I don't see any permits pulled

Mitchell: I don't know who tore the placards down. They weren't there when we came, we're trying to put it back together. The main being broken, Mr. Dornfeld was correct, we'd pull the proper plumbing, HVAC and water heater permits. Whatever the foundation issues would be we would correct. To have the Vacant Building fee on top, it is just more to deal with.

Moermond: I will recommend the Council deny the appeal to make this a Category 1 Vacant Building but will recommend they give a 90 day waiver on the Vacant Building fee. That takes you to May 9, 2022. I'll ask Mr. Dornfeld allow permits to be pulled after the Code Compliance Inspection is done so you wont be held up by the fee.

Referred to the City Council due back on 4/20/2022

**28 RLH VBR
22-19**

Appeal of Jay Mitchell to a Vacant Building Registration Requirement at 743 THIRD STREET EAST.

Sponsors: Prince

Waive VB fee for 90 days (to May 15, 2022). PO to complete VB registration form and

request Fire exemption.

Jay Mitchell, property representative appeared via phone

Staff report by Supervisor Leanna Shaff: February 11 this was struck by a vehicle. Fire was called, it had no heat and Xcel removed the meter. Red Cross was notified and shelter made for occupants. It is only the lower unit on there. This is a strange building, there's one at 309/311 Maple, connected by utilities only. The upper unit has its own heat source but the lower had no heat. It was referred to the Vacant Building program and condemned February 11.

Moermond: can you tell me the Fire Certificate of Occupancy history on this one? Grade?

Shaff: I actually did this one myself. It does have a separate Certificate of Occupancy than Maple street. The last inspection was done by me which started in May of 2019. Finally wound up revoking for long-term noncompliance. Certified it January 22, 2021. We had difficulty getting the exterior done.

Moermond: the meter that was hit only affects the lower unit, and the upper unit is safe to occupy?

Shaff: yes.

Staff report by Supervisor Matt Dornfeld: we opened a Category 1 Vacant Building February 15, 2022.

Moermond: a warning letter was sent March 18, 2022 attached to the appeal, so I'm hearing that shouldn't have been sent out because it was under a fire waiver?

Dornfeld: in order to receive the Fire waiver you do have to fill out the Vacant Building registration form and request it. It isn't automatically applied. That's probably the case here.

Moermond: sounds straightforward. If Mr. Mitchell's client fills out the Vacant Building form and requests an exemption it would grant a 90 day fee waiver and remain a Category 1 Vacant Building so addressing the gas meter would be the only thing that needs to be done to get out of the Vacant Building program?

Dornfeld: yes.

Mitchell: that sounds great. I wasn't aware of that so I learned something new.

Moermond: get that form filled out and request that exemption. I'll put in resolution that you get a 90 day waiver but please fill out that form.

Referred to the City Council due back on 4/20/2022

2:00 p.m. Hearings

Fire Certificates of Occupancy

29 RLH FCO
22-27

Appeal of Barry W. Kostyk to a Fire Inspection Correction Notice at 351 HOPE STREET.

Sponsors: Prince

Grant the appeal conditioned upon the hard-wired smoke alarm system being maintained and there is no combustible storage in basement and laundry room(s).

Barry Kostyk, owner, appeared via phone

Moermond: we left things as to some investigation to the applicable code for fire separation. I'll turn it over to Mr. Neis to update the record. I understand we have reached some resolution but have an outstanding issue still.

Staff update by Manager AJ Neis: I performed a resinspection with Mr. Kostyk after a meeting at DSI to address some of his concerns. I went to take a look at the property to see if there were any issues in regard to the orders and ceiling after looking at his photos. During our conversation I asked about hardwired smoke alarms. He was unsure, but believed they were there. I asked him to confirm and then to let me know. He did and in fact there were hardwired interconnected alarms in basement, laundry area, and the first and second floors. There is no record of that on permit because we accepted it as an alternate means of compliance where it was hard to do adequate Fire Certificate of Occupancy. After that, I realized that that order should have never been written. I would like to withdraw the order on the ceiling.

Moermond: that order should not have written if there was proof of an interconnected smoke alarm. Would an inspector in normal circumstances have confirmed that?

Neis: yes, it should have been.

Moermond: just to create a record so there is a resolution and permanent record, I would recommend the appeal be granted conditioned on the maintenance of the smoke detector system. So that is written and Mr. Kostyk has that to refer to forever.

Neis: because this is not a code exception, a permanent resolution is the best course of action. The second issue was there was some fire rated foam put in the gaps in the joints. After looking further and speaking with Supervisor Shaff we believe the intent of the foam was most likely, though we can't say 100 percent, for smoke stoppage. One of the issues we had concern with was making sure there was no noncombustible storage and the laundry room wasn't used. The third issue was the number of points that were assessed in regard to the property during the inspection. I'll let him speak to that.

Moermond: before we go there. My initial staff report from Ms. Shaff two weeks ago she said it came in as a class C building. Can you summarize the point range and grades?

Neis: the building after the initial inspection assigned a class C grade with a total of 88 points. In order for it to drop to a class A, it would needed less than 15 points on the inspection to get to class A. To be a class B it would have had 30 or fewer points. Anything over 31 points would have made this a class C.

Moermond: class B is 16 to 30 points?

Neis: yes.

Moermond: Mr. Kostyk, you wanted to talk about regrading and orders, please take over.

Kostyk: I wanted to thank AJ a ton. As I put in the letter the Fire Code is a complex issue and it isn't in layman's language. I've learned a lot. I am satisfied with a lot of things. I didn't know what the point range was for the grades. I called the other day to try and get that and they told me it was on the website and I tried to find it last night. The numbers he was quoting were the numbers I found for a triplex. The fact the one order would be removed, it was only 10 points which wouldn't change the grade. I don't think there is anything to talk about and I think it should remain a class C.

Moermond: I'm sure after this you'll be a class A with the next round.

Kostyk: it was initially I think. One of the things I've learned is you need to check with the tenants before an inspection. One thing that was frustrating was I told them no extension cords, etcetera with the tenants in apartment 3 and when I went there there's a guy on his computer with his stuff all plugged in. He said he's lose all his data if he unplugged. So you can't just rely on them. I don't think it was right when I called to tell the inspector the window was broken he refused to reschedule. It wasn't negligence, it was caused by an ex-husband with a restraining order who broke the windows a few days before the inspection. AJ explained if an inspector sees a broken window he can't ignore that. I understand that but I was already having someone come out.

Moermond: thank you for going through this and confirming the systems are working correctly. I do appreciate you've done this. I'm going to recommend the Council grant the appeal on that condition.

Neis: smoke alarms and no combustible storage in basement and laundry rooms.

Kostyk: I'm sure inspector Thomas is mad at me; do I still have to have him for the reinspection?

Neis: we can address that offline, Mr. Kostyk.

Referred to the City Council due back on 4/20/2022