



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, April 12, 2022

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 21-68](#) Ordering the rehabilitation or razing and removal of the structures at 939 CHARLES AVENUE within fifteen (15) days after the December 22, 2021, City Council Public Hearing. (Public hearing continued from March 8, 2022)

Sponsors: Thao

By COB Monday, April 18, 2022 PO must 1) submit a work plan including bids and schedule, 3) affidavit dedicating the funds to the project, and 3) property must continue to be maintained.

[after hearing it was confirmed that a different council date was given to Ms. Miller previously, so that original date is being used]

Voicemail for Miller x1226 left at 9:51 am: this is Marcia Moermond calling from St. Paul City Council to discuss 939 Charles. I think we have 3 numbers for you. We'll try the other 2, I think the last time we spoke you were in Mr. Thooft's office.

Voicemail for Miller x8552 at 9:53 am: this is Marcia Moermond trying to reach Lorrie Miller to discuss 939 Charles. We tried another number, I think we have one more number we will try, otherwise follow up by letter.

Tried calling Miller at x9503 – unable to connect.

Voicemail for David Frey left at 9:58 am: this is Marcia Moermond calling from the St. Paul City Council about 939 Charles Avenue, a Lorrie Miller property. Assuming you don't want to participate, we'll copy you on the follow up correspondence.

Moermond: we were looking for money, plans and property maintained. How is that looking?

Manager Magner: no issues. We found it secure and vacant and lot orderly last time we were out.

Moermond: we did receive evidence of financing of \$100,000 but have no work plan or

contractor bids. This was originally heard by Council December 22, we're four months later. We'll put in back in front of Council May 4 and she can present in Legislative Hearing April 26. If she fails to do so or they are inadequate I'll recommend the property is removed.

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

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 26, 2022 at 9 am. PO to submit engineering report and updated bid by COB April 22, 2022.

*Claudia Klinkhammer, Planning and Economic Development, appeared via phone
Mr. Dawit Solomon, President Eritrean Community Center of MN, unable to be reached
Ms. Ruth Ogbaselassie, treasurer Eritrean Community Center of MN, appeared via phone*

Tried calling Ms. Belainesh Tekle, PR Eritrean Community Center of MN at 9:09 am and left voicemail: this is Marcia Moermond calling from St. Paul City Council about 1941 University. We'll try you back in a couple minutes after we start.

Moermond: we left last time with a couple bids knowing there were decisions needed to be made about what you wanted to ultimately do and whether the finances in hand stretch that far. Mr. Solomon, what decisions have you made about the scope of project and whether finances are sufficient?

Solomon: in the past two weeks we cleaned up the space for engineering to come take a look. We have removed things and the place is accessible. Don from D & J Construction is supposed to have his structural engineer come out sometime this week. His architect will make a drawing of the space. Don believes the floor doesn't need replacing, That gives us leverage to use that money for other parts of the building. He will have the engineer and architect doing the blueprints this week. The original estimate had the new cement slab, which was \$27,000, so it is a big help to us. We are focused on making it functional, the money gives us leverage to do that. We have a dumpster.

Moermond: so the cleanup is done and you'll be getting an engineering analysis which will inform your next bid. The STAR dollars will impact the process you need to use for getting bids and doing the project. I was hoping Ms. Klinkhammer could go over that at a higher level. What are those STAR requirements?

Klinkhammer: in terms of STAR the main thing we need to consider is timing of the project and getting you under contract. It doesn't take that long but I do need that cooperation. I sent over those initial forms so we can get that going. Any costs incurred before the contract is signed are ineligible to be paid with STAR dollars. I wanted to flag that for you. The sooner we get under contract the better. Another consideration in compliance, which depends on your total project costs. It does have the potential to increase costs, one area that often does are labor standards, that will likely apply no matter what. The threshold for that is \$25,000 and your project will be more than that. As soon as we can hone in on that the better so we can do that

compliance check and I can determine what areas apply and we make sure we can get those dollars reimbursed. I believe the match requirement, generally its dollar for dollar but I believe that was waived with your award. Anything over that amount you will need to come up with. If it is more than that we will need assurance there is that funding available to cover that difference.

Moermond: so recapping, for example the engineering costs this week would not be eligible for STAR dollars because the project isn't executed yet?

Klinkhammer: yes.

Moermond: do they need to get new bids? To take into account those labor standards?

Klinkhammer: not necessarily, but once the contractor was selected we need a preconstruction meeting with their team to make sure they understand the wages that need to be paid to their workers which will often change the cost of their contract. We need to be as forthright as we can with them. If you are already working with a group, it is something you can mention to them now. I don't know if you'll need a new bid.

Solomon: we have informed D & J and he is familiar with the program. He has done a number of them, and he is aware of the requirement. We needed to move this forward so we went ahead but we will complete the form for you. We have made him aware of the STAR funding and project. His final bid after he sees the engineering report we will remind him again that this is a STAR project. We'll send that adjusted bid also once we get it.

Moermond: I'm feeling a sense of urgency to move more quickly than we have been, the reason being the building continues to deteriorate. The hole is getting larger and larger, and it is in a state of structural failure. It is dangerous for everyone, including the public and emergency personnel.

Magner: once the engineering report that should be submitted so we can send to the Building Official and structural engineer for comments.

Moermond: as soon as you get that in Mr. Solomon, please forward it to my office to get reviewed so we can move things along as quickly as possible.

Solomon: as far as the building being a hazard, as we clean up and remove items we are trying to minimize the risk. Things dangling were carefully removed.

Moermond: have you hired a licensed demolition contractor or are you and your membership doing the cleanup in the area?

Solomon: someone in the community with a background in construction is volunteering and we have done it ourselves.

Moermond: Mr. Magner, any comments?

Magner: I guess the concern is we do know the site is fenced and general public cannot get in. I would be very concerned if even the owners are going in in its current condition. I don't know that's safe. It should maybe only be done under supervision of a licensed contractor and make sure shoring and PPE is provided. People shouldn't be going into the site, it is condemned.

Moermond: your experience with structural engineers are they do or do not need debris removed to do an assessment?

Magner: normally they do those inspections with the property intact.

Moermond: meaning?

Magner: they will look at it as built and say this is in place, this is failing, and if they need to do some destructive testing they will take samples and do those things. Only in a hoarding situation where it is completely full. If that is the case, then maybe we need to go back to the fact that why aren't we just razing it. This process goes away. I know a partial demo on the proposal for \$6,000, I don't have the information as to how extensive that demo is.

Moermond: the threshold for drawing an interior demo permit?

Magner: in a standard situation the cleanup or removal of items doesn't require a permit. But if there are actual physical removal of something, that triggers whether it's a wrecking or razing or interior demo permit. Anything beyond pulling paneling and sheetrock to expose the wall, we need a permit and that permit specifies how it will be done. We do have a building in partial collapse. That's where the concern lies with this.

Solomon: in terms of it being a hazard, we lock it so no one is going near it. The dumpster we brought in we used for all the items that made it impassible. People had donated chairs and desks that we were never able to use. The initial assessment from D & J is we have the structure in terms of the posts supporting the building are sound. He wanted an engineer to have a sign off. Building-wise the front siding was failing but the actual storage supporting the building he says is sound. He is bring the structural engineer for confirmation and evaluation. We just removed items like tables and chairs we never used.

Moermond: you had mentioned dangling material which was a concerning phrase.

Solomon: those were leaning on the wall, the front siding was kind of leaning, we cut an area where we can go in and out and whatever was dangling we removed. I don't know if you can take a look but it is cleaned up and—

Ogbaselassie: can I say something? Even though last time we had a City inspection the first thing they told us was to clean up the storage for 20 years. It is a two room storage; the side wall was leaning. The City has the report they checked already. We have another dumpster coming this Saturday. It is safe—

Moermond: and I'm concerned it isn't safe. The fact the building in that area is in a state of collapse it is a concern you are working in the area. It is a liability, certainly for your organization but the City is aware as well. It is condemned. I remain very concerned about this. You have an engineer coming in this week. We'll look for that analysis and we need precise information about shoring so it is sufficiently stable. Honestly, fencing is great but it can be compromised. We have seen in that neighborhood, unsheltered breaking into buildings, starting fires. This invites that kind of activity. That means their lives are endangered, your lives are in danger if there is collapse, as well as any firefighters or safety personnel responding to the situation.

Magner: I think it is well known that vacant structures are a magnet for activity. Thankfully we haven't had a lot lately but it ebbs and flows. I think the Hearing Officer

is right on with the concerns we have here. This isn't just the City saying this, but we're trying to make sure we're educating everyone. Insurance companies don't like these situations because they don't know when someone will go in and get hurt, which creates lawsuits. It is imperative we need that structural engineering report so we can make decisions and have a path forward. People should not be going in the structure. Maybe we even need to put notices on the building, the owner could.

Moermond: do you think this is a situation where the City's structural engineer or City's building inspector should take a look.

Magner: is their engineer going out this week?

Solomon: yes, this week. We'll follow up with him. I think I may have overstated. We just wanted to make it passable for that engineer. We just removed those items; we made that hole to remove those items. We aren't going in and out. We've made it passable. We are not out there on a constant basis endangering any of us.

Moermond: I'm really looking to the contractor and structural engineer to come back with specific information with stabilizing the structure and the dollars involved in rehabbing it to be usable. The STAR funds go up to \$65,000 but the organization needs to cover anything beyond that. To date, you haven't shown any financial capability to do this work. I'm concerned about waiting for fundraising while the building continues to fail. Really looking to that engineering report and any resulting bid are super important. Mr. Magner, anything you look to besides the site being secure?

Magner: no, if they do that we should be ok.

Moermond: the next thing, Ms. Klinkhammer, Mr. Solomon, what is left to conclude the contract and how quickly can that be executed? Right now the costs fall on the Community Center but perhaps expenses after that could qualify if the contract is done?

Solomon: in terms of execution, it depends on that final bid which he is putting together after that engineer comes. The STAR funding required a match, we had raised money. And we will follow the information in the forms. As soon as he is done with that bid, we will reply back today with that form.

Moermond: and my concern is the bid would exceed that STAR grant and that those funds exist. The requirement for a match.

Ogbaselassie: he gave us a bid last year.

Solomon: based on the bidding he gave us initially and now we have learned the cement floor isn't required, with the amount we've raised already and the STAR grant we are confident we have sufficient funds to get started.

Moermond: good. I'll continue this 2 weeks and have the structural engineer's assessment by the Friday before so our staff can review it. Today is April 12, I'm hopeful you can get something to us by April 22. Does that sound doable?

Ogbaselassie: yes.

Moermond: that would be great, then we can talk specifics and what the City's review of that is. Does anyone have any questions?

Ogbaselassie: Don from the construction he said if you have any questions you can call.

Moermond: we won't call him. If he wants to testify in a hearing he is welcome, but I'm not going to do an independent investigation. If our structural engineer has questions he can pick up the phone and call your contractor and that would be appropriate. We'll send a letter on where we are at and I'm feeling good about forward progress.

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

10:00 a.m. Hearings

Making Finding on Nuisance Abatements

- 3 [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

Grant an additional 180 days to complete the rehab and continue the \$5,000 PD.

Updated work plan provided and approved.

Jonathan Gutierrez, owner, appeared via phone

Moermond: just wanting to confirm where we are at with 698 DeSoto.

Staff update by Manager Steve Magner: April 1 a letter was sent out confirming March 29 it was laid over to today. By close of business April 8 submit an updated work plan with timeline. We have received that timeline and it has been reviewed. It meets with the Department's criteria.

Moermond: I have also reviewed and find it acceptable. I'll recommend the Council grant an additional 180 days, that should go to Council next week hopefully. Any questions?

Gutierrez: no, that is all I need.

Moermond: we'll send a follow up letter confirming this.

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

- 4 [RLH RR 22-6](#) Second Making finding on the appealed substantial abatement ordered for 1004 THOMAS AVENUE in Council File RLH RR 21-42. (Nuisance is abated)

Sponsors: Thao

The nuisance is abated and matter resolved.

No one appeared

Manager Steve Magner: this has received its Code Compliance certificate and the

Vacant Building folder has been closed as of April 7, 2022.

Moermond: so the resolution will say the nuisance has been abated and matter resolved.

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

- 5 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

Recommendation forthcoming.

Moermond: we are looking again at this at the request of Ramsey County. We were waiting for a copy of the actual application of repurchase, which we now have, dated August 3, 2021 and was filed by Resolution Homebuyers, LLC represented by Cory Johnson. The county has asked for the City's insight to code and police history. We already did put a statement on the record when previously considered which was deny repurchase based on the poor history in terms of Code Enforcement and police calls. The County asked for reconsideration indicating the prospective owner is different than the owner who stopped paying taxes. Looking at that application Mr. Magner and I have been discussing whether the prospective owner could be held accountable for the significant code and police issues to date and believe it would be appropriate to allow this potential owner the opportunity to do the rehab but only under condition. With respect to the Code conditions, the condemnation issued by the Fire Certificate of Occupancy program was issued January 6, 2020 and talks in detail about significant issues related to electrical, plumbing, leaking roof. We can only assume they have worsened since then. It also has a significant police history. If it were not owned by the State and managed by County, how would DSI look at this?

Magner: based on the time this has been registered Vacant Building and that it is condemned we would be moving forward to declare the property a nuisance. Clearly the additional information submitted by the County indicates the original party that had control without clear title is now deceased and there is a transactional title action outstanding action for Resolution Homebuyers LLC to purchase. If this was not owned by the State and held by County it would be subject to Sale review by the City. It is imperative the County, when establishing terms for repurchase, include a requirement for a Code Compliance Inspection and that the project be completed within 180 days. The only other requirement not on the table would be a Performance Deposit but if we don't see movement after the repurchase we may be looking at that if the rehab isn't done in a timely fashion.

Moermond: so treating this Category 2 Vacant Building as we would other registered Vacant Buildings. It makes sense we would ask Ramsey County to order a Code Compliance Inspection Report on its own so it is on the table at the time of the Contract for Deed being executed with the prospective owner. Would you look at their being a sale review as well?

Magner: I guess because the property is owned by the State, and they are considering the transaction between Resolution Homebuyers is something that allegedly predated the condemnation and its forfeiture to the County, I guess we would not look at a sale review. But we still believe the Code Compliance needs to be done and the commitment from the party to do the rehab within 180 days.

Moermond: expanding on this, we're going to ask the County to order a Code Compliance Inspection and it makes sense that prior to executing a contract for deed that the County make a determination about the capacity of the prospective purchaser to do the rehab and that be based on a sworn construction or scope of work and evidence of financing to execute that plan. Would DSI support that?

Magner: definitely. I do have one concern. The last paragraph of the repurchase application where Mr. Johnson states Mary sold it to Mr. Holmgren, then canceled the Contract for Deed and executed a quit claim. "If repurchased I would work with attorney to quit claim the deed then work on rehabbing." It is my understanding the County is giving the property, in this case to Resolution Home Buyers with a clean title, and they wouldn't have to go back to the courts to clear it. Wouldn't the forfeiture have cleared the title? State should have possession?

Moermond: yes, title should be clear if it is already in State's possession. I don't want to put this back together and have him get it and say it will take six months to clear the title before he rehabs. We would like a County Attorney opinion indicating it isn't necessary to clear the title becomes it has gone for future process.

Magner: as not to delay the rehabilitation timeline.

Moermond: we would have a condition if it were necessary for Courts to affirm a title action that be expedited. The County Attorney will be asked if it is indeed necessary when a property is forfeited to State for nonpayment of taxes. I will ask the Council to look at this May 4. And ask Joanna to put together a meeting with Nick Hanson, Heather Bestler, Stephanie Harr, myself, Mr. Magner and Teresa Skarda as optional to talk about the conditions for repurchase.

Referred to the City Council due back on 5/4/2022

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 6 RLH SAO** Appeal of Norma Anderson and Lisa Anderson to a Summary Abatement
22-13 Order at 888 BIRMINGHAM STREET.

Sponsors: Yang

Grant the appeal, noting the nuisance is abated.

No one appeared

Moermond: we have an appeal but there is a note the property owner withdrew the appeal and the inspector confirmed the nuisance has been abated.

Martin: that is correct.

Referred to the City Council due back on 4/27/2022

Correction Orders

7 [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 May 3, 2022 at 1 pm. Property to be reinspected on Wednesday, April 27 at 11:30 am.

Eva Stites, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: we had a complaint regarding an illegal duplex September 2021. Inspector did leave a business card. We sent an appointment letter, that was rescheduled. Left a message. Sent another letter. Finally March 2, 2022 a correction notice was issued to Eva Stites. There is an illegal duplex being run. There are 4 items listed to be removed, adding a smoke detector, and removing the illegal kitchen. We've tried to get back in to verify this has been done. We have had no access. We have about 8 Excessive Consumptions that have gone out. No cooperation. This goes back to zoning in 2002 and 2010. It is an illegal duplex that cannot operate in St. Paul.

Moermond: Ms. Stites what are you looking for?

Stites: part emotional and part illegal. Some background information, yes, I had an illegal duplex. Out of necessity because I'm on disability. I lost my home. The lady I rented to is a client of Emma Norton. She has some mental issues and was homeless for six years. This is the first nice home she has had. That's the background. The very first appointment inspection that happened, I was not called or made aware. He showed up without an appointment. The appointment letter says that you have to have a responsible adult there during the inspection and there was no responsible adult. I was not notified or there. The lady who was renting has mental problems so she is not a responsible adult. That's the first problem.

Moermond: let me confirm, you are running an illegal duplex and renting to a vulnerable adult?

Stites: correct. The tenant's worker was a lady from Emma Norton and they sponsor her. They approached me and asked me to give her a chance, so I did. As far as not being able to get in, when he did come in he told me to remove the fridge and stove. The things he requested the first time were all done. I have a letter saying that. I can show you a copy of it. There was no request for a smoke detector because I had just replaced them throughout the whole house, along with carbon monoxide, so that's not true. The only thing I couldn't do was the stove and fridge removal because of this action I lost my income. I had no money; I couldn't even make my mortgage. The cheapest estimate was \$200, the most was \$450. I couldn't afford that without my rental income. So I kept asking for an extension and he kept wanting to come out every week, but why do that if I haven't been able to remove the stove and fridge? I would tell him every week don't come out because I haven't been able to do it, there is no change. He comes out every week anyway. He can't get in because I told him not to come. Then he starts charging me \$122 every week. How are you going to get money out of a person who is disabled and bankrupt? I can't make my mortgage without my rental income. Now he's charging me a fine every week for the same thing. How can he fine me every week for the same thing? He should fine me one time, not every week. I

don't have the money and I think it is illegal to fine me every week for the same problem. This has been a nightmare. The lady who was renting, they gave her 2 weeks to move, where is she going to go? The worker tried to help her; they couldn't get a mover soon enough. They couldn't find a home for her. So her worker got Inspector Williams to give a couple more weeks, but that didn't help. She couldn't find a home that quick so as a result of all this insanity this action has left me bankrupt, I'm in bankruptcy now, and her homeless again. It all started with an extension cord. Now there's a 73 year old woman and a woman with mental health issues homeless. She called me crying 2 days ago asking to come home. I don't know about you guys, I have a big heart, this whole thing has been unjust. There should be some sort of a compromise. Something other than the eviction.

Moermond: I'd like to clarify. You're talking about her being forced out. Nothing I am looking at says it needs to be vacated. Ms. Martin, did you order this unit vacated?

Martin: there was a condemnation notice November 3, 2021 with a vacate notice. The second floor illegal apartment was condemned, it was not approved for occupancy. Provide access for verification. The extension cords have been removed but other than that we haven't been able to verify it is no longer being used.

Stites: that is not true. Inspector Williams had several conversation with the tenant's caseworker. The talked and he knew that, I think he did come in once, he knew it was all taken care of. He had an issue with a couple outlets. That was taken care of. He never asked for smoke detectors. That isn't true. He did see the stove and fridge removed. I did all the other things. It was just the stove and fridge I couldn't have removed at that time. After that he decided he was going to add some more things for me to fix. Then he decided he wanted me take down the cabinets. Take out the sink. Who am I going to hire to do that? I don't have the money. Couldn't remove them. Then he came downstairs and looked at the downstairs which was not in the request before. Then he tells me I have to put in new outlets in the basement, which I can't afford. I can't afford an electrician. It is one thing after another.

Moermond: you can rent a bedroom in your home, if that house is just your house, no second kitchen or unit or illegal duplex. You can have a renter in there. If you join the upstairs and downstairs one house, you can rent bedroom space. There is something wrong with creating a second unit.

Stites: what is the difference between a bedroom and upper level? What is the big deal?

Moermond: this has bene going on for 20 years, I know it has been explained many times how this isn't zoned for a duplex. There are issues about fire separation of the units and you don't have a legal duplex to do that in. I was simply trying to point out there was a way to have rental income but it can't be a separate unit.

Stites: I know that. Renting out a bedroom is not a fair or good option. Let's cut to the chase, what about all these fines illegally imposed on me week after week?

Moermond: those excessive consumption fees are appealable once they turn into tax assessments. An unpaid bill turns into an assessment, which has an appeals process. If you chose not to pay them we can have that conversation.

Stites: let's have that conversation and I don't think it was fairly imposed on me.

Moermond: and that separate than today's conversation. You said the tenant has moved out?

Stites: she moved out way back in November. He knew that because he talked to her worker.

Moermond: thank you for signing that.

Martin: the notes on March 2, 2022 says the stove was disconnected but remained. The gas wasn't properly capped off. The tenant wasn't present and it appears she moved out, though some personal items remained. Found extension cords hanging in the air in the basement and plugged into a power strip. I advised property to remove extension cords and remove air conditioner from power strip in bedroom used for storage. Property Owner said the AC doesn't work. She was informed it has to be plugged into a wall outlet. Smoke and carbon monoxide detectors functioned properly per my testing which were both located within ten feet of the bedroom. Will issue orders to install a smoke detector in the basement. Correction notice was sent with a recheck on March 14, 2022 for items 2,3, and 4. Condemnation lift letter, appointment letter, correction notice all sent in the same envelope on March 2. We have no way of confirming this. Unless we have a secure date when it will be taken care of we will continue to send excessive consumption

Stites: Excessive Consumption? Why?

Martin: if the items aren't abated in a timely matter, we continue to charge for Excessive Consumption of City time.

Moermond: what distinguishes this as a duplex from a single-family home? A second kitchen and a locking door?

Martin: it is designed as a second unit, not just the second floor of the main dwelling.

Moermond: so bedroom space upstairs could be rented if it isn't an illegal duplex. The things making it an illegal duplex would be the separately locking door and the second kitchen. So if she wanted to deconvert and rent it under different circumstances.

Stites: explain that to me please.

Moermond: if it is not an illegal duplex, I'm trying to establish the conditions under which you could do that. One condition is no kitchen upstairs.

Stites: that's all gone now

Moermond: except for the fridge, cupboards, and stove.

Stites: they're gone.

Moermond: you said you couldn't afford it.

Stites: you didn't let me finish. Since then my friend has removed the stove, cabinets, and fridge. I didn't finish the story. We didn't get to the end. Last week my friend came. It is done. Everything he has asked for is done. Except for the new outlets in the basement. That I have to wait until I get money together. Everything is done.

Moermond: tell me about the access to what was the second unit upstairs. Is there a separate door ?

Stites: there is.

Moermond: tell me about the entrance.

Stites: it is a sliding patio door. That's the access. There's a little patio.

Moermond: that's on the second level? How does someone go up there?

Stites: there's steps to the little patio. Can I put you on hold while I put my dog out?

[Coco is let outside at 11:45 a.m.]

Moermond: what access does your part of the house have to the upstairs?

Stites: there is a door and stairs going up.

Moermond: is that door locked?

Stites: yes.

Moermond: that needs to be removed to make it one unit. The kitchen you have under control except for maybe the gas stove?

Stites: yes it is all gone

Moermond: the inspector mentioned capping the gas line.

Stites: it was capped a long time ago, back in November.

Moermond: Ms. Martin, you haven't had an inspector in to confirm that?

Martin: he was last there March 2 which had orders to properly cap it. It was installed in 2016 with a building warning. There are no permits to verify it was done properly.

Stites: this was done in 2002. The original installation was in 2002 and there were permits pulled which were inspected. It was legally built. LEGALLY. That's why I was so upset. If it was illegal for me to have it as a duplex why did all the inspectors sign off on it? That was my thing. And it was passed!

Martin: May 28, 2002 Fischbach issued a citation on this. Orders issued, found guilty at trial. That was 2002, it should have been deconverted way back then.

Moermond: by court order.

Martin: correct.

Stites: can I answer that? I did deconvert it. But then after a while but then I converted it back again. It was deconverted as the court ordered.

Moermond: so you thought it became legal between 2002 and the next time you were cited in 2010?

Stites: oh please. Why are you beating a dead horse? It has been 20 years. Let's talk about now. Stop beating me up. I did deconvert it and then I re-built it again. Yes I did that.

Moermond: with full knowledge it was illegal.

Stites: why don't you stop. Let's talk about now.

Moermond: I am talking about now.

Stites: you're talking about 22 years ago

Moermond: I'm talking about it being illegal today the same way it was in 2010 and 2002.

Stites: whatever you say.

Moermond: where do we go from here? My question to you is how do you want to use your house? We need an inspector to confirm it is no longer set up as a duplex.

Stites: that's fine. It has been torn apart. It is just an empty torn apart space. There's nothing there. You can come and look. I don't care.

Moermond: Ms. Stites, they will need to confirm that. I can give an extension on the electrical stuff. It sounds like you are cooperating on the deconverting. I will definitely hear an appeal of the Excessive Consumption fees. That is forthcoming, not in front of me today. I'd like an inspector to confirm that though. Do you know what you want to do? Do you want to continue to rent out a bedroom or two?

Stites: I can't do that. No, I can't do it. I have health problems and I don't want a stranger walking through the house. I'm in my nightgown most of the time. If that's the only option—

Moermond: you could try to make it legal, that's the other option.

Stites: it is too late now; I tore everything out.

Moermond: so the main thing we are talking about is the electrical issue. I can give an extension and in the future we can talk about the Excessive Consumption fees.

Stites: when can we appeal the Excessive Consumption fees?

Moermond: you'll get a letter in the mail telling you there is a tax assessment hearing and that is appealable. That will happen for each of those bills. Would you be available to have an inspector come out in the next couple of weeks?

Stites: of course.

Moermond: that would be great. Then I can tailor my recommendation to help your situation to make sure you have extensions for money you don't have for things now.

Martin: is there an extension for the door removal? A variance application was denied in 2010.

Moermond: I don't see the door removal in the order, but it is something I would put in as part of deconverting.

Stites: I don't want to take the door out. It keeps the upstairs private. It has always been there.

Moermond: we're talking about locking. You can have a door, but it can't be a separate locked space.

Stites: that I'm going to have to have an extension for, because I have to remove the lock so it can't be unlocked. On this has turned into a nightmare all because of an extension cord.

Moermond: because you illegally rented this as a duplex ma'am.

Stites: don't you have any compassion here? I'm on food stamps. What do you want, blood? Don't you understand when someone is poor they do what they have to to survive? Heartless people.

Moermond: we're having this conversation and I'm trying to work with you.

Stites: who are you again?

[Moermond gives name, title, and spells name]

Stites: who is the other lady that's so mean?

Moermond: I don't know she is mean, but her name is Lisa Martin. Ms. Martin, did you want to propose a date to stop in?

Martin: she wanted time to remove the lock.

Stites: no, no, no, you just added that. The inspection was just for what is on the list.

Moermond: I understand.

Stites: you don't understand anything.

Moermond: I agree with you. Ms. Martin's staff needs to check where we are at on the orders already written.

Stites: that's right.

Moermond: and we know the lock needs to come off to make it not a duplex. She can write an order or you can just do it. We want to give you some time to try up loose ends. A date last week of April?

Martin: April 27 at 10 am.

Stites: yes that works. You're inspecting the original orders. You're not inspecting anything you are adding to now?

Moermond: they will look at the existing orders. We will be looking at that lock coming

off in the near future to finish deconverting. I don't anticipate other orders but if they show up and there are things.

Stites: can I tell you something, that apartment upstairs was beautiful. It has vaulted ceilings, skylights, French doors. It was adorable. Nothing rundown up there. Nothing.

Moermond: so we have that inspection scheduled.

Stites: can we make it later?

Moermond: later day or time?

Stites: time.

Martin: I could do 11:30

Stites: who will be inspecting, Lisa Martin?

Martin: yes.

Moermond: I'll revisit this on May 3 and we'll figure out the rest of it.

Stites: do I need to be present? Or by phone?

Moermond: it will be by phone.

Stites: what time?

Moermond: between 11 and 12:30 Tuesday May 3 to lock in a recommendation for City Council.

Stites: I feel like a criminal. I feel like Bernie Madoff. I feel like a robbed bank the way this thing is going.

Moermond: I'm sorry. I do wish you well. Ms. Martin will be out. She is a good person. We'll talk in 3 weeks' time.

Laid Over to the Legislative Hearings due back on 5/3/2022

1:00 p.m. Hearings

Vacant Building Registrations

- 8 RLH VBR** Appeal of Victor Nenghimobo Clement to a Vacant Building Registration
22-21 Notice at 467 IVY AVENUE EAST.

Sponsors: Brendmoen

Grant the appeal and release the property from the VB program. If property has not received its Fire Certificate of Occupancy by June 23, 2022 it will be referred back to the VB program.

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

Moermond: do you want anyone else added to the call?

Clement: no.

Staff update by Supervisor Imbertson: we have a Fire inspection proceeding where the property was referred to the Vacant Building program as a Category 2 Vacant Building. The property was found to not have a Certificate of Occupancy which we determined to be required due to its occupancy. We do have a recent application for a provisional Fire Certificate of Occupancy. I would stress that application does still require an inspection of the property and the full Certificate of Occupancy would be granted after a full inspection and completion of repairs. Then it would have its full Certificate of Occupancy which would resolve the issue it was originally ordered vacated for.

Moermond: so we have a provisional which means people can move back in?

Imbertson: if the Vacant Building status is addressed, correct.

Moermond: so we need a full Certificate of Occupancy in place.

Imbertson: the provisional Certificate of Occupancy would allow occupancy while working through the inspection process, but it is still in the Vacant Building program which changes the way things proceed.

Moermond: thank you for getting that provisional application in. You will be getting an appointment letter in the near future for that Certificate of Occupancy inspection. If there are any corrections they will note them and they will need to be addressed. I'd like to waive the Vacant Building fee for 90 days and get you out of the Vacant Building program. If you receive your Certificate of Occupancy within 90 days. That gets you out of the Vacant Building fee and a full blown inspection, just the Certificate of Occupancy inspection. Are you willing to do that full inspection?

Clement: if it won't cost \$1,000's of dollars. The owner occupancy aspect of this was satisfied, it was a complication that led to the action of March 21. It was satisfied that is why they didn't come out on the 17th or 18th. The only question left was who they could call in an emergency. That didn't have anything to do with the one item left, which was taken care of. So based on your recommendation last time to avoid this kind of thing it was a good idea to get the provisional Fire Certificate of Occupancy. I will try my best based on the inspections, there is nothing there. I don't have the kind of income to do something that will cost thousands of dollars. The roof doesn't leak. The furnace works. Plumbing and electricity work. That is why the original Fire Certificate of Occupancy was given in our records. I hope there is nothing that is going to be a large bill financially.

Moermond: it is important for the City to identify what needs to be done. There is a rental rehabilitation program that provides loans and assistance for doing work. I don't know you'll have much to be written up but there is a provisional checklist.

Clement: we have more than satisfied the smoke detector issue. As it is right now, it is an older building and we are grandfathered in at the time it was done. I'm hoping they won't tell me to tear off the roof or put in a new foundation.

Moermond: that would be really rare. You would know if it was that bad.

Clement: up to this point, before this confusion, we aren't thinking about converting to a rental because if you are requiring this of a homeowner, this is a process that

resolves the confusion.

Moermond: it sounds like you are going to be ready for an inspection, I don't think you'll have anything too serious. If you do, we can talk more about it. I'd like to say if in this time period you have your fire Certificate of Occupancy you have no Vacant Building problems and no fees. Just maintain that Fire Certificate of Occupancy. You'll get an appointment letter within the next couple of weeks. You'll get a set of orders as result of that inspection. Those orders are also appealable. I want you to know there's a paragraph in the letter about that. So don't panic. With that provisional Fire Certificate of Occupancy I did tell you that you could have people move back in. I stand by that. Hopefully you'll get some rental income that may help pay for repairs.

Referred to the City Council due back on 4/27/2022