



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, June 7, 2022

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 22-205** Ratifying the Appealed Special Tax Assessment for property at 554 CHARLES AVENUE. (File No. VB2210, Assessment No. 228815)

Sponsors: Thao

Delete the assessment.

No one appeared

Moermond: we have a Vacant Building fee and looked at the situation and it appears it was in the program just 2 months out of the year. Therefore I recommend this is deleted. I reviewed this file yesterday and made that determination, staff reached out to the appellant to let them know this recommendation.

Referred to the City Council due back on 7/20/2022

- 2 [RLH TA 22-206](#) Ratifying the Appealed Special Tax Assessment for property at 1762 ENGLEWOOD AVENUE. (File No. VB2210, Assessment No. 228815)

Sponsors: Jalali

Layover to LH July 5, 2022 at 9 am. Staff to get contract for emergency boarding contractor.

Michael Mortimer, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this was a Category 1 opened up due to fire damage. Standard 3 months given as a waiver. 2 open permits currently, no building permit on file. The total proposed assessment is \$2,284.

Moermond: what is going on?

Mortimer: I had a fire December 22, 2021 in the back of the building and it went through the attic and out the front. A company called Rest Pro showed up, I guess it

was illegal for them to be there since the FD was still there. They basically told me we do the City's work boarding things. He told me not to talk to anyone else because everyone else was basically bad. I was kind of in a bad way, my son died in the fire. I found out about that about the time all the stuff went on. I signed up with these people, they had this yellow sheet. I understand they aren't even supposed to be there. It says emergency services on the sheet. I've consulted a lawyer; it was for things supposed to be done that day and maybe the next month. They have a contract with the City—

Moermond: just to slow you down. Today we aren't talking about the boarding, though I'm concerned about what I'm hearing and want to talk more. Today we are talking about the fee for being in the registered Vacant Building program. The Council ratified that boarding fee May 18. Based on this conversation I can ask the Council to send that back and have us look at it separately. Right now it is on your taxes so we need to hit the restart button on that. Things you are saying are concerning and Mr. Yannarely works with that every day so we can get a good staff report on that. The Vacant Building fee we are talking about, all buildings vacant like yours have this fee. Once the permits are closed you are out of the program. I normally ask how much longer you'll need to get it back online. Have you talked to your insurance about the Vacant Building fee? Thinking about that, where are you at with your insurance and repairs?

Mortimer: the insurance company has been reasonably good, but they depreciate everything so I had \$366,000 worth of insurance on the building and they've given me a couple hundred thousand dollars in the bank with my loan company. I dispute this Vacant Building thing. I've been there every day working. The only reason it is in this situation is because this Rest Pro company couldn't get enough money to make it worth their while to work on the building. They destroyed the building; they went in and demolished every wall and tore out the apartments that weren't even touched by the fire. Apartments 1, 2, and 3 were in good shape according to the Fire Department. I had 3 tenants who said they could stay.

Moermond: I'm going to ask you to pause, because need information I'm lacking to have this conversation. I want you to have this information as well. I think we need a complete fire report. Which apartments were condemned as a result of the fire and then what is going on with Rest Pro.? I'm not sure what they billed to the City, which would have been closing up the building, but if they are billing you for other work that's a separate type of deal.

Mortimer: I understand what you're saying, I don't understand how a company came in. Your people were there 2 hours after the fire started and putting condemned on the front door and turning off water and gas. Who makes those calls? I don't understand.

Moermond: we can talk about that; I don't know who issued those orders and I don't know how it connects to Rest Pro. I need to pause this part of the conversation so we can get that background information on who played what role. I want to delay our conversation. Mr. Yannarely, can you pull things together in 2 weeks, or do you need four?

Yannarely: 2 weeks is fine. Again, there is a separation between Rest Pro doing a specific work for City Fire and Police departments and the business who sends someone there to solicit a service because they know something is going on.

Moermond: and I'm concerned about that because it may be a contract issue. What kind of timeline are we getting from the Fire Department in getting fire reports?

Vang: *I usually get it pretty fast when staff is in.*

Mortimer: *I can have the fire report on your desk in an hour.*

Moermond: *no, that's fine.*

Yannarely: *there's also an official condemnation by James Perucca.*

Mortimer: *when was that issued?*

Yannarely: *December 27.*

Mortimer: *but the sign went up an hour after I got there.*

Moermond: *and I wish you could have this conversation now but I need that information before we do that. I'm going to continue this matter to July 5, between 9 and 10:30. By that time we should have the documents sent to you by US Mail so you have them. I'm sorry we couldn't talk about that today. You will be in the Vacant Building program until you can reoccupy the property. We can talk about that timeline in July as well.*

Mortimer: *okay. If the City actually sent someone there that was knowledgeable of what was going on, and actually looked at it. Two of my ex-tenants were there the other day and couldn't believe how much damage was done by Rest Pro. I've had contractors in and one guy said they charged me \$75,000 and they did \$100,000 worth of damage to get the insurance money.*

Moermond: *and we're going to look at this from the City's side. Continue to move forward on fixing the building. All I have on my agenda is this Vacant Building fee. I don't have information about the boarding or condemnation. Mr. Yannarely?*

Yannarely: *did you engage Rest Pro in an outside matter other than what the Fire Department requested?*

Mortimer: *right at 10:30 am when all the Fire Department was still there.*

Yannarely: *I just want to make sure; they're going to tell me you signed a contract—*

Mortimer: *no, I signed nothing. I asked the man from Rest Pro. I was in a bad way, I admit that. The kid died in the fire. February the guy, Tony, was there from Rest Pro and said we have to tear out the whole building because the insurance company wants us too. My tenant walked around there and he called St. Paul Fire Department and they happened to be on Fairview and university and they were there in 2 minutes. They broke the window and put a hose through the window and the fireman said he killed the fire in 2 minutes.*

Moermond: *I need better information. I'm not sure where we are going. I'm glad you've given some background and we will sort through this best we can. Some may involve the City public interest but it sounds like you may have a private matter as well. We'll talk more on July 5 and I wish to express my sincere condolences on the loss of your son.*

Laid Over to the Legislative Hearings due back on 7/5/2022

REANEY AVENUE. (File No. VB2210, Assessment No. 228815)

Sponsors: Prince

Delete the assessment.

No one appeared

Moermond: in reviewing the file yesterday we noticed the Vacant Building fee covers just barely 2 months of the 12, which would be covered in any waiver. I'll recommend this assessment is deleted. The property representative has been contacted and knows the recommendation.

Referred to the City Council due back on 7/20/2022

4 RLH TA 22-212 Ratifying the Appealed Special Tax Assessment for property at 617 SIMS AVENUE. (File No. VB2210, Assessment No. 228815)

Sponsors: Yang

Delete the assessment.

Bill Neuman, Neumann & Associates insurance, appeared via phone

Katelyn Laska, ICC contractor, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this property entered the Vacant Building program after a fire August 5. Was given a 90 day waiver. Given an additional 90 day November 19 due to progress. It was closed as rehabbed June 2, 2022. There are notes there was problems in closing some of the permits and the owner states he lived there since February and desires a proration of the fee. The proposed assessment is \$2,284.

Moermond: I am satisfied with what you've reported. Ms. Laska, Mr. Neuman, do you want to talk about why you are appealing?

Laska: I know I have sent in that Vacant Building form for Mr. Lundeen on August 18, 2021. I did put on there that due to severity of the fire we would take more than 90 days to be completed. I wasn't notified that did not pass.

Moermond: and I'm looking, this is frustrating from your perspective. There is an error from DSI and it is this: first the Vacant Building was waived for a standard 90 days after a fire. After that it typically comes forward as an assessment we would work together on that. The waiver by staff, inappropriately, was granted November 19, 2021. Mr. Clint Zane gave correction orders on the property in February and bottom line is the miss is less than week between those orders and the expiration of the 90 day waiver. Further, they forwarded it through as a Vacant Building fee so I am recommending this is deleted.

Laska: great, we appreciate it.

Referred to the City Council due back on 7/20/2022

5 [RLH TA 22-209](#) Ratifying the Appealed Special Tax Assessment for property at 1381

WHITE BEAR AVENUE NORTH. (File No. J2222A, Assessment No. 228524)

Sponsors: Yang

Layover to LH June 21, 2022 at 9 am (unable to reach PO).

No one appeared

Voicemail left at 10:05 am: this is Marcia Moermond from St. Paul City Council calling you about your appealed tax assessment for 1381 White Bear Avenue North. We'll try you back in 15 minutes.

Voicemail left at 10:22 am: this is Marcia Moermond from St. Paul City Council calling you again about your appealed assessment on White Bear. Since we've been unable to reach you, we'll reschedule for 2 weeks out. Between 9 and 10:30 on June 21.

Laid Over to the Legislative Hearings due back on 6/21/2022

10:00 a.m. Hearings

Special Tax Assessments

- 6 [RLH TA 22-187](#) Ratifying the Appealed Special Tax Assessment for property at 850 RANDOLPH AVENUE. File No. CRT2208, Assessment No. 228207

Sponsors: Noecker

Reduce from \$520 to \$242.

No one appeared

Moermond: it looks like we don't have to call the owner, can you explain?

Supervisor Leanna Shaff it was an inspector error. It should have been approved with deficiencies rather than correction order. So we're recommending deletion of the reinspection fee as well as administrative fees. It should have only been \$242.

Moermond: so from \$520 to \$242.

Referred to the City Council due back on 6/15/2022

- 7 [RLH TA 22-216](#) Ratifying the Appealed Special Tax Assessment for property at 1251-1253 BLAIR AVENUE. (File No. CRT2209, Assessment No. 228210)

Sponsors: Jalali

Layover to July 5, 2022 at 10 am (unable to reach PO).

No one appeared

Voicemail left at 10:19 a.m.: this is Marcia Moermond from St. Paul City Council calling you about an appealed assessment for 1251 Blair Avenue. We'll try you back in

about 10 minutes.

Voicemail left at 10:33 am: this is Marcia Moermond from St. Paul City Council trying to reach you again about your appealed assessment for 1251 Blair. We'll continue this and try you again since we've been unable to reach you. That will be July 5 between 10 and 11:30 that morning.

Laid Over to the Legislative Hearings due back on 7/5/2022

8 RLH TA 22-204 Ratifying the Appealed Special Tax Assessment for property at 251 KING STREET WEST. (File No. J2210E, Assessment No. 228311)

Sponsors: Noecker

Continue PH to January 4, 2023. If no same or similar violations, delete the assessment.

Christina Moran, tenant, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: a Summary Abatement Order was issued January 10, 2022 to remove snow and ice. We did reinspect January 12 and sent out a work crew January 18 and it was done by the owner. It did generate a fee for the crew to go out. Total assessment of \$157.

Moermond: so the work wasn't done on time, it is paying for the crew to go out and come back.

Moran: I only got one letter from the City, it was less than 72 hours. I spoke to a lady at the desk when I called. Then I talked to the inspector, he said it snowed again, and told me it was taken care of and not to worry about it. I actually hired a company to come and do it. The 72 hours I had to do it; they didn't match up. I only got 1 letter. He told me not to worry about it, I confirmed nothing was going to happen. He said no, everything was ok. I didn't even worry about it; I took his word for it. Then I got the letter, and the letter went to the landlord and is hollering at me. The inspector told me it was already generated before they saw it was done, and not to worry about it.

Moermond: Ms. Martin, the snow fall chart says the snow fell that came before the January 10 order would have occurred January 5, a couple of inches. Then January 10 we sent orders. Rechecked January 12. The time period to do the work is almost nothing because it is supposed to be clear within 24 hours of the snowfall.

Moran: right, but the only letter I got was the 10th. But it was done in that time frame.

Moermond: right. There was new snow on January 14, and that snow was 3.7". We have this history in 2020, were you a tenant?

Moran: yes, that's why I've been sure to keep on top of it, because I already paid one fine.

Moermond: sure. I want it to be we don't have any issues, same as you. I want to create a carrot for that to happen. This will delay any potential assessment. If there are no same or similar violations through December 31, 2022 the assessment can be deleted. If nothing more happens this year the assessment will go away. Six months of a clean record, keeping the lawn mower, picking up trash. No complaints.

Moran: ok because I do have neighbors that don't like me.

Moermond: it is founded violations. If an inspector goes out and doesn't find anything that doesn't count. We'll ask them to look at this again January 4, 2023. Keep it shoveled, clean and mowed and this will go away.

Referred to the City Council due back on 7/20/2022

9 RLH TA 22-178 Ratifying the Appealed Special Tax Assessment for property at 16 MARYLAND AVENUE EAST. (File No. J2223A, Assessment No. 228525)

Sponsors: Brendmoen

Approve the assessment.

Yvonne Tillman, tenant, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: a notice to remove snow and ice from the sidewalk was sent to Christina Duong in Woodbury and occupant. Orders were sent February 8, 2022, compliance date of February 11, rechecked February 11. Work was done February 15 for a total proposed assessment of \$322.

Moermond: why are you appealing?

Tillman: I shoveled my own walkway. The landlord sent me a text. The front was shoveled. The one day there was more ice and kind of warm, but then in started snowing. We had already shoveled and there was a big pile of leaves. I wondered where they came from. We had already shoveled. It was kind of warm and started snowing. Our neighbor helped us shovel. They didn't even shovel the sidewalk; they took a picture but they didn't do anything. I thought my neighbors to the right had cleaned the leaves into our yard. The leaves were because of the picture the people took, they didn't shovel anything, we did it.

Moermond: did you get the video of it?

Tillman: yeah I got the picture. The rest was nothing but ice.

Moermond: the video shows it was the City crew that did the cleanup pretty clearly.

Tillman: it just shows they were there. It wasn't February 15 when the ice was like that.

Moermond: I am looking at the evidence of the crew showing up, the video is dated, so are the photos. I understand there may have been—

Tillman: the video doesn't show them actually doing the work.

Moermond: the timing shows them arriving at 1:14 and the after video is at 1:24. That would mean in that ten minute period someone else did the cleanup. I don't think that's plausible. I'm going to recommend this is approved. You are welcome to testify further at Council.

Tillman: once I submit the video showing they didn't do the work then what do I do?

Moermond: be sure the video is properly dated—

[Tillman hung up]

Referred to the City Council due back on 6/22/2022

10 RLH TA 22-197 Ratifying the Appealed Special Tax Assessment for property at 975 PALACE AVENUE. (File No. J2223A, Assessment No. 228525)

Sponsors: Noecker

Continue PH to January 25, 2023. If no same or similar violations, delete the assessment. If there are violations reduce assessment from \$534 to \$100.

Sheila Ogren, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: February 4, 2022 we issued a Summary Abatement Order to owner and occupant at this property to remove cabinets, scrap wood and debris from around garage and rear of porch. Also a Vehicle abatement issued but was abated on reinspection. Total proposed assessment of \$534.

Moermond: why are you appealing?

Ogren: I have no problem doing what needs to be done and if I know it needs to be done. I never got any paper from the City other than the one I called on. I got it the day I called the inspector, 4 days passed when it was supposed to be picked up. I called the inspector that night and left a message saying I'd take care of it. I didn't expect anyone to come at 6 am. That was the only paper I ever got, and it was already 4 days passed deadline. I called that inspector for a week trying to get an explanation, because I left that Voicemail and they still came out. It took me a week just to get ahold of him. He said he was out of the office and it was already in motion and he couldn't have stopped it regardless. I never knew any of these previous ones. I didn't find that out until it was already done and passed when you brought it up at the hearing. Had something been put on my door, called, emailed, someone told me in some way it would have been done. To be named a nuisance house I find very offense. Then to say that and say the things she said in the last hearing. All you send is one notice and I didn't get that and was basically called a liar. Then she decided to try and tell me I can't take care of my own property. It came across as a threat, considering what I've seen. I've been a property manager for 23 years. I know what needs to happen, and what I have to do when I get notice. Every inspection I've ever given they put it on the door and mail it out and give a second notice. I never even got a first notice. Then I get these allegations and labels.

Moermond: are you the owner occupant here?

Ogren: I am the owner of this house. I live here. Previously I was a property manager. The point I'm trying to make if I had notice in any form, I would have done it. I didn't get anything. I didn't know about it until after I got the bill.

Moermond: you're bringing up a variety of things. I was the one in the hearing last time. That case I said if there were no same or similar violations through September 20 I

would recommend the assessment was reduced by half and made payable by 2 years. That hearing occurred one month after this cleanup. It appears to me the orders were mailed on February 4. I'm hearing you didn't receive them until the day of the deadline, at which point you called the inspector?

Ogren: no, the deadline was four days prior. Then they were sending someone out on that next day. I never even got the notice until the day prior. I definitely have copies of my records.

Moermond: the orders are dated February 4 with 10 days granted to take care of it. I'm gathering you didn't open the mail—

Ogren: you did this to me last time. You overtalked me last time and made allegations. If you're going to do that allow me to speak on my own behalf. I live at home. I am home 24/7. I get my mail every day. I open my mail every day. The allegation I got it and just didn't open it, it isn't me. For you to tell me I got my mail and ignored it, please stop making that allegation. You don't have the authority to call me a liar or make allegations that are not true. I'm very offended after that last call.

Moermond: I am trying to restate what I'm hearing and turn it back to you. I have experience with these situation and exploring the possibilities. I may have indicated it was a nuisance abatement order. I have careful minutes. That is what we are looking at again today. It isn't a label; it is a passing condition that can be rectified. You are saying US mail didn't arrive February 18, or maybe the 17th, since you said you left a message.

Ogren: ma'am there is obviously a lag here, I interrupted because there was a pause.

Moermond: so you left a Voicemail February 17, which is 3 days after the deadline in his books. He would have sent the orders to the cleanup crew at that point. So he is right, the train left the station in that case. So we will work with you again. I can see in the records there hasn't been anything since we spoke a couple months ago which is what I like to see. The City's obligation under code is to provide notice via US mail. It would be great if the City had the capability to call or send emails. Where do we go from here? A crew did show up, a crew did do the work, I did hear you didn't get the mail. I think you go the message in spades about the exterior maintenance code. this is scheduled to go to Council June 22, and I'm going to ask them to continue it for six months which brings us to January 15, 2023. If there are no same or similar violations I will recommend it gets deleted entirely. I am concerned about the US mail situation. If there is a violation you would owe \$100 for the cleanup on February 18. You can contest this recommendation at Council on June 22.

Ogren: that would be great. Can I say something? How do I go about fighting this on a different thing? You say they met their legal obligation. They should leave a card or post notice that they were traipsing around my yard. Then I would know someone was here and had to meet some requirement. People should give notice by mail and if it isn't responded to there should be a second or final notice. Rather than saying oh hey, someone comes and removes things people were going to keep. You took 2 of my husband's work benches. Something the previous owner built that we were going to honor him by keeping. You saying you gave proper notice is wrong.

Moermond: you can submit additional information; we can send an email and you can respond and comments are attached to the record. Also careful minutes are done that go in front of Council.

Ogren: I will do that. I am a woman of my word and take high pride in doing things I am supposed to. I wasn't given the chance and for you to name me as a nuisance property, I take that to heart. I am considering selling and moving away from St. Paul, I haven't even been here that long.

Moermond: I hope the rest of your day improves and I do wish you well.

Referred to the City Council due back on 6/22/2022

11 [RLH TA 22-200](#)

Ratifying the Appealed Special Tax Assessment for property at 2121 REANEY AVENUE. (File No. J2208E, Assessment No. 228307)

Sponsors: Prince

Layover to LH June 21, 2022 at 10 am (unable to reach PO).

Voicemail at 11:06 am: this is Marcia Moermond from St. Paul City Council calling you about your appealed tax assessment for 2121 Reaney Avenue. We'll try you again in 10 or 15 minutes.

Voicemail at 11:12 am: this is Marcia Moermond from St. Paul City Council calling you again about your appealed assessment for 2121 Reaney. Since we were unable to reach you this morning, we'll continue this to June 21 to discuss this between 10 and 11:30 a.m.

Laid Over to the Legislative Hearings due back on 6/21/2022

12 [RLH TA 22-214](#)

Ratifying the Appealed Special Tax Assessment for property at 880 CASE AVENUE. (File No. J2201V, Assessment No. 228000)

Sponsors: Yang

Delete the assessment.

Gabrielle Langeslay, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: February 10, 2021 a Vehicle Abatement Order was issued for a pop up camper with no registration or tabs to either come into compliance or be removed by February 17. The vehicle was still there, some mail was returned. No forwarding. All orders before never were returned. Extensive history at this property. Total assessment of \$662.

Langeslay: this wasn't my vehicle. I wasn't even aware this was there. With my disability I don't take out my trash or recycling, so didn't know it was there and I didn't even know whose it was.

Moermond: and I see an extension cord coming from the vehicle. What did you think when you got this letter?

Langeslay: I didn't get this one. She writes me a letter every week. She said her goal is to condemn me. She has written me up for so many things. I can't afford these assessments. Her and the police have gotten together and both told me their only goal is to condemn my house. It is me and an autistic 12 year old. I have a son with brain

damage who is homeless. He does stuff while I'm sleeping and I come down and have to figure it out.

Moermond: it does appeal this camper means perhaps homeless people were using it. I am not sure given your circumstances—there was a cost for removing this camper. Because it was on your private property and you were notified.

Langeslay: but I wasn't aware of it. I would have had a scrapper come take it.

Moermond: was mail returned Ms. Martin?

Martin: that is correct. But it does look like someone was living there.

Moermond: and when it was returned did it have a yellow sticker with no forwarding address?

Martin: no, no forwarding address.

Langeslay: I'm still here. I don't know why they wouldn't deliver this.

Moermond: and there's a note this is the first time orders were returned, and all the others went through.

Martin: correct.

Moermond: you really need to figure out how you monitor your property. I don't know if you qualify for some assistance. Have you been told about the House Calls program?

Langeslay: no.

Moermond: I'll have my office send out information about that program. You may qualify for some services, especially as you described the hoarding situation with your son. They may be able to talk with you about housekeeping given your disability. They are a good place to begin. These people are social workers but work out of public health. Their job is to help keep your property clean.

Langeslay: his hoarding is in the garage. He isn't allowed in my house.

Moermond: is he living in the garage?

Langeslay: no. No one lives in the garage.

Moermond: was he in the camper?

Langeslay: not that I know of.

Moermond: but that may be what I was doing.

Langeslay: he's been living in his truck the last few years.

Moermond: I really think you'd benefit from talking to House Calls. We'll get you that information. I encourage you to reach out. Second thing is because the City got returned mail on the notice, I don't think you got proper legal notice and I'll recommend this assessment is deleted.

Referred to the City Council due back on 7/20/2022

13 RLH TA 22-215 Ratifying the Appealed Special Tax Assessment for property at 564 BLAIR AVENUE. (File No. J2201V, Assessment No. 228000)

Sponsors: Thao

Approve the assessment.

Inho Chang, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Richard Kedrowski: this is a vehicle abatement order July 9, 2021 for a vehicle with no plates. A tan GMC. A compliance date of July 14, rechecked July 15 and the work was not done. Total proposed assessment of \$502.

Moermond: Mr. Chang, why are you appealing?

Chang: I wasn't aware of a car parked in the back parking lot. It took a while to find out who the owner was. I gave him notice to remove the car and then she was arrested and put in jail. So I wasn't sure what to do with the car because I knew the owner. I waited until they were released from jail and could take care of the car. There was a period where I wasn't sure what to do with the car. Later, the car was gone so I assumed the owner removed the car. I was aware of the situation but I was not completely sure what the result was. It isn't that I'm not doing anything, it was more I was aware of it but missed the timing because of the hiccup of getting arrested.

Moermond: so the vehicle got towed and no one moved it nor did you have a property manager tow. I'm not seeing any communication with the inspector asking for any extension. For what reason should the City not charge you for this assessment?

Chang: I simply didn't know what to do with the car when I knew who the owner was but he was arrested and in jail. I was not sure what to do with it. I didn't fully understand the vehicle abatement order because I was aware of the vehicle parked there even before the orders came to me and I was telling the owner to remove the car. Then he was put in jail. I was not aware I had to follow the City order

Moermond: you own a lot of property. We've talked before so I know you know how to get ahold of the inspector. I'm struggling with if you didn't know what to do you didn't reach out to the inspector?

Chang: somehow this slipped out of my mind, that's what I'm saying. I kind of misplaced the order. I was trying to, on my own, to talk to the owner of the vehicle. I probably pay less attention to the order because of that. I made an effort to remove it. Then some tenants had an issue so I waited.

Moermond: that is unfortunate for you. The taxpayer cost is \$502 and why should the taxpayer at large be responsible for that fee instead of you as property owner?

Chang: I understand I didn't communicate with the City inspector. I was doing this on my own and I misplaced the Summary Abatement Order maybe, something like that, and I didn't fully read it through with the due date. I was surprised when I had a hearing letter and I had to go back to my records to find out what it was about. Somehow it slipped from my mind.

Moermond: my recommendation will be that the Council approve this assessment. You can certainly submit additional testimony or appeal further to them. My assessment is this is your responsibility. I do wish you well.

Chang: is there some way to discount the amount?

Moermond: no, I think you are responsible for the whole thing. We can email you with information on how to testify to Council.

Referred to the City Council due back on 7/20/2022

Special Tax Assessments-ROLLS

- 14 RLH AR 22-52** Ratifying the assessments for Collection of Vacant Building Registration fees billed during August 5 to January 17, 2022. (File No. VB2210, Assessment No. 228815)

Sponsors: Brendmoen

Referred to the City Council due back on 7/20/2022

- 15 RLH AR 22-53** Ratifying the assessments for Securing and/or Emergency Boarding services during February 2022. (File No. J2210B, Assessment No. 228112)

Sponsors: Brendmoen

Referred to the City Council due back on 7/20/2022

- 16 RLH AR 22-54** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during November 19 to February 28, 2022. (File No. CRT2209, Assessment No. 228210)

Sponsors: Brendmoen

Referred to the City Council due back on 7/20/2022

- 17 RLH AR 22-55** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during December 27 to January 19, 2022. (File No. J2210E, Assessment No. 228311)

Sponsors: Brendmoen

Referred to the City Council due back on 7/20/2022

- 18 RLH AR 22-56** Ratifying the assessments for Removal of Dangerous Tree services during January to February 2022. (File No. 2205T, Assessment No. 229004)

Sponsors: Brendmoen

Referred to the City Council due back on 7/20/2022

- 19 **RLH AR 22-57** Ratifying the assessments for Towing of Abandoned Vehicle(s) services during February to December 2021. (File No. J2201V, Assessment No. 228000)

Sponsors: Brendmoen

Referred to the City Council due back on 7/20/2022

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 20 **RLH SAO
22-24** Appeal of Kenneth Cassibo to a Summary Abatement Order at 1798 JAMES AVENUE.

Sponsors: Tolbert

Grant to July 5, 2022 for compliance.

Kenneth Cassibo, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Richard Kedrowski: May 23, 2022 our office received a complaint for miscellaneous debris and garbage in backyard and garage. I visited May 24 and found outside storage, tree debris and miscellaneous trash in rear yard, next to garage and including in 2 utility trailers. Orders were written for compliance June 1 and the appeal was filed before that reinspection date.

Cassibo: I was scheduled to work that holiday weekend and was looking for clarification if I can store an empty trailer or canoe and let them know I'm working on some landscaping. I do have a small pile of dirt covered by a tarp for a planting area on the east side of the backyard near the patio. I'm not contesting it needed to be cleaned up, I do apologize it got away from me.

Kedrowski: the City wouldn't have a problem on a paved area. But it can't be within 4 feet within a neighbor's property. So it can be behind your garage, but not against it. A canoe would be allowed there.

Cassibo: if it is front on my driveway is that ok?

Kedrowski: as long as it is on your garage apron, and not in the alley right-of-way.

Cassibo: ok, I appreciate that. I'd like to apologize personally for you having to come out. It was on my to-do list.

Moermond: it sounds like you've had a chance to deal with a part of the orders, what kind of extension are you looking for.

Cassibo: can I work on the project without being noncompliant?

Moermond: it depends on which pieces are involved and for how long. You can't indefinitely store construction materials. I'd look for it to be done within a certain time

frame. I assume some of this lumber is associated with that project. I'd also like a closer in deadline to deal with the black trash bag and miscellaneous things in the photograph

Cassibo: and that was items to take to yard waste, that is gone. Lumber is gone. Trailer is gone. Storage of landscaping block. All I have left is probably a 5x5 tarp over top of the dirt that's about 24" tall.

Moermond: the concern about the dirt is erosion. We'd like to see it in its final destination. So we'd put a timeline on this. I want to be reasonable. I'm thinking 4 weeks. Is that too fast?

Cassibo: not at all.

Moermond: that takes us to July 5.

Cassibo: and to store a grill or have a fire ring? I don't want another problem.

Moermond: you can have a fire if it is proper distance from buildings. We'll send a follow up letter which includes the distance requirements. It has to be far enough from building or property line.

Cassibo: ok, and not having grass alongside the garage on the one side?

Moermond: there's nothing in the orders.

Referred to the City Council due back on 6/22/2022

21 [RLH SAO 22-26](#)

Appeal of Rebecca & Lucas Pelton to a Summary Abatement Order at 1696 JULIET AVENUE.

Sponsors: Tolbert

Layover to LH June 14, 2022 to review garden plan/diagram.

Rebecca & Lucas Pelton, owner, appeared

[Moermond gives appeals process]

Staff report by Supervisor Richard Kedrowski: May 16, 2022 I received a complaint about large tubs, trash, stick and furniture in the backyard. May 18 I did my inspection and I did find large plastic tanks, 6' tall, steel barrels, a dirt pile, scrap wood, tarps, a car seat and miscellaneous debris in the rear yard and driveway. I took photos of the items. Because of the nature of the items, I conferred with my manager and a co-worker. All were in agreement it was excessive for a residential lot. A Summary Abatement Order was issued at that time to remove the items from the property. May 25 I returned and an Excessive Consumption fee was sent for noncompliance. I was out of the office a couple of days at that time so I didn't receive a couple phone calls from the property owner at that time. We did have a conversation, but the appeal was filed.

Moermond: tell me about your appeal. I read what you submitted and looked at a lot of photographs.

Lucas Pelton: what we're coming up against is the enforcement department agreed it

was excessive. We are looking for language or City ordinance that describes the limits of what we're up against. There were these opaque statements of "not being allowed in a residential area" but no specifics in terms of the tanks and barrels described as industrial but we weren't able to find from the Department what industrial is.

Rebecca Pelton: in response to Mr. Kedrowski's statement, for whatever reason we didn't get the initial citation until the 25. We might have missed it, but we don't not check our mail for weeks at a time. It did come in without much of a window to take care of things. Once we did receive it we cleaned up everything and definitely took action once we saw the concerns. Our concern now is more we have this barrels we are using as planters, we have rain barrels. We want to learn more about what law we have broken or how we can fix this. [4 page statement from June 7, 2022 by Rebecca Pelton read; it is attached to record for review titled "Pelton contested statement"]

[power point shown with photos of the items written in the orders]

Lucas Pelton: these are depictions of other rain barrels and garden items throughout the neighborhood that could also be described as "industrial in appearance". This depicts the label from one of the barrels, specifically the non-hazardous product note. Superwhite PET USP is an ingredient used in food packaging, cosmetics. Consumable, if not edible. These are depictions of two things on our property that could be considered industrial; the one on the left is acceptable and the one on the right has been deemed "unacceptable". It is also pre-paint job. This is a photo of the barrels with plants and paint on them. One of our rain barrels is shown here and is on 3.5" of rock granite for support. All of the plants shown here are new. This is an excerpt of a Ramsey County pamphlet with a depiction of a rain barrel up to 132 gallons. Nowhere does it indicate installers of rain barrels should be aware of maximum volume or dimensions. It says to consider how much your garden needs. We have planted 5 new native trees, several new bushes, which have water needs greater than a typical residential lots. We are outside of a normal usage situation. The tag in the middle depicts the labeling as a freestanding tank and not as packaging for previous goods. Solely for the purpose of holding water. Here's a photo of the privacy screen. Here's a photo from the sidewalk showing how we've used to tanks as well as public spaces to a community dialogue scenario. Here's a photo of our alley beforehand.

Rebecca Pelton: we have been working so hard in the two weeks when the "mess" is happening and most people noticed there were changes happening. It was a big job and it just takes time. The citation came in the middle of that and we didn't have a chance to wrap it up, you know?

Lucas Pelton: here are photos of the public-facing visuals before the project. This is a reverse angle of the alley after phase 1 of the project. Then again, the driveway view.

Moermond: I will tell you I have dealt with, and one of the hardest things to deal with now, as we transition as an urban culture, is how we look at gardening, yards, and native growth and figuring out codes and what people are doing now versus historically. It isn't unusual for me to see this; it is hard to write regulation around all potentialities. I want you to be sympathetic, but I also like you're pushing and asking how to make this better. That being said, when I come across cases like yours, whether it is permaculture or situations like this, is I like to see a plan for where things are going. Whether you are doing pavers, planting trees, establishing raised beds, and associated materials. Same as when you build a fence or store construction materials. These materials appearing unconventional, because they are in some ways, does

qualify them as an exterior nuisance. I understand where you've had difficulties with this. I'm glad we're talking about it. I'd like to see a plan, your final intention; so I can look at it and say, "I'm not seeing any Code issues, and if I am here is exactly what I'm seeing." I'd like to set aside where we were. I'm not seeing the soil in the driveway; I'm seeing something different. When I see this photos, I can say succinctly there is a code violation in the 2 barrels abutting your driveway apron. That is because they are in the right of way and because of their height and bulk. That I can say plainly this needs to be dealt with and that is way. You can't encroach on the City's right of way. There are boulevard planters that can happen, but it has to be below a certain height. I like to tell people "trike height" when near a driveway or intersection. Relatively low. So if you are pursuing boulevard plantings we have to have that conversation. You seem to be close to execution of your hardscaping project. Are there other materials in the public right-of-way besides those barrels. Are there other things in the public right-of-way?

[oval metal planter from right-of-way shown in picture]

Rebecca Pelton: 36". The planter is 17" and it is mid-block.

Moermond: so a tiny plant. 36" minus 17". So short plants, looking at total height. You here wear I'm coming from, from a public policy perspective. I'm sure you have, in all this work you've done you've diagrammed something along with these beautiful slides, I'm sure I can recommend approval as any nuisance conditions are abated with your hardscaping done. We could even provide a map of the parcel and you could show how the pieces fit together. The large plastic tank is very unconventional. The large plastic tank: it is unconventional to have a water barrel of that size. I can see where it seems industrial. The rain barrels we see are much smaller to capture all my roof runoff. I don't know how much roofscape goes into that reservoir.

Rebecca Pelton: our ultimate hope is because of the draught last summer, is we have a passive watering system instead of me standing out there with the hose. The concern is how this is appearing, we can address that.

Moermond: the other thing I look at in terms of mosquito preventative so it isn't standing water so it doesn't harbor mosquitos. I would want to know more about that piece of it. How is it structured at the top so that is not creating an environment for mosquito breeding?

Lucas Pelton: and is that distinctly different than the tops of smaller rain barrel. What about a smaller one—

Moermond: I simply cannot see the top. If it is wide open, it is one thing. I simply don't know. I cannot see it because it is so tall.

Moermond: the black steel barrels you have labeled and painted. They look much nicer and don't have that appearance. Now we have that record with labels it wasn't used for oil storage. The scrap wood, dirt, and tarps sound like those materials have been used?

Lucas Pelton: yes, they've been used and cleaned up.

Moermond: a child car seat. People love to put things on the boulevard and write "Free" on them, but it is kind of like dumping. It could be free and rained on—

Rebecca Pelton: we were taking it in every night actually, but I understand your point.

Moermond: I know people who knowing the City works Monday through Friday, they put stuff out on the weekends and then pull it in. There's also the buy nothing pages that people use. The biggest thing are the water and planting barrels, getting things out of the right-of-way. On the condition you provide me with the diagram and confirm things are out of right-of-way and mosquito measures for the rain barrels I can recommend granting your appeal. I appreciate your initiative and its great, but laws take time to catch up with what people are doing. Inspectors can only deal with what is in front of them. I want you to know your time wasn't wasted and can look at it moving forward and will be helpful for Council to see. I'm going to look at this again next week, you don't have to be here just submit those materials and I will close the file. I won't close it without you having a chance to respond, but I don't foresee that happening.

Lucas Pelton: the green and blue rain barrels need to be moved—

Moermond: I'll give you a deadline. The planter will need to be moved; I think Public Works will have issues with that.

Laid Over to the Legislative Hearings due back on 6/14/2022

Correction Orders

22 RLH CO 22-4 Appeal of Eh Blay to a Correction Notice at 1169 BREEN STREET.

Sponsors: Yang

Deny the appeal and grant to November 1, 2022 for compliance via removal from ROW or permission from PW.

Eh Blay and partner, owners, appeared

Staff report by Supervisor Richard Kedrowski: I received a complaint for this property, and 1170 Flandreau. 2 hours 16. Orders were issued May 19, 2022 that the fence was constructed on the public right-of-way on the north side of both properties.

Moermond: so you bought this property and got this letter and did what most people would do which is be surprised. Tell me what you are looking for

Eh Blay: we want to keep the fence if possible. We have little kids. We obviously watch them; it is nice to have a fence to keep them out of the street.

Kedrowski: the one issue raised by Public Works is plowing, since it is right next to pavement and there's nowhere to push the snow.

Moermond: I looked at a couple of things because it deserved having some homework done. There are 2 building permits issued historically. One was issued in 2003 to Midwest fence. They constructed the fence basically in the same location it is now. Midwest nor the property owner got permission from the City to construct it up to the curb. This was surprising since they are a large company and should have asked for a survey to demonstrate you own the property and it isn't public right-of-way. The second permit was in 2014 because the fence had been damaged. So Midwest came again and fixed it, pulled a permit, and stayed in the same footprint. The fence is in the City's right-of-way. There is really only one way for that to be made correct which is get

permission from Public Works to have that fence in the right-of-way. I spoke with them about the process, and I'm open to letting you go through that process. What I will tell you is one of the criteria is whether or not what you want to put in the right-of-way, in the case the fence, could be accommodated on your own property that isn't right-of-way. I think the answer to that question is probably yes. But this isn't my call and you can make an argument to Public Works about this. It also seems to me you might do well to reach out to Midwest fence and say, "what happened?". Perhaps they would look at this circumstance and figure out why their field people went up to the curb because that is never okay. That is why this is so surprising there are these 2 properties right in a row. I want to give you some time to work with public work and time to move the fence if that's what you have to do. I can't grant your appeal because the fence is clearly in the right-of-way, in violation of City code, unless you have permission from PW. I would suggest you call them first, and if you can't get permission you'll need time to get it moved and you would probably be well served to reach out to Midwest, or if you know an attorney, and be very articulate. Go hard on this one. This is unheard of to see a fence built to the curb. We'll send you copies of those 2 fence permits that were issued, as well as contact information for the right person in Public Works to talk to about that right-of-way permit. Maybe there is a solution that would still give you a lot of room for kids to play and an alternative plan around that. The biggest concerns are snowplows, so we don't have to worry about that yet. I'd like to have this taken care of before winter comes, November 1. I know you have a lot to deal with and giving you as much time as I possibly can. Any questions?

[homeowners are given copy of aerial map]

Moermond: I'm so sorry you bought this house and got stuck with this problem. I really hope this company helps you out. If they got permission, which we can't find records of, but if they did they should dig that out of their files so you can share it with us. Any questions?

Eh Blah: no.

Moermond: I'm sorry again, I hope you come up with a good outcome and we put the deadline out as far as we can.

Referred to the City Council due back on 6/22/2022

23 RLH CO 22-5

Appeal of Frances Carr to a Correction Notice at 1384 MARGARET STREET.

Sponsors: Prince

Grant to November 1, 2022 for compliance on condition that there is no interior storage and both service door and garage door are secured from entry with lock.

Frances Carr, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Richard Kedrowski: a complaint was received April 26, 2022 stating the garage roof was collapsing. Inspection was done April 27 which did indeed find it was collapsing. Orders were sent to remove, repair, or replace the garage.

Moermond: sounds like you are looking for financial assistance to fix the garage?

Carr: I'd like to have it torn down. It will be too costly to fix it. I'm on the list for the homeowner's deferred loan. Then I will apply as long as I am accepted. I did try and call other places and couldn't find anyone else. I don't have any money to pay for it. I make \$942 in social security a month. I see no way I could pay a loan back

Moermond: let's give you time to get that sorted out. We'll talk about conditions. Studying the photographs I thought it was important for me to talk to the City's structural engineer. He looked at the photos yesterday. He said this can wait a little bit on the condition nothing is stored inside and no people go inside and the third is that the doors are all secured so they can't be opened. So I'm thinking of a hasp and padlock for the service door and also for the garage door. It isn't safe for someone to go in and I wouldn't want a homeless person or neighborhood kids to go in and jostling things so the building collapses. Are you able to do that?

Carr: I will find someone to do that.

Moermond: if you can do that I can grant an extension to November 1. It shouldn't go through another winter. I'm assuming you may get money from the City, but if you don't and November 1 comes, the City will move forward with getting a bid to remove the garage. That cost, let's just guess between \$3,000 and \$5,000. If the City does that the cost would become an assessment on your property. If that happens you'll know it comes down, you'll see it and get a letter about the assessment and you can appeal that assessment. That is important because if you appeal it I can work with you to make the payments over 5 years. So it would be in smaller amounts over 5 years at an interest rate of 3 and 4 percent. The first payments wouldn't be due until 2024. So I wanted to let you know even if you don't get that deferred loan there is still an ability to finance.

Carr: thank you.

Moermond: I just wanted to take that off your mind.

Carr: I didn't want to lose my house or something.

Moermond: we'll send you a letter confirming this.

Referred to the City Council due back on 6/22/2022

Making Finding on Nuisance Abatements

- 24** [RLH SAO 22-19](#) Making finding on the appealed nuisance abatement ordered for 689 TUSCARORA AVENUE in Council File RLH SAO 22-18.

Sponsors: Noecker

The nuisance is abated and the matter resolved.

Laid Over to the Legislative Hearings due back on 6/15/2022

1:00 p.m. Hearings

Vacant Building Registrations

- 25 [RLH VBR 22-24](#) Appeal of Brett Jackels, Havenbrook Homes, to a Vacant Building Registration Notice plus Revocation of Fire Certificate of Occupancy and Order to Vacate at 1457 PACIFIC STREET.
- Sponsors:** Prince
- Layover to LH June 21, 2022 at 1 pm. Inspector to revisit property and re-measure upstairs room and access stairs.*
- Voicemail 1:30 pm: this is Marcia Moermond from St. Paul City Council calling you to continue your hearing 1457 Pacific Street. We'll try you back later this afternoon.*
- Voicemail at 2:56 pm: this is Marcia Moermond from St. Paul City Council calling you again about your hearing for 1457 Pacific. Following up on our hearing on May 17, there was some additional information based on measurements by James Thomas. I wouldn't mind if we had an update on those especially with the stairwell height so I'm going to look at this again June 21. Expect to hear from DSI to do some additional measures.*
- Laid Over to the Legislative Hearings due back on 6/21/2022**
- 26 **RLH VBR
22-25** Appeal of Gil Pariente and Shai Leibovich to a Vacant Building Registration Notice at 1171 ROSS AVENUE.
- Sponsors:** Yang
- Waive the VB fee for 90 days (to July 20, 2022). Property to remain a Cat 2 VB and require a CCI.*
- Shai Leibovich, o/b/o owner, appeared via phone*
Carolyn Brown, CSP, appeared via phone
- Moermond: this was originally scheduled May 24. [gives background of appeals process]. Looks like we have Gil Pariente as the owner. What is your relationship with him?*
- Leibovich: he is one of my best friends and he moved from Minnesota to Israel and I'm helping manage the property. He is willing to come to Minnesota to take care of the house.*
- Staff report by Supervisor Leanna Shaff: this revocation of the Fire Certificate of Occupancy was done by James Thomas. We have no entries on October 20 of 2021, and February 1, February 24, and March 18, 2022. March 18 it was pending revocation for no entry. April 18, 2022 it was revoked as vacant and referred to the Vacant Building program.*
- Staff report by Supervisor Matt Dornfeld: I was out there and opened a Category 2 Vacant Building per that referral. At that time found both the garage service door and vehicle door open to trespass. The Vehicle door was propped up by cinderblocks. I spoke to a concerned neighbor about a homeless tenant. I didn't see that when I was there. I issued a Summary Abatement Order to have the doors secured. April 27 the doors were not in compliance so Rest Pro secured both. Other than that it appeared vacant and secure and the exterior was maintained.*

Leibovich: we had a tenant there, Reggie, and we are getting possession of the house on Wednesday. He is going to move out. We told him it is a Vacant Building. He isn't paying rent. We will either put an eviction or leave, he decided he is going to leave. He is packing now. After he does that Gil will purchase a ticket and come to Minnesota to take care of everything inside the house and out.

Moermond: so why didn't anyone show up for inspections?

Leibovich: because we knew the tenant wouldn't let anyone in. Reggie was a contractor for us. We're done with that.

Moermond: so no one shows up, you're faced with filing eviction, and instead it gets put into the Vacant Building program which saves you the trouble of filing for an eviction and now you are appealing that status. What are you looking for?

Leibovich: a month and a half to have the work completed. 75 days. Then we'll do an inspection with Thomas and get it activated again.

Moermond: you're putting me on a bad position on this. Publicly this looks like the City handled your eviction and is allowing you to slide into doing the fixes without going through the process of paying fees or doing a Code Compliance Inspection. Instead of going through the court system. It is uncomfortable for me. With respect to the Vacant Building fee I'm more flexible. I'm not sure why it shouldn't be considered a Category 2 Vacant Building and require a Code Compliance Inspection. Based on the tenant's behavior it is likely it is in bad condition, especially if the garage is a clue.

Leibovich: yeah I don't know the situation at the house now. It definitely isn't in the best way because of the guy living there. Best guess is it needs some TLC. I don't have the manpower to do it. That's why Gil is coming back. He is going to fly all the way here to take care of it. The goal is to renovate and put it back up as a rental. We are trying to minimize the costs absorbed here. He didn't receive any income the last 2 years. When we tried to file at the beginning of Covid we couldn't. It is still a process to do it.

Moermond: you did have access for inspections.

Leibovich: we couldn't get in the last six months.

Brown: the tenant wouldn't allow access. Any notices being sent, there was no correspondence. If we asked if an inspector came out there was no response.

Moermond: did either of you meet him? The letters went to Mr. Pariente. Oh, sorry, Heather Otto, RBK management. Is he related to RBK?

Leibovich: it used to be under RBK. I don't know why we didn't get the letter. Heather hasn't been part of RBK in the last 3 years. Probably when Heather was fired we transferred all the houses to RBK but didn't do Gil's.

Moermond: they were given 1017 Laurel. Isn't she in New York?

Leibovich: no, she used to live in St. Louis Park. She isn't there anymore, been gone for almost 2 years.

Moermond: you should update your paperwork, as you know. I'm going to recommend

they give the 90 day waiver on the Vacant Building fee. If things are done timely that money can be spent elsewhere. I'll recommend it remains a Category 2 Vacant Building. You are welcome to talk to Council about your perspective.

Referred to the City Council due back on 6/22/2022

**27 RLH VBR
22-26**

Appeal of Gladys Igbo to a Vacant Building Registration Notice at 385 UNIVERSITY AVENUE WEST.

Sponsors: Thao

Waive the VB fee for 120 days (to September 9, 2022).

Gladys Igbo, owner, appeared via phone

Moermond: we continued the hearing from May 24 in order for an inspection of the building to occur. I wanted to start out by having Ms. Shaff update the record. Sounds like a lot has been happening.

Staff report by Supervisor Leanna Shaff: Inspector Imbertson's reinspection was rescheduled to May 27 but when he got there it was an active building with fire on the call. A vehicle hit the building. It has been boarded but will need extensive repairs.

Moermond: a tragedy. Tell me where you are at with things.

Igbo: it got hit before the scheduled inspection. They saw everything that happened. I reported it to my insurance agent and he is totaling it. I have to have people come see the damage and everything is booked up. He is giving me a deadline of June 12.

Moermond: this is under appeal now, so we can work on deadlines. I think they put a short deadline because we were in hearings.

Shaff: that is correct.

Moermond: so we are ready to talk about deadlines and working this through. We have some bureaucracy to work our way through. The complexion of this case has changed since we talked a couple of weeks ago. It seems to me it isn't a question now whether you should be in the Vacant Building program. It cannot be occupied. It has a major repair needed.

Igbo: no, it isn't vacant, I have a structural engineer who said the upstairs can be occupied. That is where I am. It isn't on the Vacant Building at all. They told me the upstairs can be occupied.

Moermond: the upstairs can only be occupied if the City gives a Certificate of Occupancy for it to be reoccupied.

Igbo: they can come to inspect that.

Moermond: you need to provide that analysis to the City. When we have a building that experiences this kind of damage, it is unusual that we would resolve it simply by giving its Fire Certificate of Occupancy and not have a team inspection. Am I correct Ms. Shaff, given the volume of things wrong? It would maybe be ok but would be an exceptional situation.

Shaff: I think you are right. Inspector Imbertson writes in his report that we have interior walls being damaged by impact.

Igbo: the ground level.

Shaff: I get that but the upper floor rests on the lower floor. So unstable lower makes the upstairs unstable. Until it is fully inspected to meet minimum code compliance, it cannot be occupied. Looking at Inspector Imbertson's report, there is quite a bit of damage. So for everyone's safety it cannot be occupied until it goes through the full inspection. Everything must be repaired before it is reoccupied.

Igbo: I have a construction company that came out.

Moermond: you hired a construction company to come look?

Igbo: yes, they came out and inspected.

Moermond: the building was referred to the Vacant Building program originally May 9 because it doesn't have its Fire Certificate of Occupancy. Then this additional problem occurred. When it was originally referred it was a Category 1, meaning it just needs its Certificate of Occupancy reinstated. Mr. Dornfeld, Ms. Shaff, would you still consider this a Category 1 Vacant Building?

Shaff: no, we have structural deficiencies. Xcel disconnected the meter.

Igbo: that has been reconnected. There is power.

Shaff: gas service?

Igbo: that is the next thing

Shaff: so no gas now, which supplies the heating system and water heater.

Igbo: there is electricity. I had a company come out and do that.

Moermond: without permits it looks like.

Shaff: without any record of anything being done by anyone qualified to do so.

Igbo: qualified for what? Early Bird Electrical company came and put the electricity back on.

Moermond: the City has no record at all of this.

Igbo: yes, because this all just happened. I can email you the record. This is an active property.

Moermond: I'm very concerned we have trades permits done without permits. I am balancing whether it should finish its current list of things or if we need a team of trades inspectors to go through. Your structural engineer's report is great, but you'll need a building permit that is reviewed by the City's structural engineer.

Igbo: the repair contractor will pull permits once everything is approved.

Moermond: and you cannot be working out of there.

Igbo: I am not.

Moermond: you said you were.

Igbo: there is no one physically there.

Moermond: there better not be.

Igbo: the construction company is the one we are contracting and they will pull permits and you will have the records.

Moermond: your electrician did the work without a permit.

Igbo: the adjuster told me that is what I had to do.

Moermond: it doesn't matter who told you that the work needed to be done. I am concerned the people you are working with are not pulling permits prior to work being done which is especially concerning for the building permit since it needs to be evaluated by the structural engineer. If you do that you will be in trouble.

Igbo: thank you, I didn't know that. Flannery Construction is in St. Paul. If you can include that in the email I will give it to them.

Moermond: I want to land this plane on whether it should be a Category 2 or Category 1. If it were a fire we would let her pull the permits, on the other hand it hasn't started on the right foot. Mr. Dornfeld?

Dornfeld: it is an interesting discussion. It sounds like we have structural damage. It is a Category 2 Vacant Building, Ms. Moermond.

Moermond: we'll send the team inspection application and that will be required for the contractor to pull permits. You should apply for that inspection as soon as you can so the inspection can happen and your contractors can use that list to pull their permits. My office will send a copy of that application. You had a Vacant Building fee that began May 9. I will recommend the fee is waived for 120 days. I do not anticipate you will be done in that time; I do anticipate it means you won't have the pulling permit be delayed because of nonpayment of the fee. If it doesn't take longer, that is fantastic.

Referred to the City Council due back on 6/22/2022

**28 RLH VBR
22-27**

Appeal of Demian Moore, Restoration Counseling & Community Services, LLC, to a Vacant Building Registration Notice at 976 BUSH AVENUE.

Sponsors: Prince

Grant the appeal and release the property from the VB program. Grant to July 8, 2022 for compliance with orders on basement unit, and January 1, 2023 for compliance with orders pertaining to change of use.

*Demian Moore, Restoration Counseling & Community Services LLC and tenant, appeared via phone
Alyssa Borchardt, Property Manager with Everest MN Properties, LLC, appeared via*

phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a Fire Certificate of Occupancy inspection, a four unit building. Starting back last October we first gained entry. We wrote correction orders in November of 2021. The Responsible Party requested additional time. The inspector was out on leave so I did grant that time. We didn't get back into the building due to a couple of no entries in March and finally did get back in and some repairs were done but still had some flooding down in the lower level. I believe that is in the process of being addressed, but Inspector did Thomas did find a change of use. It was a four unit building and now it was a treatment facility. In that regard it needs to go through a change in use and require a sprinkler system in order to change it to that type of use. I believe Mr. Moore has submitted documentation for a recent bid for what that would take.

Moermond: so orders pertaining to the building's current use, we also have an application for its change of use. Yet to be determined are whether sprinklers are required, but that isn't in today's order.

Shaff: right, we wrote to discontinue use or submit something to plan review.

Dornfeld: We opened a Category 1 Vacant Building per that revocation by Fire Inspection May 19, 2022. Inspector Hoffman notes it was vacant and secure at time of inspection and the exterior was maintained.

Moermond: tell me what you are looking for today?

Moore: some history, going back to what Ms. Shaff mentioned. That business that we began dates back to June of 2021 when we first started looking at the building. It isn't a treatment facility; it would be a "lodging" building to comply with residential clients who are in treatment at a different facility. We didn't have any knowledge of the fact these no entries were occurring as a result of a tenant complaint. The flooding was pretty severe. Those were legitimate concerns. Once that happened it took a few months before anyone responded. They did get access and that unit, the basement, has been empty ever since. Within a couple weeks or months we learned that property manager has left that position and Alyssa came on board, which we didn't know about. We were leasing the other four units; we are not currently leasing that fifth unit. The big thing is the whole change of management and ownership. Two brothers who owned it split up and the one we'd been dealing with left it to the other brother who we didn't know. As soon as Alyssa figured out all of this she got right on it, they've installed rain tiles, sump pump, no flooding with these recent rains. A lot had to do with the fact the prior property manager was very lax. Alyssa is very responsive, she had to piece the pieces together herself too. The change of use is on us, from R2 to R4. We are in touch with Dori Dufresne and we have submitted building plans and we do need a sprinkler system to get a lodging license. In the meantime we had MN Department of Health inspect those other four units. We have a license for their end of things, aside from the separate City issues. We only lease the four above grade units, and the below grade one is the one causing these issues. We are down the path where we are getting bids on installing the sprinkler system. The history is a little complicated, and there's no denial that there were issues earlier.

Borchardt: I came on board in December.

Moermond: it looks like Everest properties has owned since 2018. You represent them, Ms. Borchardt?

Borchardt: I came on board December 16, 2021.

Moermond: was it an employee of Everest mismanaging?

Borchardt: I don't know the history.

Moermond: but Everest is your boss, yes?

Borchardt: yes.

Moore: our relationship has always been with Everest, just 2 different property managers.

Borchardt: the moment I found out anything was going on and due to all this Covid stuff, I got standard in to do the drain tile as quickly as I could. Everyone I was calling had lack of workers. I did my best and again, the history, I can't say what happened previously, I just tried to do what I could. We fixed the doors and did everything we were supposed to. The permit isn't my jurisdiction.

Moermond: Ms. Shaff, we have this drain tile reported to be installed and the basement being dealt with and an application for change in use. Have any of your people reviewed the first two items? Any other enforcement actions that should be taken?

Shaff: as far as we are concerned they haven't been taken care of because we need documentation and possible permits for installation.

Borchardt: I have the email in front of me. I sent all that documentation to James Thomas. I sent it April 19 after he asked for it. It was done in February.

Shaff: I don't have it.

Moermond: can you resend that?

Shaff: regardless, we are still dealing with that change of occupancy also. The one bid submitted was \$95,000 so my question is, would that be something we are going to forward with or not?

Moermond: I'm going to back up and say the orders don't give a time for compliance on the code analysis portion or discontinuing the unapproved use. Did you intend to say it should be discontinued May 13?

Shaff: yes May 13.

Moermond: so you wanted formal change of use or discontinued as of May 13. The referral to the Vacant Building program was because it was not compliant. Is that the deal?

Shaff: when I spoke with Mr. Moore we talked this through.

Moermond: so you need time to get that change of use squared away. Sounds like a sprinkler issue to engage. Right now the change of use is making its way through, I

can see the file. If we have the drain tile and basement unit stuff engaged I'm left with a deadline for the change of use being buttoned up or discontinuing its current use.

Moore: so you are saying immediately we need to discontinue the current use.

Moermond: that's not what I'm saying. That's what the orders say. I'm looking at trying to find a reasonable extension for you to get this accomplished. You have it underway which is great, so what is a reasonable length of time to get that change of use or regroup and come into compliance with its current use. I'm thinking the basement issues, I hear they are likely addressed, but I'd put a deadline of January 1, 2023 for the change of use piece.

Borchardt: what am I supposed to do?

Moermond: that's up to you. You have until January 1. It must be compliant with its approved use. It is your building. You work with the tenant to figure that out. That is your private decision making. We'll grant the Vacant Building appeal and if they aren't in compliance by the Jan 1 deadline it will be referred again. For the basement we'll give to July 8.

Referred to the City Council due back on 6/22/2022

29 [RLH VBR 22-29](#)

Appeal of Scott Bradley to a Vacant Building Registration Notice at 820 OCEAN STREET.

Sponsors: Yang

PH continued to June 22, 2022 and to refer back to Legislative Hearing July 5, 2022 at 1 pm.

Scott Bradley, owner, appeared via phone
Elizabeth Campbell, tenant, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a Fire Certificate of Occupancy inspection by Inspector Thomas. We have not been able to gain access to the property. This started with a no entry on March 30, April 21, May 25, June 15, and July 20, 2021. It appeared to be unoccupied even through April 29, 2022. We just haven't been able to gain access to do an inspection. Revoked for long term no access and noncompliance.

Moermond: why are you appealing and why aren't you appearing for the inspections?

Bradley: I had no idea there was inspection.

Moermond: you have Cynthia Watson-Meyer in Oakdale as the Fire Certificate of Occupancy Responsible Party.

Bradley: that must be the previous owner. I never got any notice.

Moermond: when did you buy the property?

Bradley: I closed August 3, 2018.

Moermond: did you ever file for a Certificate of Occupancy?

Bradley: I guess I didn't know I had to?

Moermond: to have a rental property you need a Certificate of Occupancy. The previous Responsible Party, they continued to be the Responsible Party in our records because you didn't file that paperwork. I'm going to give you a chance to make this right but you have to be present at the inspection. Let's get that application out to Mr. Bradley so he can fill it out right away. We'll lay this over for 4 weeks so inspectors can get out there. Please make sure you're all over that. Then we can talk about where we go from here in a month's time. We'll talk again July 5.

Bradley: ok.

Referred to the City Council due back on 6/8/2022

- 30 [RLH VBR 22-28](#) Appeal of Macy Anderson o/b/o Charles Bastel to a Vacant Building Registration Requirement at 1372 VICTORIA STREET NORTH.

Sponsors: Brendmoen

Layover to LH June 14, 2022 at 1 pm (unable to reach property rep).

Voicemail for Macy Anderson left at 2:34: this is Marcia Moermond from St. Paul City Council calling you about the appeal for Charles Bastel at 1372 Victoria St N of the Vacant Building registration. We'll try you back later this afternoon.

Voicemail for Macy Anderson left at 3:13: this is Marcia Moermond from St. Paul City Council calling you again about the appeal of the Vacant Building registration for 1372 Victoria Street North. I'm going to schedule this for one week out from today, we'll talk again June 14 between 1 and 2:30. If there is a different number please provide that to Ms. Mai Vang at 651-266-8563.

Laid Over to the Legislative Hearings due back on 6/14/2022

- 31 **RLH VBR
22-30** Appeal of Noah Chappell to a Vacant Building Registration Requirement at 922 WOODBRIDGE STREET.

Sponsors: Thao

Waive VB fee 90 days (to August 26, 2022) to have Fire C of O reinstated. Allow permits to be pulled.

Alexsandra Felt, Property Manager, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is the third time for noncompliance. It has been revoked for long-term noncompliance after 2 extensions. Referred to Vacant Building as a Category 2.

Staff report by Supervisor Matt Dornfeld: May 24, 2022 I opened a Category 2 Vacant Building. House was vacant and secured. There was a sheriff's notice to vacate on the door. I took a photo and put it in the file. The Chain-link fence is in rough shape, took a photo of that. Placarded the building. Yard looks good.

Felt: I'm representing the owner because he wants to fight the Vacant Building deal because he wants to get it up and running as quickly as possible. He feels the \$2,600 charge will financially impact the ability to get it back online. I know the water is still not on but should be back on June 21 when the plumbers are going out to repair the plumbing. Once that happens the cleaner and contractor can go in and perform the repairs.

Moermond: we've been pretty generous on this. Why should we continue to be so generous?

Felt: there was a lot more damage than even on that original list. Even if we did just the items on the list they wouldn't certify it. There has to be a certain order, we can't repair the walls because we need to wash down every single wall before we can remove the cracks and those sorts of things. That can't happen until the water is fixed, and the earliest they can go out is the 21.

Moermond: I heard this case in October of 2021.

Felt: the list that I was given in February is a different list from the fall. We did pass reinspection in the fall. This new list was because Torrance personally happened to drive by and it looked crazy because of the people living there, and the things that needed to happen with the people living there. That's where we are at.

Moermond: so if I compare the lists they are different. There is no carryover. They issued their certificate is what you are saying.

Shaff: I haven't compared the lists. I do know there are added items. When there are added items, as you say, you need to get your Fire Certificate of Occupancy back. We would put those on there.

Moermond: why was the water off?

Felt: there were leaks everywhere. The water pressure is supposed to be being addressed as well.

Moermond: it just keeps getting worse and worse is what you are saying.

Felt: I know. He wants to get it back up to par. He understands where he is at is not where it needs to be. I'm on the same page as you guys. This house is a nightmare for me. I wish it was done now. One guy flat out told me no, he wouldn't even work on it.

Moermond: I'm willing to give you a narrow window of time, I've kind of had it. You went into the program May 26; you have until August 26 with no Vacant Building fee to get that work done. I expect to see a rehab permit pulled. I want that pulled and inspected. I expect a plumbing permit. So on condition of those things happening; at the end of that time period and nothing happens you will become a Category 2 Vacant Building and require a Code Compliance Inspection and have the Vacant Building fee. There's a big carrot and I won't entertain additional extensions. Are we clear?

Felt: yes ma'am. Very clear.

Referred to the City Council due back on 6/22/2022

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 32 **RLH FCO** Appeal of Janet Rudie to a Fire Inspection Correction Notice at 1839 IVY
 22-42 AVENUE EAST.

Sponsors: Yang

Grant to June 24, 2022 for compliance.

Janet Rudie, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: This is a Fire Certificate of Occupancy inspection started by Inspector Ganzel. August of 2021 he received an email in response to an appointment letter that the property owners are selling and the TISH was done in July 2021. He agreed that he wouldn't look at it for 3 months, hoping to sell. In November it had still not sold, the TISH was still on file. He agreed again to put it out for 3 more months. He did make an appointment letter for March 16, 2022. He went to the property and there was no answer. He called the Responsible Party, who called the tenant with no answer. The property was since reassigned to inspector Der Vue. We have inspected with 10 deficiencies. The latest inspection the Responsible Party called to cancel for the resinspection saying they were going to sell. Inspector Vue relayed the orders go with the property and do need to be corrected. We are not willing to give it more time with the deficiencies as we have already passed our typical time of compliance. We do have a lot of outlets that don't work, chipping paint, windows. Most of it does seem to be electrical work.

Rudie: we have not sold the property. We are in escrow with a closing on or before June 30. That hasn't been exactly set. It was sold to a real estate investor who does know and have a copy of the inspection report. He will take care of those items. The reason for the appeal was just to allow us time to get it sold and communicate that list to the new owner.

Moermond: is it occupied?

Rudie: the tenants did move out a week ago. It is not currently occupied. We did have a purchase agreement on the property last May and the tenant's refused to move out. I did initiate eviction but talking to a lawyer, although in violation of several lease items, chances were high we wouldn't win. We did cancel it and that initiated the TISH last year. We were informed they wouldn't move out so the TISH was done the day before. We did fix the items on that list. Hardwired smoke detectors were added, the delay for that was related to the tenants moving out.

Moermond: so the house is empty. And I see looking at yesterday's TISH report there are a number of hazardous items, electrical in nature.

Rudie: I haven't seen that yet. The new buyer will address those items, per the purchase agreement.

Moermond: so Ms. Shaff, is this your first inspection in this cycle?

Shaff: pretty much.

Moermond: and your reinspection was June 6. Normally you would give it another set of orders and inspection to come into compliance before revocation?

Shaff: not at this point, no. We've been generous as to the property owners trying to sell. It has been going on too long without even access.

Rudie: I believe the new owners plan on selling it once they do the rehab. I don't know that for sure, but I don't believe they will keep renting it.

Moermond: I'm looking at a Fire Certificate of Occupancy inspection notice with a deadline of June 6 to complete the items. They do include hazardous items. My concern is an empty property is not reoccupied given those items. I'm going to give you an unreasonably short deadline, knowing there will be additional enforcement action- revoking the certificate- so it can't be occupied until those items are addressed. That sounds consistent with your plan anyways. We'll put this in front of Council on June 22 at which time I'll ask them to give you a deadline of June 24. That is prior to the closing. What this means is that Fire can take additional enforcement action, which will likely be revoking your certificate. No one was moving in during the rehab it sounds like, but this ensures a new tenant won't be moved into a hazardous electrical situation. Ms. Shaff, does this approach work for the Department?

Shaff: yes.

Rudie: so June 22 is what?

Moermond: that's when it will go to Council for them to consider, which I will ask them to give a deadline to June 24. I want to close the loop so it is plain it cannot be reoccupied.

Rudie: yes, we don't plan on having anyone in there between now and closing. Our plan was to have the new owner take care of it, which he plans to do and is aware of the items. One June 24 what happens?

Moermond: an additional letter will go out from Ms. Shaff's office. I don't know what that action will be. They can either write another Correction order, they can revoke. That is up to the Department. My concern is making sure no one moves into a property that hasn't been cleared. I don't know the purchasers.

Rudie: so if we don't do anything we'll just get a letter revoking the Certificate? We just provide that at closing? We would be off the hook?

Moermond: absolutely, the orders stay with the property unless you made separate arrangements in your purchase agreement.

Referred to the City Council due back on 6/22/2022