



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, August 16, 2022

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 22-303** Ratifying the Appealed Special Tax Assessment for property at 1641 FREMONT AVENUE. (File No. J2228A, Assessment No. 228533)

Sponsors: Prince

If PO posts no dumping, video surveillance signs, and motion lights by September 6, 2022 reduce assessment from \$480 to \$240. Continue PH to February 15, 2023 and if no same or similar violations, reduce further from \$240 to \$100.

Frankcia Louder, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: April 5, 2022 we issued a Summary Abatement Order to occupant and owner at this address to remove and dispose of some furniture and miscellaneous debris from rear of property. Photo in Summary Abatement Order. Compliance date of April 12. It was there on reinspection. Work was done April 14 for a total proposed assessment of \$480. There is a history at this property, February 16 garbage with no work order, November 18, 2021 vehicle abatement, no work order, and a couple previous garbage abatements with no work orders.

Louder: we have the red car in the back and just had an accident. We're looking for a mechanic. We have been storing stuff and removing it ourselves. When the City comes we don't even know those things are there. We called last time around and told some guy we weren't the ones who put the items there and they said to disregard and they would send someone. I'd suggest the City put up a camera. We are very clean and clean up this area. We would never just leave this stuff back there. We've had mattresses dumped; we didn't do it. We've paid to have it hauled away. I'm appealing to the City to let them know we aren't the ones who do these things. We don't keep our property dirty.

Moermond: you said you called the City. There's 4 times in the past 12 months with orders. When did you call?

Louder: I don't remember, I didn't write it down. They just said to disregard. This last

time my husband placed the call, he doesn't know he talked with. The name on the bottom of the letter. He told him he wasn't the one who did it.

Moermond: and the rub is it is your property whether or not you put it there. You have the same situation with your alley. People are dumping and you aren't the one putting it there. However, it is your private property to take care of. You did mention the notion of a camera. Have you considered motion detector lighting, signage, a camera? You have had four orders in the last 12 months to clean up stuff. This needs to be addressed. What is your thinking on prevention measures on your part?

Louder: we do have motion camera in our garage and in our backyard. We were just discussing getting a camera back there. We'll do that moving forward. We do have motion lights on the garage.

Moermond: what about signs saying no dumping under video surveillance?

Louder: we can do that.

Moermond: the City did do a cleanup but I feel like I could give you a break on a couple of condition. One, that you do not have any violations the next six months. Be on top of this stuff. The other condition is you get the signage up. I'll have the inspector confirm the motion lighting. I'll leave the camera up to you since that is more expensive. If you take those steps, let's have that signage go up and confirmed that and lighting by inspector by September 6. If they have been, I'm going to ask the Council to reduce the assessment by half and continue it six months and get you down to \$100 if there are no violations in those six months. That is February 15, 2023. We'll send an email confirming this

Referred to the City Council due back on 9/7/2022

10:00 a.m. Hearings

Special Tax Assessments

- 2 **RLH TA 22-310** Ratifying the Appealed Special Tax Assessment for property at 754 BLAIR AVENUE. (File No. J2232A, Assessment No. 228539)

Sponsors: Balenger

Delete the assessment.

Damon Hunter, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: April 27, 2022 a Summary Abatement Order was issued to remove a shopping cart full of garbage by alley side of garage. There are photos. Compliance date of May 4, rechecked May 5. Work was done May 13 for a total assessment of \$478. Comments from inspector was there was no voicemail or emails from the owner. It does appear it could be dumping. But stuff dumped does go with the property.

Moermond: when I look at the pictures, besides the garage of 854 we have a couple of carts with junk in them. By the time the crew showed up the carts were behind 750

Blair: That property looks pretty trashy in the back. Has some scrap wood and other kinds of things on the ground behind a fence that is in disrepair. Mr. Hunter, when I look at this I think that the City cannot charge you for the cleanup at the neighbor's property. I wanted to follow up with you about the possibility of this being dumping. What is going on from your perspective?

Hunter: honestly, I had 2 carts I got rid of. I did notice the carts were at the neighbors. But the first 2 carts I got rid of and I was frustrated someone did that. I never got any mail from you guys about a cart, that's why I was surprised I got an invoice you picked one up.

Moermond: the carts show up in both the before and after photos. It could be it happened twice. I'm not sure.

Hunter: I paid a scrapper to come get the carts around the same time. That's why it was weird.

Moermond: whoever you paid may have just moved them to the neighbors.

Hunter: I saw him actually take it.

Moermond: they are the same ones. But I can't charge you for work done at the neighboring property. I'm going to ask staff to look at that property so it isn't still a problem. Is it still full of junk? That triplex next door?

Hunter: they have some storage there. The fence is broken.

Moermond: and I have video showing the City picked them up

Hunter: I did see those videos. Those were different carts.

Moermond: that's fine, either way you won't be charged. We will delete these assessments.

Hunter: how do I handle this in the future?

Moermond: there are a couple of things that help but may not eliminate the problem. Ms. Martin?

Martin: often we suggest people put signs that say no dumping, under video surveillance, putting a camera up or a fake camera, or motion detector lights. That often keeps people from dumping.

Moermond: the sign is often just as effective as putting a camera up. The motion detector lighting is useful too.

Referred to the City Council due back on 9/28/2022

3 RLH TA 22-302 Ratifying the Appealed Special Tax Assessment for property at 264 EARL STREET. (File No. J2232A, Assessment No. 228539)

Sponsors: Prince

Delete the assessment.

Referred to the City Council due back on 9/28/2022

- 4 **RLH TA 22-280** Ratifying the Appealed Special Tax Assessment for property at 380 LONDIN PLACE. (File No. J2212E, Assessment No. 228316)

Sponsors: Prince

Approve the assessment.

No one appeared

Voicemail at 10:21 am: this is Marcia Moermond from St. Paul City Council calling you about your appealed tax assessment for 380 Londin Place. We tried you two weeks ago. I will recommend approval of the assessment. We'll confirm via email should you wish to follow up.

Referred to the City Council due back on 9/14/2022

- 5 **RLH TA 22-306** Ratifying the Appealed Special Tax Assessment for property at 672 MAGNOLIA AVENUE EAST. (File No. J2232A, Assessment No. 228539)

Sponsors: Yang

Delete the assessment.

No one appeared

Moermond: Mai, you looked at this and we have a long period of time when the property sold and when Ramsey County updated. We have orders from May to the previous owner but the transaction took place in February. That's 3 months. Because of RC being so slow the City is stuck with the cost of the cleanup without the ability to recover the funds. That is unfortunate.

Referred to the City Council due back on 9/28/2022

- 6 **RLH TA 22-281** Ratifying the Appealed Special Tax Assessment for property at 1565 MCLEAN AVENUE. (File No. J2212E, Assessment No. 228316)

Sponsors: Prince

Reduce assessment from \$407 to \$203.50.

Carmen Garcia, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: February 11, 2022 we did send a correctio notice to remove the vehicle parked int eh back yard. Compliance date of February 18. Inspector went out February 18 and gave an extension. Still not done February 28 so we issued an Excessive Consumption fee. No appeal was filed. We rechecked March 8. Sent another Excessive Consumption. March 15 still not done. Another Excessive Consumption fee. No returned mail. Only history was January 7, 2019, which was a vehicle abated by owner. Total proposed assessment of \$407.

Moermond: do we have a date when it was in compliance?

Martin: I'm not showing that date.

Mai Vang: March 22.

Moermond: Ms. Garcia, tell me why you are appealing?

Garcia: I didn't know you sent those letters. I'm having a hard time, I always get my mail where I live, which isn't this property. I don't understand where you are sending the letters. I do receive my tax letters, which I do pay on time. I did receive this mail with the fine. But I never got the warning letters you claim you sent.

Martin: this is where it says the owner lives.

Garcia: the taxes go to the correct address.

Moermond: you asked for an extension so you must have gotten the letter. They went to revisit. There was no follow up except for bills for not being in compliance. Why did it take so long to get into compliance?

Garcia: I don't get why my taxes can go to the correct place but these don't.

Moermond: so you don't live there?

Garcia: my father lives there. But he would have told me about it.

Moermond: you would have gotten the order in February and then follow up bills on 3 different occasions. That's 4 letters that went to the address on Maclean which is the address you have with the County as your tax address.

Garcia: why did I get this letter at my address? This is news you would send to McLean instead of my mailing address. You send the fine to the correct address.

Moermond: you have this as homesteaded.

Garcia: I moved out in 2019. I am busy and feel bad missing your calls. I'm not opposed to any fine, but obviously because of this mailing thing. I wouldn't lie about that. Can you reduce the fine by half and I'll just pay it? I'm willing to do that.

Moermond: I'll reduce from \$407 to \$203.50 and we'll investigate further.

Follow up: Staff has confirmed that 6/11/2022 was when the Eden Prairie address was uploaded from Ramsey County's Data.

Referred to the City Council due back on 9/14/2022

7 RLH TA 22-279 Ratifying the Appealed Special Tax Assessment for property at 1160 NORTON STREET. (File No. J2229A, Assessment No. 228534)

Sponsors: Brendmoen

Approve the assessment.

Raymond Vorderbruggen, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: March 18, 2022 a Summary Abatement Order was issued to remove and properly dispose of all the furniture trash and debris from the entire back yard. Compliance March 25. It was note done on recheck. No returned mail. The work was done April 20, 2022. The total proposed assessment is \$928. There is history at the property. There were so many items, they did leave some bikes, tires, mowers, and vacuum.

Vorderbruggen: March 25 they removed a lot of stuff?

Moermond: the orders went out March 18. It was supposed to be done March 25. The inspector didn't recheck to see if it was done until March 29. The work crew didn't show up until April 20. A full month between the orders being issued and the crew showing up.

Vorderbruggen: a work crew cleaned it up? How much?

Moermond: the video showed quite a bit from the yard. There was a lot back there. You were sent the videos; did you look at them?

Vorderbruggen: yes I did.

Moermond: a lot was removed.

Vorderbruggen: why didn't they just take it all?

Moermond: the things they left thinking they may be of value to the occupant. There was some functional value to them. That was my impression. I have heard in other hearings owners complain when things are removed, but you are right they didn't clean them out. Why are you appealing?

*Vorderbruggen: I didn't realize they took that much. The renter said they took his lawn mowers. He had a storage locker and then he put everything in the yard and I wasn't aware. He had 3 tents up. I went there after they cleaned up some and there was still so much cr*p left. There's one guy who is staying there with some mental problems. He likes to collect stuff. I find it hard to believe they hauled anything.*

Moermond: but you saw the videos?

*Vorderbruggen: maybe I need to look closer. He takes a bike with a trailer and brings all the metal he can find home. I took 2 microwaves, 2 air conditioners, a tv monitor last week. Before that he had 5 TV's I took away. It was \$100. He brings it faster than I can clean it up. I had no idea they took that much stuff last time. All I noticed was the tent was down. He keeps bringing stuff in faster than I can remove it. I never went back there. I didn't realize he had 3 tents full of stuff. He said he was using it for garage sales, but it isn't garage sale cr*p.*

Moermond: they took the before video at 8 am April 20 and left the site at 9:18. You're saying he was bringing stuff back in right away. I saw tent parts on the ground.

Vorderbruggen: I misunderstood. They wanted \$700 to do it. I could do it for that. I didn't realize he delivered more stuff after you got done.

Moermond: the after video shows the yard pretty well cleaned out.

Vorderbruggen: last week I took a small refrigerator to the recycling place. 2 TVs, a microwave, and a monitor. That all came back after April 20?

Moermond: yes.

Vorderbruggen: cr*p. The other guy repairs lawn mowers. I talked to him today. I haven't been there for 4 days now.

Moermond: sounds like you have a very expensive tenants.

Vorderbruggen: he doesn't take his meds all the time.

Moermond: would it be useful if the City divided the payments over a couple of years? Or does it not matter?

Vorderbruggen: \$200 every 3 months on the loan. Honestly I thought this was the proposed cost. I didn't realize they already did it.

Moermond: this goes to Council September 7 and if they ratify it you will get an invoice within a couple of days. You can pay that invoice or let it go on your 2023 property taxes. Half would be due with the first half payment, half with the second.

Vorderbruggen: taxes are already \$4,000 a year. I thought it was an estimate of the cost if they did it.

Moermond: yeah, they did the work. I'll recommend approval.

Referred to the City Council due back on 9/7/2022

Special Tax Assessments-ROLLS

- 8 RLH AR 22-77** Ratifying the assessments for Property Clean Up services during April 29 to May 10, 2022. (File No. J2231A, Assessment No. 228538)

Sponsors: Brendmoen

Referred to the City Council due back on 9/28/2022

- 9 RLH AR 22-78** Ratifying the assessments for Property Clean Up services during May 13 to 27, 2022. (File No. J2232A, Assessment No. 228539)

Sponsors: Brendmoen

Referred to the City Council due back on 9/28/2022

- 10 RLH AR 22-79** Ratifying the assessments for Equipment and Labor for Clean Up services during May to June 2022. (File No. J2233A, Assessment No. 228543)

Sponsors: Brendmoen

Referred to the City Council due back on 9/28/2022

- 11 RLH AR 22-80 Ratifying the assessments for Tree Removal service during May 2022 at 1011 Burns Ave. (File No. J2234A, Assessment No. 228544)

Sponsors: Brendmoen

Referred to the City Council due back on 9/28/2022

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 12 RLH SAO 22-41 Appeal of Robert Paulsen to a Summary Abatement Order at 392 HOLLY AVENUE.

Sponsors: Balenger

Layover to LH August 23 for update on inspection on compliance.

[Update 8/18/22 - nuisance is abated and matter resolved per Kedrowski on 8/17/22; sending straight to Council]

Robert Paulson, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: orders issued August 2, 2022 to remove furniture, appliances, and debris from driveway and trailer. Compliance date of August 9. There is just one photo, which is in the Summary Abatement Order. It shows an appliance near the garbage can. Inspector Hesse issued the orders.

Moermond: you're talking about the trailer in the appeal.

Paulson: two things. One I that we have people come by scrapping and we put it in the alley and it is usually gone within a couple of days. What is the rule on that?

Moermond: putting it out and hoping someone will come by isn't dealing with it.

Martin: we are complaint based. So if someone complains, we don't know how long it has been there. We give seven days to comply. That gives you time to contact the inspector too. We're easy to work with you just need to call us.

Paulson: I went on vacation in this case and I thought it would be gone. I understand now. I'll give it a couple days and I'll haul it away in the future. I'm semi-retired and I live at the property. Occasionally I do renovation inside and pull up carpet, plaster. I have a garden trailer I use to haul to the dump. Again, it is one of those things I wait until it is filled which is usually a couple weeks. I try to keep it covered.

Moermond: the same would apply where you could call the inspector. It isn't long term storage to have things piled on a trailer. Ms. Martin, how do inspectors manage this in the field?

Martin: if we do see sheetrock or something obvious we try to work with you. Reach out to the inspector and we are happy to work with you.

Paulson: that was my other question. I got this abatement order which said something about being charged for reoccurring incidents in 12 months

Moermond: yes, there are two types of charges. The first is the City goes out to clean it up. The second is if the City is in a pattern of revisiting the property because of non-compliance or repeated violations. Do you have these thing taken care of now? If you don't, what is a reasonable timeline?

Paulson: I hauled it away, so it is all gone.

Moermond: great. Any other questions?

Paulson: if I happen to get another Summary Abatement Order do they always give a warning first?

Moermond: they'll send a Summary Abatement Order to address the items.

Paulson: I understand. I've never had a problem before.

Moermond: we should confirm this is taken care of. Can you swing by before the 22nd? We'll do a Staff report on the 22 to confirm.

Referred to the City Council due back on 9/7/2022

Correction Orders

- 13 RLH CO 22-8** Appeal of Brett Cummings, Panama Flats Rowhouse Association, to a Correction Order at 228 EXCHANGE STREET SOUTH.

Sponsors: Noecker

Grant to August 1, 2023 for compliance.

Brett Cummings, o/b/o Panama Flats Rowhouse Association, appeared via phone

Moermond: we're calling back about your retaining wall on Exchange. I've been doing a lot of follow up on this with Public Works. I wanted to describe to you some of the follow up needed on the City's side and your side. One of the comments was about responsibility for the failure. Our sidewalk supervisor, right-of-way supervisor, and a bridge engineer went out and reviewed the history. What they think the cause is is absolutely unclear. It could be the sidewalk tilted toward the property because of a failure in the retaining wall, or that tiling created that failure. They did note in a historic photo there was some settlement affecting one set of stairs. Informative but not dispositive of why this is happening.

That being said, mapping a course forward is the next thing. They have indicated a logical path forward would be first to do temporary repairs to prevent further water infiltration and remove any trip hazard that exists on the sidewalk or curbing. That needs to be done soon and they are happy to expedite that. Next couple of weeks. That will be a patching and a faux curb that would cover the cracked area between the sidewalk and the private property curb. The next step in the process would be the

repair of the retaining wall itself. The wall from the sidewalk down to garden level. That repair, we can push that deadline into next year. They are thinking that it will be necessary to have an engineer look at it and two permits pulled. One would be an excavation permit due to its location and the other is a regular building permit. In that review process they would want engineering for wall repair. They are thinking the repair is going to require removal of at least a section of sidewalk there for your repair people to have proper access.

Anticipating it will be reopened, the Department would look for whoever you are using to temporarily put an asphalt sidewalk in and then the City would do a permanent sidewalk after you did your work. The question becomes what kind of sidewalk is installed there. The most cost effective solution would be for the City to put in its regular cement sidewalk at no charge to you. What we do have there presently is tinted and stamped concrete. That is much more expensive. The City doesn't have a budget to cover the different in costs between those two repair option.

What is left cost wise between regular sidewalk and higher level would likely become an assessment to the private property owners. It is their understanding, and I talked to HPC staff, that there is affair bit of conversation with the Irvine park association about the sidewalks in the area and what they should be. How that conversation progresses includes you. You're in the historic district. We suspect they may have some money available in terms of assisting with that work. We simply don't know. We do know they have a budget. I don't in a year when the City is permanently replacing the sidewalk how that conversation will have matured about which kind would be used. I wanted to flag that for you that that is a deep discussion with your neighborhood association in that district.

Cummings: I'm aware of that

Moermond: so we have to put a deadline eon the wall repair, reasonable to do it into next year's construction cycle. We'd just want a timeline so the City could still do concrete. I'm thinking July 1 deadline. I'm not sure what you'll find for contractors, so I'm willing to go a little further out.

Cummings: I have a couple questions. My understanding from talking to Public Works they made it clear putting in standard sidewalks in that location wasn't allowed because of the historic district. So I am surprised to hear it is being proposed as putting in gray.

Moermond: I wouldn't say that is the proposal. I'm trying to describe the options. I didn't hear from HPC staff that the tinted stamped concrete was required. It could be. I didn't hear that explicitly. The City's position now is it is more your issue with your neighbors and the guideless address more the buildings. I could be wrong.

Cummings: is it standard that the City pays for standard sidewalks, any upgrade is paid for by homeowner?

Moermond: yes. Sidewalk repairs and replacement are done out of the City's general fund.

Cummings: you mentioned repairing the retaining wall, likely in the spring. What is the rationale behind repairing the wall and putting in an asphalt sidewalk only for them to come a month later and rip it out later? Aren't there concrete contractors that are approved?

Moermond: it is a question of timing and that is an unknown about whether City crews are available at the same time as your crew would be finishing. Asphalt patching is not unusual in this circumstance.

Cummings: other than it will cost us extra thousands of dollars.

Moermond: I don't know the facts there without bids. I am understanding that this is the usual process. If the timing could be worked out that would be great, but I don't know how they're calendaring these things out.

Cummings: does the City use its own crew to put those sidewalks in? Or is it subcontractors?

Moermond: I can't answer that. I know we do have City staff who do that work. If they hire additional people, I know they do for some projects. For this regular work, I believe they do it. I simply don't know.

Cummings: you started off saying you don't know the root cause with certainty. An argument could be made on both sides. I was expecting to hear that because we can't prove one way or the other it would be a more equitable solution between us and the City. What I'm hearing is you'll put in a standard gray sidewalk which is what you give everyone in the City. That's not really much of an offering on the City's part. We are right back where we started, which is we're being told to pay for everything. We're just now being given until next summer to do it.

Moermond: the question of how the payment breaks out is isn't something I can negotiate. My focus is the orders in front of me. If you wish to work with Public Works or litigate the matter that is up to you. I can only put deadlines on these and I'm talking about the order of events so we can have an appropriate deadline.

Cummings: I feel like a July or August timeline is probably adequate. But there is going to have to be coordination between us and Public Works. I'd like to see this temporary fix being proposed. Is there someone I could speak with at Public Works? So can better understand what they are going to do so I can make sure I take it back to our board.

Moermond: I would look for asphalt patching to handle the openings. Nothing fancy.

Cummings: more of the same that is there.

Moermond: yes, as a temporary solution pending the replacement of the sidewalk.

Cummings: the only scope we can define or settle is what is the work that needs to be done and when. Anything beyond that is beyond this conversation?

Moermond: yes, I can't negotiate what Public Works will charge as an assessment if you go beyond their normal replacement. I'm not in a position to review excavation permits.

Cummings: the cost side of it is what I'm talking about.

Moermond: I am not that person. That's a conversation to have with Public Works. If you aren't satisfied with that it is a matter for litigation or a claim against the City. I'll

recommend an August 1 deadline. So what you get today is yes, it is a wall that needs repair and the deadline for its repair is August 1 and the City will take steps to prevent further deterioration pending your repair. The nature of that replacement isn't something for this forum.

Cummings: is the only way for me to deal with that a direct conversation with Public Works? I know there's another step to go to City Council, but that is still what we're talking about?

Moermond: what the Council will have in front of it is this order from the Department. The correction order that the wall needs to be repaired. That is the only issue.

Cummings: nothing about the responsibility for it?

Moermond: that would be a completely separate action, yes.

Cummings: other than moving the deadline I don't feel like we really accomplished much because the order says what it says before.

Moermond: I'm sorry you're dissatisfied but there is plenty of time to take action on the other things.

Referred to the City Council due back on 9/14/2022

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 14 RLH FCO 22-73** Appeal of Tarell Friedley o/b/o Home Company, LLC to a Re-inspection Fire Certificate of Occupancy With Deficiencies at 213 FOURTH STREET EAST, UNIT 201.
- Sponsors:** Noecker
- Grant to August 31, 2022 to remove bed from unit and submit lease addendum. Grant to January 1, 2023 to discontinue residential use or storage. Sleeping is prohibited in this unit immediately.*
- Tarell Friedley, o/b/o Home Company, LLC, appeared via phone*
- Moermond: are we calling Jeff Heigard or Jennifer McCall?*
- Friedley: no, just me.*
- [Moermond gives background of appeals process]*
- Moermond: it looks like this appeal only relates to the residential use. Do you want to discuss any of the other items in the order?*
- Friedley: just the residential use is fine. Everything related to the other issues is being resolved by contractors. They relate to the restaurant.*
- Staff report by Supervisor Leanna Shaff: this is a Certificate of Occupancy inspection done by Inspector Niemeyer. June 30. This is a 5 story one basement commercial use*

building with 36,300 feet of commercial space. A2 occupancy with a secondary occupancy of B, business. It is fully sprinklered. June 30 inspector Niemeyer found suite 201 was being used as a residential use which is not permitted. He cited building code which requires code analysis and contacted the building official. He wrote orders to complete the change of use under permit or discontinue use as residential unit.

Moermond: any questions Mr. Friedley? Talk about why your client is appealing.

Friedley: it has evolved over the last few days. We have someone occupying 201 since January 2021 and was storing things. Her storage use evolved into her taking over the 2200 square feet of the second floor. During Covid the entire rest of the building became vacant. She converted to living there occasionally. What has evolved is the living there has ended the last few days. She has been once in the last 3 weeks. 4 times in the six weeks prior. She did stay overnight. In addition to her occupying the space, she is an attorney and meeting clients there. When it went vacant she couldn't bring clients in. That is when it evolved to her staying nights and being the sole person in the building.

My client allowed that to continue in part because it was added security for the building. She worked with me during that time and considered leasing another part of the building to move her law firm. We tried to work through that and couldn't work that out. She then considered purchasing the building and that also didn't work. She is only going to be there another 4 months using the space and we've reached a point where she has agreed to do an amendment to the lease making it clear it cannot be occupied as a residence. She can store her stuff there but will not be occupying overnight. She would only be there during the hours the restaurant is open or the MN Aurora soccer team is there. Just normal business hours, no overnight stays. That is where we are at. We'd like to ask a continuation of time to work out the details of that agreement. She has indicated she will have everything out by December 31 so it will be entirely vacant. Once it is vacant it would become part of the space that will be for lease. We would leave it built out the way it is until another tenant is located.

Moermond: it has a kitchen and bathroom. What are fire inspections requiring as far as deconversion?

Shaff: it looks like an apartment. I am looking at range and stove assembly on a four wheel cart that looks like it was going to be installed. If she is using it for storage I would expect things to be boxed up so they don't look like living space in any way, shape, or form. No bed. That it doesn't look like an apartment.

Friedley: it does look like a glorified closet to me.

Moermond: the other photos show a lot more than that.

Shaff: quite the set up.

Friedley: yeah, the lofted bed. Living room.

Moermond: exercise equipment. Kitchen. Bathroom.

Friedley: that came out of the house she moved out of rather abruptly.

Moermond: and stored in the configuration one would want it in if one was living there.

Friedley: yes, that's what happened.

Moermond: we can look at an extension to be de-converted. I'd like that lease addendum attached to the record so we have that. I would look for more specificity from the Certificate of Occupancy inspector as far as what you would expect. The remainder of the fixtures that make it residential space, what would that look like? I don't know what she will leave behind, but an inspection in January should be done in order to assess that. We won't know that until then. We have a cupboard and sink and an island. We have a lot going on.

Friedley: that stuff, minus the stove, was there from the prior office tenant. They had a breakroom. The marketing materials show a similar configuration. A small kitchenette. This tenant had modified the bathroom to a substantial degree. They were an IT business and came and went in all hours of the day. Some will stay there. We'll figure out with her when she is moving out and get things tied together with that addendum.

Shaff: I hear it used to do these things. I know it may have taken time to get into this configuration. It is a fully sprinklered building but it doesn't have the required smoke alarms like a residential unit. I'm reluctant, because of how this evolved, to give it so much time for a lease addendum. I'd be looking for it to immediately—

Friedley: I wasn't asking for time on that. That should come together in the next 2 weeks. For sure by Labor day. Confirming she will stick to the limited occupancy.

Shaff: early notification is paramount for life safety and 2 weeks are 2 weeks too long. Moermond: and the orders now say deadline of August 31. I want to keep that. I'm satisfied with the lease addendum coming forward in that time. I would like the bed removed.

Friedley: that's an easy request and immediately reasonable. I'm fine pushing no bed.

Moermond: and if it is a sofa bed that needs to be out too. That's an August 31 deadline with the lease addendum. Do you need an extension for the other deficiencies?

Friedley: no, I don't think so. They've been working with George to reset equipment and are anxious to get going.

Moermond: we'll give to January 1 for the complete discontinuation of residential storage or use. Reinspection in January. We'll send a letter confirming these details.

Referred to the City Council due back on 9/14/2022