



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, August 23, 2022

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 22-52](#) Denying a stay of enforcement of demolition for property at 587 COOK AVENUE EAST. (To refer to September 27, 2022 Legislative Hearing)

Sponsors: Yang

If evidence of financing and affidavit are submitted and PD is posted by noon on August 23, refer back to LH September 27, 2022 at 9 am to review scope of work, schedule and bids.

Gerald Krippner, owner, appeared
Heather Mylin, purchaser, appeared

Moermond: this goes to Council tomorrow. Mr. Magner please update the record.

Staff update by Manager Steve Magner: a letter went out August 5, 2022 and it is expected you will have a signed purchase agreement, a \$5,000 Performance Deposit posted with DSI, submit evidence of financing to complete the rehab, submit an affidavit dedicating funds to the project, submit a work plan including signed bids and a schedule and the property must be maintained.

Moermond: do we have a Performance Deposit posted?

Krippner: no, you don't.

Moermond: tell me what I'm looking at here. I have an agreement.

Krippner: contract for deed. I didn't send the financials.

Mylin: I have them, not in paper form. I can email them.

Moermond: and have you had someone do a walkthrough based on the Code Compliance Inspection Report?

Mylin: I've had my contractor look over the Code Compliance list, but he hasn't done a walk through yet with me. We just started this process a few days ago and he was

busy over the weekend.

Moermond: there's a previous bid he could look at. What are your thoughts Mr. Magner? We don't have a Performance Deposit or any sort of a plan for the rehab. No evidence of financing yet.

Magner: the addendum is sufficient. So we need the items. It goes to Council tomorrow?

Moermond: yes, this is for a stay. They Council already voted to remove it. That \$5,000 I can't believe we've gone this far without it.

Mylin: can it be after closing?

Moermond: no. It has to be before the Council vote tomorrow at 3:30. You have to have that posted, one of two basic things. Then the bids and work plans can follow those. So we end up in the position where the Council had no option to have it removed. Mr. Krippner brought forth a Purchase Agreement and that person backed out. I wouldn't stand in front of Council and ask them to give more time for developing plans unless we have that.

Manger: if for some reason you don't close or it goes to demo you just ask for it back. We don't keep those funds if this doesn't move forward. If it does we keep it until the Code Compliance certificate is issued, or if after 180 days you don't perform then they could be forfeited. Without a closing I understand you're assuming some risk but if you don't take that risk there is zero reward at the end. The stay would evaporate and our staff would move forward.

Moermond: so I'm going to look for the \$95,000 to purchase plus at least \$65,000. A total of \$160,000 to execute the rehab.

Mylin: I have \$20,000 for the down payment and the remaining \$65,000 for the repairs to get it reoccupied.

Moermond: your thoughts on this Mr. Magner?

Magner: as long as she submits the bank statement and the affidavit that gets her to another hearing to review the work plan and give a final issuance of a stay.

Moermond: on partial ability to complete the real estate transaction. That seems to be bigger carrot than the Performance Deposit.

Magner: the title isn't transferring until the project is completed. If that is the case, she has time to come up with the rest of the financing if she needs it to make the final contract for deed payment and transfer the title. She is putting herself out there on a limb by putting money into a property and it would be financially right to come up with the money to complete the sale contract. If she doesn't it is giving Mr. Krippner a rehabbed house. I don't know why she would do that. At the end of the day the City only cares the property is rehabbed, not who owns it. If they want to sue each other, it is still rehabbed and ready for occupancy. \$65,000 to rehab and an affidavit to do that.

Krippner: we have had that discussion. I don't want to be that guy in the end. Those are the facts. You said 180 days?

Magner: yes that's normally the amount of time.

Krippner: I thought that it was six months?

Moermond: that is six months.

Mylin: once we have the Code Compliance we'll take out a mortgage for the payoff of \$70,000. The hard part about being a Category 3 is the title transfer until it is lifted. Then no lenders will touch it. So I can get a loan once it is not a Category 3.

Krippner: that is why the other buyer bailed on it.

Magner: as long as the funds are there to rehab and get it out of the Vacant Building program, the transaction after the fact isn't a concern of the department.

Moermond: I'll go with \$100,000. That Performance Deposit needs to be done by noon tomorrow. So we need the account information. That allows me to stand in front of Council tomorrow and say we have a purchaser who has the money and who has posted the Performance Deposit. Please send it back to Legislative Hearing so she has a chance to develop a sworn construction statement. You show the money and you can show the building package after that. You're new at looking this property. Can you have this together in four weeks?

Mylin: yes.

Moermond: if you do those things, affidavit, Performance Deposit and showing money by noon tomorrow I'll ask them to send this back to Legislative Hearing September 27 at which time hopefully we'll have had time to review the scope of work and bids for the work. Any questions?

Mylin: I need them by the 27th?

Moermond: I'd like them by close of business on the 23rd so we can review it before having a conversation about it. that is helpful for us. Would we take it that day? Yes. Is it as easy to work with at that point? No. That extra time helps.

Referred to the City Council due back on 8/24/2022

2 [RLH RR 22-33](#)

Ordering the rehabilitation or razing and removal of the structures at 781 COOK AVENUE EAST within fifteen (15) days after the July 13, 2022, City Council Public Hearing. (Amend to grant 180 days, pending submission of affidavit of financing)

Sponsors: Yang

Grant 180 days, pending affidavit dedicating funds to project.

Joe Steinmaus, purchaser, appeared via phone

Staff update by Manager Steve Magner: after reviewing the documents the only item outstanding is the affidavit dedicating the funds to the project. If you can submit that it can go forward with a recommendation

Steinmaus: I'll have it in tomorrow. My assistant has Covid so she's hiding out for a few days.

Moermond: this can go to Council September 7th. By September 2nd?

Steinmaus: no problem.

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

- 3 [RLH RR 22-42](#) Ordering the rehabilitation or razing and removal of the structures at 1803 IVY AVENUE EAST within fifteen (15) days after the August 10, 2022, City Council Public Hearing. (To refer to August 23, 2022 Legislative Hearing)

Sponsors: Yang

Layover to LH September 27, 2022 at 9 am. Purchaser to submit evidence of financing, affidavit, updated work plan based on CCI, and post PD by COB September 23, 2022.

Joe Steinmaus, purchaser, appeared via phone

Staff update by Manager Steve Magner: we reviewed the PA signed between Metro Holdings and Timothy Hay. There is a work plan that is acceptable. Now we are looking for the other standard items, the Code Compliance, affidavit and the financing for this project as well.

Moermond: do we have a Performance Deposit on Ivy?

Steinmaus: I can do it today or tomorrow morning.

Moermond: regarding the work plan you submitted, once you get the Code Compliance Inspection the mechanical electrical and plumbing say up to code, the general work doesn't have that statement. So update that once you have the Code Compliance Inspection report update that. So financing, affidavit, Performance Deposit and work plan.

Steinmaus: no problem.

Moermond: we'll lay this over to September 27th.

Laid Over to the Legislative Hearings due back on 9/27/2022

- 4 [RLH RR 22-43](#) Ordering the rehabilitation or razing and removal of the structures at 1802 ROSS AVENUE within fifteen (15) days after the August 10, 2022, City Council Public Hearing. (To refer back to August 23, 2022 Legislative Hearing)

Sponsors: Prince

Layover to LH September 27, 2022 at 9 am. PO to submit evidence of financing, affidavit, work plan and schedule and maintain property by COB September 23, 2022 and submit (new) CCI application by COB Friday August 26, 2022.

Peter Yahiayan, representative and financial partner, appeared via phone

Staff update by Manager Steve Magner: a letter was sent July 28 confirming on August

10 it will be referred back to Legislative Hearing August 23 if a Performance Deposit is posted and Code Compliance Inspection applied for.

Moermond: and we have that Performance Deposit posted. I understand you spoke with staff and indicated you made application for Code Compliance August 9 for Code Compliance. And that has still not been received by the City. I'm wondering—

Yahiayan: I can issue another one. I was talking to people, maybe they can bring in the paperwork and charge a card. I'm not sure why it didn't get there. We did send it certified mail.

Moermond: the Performance Deposit was posted August 2 and you mailed the Code Compliance application August 9 according to my staff.

Yahiayan: correct. It was late but I did mail it out certified.

Moermond: Mr. Yannarely, if an application is sent in can you let the Front Desk know there may be two applications coming in and to only charge for one?

Moermond: before you send in another application, if we have the Front Desk do a quick audit of incoming correspondence—

Yannarely: did he say certified?

Yahiayan: we did tracking. Not the green signature required. I'm going to check the tracking when I get back.

Moermond: so we'll look into that on our end. Mr. Yannarely can you get back to Ms. Zimny on that and if we need another application made?

Yannarely: yes.

Moermond: is the building cleaned out and ready for someone to do a work plan on?

Yahiayan: I had the contractor walk through and made a scope of work and bid. It is cleaned out and ready to go in for the inspection.

Magner: Mr. Humphrey indicated Ms. Munich said there were 265 applications and they were working on August 12. So if it is on the cart it will probably be entered this week. We'll try and get it done; we'll send Mr. Humphrey down.

Moermond: that's great. Let Ms. Zimny know. Without the Code Compliance Inspection it is hard to move forward with a work plan. I'm glad you have a contractor looking at it but that preliminary plan will need to be updated which is what you were just saying. I'm thinking if you have someone on board doing bids we could have another conversation in a month and you'd have things together if we can get this Code Compliance Inspection expedited.

Yahiayan: we want to get it done.

Moermond: the other piece is financing and the affidavit dedicating the funds. Are you ready to roll on that? The department indicated in their preliminary review \$100,000. If your bids come back lower—

Yahiayan: *the bid we have is significantly lower.*

Moermond: *we would look over it with a fine tooth comb to make sure everything in the Code Compliance is covered in the bid. We need to make sure it is being done according to that Code Compliance Inspection so the contractors need to give a high level of detail.*

Yahiayan: *no problem.*

Moermond: *any questions? We'll look for that Code Compliance Inspection application today. When we get that squared away we'll ask the building inspector to expedite this so you have it ready to go sooner versus later. We'll talk again the 27th and hopefully have all the pieces in place.*

[Update 8/24/22: DSI staff looked for Code Compliance application did not find it in pending mail; Mr. Yahiayan was emailed and told to submit another ASAP -JZ]

Laid Over to the Legislative Hearings due back on 9/27/2022

- 5 [RLH RR 22-19](#) Ordering the rehabilitation or razing and removal of the structures at 694 SHERBURNE AVENUE within fifteen (15) days after the May 25, 2022, City Council Public Hearing.

Sponsors: Thao

Layover to LH September 27, 2022 at 9 am. PO to provide building and plumbing bid, updated financing, affidavit, work plan and schedule, and completed zoning application by COB Friday, September 23, 2022.

*Tia Lee, owner, appeared
Mai Vang interpreted*

Moermond: *we're working on two tracks; one is zoning and the other is getting the work plan together.*

Staff update by Manager Steve Magner: a letter was sent confirming on July 12 the matter was continued to today. At that time please bring updated evidence of financing, affidavit funds to the project, submit work plan and schedule for completing the project. The property must be maintained.

Moermond: *in the record I am only seeing in April there was information from a checking account and a money market account. No affidavit and only 2 bids, for the same thing, back in the spring. Any other bids?*

Lee: *I haven't prepared the updated financials and whatever you have is what I have.*

Moermond: *why not?*

Lee: *I called and they keep saying they wont give it to me, but I haven't received them.*

Moermond: *who is they?*

Lee: *the electrical, heating. I've been contacting them but I haven't heard anything.*

Magner: *the latest documents we received, Metro and Lux, metro appears to be the*

mechanical part of it. Lux bid one part is for mechanical and electrical. It is confusing because I don't know if part of it is missing but it says item one: replace painted over receptacles, two: up to 2021 code, and then it goes to number 7. So I'm not sure if some got cut off or what happened?

Moermond: the code compliance electrical is pretty short, 3 items and those are covered.

Magner: so just the numbering is off.

Moermond: looks like it. It is pretty short. So we have electrical, mechanical and furnace so we need plumbing and building. If you are going with Lux mechanical it has both parts of the bid: electrical and mechanical. Are you in the same place we are in terms of needing the building and plumbing bids? Or do you have other contractors for mechanical and electrical

Lee: he had a bid for metro heating which includes the plumbing and then Lux mechanical if I use them I won't go with Metro.

Moermond: we don't have that. Metro Heating and Cooling bid we have dated March 22 only has one item on it.

Lee: the ORSAT test?

Moermond: it doesn't have anything about plumbing.

Magner: it is my impression that both Lux and Metro are only addressing the mechanical component of the Code Compliance, we don't have anything addressing the plumbing.

Lee: I thought I submitted the plumbing already.

Moermond: we don't have anything.

Lee: so I need plumbing and building?

Moermond: yes if you are going with these contractors. Have you been working with Tony Peterson in Zoning?

Lee: I talked to him and he said he is going to get back to me but he hasn't.

Moermond: how long ago was that?

Lee: two or three weeks ago.

Moermond: you need to reach back to Mr. Peterson and make sure you are on track for the zoning change and they have the paperwork they need.

Lee: ok, I will.

Moermond: are you going with Lux and Metro for your contractors?

Lee: yes if I get approved then yes I am taking those bids.

Moermond: have you had a plumbing contractor through?

Lee: I did have one through but I don't remember the name.

Moermond: so you may need another one.

Lee: I believe I am going to go through the plumber I had.

Moermond: and we need a copy of that bid, as well as an affidavit. The zoning piece can't go through until later in September. Today is August 23, I'm going to continue this to September 27. At that time you should have a complete application in to reestablish the legal nonconforming use with Planning and Economic Development. At that time I expect that application to be done or close to it. Any questions?

Mai Vang: I told him if he doesn't understand anything to reach out to me because this is important.

Moermond: do you need anything translated? Or is it easier to work with Ms. Vang?

Lee did not respond (speaking with Mai Vang)

Moermond: the financial information showing the money to do the work was back in April, by the time this hits Council it is six months later so I would like updated financial information you have the money to do the work.

Laid Over to the Legislative Hearings due back on 9/27/2022

- 6** [RLH RR 22-30](#) Ordering the rehabilitation or razing and removal of the structures at 1006 THIRD STREET EAST within fifteen (15) days after the June 22, 2022, City Council Public Hearing. (To refer to September 13, 2022 Legislative Hearing)

Sponsors: Prince

Refer back to LH September 13, 2022 at 9 am. PO to submit work plan, schedule, financing and affidavit.

No one appeared

Moermond: they made application for Code Compliance Inspection and they just got it August 16.

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

- 7** [RLH RR 22-38](#) Ordering the rehabilitation or razing and removal of the structures at 132 WESTERN AVENUE SOUTH within fifteen (15) days after the July 27, 2022, City Council Public Hearing. (Amend to remove within 15 days)

Sponsors: Noecker

Remove within 15 days with no option to repair.

Alfred Louismet, owner, appeared

Louismet: my wife and I have decided we can't rehab. We can't afford everything on the

list. I'm here to say to move forward with tearing it down. I'll keep paying the taxes so we keep the parcel.

Moermond: the cost to rehab was pretty high.

Louismet: and contractors said it was that plus materials being higher.

Magner: if the Council passes the resolution to remove the building, we will send out for bids which are generally competitive. They have to do an asbestos survey and has waste removal. They will work through the City and Ramsey County and any built structures. Garages, sidewalks, etc. You have a vacant lot with a sidewalk and curb in front. We may leave a retaining wall depending on where it is. We'd leave the current curb cut. They are to clear so you can take care of title and sell if you want. The assessment for the demo, once you receive that notification you can request it be spread over a number of years if you want from the hearing officer. It won't go on this year's tax rolls; it would be in 2024.

Moermond: and we can go up to 10 years on this. The last question you may have is, we tend to get better bids for demolition, but this is a pretty simple structure. What has been your experience of late with bids? Without the potential for hazardous materials.

Magner: around \$20,000. It could be a little less. Then we have the asbestos abatement cost, which is a wild card.

Louismet: one of the reasons we are passing on it is because there is asbestos tile on living room, kitchen, and dining room.

Magner: it is most likely a sand rock sewer too, which is more than a standard demo because of its location. You can't just find the sewer pipe and cap it, you have to go into the sand rock tunnel and find the bulkhead and cap it there, as well as the top of the pipe. Its about 3 times more than a standard one.

Moermond: once it comes to assessment, It can be made payable over 10 years. that would give you some time to figure out what you want to do with it. so you have some breathing room on that.

Louismet: will I get a notice of the demo? So I can clear stuff out?

Magner: we'd prefer you to start that now. You'll get a copy of the resolution which says it is 15 days from that date. Anything left in the property becomes the contractor's possession and their problem to get rid of it.

Moermond: this goes to Council September 7.

Magner: so 15 days from that.

Yannarely: keep maintaining the property. As long as it is yours you are responsible for it.

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

2022, City Council Public Hearing.

Sponsors: Brendmoen

Refer back to LH October 11, 2022 at 9 am. PO to pay past due taxes, submit evidence of financing, affidavit, work plan and schedule and maintain the property by COB October 7, 2022.

Ed Dropps, Greater Midwest Realty o/b/o GITSIT Solutions, appeared via phone

[Moermond gives background of process]

Moermond: who are you representing?

Dropps: I am a real estate agent based in MN and my primary business is handling bank-owned properties. This is GITSIT solutions out of California.

Staff report by Manager Steve Magner: the building is a one-and-one-half story, wood frame, single-family dwelling with a detached one-stall garage on a lot of 3,920 square feet. According to our files, it has been a vacant building since September 26, 2019. The current property owner is Anthony Donald Pilla, per Amanda and Ramsey County Property records. On June 2, 2022, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on June 13, 2022, with a compliance date of July 13, 2022. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$20,000 on the land and \$60,000 on the building. Real estate taxes for the first half of 2022 have not been paid. Amount owed is \$2,292.78, which includes penalty and interest. The vacant building registration fees were paid by assessment on November 1, 2021. A Code Compliance Inspection was applied for on August 18, 2022 but has not been completed. The \$5,000 performance deposit was posted on August 18, 2022. There have been eight Summary Abatement notices since 2019. There have been eight (8) WORK ORDERS issued for Tall grass/weeds and Snow/ice. Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$30,000.

Moermond: Mr. Dropps, your client GITSIT solutions LLC, what are they thinking about their intentions? Where are they at with foreclosure?

Dropps: they are waiting on approval for the shortened redemption. They expect that any time, then its five weeks. Then they would like to rehab the property. They are in the process of obtaining bids. We do have one for the entire property and two for the code violations on the exterior.

Moermond: the order they received int eh mail was an order to abate a nuisance in building and in the meat of it is the characteristics the department uses to define it as a nuisance. Then the road to fixing it is not just addressing those items its to bring it up to minimum code compliance. That's why there's a requirement for that Code Compliance application to be made. Those items are what need to be addressed to be reoccupied. That is true of both Category 2 and Category 3 Vacant Buildings.

Magner: the definitive list of repairs is the Code Compliance Inspection which is what the contractors need to pull permits and get the Code Compliance certificate. You need that document which has the totality of the list of items.

Dropps: that makes sense. This isn't the first time I've dealt with a Code Compliance Inspection in St. Paul. I'm somewhat familiar with the process. It is only the second one I've had go this far. It wasn't until last week that GITSIT solutions knew it was going to be theirs. That was on August 17th. They were waiting to order and pay for the Code Compliance inspection until they knew it would be acquired. So they hurried and applied for those things. We are a little behind the ball, they weren't going to pay for those things until they knew it would be acquired.

Moermond: understandable.

Dropps: so now we don't want it demoed. I know rehabbing it will require all those items on the Code Compliance Inspection. If we decide not to repair, we would sell the property as is and I am familiar with the process of having to meet certain qualifications for selling and purchasing.

Moermond: we want to make sure you know the difference between a Category 2 and this, a Category 3. The code is a bit different for transfer of title. If you were decide you weren't going to rehab Mr. Magner will describe.

Magner: if they chose not to rehab the City would get a contractor and remove the structures and return it to predevelopment state.

Moermond: and if they wanted to transfer the property to someone who does want to rehab, the key is the title cant transfer until the Code Compliance certificate is issued. That requires a different type of legal agreement?

Magner: yes, you enter into a contract where a third party enters into the property and rehabs it before the title can transfer.

Moermond: a contract subject to approval by the City Council. I'm glad you pursued the shortened redemption period.

Dropps: you mentioned Code Compliance certificate. Is that curing all the items on the inspection we have ordered?

Moermond: yes, that's exactly it. Addressing all the items on the Code Compliance Inspection Report. Permits pulled would address those items.

Dropps: when curing all the items on the list, do those inspections typically require full rehab or could there be a scenario where we do the items on the list but don't put in flooring and lighting.

Moermond: the items on the report are pretty clear. Finishing some items would be acceptable to get the Code Compliance Inspection, perhaps if there is a basic floor in some place vs. carpeting. But I don't think they would issue Code Compliance certificate prior to things being buttoned up, especially in a residential property.

Magner: in summary that is exactly what the building inspector is looking for. That has to meet minimum code. You don't have to have granite counters. You can have Formica. You don't have to have appliances. You have to have a furnace and water heater. You aren't staging it for sale, just completing to minimum standards. Minimum rehab to get a signoff and then do something after that fact that is your business.

Moermond: the standard conditions we look for to get a grant of time for rehab from the City Council of 180 days from their vote. The second piece is the Code Compliance Inspection application, which you've done. The Performance Deposit was posted, that's been done. The next piece is a contractor would develop bids addressing items in the Code Compliance Inspection report itself. That would be the basis for figuring out how much money is needed to do the rehab. We would want to see that \$100,000 is available and has an affidavit dedicating funds to this purpose. We want to make sure you are ok with having your taxes caught up and you would want to wait until the redemption period has lapsed first I'm sure. I'm good asking Council on September 21 to continue the matter to give you more time to do the work plans and demonstrate financial. The redemption period takes us through September, so let's talk again October 11. At that time have the plans and evidence of financing to get that time.

Dropps: when we do get the results of the inspections we'll get 2 bids from two general contractors. Absolutely we'd be ready assuming the inspection doesn't take a month.

Moermond: we'll send a follow up letter by email on Friday so you'll have this in writing and you can ask questions if you need to.

Referred to the City Council due back on 9/21/2022

10:00 a.m. Hearings

Making Finding on Nuisance Abatements

- 9 **RLH RR 22-49** First Making finding on the appealed substantial abatement ordered for 419 FRY STREET in Council File RLH RR 21-75 .

Sponsors: Jalali

The nuisance is abated and the matter resolved.

No one appeared

Moermond: this is done. It goes to council September 7 and the nuisance has been abated.

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

- 10 **RLH RR 22-11** Third Making finding on the appealed substantial abatement ordered for 1023 JESSIE STREET in Council File RLH RR 21-25. (To refer back to August 23, 2022 Legislative Hearing)

Sponsors: Brendmoen

Recommendation forthcoming pending CC certificate.

Rosalinda Costilla, owner, appeared
David Rocha, owner, appeared

Moermond: we did talk July 26. You were 95% complete.

Staff update by Manager Steve Magner: a letter was sent referring it back to Legislative Hearing to today. At this point there was an extension for 60 days on the

Performance Deposit.

Moermond: and you were 95% complete and the part that is the rub is the McQuillan part of it. it sounds like from Mr. Bruhn you are still at 95% but tell me what is going on.

Rocha: I called Nathan a couple weeks ago and we were going to set up an appointment so he could look at the last 5% and he informed me then he wanted all the plumbing and HVAC permits closed before he'd sign off. So we finally got McQuillan in to show up yesterday. They had a few corrections they still have to make, they said Thursday or Friday and they just have to send pictures to Paul Zellmer. Nathan also mentioned open permits on HVAC for McQuillan which are 2 or 3 years old. That work was done. So we contacted them again and told them Nathan wants them to contact him. They have to set up an appointment so one of the inspectors can come and verify the corrections were made. As far as I know they were. It was something with some duct work and a gas line above ground. The hangers on the refrigeration. They didn't have enough. So that was done as far as I know. I think they just need that appointment to have Aaron come to verify that work was done. They should be able to close the plumbing permit this week too.

Moermond: who told them they needed to call on the mechanical?

Costilla: yes, we let them know they needed to contact Nathan to set that up.

Moermond: timing on that?

Costilla: we talked to Katelyn this morning and she was going to contact the inspector today.

Moermond: this doesn't got to Council until September 7.

Costilla: I'm hoping it can be done next week. May depend on Nathan's schedule. We're so close.

Moermond: I'm going to ask them to look at this September 14 to give you a little extra time.

Costilla: Amy Brendmoen said she wouldn't do anything until today if they hadn't done anything. They finally did yesterday.

Moermond: hopefully we're done September 14.

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

11:00 a.m. Hearings

Correction Orders

- 11 [RLH CO 22-9](#) Appeal of Dawn Keller to a Correction Notice at 415 CLARENCE STREET.

Sponsors: Prince

Layover to LH September 6, 2022 at 11 am to discuss findings of building inspector.

Dawn Keller, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: August 2, 2022 we issued a correction notice. The garage roof has a tarp covering the entire thing. We've asked for the roof to be repaired and tarps removed by September 2nd.

Moermond: what are you looking for with respect to your garage roof?

Keller: I know it needs to be fixed. My problem is the property who adjoins mine on the back side has a fence and chicken coop that is there that the owner is directing the water down my hill causing erosion and damage to my garage for a number of years.

Moermond: bring this back to your repair of the garage. Your saying it is my neighbor's property directing water flow here. I think we could have someone look at that. You did say there was a problem with the fence. There was a fence permit pulled in 2002. If it has deteriorated or is in a state of failure since then Code Enforcement could definitely look at that. With respect to the coop the coop has a building inspector assigned. Tell me what you are wanting for your garage roof repair. I get you are saying it is your neighbor's fault. It is kind of a private matter between you and your neighbor about responsibility. The City can say you need to retain waters on your own property, but there was a building permit sign-off saying it was constructed in a way that would. How does this influence fixing your garage?

Keller: I fixed it once before I was even the owner of this house. I used to be the neighbor, and in 2010 or 2012 the same problem had been going on with the runoff from that adjacent property because it is higher than mine. I had to fix the roof then. It would be senseless to fix the roof now because the erosion and water runoff continues. There is no sense in repairing something that will happen right away again. Until that is fixed there is no way I can repair the roof.

Moermond: you fixed it before you owned it?

Keller: my neighbor had MS and I lived next door and knew her for over 20 years. I did whatever I could to help and the roof had deteriorated back then too because of the runoff. It goes through the garage, down the driveway, and into the street. It is extreme. It was repaired then and it happened again because of the runoff. If I fix it now the same thing will happen in 5 or 10 years.

Moermond: and you understand a dangerous building situation has arisen on your property. You are attributing that condition to runoff from a neighboring property. It seems like the City could say, perhaps, something about the runoff. But we are looking for it to be rectified. They are just as worried about it not collapsing as they are anything else.

Keller: I understand that but until he removes the plywood or something gets done with that there is nothing I can do about it. I could rebuild the whole thing and the same thing would happen again.

Moermond: have you contacted an attorney?

Keller: no, I haven't. Is that something you think I should do?

Moermond: I can't give legal advice and that is why I'm asking that. If your saying it is their responsibility that was the logical extension for me.

Keller: that is what I'm saying. Between the people that built it and Habitat for Humanity and the owner doing this there is no way I can even attempt to fix anything until that is taken care of. I've done it already once. It would be a waste of money for me to fix something knowing it would happen again.

Moermond: it needs to be taken care of. We need to put a deadline on it and how to make the site safe and secure. A roof collapsing is a hazard, regardless of attribution of the problem. We can't allow the hazard to continue. You may have a claim against your neighbor, but I'm struggling.

Keller: it isn't ready to collapse or anything. That's why I put tarps on, to minimize some of the damage. I don't know what else to say. I can't fix it until that is taken care of.

Martin: if there is a temporary repair that is fine, but the tarp needs to come off and the roof repaired. You can also remove the garage, that is also an option.

Moermond: why don't we have this rest for a week and get a building inspector or structural engineer out there. Do you give permission for City inspectors to access the property?

Keller: I would like to be here when that happens.

Moermond: I don't know their schedule, so I can't commit to that. We would get their findings afterwards. I'm a little frustrated with how to manage this. There is no building permit pulled so it is hard to get someone on site.

Keller: I'm usually home after 10:30 every day.

Martin: I'll talk to them tomorrow morning and give her a call that works for us.

Moermond: so let's talk again in a week. You hear where I'm coming from. This can't stay in a hazardous condition pending resolution of this other issue. The City can look at the neighbor for violations. I see a complaint on the fence and there was a permit pulled. The question is the coop and what is required there. Ms. Martin, would you also have your person look at that property?

Martin: yes, I will.

Moermond: we'll try talking to you a week from now and see if we don't have better information about the situation. You hear where I'm coming from on this, so that's where plans need to be going.

Laid Over to the Legislative Hearings due back on 9/6/2022

1:00 p.m. Hearings

Vacant Building Registrations

**12 RLH VBR
22-39**

Appeal of Randall E. Mulligan to a Vacant Building Registration Notice at 1882 ASHLAND AVENUE.

Sponsors: Jalali

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

Randall Mulligan appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this was just referred to us as a Vacant Building, normally we would just start a preliminary to watch if it is being maintained. That is probably what should have happened

Moermond: because there are no violations?

Yannarely: yes. Just being unoccupied.

Moermond: what are you looking for today?

Mulligan: my family has owned this for 50-some years. My parents have both passed away, there are 50 years' worth of items we were cleaning out. It took time to go through it. I've always shoveled it, cut the lawn. I talked to the neighbors, some of whom I've known for 50 years. It is going to be on the market within the next four weeks. I'd just like no fine so I can move forward and get it sold.

Moermond: the code would allow you to be out of the Vacant Building program based on the fact you have no obvious code violations and it is secured by normal means, and it hasn't been empty for 365 days as far as the City knows. It doesn't qualify as a Category 1 Vacant Building. I would recommend the Council grant your appeal to be out of the program.

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

**13 RLH VBR
22-40**

Appeal of Rustam Rustami, Sogdiana Investments, LLC., to a Vacant Building Registration Requirement at 1119 REANEY AVENUE.

Sponsors: Prince

Grant the appeal and release the property from the VB program, conditioned upon the Fire C of O being reinstated by October 1, 2022.

Rustam Rustami, property representative, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Mitch Imbertson: this is a duplex residential property in the Fire Certificate of Occupancy program. We had sent out an appointment letter for the renewal for access for inspection. It was up for renewal in March 2022. First letter was sent February 17, 2022 for a March appointment. A number of attempts to get access without success. On the fourth attempt the Certificate of Occupancy was revoked for failure to provide access to renew. The inspector was also unable to get into the property on the follow-up on the revocation notice. It was referred to the Vacant Building program.

Moermond: it looks like the letters went to an address at 7206 27th St W Suite 226, which is exactly the neighbor of 7204 Suite 224 which is the address Mr. Rustami provided. A close miss.

I: it is a possibility. I don't have the records on where the original address was entered from, if it was provided by the owner or information from Ramsey County. It looks like the letters were not returned nor any other change of Responsible Party notice.

Moermond: so you sent the letters in good faith to 7204 and none came back, so you didn't know it was possibly incorrect. Mr. Yannarely, the Certificate of Occupancy got revoked.

Staff report by Supervisor Joe Yannarely: July 18 we opened a Category 1 Vacant Building per that revocation and also issued a Summary Abatement Order to cut the grass and remove compost bags. It wasn't complied with and parks did a work order July 26.

Moermond: and that went to Sogdiana investments, LLC?

Yannarely: yes.

Moermond: tell me what is going on with the LLCs?

Rustami: Delnosia was the previous property owner's manager. I took over helping and I assumed everything was under their name, because she said so. I haven't received letters. Then I got a call from the inspector saying no one was meeting him. That was my first contact. He told me to call the Council, they said to wait and sent in the Fire Affidavit. I asked next steps and he told me to change the Responsible Party form. Sent that in, and then I called the Council and he told me to call and appeal. We weren't getting any letters.

[Moermond confirms that the owner and tax owner are Sogdiana Investments at the 7204 address, and the Responsible Party is AR Management, LLC at 7204 address]

Rustami: that was changed over recently, yes.

Moermond: why don't we try and get a Certificate of Occupancy inspection scheduled and start that process. I'm going to release the property from the Vacant Building program and grant your appeal, conditioned upon your Fire Certificate of Occupancy is reinstated within 60 days. That should be sufficient to have that back in place.

Rustami: that sounds good to me.

Moermond: Mr. James Thomas will reach out to you by phone to schedule that inspection, typically before 9 am.

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

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

14 RLH VO 22-23 Appeal of Eric and Cassandra Larson to a Fire Correction Notice, including Condemnation, at 920 CLARK STREET.

Sponsors: Brendmoen

Grant the appeal on the order to vacate (provisional C of O application made).

Eric Larson, owner, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Mitch Imbertson: this is a residential property, if it is not Owner occupied it needs a Certificate of Occupancy per ordinance. It was referred August 5 as a complaint of it being non-owner occupied and not having a Certificate of Occupancy.

Moermond: when was that referral?

Imbertson: August 5. The initial orders in response were issued August 12. Inspector Thomas was out to investigate and sent a letter August 15. He found it not owner occupied and issued it not legally occupied based on it not having its Certificate of Occupancy. They typically should have a provisional Certificate of Occupancy until there is a full inspection.

Moermond: so the cure for the order to vacate is to get a Fire Certificate of Occupancy.

Imbertson: apply for a provisional Certificate of Occupancy, yes.

Moermond: and then a subsequent inspection.

Imbertson: correct. Then making arrangements for that further inspection. Occupancy is allowed pending that.

Moermond: the letter the Department sent was addressed to Cassandra Schulz.

Larson: yes, my wife's maiden name. We thought we fixed it when we got married.

Moermond: so you've worked with Ramsey County.

Larson: we did that on the 16th. We made a few trips that day.

Moermond: are you amenable for having a Certificate of Occupancy?

Larson: yes. We did that on the 16th. We just found out about it on the 15th. The tenants sent us the notice to vacate. We think they wanted out of the lease anyways. They told us that and I had two missed calls and voicemail from Mr. Thomas and he got ahold of her on the 15th and said he was mailing us a letter. Then the 16th we got the provisional permit as well as the upstairs will be a short term rental. We got that permit as well. And then filled out this appeal form.

Moermond: has the Department registered the provisional application?

Imbertson: I haven't seen it, but I know our front desk is behind.

Larson: is there a long term occupancy needed?

Imbertson: it is just the Fire Certificate of Occupancy from our Division. I can't answer short term rental registration requirements.

Moermond: Mr. Imbertson, can you confirm there is still an inspection on August 30? It should have been stayed since an appeal was filed. Because we've received the provisional application I'm going to recommend your appeal of the vacate order was granted. You simply have a correction notice and expect you'll get an amended list once the inspector is in there.

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

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 15 **RLH FCO** Appeal of Mark Younghans to a Fire Certificate of Occupancy Correction
 22-70 Notice at 1191 EARL STREET.

Sponsors: Yang

Grant to August 1, 2023 for compliance.

Mark Younghans, owner, appeared via phone

Moermond: I want to let you know we received your engineer's report and looked it over. We have considered it both from the Department perspective and mine and I think hat what they are describing is maintenance which is something the City would require anyways.

Supervisor Mitch Imbertson: my point would be it was good news on the report there was no structural concerns. Tuckpointing is a recommendation on the engineers report we would view as required per City ordinance as exterior maintenance on the building.

Moermond: are you going to be revising your orders?

Imbertson: the ordinance cited in the report it is still correct. No need to reissue them. Taking into account there are no structural concerns along with the deterioration, it affect the timelines we'd be comfortable with.

Moermond: I'm thinking we give you a new deadline of August 1, 2023 and if there is further deterioration or changes that mean more orders need to be written, that could happen. As long as it continues like this I'll recommend that extension. Any questions?

Younghans: why do engineers charge so much? 2 hours of their time was \$875. They wanted to charge another \$425 for a 2 minute visit. No questions, I'm just joking.

Moermond: hopefully this gives you some breathing room to deal with extensions and grant-seeking you wanted to do.

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

16 RLH FCO
22-79

Appeal of Thomas E. Smith to a Correction Notice-Reinspection
Complaint at 1322 PACIFIC STREET.

Sponsors: Prince

Grant an extension to October 14, 2022 for compliance.

Thomas Smith, owner, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Mitch Imbertson: it was inspected for a regular renewal inspection starting in May 2022. It was eventually approved with corrections, meaning the exterior work and a kitchen floor tile repair to be completed yet. The most recent inspection the floor was completed and now we're down to exterior wall repair. Code requires them to be maintained in a professional state of repair. You were looking for more time to complete that. Based on what we're seeing I would not object to a reasonable extension to complete.

Moermond: you have a painting project; I assume you want it done this year?

Smith: I'm really close. I've been working on it all summer. I'd planned to do it before the inspection even. I've been chipping away on it all summer. I'm 72 and I can't do 10 hours a day. I have 3 out of the 4 sides done. Cleaned, patching done, caulking done and priming done on the 3 largest sides. The east side is the smallest and I'll probably start tomorrow. The order required the end of the month, with the prep needed I can't do that. I'm looking at the end of September.

Moermond: in the even there is a hiccup, you get sick, whatever the paint supply is, I'd like to give you a deadline of October 14th. That's pretty much the end of the painting season. We'll send a letter confirming that. It goes to Council September 14, I don't expect there to be an issue whatsoever.

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