



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Joanna Zimny, Executive Assistant
legislativehearings@ci.stpaul.mn.us
651-266-8585

Tuesday, September 20, 2022

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 22-330** Ratifying the Appealed Special Tax Assessment for property at 1176 REANEY AVENUE. (File No. J2301A, Assessment No. 238500)

Sponsors: Prince

Approve the assessment.

Gholam Ashrafzadehkian, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this was a Summary Abatement Order to remove mattress, totes, and glass from the backyard. Orders sent May 11, compliance date of May 18, rechecked May 18 and May 25. June 1 another Summary Abatement Order was sent and on June 14 Parks did the abatement for a total proposed assessment of \$564.

Moermond: why are you appealing?

Ashrafzadehkian: this a rental property and we have four 95-gallon containers plus 8 items. This was all contained in a dumpster bag. It wasn't loose trash. We were waiting for the company to come. I did call saying it wasn't trash. I am paying for garbage with the City plus the extra items. Now the City is charging me the same amount as I'm paying for garbage. This wasn't loose trash. The tenant was waiting for the Bagster people to come.

Moermond: I see the materials throughout the yard when the orders were written. There were multiple inspections and saw it was in a Bagster. It was repeatedly not dealt with over time. I know the City does have bulky item pickup but that doesn't have anything to do with the Bagster situation.

Ashrafzadehkian: right. This is my tenant trying to use the services to clean up their property. I provide the garbage. This was neat and orderly. I assume you authorize people to use a Bagster. It was all contained. Your picture even showed that. They bought the Bagster and asked them to come take it. Whether they have the authority

to force the date of the Bagster. A company was going to take care of it.

Moermond: and I have photos that show although it was in the Bagster it was at least 10 days between when it was in the Bagster, and it being removed. All of it was past the original May 18 deadline. It was a full month between when the orders were written and when it was picked up. They can't be indefinitely stored there. I'm going to recommend approval, but you are welcome to ask the Council for more on January 4, 2023.

Referred to the City Council due back on 1/4/2023

2 RLH TA 22-317 Ratifying the Appealed Special Tax Assessment for property at 329 LAWSON AVENUE WEST. (File No. VB2213, Assessment No. 228821)

Sponsors: Brendmoen

Reduce assessment from \$2,284 to \$951.

Kenneth Barnett, owner, appeared via phone

Moermond: we were following up today about your Vacant Building fee. You indicated the fee should be less based on how your permits were handled. I did some investigation into that.

Barnett: I was in my house on the 9th, I had a problem with inspector Virgil.

Moermond: you covered that last time and I wanted to give you the follow up. Though you moved in during February your permits weren't actually finalized. Electrical April 11, Mechanical May 19, plumbing May 25 and building permit June 2.

Barnett: it was May 9.

Moermond: those were all well after the 90-day waiver. You were in the Vacant Building program for 5 out of 12 billable months. You are saying he wasn't responding. I spoke with the Building Official and senior building inspector. The building inspector reviewed all of the inspections and noted several situations that made your case take longer, including a change in use. The Voicemail that Virgil had in place indicating he was on vacation did give another number to call. All these things coming together, especially the fact that even setting aside everything about the building permit, the other trades permits weren't finalized until April and May. I'm happy to prorate it but I can't get rid of it for you.

Barnett: I am still going to file a complaint to the Mayor's office about Virgil.

Moermond: you are welcome to do that.

Barnett: she came to my house ins April and didn't mark it off. The HVAC guy was the only guy who screwed up on the air conditioning, and that was done May 19. All of the work was done.

Moermond: I would suggest you start with the director of DSI and copy the Mayor's office on a complaint. The building official and inspector didn't see any issues with the timeline but that doesn't mean someone else wouldn't see it differently. You were in 5 out of 12 billable months, so I'll ask the fee to be prorated to \$951 to reflect that.

Barnett: he has no right to scream at anyone. He has some issues. He could have done it in April and he didn't do it. Why wouldn't he say it 2 weeks ago about the HVAC. I got screwed by this company. If you went through what I went through and what happened, we could have done this a long time ago. I can't prove anything without going to court. No one does anything to these companies. I work for the state. Same thing with this. You're supposed to work for the people. I have to go to court to fix the counters on my house.

Moermond: and these are issues outside the scope I can look at. I'm recommending that proration on the strength of those four permits being closed out passed the 90-day waiver. Would it be helpful to have it made payable over a couple years?

Barnett: that costs money.

Moermond: there is an interest rate on the back of your letter.

Referred to the City Council due back on 10/12/2022

- 3 RLH TA 22-297** Ratifying the Appealed Special Tax Assessment for property at 733 THOMAS AVENUE. (File No. J2212B, Assessment No. 228116) (To refer to September 20, 2022 Legislative Hearings)

Sponsors: Balenger

Reduce assessment from \$1,642 to \$1,004.

Inho Chang, owner, appeared via phone

Moermond: we have quite a bit going on here boarding-wise.

Staff report by Supervisor Joe Yannarely: after a fire that occurred on the property the people onsite ordered it secured, the St. Paul Fire Department at 11:00 pm on April 6. 12 hours later they revisited and did some more work which created another invoice. 2 weeks later we had a squatting situation that resulted in another invoice.

Moermond: the very first boarding, which happened with the St. Paul Fire Department there was at 11:25 pm April 6. Immediately after the fire for \$520. Then the following morning at 11:15 am when the Fire inspector went for \$390. When we looked through this file, we thought we should delete this assessment. When it was un-boarded and reboarded for access and assessment, the City can eat those costs. So that would be subtracted off.

Chang: that's exactly the reason I appealed. I only had 2 letters from the City, the first one for \$520, and a third one for \$320. I didn't get any letter for the second one. Then the assessment I have 3 invoices for boarding.

Moermond: we will do that. There was the initial one after the fire, the second one we will delete and then a third after that for a squatting incident.

Staff report by Supervisor Joe Yannarely: April 16, 2022, 5:08 PM the St. Paul Police Department secured it at a cost of \$320.

Moermond: they got called and removed some people. Are you objecting to that one at all? It looks like the person who called the police was someone who indicated they were told by the landlord to keep an eye on the address due to the fire. They called the

police on your behalf.

Chang: I don't have any information on this one. I just got the letter from the City that they authorized the boarding. I don't have any further information.

Moermond: didn't Mai Vang send you materials that support this assessment?

Chang: I reviewed that, and that report was for the incident in May.

Moermond: there are 2 police reports. One for April 16 and one for May. You had squatters twice, a month apart.

Chang: I don't have that report.

Moermond: there are 2 PDFs sent with her email. The first PDF's last 2 pages are the report with the squatting.

Chang: ah, I see it now. This was when someone broke in? And police responded?

Moermond: yes.

Chang: if it was boarded by the professionals, ordered by the Fire Department, and approved by the City. How is it broken into? The proposal was boarding and securing, and then someone broke in. I don't have any control over it. I was also wondering if this case, if the City kind of let the owner board it or if they have to have it boarded right away? For the April 16 and May 18, those are when it was broken into. I didn't have any control over it. The City simply authorized the boarding.

Moermond: yes, that is how it works. When the police receive a call like this, especially from someone who say they are identified to call on your behalf, and they go check it out and find it open they can't leave it unsecured because that means it will continue to be a public nuisance. People can cause more damage. And fire damaged structures aren't safe for people to go into. They have to move onto the next call, so they need it done.

Chang: without giving the owner a chance to board it.

Moermond: that's pretty much it. If the owner is on-site, like an owner-occupant or an onsite manager, they will let that person do that. Bur if no one is there to take that responsibility then they need to make sure it is taken care of. It may be covered by your insurance under fire, I don't know.

Chang: if the professional boarded it, how does it get broken into twice.

Moermond: if we delete the inspector un-boarding it, I can take off \$638, so down to 1,004 from your original \$1,642. Less, but not gone. Would you like that to be made payable over a couple of years?

Chang: its \$390 for boarding.

Moermond: it's a bill for \$520 from work done April 6. Then \$320 from April 16. Then another fee that should be \$164 and I'm only charging you one service charge for the assessment instead of 2. So that's what the total is for. That's how I get to \$1,004.

Chang: you deleted \$390, the second one?

Moermond: and part of the service charge. The administrative fee was miscalculated to begin with, it was \$412 which was wrong and should have been \$164. One service charge.

Chang: ok.

Referred to the City Council due back on 10/12/2022

4 RLH TA 22-298 Ratifying the Appealed Special Tax Assessment for property at 733 THOMAS AVENUE. (File No. J2213B, Assessment No. 228118)

Sponsors: Balenger

Approve the assessment.

Inho Chang, owner, appeared via phone

[Moermond gives background of appeals process]

Moermond: we had a similar deal for this time in May. Squatters got into the house; police indicated in their report what happened. They went into the back door. I know the boarding company uses special screws and boards but there is a lot of ingenuity in people inclined to break into others' properties. It isn't always 100 percent. So someone broke in again.

Staff report by Joe Yannarely: May 18 officers were sent for a disorderly conduct call. Police had to display guns to remove occupants. They took people into custody and they called in a boarding contractor to secure for a total proposed assessment of \$534.

Moermond: I misspoke earlier. They saw someone crawl into a window. So maybe a window wasn't secured while others were. Police found people, they had to show weapons, and removed those people and had it resecured. I know it is frustrating when people keep breaking in. It creates a dangerous circumstance.

Chang: the City authorized the boarding company to board it 3 times. They still go in and maybe they went through the windows. If it wasn't done well by a professional company.

Moermond: they boarded up what they were asked to. This was more than a month later. You already had a squatting incident and you yourself could have assessed whether there was enough securing and could have brought a drill yourself.

Chang: if you are talking about one month later, how can you explain the April 16 break in?

Moermond: because they went in through a window. They could have a Sawzall or a special drill bit. The City isn't going to leave it open; it will resecure it. You as the property owner ultimately are responsible for this. I hear you want the City to assume that responsibility by saying if you would have done a better job it wouldn't have happened. I don't know that that's the case. The Council could look at this different. This looks like a private property owner responsibility and insurance situation.

Chang: I secured the first-floor windows.

Moermond: good, that's your job.

Chang: this isn't about blaming the City. I secured the other windows.

Moermond: they broke into a window; they could have broken into one you secured.

Chang: right. They broke in through the back.

Moermond: you can make your case to the Council. The police were there. The property was open to entry. They found 2 people inside a fire damaged building who had to be removed at gunpoint. That is a dangerous circumstance. How those two people got in, the caller said through a window. Then the police arrived, and the back door was open. I am not prepared to say it is the fault of the boarding company. You can file a claim against the City and argue it should be paid for by taxpayers, or ask the Council for something different. My recommendation is approval.

Chang: I don't think the back window was secured. The police found 2 people and they didn't make arrests? They just released them.

Moermond: I'm not looking at St. Paul Police Department operating procedures, I do know that we only have a partial record. It was referred to an investigator for follow up. I don't have that. Just the report from the time.

Yannarely: they won't go around and proactively board things. They aren't permanent fixes. We don't warranty the securing. It would cost you a lot more if they did.

Moermond: we'll put both in front of Council October 12 so you don't have to make two trips downtown.

Chang: I think I'm going to pay.

Referred to the City Council due back on 10/12/2022

5 [RLH TA 22-316](#) Ratifying the Appealed Special Tax Assessment for property at 874 MARION STREET. (File No. J2231A, Assessment No. 228538)

Sponsors: Balenger

Reduce assessment from \$582 to \$291 and make it payable over 5 years

Niko Lee, owner, appeared

[Moermond gives background of appeals process]

Lee: usually when they clean my house up, I get the notice before.

Staff report by Supervisor Joe Yannarely: this was a Summary Abatement Order issued April 13, 2022, with a compliance date of April 21. Rechecked April 26 and 29th and found in noncompliance. Parks did the abatement May 3 for a total proposed assessment of \$582. Notice was sent to Niko Lee at 864 Marion St.

Moermond: did you receive materials from Ms. Vang?

Lee: yes.

Moermond: great. Tell me why you are appealing?

Lee: I never got notice. This was my first time, and I wasn't at home. I had cancer surgery and then a hernia. I had so many doctor appointments. I went to Thailand and had treatment there. My cousin was house sitting. They messed up everything when I wasn't here. I had surgery for hernia twice. So many stressors. Now I've been seeing a cardiologist. I have a lot of debt from the hospital bills. My caseworker said to go the library. I can't pay this much because of my debt. This mess is from my neighbors. I didn't get any letter, but it is a lot of money. I can't afford to pay it.

Moermond: in April of this year where were you?

Lee: I went traveling

Moermond: you were out of the country, and had a cousin staying at the house?

Lee: yes. He was staying at my house feeding my cats and cleaning. He's a student.

Moermond: where did the stuff on the outside come from?

Lee: next to my house there is a park and there are many black people who put stuff in my garden and yard. I have to clean every time. I try to sell but no one enjoys it because there are criminals according to the zip code. They put my trash in the yard. Those tires aren't mine. That's my problem.

[videos are reviewed]

Moermond: I'll be honest, some of those things looked like some things that may be dumped like tires. But other things looks like they were generated from the household itself. The house side of the garage, that's almost always related to the house itself. People who dump want to dump as far away from people seeing them as they can. Mr. Yannarely, what was your impression?

Yannarely: the items mentioned in the Summary Abatement Order were there, but he does have a very clean record.

Moermond: yes, he does. The City crew did have a fair bit to clean up. I know you weren't in the country so you didn't get notification, though it was mailed to your house. The City has no way of knowing where its residents are to give notification. Mail to legal address is it. You have one incident in the past for tall grass and weeds, and you mowed. That speaks well of you maintaining your property. I'm trying to balance those things. I'd like to say if we don't have any same or similar incidents, I'll cut it in half and make it payable over 5 years. \$582 down to \$291.

Lee: I asked my cousin and he said I didn't get any letters.

Moermond: 2 letters went out. One to you and one addressed to occupant. No mail was returned.

Lee: my cousin gave me a bunch of mail; I didn't see anything.

Moermond: the one with the picture is the notice to clean things up.

Lee: and then the one to ask for the money.

Moermond: that's this hearing notice.

Lee: I didn't get notice.

Moermond: there were two of these (Summary Abatement Order) sent to you. One addressed to you and one to occupant. City records show no mail came back as undelivered. From my perspective the City did give notice and sent 2 letters. I don't know what the situation was with your cousin looking at the mail.

Lee: if we don't pick up the letter they don't return to the sender. I have to drop it at the post office. If they sent it, I didn't get it.

Moermond: and I'm struggling because you have someone looking after your property who wasn't taking care of the outside and you weren't in the country. I have trouble judging the situation. Looking at it on its face I see the City wrote the orders, mailed it to two different people on April 13. They checked the property after the deadline of April 21. They didn't come by to check until April 26 and then again April 29. We're two weeks past, and then another two and a half weeks by the time the crew shoes up May 3. Any mailing issues at the Department at that time?

Yannarely: it is what it is. It just says no mail returned.

Moermond: I want to give you credit for taking care of some things. But I can't say you didn't get notice based on what I know. And if you did get notice you weren't there to get it. You just said your cousin gave you a pile of mail. He wasn't taking care of the yard and he wasn't opening mail.

Lee: if I got the notice—

Yannarely: but you weren't here anyways.

Lee: I told my cousin to open anything important and let me know. I can't pay this much money.

Moermond: and what I was saying was I want to be giving you a break because you gave a good history and are a good neighbor. I want to cut it in half. Give you the benefit of some of the doubt. There is some doubt. And make it payable over a longer period so you can deal with these other situations as well. That's where I'm coming from. The Council could say "I trust you didn't get mail". When I look at it, I think the City did mail it and didn't get returned mail. You also got 2 letters. A problem wouldn't affect both letters, maybe just one. I don't know what your cousin was determining was important information or not. People often ignore mail from the City. I'm ready to cut it in half. The Council may be willing to do more. That is the next step. Right now I will cut it down to \$291 and make it payable over 5 years.

Lee: make it \$200.

Moermond: I'm not negotiating this. It will be tiny payments over 5 years on your property tax statement. The Council may be willing to reduce it further.

Lee: they are lying. I always get bills from the hospital.

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

- 6 [RLH TA 22-333](#) Ratifying the Appealed Special Tax Assessment for property at 150 ROBIE STREET WEST. (File No. J2301A, Assessment No. 238500)

Sponsors: Noecker

Layover to October 4, 2022 (no phone number provided by PO).

Moermond: we have 150 West Robie and Ms. Vang received an email indicated Ingrid Leiva wanted to appeal on behalf of her employer, Raimi property group. Ms. Vang responded and asked for her number so she could participate. We haven't received that. I'll lay this over for 2 weeks to October 4 and hopefully we have one by then.

Laid Over to the Legislative Hearings due back on 10/4/2022

10:00 a.m. Hearings

Special Tax Assessments

- 7 **RLH TA 22-328** Ratifying the Appealed Special Tax Assessment for property at 201 SEVENTH STREET WEST. (File No. J2209P, Assessment No. 228408)

Sponsors: Noecker

Delete the assessment.

No one appeared

Staff report by Supervisor Lisa Martin: we wouldn't hold the property owner responsible for removing graffiti from mailboxes.

Moermond: do we do it, or does the Post Office?

Martin: we issue orders to the Post Office to take care of it.

Referred to the City Council due back on 10/12/2022

- 8 **RLH TA 22-334** Ratifying the Appealed Special Tax Assessment for property at 557 STRYKER AVENUE. (File No. J2302A, Assessment No. 238501)

Sponsors: Noecker

Approve the assessment.

Tricia Kurschner, property manager, appeared via phone

Kurschner: we sent an email this morning saying we were no longer going to contest and share some pictures. My photos from June 23, 10 days before, our maintenance had completely cleaned up the area. We've had calls from tenants and neighbors saying there are homeless in the dumpster, sleeping in there and behind, dumping mattresses etc. I called St. Paul Police Department asking for additional drive-bys, but we are at a loss. It seems to be happening quite often. We are at our wits end with the lot there. I know I've called the garbage company; they've called me about

additional pickups. Any thoughts?

Supervisor Lisa Martin: I you think there are homeless folks, call the police but also call 266-8989 because we have an outreach program. As far as the garbage, put up no dumping signs, under video surveillance. Motion lights. Camera. Signs do help deter.

Kurschner: I believe there are cameras there. Not sure about signs. We're not at the property so the only information about homeless is if a tenant or neighbor calls. There was a gal who has called a couple of times about drug dealing and someone sleeping behind or possibly in. I did call the St. Paul Police Department a couple times. We do have cameras, not sure if they are facing out that direction.

Moermond: when I look at the property from the aerial it looks like you own 567, 557 and then the property to the north, 553. I'm wondering if the problem isn't with 553 because there's a substantial change in elevation and retaining wall there. It is heavily wooded. I wonder if the camping is happening up there and if clearing some of the underbrush out and seeding it would be helpful. I know the cover of foliage and shrubs is an attractive place to sleep.

Kurschner: totally.

Moermond: I'm not sure what kind of barrier there is at the top of the retaining wall to the 553 lot. Maybe put a fence up?

Kurschner: I don't know if those are on 553, some may be. I don't know whose retaining wall that is, if its 553 or the one next door.

Moermond: it looks like it belongs to 553 based on the ways the cars are parked. I could be wrong.

Martin: we can look at that and assess what parcel it is and measures you could take to reduce odds of sleeping and dumping there.

Kurschner: the garbage in the video. There is a bus stop there. They put it behind the bench for the bus stop. we are unaware unless someone calls us. We aren't there all the time. Our concern is having the garbage can on the property line.

Moermond: I'm not sure whose can that is, City or Metro transit.

Kurschner: is the boulevard our property?

Moermond: yes.

Kurschner: I'll bring it up to our maintenance about cutting down brush, maybe a fence.

Referred to the City Council due back on 1/4/2023

9 RLH TA 22-337 Ratifying the Appealed Special Tax Assessment for property at 522 AURORA AVENUE. (File No. J2302A, Assessment No. 238501)

Sponsors: Balenger

Continue PH to March 15, 2023. If no same or similar violations, reduce assessment from \$322 to \$161.

Hussein Usman, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin:

Moermond: why are you appealing?

Usman: all these townhouses all have the same level of grass. Only mine was cut. I was out of state on an emergency. That's why I'm appealing.

Moermond: you're appealing because you want some help with this because you are out of town?

Usman: yes, out of the state.

Moermond: it looks like the City did do the work and the grass was tall. You didn't make arrangements for someone to take care of it?

Usman: originally I wasn't planning to leave for that long. I couldn't travel and was stuck there. All my neighbors had the same grass. They cut mine along with my neighbor.

Moermond: when I saw the video it looked like your neighbor's grass was short and yours was tall.

Usman: I didn't see it that way.

Moermond: it looks like they had mowed theirs by the time the crew showed up and yours was over a foot tall. I can create an incentive for this to not happen again, but the City did do the work. I'll ask the Council to continue this matter for six months, and if there are no other property maintenance issues, I'll recommend it is cut in half.

Usman: ok.

Moermond: make sure the walk is shoveled, the lawn gets mowed, and trash gets picked up. You have no history of problems at this property. I don't foresee it being a problem. March 15 of 2023 if there are no issues we'll cut it in half which is down to \$161.

Referred to the City Council due back on 1/4/2023

Special Tax Assessments-Rolls

- 10 RLH AR 22-87** Ratifying the assessments for Property Clean Up services during June 2 to 13, 2022. (File No. J2301A, Assessment No. 228500)

Sponsors: Brendmoen

Referred to the City Council due back on 1/4/2023

- 11 RLH AR 22-88** Ratifying the assessments for Property Clean Up services during June 15 to 29, 2022. (File No. J2302A, Assessment No. 228501)

Sponsors: Brendmoen

Referred to the City Council due back on 1/4/2023

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 12 [RLH SAO 22-47](#) Appeal of Joseph Dalbec to a Summary Abatement Order and Vehicle Abatement Order at 913 JOHNSON PARKWAY.

Sponsors: Yang

Grant to October 11, 2022 for compliance.

Joseph Dalbec, owner, appeared via phone

Moermond: I know we've talked before. Do you have a social worker working with you now?

Dalbec: no.

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: September 9, 2022, we issued a Vehicle Abatement Order for a blue ford up on blocks. More vehicles have entered the property since then. We gave to September 19 for compliance. The Summary Abatement Order for the yard is probably the worst situation I've seen at the property, and we gave to September 14 for compliance. This has been an ongoing issue.

Moermond: what is going on Mr. Dalbec?

Dalbec: I'm almost done picking it up. I have 3 people plus my son hauling it away.

Moermond: what do you want today?

Dalbec: how much time could we get?

Moermond: I can give you to October 3, 2022. We will check on it October 4 to see if it has been taken care of.

Dalbec: hopefully I won't have to appeal again.

Moermond: that's a couple extra weeks.

Dalbec: I'm hoping to be done by then.

Moermond: maybe that will light a fire under them.

Dalbec: I hope I don't need more time than that.

Moermond: we'll put this in front of council September 28 at 3:30 and I'll ask for them to give you an extension to October 3

Dalbec: I was hoping until November. Or spring.

Moermond: you could maybe talk me into October 10. There is no way you'll get to spring. We will give you another week and check again October 11.

Dalbec: I may need a social worker.

Moermond: in the past someone from St. Paul Police Department with the COAST unit reached out to you, and Lauren Ross [previously Lightner] worked with you. We can send you her number again.

Dalbec: my son has been pretty good lately. I'm going to tell him you can come out any time.

Moermond: that's up to you.

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

1:00 p.m. Hearings

Vacant Building Registrations

- 13 [RLH VBR 22-46](#) Appeal of Jay Mitchell, Quality Residences LLC, to a Vacant Building Registration Notice at 1039 BRADLEY STREET.

Sponsors: Brendmoen

Layover to LH October 18, 2022 at 1 pm to check permit status of retaining wall.

Jay Mitchell, property manager, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: inspection revocation by Hector Caballero. One of the issues and reasons for the revocation was the retaining wall. Inspector writes that on November 24, 2021. Exterior inspection shows no change in retaining wall. Permit issued September 24, 2021. This has been going on since November 2020. Extension requested and approved. Multiple inspections with no change. Compliance by April 12, 2022. Exterior inspection not in compliance.

Staff report by Supervisor Matt Dornfeld: we opened a Category 1 Vacant Building per Inspector Shaff's report and referral. James Hoffman was unable to confirm vacancy at time of inspection and noticed it was maintained.

Moermond: Where are we at Mr. Mitchell?

Mitchell: crews were out today doing demo and the hope is it will be completed within the next 3 weeks. Barring weather.

Moermond: how big is it?

Mitchell: 34.5 inches tall and 52 feet long. It didn't have a footing originally, so that's just above ground. Some of it was during Covid, we couldn't get anything done. We

couldn't do anything after November. They were nice to try and help us out. It was hard to find laborers of that nature. Both properties are owned by the same company, so there aren't any neighbor issues.

Moermond: that's great. I'm going to lay this over four weeks and hopefully you'll be done. That's October 18. Stay Vacant Building fee.

Laid Over to the Legislative Hearings due back on 10/18/2022

**14 RLH VBR
22-43**

Appeal of NJE Holdings LLC to a Vacant Building Registration Fee Warning Letter at 1303 EDMUND AVENUE.

Sponsors: Jalali

Waive VB fee for 90 days (to December 3, 2022).

Nathan Erickson, o/b/o NJE Holdings, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: 1303 Edmund Ave was a made a Category 1 Vacant Building September 3, 2020. It was upgraded to a Category 2 file since it was found open to entry March 1, 2021. Since then, November 3, 2021, NJE holdings went through sale review process and purchased the home. Currently we have Code Compliance and permits on file. There was an overflowing dumpster August 30, 2022, but otherwise it all looks good.

Moermond: what are you looking for today?

Erickson: we're about 90% done. I was hoping to avoid another Vacant Building fee. It is being staged tomorrow and should be on the market in a couple weeks.

Moermond: you have a lot of open permits still, but its positive I see they're all there with things going on. You originally went into the Vacant Building program September 3, 2020 so this would be September 3, 2022 through September 2, 2023. We'll put a 90-day waiver in place, to December 3, 2022, and if you get it done within that time there is no fee.

Referred to the City Council due back on 10/12/2022

15 [RLH VBR 22-41](#)

Appeal of Nick Hubers to a Vacant Building Registration Requirement at 40 MAGNOLIA AVENUE WEST.

Sponsors: Brendmoen

Layover to LH October 11, 2022 at 1 pm for update after fire inspection.

Nick Hubers, property manager, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this was a Fire Certificate of Occupancy with the first inspection scheduled for January 2021, we received no entry. Inspector made entry in February 2021. March a reschedule. February 2021 correction letter. April 19 inspector notes he spoke with the property manager Nick Hubers who said tenants

were leaving end of month. May 2021 it was revoked unoccupied. Due to long-term noncompliance basically the Fire Certificate of Occupancy was revoked. Sent to Vacant Building program in September 2021. December the inspector noted the Vacant Building folder was still open with no communication from owner or property manager. We got a change of Responsible Party form December 28, 2022.

Staff report by Supervisor Matt Dornfeld: we opened a Category 1 Vacant Building September 2021 per the revocation. We did upgrade it to a Category 2 Vacant Building March 10, 2022, due to chronic lack of maintenance. We issued 3 work orders to clear the sidewalk and most recently an order to cut the grass late August.

Hubers: what address do you have on file? That you are sending stuff too, we've moved and are now in our permanent office.

Moermond: the Vacant Building registration itself went to 5200 34th Avenue South in Minneapolis on August 16, 2022.

Hubers: the correct address is 5202 and we moved in June of 2022.

Moermond: but you did get this letter.

Hubers: the most recent one with the wrong address, but it did get to us. With the snow violations. There has been a person living there. I know there was an inspection last year, and I was going to sell. I did cosmetic repairs and put it up for sale for 2 months. It didn't sell, so we put another tenant in there. If we need to get another inspection done let us know when and where.

Moermond: you told RC the wrong address. The address for the City comes from Ramsey County. They have 5200 East 34th street. Did you correct it with the tax folks?

Hubers: I doubt it. It was redeveloped. We manage 500 properties around the twin cities.

Moermond: for managing that many I'm disappointed you rented out a property for a whole year without a Certificate of Occupancy. That's pretty bad.

Hubers: I agree, I want to get it corrected.

Moermond: not good management practice.

Hubers: I agree, and I would like to get it taken care of.

Moermond: and are you also going to take care of snow shoveling and grass. There are a lot of issues

Hubers: there is a tenant in there. So yes, if we get notices

Shaff: September 10, 2021, Inspector Franquiz says he spoke with the Responsible Party informing them no one showed up on the September 3, 2021, inspection and reminding them that no one is to occupy the property. That was an email.

Hubers: I spoke with him in the spring, not the fall.

Moermond: and you didn't notice the Vacant Building fee on the taxes? There would

have been multiple notices on that.

Hubers: I got the warning letter right now. I tried to reach out to James Hoffman and never heard back. Then I called the number to file the appeal. If I would have been getting multiple letters about this on my taxes, I would have reached out.

Moermond: is there a placard that would have gone up?

Shaff: more than likely.

Moermond: do you have a list of items from orders September 10, 2021?

Hubers: no.

Moermond: you're putting the City in bad position on this since you didn't file your address stuff correctly.

Hubers: we have over 500 properties and dozens of Cities to contact. Which we've been doing as we get notices and find things. If things were done electronically it would make life a lot easier than mailed notices.

Moermond: you don't have anyone opening the mail?

Hubers: every single day. Our offices switching, we have been addressing them. I've never received a Vacant Building prior to this one.

Shaff: I am not finding a photo of the placard.

Moermond: you said there was an address change form sent to the department in December 2021?

Hubers: was that for 5005 34th Avenue South?

Shaff: yes.

Hubers: we were there for a year and then moved back to our current office in June with an address of 5202. The notice says 5200 East 34th Avenue South. It should just be South.

Shaff: the County has that exact address.

Moermond: where did the orders go to Mr. Dornfeld? The 5200 address?

Dornfeld: I'm struggling with technology in the field.

Huber: did the City remove the snow and mow the grass?

Moermond: yes. A crew was dispatched to do the work. Although it has been illegally occupied for a year, you do have people in there. The question is whether we kick them out due to your administrative failings, or do we give you a short leash to give you a chance to address them? Given you have 500 properties I imagine you can dispatch a crew in short order.

Huber: I will personally meet them there.

Shaff: being that list is so old, we want a fresh one. On April 15, 2022, is when All Twin Cities Home Rental address was updated to 5202.

Huber: it shouldn't. we were still in 5005 at that time. We didn't move until June.

Shaff: it is time and date stamped.

Huber: why does the notice here say this address?

Shaff: they send it to every address in the file.

Moermond: this was the Responsible Party form not with Ramsey County taxation, who is involved when dollars are involved.

Shaff: we would want to start over; however, we're looking at lot of fees from before we'd want to recoup because we did the work. It isn't our issue that the Responsible Party or property owner didn't update their address.

Moermond: we'll send the contact information in the follow up email as well as giving it now.

Moermond: what is the best way to schedule?

Shaff: Mr. Hubers should talk to Der Vue.

Moermond: I'll lay this matter over for 3 weeks. October 11.

Laid Over to the Legislative Hearings due back on 10/11/2022

**16 RLH VBR
22-42**

Appeal of Kevin Christ, CBW Properties LLC, to a Vacant Building Registration Requirement at 1118 MARGARET STREET.

Sponsors: Prince

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

Nick Hamaty, property manager, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: when I put this file together at 1118 the Fire Certificate of Occupancy inspection process had been going on since April 14, 2022, May 2, May 20, June 24, no entries and pending revocation. Revoked and sent to Vacant Building.

Moermond: and the Certificate of Occupancy has been reinstated?

Shaff: it was approved by Inspector Thomas on Monday, September 19, 2022.

Moermond: we'll recommend the appeal is granted and you are out of the Vacant Building program.

Referred to the City Council due back on 10/12/2022

17 RLH VBR
22-45

Appeal of Matthew Brown to a Vacant Building Registration Fee Warning Letter at 689 PARKVIEW AVENUE.

Sponsors: Brendmoen

Waive VB fee through November 9, 2022 and allow permits to be pulled.

Matthew Brown, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: this was made a Category 2 Vacant Building June 2019. Inspector Kalis opened the file. It has been pretty clean to date as far as history. We received acknowledgement from Guardian Asset Management who said HUD is the property owner and the Vacant Building fee is in abeyance. Recently Inspector Gavin found the back door open to trespass. Mr. Brown spoke with me and confirmed it had been taken care of. Vacant Building 2 showing HUD ownership. No permits. No Code Compliance Inspection.

Moermond: I'm under the impression HUD was the seller and Mr. Brown picked it up June 24, 2022?

Dornfeld: yes.

Moermond: looks like they may not have disclosed it was a Category 2 Vacant Building.

Brown: yes.

Moermond: a bit of a pickle for you to learn it like this. The federal government is not required to do what the City of St. Paul says but us normal people are. When you assume ownership these fees kick in. The anniversary date was July 1, 2019. That means the Vacant Building fee covers July 1, 2022, to June 30, 2023. I'm understanding you are working on the property?

Brown: yes. I've been working on it, painting, new floors and I bought it in June. Started cleaning up and doing that. The goal is to rent it out. There is no one in there now. I thought when I purchased it that it was taken off the Vacant Building registry. I did know it was a Vacant Building, but no one explained the process. It was helpful when Rick came by and started that conversation. I did submit the Code Compliance Inspection application on September 9, but I've been talking to Nathan Bruhn who said it takes a while to process it. My appeal is since I wasn't anticipating it being vacant, if you could prorate the fee somehow. That would be helpful. I know you're watching over it, I've been there daily since June taking care of it. I'm not sleeping there. So it isn't super vacant. There have been bodies in it.

Moermond: you've applied for the Code Compliance Inspection Report and when you get that you can pull permits. The only thing is slowing you up from doing that is an unpaid Vacant Building fee. I'd like to waive the Vacant Building fee to get you to a place where you can pull permits. That doesn't mean you'll have no fee whatsoever. We'll put a waiver on it for a couple of months, then it will be processed as an assessment. I am more than happy to look at prorating it at that point since we'll have an idea of how much time you were in the program. Hopefully we can cut it in half or something. I'm going to waive the Vacant Building fee for four months, through November 9, 2022. Have your permits pulled by then.

Referred to the City Council due back on 10/12/2022

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

- 18 [RLH VO 22-27](#) Appeal of Jacob Smith to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 627 MENDOTA STREET.

Sponsors: Prince

Layover to LH September 27, 2022 at 11:30 am (via phone) to discuss inspection fire inspection results.

Jacob Smith, owner, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a duplex, 627/629 Mendota. We received note the building was no longer occupied. Inspector Thomas responded to that referral. He found there was an attic unit making it an illegal triplex. Part of his orders were to apply for a provisional Fire Certificate of Occupancy. This has continued into the Fire Certificate of Occupancy inspection, and Thomas found numerous deficiencies. One being the illegal apartment in the attic. 627 has a bearded dragon that needs a permit. Various items. Clean and sanitary in 629. Smoke alarms. Dog licenses for both units. The attic unit was secured with double key deadbolts. Clogged drains in basement. Requirement of building permits for additions. Stairway leading to attic. Guard rails. There are pictures. A lot of deferred maintenance.

Moermond: this started in the Certificate of Occupancy program this year?

Shaff: yes, it no longer owner-occupied.

Moermond: this is the first inspection under a Certificate of Occupancy. You find it is gross unsanitary with deferred maintenance and an illegal attic unit. Sewer issues in the basement. We don't see a lot of bearded dragons in your orders, but we have one of those too. You bought it February 28?

Smith: yes.

Moermond: tell me what is going on. You mentioned in your appeal tenant issues and we also have clearly some building issues going on, regardless of who did what to make it bad, you are left holding the bag.

Smith: I'm looking for more time and some guidance. We made a deal with the tenants in the attic, who we inherited. We covered their hotel costs. They are gone. I've been told as of today they may be squatting. We are going to change the locks. My partner put on screen doors today, put on handrails, we've had plumbers fix almost all the issues. They are scheduled to come out Monday.

Moermond: are the tenants cooperating with access?

Smith: not always.

Moermond: are the tenants paying their rent?

Smith: no. We have a hearing to evict October 6. The upstairs unit has 2 old nice guys who pay the rent on time. The main level is the one with the complaints, the dog and the dragon. Animal control won't do any enforcement to force them to license dogs.

Moermond: is it is a dangerous dog?

Smith: the biggest issue is it goes to the bathroom all over the place. Basement. Yard. I've had the basement cleaned out once, plumbers said it is still bad.

Moermond: October 6 is your first hearing?

Smith: yes. I'm represented.

Moermond: what kind of extension are you thinking?

Smith: we could get the property done in 2 weeks. But that's with cooperation.

Moermond: biggest concerns is sanitation; then it being a situation that recreates itself.

Smith: correct.

Shaff: no permit on file for pipe replacement. Make sure you talk to them.

Moermond: the sanitation issue affecting main level and the basement.

[discussion of CO2 and Smoke alarm requirements between Smith and Shaff]

Moermond: orders September 7 and you gave 2 weeks for compliance. We do have a progress report. I want to give you credit for making a good-faith effort in getting as far as you have. Even if the tenants are awful, we have a minimum life safety standard as well. Let's get an inspector in and give it another look. They can confirm the progress and based on that I can give an extension. Let's keep that appointment for 10 am. You won't be here next week, but he could email an updated report on conditions. We'll have a phone conversation with you next week about what an extension would look like, and any conditions based on what we've learned. One week layover.

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

19 RLH VO 22-25

Appeal of Thomas Harris, Alliance Motor LLC, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 468 UNIVERSITY AVENUE WEST.

Sponsors: Balenger

Grant to December 31, 2022 for compliance.

Thomas Harris, owner of business in the building and potential purchaser of building, appeared

Moermond: you own a business and are hopefully in the process of acquiring the building?

Harris: yes.

[Moermond gives background of appeals process]

Staff report by Supervisor Mitch Imbertson: is part of a Certificate of Occupancy renewal process. Notified by the City's licensing department around October 2021 of a new license they were working on to issue a business license. They check with us to see if it has a current Certificate of Occupancy as part of their process. We saw it was due for renewal regardless on its standard 2-year cycle. I told them it was fine to process the license and separately schedule our normal inspection. That was November 2021. Since then, there have been a number of reinspections and reschedules requested by ownership based on work being done. A number of the items from the initial report have been taken care of. We have a much shorter list now of a handful of items. Due to the length of time this has been ongoing and no progress from the August and September reinspections it became necessary to revoke the Certificate of Occupancy and a pending condemnation. This was discussed on site.

These items do include life safety issues, but we wouldn't normally order a property immediately vacated. It rose to this level due to the length of time. Fire Sprinkler testing was needed, past due for that testing, which was more complicated due to test due to the sprinkler contractor noting a drain needed to be relocated before it could be tested properly. There were repairs needed based on the portion of the sprinkler test they dd. There was a floor drain issue, but we need documentation of that. Electrical work was done, and we needed a permit. The final items were labeling the door to the sprinkler room and removing storage in front of the sprinkler controls. They are approachable in a reasonable time frame, but it has been ongoing without compliance. I'm not sure what the situation is as far as who is responsible for what repairs. The last conversation I had with a rep for building ownership was prior to the revocation notice on August 29. I spoke with Jeff Mesher, a maintenance person for the current owner. He said he had been making an attempt to do the repairs but understood we would "do what we would" and had difficulty getting access and coordinating between tenant and contractors. We advised we were just looking for compliance and coordinating that work is between them.

Moermond: the owner is Asian Goat, LLC?

Harris: correct.

Moermond: and that's who you want to buy it from?

Harris : yes. I came to St. Paul and I didn't know it was going to be a nightmare. I saw him first in November, I told him I am buying this property. My building got burned down on Lake Street. It took me 2 months to clean up that building. I wish you could see; the neighbors love the property. I said go through the building, this is the owner's information, I don't know what they had done. I called when he was standing there and spoke to the owner and told him I wanted to get it done ASAP.

I have put a lot of money and my savings into the property, but I think we are buying from Scam investors. They took a lot of money and told me they were doing those things they asked for. I called him dozens of times. The lady that works there for me told me he met with the owner, so I don't know what was discussed. I'm always there, or people are there. They want to put the blame on me, the owners. I'm always there 9 am to 6. I'm always here when you send someone. The last time he was there I was in

the area and I wanted a letter to give my attorney. 90 percent of what he said was done. The drainage was cleaned. They came twice. The owner said they sent Mr. Imbertson the receipt. The electrical people said they were going to submit everything. I thought everything was done. I said the sprinkler people were here and were waiting on parts. He told me to come down and appeal. He was a great help to me. At this time I'm asking for some extra time to get it done. My attorney is working with the owner. I pay my rent on time every month. I'm in a building with nothing up to code.

Moermond: has this affected your license at all?

Harris: it is stressful every day. It isn't up to code.

Moermond: the owner is the Responsible Party of record with the Fire Certificate of Occupancy program. The owner is the one you would expect to meet there and be responsible for managing repairs. Hopefully in concert with the tenant.

Imbertson: for a single tenant commercial property its common we'd meet the tenant on site for the inspection, with the expectation the owner is speaking and coordinating with the tenant. It would eventually affect the licenses because maintaining a Certificate of Occupancy is a requirement, but there are no actions at this time.

Moermond: you mentioned the kinds of things on this last often take a little bit longer. This has been going on long enough now that since it is still not done a year later, long term noncompliance with the orders?

Imbertson: yes, there has been some trades work that has been challenging for some property owners.

Moermond: we have a current permit for sprinklers from April 2022.

Imbertson: I don't believe the work has been done yet.

Harris: it was completed. I took photos. I gave the Fire Department my key. After that the electrical people came.

Moermond: the electrical people did the work without a permit from the City so they can't know it was done properly.

Harris: he had to put some covers up, and that's all he did. I don't know why we'd need a permit for that. I'm not part of that.

Moermond: I see, it looks like besides those covers, the orders are saying new wiring was put in without a permit. They weren't worried about the covers, just the new wiring someone did.

Imbertson: there was a run of outlets around the perimeter of the shop that was newer and light in in the vestibule. That was pointed out to an electrician in March. At that time we had explained the work to the electrician, the idea was being we don't know what work he did or what others did but needs to look over all the connections and new wiring since our most recent permit. Make any corrections and then call for an inspection on an electrical permit.

Moermond: you want some time for your attorney to work with the owner to get some

clear expectations down for the owner to meet by a deadline, so we aren't looking at an order to vacate. That makes sense.

Harris: it was difficult to get someone to even come change a lock since last November. April the owner called me saying he was having problems and no one would show up. He just kind of didn't do his job because they should have pulled a permit. Sprinkler people have been there 4 times. I'm tired of it.

Moermond: I think December 31, 2022, is a reasonable extension that should allow for any complications.

Referred to the City Council due back on 10/12/2022

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 20 RLH FCO 22-74** Appeal of Mary Callander to a Fire Inspection Correction Notice at 1378 LINCOLN AVENUE.
- Sponsors:** Tolbert
- Grant to January 1, 2023 for compliance.*
- Mary Callander, owner, appeared via phone*
- Moermond: you were unable to complete a conversation with you two weeks ago. Can you now?*
- Callander: I'm in the car driving back from the farmer's market. Can you call me back in 15 minutes?*
- Called back at 3:38 pm.*
- Moermond: we're calling to establish a deadline. I understand you met with the building inspector.*
- Callander: I already emailed the fire inspector.*
- Moermond: I understand that, but he doesn't set the deadline.*
- Callander: and now the gal in there just got Covid.*
- Moermond: I'll put a January 1 deadline on this. It will be reinspected after that.*
- Referred to the City Council due back on 10/12/2022**
- 21 RLH FCO 22-84** Appeal of Cassandra and Eric Larson to a Fire Inspection Correction Notice at 920 CLARK STREET.
- Sponsors:** Brendmoen
- Items 6, 7, and 11 are withdrawn from the August 30, 2022 Fire correction orders. Grant appeal of item 5 related to dog license. Grant to January 1, 2023 for upstairs*

room to be granted variance or must cease to being used as a sleeping room. Balance of orders to be reinspected September 30, 2022 as scheduled.

Eric Larson, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this was a Fire Certificate of Occupancy inspection conducted by Inspector Thomas. This started as a referral for not having a Fire Certificate of Occupancy. Since it was in hearings a couple of weeks ago, inspector Thomas was in the building August 30th to do a Fire Certificate of Occupancy inspection. He found some things that needed to be repaired. Basement, the guardrail. You supplied a picture however handrails are supposed to be continuous. The handrail does have a split in it. Item 3, room on west side, the ceiling height requires it be 7 feet or taller for half the floor area. He found floor area meeting the minimum was only 1/3 the floor area. I think when I read your email the code has been 7 feet over half the floor for several years. The egress is blocked by the bed. There's also no remodel permit in 2012. There's a dog license. Multi-plug adaptor. The condemnation I wish to withdraw. Also, item 6 is withdrawn. Smoke alarms we want to see, as well as carbons. The last item, item 11, retracting the order for unsafe heating appliance. It was installed without permit and the permits have been applied for, so that will be reissued.

Moermond: this occupancy is not condemned and items 6 and 7 are withdrawn so that is clear. The Council granted the appeal on order to vacate previously. Item 11 having to do with the furnace is withdrawn. Under discussion we have to talk about the ceiling height. You do cite a code, but I don't think that's correct, but it isn't the correct one. The building inspector called out the St. Paul Legislative Code. It has been code for 30 years. It is properly called out under the Minnesota Building Code. I'm going to send you an appeal form for the Minnesota State Building Code so you can appeal that separately to the City's Building Official. I need you to refer you to him. I can't act on that. The only thing I can do is give an extension to come into compliance should he make the determination you can't get a variance on this. You mentioned in your appeal the upstairs room height, which we talked about. The dog permit?

Larson: that is my dog. I had the dog there because I couldn't leave him home that day. Permits aren't required in Lindstrom, I confirmed with them. I wanted to correct that.

Moermond: I trust you on that so grant your appeal on item 5 relating to the dog. We talked about the furnace. You aren't condemned. The smoke and carbon monoxide detectors?

Larson: Mr. Thomas was in August 30, he told me they are all ready to go. He stopped in to measure upstairs again this morning and said they were good to go again. It was confusing why they were on there when they were taken care of at the last inspection and appeal. Those are updated and he said it was good to go. They're all brand new.

Moermond: sounds like that can be cleared up next inspection.

Larson: the railing I could only find certain height, I couldn't find anything about it being continuous.

Shaff: it is the building code. Continuous so you don't have to lift your hand going down.

Moermond: look like a dovetailing issue to me.

Larson: I can do it, it just kind of sticks out too far.

Shaff: it is supposed to be continuous. What is in the basement?

Larson: washer, dryer, furnace and storage.

Shaff: is it finished?

Larson: yes.

Shaff: it must be continuous. I'm sure there's lot of how-tos on corners like that. The rise is probably higher than normal stairs, and the run is short. A handrail is important on these.

Larson: the bedroom upstairs wasn't touched. I presumed there was a grandfather clause. We did the math and it is like 45% of ceiling height. I believe that's all then.

Moermond: we'll send a letter confirming this and attach the appeal form. Do you want an extension beyond that reinspection on September 30?

Larson: no.

Moermond: and if you lose your appeal on the attic sleeping area I will recommend you are granted 3 months to comply, January 1, 2023.

Larson: if it isn't compliant then you'd have to remodel to get it compliant?

Moermond: could be a remodel, certainly it will mean someone can't sleep there. Either of those routes.

Referred to the City Council due back on 10/12/2022