



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
Jean Birkholz, Hearing Secretary
legislativehearings@ci.stpaul.mn.us
651-266-8585*

Tuesday, June 14, 2016

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 16-15](#) Ordering the rehabilitation or razing and removal of the structures at 1325 ARKWRIGHT STREET within fifteen (15) days after the July 6, 2016, City Council Public Hearing. (Amend to remove within 15 days with no option for repair)
- Sponsors:** Brendmoen
- Florence Matadi, owner; Dan Stahley, Attorney; and Pastor Dana K. Nelson, Galilee Lutheran Church, appeared.*
- Inspector Joe Yannarely:*
-there is no code compliance application in the system
- Ms. Moermond:*
-a \$5000 Performance Deposit is one of the requirements, along with the following:
-get a code compliance inspection report
-pay the property taxes
-maintain the property
-get bids
-get an attorney
- Mr. Stahley:*
-she does have a lock box
-Ms. Matadi indicated that she was arrested by law enforcement for being on the property so she bought the lock box but was unable to install it
-has been in contact with the assessor's office; they are coming out this afternoon to do a re-assessment of the property; there's a possibility that might be able to lower the back taxes based on the fact that those amounts were assessed presuming that the house was in tip-top shape (not burned)
-has put in calls to the insurance company; has a copy of the insurance policy; has a declaration sheet that indicates that there was insurance of \$200,000 on the property that was in effect from Oct 2013 - Oct 2014, with full replacement cost of property; he doesn't understand why the claim was never paid on it (scanned)
-estimate on repairs from E & J Steel Construction Co: \$82,000 itemized out
-she has the support of her church

Pastor Nelson:

-Ms. Matadi has been a member of Galilee Lutheran Church for a long time and has a lot of friends

-she is especially troubled to learn that police officers came, shouted at her, they handcuffed her and put her into the squad car; a child neighbor, who knows her because she lived in the house for 25 years, was worried for her life; they didn't ask her name or anything; she, personally, wants to follow-up on that

Ms. Matadi:

-they put me in the car; he didn't even ask for my name or ID; she asked why she was being arrested; they screamed at her; they said that they got a call that there was a burglary going on here; they didn't ask me what I was doing there; she wants this to be documented; it was terrifying and she was very scared; it gave her a flashback of what she was seeing on TV

Mr. Stahley:

-looking at the insurance policy, there's over \$100,000 in personal property protection -she doesn't have a lot of money now to put down for the performance deposit, taxes, etc., but they will make a claim; she can use part of the personal property settlement to pay for what she needs

Ms. Moermond:

-either way, the insurance will cover that amount

Pastor Nelson:

-wanted to know who to talk with to file a complaint with SPPD and to get a report on what happened

Ms. Moermond:

-contact the Chief's Office

-if the insurance matter can be resolved relatively quickly, she is good with doing the rehab; if it can't be resolved, she's not willing to allow the burnt house to stand; it's not livable; the nuisance needs to be taken care of; the history shows a pattern of significant neglect

Ms. Matadi:

-she called to order a dumpster; they told me that they were too busy and it would be a week or two; today, they promised me that the dumpster will be at the side; she will need the windows to be open so the house can air out; she has people who are willing to help her; if the windows are open, she can get all the stuff out

Mr. Yannarely:

-it's the department's priority that the property be secured and maintained -the windows can be unboarded and opened if they can be locked

Ms. Moermond:

-how much more to be cleaned out before an inspector could come in and inspect the conditions?

-wishes that she had photos to be able to assess the situation

Ms. Matadi:

-she wants to do more clean out

Mr. Yannarely:

-if you had your insurance resolved, they usually have contacts to handle all of this rehab; you'd think it would be in their interest to help rehab the property rather than

re-build the property

Ms. Moermond:

- if you want to take the boards off for a day while you're working, you can replace them before you leave; she is OK with that
- this could be an "only Seeger \$125 inspection" - when you apply for the code compliance inspection, not that it should be a "Seeger only - building only - fire gutted inspection"
- will Lay this Over for 2 weeks to Jun 28, LH; she wants to see the claim you filed and have the house nearly cleaned out and be close to having a "Seeger only" inspection; you can reference the legislative hearing
- we will let the VB fee ride

Layover so that owner can continue to do clean out of the property. The boards from the windows can be taken down, noting that they need to be secured at the end of the day; owner to obtain a "Seeger only" code compliance inspection.

Laid Over to the Legislative Hearings due back on 6/28/2016

2 [RLH TA 16-250](#)

Ratifying the Appealed Special Tax Assessment for Property at 1325 ARKWRIGHT STREET (File No. VB1607C, Assessment No. 168818). (Amend to delete the assessment)

Sponsors: Brendmoen

Florence Matadi, owner; Dan Stahley, Attorney; and Pastor Dana K. Nelson, Galilee Lutheran Church, appeared.

Inspector Joe Yannarely:

- there is no code compliance application in the system

Ms. Moermond:

- a \$5000 Performance Deposit is one of the requirements, along with the following:
- get a code compliance inspection report
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- estimate on repairs from E & J Steel Construction Co: \$82,000 itemized out
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-she is especially troubled to learn that police officers came, shouted at her, they handcuffed her and put her into the squad car; a child neighbor, who knows her because she lived in the house for 25 years, was worried for her life; they didn't ask her name or anything; she, personally, wants to follow-up on that

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-if the insurance matter can be resolved relatively quickly, she is good with doing the rehab; if it can't be resolved, she's not willing to allow the burnt house to stand; it's not livable; the nuisance needs to be taken care of; the history shows a pattern of significant neglect

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Mr. Yannarely:

-it's the department's priority that the property be secured and maintained -the windows can be unboarded and opened if they can be locked

Ms. Moermond:

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Mr. Yannarely:

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Ms. Moermond:

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-this could be an "only Seeger \$125 inspection" - when you apply for the code compliance inspection, not that it should be a "Seeger only - building only - fire gutted inspection"
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Layover so that owner can continue to do clean out of the property. The boards from the windows can be taken down, noting that they need to be secured at the end of the day; owner to obtain a "Seeger only" code compliance inspection.

Laid Over to the Legislative Hearings due back on 6/28/2016

3 [RLH RR 16-11](#)

Ordering the rehabilitation or razing and removal of the structures at 1698 LAFOND AVENUE within fifteen (15) days after the April 6, 2016, City Council Public Hearing. (To be referred back to Legislative Hearing on May 10)

Sponsors: Stark

Richard Ayd, owner, appeared; Lauren Lightner, House Calls, also appeared.

Ms. Moermond:

-there's a lot happening here but the main thing that we were concerned about was the Abatement Order to clean out the interior of the property, to not only make it less noxious but also accessible for inspectors to determine whether or not there are code violations and to what extent

Inspector Joe Yannarely, Vacant Buildings:

-update: the dumpster doesn't appear to look any different from 2 weeks ago; he took a photos May 31, 2016 (deadline day) and he saw some of the same 12-pack cartons in the dumpster yesterday as there were 2 weeks ago

Ms. Moermond:

-her understanding is that Mr. Magner made an offer that he would find it acceptable if Mr. Ayd hired a separate company of some sort to do the clean out but that he didn't have faith that Mr. Ayd would complete the execution on this

Mr. Yannarely:

*-Mr. Ayd's brother was looking for a suggestion on a Clean-Out company and he mentioned that Respro does the city's clean outs
-House Calls also has companies that they work with
-it doesn't appear that anything is changing at the property, at least, not much*

Mr. Ayd:

-he started off working very hard; the problem is that only the back door is open and the house has become very warm with pretty bad fumes from the mice

Ms. Moermond:

-noted that he introduced those fumes by bringing in the mouse poison, yet the windows were screwed shut at the time

Mr. Ayd:

-without the boards being removed from the windows on at least the south and west

side so that he can open them, he can't hire a staff to come in and work there because of the smell and the heat; Ms. Lightner, House Calls, is also very concerned about the odor/fumes and she recommended that he not work in there, especially over the hot 90 degrees days that we had; because he's working alone, no one would know if he had passed out inside; so, he is asking that the city remove the boards on the windows on at least, the west and south side; the east side, also, if possible; he needs to open the windows in order to work further

-Ms. Lightner has provided some him with names of resources that he may hire to help him clean out; he also has some volunteers through the Hamline Midway Elders Group, of which he is a member, who are willing to come in and help but he can't, in good conscience, let them come in until he can get some air moving in there

Mr. Yannarely:

-are these volunteers aware that they should be wearing protective gear before they walk into the place? The city would have people in Hazmat suits going in there

Mr. Ayd:

-he is hoping that if he can get the windows open, it will air out

Ms. Moermond:

-remember Mr. Magner talking about the reasoning for only one door being opened and that is that you would move back in again with your stuff (Mr. Ayd: and I have not; I'm out everyday) and the city will be in a worse position because you have done that in the past

-the enforcement people want to give you a chance but they don't want you going back in to live here

-you haven't contacted a company to help do a clean-out.. or...

Ms. Lightner:

-Mr. Ayd has been very cooperative; he's been in contact with me

-we cannot be at his house because the odor, even from the street, is strong; she cannot let anyone go in to estimate because it's just too much; until it's aired out or to the point where it's not so pungent, it's really a risk; that's a huge concern

-he has support from Pastor John, right across the street, who checks in

Mr. Ayd:

-the water has been turned off; it's possible that a water pipe may have burst; his water bill was over \$1000; he still has electricity; that moistness in the air is also very bad; he has gone over to open the door and let it air out all day; he is not worried about anyone going in there if he's not there

-he doesn't care if the front door stays boarded

-there is a hasp on the back door; he did get a pad lock; it's locked up every day by 8 pm

-the neighbors all want him back

Ms. Moermond:

-she is trying to map a course to get this from where we are now to you being able to move back in

-practically speaking, we need an inspection on the interior to create a list of things that need to be done first; but until we get down to the surfaces, we don't know what that is

-the fumes have made this a real unfortunate situation; the way to go right now is for DSI to send in a crew that is equipped to safely do that clean out; then, you can take over with the next steps

-things aren't going to get better for you or the neighborhood if this isn't cleaned out; she is concerned about the hot weather and house becoming more toxic; we will let

DSI handle this

Mr. Yannarely:

-he will contact RESPRO and have them set up a date to get a crew out there, properly protected to do what they need to do

Ms. Moermond:

-thinks that it might be useful if there were a way for Mr. Ayd to reasonably mark the items that he wants to keep

Ms. Lightner:

-she would be willing to be at that clean out with Mr. Ayd outside; thinks that Mr. Ayd will need compassionate persistence over time, which is something House Calls can do; we have that ability; studies have shown that if he's not part of this clean out, it will damage his health and wellness

Ms. Moermond:

*-would like it to get done this week so that next week or the week after, a code compliance inspection can be done sooner rather than later
-the case has been open for months and we need to move forward*

Mr. Yannarely:

-he will shoot for Fri for the clean out

Mr. Ayd:

*-is there any possibility of getting the windows open?
-I miss my house*

Mr. Yannarely:

-let's let the professionals deal with that and get this done; he wants to be there, too

Ms. Moermond:

*-the furniture will be left if not broken along with the dishes, etc.
-you guys can monitor; remember that they are paid by the hour; and ultimately, this cost will turn into an assessment on the property taxes
-be clear with your criteria; things will move more smoothly; then, we'll have a property that's ready to be inspected, late next, let's say; she will talk to Steve Ubl, the building official
-will Lay this Over for 1 month to Jul 12, 2016 LH; we should have a written inspection report at that time*

Restoration Professionals will be doing a clean-out of the interior of the property so that a code compliance inspection can be conducted.

Laid Over to the Legislative Hearings due back on 7/12/2016

4 [SR 16-7](#)

Reviewing request of owner to have Council reconsider its Order to Remove or Repair the Structures at 805 HUDSON ROAD.

Sponsors: Prince

Patrick Nseumen, owner, appeared.

Mr. Nseumen:

-currently, he submitted the full nonconforming use application to be reviewed; it took time to get all the final signatures; he got the last one yesterday; the Zoning and Planning Commission meetings are being set

-he's also ordered the Code Compliance Inspection with DSI; he needs to submit the lock box and combination today
-the intended use is a small cafe; it's different from the first submission; this is a nonconforming use to T-1
-is hoping that they have a decision on the last week of Jul; by that time, the code compliance inspection report should have been completed
-has started the process of soliciting bids based on the previous code compliance inspection report; he can submit that to LH office and proof of funds
-have had meetings with Reed Soley to go through the process; then, be able to pull permits

Ms. Moermond:

-asked if he was picturing starting the work at the same time as he was going through Zoning

Mr. Nseumen:

-yes, because in his opinion, there's a minimum level of work that will need to get done regardless of what it is; he will do the list first; then, the work can take the appropriate direction depending upon the Zoning outcome

Inspector Joe Yannarely:

-noted that the Registered Vacant Building fee is due Jul 6, 2016
-his \$5000 Performance Deposit is in the system (Jan 20, 2016)

Mr. Nseumen:

-submitted the estimate that he's going to use; and proof of funds (scanned)
-goal to start swinging hammers next couple of weeks; needs to meet with Reed Soley to review everything
-goal to finish is 4 weeks; will submit timeline

Ms. Moermond:

-sounds like we are in good shape here

Will draft Resolution for Stay of Enforcement to go to City Council Public Hearing on July 6 to grant owner 90 days for removal or rehab of the structures; waive VB fee for 90 days.

Received and Filed

5 [RLH RR 15-13](#)

Ordering the razing and removal of the structures at 870 FULLER AVENUE within fifteen (15) days after the June 3, 2015, City Council Public Hearing. (Public hearing continued from January 6, 2016) (To be referred back to Legislative Hearing on June 21 14, 2016; Council public hearing to be continued to July 6)

Sponsors: Thao

Legislative Hearing Officer is requesting that Summer Smith submit contact information of all the heirs he has identified as part-owners of the property. (No one appeared.)

Ms. Moermond:

-yesterday, she spoke with Mr. Summer Smith, son of E. Diane Smith, part owner of this property; he's been talking with Suchann in the Ward 1 office
-we need to get this to be a more serious proposition and less of a theoretical proposition for him; let's get a written statement from him on the people he has

identified as heirs and their contact information
-let's get copies of the letters he has written and documents that he has had signed -
a sign of his good faith in moving forward with the rehabilitation
-she also spoke with him about keeping up with the property maintenance on this
property
-it sounds as though he does want to acquire the property
-she would also like to get a sense of his financial where-with-all for being able to
bring the taxes current
-will Lay this Over for 2 weeks to Jun 28, 2016

Laid Over to the Legislative Hearings due back on 6/28/2016

6 [SR 16-48](#)

Reviewing request of owner, Dao Yang, to have Council reconsider its Order to Remove or Repair the Structures at 595 JESSAMINE AVENUE EAST.

Sponsors: Bostrom

Dao Yang, owner, appeared with a general contractor, Xeng Xiong; a mentor/friend, Tom Murray and an interpreter

Ms. Moermond:

-at the last hearing, we talked about a number of things to be done in order to give time to do the rehab; you were thinking about the rehab but you weren't sure; at this point, her understanding is that you would like to consider a rehab

Mr. Yang:

-at this point, I've been very stressed so I'm handing this issue over to Mr. Xiong, a licensed contractor; his attorney knows about the situation

Mr. Murray:

-we discussed the possibility of having a close personal friend, who's a licensed contractor, to come in to do all of the work; that's where we are at today

Mr. Xiong:

-has been a licensed contractor for 8-9 years
-we talked about this; the letter's deadline was very tight to make a decision; if you can give us more time, then I can look at it and give you a true estimate of the rehab for this large home that had a fire; I have looked at it but not evaluated each thing; we are trying to get an architect to come and give us some ideas of how we can re-structure the house, not just to fix in the same way; if we rehab it, it will take a lot
-we ask the Council give us time - like 6 months
-the next door neighbor has the same thing
-asks for an extension of time but doesn't yet have a proposal
-has not evaluated the house yet; there's so much stuff inside; needs to be cleaned out - to see to the studs
-if you give us the time, I will look at everything carefully and I will put together a proposal
-he has done some fire damaged houses; also Category 2 VBs; this one has extensive fire damage

Ms. Moermond:

-asked if he will be rehabbing as a duplex

Mr. Xiong:

-if we rehab, we'll go to Zoning to get a single family dwelling; we can shop off the 2nd floor maybe

Mr. Yannarely:

-it was inspected as a duplex in an RT-1 zoning district

Ms. Moermond:

-chopping off the 2nd floor is a big deal

-is going to put them on a tight timeline; this has been around for months and City Council voted on it; it had been resolved; now, we are trying to pull something out of the fire

-conditions:

1) \$5000 performance deposit needs to be posted by the end of this week; that will get you a continuation of the discussion for the development of a Work Plan to do the rehab

2) a legal agreement between you folks that Mr. Xiong, contractor, will be doing the rehab

Mr. Xiong:

-we'll see how things are going; if he will give me the house, I can authorize the rehab

Ms. Moermond:

-I will need to know; if the property is going to become Mr. Xiong's and he is assuming all of the costs and he will be doing the rehab, then, I need to have the legal agreement between the 2 of you (Mr. Yang and Mr. Xiong) that solidifies that arrangement so that she can approve it

-if the City Council doesn't grant time for the rehab, you can apply for the return of the \$5000 performance deposit

-if you post the \$5000, then on Jul 12 LH, we can talk about the Work Plan that you have ready to go; the evidence that there's money to do the rehab (city's estimate \$60,000-\$70,000); the legal agreement - wants it by Jul 5, 2016

Mr. Xiong:

-we've already discussed this and after this hearing, we are actually going to start the paperwork (Ms. Moermond: wants a copy of that legal agreement in her office by Jul 5, 2016 so that she can review it before the hearing on Jul 12, 2016, when she will need to see the original)

Ms. Moermond:

-you will need an attorney to create that document

-noted that if you intend to chop off the top story, you will need to talk with DSI very soon because then you will need to have an inspection as a single family home instead; make your decision and talk with DSI; she'll need everything in order

-if things are not together by Jul 12, 2016, we are done having this conversation

Mr. Xiong:

-we will let you know ASAP; if we don't get the \$5000 performance deposit in by end of week, that means everything has failed

Mr. Yannarely:

-the VB fee anniversary date is Feb 11, so that went to assessment for 2016-2017 year = \$2085

Ms. Moermond:

-if someone wants to appeal the VB fee, you need to come to the City Council Public Hearing tomorrow; if you want to come tomorrow, we can make a file for this case or she can send it back to LH and we can talk about it in 3-4 weeks at LH; (they will discuss the VB fee on Jul 12 LH)

Mr. Yang:

-wanted Ms. Moermond to know that it's been very stressful having his 4-year old pass away; then, having his mom pass away and then, all of this

Ms. Moermond:

A \$5,000 performance deposit must be posted by July 5th. If the deposit is posted, Legislative Hearing Officer will be looking for the following to be met on July 12th:

1. a legal contractual agreement between Dao Yang and Xeng Xiong indicating that Xeng Xiong is willing to come in as a third party to do the rehab, noting that title cannot be transferred until rehab is completed;
2. obtain a new code compliance inspection if it's going to be rehabbed as a single family dwelling;
3. provide a work plan or detailed sworn construction statement with timelines for completing the work in accordance with the code compliance inspection report; and
4. provide evidence of financing to complete the project, as well as an affidavit indicating those funds will be dedicated to the project (City's estimate is between \$60,000 to \$75,000)

NOTE: VB fee (VB1610) will also be discussed on July 12th.

Laid Over to the Legislative Hearings due back on 7/12/2016

11:00 a.m. Hearings

Summary Abatement Orders

Correction Orders

- 7 [RLH CO 16-22](#) Appeal of Tammy Soler to a Correction Notice at 652 MAGNOLIA AVENUE EAST.
- Sponsors:** Bostrom
- Deny the appeal. (No one appeared.)*
- Mai Vang: Tammy Soler asked to reschedule again; I left her a message saying that it could not be rescheduled again. Talked to Inspector Paula Seeley, who will do a Work Order.*
- Referred to the City Council due back on 7/6/2016**
- 8 [RLH CO 16-24](#) Appeal of Mary Engelhard to a Correction Notice at 70 MOUNDS BOULEVARD.
- Sponsors:** Prince
- Dept has withdrawn order and appeal/filing fee were retruned.*
- Withdrawn**

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations**1:30 p.m. Hearings****Fire Certificates of Occupancy**

- 9 [RLH FCO 16-71](#) Appeal of Jeremy Lostetter to a Correction Notice-Complaint Inspection at 1410 BREDA AVENUE.

Sponsors: Stark

Per the previous hearing AJ Neis went to the property and looked at the water heater and furnace installations. There were no red flags to indicate the installation was done improperly and this was done over 10 years ago.

As a result, DSI will be withdrawing items, #4, 6, and 7. DSI-Fire will then transfer the RF items into a CofO Folder which will give him the additional time he needs to complete the rest of the work.

The owner has agreed to provide an ORSAT test to ensure the furnace is running properly.

Mr. Neis emailed appellant of same.

Withdrawn

2:30 p.m. Hearings**Vacant Building Registrations**

- 10 [RLH VBR 16-32](#) Appeal of Ira Kipp to a Vacant Building Registration Requirement at 142-144 ROBIE STREET.

Sponsors: Noecker

Matt Dornfeld spoke to owner and he has agreed to withdraw his appeal.

Withdrawn