



# 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*  
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*651-266-8585*

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Tuesday, April 26, 2016

9:00 AM

Room 330 City Hall & Court House

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#### 9:00 a.m. Hearings

##### Remove/Repair Orders

- 1 [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
- Greg Finzell, Rondo Community Land Trust, appeared.*
- Inspector Steve Magner, Vacant Buildings:*
- read Mar 24, 2016 letter mailed to Laura Krenz, Lindquist & Vennum LLP o/b/o E. Dianne Smith (attached)*
  - he also received an email from Mai Vang that was from Laura L. Krenz, dated Apr 21, 2016 that says, "Mai, I'm writing to inform you that I have withdrawn from representing Ms. E. Dianne Smith in the above referenced matter. I've advised Ms. Smith to attend or have someone to attend on her behalf. Next hearing is for Tue, Apr 26, 2016 at 9 am. Best Regards, Laura Krenz"*
  - background: we've been dealing with this for more than 1 year now; there was an Order to Abate; originally Ms. Smith appeared with a representative from Frogtown Home Fund (they were trying to seek some assistance for rehabilitating the structure); early on, it is his impression that Rondo, through Greg Finzell came into this project to look at doing it; then, it changed course to looking at having the property rehabilitated by a neighbor; then, there was some time dedicated to clearing the title issue; and ultimately, Ms. Smith represented some pro bono legal services; now, that seems to have dried up and Mr. Finzell is back at the table; hope he has the other part of the story*
- Mr. Finzell:*
- Mr. Magner covered most of the story*
  - this is really 2 parts: 1) probate was never started; so, Ms. Krenz was retained as a pro bono attorney; since then, located a number of cousins and actually, got one of them to give Power of Attorney to Ms. Smith's son, Summer, who's in Arizona*
  - today, we've identified 3 cousins in TX; some are in AZ and E. Dianne Smith is here in the cities*
  - the unfortunate piece is that the family has yet to come together and sort out the*

probate; and that has to happen  
 -some forms have been sent to those who we know their address  
 -there are 4 or 5 parties who have not come together for probate and without probate moving forward, really nothing can be done to the structure by the family  
 -someone in AZ would very much like to rehab it; the city has made clear what the conditions are for that to happen and the first condition is probate  
 -basically, we're back where we started  
 -both Mr. Davis and Rondo Land Trust stand ready to rehab the house but neither can move forward until probate is completed  
 -probate will take about 6 months once everyone signs the documents  
 -it's about 18 months away from tax forfeiture; if the structure is still standing, then anyone can rehab it  
 -one active family member, Summer, in AZ is interested but doesn't see to have contact with relatives in TX

Mr. Magner:

-to clarify: so, there's really not any other issue except for the fact that Ms. Krenz just realized that they had reached a laager head - couldn't move forward because there doesn't seem to be any response from these 3 other family members or clear enough response so that they can get signatures; and because of that, they don't believe that they can move forward with the probate

Mr. Finzell:

-yes, it's the matter of the lack of communication within the family

Mr. Magner:

-unless family comes together, we're really looking at status quo or waiting close to 2 years before tax forfeit; so, we either do something now or we wait until Aug 1, 2017 to let the property tax forfeit; once it tax forfeits, they still have 6 months redemption or buy back period; then, the county could liquidate that asset or put it into one of their projects for rehabilitation  
 -when they started this more than 1 year ago, we talked with the City Attorney to discuss the option of the city being the plaintiff in a civil action to force an early redemption to the county, which is an action the city can do under statute but it's the CA's opinion that this would not work in this particular situation with all the factors; we've only used that tool once and he thinks that it was unsuccessful in attaining the goal we were trying to achieve

Ms. Nhia Vang:

Recommendation is forthcoming.

**Referred to the City Council due back on 5/18/2016**

**2**      [RLH RR 15-44](#)

Ordering the rehabilitation or razing and removal of the structures at 689 CONWAY STREET within fifteen (15) days after the December 16, 2015, City Council Public Hearing. (To refer back to Legislative Hearing on March 8, 2016)

**Sponsors:**      Prince

John Dockry, Attorney, Shapiro & Zielke LLP, representing Wells Fargo Bank; and Carol Carey, Historic St. Paul, appeared.

Inspector Steve Magner, Vacant Buildings:

-read letter dated Mar 24, 2016 to John Dockry (attached)

Mr. Dockry:

-his client was in communication with a number of organizations over the past 1 1/2 months; Historic St. Paul was very interested in taken in this property as a donation and completing the rehabilitation to code to eventually become an occupied property  
-Ms. Carey is formally completing the donation application process with Wells Fargo; once that goes through, there will be a donation contract period similar to a purchase agreement; then, there's the donation/sale process where the title company does the background title checking; it goes through a type of a closing; perhaps, all this should be completed within 2-3 months; best case scenario timeline is 45 days for the donation process to be completed

Ms. Carey:

-they have been through the property a number of times during the past week with contractors, who are working on bids  
-been also working on bringing end buyers through the house; she has someone who is very interested in being the home owner at the end of this process; she is here today, also  
-the property could be a very nice property at the end of this  
-rehab estimates for the code compliance items came in at \$97,000; the end price more than warrants that investment  
-has seen the SHPO notification; they are recommending an intensive survey; it could be national register eligible; it's a pretty important part to the Dayton's Bluff Historic District, which is why we are giving it that extra attention to make sure that every effort is made to preserve it  
-believes that within the 60-90 days that it will take to formalize the donation transaction, we will have completed a set of contractor bids and timelines, construction financing and be prepared to bring that to the next hearing

Ms. Nhia Vang:

-will lay this over for a month for Ms. Carey to come back with a concrete plan to move this project forward

Mr. Dockry:

-the next piece of this if formalizing the donation contract; that will take 1-2 months to do at least, that piece of it (complete donation process)  
-that will also allow some time for the contractors to submit final bids and work timelines and construction plans  
-Ms. Carey and her organization will also be seeking construction financing through that process once we have the official donation contract in place  
-they have been maintaining the property  
-the property has been fully cleaned out (photos)

Ms. Carey:

-we will be visiting the site regularly

Amy Spong, Heritage Preservation Commission (HPD):

-mentioned that this particular neighborhood had the Vacant Building Home Tour (7 homes that are owned by the HRA) last weekend; it took almost 300 people around to some of the other vacant properties in this historic district (this one was not on the tour); there is a lot of excitement and activity in this neighborhood around rehabilitating these vacant properties in this historic district  
-consultants have been hired to evaluate the potential of national register for this district; it's because of the Gold Line BRT Project that is coming and will be touching the historic district; she does need to verify whether a smaller portion of the district is being evaluated of the entire boundary  
-the 7 Vacant homes that are owned by the HRA in this district have received a letter

from SHPO saying that the district needs to be re-surveyed before they can move forward with potential demolition of those properties if they aren't rehabilitated; this house is not part of that group but it's effected by the survey in a good way

Ms. Nhia Vang:

-is happy that someone will be moving forward with this project

-LAY OVER to Jun 21, 2016 LH

Continued to June 21. Wells Fargo Bank will be donating the property to Historic St. Paul and will get complete application going. Once application is completed and closing takes place, Historic St Paul will provide plans, financial plans, etc. to rehab the property. In the meantime, the property must be maintained.

**Laid Over to the Legislative Hearings due back on 6/21/2016**

**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 J. Ayd, owner, appeared.*

*Inspector Steve Magner, Vacant Buildings:*

*-at the last hearing, Ms. Vang laid this over to May; subsequently, there was some communication and it was referred back to the Apr 26 LH (today)*

*-read the letter of Mar 25, 2016 to Mr. Richard J. Ayd (attached)*

*-Mr. Ayd was not present at the Tue Apr 12 LH; he sent an email stating his reason for not attending the last LH and apologized (attached); added that on Mon Apr 11, 2016, he made a \$2700 payment to his real estate taxes for 2016; and asked to re-schedule his LH; Mai Vang responded that his appeal had been re-scheduled to Tue Apr 26, at 9 am*

*Mr. Ayd:*

*-he has not made payment toward his 2013-24 real estate taxes but he can do that today; he does have the funds available; he has had difficulty getting to the bank; \$12,354.40 plus penalty and interest is past due; he will develop a payment plan and provide proof*

*-he has consulted to find a service to take care of his yard both summer & winter; he has a reference from his cousins, who use the same service*

*-Zion Lutheran Church is across from his house; the maintenance man who cares for their yard is also considering doing my yard*

*-his brother, Andrew Ayd, is interested in over seeing the house clean-out; he also has a general contractor (no contract has yet been signed)*

*Ms. Nhia Vang:*

*-wants Mr. Ayd to ask his brother to write a commitment letter to her verifying that he will be taking on that role*

*Mr. Ayd:*

*-he would like the boards taken off the back door so that he can get into the house and start working*

*Mr. Magner:*

*-as he testified in the previous hearing, Mr. Ayd needs to contact Matt Dornfeld to schedule a date and time to open the building so that he could have some people*

remove his belongings but until we have an agreement of time from the Council to move forward with rehabilitation, DSI will not just remove the boards and allow free access; we are familiar with the property's past history and we don't care to revisit that

Mr. Ayd:

-that puts me in a bind

-he hasn't contacted Mr. Dornfeld because there's no point in his going in for an hour.... he has been living in the same clothes that he was taken out of the house with on Dec 12, 2015

-he has an apartment 1 block away from his house and he wants to be able to walk over to his house and work every day; he is fit and able to work in his house; he wants only the back door accessible

Mr. Magner:

-DSI is looking for a plan of action: a plan that says, "On a certain date, I will be out there with a couple guys and a truck and we need 3 hours to clean out these items;" DSI would be happy to facilitate that; we don't want Mr. Ayd to slip back into habits that we don't want to encourage

Ms. Vang:

-let's work on a plan; figure out how much time you need and send it to me via email to Ms. Mai Vang by the end of this week; (how many days; how many hours, and who's going to be helping you, etc.); let me know that you've contacted Mr. Dornfeld

-need a letter from you brother and your agreement

-identify who's going to help you with the lawn/snow

Mr. Magner:

-once all of the conditions are met and the City Council approves this, then, the house can be opened

Ms. Nhia Vang:

To be referred back to Legislative Hearing on May 10th.

Legislative hearing officer is requesting the following:

- 1) provide a commitment letter from Appellant's brother for rehabbing of the structures;
- 2) the exterior property needs to be maintained;
- 3) develop payment plans with Ramsey County for outstanding property taxes owed and provide documentation of same;
- 4) develop a work plan to clean the interior of the property;
- 5) work with Matt Dornfeld to gain access to property

**Referred to the City Council due back on 5/4/2016**

**4**      [RLH RR 16-15](#)

Ordering the rehabilitation or razing and removal of the structures at 1325 ARKWRIGHT STREET within fifteen (15) days after the May 18, 2016, City Council Public Hearing.

**Sponsors:**      Brendmoen

4/28/16: Florence Matadi came to the office stating she missed the hearing.  
Rescheduled to May 10, 2016 LH.

Inspector Steve Magner, Vacant Buildings:

-The building is a one-story, wood frame, single-family dwelling with an attached

two-stall garage on a lot of 12,632 square feet. According to our files, it has been a vacant building since November 26, 2013 due to a fire.

- The current property owner is Jacob M. Matadi and Florence H. Matadi per AMANDA and Ramsey County Property records.
- On February 24, 2016 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 March 7, 2016 with a compliance date of March 22, 2016. 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 \$21,300 on the land and \$23,700 on the building.
- Real estate taxes for 2014 and 2015 are delinquent in the amount of \$6,356.22, which includes penalty and interest. The property is scheduled for tax forfeiture in 2018.
- The Vacant Building registration fees were paid by assessment on January 6, 2016.
- As of April 25, 2016, a Code Compliance Inspection has not been done.
- As of April 25, 2016, the \$5,000 performance deposit has not been posted.
- There have been fifteen (15) SUMMARY ABATEMENT NOTICES since 2013.
- There have been seventeen (17) WORK ORDERS issued for:
  - Garbage/rubbish
  - Boarding/securing
  - Grass/weeds
- Code Enforcement Officers estimate the cost to repair this structure is \$50,000 to \$75,000. The estimated cost to demolish is \$12,000 to \$15,000.

DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days; if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Amy Spong, Heritage Preservation Commission (HPC):

- ranch style house constructed in 1959 with a walk-out basement
- because of it's age, it would not have been old enough to be considered in the city's 1983 historic survey or even evaluated
- SHPO review form stated that this property has no potential for national register
- staff's opinion is that it would also not be eligible for any local historic designation
- demolition would not have an adverse effect

Ms. Nhia Vang:

- today is a no show; we need to move forward
- will recommend removal within 15 days with no option for rehabilitation

Remove the building within 15 days with no option for repairs. (No one appeared.)

**Laid Over to the Legislative Hearings due back on 5/10/2016**

## 11:00 a.m. Hearings

### Summary Abatement Orders

- 5 [RLH SAO 16-12](#) Appeal of Tylon Newcomb to a Vehicle Abatement Order at 488 ROBERT STREET SOUTH.

**Sponsors:** Noecker

No one appeared.

*Mai Vang:*

*-reported on email from Inspector Lisa Martin (attached)*

*Ms. Nhia Vang:*

*-do we have information that the trailer is still there?*

*Inspector Paula Seeley:*

*-yes; photos attached*

*-Inspector Mark Kaisersatt was out there yesterday*

*-she talked with Supervisor Steve Magner again this morning; he suggested they do a Summary Abatement Order and give him 4 days to remove it*

*-if the inspector issues a Summary Abatement Order because of the nuisance, the Appellant can file an appeal again*

*Ms. Nhia Vang:*

*-let's verify*

*Mai Vang:*

*-her understanding is that the Vehicle Abatement stands and he can get fined or towed*

*Ms. Nhia Vang:*

*-let's do the Summary Abatement Order*

*Grant the appeal on the trailer as it is now licensed; however, Appellant needs to get Zoning approval for the unapproved surface by submitting a site plan. Until then, the trailer must be relocated and stored off site. On April 27, Inspector has issued a Summary Abatement Order to remove the trailer with the plywood structure.*

**Referred to the City Council due back on 5/18/2016**

## Correction Orders

- 6**      [RLH CO 16-15](#)      Appeal of Philip Varchenko to a Correction Order at 1627 MARSHALL AVENUE. (Public hearing continued from May 18)

**Sponsors:**      Stark

*No one appeared.*

*Ms. Mai Vang:*

*-Philip Varchenko cannot attend today's hearing because of medical conditions*

*-he sent an email asking for a substantial amount of time*

*-read the letter for 1627 Marshall Avenue:*

*Dear Ms. Vang:*

*I'm writing with request to be provided with substantial time extension for correction notice dated April 7th., 2016 that I received in the mail. I came to your office few days later in order to file an appeal and I had a chance to speak to Mai Vang about my situation.*

*For the past two years I have been battling an aggressive form of bone cancer that I was diagnosed with in July of 2014.*

*I had to undergo a 8 month course of chemotherapy that left me debilitated and I am struggling to complete basic tasks of daily living. In April of 2015 I had a 14 hour surgery to remove a tumor from my sacrum. That operation, that I am still recovering*



from, affected my mobility substantially. When I came to file an appeal, I was doing so knowing that it would be impossible for me to meet the time deadline of the notice due to another surgery that I am having on April 25th., 2016.

It also makes it impossible for me to come and discuss some of the items on correction notice in person. Some of the the items I disagree with. Mainly, I am asking you for substantial time extension (into late fall) so that I can attempt to deal with these correction orders. Dealing with my illness left me in financial trouble. I owe thousands of dollars for my medical care. My credit is severely affected. I can't qualify for any small loan for repairs nor can I afford it financially. A lot of the work I am able to complete myself but I need to be in better health and given time to recover. I ask you, respectfully, to please allow me to deal with this matter at a substantially slower pace than the notice was suggesting. I would be more than willing to meet with you to make arrangements as to how much of these correction items I am able to correct and when. I am sorry, right now I can't deal with much of it due to my health. After tomorrow's surgery there is a risk that I would not be able to walk or drive myself for a while. I appreciate your attention to my matter.  
Sincerely, Philip Varchenko

*Inspector Paula Seeley:*

-suggested that Inspector Martin go out to take better pictures and to give him more time

*Ms. Nhia Vang:*

-will Lay this Over to May 3, 2016 LH to view better photos

Continued to May 3. Inspector Lisa Martin will need to provide new photos.

**Laid Over to the Legislative Hearings due back on 5/3/2016**

**7**      [RLH CO 16-14](#)

Appeal of Quintin L. & Robyn Koger Kidd to a Correction Notice at 1064 PACIFIC STREET.

**Sponsors:**      Prince

*Quintin L. Koger Kidd, owner, appeared.*

*Inspector Paula Seeley:*

-Inspector Westenhofer got a complaint on the deterioration of the property; he went out to inspect

-exterior walls of garage are defective: seal & repair the cracks around the garage

-replace the deteriorated roof on the garage, under permit

-repair fallen grading and drainage along west side of property; remove and replace damaged/deteriorated retaining wall

-repair, replace or remove damaged fencing along west side of back yard

-remove camper from the back yard and the cord found attached to the east side of the camper running to the house

*Mr. Koger Kidd:*

-he tried to get some clarification on this; most is that he needs additional time

-purchased this HUD Cat 1 VB about 5 years ago and have been working on it since then

-without a doubt, something has to be done about the garage; it was on his agenda

-they ran out of cash flow; have put about \$50,000 into the house since they purchased it

-are on the Home Tour this weekend

-in a quandary about what to do about the garage; it's probably original to the property 1902 - old pressed masonry block; the garage is functionally obsolete; can't



really put a vehicle in there; the roof needs to be replaced; the repairs are costly - doesn't know if it's worth it; concerned that the masonry cracks are structural; he's been looking at alternative to fix it; thinks that he needs to get a structural engineer to look at it to determine if it's viable to fix; it does add a lot of character to the alley way; his wife would like to convert it to an auxiliary dwelling; they have a double lot; he is willing to come back to talk about an engineer's recommendation; he needs time; hates to spend \$30,000 on it that's going to add only maybe \$5000 worth of value to the property; it's not in any danger of falling down; would like to keep it until they have a replacement for it because they have their garden/lawn equipment stored in there and their bikes, etc; he can do superficial repairs if the city wants him to

Ms. Seeley:

-let's get a structural engineer first

Ms. Nhia Vang:

-will recommend granting time to Jun 7, 2016 to do some research, get a structural engineer, estimate, etc. (items #1 & #2)

-for items #3 & #4, retaining wall, would like a survey to be done by Jun 7m 2016; wants to know when and why it was erected (was it intentional?)

Ms. Seeley:

-according to the Sr. Building Official, the wall belongs to the person whose soil it's holding back

Mr. Koger Kidd:

-case law says that it's the downhill person's responsibility

Ms. Nhia Vang:

-enforcement is stayed until things are worked out

-re: #5 (camper parked on an unimproved surface), you'll need site plan approval for a parking pad; cannot be gravel anymore; surface needs to be asphalt, cement or pavers

Mr. Koger Kidd:

-first he wants to know what's going to happen with the garage because that will impact the parking pad; he has an idea about where to put the parking pad

Ms. Nhia Vang:

-will lay this over to Jun 7 LH

Continued to June 7. Owner to get site plan approval from Zoning for the unimproved parking surface for Item 5. Also, needs to provide a structural engineer's report for Items 1 and 2 and get a survey done for Items 3 & 4.

**Laid Over to the Legislative Hearings due back on 6/7/2016**

## 1:30 p.m. Hearings

### Vacant Building Registrations

- 8 [RLH VBR 16-24](#) Appeal of Arafat El Bakri to a Vacant Building Registration Notice at 1737 BUSH AVENUE.

Sponsors: Prince

Laid Over to the Legislative Hearings due back on 5/3/2016

- 9      [RLH VBR 16-25](#)      Appeal of Bill Bernier to a Vacant Building Registration Requirement at 287 PAGE STREET EAST.

Sponsors:      Noecker

Laid Over to the Legislative Hearings due back on 5/3/2016