



# 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*

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Tuesday, May 28, 2013

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Remove/Repair Orders

- 1 [RLH RR 13-26](#) Ordering the rehabilitation or razing and removal of the structures at 217-219 WHITE BEAR AVENUE NORTH within fifteen (15) days after the June 5, 2013, City Council Public Hearing.

**Sponsors:** Lantry

*Remove the building within 15 days with no option for repair. (no changes from first hearing)*

*RE: 217-219 White Bear Ave N (duplex)*

*Michael Schleisman, Attorney, appeared representing Bank of America.*

*Ms. Moermond:*

- had a hearing on May 14, 2013 and no one was present*
- Ms. Vang received communication from Mr. Schleisman to lay this over to today*
- Mr. Magner read his report into the record*

*Inspector Steve Magner, Vacant Buildings:*

- The building is a split level wood frame and stucco duplex with a detached, two-stall garage on a lot of 7,937 square feet. According to our files, it has been a vacant building since November 23, 2011.*
- The current property owner is Xai Thao and Vuepao Thao per AMANDA and Ramsey County Property records.*
- On February 27, 2013, 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 11, 2013 with a compliance date of April 10, 2013. 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 \$30,400 on the land and \$93,400 on the building.*
- Real estate taxes are current through the first half of 2012.*
- The Vacant Building registration fees were paid by assessment on December 3, 2012.*
- As of May 10, 2013, a Code Compliance Inspection has not been done.*
- As of May 10, 2013, the \$5,000 performance deposit has not been posted.*

-There have been six (6) SUMMARY ABATEMENT NOTICES since 2011.

-There have been six (6) WORK ORDERS issued for:

- Garbage/rubbish
- Boarding/security
- Grass/weeds
- Snow/ice

Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$12,000.

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

Ms. Moermond:

- letter sent May 15, 2013 indicates that the hearing had been conducted and her recommendation to the Council that they order the building removed with no option for its rehabilitation

Mr. Schleisman:

- Bank of America holds the first mortgage on this property  
- the main issue for Bank of America is that the homeowner is in bankruptcy, Chapter 13, right now in Wisconsin and by law and the bank's policy and procedure, they will not do anything regarding the property until the stay is lifted; it's just policy to avoid sanctions by the state

Ms. Moermond:

- the Order to Abate a Nuisance building lists those items which define it as a nuisance building  
- the way that you correct a nuisance building is by having a Code Compliance Inspection done and fixing the items on that list  
- Code Compliance Inspection fee for a duplex: \$560

Mr. Schleisman:

- the homeowner also listed the property in the Chapter 13 plan as a surrender property (surrender to Bank of America); so they are really telling the bank to proceed with the foreclosure but the stay is in place so the bank can't commence any type of collection activity or anything that might be perceived as a collection activity, such as addressing any type of problem with the property until they are able to lift that stay; the bank is currently working on getting that stay lifted in WI  
- didn't come to the previous hearing because someone dropped the ball  
- filed in court Mar 25, 2011; the plan was confirmed May 27, 2011  
- Chapter 13 is a 3-5 year plan so, it will be in bankruptcy for 3-5 years unless the stay is lifted  
- the Bank of America is not maintaining the property; it's their policy not to touch property that's in bankruptcy

Ms. Moermond:

- assured Mr. Schleisman that the Bank of America could be out there mowing the lawn, etc.; they seemed to be barred from doing so by its own internal policy; it's not very good public policy for the city to endorse that situation  
- mortgage is between \$186,000-\$200,000  
- Mr. Schleisman can make the case to the City Council Jun 5, 2013  
- she doesn't see this circumstance changing in the near future; a motion has not even been made in WI and the bank hasn't taken any steps to maintain the property, yet the bank is asking for an indefinite period of time to fix it and sell it and that's not OK with the city

- the City Council may look at this differently but believes they will be looking for a more concrete plan

Mr. Schleisman:

- can't provide a time period; the stay has not been lifted

Ms. Moermond:

- will recommend the City Council order the building removed within 15 days with no option for rehabilitation

**Referred to the City Council due back on 6/5/2013**

**2**      [RLH RR 13-22](#)

Ordering the rehabilitation or razing and removal of the structures at 586 RICE STREET within fifteen (15) days after the May 15, 2013 City Council Public Hearing.

**Sponsors:**      Carter III

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

*RE: 586 Rice St (Bowling Alley-D-Recreational) The Stahl House*

*Inspector Steve Magner, Vacant Buildings:*

*- letter dated May 9, 2013 to Long Minh Nguyen, Kissimmee FL,*

*Dear Mr. Nguyen:*

*This is to confirm that on May 8, 2013, Marcia Moermond, Legislative Hearing Officer reviewed and approved the financial documentation provided by your son, Tri Nguyen. However, Tri Nguyen would need to submit a signed affidavit letter. I had related this information to Tri Nguyen on May 8 via a phone conversation. DSI staff also indicated that they have received the \$5,000 performance deposit. Therefore, Ms. Moermond will recommend to the City Council on Wednesday, May 15, 2013 at 5:30 p.m. in Room 300 Council Chambers, that the City Council refer the matter back to Legislative Hearing on Tuesday, May 28, 2013 at 9:00 a.m. in Room 330 City Hall to develop a work plan and continue the Public Hearing to Wednesday, June 5, 2013 at 5:30 p.m. in Room 300 Council Chambers. If you are unable to attend, please have a representative at the May 28, 2013 hearing.*

*If you have any further questions, you may contact me at 651-266-8563.*

*Sincerely,*

*Mai Vang*

*Legislative Hearing Coordinator*

*- the \$5,000 Performance Deposit was received May 9, 2013*

*- the team inspection was completed on May 10, 2013 and mailed out May 21, 2013*

*- the last re-inspection on May 13, 2013 indicated that the building was vacant and there was no sign of anyone on the lot or any activity*

Ms. Moermond:

- doesn't see a work plan and there's no one here to explain the lack of a work plan

- all that was to have been discussed today

- has no option but to recommend the Council order the building removed within 15 days with no option for rehabilitation

**Referred to the City Council due back on 6/5/2013**

**3**      [RLH RR 13-27](#)

Ordering the rehabilitation or razing and removal of the structures at 836

BURR STREET within fifteen (15) days after the June 19, 2013, City Council Public Hearing.

Sponsors: Brendmoen

*Remove the building within 15 days with no option for repair. (Owner(s) did not appear; neighbors appeared.)*

*RE: 836 Burr St (Apartments)*

*Jack Perkins and Matt Lemke, neighbors, appeared.*

*Inspector Steve Magner, Vacant Buildings:*

*-The building is a two-story, wood frame, multi-unit dwelling on a lot of 4,792 square feet. According to our files, it has been a vacant building since August 26, 2011.*

*-The current property owner is James R. Krampitz (deceased) and Ann M. Krampitz per AMANDA and Ramsey County Property records.*

*-On March 13, 2013, 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 18, 2013 with a compliance date of April 17, 2013. 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 \$60,000 on the land and \$129,700 on the building.*

*-Real estate taxes are delinquent from 2009 through the first half of 2013 in the total amount of \$24,561.69, plus penalty and interest. (Scheduled for tax forfeiture July 31, 2013)*

*-The Vacant Building registration fees were paid by assessment on September 28, 2012.*

*-As of May 24, 2013, a Team Inspection has not been done.*

*-As of May 24, 2013, the \$5,000 performance deposit has not been posted.*

*-There have been twenty (20) SUMMARY ABATEMENT NOTICES since 2011.*

*-There have been twenty (20) WORK ORDERS issued for:*

- Garbage/rubbish*
- Boarding/securing*
- Grass/weeds*
- Snow/ice*

*-Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$18,000.*

*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.*

*- he received a phone call from Ann M. Krampitz (left message last week) indicating that she was upset with this process; she thought that it wasn't right for the city to be going after the property right after her husband died and that she is grieving the loss; he understands that Mr. Krampitz died 2 years ago;*

*- noted that the deceased, James R. Krampitz was working on the house 2 years ago*

*- the city has been maintaining the property*

*- staff is not getting any reception from the Krampitz (in Owatonna)*

*- Ms. Krampitz obviously has been notified; she knew about the public hearing*

*Ms. Moermond:*

*- Ms. Amy Spong, Heritage Preservation Commission HPC, will be coming a little later*

*- the building has been significantly altered*

- doesn't think that Ramsey County has assessed this building for a very long time
- the lot is small; only 4,792 sq ft
- looks as though it was originally constructed as a single family home

Mr. Perkins:

- lives next door at 832 Burr; he rents from Matt Lemke

Mr. Lemke:

- has owned the house 1 door to the south at 832 Burr for 13 years
- he knew James Krampitz before he passed away
- the Krampitz have 2 other properties in the neighborhood that are also tax forfeited; he has never done any maintenance on any of them or just the bare minimum to get Section 8 housing approval
- they have been eye sores for at least 10 years
- Mr. Krampitz was an absentee landlord in the worst sense
- long after it was a vacant building, people still lived in it; not any more
- his property value is being negatively affected
- Mr. Krampitz started some work on it; started re-siding; it was half-sided
- it had a Condemned sign on it 3 years ago and there were still people living there then (was Condemned Jul 14, 2010)
- at some point, the city boarded it up and the people left; then, people came and took off the boards and went back inside; the city came back and boarded it up again
- he was living at 832 Burr at that time, so he knows firsthand what was going on

Mr. Perkins:

- he and his wife have been living at 832 Burr for about 1 1/2 years
- the property is a hotbed for vandalism; broken windows, etc.
- they have called the city multiple times and the city has responded every time by cleaning up or boarding or whatever
- they have not experienced squatters while they've been living there

Mr. Magner:

- at the original Condemnation in 2010, Southern Minnesota Regional Legal Services (SMRLS) was involved
- 4-29-11, there's a note that the son called indicating that his father had passed away and that the work would take longer than expected
- 8-2-11, there's a note, "Work has not been completed; property referred to Vacant Buildings; still open file"

Ms. Amy Spong, Heritage Preservation Commission (HPC):

- 1887 vernacular style
- many original features have been lost or not visible
- converted into flats in 1937
- front porch has been enclosed
- has aluminum windows; not original siding
- unique dead end street
- many of the buildings in this little area date from a similar time period
- was not part of 2011 survey
- there were 2 accessory buildings that were torn down during the Phalen Corridor Project
- demolition would not have an adverse affect

Ms. Moermond:

- looks completely and totally abandoned; very neglected
- will recommend the Council order this building removed within 15 days with no option for rehabilitation

- City Council Public Hearing Jun 19, 2013

Ms. Mai Vang:

- got a voice mail from Ms. Ann Krampitz saying that she is a school employee and could not get out to attend today's hearing; Ms. Vang left a message asking if she's wants to re-schedule or if she's planning not to attend at all

Ms. Moermond:

- Ms. Krampitz can go to the City Council Public Hearing and ask them to refer it back to LH  
- Ms. Vang will send her a letter indicating Ms. Moermond's recommendation

**Referred to the City Council due back on 6/19/2013**

**4**      [RLH RR 13-28](#)

Ordering the rehabilitation or razing and removal of the structures at 740 WESTERN AVENUE NORTH within fifteen (15) days after the June 19, 2013, City Council Public Hearing.

**Sponsors:**      Carter III

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

*RE: 740 Western Ave N (Single Family)*

*Inspector Steve Magner, Vacant Buildings:*

*-The building is a two-story, wood frame, duplex with a detached, two-stall garage on a lot of 6,970 square feet. According to our files, it has been a vacant building since December 14, 2011.*

*-The current property owner is Federal Home Loan Mortgage per AMANDA and Ramsey County Property records (ownership was transferred from JP Morgan Chase Bank to Federal Home Loan Mortgage on April 10, 2013).*

*-On March 22, 2013, 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 26, 2013 with a compliance date of April 25, 2013. 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 \$15,200 on the land and \$75,800 on the building.*

*-Real estate taxes are current through the first half of 2013.*

*-The Vacant Building registration fees were paid by assessment on January 3, 2013.*

*-As of May 24, 2013, a Code Compliance Inspection has not been done.*

*-As of May 24, 2013, the \$5,000 performance deposit has not been posted.*

*-There have been thirteen (13) SUMMARY ABATEMENT NOTICES since 2011.*

*-There have been eleven (11) WORK ORDERS issued for:*

- Garbage/rubbish*
- Boarding/security*
- Grass/weeds*
- Snow/ice*

*-Code Enforcement Officers estimate the cost to repair this structure exceeds \$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):*

- vernacular building built in 1888 as worker housing; across the street was the United States Bedding Company
- at the edge of a residential neighborhood
- front porch has been enclosed
- not original siding; not original windows
- property has had a lot of alterations
- can see there's hardwood floors inside
- poor integrity
- 1983 survey was the last one
- demolition would not have an adverse affect

Ms. Moermond:

- will recommend the Council order the building removed within 15 days with no option for rehabilitation

**Referred to the City Council due back on 6/19/2013**

## 11:00 a.m. Hearings

### Summary Abatement Orders

- 5 [RLH SAO 13-19](#) Appeal of Jinsil Hwang to a Summary Abatement Order at 1202 PACIFIC STREET.

**Sponsors:** Lantry

*Inspector gave an extension; therefore, the appeal has been withdrawn.*

**Withdrawn**

### Fire Certificates of Occupancy

## 11:30 a.m. Hearings

- 6 **RLH FCO 13-137** Appeal of Jon T. Kotch, Wiser Time PMG, LLC to a Fire Certificate of Occupancy Correction Notice at 1996 ASHLAND AVENUE.

**Sponsors:** Stark

*Grant until August 1, 2013 for other kinds of repair work; grant until September 1, 2013 for parking issue and painting; forthcoming on the porch issue.*

*RE: 1996 Ashland Ave (Single Family)*

*Jon T. Kotch, Wiser Time PMG, LLC, owner, appeared.*

*Fire Inspector Leanna Shaff:*

- Fire Certificate of Occupancy inspection conducted on May 6, 2013 by Student Housing Fire Inspector Mike Urmann
- 12 deficiencies are listed; most are exterior issues
- photos
- is not quite sure which items are being appealed

*Mr. Kotch:*

- has questions to clarify what is expected to be done before he puts the work and money into the repairs
- has had multiple contractors come to look
- #1-parking spaces in back yard: Mr. Urmann met with the professional property manager; they discussed several things in the parking area; Mr. Kotch also called Mr. Urmann to make sure he understood what the inspector was looking for
- has photos and also sketched out the dimensions of the parking area; he brought up the photos and sketch to review with Ms. Moermond and Mr. Shaff
- Mr. Urmann was mainly concerned about a limestone area, approximately 15 ft x 16 ft; he was concerned about people parking on that area; Mr. Kotch is proposing to dig out the limestone (looks like class 5) and use that material to fill in the sides of the front driveway and near the sidewalk; he intends to put grass from where he took out the limestone
- the garage was taken down but the concrete slab is still there
- a good part of the back yard is being used as parking
- he suggested filling in the area with class 5 to define the parking area with a curb and plant grass in the rest of the area; will be using treated lumber to outline the parking area
- the alley is asphalt
- they took a look at the photos Mr. Urmann took and some aerial photos
- the house has been approved for 4 tenants; he'd like 4 parking spaces
- drew a diagram of lot with house, parking area, etc. (Ms. Vang scanned it into record)
- #2-exterior burning has already been remedied
- #3-one area where soffit and fascia need to be repaired/replaced (NW corner of house)- 2 contractors looked at it-wants to make sure it's just that one spot that needs fixing
- is getting bids to fix the roof tile
- painting wood exterior 2-tone look - had 2 contractors look at it; Mr. Urmann was vague as to what exactly he wanted painted (he thinks that all grey areas need to be painted; the tan areas need touch-up); this is an enormous job, over 2000 sq.ft. of area to cover; is trying to budget so that he can take care of it in a timely manner; waiting to hear back on the bids
- 4 students rent here; bought house in 2004-top of the market; property taxes have significantly increased
- #5-west porch: talked to Mr. Urmann on the phone and he said that the porch was falling from the house and falling apart; had 3 contractors look at it and they said that there are no structural items that are failing; the door needs to be repaired; the floor needs to be replaced; the railing needs to be redone and re-painted

Ms. Moermond:

- the photos show wood steps that are in bad condition and a gap between the house and the steps)
- doesn't like that you open the door and step up
- she can't tell if the porch is separated from the house

Ms. Shaff:

- wonders whether there's rot in the structural members
- all the risers and rungs of the steps need to be the same
- the handrail needs to be the length of the steps and it needs to be grippable (Mr. Kotch: will replace the handrail; fix the door and the floor)

Mr. Kotch:

- #11 - need test
- #12 - need to get smoke detector affidavit (link on last page of orders)
- would like more time



*Ms. Moermond:*

- *back area: A lot of the concrete is in bad shape; and it's not OK that you use class 5 for it; it is abutting the asphalt alley so, it, too, needs to be asphalt; she likes the idea of re-using the limestone but in this case, she needs to say, "No;"*
- *creating green space is great*

*Ms. Shaff:*

- *is concerned that there is too much parking area for the size of the lot (zoning)*
- *good idea to talk to zoning about draining issues, setbacks, using limestone for landscaping, etc.*

*Ms. Moermond:*

- *she can't make zoning calls; she can respond only to the orders written*
- *will call to get a building inspector to go out and look at the porch / steps*
- *she's OK with touch-up paint on the tan and repainting the rest*
- *railings/handrails need to be grippable*
- *fix NW soffit/fascia area*
- *cant' use the limestone for parking; she also thinks he has too much parking/paved surface for the lot size; he could just go ahead and remove the limestone/class 5, put in curb and not call zoning - put in top soil and seed it with grass*
- *digging up gravel and removing it does not require a permit (for this size)*
- *timeline on porch is forthcoming, depending on evaluation*

**Referred to the City Council due back on 6/19/2013**