



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, August 14, 2012

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 **RLH RR** Ordering the razing and removal of the structures at 1132 CENTRAL
12-48 AVENUE WEST within fifteen (15) days after the August 1, 2012 City
 Council Public Hearing. (To be referred back to Legislative Hearing on
 August 14, 2012 and City Council Public Hearing on September 5, 2012)

Sponsors: Carter III

Forthcoming. Owner will need to post the \$5,000 performance deposit, order a code compliance inspection, provide a work plan with timelines for the project, provide financial documentation such as a construction loan, a line of credit or bank statement, contractor bids, power of attorney from Abdul Matin, and pay outstanding real estate taxes.

Referred to the City Council due back on 9/5/2012

- 2 **RLH RR** Ordering the rehabilitation or razing and removal of the structures at 1673
12-27 COTTAGE AVENUE EAST within fifteen (15) days after the July 3, 2012,
 City Council Public Hearing. (To be referred back to Legislative Hearing on
 August 14 and City Council Public Hearing on September 5, 2012)

Sponsors: Bostrom

Remove within 15 days with no option for repair

Referred to the City Council due back on 9/5/2012

- 3 [RLH RR](#) Ordering the rehabilitation or razing and removal of the structures at 579
[12-56](#) FOREST STREET within fifteen (15) days after the August 15, 2012 City
 Council Public Hearing.

Sponsors: Lantry

Ms. Moermond will ask the City Council to continue the public hearing to September 5. In the meantime, a \$5,000 performance deposit must be posted and outstanding

real estate taxes must be paid.

RE: 579 Forest St (duplex)

Patrick Marley, owner, appeared.

Ms. Moermond:

- was looking for the \$5,000 Performance Deposit so that she could slow down the process

Mr. Marley:

- was considering going with Covenant Capital and they have agreed to pay that Performance Deposit; unfortunately, neither of them could be here today

- they gave him a letter of credit and a bid on the rehab

- Ben, one of the partners, had talked to someone in Vacant Buildings, told him they were involved but could not be here today; Covenant Capital will post the bond, pay the back taxes, etc., when their bid is approved (possibly Thu, Aug 16, 2012)

- entered the letter of credit

- he talked with the Attorney General's Office and they assured him Covenant Capital was a viable business with a good record

- he did get to other bids: 1) incomplete; and 2) was quite a bit less than Mr. Zach and his company

- decided to go with Covenant Capital because: 1) they would give him a letter of credit; and 2) they will do a good job on the rehab \$75,000 and they would do the same things I would do

- when they are finished, Mr. Marley can either get his own mortgage or transfer the property to them

- as soon as the plan is approved, they are ready to start

Ms. Moermond:

- scanned the documents submitted and gave them to Mr. Magner for review

Steve Magner, Vacant Buildings:

- this duplex has been vacant since 2007; doesn't know the zoning but there might be an issue with a nonconforming use there

- needs to verify the use; is it allowable because it was inspected as a duplex; he will get back to Ms. Moermond later today

- maybe it would be appropriate to lay this over

- will need to know more about this investment group

Ms. Moermond:

- the lot size is 4,000 sq. ft. and the duplex would need to be deconverted back to single family home unless Mr. Marley can get approval to continue to use it as a duplex

- scheduled to be a City Council tomorrow; she had hoped that the Performance Deposit would have been posted as a sign of good will and intent to do the rehab and based on that posting, she would ask for a layover at Council

Mr. Marley:

- was apologetic about the Performance Deposit not being posted yet but he has no reason to believe that Covenant Capital won't do exactly what they said they would do; it will just have to wait until they get back from their other business

Mr. Moermond:

- will recommend that City Council lay this over to Sep 5, 2012 City Council Public Hearing

- will look for the Performance Deposit having been posted, the taxes paid and a Work Plan with timelines
- is looking for more information about Covenant Capital
- Mr. Marley has a wonderful history of taking care of the property and being on the spot with managing things
- Mr. Marley will get a letter from Mai Vang (the previous letter was returned; Ms. Vang will send an email along with a letter)

Referred to the City Council due back on 8/15/2012

- 4** **RLH RR**
12-28
- Ordering the rehabilitation or razing and removal of the structures at 466 IGLEHART AVENUE within fifteen (15) days after the July 3, 2012 City Council Public Hearing.

Sponsors: Carter III

Remove or repair within 45 days.

Referred to the City Council due back on 9/5/2012

- 5** **RLH OA**
12-57
- Ordering the rehabilitation or razing and removal of the structures at 777 LAWSON AVENUE EAST within fifteen (15) days after the June 20, 2012 City Council Public Hearing. (Adopted File No. RLH RR 12-21 by Council on July 18, 2012)

Sponsors: Bostrom

Referred to the City Council due back on 9/5/2012

- 6** **RLH RR**
12-29
- Ordering the rehabilitation or razing and removal of the structures at 451 SELBY AVENUE within fifteen (15) days after the July 3, 2012, City Council Public Hearing. (To be referred back to a Legislative Hearing on July 10 and continue City Council public hearing to July 18)

Sponsors: Carter III

Remove or repair within 45 days.

Referred to the City Council due back on 9/5/2012

- 7** [RLH RR](#)
[12-61](#)
- Ordering the rehabilitation or razing and removal of the structures at 705 SEVENTH STREET EAST within fifteen (15) days after the August 15, 2012 City Council Public Hearing.

Sponsors: Lantry

Remove within 15 days with no option for repair.

705 Seventh Street East

No one appeared. No bond posted nor team inspection obtained.

Ms. Moermond:

- *at the hearing on July 24, 2012, were looking for a performance deposit to be posted.*
- *has a note that it had not been posted*
- *asked if there was a team inspection*

??

- *was not a bond posted on this property*

Ms. Moermond:

- *lacking the bond being posted and the owner knew that had to be done, assume he will not try to save the property*
- *recommends removal of the property within 15 days with no option for repair*

Referred to the City Council due back on 8/15/2012

8 [RLH RR
12-31](#)

Ordering the rehabilitation or razing and removal of the structures at 702 THIRD STREET EAST within fifteen (15) days after the July 3, 2012 City Council Public Hearing. (To be referred back to Legislative Hearing on September 11, 2012 and City Council public hearing on October 3, 2012)

Sponsors: Lantry

To be referred back to Legislative Hearing on September 11, 2012 and City Council Public Hearing on October 3, 2012.

Forthcoming on recommendation.

RE: 702 3rd St E (duplex)

Charles Delisi, owner, appeared, along with his sister.

Ms. Moermond:

- *we did the layover; the Performance Deposit was posted; looking for funding to do the rehab*

Mr. Delisi:

- *talked with Jim Urchel, Dayton's Bluff Neighborhood Housing Services*
- *Mr. Urchel looked at the Code Compliance Inspection Report and estimated that the rehab would cost anywhere from \$100,000 - \$200,000*
- *based on that Mr. Delisi went to his Credit Union, who said they could not give him a loan for that kind of money*
- *he would not be able to make the payments plus pay bills without going into his savings*
- *his mortgage is a little under \$54,000*

Ms. Moermond:

- *the city's estimate to get the house up to code comes to approximately more than \$50,000 (some can do it for less and others for a lot more)*
- *the difference is in whether you stick to the very minimum to make it code compliant or do a marketable rehab*

Mr. Delisi's sister:

- *her husband can do a lot of this work but is not a licensed contractor*

- her son is a journeyman electrician

Steve Magner, Vacant Buildings:

- the owner of the property can pull a permit to do the building items
- plumbing, electrical and heating items need to be done by a licensed contractor under permits
- recommends that they secure about 3 bids for the repairs to get an idea of the costs
- estimate of \$50,000 is what he thinks the base minimum would be to bring the house up to code; Mr. Urchel's estimate is basically, for renovating it up to a new house standard, ready to go

Mr. Urchel, Dayton's Bluff Neighborhood Housing Services:

- construction managers and a general contractor went through the property and considered everything
- they proposed to acquire it and renovate it
- appraisal is \$24,000; he owes \$54,000
- basically, Mr. Delisi would end up not owing anyone anything
- after renovation, the appraisal would probably come in between \$140,000 - \$150,000

Mr. Delisi's sister:

- if Dayton's Bluff NHS acquired the house, she would be out 17 years of mortgage payments, plus everything else she's paid

Mr. Delisi:

- Mr. Urchel's proposal is probably the best for him; he doesn't think that he could keep up payments like that
- another issue, his union is negotiating a contract and he doesn't know what's going to happen with that; he could end up on strike
- is waiting for the insurance company to come through for the roof; it's leaking when it rains

Ms. Moermond:

- wants the house to stay
- the Delisi's need to talk about this; evaluate the options
- she will lay this over to Sep 11, 2012 LH; at City Council Public Hearing Oct 3, 2012
- at City Council tomorrow, she will ask them to lay this over to Oct 3, 2012
- advised the Delisi to hold off on doing roof repair until they figure out some of the financial details
- in the next month, she will look for financial ability documentation, a work plan and a plan for transferring it to Dayton's Bluff Nbhd Hsng Srvs

Referred to the City Council due back on 8/15/2012

**9 RLH RR
12-64**

Ordering the rehabilitation or razing and removal of the structures at 849 CASE AVENUE within fifteen (15) days after the September 5, 2012, City Council Public Hearing.

Sponsors: Bostrom

Remove within 15 days with no option for repair

No one appeared.

Referred to the City Council due back on 9/5/2012

- 10 RLH RR
12-65** Ordering the rehabilitation or razing and removal of the structures at 980 EUCLID STREET within fifteen (15) days after the September 5, 2012, City Council Public Hearing.
- Sponsors:** Lantry
- Owner must provide a purchase agreement by August 17 and the following conditions must be met by August 29 in order for grant of time:*
- 1) *work plan with timelines, in accordance with the code compliance inspection report;*
 - 2) *financial documentation, such as construction loan, line of credit or bank statement for the project;*
 - 3) *post the \$5,000 performance deposit;*
 - 4) *obtain a code compliance inspection;*
 - 5) *the property must be maintained.*
- Referred to the City Council due back on 9/5/2012**
- 11 RLH RR
12-66** Ordering the rehabilitation or razing and removal of the structures at 212 MAPLE STREET within fifteen (15) days after the September 5, 2012, City Council Public Hearing.
- Sponsors:** Lantry
- Eric Flick (sp?), Attorney at Usset, Weingarden and Liebo, called and stated client would like to request a continuance for 212 Maple Street. Ms. Moermond allowed the continuance provided that his client post the \$5,000 performance deposit by the close of business on August 31st. A layover would be contingent upon posting the bond. If condition is not met, Ms. Moermond recommends removal of the building within 15 days with no option for repair.*
- Referred to the City Council due back on 9/5/2012**
- 12 RLH RR
12-67** Ordering the rehabilitation or razing and removal of the structures at 921 WELLS STREET within fifteen (15) days after the August 5, 2012, City Council Public Hearing.
- Sponsors:** Bostrom
- Remove within 15 days with no option for repairs. (No show)*
- Referred to the City Council due back on 9/5/2012**
- 13 RLH RR
12-68** Ordering the rehabilitation or razing and removal of the structures at 601 WESTERN AVENUE NORTH within fifteen (15) days after the September 5, 2012, City Council Public Hearing.
- Sponsors:** Carter III
- Owner must provide a work plan with timelines for the project by the close of business on August 28. Recommendation is forthcoming.*
- Referred to the City Council due back on 9/5/2012**

- 19 [RLH FCO](#)
 [12-509](#) Appeal of James Wrich, JWA Investments, LLC, to a Fire Certificate of Occupancy Correction Notice (Condemnation Unit 978, no electrical service) at 980 OMABAN STREET.

Sponsors: Bostrom

Electrical service is back on.

Withdrawn

12:00 p.m. Hearings

- 20 [RLH SAO](#)
 [12-22](#) Appeal of Leslie A. Miller and James Skoog to a Notice to Cut Tall Grass and/or Weeds at 766 FORSTER STREET.

Sponsors: Thune

1:30 p.m. Hearings

Fire Certificates of Occupancy (CPH 9/5/12)

- 21 **RLH FCO**
 12-500 Appeal of Gregory Hauser to a Fire Certificate of Occupancy Correction Notice at 1328 BUSH AVENUE.

Sponsors: Lantry

Grant the appeal.

Referred to the City Council due back on 9/19/2012

- 22 **RLH FCO**
 12-503 Appeal of Alan L. Peterson to a Correction Notice-Reinspection Complaint at 1010 CASE AVENUE.

Sponsors: Bostrom

Deny the appeal due to no show. (windows are on hold)

Referred to the City Council due back on 9/19/2012

- 23 **RLH FCO**
 12-505 Appeal of Wendy Conard to a Correction Notice at 1185 COOK AVENUE EAST.

Sponsors: Bostrom

Deny the appeal on the ceiling height for the west bedroom. Recommendation on east bedroom is forthcoming. Owner to provide photos of the east bedroom.

Referred to the City Council due back on 9/19/2012

- 24 [RLH FCO](#)
 [12-510](#) Appeal of Margaret Uriah to a Correction Order - Re-Inspection Complaint at 410 VAN BUREN AVENUE.

Sponsors: Carter III

Inspector Martin ok'd the driveway.

Withdrawn

- 25** **RLH FCO** Appeal of Roxanne W. Larsen to a Fire Certificate of Occupancy Approval
12-497 With Corrections at 684 ROSE AVENUE EAST.
- Sponsors:** Bostrom
- Ms. Moermond will give a staff report by August 28 and based on that staff report she will make a determination of when the building needs to be vacated. If the owner resolved the issue with HRA, then she would recommend until September 30, 2012 to replace the furnace and if owner is not going to replace the furnace, then grant until October 15 to vacate the property. (Owner would prefer October 1, 2012 for vacate date-she will communicate with Supervisor Shaff on this).*
- Referred to the City Council due back on 9/19/2012**
- 26** **RLH FCO** Appeal of Derick Gallagher to a Fire Inspection Correction Notice at 1741
12-502 VAN BUREN AVENUE.
- Sponsors:** Stark
- Referred to the City Council**
- 27** [RLH FCO](#) Appeal of Tom Moua/Mor Moua to a Fire Inspection Correction Notice at 816
[12-506](#) EDMUND AVENUE.
- Sponsors:** Carter III
- 28** [RLH FCO](#) Appeal of John Curtiss to a Correction Notice-Complaint Inspection at 265
[12-488](#) SUMMIT AVENUE.
- Sponsors:** Carter III
- 29** [RLH FCO](#) Appeal of Gordon Mergens to a Re-Inspection Fire Certificate of Occupancy
[12-501](#) Correction Notice at 238 LEXINGTON PARKWAY NORTH.
- Sponsors:** Carter III
- 30** [RLH FCO](#) Appeal of Alena Kulp to a Fire Inspection Correction Notice at 528 and 530
[12-490](#) SHERBURNE AVENUE.
- Sponsors:** Carter III

2:30 p.m. Hearings

Vacant Building Registrations (CPH 9/5/12)

- 31** **RLH VBR** Appeal of Craig and Elsie Fohrenkamm to a Vacant Building Registration
12-42 Notice at 744 Third Street East.
- Sponsors:** Lantry

Deny and grant until September 21, 2012 to come into compliance.

Ms. Moermond:

- *previously was a question whether this should be a Category 1 or 2 Registered Vacant Building.*
- *had asked that inspectors go back out to look at the building and make a separate determination of what the conditions are and how they assessed it looking at the vacant building.*

Ms. Shaff:

- *she and Inspector went to the property on July 26, 2012.*
- *did not have access to the interior.*
- *stairway needs a handrail, there's a lot of rotting wood with some loose pieces*
- *a shed on the south side that is dilapidated*
- *multiple areas of chipping/peeling paint, rotting wood, noxious weeds*
- *in general, a lot of deferred maintenance*
- *according to the definition of a vacant building, would qualify as a Category 2*

Ms. Fohrenkamm:

- *sold the property on a contract for deed and the Fohrenkamms eventually got it back*
- *property was not in their hands when this all happened*
- *they are not in a position to do this type of painting*
- *she accepted a proposal from Andrew Dick to purchase the property and they closed on it on August 2*
- *she did not get notice of inspections*
- *is a concrete building so it's not falling*
- *Mr. Dick has started work on it and does not feel he should be put in the position of having to take on a vacant building*
- *will not be a vacant building; he has applied for a license*

Andrew Dick:

- *the Fohrenkamms could not take care of the building and moved as quickly as they could*
- *has taken over the building*
- *has a history of rehabbing buildings*
- *has taken care of the weeds*
- *started fixing exterior & and replacing rotted wood*
- *most of the building has been painted*
- *fire extinguishers have been updated*
- *fire suppression system in paint booth has been updated and will be checked every six months*
- *found reputable tenants to rent the first of September*
- *talked to Licensing before they closed on the property*
- *trying to contact Karin DuPaul, District 4 Community Council*
- *has talked to Inspector Dave Bergman*
- *there was an arson fire in his other mechanic shop in January and he had it up and rented to a new renter within in two months*
- *signed an escrow agreement when closed on the property saying if it remained a Cat. 2, \$7500 is earmarked for him to get back; if it's a Cat. 1, the Fohrenkamms would get the \$7500*
- *would like to get someone into the building by September 1*
- *showed Ms. Moermond documents and pictures*

Ms. Moermond:

- *will recommend that the City Council require it to be a Category 2 Registered Vacant Building and waive the vacant building fee*

- Category 2 because she sees exterior code violations at the time the determination was made
- does not know what's going on with the inside of the building
- the Council may see it differently than she does

Mr. Dick:

- thought if it wasn't vacant for more than a year it was Category 1; seems like a big gray area

Ms. Moermond:

- have a C of O revocation and multiple code violations
- 43.02 Sub. 7 outlines the different parts of the definition

Ms. Shaff:

- C of O was revoked/unoccupied on 9/2/11

Referred to the City Council due back on 8/15/2012

- 32** [RLH VBR
12-50](#) Appeal of Kerry Koller, Central Bank, to a Vacant Building Registration Notice at 293 BANFIL STREET.
- Sponsors:** Thune
- 33** [RLH VBR
12-49](#) Appeal of Julie Kosbab to a Vacant Building Registration Notice at 1240 BEECH STREET.
- Sponsors:** Lantry
- 34** [RLH VBR
12-52](#) Appeal of Jintu Wang, on behalf of Seu Fung, to a Vacant Building Registration Notice at 795 ENGLEWOOD AVENUE.
- Sponsors:** Carter III
- 35** [RLH VBR
12-54](#) Appeal of Jon D. Nelson, TCF National Bank, to a Vacant Building Registration Requirement and Order to Vacate at 670 SMITH AVENUE SOUTH.
- Sponsors:** Thune

Other

Staff Reports

- 36** [RLH FCO
12-468](#) Appeal of Binh Le to a Fire Certificate of Occupancy Correction Notice at 869 BEECH STREET (Ceiling Height).
- Sponsors:** Lantry
- 37** [RLH FCO
12-470](#) Appeal of James Buhler to a Correction Notice-Complaint Inspection at 237 and 239 MACKUBIN STREET.
- Sponsors:** Carter III

Window Variances: No Hearing Necessary