



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
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651-266-8585

Tuesday, September 20, 2016

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 16-451](#) Ratifying the Appealed Special Tax Assessment for Property at 995 BEECH STREET. (File No. VB1614A, Assessment No. 168825)

Sponsors: Prince

Initial public hearing on September 21; Remove for separate consideration and continue public hearing to October 5 to go with File No. RLH TA 16-452. Appellant did not appear; therefore, approve the assessment.

Referred to the City Council due back on 10/5/2016
- 2 [RLH TA 16-452](#) Ratifying the Appealed Special Tax Assessment for Property at 995 BEECH STREET. (File No. J1614A, Assessment No. 168537)

Sponsors: Prince

Approve; no show.

Referred to the City Council due back on 10/5/2016
- 3 **RLH TA 16-459** Ratifying the Appealed Special Tax Assessment for Property at 402 FRY STREET (File No. VB1701, Assessment No. 178800).

Sponsors: Stark

Approve the assessment.

Referred to the City Council due back on 1/4/2017
- 4 [RLH TA 16-450](#) Ratifying the Appealed Special Tax Assessment for Property at 81 GERANIUM AVENUE EAST (File No. J1701E, Assessment No. 178300).

Sponsors: Brendmoen

Laid Over to the Legislative Hearings due back on 12/6/2016

Referred to the City Council due back on 1/4/2017

- 11 **RLH TA 16-447** Ratifying the Appealed Special Tax Assessment for Property at 389 ROBERT STREET SOUTH (File No. CRT1701, Assessment No. 178200).

Sponsors: Noecker

Approve; no show.

Referred to the City Council due back on 1/4/2017

- 12 **RLH TA 16-460** Ratifying the Appealed Special Tax Assessment for Property at 346 SHERBURNE AVENUE (File No. VB1701, Assessment No.178800).

Sponsors: Thao

Approve; no show.

Referred to the City Council due back on 1/4/2017

- 13 **RLH TA 16-462** Ratifying the Appealed Special Tax Assessment for Property at 1083 SIXTH STREET EAST (File No. J1701B, Assessment No. 178100).

Sponsors: Prince

Approve and spread payments over 5 years.

Referred to the City Council due back on 1/4/2017

- 14 **RLH TA 16-454** Ratifying the Appealed Special Tax Assessment for Property at 389 UNIVERSITY AVENUE WEST, (File No. J1701B, Assessment No.178100)

Sponsors: Thao

Approve and spread payments over 3 years.

Referred to the City Council due back on 1/4/2017

- 15 **RLH TA 16-449** Ratifying the Appealed Special Tax Assessment for Property at 2169 WATSON AVENUE (File No. VB1701, Assessment No. 178800).

Sponsors: Tolbert

If all permits are closed by January 4th, LHO will delete the assessment.

Referred to the City Council due back on 1/4/2017

- 16 [RLH TA 16-433](#) Deleting the Appealed Special Tax Assessment for Property at 601 WESTERN AVENUE NORTH. (File No. J1614A, Assessment No. 168537)

Sponsors: Thao

Ameena Samatar, owner, appeared.

Inspector Paula Seeley:

*-Summary Abatement Order issued to remove tall grass & weeds Jun 22, 2016; compliance Jun 26; re-checked Jun 27
-work done Jun 28 for a cost of \$80 + \$160 service charge = \$240
-Orders sent to Alex T Jerome, 3036 5th Ave S, Mpls and to Occupant
-no mail returned
-no VIDEO*

Ms. Samatar:

*-I cut the grass there on Jun 16; surprised - how can it be too tall on Jun 22?
-I was abroad on the 27th*

Ms. Moermond:

*-showed Ms. Samatar the photos
-grass & weeds can't be over 8 inches*

Ms. Samatar:

-now, I have a grass mowing service

Ms. Moermond:

*-she needs to determine whether or not that constituted a nuisance condition; is it longer than 8 inches tall?
and did the city do the work?
-the problem is that Parks didn't get the VIDEO to Ms. Seeley
-the photos show a violation but without the VIDEO, she needs to recommend DELETION
-for future reference, that grass is way too tall
-there must have been a lot of rain during that period that would have required extra mowing; should have back-up help during those times when you are out of town*

Delete the assessment.

Referred to the City Council due back on 10/5/2016

- 17 RLH TA 16-458** Ratifying the Appealed Special Tax Assessment for Property at 664 YORK AVENUE (File No. VB1701, Assessment No. 178800).

Sponsors: Bostrom

Reduce assessment from \$2240.00 to \$400.00.

Referred to the City Council due back on 1/4/2017

Special Tax Assessments - ROLLS

- 18 RLH AR 16-75** Ratifying the assessments for Fire Certificate of Occupancy fees billed during April 12 to May 6, 2016. (File No. CRT1701, Assessment No. 178200)

Sponsors: Stark

Referred to the City Council due back on 1/4/2017

- 19 **RLH AR 16-76** Ratifying the assessments for Vacant Building Registration fees billed during January 1 to May 20, 2016. (File No. VB1701, Assessment No. 178800)
- Sponsors: Stark
- Referred to the City Council due back on 1/4/2017**
- 20 **RLH AR 16-77** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during May 9 to 20, 2016. (File No. J1701E, Assessment No. 178300)
- Sponsors: Stark
- Referred to the City Council due back on 1/4/2017**
- 21 **RLH AR 16-78** Ratifying the assessments for Boarding and/or Securing services during June 2016. (File No. J1701B, Assessment No. 178100)
- Sponsors: Stark
- Referred to the City Council due back on 1/4/2017**

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 22 **RLH FCO
16-128** Appeal of Casey A. Swaim to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 886 EDMUND AVENUE.
- Sponsors: Thao
- Casey A Swaim & Terese M Quaale, owners, appeared.*
- Fire Inspector A J Neis:*
- update: photos have been entered & we were waiting to get an update from the Appellants*
- this is the one where he thought that weed killer could go a long way in cleaning up the parking area; also making some clear, definitive boundaries*
- Ms. Swaim & Ms. Quaale:*
- provided a site plan and photos of what has been done; Mr. Neis also viewed*
- we talked about getting rid of the weeds where class 5 was; DONE*
- we came up with a plan to get some landscape timbers or something like that to put out 4 feet from the fence, etc.*
- this property is currently on the market; and in our disclosure, we said that the new owners would have to be responsible for these Orders*
- called Zoning the last day that we were here; pkg spots are 9 x 18*
- talked to Jerome Benner about recycled asphalt and he said that we can't use recycled asphalt; you have to use asphalt and you can't use class 5; Jerome send me to Carrie at 266-9074, she said, "No problem as long as it's impervious;" she said the Zoning Code said it was asphalt, concrete or durable dustless surfacing; she sent me back to Jerome in Zoning; he said that recycled asphalt wouldn't be liquid like asphalt; I asked him if he ever saw asphalt being put down or pot holes being filled*

because that's not a liquid product; he was thinking of tar; then, he sent me to Code Enforcement, who's in the office only between 7 and 9 am daily; then, I called and talked to Maynard, who said that there was no one in the dept who takes calls during the day but he said that I could use tar, cement, pavers, etc. and come down to DSI and someone could answer my question on recycled asphalt; sent me back to Karen Zacho

-asphalt is made up of 4 different products: sand, sand dust, crushed rock (95%); the 4th component is processed crude oil to bind it; as it cools, it hardens; recycled asphalt is ground into aggregate size; then, it's compacted to harden & bind together; I worked in construction for 32 years

-I couldn't get answers on why the city of St. Paul won't use recycled asphalt; most contractors are going green; my preferred product for this job is class 5; my second choice is recycled asphalt (contractors don't always have it & Shifsky had it be they were extended out for the rest of the year)

-when Karen Zacho called back, she said asphalt or concrete, which is a big expense to do that when the house is on the market

-they want the buyer to assume the 2 items on the list

Ms. Moermond:

-you've gone a long way to make things better here

-having a hard time with the fact that 1/3 of the surface is old asphalt underneath; does the whole thing have to become recycled asphalt now?

Ms. Quaale:

-that will all have to be dug out to put asphalt in there

-class 5 is substantially more affordable

Ms. Moermond:

-this has been existing parking for a very long time and it's clear that it wasn't completely covered with asphalt

-would like a little more certainty on the legal interpretation

-if it were simply class 5, I could do that right here; but Zoning's position is it's "asphalt" (has to be re-asphalted); I want to talk to their people

-I will recommend deadlines: Jul 1, 2017 for the roof; and Jun 1, 2017 for the parking; but that doesn't resolve what type of surfacing should be used

Ms. Swaim:

-what do we do about the C of O?

Mr. Neis:

-if there are no outstanding violations, we would approve with corrections

Ms. Moermond:

-will talk to the City Attorney's Office to see what he thinks about the situation

Grant an extension to June 1, 2017 for the parking surface and July 1, 2017 for the roof.

Referred to the City Council due back on 10/19/2016

**23 RLH FCO
16-131**

Appeal of Leo Cassady to a Fire Safety Inspection Appointment at 628 WESTERN AVENUE NORTH.

Sponsors: Thao

Leo Cassady, owner, appeared.

Ms. Moermond:

-you said that you were the owner-occupant and didn't need a Certificate of Occupancy

-we learned that you don't use a lot of water here and spend most of your time living in Mapleton, MN

Mr. Cassidy:

-I don't homestead in Mapleton; I did at one time but I don't not at this time; I dropped the homestead on the Mapleton property so that I could homestead this house so that I don't run into this mess

Ms. Moermond:

-that's exactly the opposite of what the record shows, so that's good to know

Mr. Cassidy:

-right now, I don't have any homesteaded property anywhere

Ms. Moermond:

-so, where do you want to go from here?

Mr. Cassidy:

-I don't want to live in a city that says, "You don't buy enough water;" I didn't know water was such a lucrative sale item for the city of St. Paul

-I have a dozen people who are interested to find out the decision here today because this is so crazy; half of them don't believe that this is actually happening; and the other half say, "Leo, you're getting voted off the island because someone's afraid they're going to get fired because they're not selling enough water"

Ms. Moermond:

-we have a computer system that found that your address in Mapleton, MN is not the same as your address here in St. Paul; so, it looks to the computer system like that address in St. Paul is a rental property; you say that this is your property that you occasionally go to; you're telling me that you are owner-occupying both properties; the information says that you're not

-this isn't a water usage test; we just want to know what it is

-do you want to keep this?

Mr. Cassidy:

-I'll sell the property; I don't want to go thru this every 3-4 years

Ms. Moermond:

-you don't need to do that; but what do you want to do? Do you want to keep this and homestead it? Is it something you want to rent to someone? Do you want just to be there? I don't know what your intention is

Mr. Cassidy:

-I'm not doing anything illegal; so, why am I being brought in ?

-it is not a rental property; I explained my situation

-I want to be an owner-occupied property where I have the right to sell it if I so please to, today, next month or next year; don't I have a right? It's mine

-I live there sometimes; my son hasn't lived there for over 5 years

Fire Inspector A J Neis:

-this situation is unique; this is not about water usage; basically, it's flagged basically to find out if it's owner occupied or what

-just to be clear, the Ordinance does not say "rental" or "non rental;" it says, "Owner

occupied vs. non Owner occupied"

Ms. Moermond:

-I will recommend to the City Council that you not be required to have a Certificate of Occupancy as a rental property because you're not

Grant the appeal for owner to be released from the Fire C of O Program.

Referred to the City Council due back on 10/19/2016

24 [RLH FCO](#)
[16-135](#)

Appeal of Jason Lien, on behalf of Talon First Trust, LLC/Jackson I LLC to a Fire Inspection Correction Notice at 180 FIFTH STREET EAST.

Sponsors: Noecker

Jason Lien, Talon First Trust LLC/Jackson 1 LLC and Gary Buckley, operations manager for the building, appeared.

Fire Inspector A J Neis:

-Fire Certificate of Occupancy Correction Notice issued by Fire Inspector Kris Skow-Fiske

-of the 134 code violations, 2 are being appealed: they are asking that #99 & #105 be removed from the list

-#99 -repairing beam protection in the basement; and #105 -repair & maintain the required fire resistive construction in the basement

-a letter is attached from Jason Lien to Inspector Skow-Fiske asking that #99 & #105 be removed from the Correction Notice; asking that they no longer be required

Ms. Moermond:

-sounds like the Met Council plays a role in this

Mr. Lien:

-he entered 3 supplemental documents:

1) a 4-page Power Point that summarizing our position & the important facts in this matter (history & how we got to this point); he went thru the slides: the area in question is called an "areaway," which is a public right-of-way that's under the sidewalks abutting the building; specifically, this areaway is on 4th Street and also extends a little to Jackson St; this came about related to the light rail construction that occurred there a couple years ago; in 1995, an encroachment permit was issued to the bldg owner, which allowed the owner to put certain facilities into the areaway (essentially, a basement area that abuts the bldg line); this encroachment permit was issued under the St. Paul Ord Chap 134.12; in Feb 2010, Met Council & the city directed the bldg owner to remove its facilities from the areaway, as it was permitted to do under Chap 134

2) the 2nd handout is a Power Point presented by Met Council with, they believe, input from the city, as well; essentially, it was presented to the bldg owner to explain the options of how the Met Council proposed to deal with this areaway as part of the construction of the light rail

3) the most important part he wants to point on in this material (go to last page): at that time, there were 2 options proposed by Met Council to deal with the areaway: 1) Option A, that dealt with replacing the areaway or re-constructing the areaway to install additional beams and structural footing, the white pole and conduit that would go up to the lights for the light rail; there's was a cost related to that option with an estimate share, which we believe that this represented the city's share of construction costs; 2) Option B involved completely eliminating the areaway in question; that is, essentially, filling it in and building a wall so the areaway would not exist any more;

the share of the city's expenses associated with this option is quite a bit more expensive

-the building owner was asked for input as to which Option he would like to see occur; and the building owner said, "Option B; we're happy if you just eliminate the areaway in question; we'll go ahead with it;" for reasons that we don't know but think may be related to the cost savings, Option A was selected instead; the city & Met Council made the decision to maintain that areaway and as noted on his timeline, that's when this letter was sent (included in his appeal packet material) from Met Council directing the bldg owner to remove its facilities, which consisted of.... so, my client was ordered to remove its ceiling tile, fire suppression system, some conduit, some other things - to remove all that and he did so; then, of course, Met Council completed its work on that project, which consisted of removing the sidewalk and reconstructing that areaway with new structural support beams; in the course of doing that, Met Council decided not to coat those steel support beams with plaster & concrete; so, if you look at them now, they are basically, exposed (exposed steel); we don't know if that was inspected by the city as part of the construction process; we assume that it was; in any event, Met Council was allowed to construct it in that fashion;

-in early 2012, the first Fire Correction Notice was sent to my client and my client said, "We didn't construct these improvements; we don't understand why we should be responsible for them and specifically, with the what the Fire inspector wanted was to: 1) fire proof those beams; and 2) re-install all the fire suppression system with sprinklers in the areaway; and 3) install the acoustical ceiling that would operate as a barrier between the beams and the sprinkler system;"

Ms. Moermond:

-sounds like you had an Encroachment Permit (an areaway permit) that was Revoked/Rescinded given the light rail construction but it wasn't given back again

Mr. Lien:

-that is our understanding because we were asked to remove everything and so, we did that

-in response to that Fire Correction Notice, we said that it wasn't our improvements; we removed everything as you directed; then, that issue was presented to Met Council (either by the city or my client); Met Council's response was, "Our construction met the code; we don't believe that there's any correction necessary" (the 3rd document, dated Sep 8, 2012, to Mr. Buckley, that I provided you); what Met Council also said was that: "You should have to re-install the facilities, however (sprinklers & acoustical tile); we don't believe there's any correction that needs to be done to fire proof the beams that's noted on the Fire Correction Notice;"

-from 2012 to 2014, there's some discussions that occurred between my client thru Mr. Buckley and the fire inspector as to how this might be resolved; at that time, the fire inspector said, "Here's how we propose to resolve this: building owner, you install new sprinklers, new fire suppression system and install acoustical tile; and that will be satisfactory;" what we imagined is that Met Council, then or the city would be fire proofing the beams because that was not our responsibility; given the cost of those items, we felt that was probably a good solution and so, we did install a fire suppression system at our cost and we represented to the fire inspector that once the fire proofing was done on the beams, we would finish the job and install the ceiling tile; of course, if we install the ceiling tile, it would have to be ripped out to do the fire proofing on the beams

-there was a long period of uncertainty as to what the position was; that's when my client asked me to write a letter, which is attached to our appeal on Feb 18; what I tried to set forth in that position was based on my investigation on the facts here along with reading the city ordinances; this is what I believe our legal position was is that the bldg owner can't be responsible for fire proofing the beams because 1) it's a

substantial cost to do so; it would be in excess of 6 figures; 2) it would involve interrupting the light rail because there's conduit that goes to the light rail to the signal lights; and more importantly, 3) my client is not legally responsible for that (that's the position we set forth); really, what I had asked for was that the city clarify it's position in this matter because we didn't want to have any uncertainty; we wanted to do whatever work we found to be appropriate and in response to that, we got the Aug 8, 2016 deficiency Notice, which had 134 deficiencies; we really took issue with items #99 & #105, which address, what we believe are the fire proofing on the beams; there are some deficiencies related to the ceiling acoustical tile (#89 & #94); and as I mentioned, my client had previously mentioned, my client had previously represented it would take care of those items once the issue regarding the fire proofing of the beams was resolved; if it were found that fireproofing of the beams wasn't necessary, and that recommendation was made, then, we would go ahead and put the ceiling tile in; if the position of the city were that the fireproofing is required, our position is, "We're not responsible for that under any ready of the city code;"

-going back to the power point, St. Paul City Ordinance Section 134.12 which deals with encroachment permits, what my client was granted when it originally installed those facilities; as you can see, this is squarely on point; it deals with this very situation, I think; I've highlighted the important language there, 'the permittee shall, when so advised by the dept, remove and relocate its facilities' (which we did as part of the light rail construction) 'without cost to the city, and shall place the street or right-of-way in the same condition as existed prior to construction of the projection or encroachment;' we complied with that - so, we removed our facilities and then the city/Met Council took possession of that again and, as I mentioned, they had this extensive renovation of the areaway where they removed the sidewalk; they put in new support system for the light rail; so, literally, the light rail go right over this areaway; that's why they needed to put new beams in there and new footings -what's important here is this Ordinance does not say that the permittee is responsible for correcting deficiencies to that work; in other works, the only thing that we're responsible for is removing our facilities, which we did and putting the property in the condition that existed before our facilities, which we did; we left it in that condition; then, Met Council did whatever they wanted to do to it to prepare for the light rail and our position is the Ordinance does not require that my client, the bldg owner, correct any deficiencies to that work; if that is the case, that responsibility lies with the city or Met Council but not my client

-the last page of my power point summarizes my argument

I think that once the city & Met Council took possession of the areaway, the encroachment permit was rescinded; if you look in the record, there's no issuance of another encroachment permit; acting in good faith, my client did attempt to resolve this

-what we are asking for today is to remove any citations related to fire proofing the beams and if you want to direct us to finish the acoustical tiling, we're happy to do so but we want to have that in writing; so, in essence, if we go ahead and do that work, without requiring any additional work to be done on those beams or if the city wants to have that beam work done, then, I ask that the ceiling work be extended to allow the city or Met Council to complete that work

Ms. Moermond:

-asked Mr. Lien if he had the document from the city asking you to remove your improvements from the areaway

-asked Mr. Neis if Inspector Skow-Fiske spent a fair amount of time consulting with PW on this

Mr. Lien:

-it's attached as part of the appeal

Mr. Neis:

*-does not know whether or not Ms. Skow-Fiske consulted with PW
-looking at the Orders, he thinks it best to have full accurate information from PW
-when Ms. Skow-Fiske was inspecting, she was looking at this as part of the entire bldg structure*

Mr. Buckley:

-interjected that he has had this conversation with Inspection Skow-Fiske on several occasions and she understands that it's a right-of-way; but the city is adamant that these beams need to be fire-proofed

Mr. Neis:

-I would have to consult with our Fire Protection Engineer, Angie Wiese, on this issue; it's a right-of-way issue

Ms. Moermond:

-is curious about the permit that Met Council might have

Mr. Neis:

-I was looking for a permit for 180 5th Street....I don't know if it's under a different address.

Mr. Buckley:

-the people that he talked to were basically at Met Council but Nay Nay Hippos (?) was the one who oversaw the entire light rail system; according to Dana and Nick Plainwell, who wrote the letter on Sep 12, 2012, no permits were required for this particular work because it was a federal mandated project; therefore, no inspections had to be completed; that's why this was missed - the fireproofing of the beams; that was my original question to the city: How did this mis inspection? My forte is construction; I've done that for 35 years and they are very good at what they do; I was surprised because this is something so blatant

Ms. Moermond:

-is has to be covered some place with the money coming in.... I want to find out

Mr. Lien:

-so do we

Ms. Moermond:

*-I think I have a good idea about where you gentlemen are coming from
-I think we do need to have a Public Works person in the room
-I think we need to have a conversation with that ROW person; not sure if someone else should be involved or not
-enforcement is, obviously, stayed pending the resolution of this; if work is going to need to be done, we will put on an appropriate deadline*

Mr. Buckley:

-we've been working hard on correcting the other deficiencies; we take this seriously; we are not trying to side step any of our responsibilities as building owners

Mr. Lien:

-asked if the re-inspection deadline could be extended to the end of the year

Ms. Moermond:

*-first, I want to scan the list for life-safety issues
-will Lay this Over to Sep 27, 2016 LH at 8 am
-would like Inspector Skow-Fiske and someone from Public Works here, as well*

Laid Over to the Legislative Hearings due back on 9/27/2016

25 RLH FCO
16-155

Appeal of Simmara Smith to a Correction Notice - Re-Inspection
Complaint at 521 FOREST STREET.

Sponsors: Prince

Simmara S Smith, owner, appeared.

Fire Inspector A J Neis:

-Fire Inspection Correction Notice; it's a reinspection of a complaint; reinspection was scheduled for Sep 15, 2016

-appealed: finish the entire driveway and register for Landlord 101 class

-owner has registered for Landlord 101 and she has been in contact with Supervisor Shaff regarding some concerns on how the inspection process went; also with some concerns with what's going on with the property

-after speaking with Ms. Shaff, I too, have concerns; wants to take a deeper look at this file, especially at inspection fees that may need to be adjusted

-this was Approved with Corrections; if the corrections aren't done by the referral time, it generates a complaint letter

Ms. Moermond:

-so, there's an existing C of O on the property; something came up that was labeled "complaint" so that you could make a referral to an inspector to investigate the complaint, which is basically, the follow up on the driveway; it's the Inspection letter but it's called a complaint

-looking at the driveway, I'm surprised that it wasn't Ordered previously

-the Appellant needs more time, according to her appeal

Ms. Smith:

-I got the complaint on Sep 7, 2016 that the work done on my driveway, which we felt was up to Code, would need to be updated and fixed by Sep 15; that would be so late in the season that there's no way my contractor could have poured more cement within 8 days and obtain a permit; that's why I called the inspection office and told them that this had been a huge financial hardship for me and that I couldn't spend more thousands of dollars on this; and that I needed to stop the inspection and the fees from going up

-the last conversation I had with my inspector was, "the driveway's not up to Code; you need to extend it to the actual garage and that will be another \$75; and I'm at \$600 right now; I believe the \$101 fee for 2015 and 2016 are appropriate; the first inspection fee of \$202 is appropriate but now, I'm getting into the \$600-\$700 range and that's when I had concerns and called the office

-entered pictures

-house was built in 1917; I don't know when the garage was built on the property; some previous owner just stuck it back yard; I've had contractors give me estimates to either move the garage or raze it; it doesn't have a foundation; it's a huge expense

-I have off-street parking; the old driveway is gone and a contractor put black dirt there; my responsibility was to seed it with grass

Ms. Moermond:

-so, your plan is to deal with this but not right now

Ms. Smith:

-estimates went from \$9,000 - \$16,000; I would have to take out a loan

Mr. Neis:

-based on the photos, it's a single-family home and there is off-street parking on an approved surface; there is no requirement that a house has to have a garage or access to it

-if she seeds it during the interim (waiting for funding), it would be OK if the garage is not used for parking; she is not using it for parking now; she can use it as a large storage shed, which would allow the owner an extended time to comply when the funds finally become available to complete the project

-there were no Orders saying there was something wrong with the garage structure

Ms. Smith:

-the garage has never been in the lease

-the contractor got rid of the old cement runners and put down black dirt

Ms. Moermond:

Grant the appeal as the cement driveway has been removed or replaced. However, areas where there is no cement must be seeded.

Referred to the City Council due back on 10/19/2016

**26 RLH FCO
16-157**

Appeal of Erick Simola to a Correction Notice - Complaint Inspection at 806 PARKWAY DRIVE.

Sponsors: Bostrom

Grant extension to October 3, 2016 for Items 2, 3 & 4; grant to January 1, 2017 for Item 1 (deck floor/boards).

Referred to the City Council due back on 10/19/2016

**27 RLH FCO
16-156**

Appeal of Dominique Wells to a Correction Notice - Complaint Inspection at 1451-1455 UNIVERSITY AVENUE WEST.

Sponsors: Stark

Grant the appeal.

Referred to the City Council due back on 10/19/2016

2:30 p.m. Hearings

Vacant Building Registrations

28 RLH VBR 16-64

Appeal of Alexander Basseby-Black to a Vacant Building Registration Renewal Notice at 2137 NORTONIA AVENUE.

Sponsors: Prince

Alexander Basseby-Black, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

-this has been in the Vacant Building Program since Sep 1, 2009 per a Condemnation by Fire Inspector James Thomas

-on Sep 9, 2009, Inspector Dave Nelmark opened up a Category 1 VB and monitored it that way thru Mar 14, 2012 when he changed it to a Cat 2 VB

-DSI has received numerous complaints since 2009 for violations such as tall grass & weeds, snow & ice on sidewalk, loose litter & junk in yard; we've received multiple

complaints of occasional illegal occupancy; persons are coming late at night and staying the night
-currently, Ramsey County has ownership listed to Alexander Basse Black, PO Box 1681, Maple Grove MN
-all VB fees since 2009 have been assessed to the property taxes
-Insp Nelmark's notes over the past 7 years include on 11-17-11, dwelling vacant & secure; during conversations on 11-8 & 11-10, advised owner's son that Certificate of Occupancy was Revoked and the property was Condemned and the house could not be lived in without first obtaining a Certificate of Code Compliance; on 8-16-12, we were notified that the gas/electric meters were locked by Xcel Energy; on 4-29-13, we received a complaint of possible illegal occupancy during evening hours; on 5-20-13, gas/elect still off; we also received notice from the Water Dept that the water had been shut off; 2-20-14, Inspectors Nelmark & Singerhouse responded to a complaint that the house was illegally occupied but found the bldg to be secure with the smoke alarm going off on the inside; on 3-21-04, Insp Nelmark spoke with Mr. Alex Obasuyi at premises, who stated that he had been staying at the property at times; had some belongings on the inside and that the water was turned off; Mr. Nelmark advised that the property was a Cat 2 VB and could not be legally occupied until it went thru the Code Compliance Inspection process; he left his card with Mr. Obasuyi; on 6-24-15, complaint - someone may be staying in dwelling over night; Summary Abatement issued to board over windows and doors; no code compliance letter had been issued
-Inspector Singerhouse and I performed a couple of night checks in the past year and did not find any illegal occupancy at the time of inspection

Ms. Moermond:

-who was living there at the time it was Condemned in 2009?

Ms. Mai Vang:

-Alice Obasuyi (?), Comfortable Homes & Apt Inc, PO Box 1681, Maple Grove, MN

Mr. Basse-Black:

-no relation to that woman

-bought the house Contract for Deed

-I saw David Nelson last year; he told me he was going to come but I never saw him any more

-I've been living there since 2009

Ms. Moermond:

-your mailing address, PO Box 1681 Maple Grove MN, is the same as Alice Obasuyi; that same PO Box 1681 is shared by Noela Suhfor, who I saw last week, who lives in Maple Grove so that she can be with her baby's dad; is that you? and does she share a PO Box with you?

-this is very curious and Maple Grove is quite a hike from St. Paul

Mr. Basse-Black:

-no; and, I don't think so

-I work for Miracle in Maple Grove; most weekends I hang out in Maple Grove; sometimes I come back at night

-people take mail from the mailbox right outside my door, so I keep the PO Box

Ms. Moermond:

-when you bought this on a Contract for Deed, did you not notice that it was a registered VB? was is not disclosed?

Mr. Basse-Black:

-I didn't know about it; it was David who told me; I said, "No; I've been living here;" he

said that some people complained; I explained this all to him; the problem is that his neighbors throw the junk & garbage in his yard; sometimes, I don't come back for 2-3 days

Ms. Moermond:

-it was Condemned when Alice Obasuyi was there/the mail was sent to her at PO Box 1681 in Maple Grove; she sold you a house that was Condemned and a registered VB; what needed to happen before it was occupied was for the repairs to have been made to the property; that didn't happen, you moved in and what now?
-you need to bring this house up to code

Mr. Bassey-Black:

-I've owned it for about a year, now; David said that he was going to send me a letter; I didn't get anything from him; the last time I heard from him was when he told me.....about the grass; I called him up

Mr. Dornfeld:

-Dave Nelmark is retired now; that's why you haven't seen him but Rich Singerhouse is working the case and he has been there 11 times since Jan 1, 2016 and has yet to find anyone there
-the Condemnation was for fuel testing and smoke detector affidavit; the power and water went off while it was in the VB Program

Mr. Bassey-Black:

-I have power

Mr. Dornfeld:

-Insp Thomas' just documented that it was "Condemned, Vacant" -he issued a Condemnation letter 9-2-09; listed deficiencies as fuel equipment test & smoke detector affidavit
-VB Program has been monitoring it as a Cat 1 VB for over 3 yrs and never made contact with a responsible party

Ms. Moermond:

-he grabbed the wrong tool but it still means that the place is Ordered Vacated
-asked Mr. Bassey Black how much he paid for the property (\$280,000)
-Ramsey Co wouldn't list that house at 1/2 of that value
-and that the same price that Ms. Suhfor paid

Mr. Dornfeld:

-the total estimated market value per Ramsey County for 2017 is \$102,800

Mr. Bassey-Black:

-so, what do I do now?
-I don't know much about real estate

Ms. Moermond:

-I am struggling with this
-the indications are utility shut-offs; but you got into the property without it having been inspected; you moved in without understanding what you walked into
-perhaps we could get Jim Seeger to do a "bldg only" inspection; I don't know; we need some kind of an assessment
-by rights, you should be vacated because you're living in a registered VB
-I'm nervous about this; and the amount you paid is crazy; (knowing that Noela Suhfor paid something similar; who is this seller?)
-I will Lay this Over for 1 week; bring a copy of your Contract for Deed; Ms. Suhfor

will also be back at that time; I will also talk to the bldg official to see what his thoughts are

Mr. Dornfeld:

-I'm OK with Laying it Over for 1 week; Ramsey County says that the sale on Jun 2, 2015 went for \$170,799; that's still a large amount of money for this house; somebody made some money

Ms. Moermond:

-somebody charged \$280,000 but told the county that they sold it for only \$170,799; and the county says the last time they valued the property, it was valued at \$102,000

Mr. Basse-Black:

-want to check the amount on my Contract for Deed to make sure

Ms. Moermond:

*-I want to finish the question on how we get this house inspected and fixed or whether you need to move out or stay; I know that you should not have moved in to begin with and that it was illegal for this property to be sold to you without it being disclosed as a registered VB and without there being a Truth in Sale of Housing Inspection (TISH) or some kind of inspection report
-we will talk again in 1 week; 3 pm next Tue, Sep 27, 2016*

Laid Over to the Legislative Hearings due back on 9/27/2016

- 29 RLH VBR 16-63** Appeal of Douglas Henneman to a Vacant Building Registration Notice at 1536 VAN BUREN AVENUE.

Sponsors: Stark

Waive the VB fee for 90 days and allow permits to be pulled.

Referred to the City Council due back on 10/19/2016