



# APPLICATION FOR APPEAL

## Saint Paul City Council – Legislative Hearings

RECEIVED

MAY 02 2014

CITY CLERK

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

### We need the following to process your appeal:

- ☒ \$25 filing fee payable to the City of Saint Paul  
(if cash: receipt number Check 1019)
  - ☒ Copy of the City-issued orders/letter being appealed
  - ☒ Attachments you may wish to include
  - ☒ This appeal form completed
  - ☒ Walk-In OR ☐ Mail-In
- for abatement orders only: ☐ Email OR ☐ Fax

HEARING DATE & TIME  
(provided by Legislative Hearing Office)

Tuesday, May 13, 2014

Time 2:30

Location of Hearing:

Room 330 City Hall/Courthouse

### Address Being Appealed:

Number & Street: 914 PALACE City: ST. PAUL State: MN Zip: 55102

Appellant/Applicant: TOBIAS MADDEN Email: TOBY@MNICEP.COM

Phone Numbers: Business 612-204-5372 Residence \_\_\_\_\_ Cell 651-247-5050 <sup>preferred</sup>

Signature: [Signature] Date: 5/2/14

Name of Owner (if other than Appellant): CHRISTOPHER MADDEN

Mailing Address if Not Appellant's: OUT of COUNTRY (I AM Power of Attorney)  
OUT of COUNTRY

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell \_\_\_\_\_

### What Is Being Appealed and Why? Attachments Are Acceptable

- ☒ Vacate Order/Condemnation/
- ☒ Revocation of Fire C of O
- ☐ Summary/Vehicle Abatement
- ☐ Fire C of O Deficiency List
- ☐ Code Enforcement Correction Notice
- ☐ Vacant Building Registration
- ☐ Other

SEE ATTACHED

Attachment to Application for Appeal (914 Palace Ref. #121282)

May 2, 2014

Reasons for appeal:

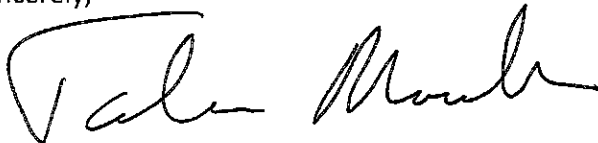
The condemnation occurred due to the St. Paul City Code on Meth Labs. Based on the police report, discussions with law enforcement and an experienced Meth tester, there was no Meth manufacturing on the premises. However, there appeared to be meth consolidation, distribution and consumption.

The Meth tester did "hot sampling" of the premises. This was not a random sample of wall surface area, but included sampling areas of large dust build ups (e.g., top of counters, fans and hot water heater). The tester said that if anyone had consumed meth in the premises, then the tests would be "hot" or positive. The sampling occurred on Monday, April 28<sup>th</sup> and we are still waiting for the results.

There is an important distinction in terms of stigmatizing a house. If the home was used in meth manufacturing, it is stigmatized forever, with a large reduction in the value of the home. If the home was used for consolidation, distribution and consumption it is not stigmatized.

I believe the home should be inspected using the standard fire inspection procedure and issued a certificate of occupancy after any deficiencies are cleared. I do not believe the home should be condemned due to Meth Lab rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Toby Madden". The signature is fluid and cursive, with the first name "Toby" and last name "Madden" clearly distinguishable.

Tobias (toby) Madden

Power of Attorney for owner Christopher Madden

743 Scheffer Ave, Saint Paul, MN 55102

651-247-5050



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-8951  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

April 24, 2014

TOBY MADDEN  
743 SCHEFFER AVE  
ST PAUL MN 55102

## NOTICE OF CONDEMNATION UNFIT FOR HUMAN HABITATION ORDER TO VACATE

RE: 914 PALACE AVE  
Ref. # 121282

Dear Property Representative:

Your building was inspected on April 24, 2014.

The building was found to be unsafe, unfit for human habitation, a public nuisance, a hazard to the public welfare or otherwise dangerous to human life. A Condemnation Placard has been posted on the building.

The following deficiency list must be completed and the building vacated immediately.

CONDEMNATION OF THE BUILDING REVOKES THE CERTIFICATE OF OCCUPANCY.

Failure to complete the corrections may result in a criminal citation. The Saint Paul Legislative Code requires that no building be occupied without a Fire Certificate of Occupancy.

### DEFICIENCY LIST

SPLC 34.23, MSFC 110.1 - This occupancy is condemned as unsafe or dangerous. This occupancy must not be used until re-inspected and approved by this office. -FBI Safe Streets Task Force has identified conditions associated with the processing and redistribution of methamphetamines.

The structure must be vacated immediately until it has been tested and deemed safe for occupancy by a company certified by the state to do testing and abatement of hazardous material. The structure shall remain vacant until decontamination by a certified hazardous material company is completed.

Upon receipt of the notice and order, the owner will be responsible for the following:

- a. Insure that the site and all surrounding areas determined to be at risk are properly vacated;
- b. Engage an appropriate environmental testing firm to assess the extent of the contamination, monitor the cleanup process, provide follow up testing after the completion of the cleanup process, and certify that the risks of contamination have been sufficiently reduced to allow safe occupancy of the site;
- c. Engage an appropriate contractor to properly clean the site in accordance with guidelines of the state department of health;
- d. Provide the city with copies of all testing results and the cleanup plan;
- e. Keep the city regularly advised through the process of the testing and cleanup;
- f. Upon completion of the cleanup process, provide the city with a copy of the certification from the testing firm that the site is fit for human occupation, and a written, signed statement that the cleanup met all state department of health guidelines.

If the owner, after due diligence, cannot be located or has not commenced appropriate action toward the cleanup of the site on or before the commencement date established by the order, or has not completed the process by the completion date established by the order, the city, its officials, employees and agents, are hereby authorized to enter the property for the purpose of abating the public nuisance through vacating, testing and cleaning the site, or completing that process, in accordance with the requirement of this chapter. When appropriate, the abatement process may include the demolition and removal of any hazardous building or structure.

The owner of the site is responsible for any and all costs incurred in the cleanup of that site including, but not limited to, the costs of vacating the site and surrounding areas, testing, clean up, and public expenses.

Public expenses will include all costs that may be incurred by the city and other public agencies such as:

- a. Laboratory fees;
- b. Preparing and serving notices;
- c. Preparing and serving the order;
- d. Posting the site;
- e. Vacating the site and other necessary properties;

- f. Testing services;
- g. Clean up services;
- h. Expenses incurred in recovering costs including all special assessment expenses;
- i. Administrative fees;
- j. All other costs associated with the cleanup of the site.

Within thirty (30) days after receipt of an invoice from the city, the owner will submit payment in full of all city costs associated with the cleanup project.

If the city has been unable to locate the owner, or the owner fails to submit timely payment to the city the city is authorized to collect its costs by assessing those costs against the property in the same manner as a special assessment which will be certified and collected in the manner of a special tax in accordance with applicable law.

Saint Paul Legislative Code authorizes this inspection and collection of inspection fees. For forms, fee schedule, inspection handouts, or information on some of the violations contained in this report, please visit our web page at: <http://www.stpaul.gov/cofo>

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8585) and must be filed within 10 days of the date of the original orders.

If you have any questions, email me at: [leanna.shaff@ci.stpaul.mn.us](mailto:leanna.shaff@ci.stpaul.mn.us) or call me at 651-266-8980 between 7:30 - 9:00 a.m. Please help make Saint Paul a safer place in which to live and work.

Sincerely,  
Leanna Shaff  
Fire Inspector  
Ref. # 121282