

Benner II, Jerome (CI-StPaul)

FILE
FILE
17-215020

From: Neis, Adrian (CI-StPaul)
Sent: Tuesday, September 19, 2017 11:14 AM
To: Lane, Wendy (CI-StPaul); Benner II, Jerome (CI-StPaul)
Cc: Wiese, Angie (CI-StPaul); Brown, Joe (CI-StPaul); Pieczykolan, Steve (CI-StPaul); Shaff, Leanna (CI-StPaul); Perucca, James (CI-StPaul)
Subject: 2083 Marshall Ave.
Attachments: 2083 Marshall ave.doc

Follow Up Flag: Follow up
Flag Status: Flagged

All,

I have revoked the student housing permit/application for 2083 Marshall Ave due to overoccupancy (I found 9 unrelated adults living in the home) on September 14th.

I received conflicting and less than truthful information from both the owner and occupants.

FYI, This is the first and only one we have done in 5 years.

I am sure the owner will be appealing to the BZA.

If you have any questions, please let me know.

Thanks,



A.J. Neis

Fire Safety Inspector III

Dept. of Safety and Inspections

375 Jackson St. Suite 220

Saint Paul, MN 55101

Phone: 651-266-8992

Cellular: 651-796-8087

Fax: 651-266-8951

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"DSI's Mission: To preserve and improve the quality of life in Saint Paul by protecting and promoting public health and safety for all."

Benner II, Jerome (CI-StPaul)

 **FILE**

17-215020

From: kyle coglitore <kcogs23@hotmail.com>
Sent: Monday, October 30, 2017 11:51 AM
To: Benner II, Jerome (CI-StPaul)
Subject: Here are all the emails, Thank you!

Kyle Coglitore (kcogs23@hotmail.com)
Thu 9/21, 9:58AM
Neis, Adrian (adrian.neis@ci.stpaul.mn.us)

A.J.,

I was hoping I could have more time to get your list of things done. Also, looking for clarification on "repair and maintain the ceiling in approved manner" can you tell me which ceiling you're referring to?

I'm having a hard time getting a contractor in to the house to do the work. Everyone I've called says they are backed up.

-Kyle Coglitore

Neis, Adrian (CI-StPaul) (adrian.neis@ci.stpaul.mn.us)
Fri 9/22, 9:29AM
Kyle Coglitore (kcogs23@hotmail.com)

How much more time do you need?

I am ok with granting additional time as long as the house is not occupied.

In regards to the ceiling, I am referring to the north basement bedroom.

Kyle Coglitore (kcogs23@hotmail.com)
Fri 9/22, 9:59AM
Neis, Adrian (adrian.neis@ci.stpaul.mn.us)

The house should be completely empty by the 30th. Possibly sooner.

I am struggling trying to find somebody to do all the screens. I've contacted people on home advisor and nobody is returning calls. Do you have recommendations for that?

Also, thank you for clarifying the basement ceiling in the letter I thought it was telling me to do all of the ceilings.

I think I should be able to have everything done by November 1st. With the house completely empty all of October. It should be much easier to do all the work.

If you have any referrals for people who could do the work that would be greatly appreciated.

 **FILE**
17-215020

Thanks again for getting back to me!

Neis, Adrian (CI-StPaul) (adrian.neis@ci.stpaul.mn.us)
Sun 9/24, 10:03AM
Kyle Coglitore (kcogs23@hotmail.com)

I can give an extension to complete the work until November 1st as long as the house is vacant by the end of this month, however all of the exterior work must be completed by the deadline given to you by the Legislative Hearing officer as I cannot override her decision.

Unfortunately, I cannot give any recommendations or referrals for contractors.

Thank you for keeping me in the loop.
Kyle Coglitore (kcogs23@hotmail.com)

Fri 10/6/2017 8:39 AM

Pieczykolan, Steve (CI-StPaul) (steve.pieczykolan@ci.stpaul.mn.us)

Hi Steve,

I'm contacting you regarding 2083 Marshall Ave, I have everything on your list completed minus one double pane window. Everything was installed last week and they realized they cut the double pane too small on accident. It broke from the inside not the outside. I don't know if that matters. But they are coming back on Monday (the 9th) to replace that window. I appreciate your time.

-Kyle

Pieczykolan, Steve (CI-StPaul) (steve.pieczykolan@ci.stpaul.mn.us)
Mon 10/9/2017 8:11 AM
Kyle Coglitore (kcogs23@hotmail.com)
Neis, Adrian (adrian.neis@ci.stpaul.mn.us)

Good morning Kyle,

I received your message. At this point, please contact my supervisor.
His name is AJ Neis at 651-266-8992.

Thanks for your time,

Steve

Kyle Coglitore (kcogs23@hotmail.com)
Mon 10/9/2017 10:39 AM
Neis, Adrian (adrian.neis@ci.stpaul.mn.us)

Hey AJ,
Steve Pieczykolan told me to contact you in regards to his list at my rental 2083 Marshall Ave. Everything on his list was completed except one window which was suppose to be done on Monday, September 25th. They accidentally cut out the double pane glass the wrong size. So they replaced all the other windows but the

earliest they could get the double pane done was today (10/9) between 12-4pm. I contacted Steve in regards to the matter before his inspection and he told me to contact you. Hope all is well.

-Kyle Coglitore

Kyle Coglitore (kcogs23@hotmail.com)

Mon 10/9/2017 1:20 PM

Pieczykolan, Steve (CI-StPaul) (steve.pieczykolan@ci.stpaul.mn.us)

Neis, Adrian (adrian.neis@ci.stpaul.mn.us)

 **FILE**
17-215020

Hey Steve,

Just wanted to let you know the window in the front was just finished. Sorry about the delay. Everything was suppose to be done on the 25th and they messed up cutting the glass.

I tried contacting AJ via phone/email still waiting on a response. Thank you for your time.

-Kyle

Kyle Coglitore (kcogs23@hotmail.com)

Mon 10/17/2017 9:47 PM

Neis, Adrian (adrian.neis@ci.stpaul.mn.us)

Hey Aj,

Yesterday, I was at the rental trying to finish up the last couple things on your list for the inside (the globe to the light fixture and light and outlet covers) on my way back to the rental from menards (around 3:30pm) I was hit by the light rail. I was in the ER until about 11:30pm. I have a pretty serious concussion along with a shoulder/neck/wrist/ankle injuries and I'm suppose to take it easy for awhile. I'm going to try and get my brother to go out to the rental and put the globe on the fixture and those two outlet covers on. But then the house should be ready to go. Sorry everything has taken so long.

-Kyle

<http://kstp.com/traffic/traffic-delays-green-line-train-cleveland-university-avenues-light-rail/4636939/?cat=12546>

Kyle Coglitore (kcogs23@hotmail.com)

Wed 10/25/2017 4:14 PM

Skarda, Ashley (ashley.skarda@ci.stpaul.mn.us)

Ashley,

Thank you so much for your help today. Means more than you will ever know. I have attached the application for appeal, the appeal explanation, and the screen shot of the phone call from when I made the complaint (with the time, date, phone number and duration of the call). Let me know if I need to do anything else. And do I call you to pay or do you call me?

Thank you so much!

-Kyle Coglitore

Kyle Coglitore (kcogs23@hotmail.com)

Fri 10/27/2017 2:33 PM

Neis, Adrian (adrian.neis@ci.stpaul.mn.us)

Hi AJ,

 **FILE**
17 21502 d

Sorry for bothering you while you're out of the office. Ashley says nothing can be done about my student housing license at 2083 Marshall Ave until you respond to her last email. I told her you were out of town. And possibly be back on Wednesday but might not be because you might be in Puerto Rico. Wednesday happens to fall on November 1st. Which would be the extension date deadline. So it puts me in a limbo. If you could respond to her email stating you'd allow me to keep my student housing license it would be truly appreciated. This was my first over occupancy situation I've ever had with this house. I know when we spoke in person on Wednesday you confused me with the previous owner Graham Merry, when he had been caught doing that.

I tried my hardest to get everything done in that house as quickly as possible. I even got hit by the light rail train trying to get the work done. I appreciate your time. And have a safe trip.

-Kyle Coglitore

Neis, Adrian (CI-StPaul) (adrian.neis@ci.stpaul.mn.us)

Fri 10/27, 3:14 PM

Kyle Coglitore (kcogs23@hotmail.com) Skarda, Ashley (CI-StPaul) (ashley.skarda@ci.stpaul.mn.us); Lane, Wendy (CI-StPaul) (wendy.lane@ci.stpaul.mn.us); Benner II, Jerome (CI-StPaul) (jerome.benner.ii@ci.stpaul.mn.us); Diatta, YaYa (CI-StPaul) (yaya.diatta@ci.stpaul.mn.us)

Mr. Coglitore,

As I stated to you before, I have revoked your student housing permit, and I am not willing to reinstate it.

An appeal needed to be filed if you disagreed with my decision as I previously told you.

I have approved your fire certificate of occupancy to rent the home, just not as a student house.

Kyle Coglitore (kcogs23@hotmail.com)

Fri 10/27/2017 3:23 PM

Neis, Adrian (adrian.neis@ci.stpaul.mn.us) Skarda, Ashley (CI-StPaul) (ashley.skarda@ci.stpaul.mn.us); Lane, Wendy (CI-StPaul) (wendy.lane@ci.stpaul.mn.us); Benner II, Jerome (CI-StPaul) (jerome.benner.ii@ci.stpaul.mn.us); Diatta, YaYa (CI-StPaul) (yaya.diatta@ci.stpaul.mn.us)

AJ,

You stated you wouldn't revoke my student housing permit as long as I didn't allow beyond 4 people to move back into that house. You gave me your word on that.

I called in a complaint to avoid it over occupying it. Because I was worried about the boys doing that.

You didn't believe I was the one who made that call. I proved I made that call. I even asked you to go back and check the property to see if it had been over occupied and you refused to check because you said you knew I wasn't telling the truth about the call.

 **FILE**
17-213020

I did what you said. I worked hard to get the updates completed on the house.

You have not only the power to grant my student housing license but also the ability to allow me to appeal it. Can I at least have a fair appeal process before you strip me of my only income?

Thank you for your time.

-Kyle

Skarda, Ashley (ashley.skarda@ci.stpaul.mn.us)

Fri 10/27/2017 4:31 PM

Kyle Coglitore (kcogs23@hotmail.com) Neis, Adrian (adrian.neis@ci.stpaul.mn.us); Lane, Wendy (CI-StPaul) (wendy.lane@ci.stpaul.mn.us); Benner II, Jerome (CI-StPaul) (jerome.benner.ii@ci.stpaul.mn.us); Diatta, YaYa (CI-StPaul) (yaya.diatta@ci.stpaul.mn.us)

Hey there Kyle,

Appealing to the board of zoning appeals, and having them decide in favor of your appeal is your only option to reinstate student housing after your September 18th letter.

To complete your appeal we will need payment information. A key piece of info that I did not mention in my last email, please be sure to get this to us by the end of the business day Monday. Monday the 30th is the last application deadline before your November 1st extension ends.

Jerome has the appeal application you sent me via email.

Cheers

Kyle Coglitore (kcogs23@hotmail.com)

Fri 10/27/2017 3:23 PM

Skarda, Ashley (CI-StPaul) (ashley.skarda@ci.stpaul.mn.us)

Ashley,

Can I give you my payment over the phone? Or should I send my credit card information through this email? Or do you need me to come in, in person? I tried calling your phone number you had listed below and it keeps going to voicemail. I want to get this all taken care of as soon as possible thank you for your help truly means a lot!

-Kyle

Benner II, Jerome (CI-StPaul)

From: Loren Solfest <LSolfest@dms hb.com>
Sent: Thursday, January 25, 2018 5:22 PM
To: Benner II, Jerome (CI-StPaul)
Cc: kyle coglitore
Subject: RE: Link to CC Appeal

Follow Up Flag: Follow up
Flag Status: Flagged

Do you have a copy of the written standards the ordinance references; was a form filled out for 2083 Marshall Avenue; and was the property granted student dwelling status? If so, please send me a copy. Thanks!

Loren M. Solfest | Attorney | www.dms hb.com | 952.953.8838 p | 952.432.3136 o | 952.432.3780 f | [Map Our Address](#)

Dougherty
Molenda 
Solfest, Hills & Bauer P.A.

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From: Benner II, Jerome (CI-StPaul) [<mailto:jerome.benner.ii@ci.stpaul.mn.us>]
Sent: Thursday, January 25, 2018 5:14 PM
To: Loren Solfest <LSolfest@dms hb.com>
Subject: RE: Link to CC Appeal

Please see the attached document. Prior to DSI initiating the student housing ordinance, property owners had to fill out an application (attached) and submit a lease indicating that 3 more undergraduate students resided at the property in order to establish the dwelling as a student rental.

Hope this helps.

Jerome

From: Loren Solfest [<mailto:LSolfest@dms hb.com>]
Sent: Thursday, January 25, 2018 5:00 PM
To: Benner II, Jerome (CI-StPaul) <jerome.benner.ii@ci.stpaul.mn.us>
Cc: kyle coglitore <kcogs23@hotmail.com>
Subject: RE: Link to CC Appeal

Jerome,

Thanks for your response. The last sentence of code section 67.704 provides that the Department of Safety and Inspections "shall establish written standards for verifying and documenting a building as an existing student dwelling

prior to the certification of any building under this article and provide a copy to a building owner upon request.” These are the standards and any certification of the property at 2083 Marshall Avenue that I am requesting. I hope this answers your question. Please let me know if further clarification is needed. Thanks!

Regards,

Loren M. Solfest | Attorney | www.dmsbh.com | 952.953.8838 p | 952.432.3136 o | 952.432.3780 f | [Map Our Address](#)

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From: Benner II, Jerome (CI-StPaul) [<mailto:jerome.benner.ii@ci.stpaul.mn.us>]
Sent: Thursday, January 25, 2018 4:51 PM
To: Loren Solfest <LSolfest@dmsbh.com>
Subject: RE: Link to CC Appeal

Loren,

I'm not quite sure I understand the nature of your question.

By the way, you are correct; when the 10-day notice falls on the weekend, it is pushed to the following Monday.

Jerome

From: Loren Solfest [<mailto:LSolfest@dmsbh.com>]
Sent: Thursday, January 25, 2018 4:48 PM
To: Benner II, Jerome (CI-StPaul) <jerome.benner.ii@ci.stpaul.mn.us>
Cc: kyle coglitore <kcogs23@hotmail.com>
Subject: RE: Link to CC Appeal

Jerome,

Thank you for your email. Can you also provide me the DSI written standards for verifying and documenting a building is an existing student dwelling? Thank you.

Loren M. Solfest | Attorney | www.dmsbh.com | 952.953.8838 p | 952.432.3136 o | 952.432.3780 f | [Map Our Address](#)

**Dougherty
Molenda** 
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From: Benner II, Jerome (CI-StPaul) [<mailto:jerome.benner.ii@ci.stpaul.mn.us>]
Sent: Thursday, January 25, 2018 3:56 PM
To: Loren Solfest <LSolfest@dmsbh.com>
Cc: kyle coglitore <kcogs23@hotmail.com>
Subject: Link to CC Appeal

Hello,

Please see the link below that will direct you to the application for an appeal to the City Council. Let me know if you have any questions.

<https://www.stpaul.gov/sites/default/files/Media%20Root/Safety%20%26%20Inspections/BZA%20CC%20PC%20Appeal%20Application.pdf>

Jerome



Jerome Benner II

Zoning Inspector

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