

Scanned & emailed / R



# APPLICATION FOR APPEAL

**Saint Paul City Clerk**

310 City Hall, 15 W. Kellogg Blvd.  
Saint Paul, Minnesota 55102  
Telephone: (651) 266-8560

RECEIVED

OCT 04 2010

CITY CLERK

The City Clerk needs the following to process your appeal:

- \$25 filing fee payable to the City of Saint Paul (if cash: receipt number \_\_\_\_\_)
- Copy of the City-issued orders or letter which are being appealed
- Attachments you may wish to include
- This appeal form completed

**YOUR HEARING Date and Time:**

Tuesday, Oct. 12, 2010

Time 1:30 p.m.

Location of Hearing:

Room 330 City Hall/Courthouse

## Address Being Appealed:

Number & Street: 1522 Hague Ave City: St. Paul State: MN Zip: 55104

Appellant/Applicant: Nancy Rowe Email nrowe@wadscheme.com

Phone Numbers: Business 612.624.2390 Residence 651.699.5960 Cell \_\_\_\_\_

Signature: Nancy Rowe Date: 4 Oct 2010

Name of Owner (if other than Appellant): \_\_\_\_\_

Address (if not Appellant's): 428 Mississippi River Blvd. S., St. Paul, MN 55105

Phone Numbers: Business 612.624.2390 Residence 651.699.5960 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
- Fire C of O: Only Egress Windows
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other
- Other
- Other

ATTACHED

***The following items are included in this application:***

- 1.Application form with attach information
- 2.Re-Inspection Fire Certificate of Occupancy with Deficiencies (Sep 3, 2010)
- 3.Re-Inspection Fire Certificate of Occupancy with Deficiencies (Sep 24, 2010)
- 4.Email to inspectors dated Sep 26, 2010
- 5.Original Application for appeal with original documentation
- 6.photos of property

## **Information about what is being appealed and why.**

We have a lovely rental property, which we work hard to maintain in safe, sound and sanitary condition. Our tenants are excellent. One tenant has lived at the property for more than 15 years. We maintain good relationships with the neighbors and they acknowledge that our property is well cared for and the tenants are welcome neighbors.

We try our best to comply with all city codes. About a year ago we even asked if our property could be inspected in the Fire Department Safety inspections program. We were told that we would have to wait until that property came up in the normal course of inspections.

We had our initial inspection on May 18, 2010. After the inspection we received a correction notice. I thoroughly read the correction and noticed a number of citations for codes which did not exist or did not relate to the issue cited. I sent an email to the inspector on May 22 and received no response. Since the inspector was not responding and there were clearly errors in his order and the time for filing an appeal was short, I filed an appeal. I noted in my appeal that I did not necessarily question the orders, but I needed a timely response and clarification in order to proceed on work that needed to be done.

At the appeals process it was noted that the Inspections Department had been lax in their response and had made errors in their orders. Inspector Michael Urmann was at the appeals hearing and said they would work on those issues. Inspector Urmann told me to contact him in the future if I did not get a response from the inspector.

I subsequently received clarification and I went above and beyond to complete all the orders. The tenants were notified where deficiencies applied to them and they corrected those as well.

On Sep 3, the property was reinspected. Much to my frustration and the frustration of the tenants, new deficiencies were noted that should have been listed on the previous visit. These deficiencies were the use of extension cords and a chipped electrical outlet. Although all other work had been completed, permits had not been approved for a garage ceiling and chimney and shutoff valve. The inspector also asked that the taping of the garage ceiling be improved. A deficiency notice was sent on Sep 3 noting these items.

After the Sep 3 meeting with Fire Inspector William Beumer, I immediately contacted the contractors and informed them of what the inspector had said. The building contractor who had installed the garage ceiling contacted the city building inspector. An permit inspection of the garage ceiling was done on Sep 16. The inspector passed the drywall, but had questions about the heating system and the exposed beams. The mechanical inspector also inspected the property and the chimney passed inspection.

On Saturday, Sep 25, in a letter dated Sep 24, I received new orders from the Dept of Safety and Inspections. The new orders essentially stated that the heating unit could not service both the garage and the garage apartment and that use of the furnace had to be immediately discontinued. An order for the chimney inspection had been removed. The order for the ceiling remained which was puzzling because the inspector had passed the ceiling on Sep 16.

I was very upset and confused. The Dept of Safety and Inspections had been in the garage at least three

times since May 18, more than four months prior, and had made no mention of the furnace servicing both units or being an issue to fire/smoke separation. The Fire and Safety inspector was clearly aware of the furnace. Now as heating system was beginning they were asking me to shut off the furnace and they were relying on regular postal delivery to get the message to me.

On Sunday, Sep 26, I sent an email, including the phone number where I could be reached, to both Inspector Beumer and Inspector Urmann asking them to contact me immediately so that I could learn exactly what needed to be done.

The situation appeared to be serious, so on Monday morning, after I received no email or call from either inspector, I called Steve Zaccard of the St. Paul Fire Department. Mr. Zaccard was very receptive to my call. He was not able to help me, but he was concerned and gave me the number to call Dick Lippert, Code Enforcement Manager. Later, I received a voice message from Inspector Urmann saying he was calling on behalf of Assistant Fire Marshall Owens. He said he would talk to Inspector Beumer and get back to me the next day. It was clear he was only calling because his boss instructed him to do so, not because of my email. The issue seemed to pose no urgency to Inspector Urmann and he had not discussed the issue with inspector Beumer even though he had received the email. I returned Inspector Urmann's call and asked him to please call me that day so that I could get started on doing what needed to be done. Inspector Urman did not return my call.

On Tuesday, morning I had not heard back from anyone. I called Inspector Urmann. I asked why he had not contacted me when he received the email. He said he was cc'ed on the email and that Inspector Beumer was to contact me. The email was directed to both Inspector Urmann and to Inspector Beumer. No one was cc'ed on the email.

Later when I finally heard from Inspector Beumer on Wednesday, I asked why he had not contacted me sooner. He said, he was told that Inspector Urmann would be communicating with me.

Inspector Urmann's suggestion was that I wait until Oct 7 and meet with the inspectors at that time. I told him that I thought the situation was more urgent than that and I wanted to address it before then. I was unable to pry much useful information from Inspector Urmann. He did give me the name and number of the mechanical inspector, but said he couldn't give me the number of the building inspector because there are nine inspectors he didn't know which inspector had been assigned to the property and I would have to wait until Inspector Beumer returned before I could find out who the building inspector was. I persisted and he finally gave me the general number for building inspectors. I called the general number and they were easily able to look up the inspector's name by the property address. I called and left messages for both the mechanical inspector and the building inspector.

I then called Dick Lippert. He was quite nice, but said that he was distanced from the actual work. He suggested that I call Assistant Fire Marshall Owens. I left a message for Mr. Owens, but he did not return my call.

The mechanical inspector, Kevin Chapdelaine, returned my call in the afternoon, immediately when he returned from the field. He said he recognized the importance of the situation and wanted to get back to me as soon as possible. Typically inspectors return calls between, 7:30 and 9:00 am. Inspector Chapdelaine took the time to explain the problem. The inspector knew our heating contractor and offered to speak to him directly so that everything could be done properly.

When Inspector Beumer finally called on Wednesday I asked him why he had not contacted me earlier.

He said he was told to leave the communication to his supervisor, Inspector Urmann.

In this whole process, Inspector Urmann, is the one person I have spoken to who has not been helpful and does not seem interested in getting the issue resolved as soon as possible. While I am frustrated with errors made by Inspector Beumer, he seems to be a person who cares about what he is doing. He appears to lack training, but he is willing to admit that he made mistakes and work to find a solution. Inspector Chapdelaine is willing to take the time to answer questions and work with us to ensure that we avoid future issues. People at the level of Steve Zaccard and Dick Lippert are willing to return calls and find out how to get things resolved, but Inspector Urmann seems intent on withholding information, ignoring problems and ducking responsibility.

I am currently very disappointed in the Department of Safety and Inspections. I had high hopes for this process. In theory it is a good idea. In practice, not so much. I do not feel confident that important safety issues will be caught in a timely manner.

Here is what I am seeking in this appeals process. I intend to comply with all orders as quickly as possible. Normally a rental property that requires a re-inspection would trigger another inspection the following year. That means that next May I would receive a notice of re-inspection on this property. A property with no re-inspection needs would not require another re-inspection for 5 years. Because I have worked hard to comply with all the requests by the Department of Safety and Inspections and because the current dysfunction in the department and the misinformation, miscommunication and lack of inspector training that have caused unnecessary difficulties and expense for me, as well as for my tenants, I am requesting that this property not be re-inspected for 5 years. This will allow the inspectors to gain experience and will allow the department to correct deficiencies without causing my tenants or me additional disruption while that occurs. I am also asking that I only be charged the basic inspection fee and not be charged any fees for additional re-inspections. I would also like written acknowledgement from Inspector Urmann that his department made errors in this case, that his inspectors will receive additional training to avoid this type of problem in the future and that for all future issues he will respond promptly.

4/ Finally, once the new furnaces are installed in the property and the ceiling repaired, I would like written acknowledgement from the Dept. of Safety and Inspections, from the city mechanical inspector and from the building inspector that the property meets the required codes.

request 5:  
1

2  
3



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)

September 24, 2010

NANCY ROWE  
RICHARD FINE  
428 MISSISSIPPI RIVER BLVD  
ST PAUL MN 55105

RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES  
1522 HAGUE AVE

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on September 3, 2010. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected immediately.

**A re-inspection will be made on October 7, 2010 at 11:00 AM.**

Failure to comply may result in a criminal citation or the revocation of the Fire Certificate of Occupancy. The Saint Paul Legislative Code requires that no building be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

**DEFICIENCY LIST**

1. 1st Floor - North Bedroom - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090. -Replace damaged outlet.
2. 1st Floor - South Bedroom - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring. -And throughout entire building.
3. Garage - MFGC 409.5 - Provide an approved gas shut off valve within 6 feet of the appliance in accordance with the mechanical code. This work will require a permit(s). Call DSI at (651) 266-8989. -Contact a licensed contractor to install gas valve under permit.
4. Garage - MSFC 703 - Provide and maintain fire rated floor and/or ceiling construction with approved materials and methods. This work will require a permit(s). Call DSI at (651) 266-8989. The minimum rating must be: 1 hour.-Contact a licensed contractor to provide an approved fire rated ceiling.

An Equal Opportunity Employer

5. Garage - MMC 918.6 - Return air for a forced-air heating system shall not be taken from: where there is the presence of objectionable odors, fumes or flammable vapors.
  - Furnace for garage and above-garage dwelling unit.
  - Immediately discontinue unsafe furnace operation.
6. Garage - MMC 403.2.1(1) - Ventilation air shall not be recirculated from one dwelling unit to another or to dissimilar occupancies. - Furnace for garage and above-garage dwelling unit.
7. SPLC 34.11 (6), 34.34 (3) - Provide service of heating facility by a licensed contractor which must include a carbon monoxide test. Submit a completed copy of the Saint Paul Fire Marshal's Existing Fuel Burning Equipment Safety Test Report to this office. - All heating units.

For an explanation or information on some of the violations contained in this report, please visit our web page at: <http://www.ci.stpaul.mn.us/index.aspx?NID=211>

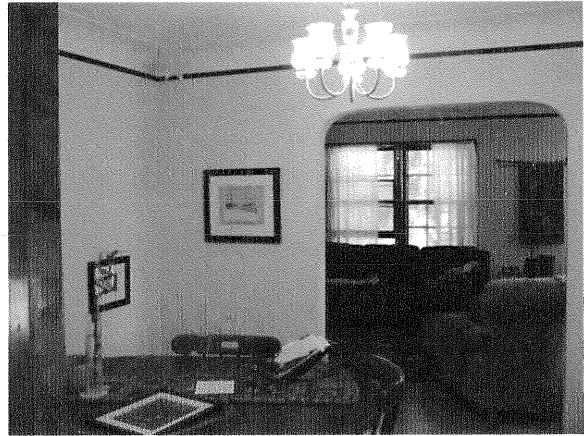
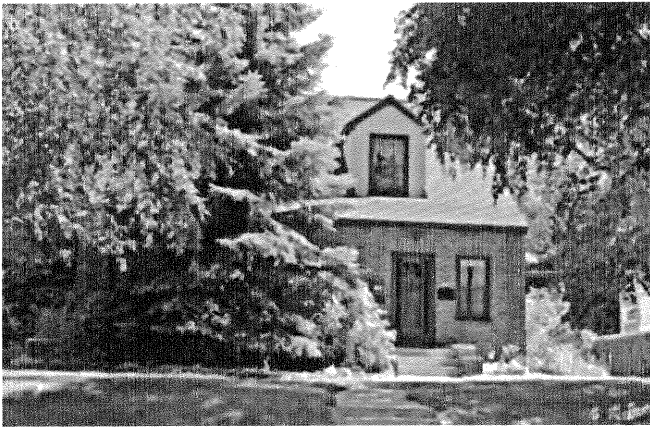
You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8688) and must be filed within 10 days of the date of the original orders.

If you have any questions, email me at [william.beumer@ci.stpaul.mn.us](mailto:william.beumer@ci.stpaul.mn.us) or call me at 651-266-8991 between 7:30 a.m - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

William Beumer  
Fire Inspector  
Ref. # 107326

*Where to find cited code MMC*







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)

September 3, 2010

NANCY ROWE  
RICHARD FINE  
428 MISSISSIPPI RIVER BLVD  
ST PAUL MN 55105

RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES  
1522 HAGUE AVE

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on September 3, 2010. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected immediately.

**A re-inspection will be made on October 7, 2010 at 11:00 AM.**

Failure to comply may result in a criminal citation or the revocation of the Fire Certificate of Occupancy. The Saint Paul Legislative Code requires that no building be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

#### DEFICIENCY LIST

1. 1st Floor - North Bedroom - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090. -Replace damaged outlet.
2. 1st Floor - South Bedroom - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring. -And throughout entire building.
3. Garage - MFGC 409.5 - Provide an approved gas shut off valve within 6 feet of the appliance in accordance with the mechanical code. This work will require a permit(s). Call DSI at (651) 266-8989.  
-Contact a licensed contractor to install gas valve under permit.

4. Garage - MSFC 703 - Provide and maintain fire rated floor and/or ceiling construction with approved materials and methods. This work will require a permit(s). Call DSI at (651) 266-8989. The minimum rating must be: 1 hour.  
-Contact a licensed contractor to provide an approved fire rated ceiling.
5. SPLC 34.11 (6), 34.34 (3) - Provide service of heating facility by a licensed contractor which must include a carbon monoxide test. Submit a completed copy of the Saint Paul Fire Marshal's Existing Fuel Burning Equipment Safety Test Report to this office.  
-New chimney installation in garage needs approval under permit. Contact DSI at 651-266-8989.

For an explanation or information on some of the violations contained in this report, please visit our web page at: <http://www.ci.stpaul.mn.us/index.aspx?NID=211>

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: (651-266-8688) and must be filed within 10 days of the date of the original orders.

If you have any questions, email me at [william.beumer@ci.stpaul.mn.us](mailto:william.beumer@ci.stpaul.mn.us) or call me at 651-266-8991 between 7:30 a.m - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

William Beumer  
Fire Inspector  
Ref. # 107326



Nancy Rowe <nrowe@madscheme.com>

---

## 1522 Hague Ave ref #107326

---

Nancy Rowe <nrowe@madscheme.com>

Sun, Sep 26, 2010 at 9:19 PM

To: William Beumer <william.beumer@ci.stpaul.mn.us>, "Urmann, Mike" <Mike.Urmann@ci.stpaul.mn.us>

I am very angry. I have gone above and beyond to comply with all orders from the city of St. Paul to provide a safe, sanitary property for my tenants. But your errors have cost me unnecessary time and money. Your mistakes have inconvenienced my tenants and now you have put the safety of my tenants at risk. You missed basic items on your initial visit, such as use of extension cords by the tenants and a cracked outlet. These are items which we could easily have remedied if notified initially rather than triggering a second visit.

Now, in a letter from you dated Sept. 24, you suddenly issue new orders requiring us to discontinue using the furnace in the garage. This is four months after you first visited the property. We are now going into the heating season. You had access to this furnace on three previous visits and never made any mention of a problem. Please contact me immediately to let me know EXACTLY what needs to be done. I will be in my office after 8:30 am 612.624.2390.

Your most recent orders, dated Sep 24, no longer have item 5 of the Sep 3 orders, which refers to having the chimney inspected. I presume this is because you have been notified that the chimney has been inspected. Please verify this.

Your item number four, requires a fire rated ceiling. This has been inspected by the city inspector.

Your item number 7 request copy of the heating service reports. Reports for all furnaces on the property were given to you at our initial meeting in May.

Nancy

---