



CITY OF SAINT PAUL

OFFICE OF THE CITY COUNCIL

310 CITY HALL

15 WEST KELLOGG BOULEVARD

SAINT PAUL, MN 55102-1615

Marcia Moermond, Legislative Hearing Officer

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September 1, 2017

Kenneth O Doyle
705 Summit Avenue
St Paul MN 55105

VIA EMAIL: kendoyle@umn.edu

John R. Shoemaker
SHOEMAKER & SHOEMAKER, P.L.L.C.
Highland Bank Building
Suite 410
5270 West 84th Street
Bloomington, MN 55437

VIA EMAIL: john@shoemakerlaw.com

Re: Appeal for Property at 705 Summit Avenue

Dear Mr. Doyle and Mr. Shoemaker:

As you are aware, an inspection of 705 Summit Avenue was conducted Monday, August 28, 2017, by the City's Building Official Steve Ubl, Code Enforcement Manager Steve Magner and Fire Inspections Supervisor Adrian Neis. The written results of this inspection are attached. We now have the benefit of a current, accurate and thorough written inspection of this building. It is my understanding that Units 2 and 5 are currently vacant and Unit 6 is in the process of being vacated.

By way of background, the City Council also heard an appeal of a vacant building registration for this property on July 19, 2017. At that juncture, I recommended that your appeal be granted if you could get your Fire Certificate of Occupancy re-instated by July 31, 2017. Alternatively, the building would need to be vacated and placed in the vacant building program. The Council heard this case on July 19, 2017, did not receive additional testimony and adopted the recommendation. Fire Inspections Supervisor Leanna Shaff inspected the property on August 1, 2017 and made a determination the building was not yet in compliance with the orders and should be in the vacant building program. The resulting notice to register this property as a vacant building was subsequently appealed. Based on her inspection report and noting there was dispute on whether some items had been addressed, I recommended to Council that they deny the appeal. I also noted I believed the building should have been vacated based on the lack of compliance at the time of the August 1, 2017 inspection per the Council resolution of July 19, 2017, which was not done or enforced at that time.

Based on your ongoing input in this case and conversations between Department of Safety and Inspections staff and myself, it was decided the Council needed the most thorough, up-to-date

and accurate inspection possible for its review of your appeal – hence the inspection described in the first paragraph of this letter. As a result of my review of these inspection results, I am revising my recommendation to Council. You will see this reflected in the resolution in front of the Council on Wednesday September 6, 2017 at 5:30 p.m. This revised recommendation is as follows:

1. Require that Units 2, 5 and 6 enter the Vacant Building Registration Program;
2. Grant to October 6, 2017 for completion of the following:
 - a. orders specifically for the occupied units – 1, 4 and 7;
 - b. orders which have general building applicability (such as window screens throughout) for Units 1, 4 and 7;
 - c. orders for the exterior
 - d. orders for common areas of the building;
3. Allow continued occupancy of Units 1, 4 and 7 while work is underway;
4. The vacant building fee will be waived for 30 days; however, if the work described in item 2 above is not complete by October 6, 2017, the vacant building fee will be due;
5. In order for the vacant building status to be lifted, all orders pertaining to Units 2, 5 and 6 and those orders which have general building applicability for Units 2, 5 and 6 (such as window screens throughout) shall be completed;
6. If the vacant building status for Units 2, 5 and 6 has not been lifted within 6 months – by March 6, 2018, a new Fire Certificate of Occupancy of Inspection will need to be conducted to affirm the nature and scope of the violations for Units 2, 5 and 6 are consistent with the orders August 31, 2017.

As indicated earlier, the City Council Public Hearing is on Wednesday, September 6, 2017 at 5:30 p.m. in Room 300 City Hall. You may attend only if you wish to contest further.

Sincerely,

/s/

Marcia Moermond
Legislative Hearing Officer

Attachment: August 31, 2017 Inspection Report

c: Dan Sullivan at dans@umn.edu
Travis Bistodeau
Steve Ubl, Building Official
Steve Magner, Code Enforcement Manager
Adrian Neis, Fire Inspections Supervisor