



FCD 13-86

APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

310 City Hall, 15 W Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

RECEIVED

APR 05 2013

CITY CLERK

We need 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/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, April 23, 2013

Time 1:30 p.m.

Location of Hearing:

Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 2147 University Avenue West City: Saint Paul State: MN Zip: 55114

Appellant/Applicant: Scott Hestis as Trustee for General Partners Email dsbrealty@usinternet.com

Phone Numbers: Business 651-659-0200 Residence _____ Cell _____

Signature: [Signature] Trustee Date: 4/3/13

Name of Owner (if other than Appellant): University-Midway Properties Limited Partners

Mailing Address if Not Appellant's: _____

Phone Numbers: Business 651-659-0200 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

Deficiency List Item # 8.

We are requesting a postponement for compliance.

This building is for sale, and being marketed for redevelopment.

It is highly likely the building will be demolished and all sprinkler heads would be thrown away.

This building is financially stressed due to high vacancy.



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

March 28, 2013

SCOTT HUESTIS
D S & B REALTY
2147 UNIVERSITY AVE W
SAINT PAUL MN 55114

FIRE INSPECTION CORRECTION NOTICE

RE: 2147 UNIVERSITY AVE W
Ref. #15793

Dear Property Representative:

Your building was inspected on March 26, 2013 for the renewal of your Fire Certificate of Occupancy. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected prior to the re-inspection date. **A re-inspection will be made on April 29, 2013 at 1:00 PM.**

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 shall be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

YOU WILL BE RESPONSIBLE FOR NOTIFYING TENANTS IF ANY OF THE FOLLOWING LIST OF DEFICIENCIES ARE THEIR RESPONSIBILITY.

DEFICIENCY LIST

1. 212 - NEC 400-10 Provide strain relief for the cords so that tension will not be transmitted to joints or terminals.-Provide strain relief for the power strip.
2. 212 - NEC 440.13 - For cord-connected equipment such as room air conditioners, household refrigerators and freezers, drinking water coolers, and beverage dispensers, a separable connector or an attachment plug and receptacle shall be permitted to serve as the disconnecting means. The appliance must plug directly into a permanent outlet.- Refrigerator must plug in directly to an outlet, not power strip.

An Equal Opportunity Employer

MAR 29 2013

3. LOWER LEVEL - CHURCH - MSFC 1003.2.2.5 - Post the occupant load on an approved sign in a conspicuous location near the main exit of the room.-Occupant load sign will be provided by inspector during reinspection.
4. LOWER LEVEL - CHURCH - MSFC 901.6 - Provide required annual maintenance of the fire extinguishers by a qualified person and tag the fire extinguishers with the date of service.-Fire extinguisher out of date. Service the extinguisher.
5. LOWER LEVEL - S10 - MSFC 1010.1, 1003.2.10 - Provide and maintain approved directional exit signs.-Provide an illuminated exit sign with an arrow pointing towards the stairway.
6. LOWER LEVEL - WALL NEAR ELECTRICAL PANELS - MSFC 1010.1, 1003.2.10 - Provide and maintain approved directional exit signs.-Provide a sign that reads NO EXIT. The letters must be at least 6 inches in size and contrast with the background.
7. LOWER LEVEL - WALL NEAR ELECTRICAL PANELS - MSFC 605.3.1 - Doors into electrical control panel rooms shall be marked with a plainly visible and legible sign stating ELECTRICAL ROOM or similar wording.
8. MSFC 901.6 - The sprinklers in service for more than 50 years for standard response heads or more than 20 years for quick response heads shall be replaced or samples sent to an approved laboratory for testing. Provide documentation to this office as proof of compliance. All sprinkler work must be done by a licensed contractor under permit.-A representative sample of sprinkler for testing shall consist of a minimum of not less than 4 sprinklers or 1 percent of the number of sprinkler per individual sprinkler sample, whichever is greater.

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

If you have any questions, email me at: Sebastian.Migdal@ci.stpaul.mn.us or call me at 651-266-8985 between 8:00 a.m. - 9:30 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Sebastian Migdal
Fire Inspector

Reference Number 15793

From: James Miller [mailto:jmiller@jmrealty.com]
Sent: Wednesday, April 03, 2013 4:08 PM
To: Scott Huestis
Subject: 2147 University Ave. sprinkler heads

Dear Scott,

We are writing in response to your request to address the possible requirement by the city's fire marshal to replace all the sprinkler heads in your property at 2147 University Avenue. You have listed your properties for sale with our firm and we are actively attempting to sell them.

We agree with you that it is unreasonable for the city to expect you to replace all the sprinkler heads at this time. The reason is we regard it as highly probable that the purchaser of the buildings will tear them down and replace them with a new development. We have been actively marketing the properties to office building operators, investors, and developers. The only interest we have had to date is from prospective developers. 2147 University Avenue is physically and functionally obsolete and not an appropriate candidate for remodeling and upgrading.

When we undertook this listing last year you reduced the list price by 20% or \$500,000 in order to more aggressively move the properties. Also, this priced the land at approximately \$25 per square foot which is attractive to developers..

You have continued to responsibly invest in your properties, for example, by recently removing the on-site underground storage tanks. This expenditure cleaned-up the properties and also made them more attractive to a purchaser.

The energy required to manufacture, transport, and install new sprinkler heads throughout the building will not be amortized over a long, normal useful life and is a waste of resources.

We hope the fire marshal will agree with your request to hold off the requirement to replace the sprinkler heads at this time.

Yours sincerely,

Jim Miller

James R. Miller
Principal
James Miller Investment Realty Company
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Saint Paul, Minnesota 55101
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Facsimile: 651-223-5513
Email: jmiller@jmrealty.com