



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

JUN 21 2017

CITY CLERK

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (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, June 27, 2017
Time 1:30 P.M.
Location of Hearing: Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 415 Marshall Ave #A-L City: St. Paul State: MN Zip: 55102

Appellant/Applicant: Catherine Bremer, president Property Solutions & Services, LLC managing agent for Liberty Plaza LP Email cat@propertysolutions.com

Phone Numbers: Business 612-746-0400 Residence 952-926-3627 Cell _____

Signature: [Signature] Date: 6/20/2017

Name of Owner (if other than Appellant): Liberty Plaza LP % Twin Cities Housing Develop. Corp

Mailing Address if Not Appellant's: 400 Selby Ave Suite G St Paul MN 55102

Phone Numbers: Business 651-292-0211 at 222 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/Correction Provide CO detector in units A-L-bldg exempt
- Code Enforcement Correction Notice unit K repair bathroom wall - nothing wrong.
- Vacant Building Registration unit E frayed wire in tenant owned lamp.
- Other (Fence Variance, Code Compliance, etc.)



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

June 12, 2017

FRANCES ELLIS
PROPERTY SOLUTIONS & SERVICES LLC
290 ARUNDEL ST.
ST PAUL MN 55103

Received On:
JUN 14 2017
By Liberty Plaza

FIRE INSPECTION CORRECTION NOTICE

RE: 415 MARSHALL AVE
Ref. #102488
Residential Class: C

Dear Property Representative:

Your building was inspected on June 11, 2017 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 July 18, 2017 at 2:00 p.m.

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. 415 A - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.- Remove the extension cord from the freezer. The freezer shall be plugged into a wall outlet.
2. 415 A - MN State Statute 299F.50 Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturers instructions.- Install a detector.

3. 415 B - MN State Statute 299F.50 Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturers instructions.- Install a detector.
4. 415 C - Basement - MSFC 315.3 - Provide and maintain orderly storage of materials.- Reduce the amount of books being stored by 50 percent. The highest stack of books cannot be any higher than 2 feet from the lowest point of the ceiling of the basement.
5. 415 C - NEC 110.26 - Provide and maintain a minimum of 36 inches clearance in front of all electrical panels.- Provide a clear path and with a 3 feet clearance around the electrical panel.
6. 415 C - MN State Statute 299F.50 Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturers instructions.- Install a detector.
7. 415 D - MN State Statute 299F.50 Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturers instructions.- Install a detector.
8. 415 E - Bedroom - MSFC 605.1 - Repair or replace damaged electrical appliance wiring. This work may require a permit(s). Call DSI at (651) 266-8989.- Bedroom lamp not safe to use. Spoke to tenant and instructed them to unplug the lamp and to replace it with a new lamp.
9. 415 E - MN State Statute 299F.50 Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturers instructions.- Install a detector.
10. 415 F - MN State Statute 299F.50 Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturers instructions.- Install a detector.
11. 415 G - MN State Statute 299F.50 Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturers instructions.- Install a detector.

12. 415 H - MN State Statute 299F.50 Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturers instructions.- Install a detector.
13. 415 I - MN State Statute 299F.50 Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturers instructions.- Install a detector.
14. 415 J - Basement - NEC 110.26 - Provide and maintain a minimum of 36 inches clearance in front of all electrical panels.- Remove items so there is three foot clearance in all directions of the electrical panel.
15. 415 J - Bedroom - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.-The extension cords shall be removed and the TV should be plugged into an outlet or a surge protected power strip.
16. 415 J - Living room - MSFC 605.4 - Discontinue use of all multi-plug adapters.- Remove the multi-plug and replace it with a surge protected power strip.
17. 415 J - MN State Statute 299F.50 Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturers instructions.- Install a detector.
18. 415 K - Basement - SPLC 34.12 (2), SPLC 34.36 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition to properly and safely perform their intended function in accordance with the provisions of the applicable code.- Reattach the bottom of the dryer vent to the dryer.
19. 415 K - Bathroom Wall - SPLC 34.10 (7), 34.17 (5) - Repair and maintain the walls in an approved manner.-There is a long mirror by the bathroom that is cracked and it needs to be replaced or removed.
20. 415 K - MN State Statute 299F.50 Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturers instructions.- Install a detector.

21. 415 L - Basement - SPLC 34.12 (2), SPLC 34.36 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition to properly and safely perform their intended function in accordance with the provisions of the applicable code.- The dryer vent needs to be reattached to the dryer.

22. 415 L - MN State Statute 299F.50 Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturers instructions.-Install a detector.

23. Basement - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.-There are three extension cords plugged into each other to provide electric to a freezer. The freezer shall be plugged into a wall outlet. The cords are to be removed.

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 this order.

If you have any questions, email me at: steve.pieczykolan@ci.stpaul.mn.us or call me at 651-266-8949 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,

Steve Pieczykolan
Fire Inspector II

Reference Number 102488

Liberty Plaza Appeal
415 Marshall Avenue Units A-L

Deficiencies # 2, 3, 6, 7, 9,10, 11, 12, 13, 17, 20, 22

Minnesota Statute 299F.50 Requirements for CO Alarms

The multi-family townhomes that have no sources of carbon monoxide as they all 100% electric. The attached Exemption Certificate was filed in 2009. Therefore, according to the attached code, they are exempt from having to have carbon monoxide detectors.

Deficiency 8 Unit E

Repair or replace damaged electrical appliance. While we agree that the light being cited had frayed wires, the light in the attached picture was the property of the resident and not supplied by the building's owner or management and therefore the owner should not be cited for something not under their control.

Deficiency 19 Unit K

Bathroom Wall SPLC 34.12 (2) requires interior walls be maintained in sound condition and in a professional state of repair. The wall in the bathroom was in sound condition and professionally maintained. The tenant attached a mirror to the wall which did not affect the condition of the wall and was appropriately attached. The mirror however had a crack in it. See attached photo. We maintain that this did not affect the wall in anyway, the mirror was the property of the resident and not supplied by the building's owner or management and the crack in the mirror did not pose a health or safety risk.

2016 Minnesota Statutes

[Authenticate](#)

299F.51 REQUIREMENTS FOR CARBON MONOXIDE ALARMS.

Subdivision 1. **Generally.** Every single family dwelling and every dwelling unit in a multifamily dwelling must have an approved and operational carbon monoxide alarm installed within ten feet of each room lawfully used for sleeping purposes.

Subd. 2. **Owner's duties.** The owner of a multifamily dwelling unit which is required to be equipped with one or more approved carbon monoxide alarms must:

(1) provide and install one approved and operational carbon monoxide alarm within ten feet of each room lawfully used for sleeping; and

(2) replace any required carbon monoxide alarm that has been stolen, removed, found missing, or rendered inoperable during a prior occupancy of the dwelling unit and which has not been replaced by the prior occupant prior to the commencement of a new occupancy of a dwelling unit.

Subd. 3. **Occupant's duties.** The occupant of each dwelling unit in a multifamily dwelling in which an approved and operational carbon monoxide alarm has been provided and installed by the owner must:

(1) keep and maintain the device in good repair; and

(2) replace any device that is stolen, removed, missing, or rendered inoperable during the occupancy of the dwelling unit.

Subd. 4. **Battery removal prohibited.** No person shall remove batteries from, or in any way render inoperable, a required carbon monoxide alarm.

Subd. 5. **Exceptions; certain multifamily dwellings and state-operated facilities.**

(a) In lieu of requirements of subdivision 1, multifamily dwellings may have approved and operational carbon monoxide alarms installed between 15 and 25 feet of carbon monoxide-producing central fixtures and equipment, provided there is a centralized alarm system or other mechanism for responsible parties to hear the alarm at all times.

(b) An owner of a multifamily dwelling that contains minimal or no sources of carbon monoxide may be exempted from the requirements of subdivision 1, provided that such owner certifies to the commissioner of public safety that such multifamily dwelling poses no foreseeable carbon monoxide risk to the health and safety of the dwelling units.

(c) The requirements of this section do not apply to facilities owned or operated by the state of Minnesota.

History: 2006 c 260 art 3 s 21

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Owner's Certification of Exemption
For
Installation of Carbon Monoxide Alarms

MN Statute 299F.51, Subdivision 5 (a) Multi-family dwellings may have approved and operational carbon monoxide alarms installed between 15 and 25 feet of carbon monoxide producing central fixtures and equipment provided there is a centralized alarm system or other mechanism for responsible parties to hear the alarm at all times.

This exemption is allowed provided the carbon monoxide alarm is interconnected to a centralized alarm or other mechanical system, other than the fire alarm system that can be readily heard by all tenants at all locations in the building above normal ambient noise. The alarm tone must be distinctly different from the fire alarm tone and tenants must be able to easily distinguish and be instructed in the difference between the CO alarm tone and the fire alarm tone.

Subdivision 5 (b) An owner of a multifamily dwelling that contains minimal or no sources of carbon monoxide may be exempted from the requirements of subdivision 1, provided that such owner certifies to the commissioner of public safety that such multifamily dwelling poses no foreseeable carbon monoxide risk to the health and safety to the dwelling units.

If certifying exemption 5 (b) to the commissioner of Public Safety, please complete this form, retain one copy for your records and return one copy to the State Fire Marshal's Office, 444 Cedar Street, Suite 145, St. Paul 55101.

Certification of Carbon Monoxide Exemption Form

I, the owner, Liberty Plaza Limited Partnership % TCHDC 400 Selby Ave #C, ST. Paul, MN 5510
(print name and mailing address if different from multifamily dwelling address)

of a multifamily dwelling located at:

415 Marshall Ave # A-L
(address)

St. Paul, MN 55102
(city, state, zip code)

certify to the commissioner of public safety that I have:

1. read the above statements and
2. there are no foreseeable carbon monoxide risks in the above dwelling and,
3. there are none of the following fuel burning appliances within the building: and

- Gas kitchen range
- Gas, oil, wood, coal, kerosene, corn furnaces, heaters, boilers, stoves
- Gas, charcoal grills allowed within building
- Gas, oil water heaters
- Gas clothes dryers
- Gas ovens
- Gas fryers or other gas kitchen appliances
- Portable fuel or gas heaters
- Gas, oil, wood fireplaces
- Other fuel burning appliances

4. The building does not have an attached or tuck under enclosed garage;
5. all tenants have been notified either through letters that will be sent to them annually or through a conspicuously placed sign near the main building entrances that the building is not equipped with carbon monoxide alarms and the use of any gas, kerosene or oil burning portable heaters and gas or charcoal grills within the building is prohibited.
6. if the building is sold, I will notify the new owner of this carbon monoxide detection exemption and that the new owner will need to submit a new exemption form to the commissioner of public safety and
7. I understand I am responsible for the legal obligations and liabilities in signing this carbon monoxide exemption document.

Owner Signature Robert M. McCulla Date 7-6-09
Chief Manager, TCHDC Liberty Plaza, LLC
Manager General Partner

SPLC 34.10 (7)

Sec. 34.10. Interior structures. The owner of any premises regulated by this section, as specified in section 34.03, shall comply with the following requirements:

(7) Interior walls, floors, ceilings, woodwork and cabinets. All interior walls, floors, ceiling, woodwork and cabinets must be maintained in a sound condition and in a professional state of maintenance and repair.

SPLC 34.17 (5)

Sec. 34.17. - Rooming units on residential properties.

No person shall occupy or let to another for occupancy any rooming unit in any residential structure unless the rooming unit and residential structure comply with the following requirements:

(5) Maintenance of walls, floors, etc. The occupant shall be responsible for the sanitary maintenance of all walls, floors and ceilings of the rooming unit. Supplied equipment and every other part of the rooming units and the common, shared or public areas is the responsibility of the owner or operator.



