

RLH FCO 15-169



# 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

JUL 31 2015

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

<b>HEARING DATE &amp; TIME</b> (provided by Legislative Hearing Office) Tuesday, <u>August 11, 2015</u>
Time <u>1:30 p.m.</u>
<b>Location of Hearing:</b> <u>Room 330 City Hall/Courthouse</u>

Talked to Brownlow. e-mail sent.

### Address Being Appealed:

Number & Street: 2055 Summit Ave. City: St. Paul State: MN Zip: 55105

Appellant/Applicant: Colin Brownlow Email brow6404@stthomas.edu

Phone Numbers: Business 651-962-6533 Residence \_\_\_\_\_ Cell 952-240-0486

Signature: [Signature] Date: 7/29/2015

Name of Owner (if other than Appellant): University of St. Thomas

Mailing Address if Not Appellant's: 2115 Summit Ave., St. Paul, MN 55105

Phone Numbers: Business \_\_\_\_\_ 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 Ref. # 10284 - see attached
- Code Enforcement Correction Notice \_\_\_\_\_
- Vacant Building Registration \_\_\_\_\_
- Other (Fence Variance, Code Compliance, etc.) \_\_\_\_\_



Mail PHP  
2115 Summit Avenue  
St. Paul, MN 55105 – 1096

Telephone: (651) 962-6533  
Facsimile: (651) 962-6540

July 27, 2015

Legislative Hearing Officer  
Saint Paul City Council – Legislative Hearings  
City of St. Paul  
3310 City Hall, 15 W. Kellogg Blvd.  
Saint Paul, MN 55102

Subject: 2055 Summit Avenue (Sitzmann Hall) – Ref #10284

Dear Legislative Hearing Officer,

Ms. Kris Skow-Fiske, Fire Inspector, issued a notice to comply regarding the need for a ducted hood and hood fire suppression system to be installed above the stove top in the Sitzmann Hall kitchen. 2055 Summit Avenue, hereafter referred to as Sitzmann Hall, houses the University of St. Thomas' Center for Catholic Studies (Figures 1 & 2). Based upon my discussions with Ms. Skow-Fiske, it is my understanding that she believes this kitchen is a commercial kitchen, and therefore must comply with fire code requirements for a ducted ventilation system and duct fire suppression. St. Thomas strongly disagrees with the need for such a hood and fire suppression system and is therefore appealing this notice. St. Thomas contends the kitchen is not a commercial kitchen and further that the City of St. Paul reviewed and approved the construction plans for the kitchen, and inspected and approved the construction of the kitchen as it now exists.

The Sitzmann Hall kitchen (Figures 3, 4 and 5) was constructed during a major renovation of the building in 2002. At the time kitchen was planned, it was never St. Thomas' intent to operate that kitchen as a commercial kitchen. The kitchen was provided primarily as an amenity for UST faculty and staff (Figure 6) working within the building, with the secondary purpose of providing occasional support for receptions and seminars hosted in Sitzmann Hall. Meals for these events are not prepared in Sitzmann Hall; the kitchen is used for storage, staging and sometimes rewarming of meal items.

The 2002 renovation plans were prepared by Anderson Dale Architects under the direct supervision of Mr. Paul Olson, registered architect. The plans were filed with the City of St. Paul. On April 3, 2002, prior to obtaining the permit for the construction work, Mr. Olson (Anderson Dale), Mr. Doug Hennes (UST – University Relations) and Mr. Paul Biason (McCough Construction) met with Mr. Jim Bloom, with City of St. Paul Building Permitting and Plan Review. During that meeting the nature of the kitchen was discussed with Mr. Bloom, and he concurred with our opinion that the kitchen was not a commercial kitchen.

UST filed the construction plans with the City, and obtained a building permit based upon those plans and our discussions with the City. The City inspected the construction – including

the kitchen - at the conclusion of the 2002 renovations and issued a certificate of occupancy for the building. At that time the City took no exception to the construction of the kitchen.

Sitzmann Hall was inspected by Ms. Skow-Fiske, on July 12, 2010. The kitchen had not been altered since 2002. Ms. Skow-Fiske had full opportunity to inspect the kitchen at that time and found no deficiencies associated with the kitchen. I am aware of at least one other fire inspection between 2002 and 2010, and no deficiency was found in the kitchen during that inspection. There have been no alterations in equipment, design or use of the Sitzmann kitchen between the July 12, 2010 inspection and the current inspection. I am therefore at a loss to explain why a kitchen that passed multiple inspections by St. Paul Fire Inspection, would suddenly not be in compliance with the fire codes.

The University of St. Thomas built the Sitzmann Hall kitchen in good faith, assuming that we had the full concurrence and approval of the City of St. Paul for the renovations to the building. We submitted plans to the City, discussed those plans with the appropriate building official, and were issued a building permit by the City. At the conclusion of the renovations, the City inspected the building and issued a Certificate of Occupancy.

The corrective actions in the Notice to Comply, are costly and disruptive. If a ducted exhaust hood and a fire suppression system were required, the City had ample opportunity to require them prior to construction, or prior to issuing the Certificate of Occupancy. To require such items, 13 years after the fact seems at best an arbitrary action on the part of the City.

We respectfully request that the two citations regarding installation of a ducted hood and fire suppression system be vacated.

Best Regards,



Colin S. Brownlow, MS  
Director of Environmental Health and Safety

C: James Brummer, AVP Facilities Management  
Dr. Michael Naughton, Director of Catholic Studies  
Doug Hennes, VP University Relations



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

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Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

July 21, 2015

UNIV. OF ST. THOMAS/J. ANDERELY  
2115 SUMMIT AVE  
ST. PAUL MN 55105

RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES  
2055 SUMMIT AVE  
Ref. # 10284

**FINAL NOTICE TO COMPLY**

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on January 27, 2015. 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 August 17, 2015 at 9:30 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. KITCHEN - 2055 - MSFC 904.2.1 - Contact a qualified contractor to provide an approved hood and duct ventilation fire suppression system. All work must be done under a permit. Call Fire Prevention at (651) 266-8989.
2. KITCHEN - 2055 - MSFC 609.2 - Provide an approved hood and duct ventilation system to remove the grease laden vapors. This work may require a permit(s). Call DSI at (651) 266-9090.

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 the original orders.

If you have any questions, email me at [kris.skow-fiske@ci.stpaul.mn.us](mailto:kris.skow-fiske@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,  
Kris Skow-Fiske  
Fire Inspector



Figure 1  
ZOSS Summit - Sitzmann  
Hall



Figure 2  
Center for Catholic Studies



Figure 3  
Sitzmann Hall Kitchen

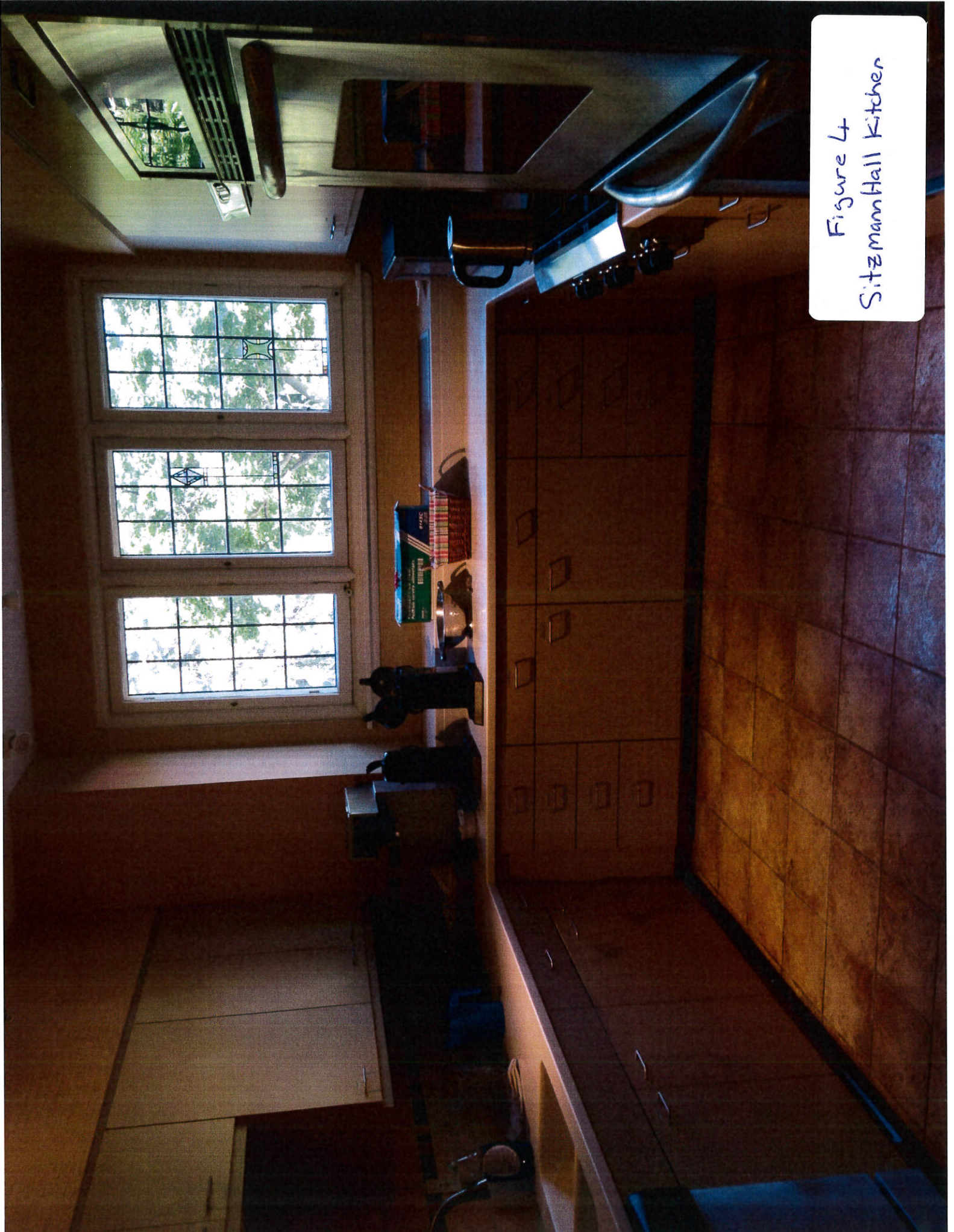


Figure 4  
Sitzmann Hall Kitchen





Figure 5  
Stovetop & Hood  
Sitzmann Hall Kitchen

This kitchen is  
for faculty and  
staff use only.

Students may  
use the kitchen  
on the lower  
level.

Figure 6  
Kitchen Use Sign  
Sitzmann Hall