



# 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

<b>HEARING DATE &amp; TIME</b> (provided by Legislative Hearing Office) Tuesday, <b>June 27, 2017</b>
Time <b>1:30 p.m.</b>
Location of Hearing: Room 330 City Hall/Courthouse

### Address Being Appealed:

Number & Street: 279 Western Ave <sup># A-L</sup> City: St. Paul State: MN Zip: 55103

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

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

Signature: [Handwritten 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 #C St. Paul, Mn 55402

Phone Numbers: Business 651-292-0211 <sub>ext 222</sub> 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 C.O detectors in units A-L; bldg has exemption see attached. Unit K, remove material causing exit obstruction see attached
- Code Enforcement Correction Notice
- Vacant Building Registration
- 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/dsj](http://www.stpaul.gov/dsj)

June 12, 2017

LIBERTY PLAZA  
C/O PROPERTY SOLUTIONS AND SERVICES  
290 N ARNUDAL ST  
SAINT PAUL MN 55103

Received On:  
**JUN 14 2017**  
By Liberty Plaza

### FIRE INSPECTION CORRECTION NOTICE

RE: 279 WESTERN AVE N  
Ref. #102519  
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 12:00 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. 279 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.
2. 279 B - Living room - MSFC 1030.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit path.- Remove coffee table from the path of exiting the door to go to the outside. By doing so this creates an egress exit.

3. 279 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. 279 C - Living room - MSFC 605.4 - Discontinue use of all multi-plug adapters.- Remove the multi-plug adapter and replace it with a surge protected power strip.
5. 279 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.
6. 279 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.
7. 279 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.
8. 279 F - Basement - MMC 504.6 - Provide, repair or replace the dryer exhaust duct. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of four inches (102 mm) in diameter and installed in accordance with the mechanical code. This work may require a permit(s). Call DSI at (651) 266-8989.- Remove the coil type dryer vent. Replace with a metal smooth type. This work shall require a permit and a licensed contractor to repair this deficiency.
9. 279 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.
10. 279 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.

11. 279 H - Bedroom - MSFC 1030.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit path.- Rearrange the bedroom so a window can be used as an egress exit.
12. 279 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. 279 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. 279 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.
15. 279 K - Bedroom - MSFC 1030.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit path.- Rearrange the bedroom so the window can be used as an egress exit.
16. 279 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.
17. 279 L - Bedroom - MSFC 1030.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit path.- Rearrange the bedroom so a window can be used as an egress exit.
18. 279 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.
19. NEC 110.26 - Provide and maintain a minimum of 36 inches clearance in front of all electrical panels.-

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>

An Equal Opportunity Employer

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](mailto: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 102519

Liberty Plaza Appeal  
279 Western Avenue Units A-L

Deficiencies # 1,3, 5,7, 9, 10,12,13, 14, 15 18

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 15 Unit K

MSFC 1030.2 Reliability - Required access

As the attached photo illustrates the only item in front of the window was a computer monitor sitting on a desk several inches from the window. This monitor could easily be knocked down or pushed aside by anyone using the window as a means of egress or a fire fighter gaining access through the window.

## 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:

279 Western Ave # A-L  
(address)

St. Paul, MN 55103  
(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 Brian M. McQuinn

Date 7-6-09

Chief Manager, TCHDC Liberty Plaza, LLC  
Managers General Partner



## **MSFC 1030.2**

### **1030.2 Reliability.**

Required *exit accesses*, *exits* or *exit discharges* shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency. Security devices affecting *means of egress* shall be subject to approval of the *fire code official*.

#### **1030.2.1 Security devices and egress locks.**

Security devices affecting *means of egress* shall be subject to approval of the *fire code official*. Special locking arrangements including access-controlled egress doors, security grills, locks and latches, electromagnetically locked egress doors, and delayed egress locks shall be installed and maintained as required by this chapter or IFC Chapter 11, as amended.

#### **1030.2.2 Inspection and testing.**

Special locking arrangements, including access-controlled egress doors, delayed egress locks, and electromagnetically locked egress doors shall be tested as follows:

1. The primary release functions shall be tested monthly for operability.
2. Fire alarm and sprinkler system interconnects and other failsafe release functions shall be tested at least annually for operability.
3. Testing shall be done by individuals who can demonstrate knowledge and understanding of the operating components of the door being tested.
4. Deficiencies shall be corrected without delay. Written records of inspection and testing shall be kept and available to the *fire code official*.

