



APPLICATION FOR APPEAL

RECEIVED
Saint Paul City Council – Legislative Hearings

OCT 16 2014

CITY CLERK

310 City Hall, 15 W. Kellogg Blvd.
Saint Paul, Minnesota 55102
Telephone: (651) 266-8585

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number 794105) Check 3121
 - 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, <u>Oct 28, 2014</u>
Time <u>1:30 pm</u>
Location of Hearing: <u>Room 330 City Hall/Courthouse</u>

Address Being Appealed:

Number & Street: 940 Iroquois City: Saint Paul State: MN Zip: 55119

Appellant/Applicant: Nicholas Dillon Email: NLD122@Hotmail.com

Phone Numbers: Business _____ Residence _____ Cell 715-419-3653

Signature: [Signature] Date: 10-16-14

Name of Owner (if other than Appellant): Same

Mailing Address if Not Appellant's: 220 Silver Lake Drive Turtle Lake, WI 54883

Phone Numbers: Business _____ Residence _____ Cell 715-419-3653

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
 - Code Enforcement Correction Notice
 - Vacant Building Registration
 - Other (Fence Variance, Code Compliance, etc.)
- The Drive way should be graded in -



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806

Telephone: 651-266-8989
Fax: 651-266-8951

June 17, 2014

TRIKIN VENTURES LLC
2706 GANNON RD
SAINT PAUL MN 55116

1st Notice
Scheduled tech
to meet insp.

INSPECTION APPOINTMENT

Dear Property Owner:

An inspection of your property has been scheduled as follows:

Address: 940 IROQUOIS AVE

Units: 1

Date: July 8, 2014

Time: 10:45A.M.

Inspector: James Thomas

Phone: 651-266-8983

Email: james.thomas@ci.stpaul.mn.us

You or your responsible representative is requested to meet the inspector at the front of the building to admit and accompany the inspector throughout the building, including each rental unit. It is the responsibility of the owner to notify the tenants at least 24 hours in advance that an inspection will be done. Please have keys available to all units and common areas.

Saint Paul Legislative Code authorizes this inspection and the collection of inspection fees. It is a criminal misdemeanor violation should you not permit this inspection by failing to appear for this appointment without rescheduling with the inspector. In addition, a **No Entry Fee of \$60.00** may be assessed to the Renewal Fee whenever the owner or responsible representative needs to re-schedule the appointment but fails to notify the inspector, **in writing**, by 8:00 a.m. on the date of the inspection.

If you no longer own this building, contact the inspector immediately between 7:30 - 9:00 a.m., Monday through Friday.

FOR CONDOS:

The interior of owner-occupied dwelling units are **exempt** from this inspection. In condominium buildings, only *rental* units, the common areas, and utility area will be inspected.

FOR APARTMENTS AND DWELLINGS:

A **Smoke Detector Affidavit** and an **Existing Fuel Burning Equipment Safety Test report** **must be completed** at the time of inspection. For these forms, fee schedules, information and other inspection handouts, please visit our web page at: <http://www.stpaul.gov/cofo>

Thank you for your co-operation.



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

July 8, 2014

TRIKIN VENTURES LLC
2706 GANNON RD
SAINT PAUL MN 55116

Notice rcvd. 7/14

FIRE INSPECTION CORRECTION NOTICE

RE: 940 IROQUOIS AVE
Ref. #117758
Residential Class: C

Dear Property Representative:

Your building was inspected on July 9, 2014 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 August 8, 2014 at 10:45A.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. Private driveway - SPLC 34.08 (7) - All parking spaces shall be paved with asphalt, concrete, or durable dustless surfacing. Before any existing spaces may be paved, site plan approval must be obtained as specified in the St. Paul Zoning Code. Contact DSI Zoning at 651-266-9090.
2. Rear exit door - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door frame.

Completed

3. Steps attached to public sidewalk - SPLC 34.09 (2) 34.32 (2) - Provide an approved handrail. The top of the handrail must be between 34 and 38 inches above the treads and run the entire length of the stair. Completed
4. SPLC 34.11 (6), 34.34 (3) - Provide service of heating facility by a licensed contractor which must include a carbon monoxide test. Submit a completed copy of the Saint Paul Fire Marshal's Existing Fuel Burning Equipment Safety Test Report to this office.
- See Copy of Fuel Test - Completed
5. SPLC 39.02(c) - Complete and sign the smoke detector affidavit and return it to this office. Completed
6. SPLC 34.11 (5), 34.34 (2) - Contact a licensed contractor to repair or replace the water heater. This work will require a permit(s). Call DSI at (651) 266-9090. -Installation of hot water heater is required to have a permit for that installation. Pulled Permit - Completed
7. SPLC 34.08 (10) - Repair, replace and maintain exterior sidewalks, walkways and stairs.- Private sidewalk by the side door. North side of house Completed
8. SPLC 34.10 (1) - Abate and maintain the basement reasonably free from dampness and free of mold and mildew. Completed
9. SPLC 34.09 (1) a, 34.32 (1) a - Provide and maintain foundation elements to adequately support this building at all points.
10. MSMC 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. Pulled Permit
11. SPLC 200.02 (a) No person shall own, harbor, keep or maintain in the City and dog over three months of age without a license. Provide written documentation of current license to the Fire Inspector. To obtain a dog license, contact DSI at 651-266-8989 Done.

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: james.thomas@ci.stpaul.mn.us or call me at 651-266-8983 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,

James Thomas
Fire Inspector

Reference Number 117758

An Equal Opportunity Employer



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

September 2, 2014

TRIKIN VENTURES LLC
2706 GANNON RD
SAINT PAUL MN 55116

Notice of
Completion
except Driveway

FIRE CERTIFICATE OF OCCUPANCY APPROVAL WITH CORRECTIONS

RE: 940 IROQUOIS AVE
Ref. # 117758

Dear Property Representative:

Your building was inspected on September 2, 2014 for the renewal of the Fire Certificate of Occupancy and was approved. When the required fee has been paid you will receive your certificate. There are however seasonal or non-life safety deficiencies noted below which must be corrected prior to re-inspection.

The following deficiencies must be corrected immediately. A reinspection will be made on September 25, 2014

DEFICIENCY LIST

1. Private driveway - SPLC 34.08 (7) - All parking spaces shall be paved with asphalt, concrete, or durable dustless surfacing. Before any existing spaces may be paved, site plan approval must be obtained as specified in the St. Paul Zoning Code. Contact DSI Zoning 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 this order.

For an explanation or information on some of the violations contained in this report, please visit our web page at: <http://www.ci.stpaul.mn.us/index.aspx?NID=211>

If you have any questions, email me at: james.thomas@ci.stpaul.mn.us or call me at 651-266-8983 between 7:30 a.m - 9:00 a.m.

Sincerely,

James Thomas
Fire Inspector

Ref. # 117758



Jessie Bowers <jessie@trikin.com>

City Inspection Issues

3 messages

Jessie Bowers <jessie@trikin.com>
To: nld122@hotmail.com

Wed, Aug 27, 2014 at 10:53 AM

Hello,

I have attached the city notice for repairs or work requested by the city. I have had Bob out at the house to get some est. for you on the work requested. Item #1 regarding the driveway being paved is the biggest expense. I have attached the bid from a company we use often and they will be able to complete this for us before the city deadline.

We had another company bid it as well and they came in at \$500 over and will not be able to get it scheduled until October. With these types of city requests we call and speak to the city to see if we have any way around it and we do not. This is a new requirement that they have passed on rentals.

The cost as you can see is well over the amount listed in your agreement. So before scheduling this I need your approval to move forward. We would need payment on this within a certain time frame. I would imagine Trikin would be able to cover a portion and take money from your disbursement payments, but that would be a few months time without rent for you, so I will need you to let me know what will work best at this time. Please let me know your thoughts.

--
Thanks,

Jessie Bowers
Trikin Properties - Your Twin Cities Landlord
Property Manager
Serving the Twin Cities Metro and Western Wisconsin
jessie@trikinproperties.com
TwinCitiesLandlord.com
651.964.3812 x107
651.964.3814 fax

First email sent to owner

2 attachments

940 City.pdf
823K

Trikin- Iroquois bid.pdf
1047K

Nick D <nld122@hotmail.com>
To: Jessie Bowers <jessie@trikin.com>

Wed, Aug 27, 2014 at 11:10 AM

I will contact my lawyer and find a way around it.

--- Original Message ---

From: "Jessie Bowers" <jessie@trikin.com>
Sent: August 27, 2014 10:53 AM
To: nld122@hotmail.com
Subject: City Inspection Issues

[Quoted text hidden]

Jessie Bowers <jessie@trikin.com>
To: Nick D <nld122@hotmail.com>

Wed, Aug 27, 2014 at 11:18 AM

Okay, please keep me posted on it. The re-inspection is set for next week, and the city is being very difficult as always. I have had owners try and dispute these before and its never been a great outcome. Hopefully there is a way around it. Current deadline is 9/2 - Calling the city now for extensions.

[Quoted text hidden]



Jessie Bowers <jessie@trikin.com>

City

3 messages

Jessie Bowers <jessie@trikin.com>

Fri, Aug 29, 2014 at 3:57 PM

To: Nick D <nld122@hotmail.com>

Hi Nick,

I've been waiting for James from the city to call me back, he spoke to Bob and said as long as all the items are finished except for the drive way he will hold off. Please arrange for bids next week on your end. I will also call another company out for Tuesday.

All items have been completed on the list and will be ready for Tuesday. That is all the info I have for now.

I will be in touch with you Tuesday morning.

--

Thanks,

Jessie Bowers
Trikin Properties - Your Twin Cities Landlord
Property Manager
Serving the Twin Cities Metro and Western Wisconsin
jessie@trikinproperties.com
TwinCitiesLandlord.com
651.964.3812 x107
651.964.3814 fax

Jessie Bowers <jessie@trikin.com>

Tue, Sep 9, 2014 at 12:20 PM

To: Nick D <nld122@hotmail.com>

Hi Nick,

Everything passed, now just waiting on your drive bids. Can you update me on those?

Thanks,

Jessie

On Fri, Aug 29, 2014 at 3:57 PM, Jessie Bowers <jessie@trikin.com> wrote:

Hi Nick,

I've been waiting for James from the city to call me back, he spoke to Bob and said as long as all the items are finished except for the drive way he will hold off. Please arrange for bids next week on your end. I will also call another company out for Tuesday.

All items have been completed on the list and will be ready for Tuesday. That is all the info I have for now.

I will be in touch with you Tuesday morning.

--

Thanks,

Jessie Bowers
Trikin Properties - Your Twin Cities Landlord
Property Manager
Serving the Twin Cities Metro and Western Wisconsin

jessie@trikinproperties.com
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--
Thanks,

Jessie Bowers
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Serving the Twin Cities Metro and Western Wisconsin
jessie@trikinproperties.com
TwinCitiesLandlord.com
651.964.3812 x107
651.964.3814 fax

Nick D <nld122@hotmail.com>
To: Jessie Bowers <jessie@trikin.com>

Tue, Sep 9, 2014 at 12:30 PM

Give me a call I have a couple questions.
7154193653

--- Original Message ---

From: "Jessie Bowers" <jessie@trikin.com>
Sent: September 9, 2014 12:20 PM
To: "Nick D" <nld122@hotmail.com>
Subject: Re: City

[Quoted text hidden]



Jessie Bowers <jessie@trikin.com>

Driveway

2 messages

Jessie Bowers <jessie@trikin.com>

Wed, Oct 15, 2014 at 2:56 PM

To: Nick D <nld122@hotmail.com>

Hello Nik,

I wanted to touch base with you in regards to the driveway issue. I received a call from the city inspector yesterday wondering what was going on and stated he was going to pull the Certificate of Occupancy because the work was not completed. As you are aware I can't do anything on my end, because you have decided to hire an attny and are fighting the city on this request.

The current tenant would be notified that she would have 30 days to vacate once this is put through. I want to make sure your aware of that. Please let me know if you have any new information for me.

Thanks,

Jessie Bowers
 Trikin Properties - Your Twin Cities Landlord
 Property Manager
 Serving the Twin Cities Metro and Western Wisconsin
 jessie@trikinproperties.com
 TwinCitiesLandlord.com
 651.964.3812 x107
 651.964.3814 fax

** The Trikin Properties team will be attending the 26th Annual NARPM® Convention and Trade Show For Residential Property Managers From Tuesday, October 21st - Friday, October 24th. During this time we will be checking voice mails and emails on a limited basis, any emergencies will be answered by our after hours emergency line.*

Rebecca Dierich <rdierich@gmail.com>
 To: Nick D <nld122@hotmail.com>, jessie@trikin.com
 Cc: Curt Fluegel <curt@trikin.com>

Wed, Oct 15, 2014 at 5:57 PM

Jessie-

I am having trouble understanding how there continues to be a lack of communication from you. When Nick talked to your Handyman(Trikin's) this past Monday October 13th they discussed the driveway. It was determined that your Handyman would then get quotes for the dustless driveway surface. I am not sure why you did not inform the inspector of this when he wanted a time frame as he continues to follow up with you, instead of us. I am also wondering why we were not given a copy of the letter from the city of Saint Paul dated Sept 2nd until a month later on October 13th when Nick met with the handyman (who was the person to furnish us with the letter). It stated that we only have 10 day to appeal. We should not have had to send a letter from our counselor on Sept. 16th had we had a copy of this letter when it was received. Our counselor or Nick or even Trikin could have filled an appeal within that time-frame. We were able to contact our city councilmen who was able to grant us a late appeal past the 10 day notice, hence why you are receiving this e-mail.

Therefore, Nick will be coming down once again to the cities tomorrow (October 16th) morning to file this appeal. From you he will need a copy of all correspondence from the city including any email communication in-regards to our property and the dates they were received. We will need a written letterhead from you stating that you did not receive all the inspection notices from the city. Lastly we will need you to explain how the inspector informed you he had received the our counselor's letter and at that time you told the inspector to communicate with Nick directly

instead of you.

If you have any questions you may call either Nick or me and we more then happy to talk to you on the phone and provide any further explanation if any of this unclear. We will touch base to let you know when we are on the way so that you have everything ready. We are also more then happy to meet Curt in Hudson with all the documents we need if that is easier.

Regards- Rebecca Dillon 651-431-1835

On Wed, Oct 15, 2014 at 5:19 PM, Nick D <nld122@hotmail.com> wrote:

From: jessie@trikin.com
Date: Wed, 15 Oct 2014 14:56:42 -0500
Subject: Driveway
To: nld122@hotmail.com
[Quoted text hidden]

—
Be the change you wish to see in the world~ Gandhi



2706 Gannon Road
Saint Paul, MN 55116
Phone: (651) 964-3812
Fax: (651) 964-3814
E-Mail: info@trikinproperties.com
Web: trikinproperties.com

October 16, 2014

Re: 940 Iroquois Ave
St. Paul, MN 55116

This letter was requested per the owner of the home at 940 Iroquois Avenue, St. Paul, MN. in regards to a time line of events with the city of St. Paul inspection on the property. Reference #117758.

We received the initial inspection letter in our office for the date of July 8th. We scheduled someone from Trikin Properties to meet the inspector at the time listed on the letter dated for July 8th and 10:45am.

The inspector was not at the property at that time. We then received a notice from the city on July 14, 2014 stating the inspection took place on July 9, 2014 and that the re-inspection was slated for August 8, 2014.

At that time we sent someone to the house to do some of the smaller repairs. The notice was then flagged to me as the property manager to get an owner approval on the driveway. I asked to get a bid from the driveway company Black Top Pro's so we could have that ready for the owner Nik Dillion to review and that we also needed to ask the city for an extension on the re-inspection so we could get the owner involved. The city inspection was then re-scheduled for September 2, 2014.

I emailed the owner on August 27, 2014 letting him know about the drive-way **and attached the list from the city at that time along with the drive way bid this was the first notice the owner received.** He then informed me he would be contacting his attorney on the driveway.

I informed the owner that we had addressed all of the other issues on the list and the only thing left would be the driveway on the September, 2 2014 re-inspection and I would be asking for an extension on the drive way on his behalf.

At that time the owner Nik Dillion informed me that he would re-look at getting other bids for the drive way, I then spoke to the city inspector James Thomas on the phone August 29, 2014 and let him know that everything was completed on the list and that the owner was asking for more time on the driveway to get a few more bids together.



2706 Gannon Road
Saint Paul, MN 55116
Phone: (651) 964-3812
Fax: (651) 964-3814
E-Mail: info@trikinproperties.com
Web: trikinproperties.com

James Thomas agreed to let us have a few weeks on the driveway to allow the owner to gather more information and pricing. At that time I emailed the owner requesting he get the bids done by the following week.

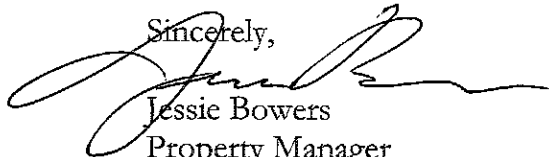
I emailed the owner on September 9, 2014 to let him know we did the verbal on September 2, 2014 that it was completed and passed, but needed those bids from him so we could address the drive way. **I did not send him the notice at that time he only had a verbal notification.**

The owner called me later that day on September 9, 2014 and at that time I informed him that we got the verbal form James Thomas and that the driveway was noted as the only issue remaining and asked about the bids. At that time the owner informed me he had hired an attorney and that the city would be receiving the letter that week. So he would not be getting any bids. **He requested a copy of the notice; we did not receive the notice in our office until September 12, 2014. I did not inform him of any appeal time frame.**

James Thomas called me on September 15, 2014 asking about the letter he received from Nik's attorney as he was told we were working on getting the driveway bids done. I then informed him that the owner was appealing it and had hired an attorney, and at that time I could no longer advise him on any plans on behalf of the owner.

James Thomas called my office and left a message for me to call him back on Tuesday, October 14, 2014 in regards to this property and that he was going to be forced to pull the Certificate of Occupancy. I e-mailed the owner the following day letting him know about the message and again I could not be of any help at this point.

Sincerely,



Jessie Bowers
Property Manager
Trikin Properties