



# APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

AUG 12 2016

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 23</u>
Time <u>2:30 p.m.</u>
<b>Location of Hearing:</b> <u>Room 330 City Hall/Courthouse</u>

## Address Being Appealed:

Number & Street: 612 Wells St. City: St. Paul State: MN Zip: 55130

Appellant/Applicant: Kisch, Marjorie & John Email jkisch@clarage.com

Phone Numbers: Business \_\_\_\_\_ Residence 763-755-0648 Cell 612-221-4281

Signature: Marjorie E. Kisch John Kisch Date: 8/10/14

Name of Owner (if other than Appellant): \_\_\_\_\_

Mailing Address if Not Appellant's: \_\_\_\_\_

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 See attachment with description and photos
- Fire C of O Deficiency List/Correction \_\_\_\_\_
- Code Enforcement Correction Notice \_\_\_\_\_
- Vacant Building Registration See attachment with description and photos
- Other (Fence Variance, Code Compliance, etc.) \_\_\_\_\_



355

CITY OF SAINT PAUL  
DEPARTMENT OF SAFETY AND INSPECTIONS  
DIVISION OF CODE ENFORCEMENT  
375 Jackson Street, Suite 220  
Saint Paul, MN 55101- 1806  
**SUMMARY ABATEMENT ORDER**

August 05, 2016

16 - 065971

Yog hais tias koj hais tsis to taub tsab ntawv no, hu rau tus txhais lus ntawm (651) 266- 8989. Nws yog pab dawb zwb. Si necessita un traductor, por favor llamanos al (651)266- 8989. No costo.

**JOHN KISCH**

510 -- 115TH AVE NW  
COON RAPIDS MN 55448- 2303

**As owner or person(s) responsible for : 612 WELLS ST you are hereby ordered to eliminate all nuisance conditions which are in violation of Chapter 45 of Saint Paul Legislative Code.**

- 1. Remove improperly stored or accumulated refuse including: garbage, rubbish, loose and scattered litter, discarded furniture, appliances, vehicle parts, scrap wood and metal, recycling materials, household items, building materials or rubble, tires, brush, etc., from yard areas. MATTRESS IN BACK YARD, TABLE IN FRONT. THANK YOU. Comply before August 10, 2016**
- 2. IMMEDIATELY secure all buildings which are open to unauthorized entry. FRONT DOOR HAS BEEN KICKED OPEN, WEST AND SOUTH SIDE WINDOWS ARE OPEN. Comply before August 10, 2016**

If you do not correct the nuisance or file an appeal **before August 10, 2016** , the City will correct the nuisance and charge all costs, including boarding costs, against the property as a special assessment to be collected in the same way as property taxes.

**Charges:** If the City corrects the nuisance, the charges will include the cost of correction, inspection, travel time, equipments, etc. The rate will be approximately \$260 per hour plus expensed for abatement.

**You must maintain the premises in a clean condition and provide proper and adequate refuse storage at all times  
FAILURE TO COMPLY MAY RESULT IN A CRIMINAL CITATION**

Issued by: Tom Friel Badge: 355 Phone Number: 651- 266- 1906

**If you have any questions about this order, the requirements or the deadline, you should contact the Inspector listed above, Monday through Friday.**

Also Sent To:

Occupant

Marjorie E Kisch 510 115th Ave Nw Minneapolis MN 55448- 2303

**APPEALS:** You may appeal this order and obtain a hearing before the City Council by completing an appeal application with the City Clerk before the appeal deadline noted above or seven (7) days after the date mailed, which ever comes first. No appeals may be filed after that date. You may obtain an appeal application from the City Clerk's Office, Room 310 in City Hall, 15 W Kellogg Blvd., St. Paul, MN 55102. The telephone number is (651) 266- 8688. You must submit a copy of this Summary Abatement Notice with your appeal application.

**\*WARNING** Code inspection and enforcement trips cost the taxpayers money. If the violations are not corrected within the time period required in this notice, the city's costs in conducting a reinspection after the due date for compliance will be collected from the owner rather than being paid by the taxpayers of the city. If additional new violations are discovered within the next following 12 months, the city's costs in conducting additional inspections at this same location within said 12 months will be collected from the owner rather than being paid by the taxpayers of the city. Any such future costs will be collected by assessment against the real property and are in addition to any other fines or assessments which may be levied against you and your property.

sa.rpt 9/15



355

CITY OF SAINT PAUL  
DEPARTMENT OF SAFETY AND INSPECTIONS  
DIVISION OF CODE ENFORCEMENT  
375 Jackson Street, Suite 220  
Saint Paul, MN 55101- 1806  
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CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

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

Telephone: 651-266-8989

Facsimile: 651-266-1919

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

August 08, 2016

**Marjorie E Kisch**

510 115th Ave Nw

Minneapolis MN 55448-2303

## VACANT BUILDING REGISTRATION NOTICE

The premises at **612 WELLS ST**

has been inspected and found to meet the legal definition of a Vacant Building as described in Saint Paul Legislative Code, Chapter 43. You are required by law to register this building with the Department of Safety and Inspections, Vacant Building Division, by filling out and returning the registration form provided with this letter. You are also required to pay the annual Vacant Building Registration Fee of **\$2,085.00**. The fee is due upon receipt of this letter and must be paid no later than thirty (30) days from the date of this letter, as required in Saint Paul Legislative Code, Chapter 43. If this building is vacant due to a fire, complete the enclosed registration form and return it to this office within 30 days.

**Please return the enclosed registration form along with your payment by September 08, 2016.**

### Do Not Mail Cash

If you wish to pay in person, you may do so from 8:00am to 4:00pm Monday through Friday at:

DEPARTMENT OF SAFETY AND INSPECTIONS  
375 Jackson Street, Suite 220  
Saint Paul, MN 55101-1806

You may file an appeal to this fee or registration requirements by contacting the City Clerk's Office by calling (651)266-8688. Any appeal of this fee must be made within ten (10) days of the date of this notice.

**If the registration fee is not received in this office within 45 days of the date of this letter, the full amount owed will be assessed to, and collected with, the taxes for this property as permitted by Saint Paul Legislative Code Chapter 43.**

The Code Enforcement Officer has notified the Building Inspection and Design Section that this property meets the legal definition of a registered vacant building and in accordance with Legislative Code Chapter 33, no permits (except demolition, wrecking and removal permits) will be issued until the requirements of all applicable ordinances are fulfilled.

To: St. Paul City Council – Legislative Hearings

330 City Hall

15 West Kellogg Blvd

St. Paul, MN 55102

Re: 612 Wells St. St. Paul, MN 55130

1 - Summary Abatement order 16-065971 dated 05-Aug-16

2 - Vacant Building Registration dated 08-Aug-16

To whom it may concern;

My name is John Kisch and I am the son of the legal owner (Marjorie E. Kisch) of the property located at the above stated address. I am responding to the Summary Abatement and Vacant Building Registration Order as I am the person which my mother has put in charge of managing the property for her.

I would like to provide a little history on the current issue.

May 2016 we were notified James Thomas of a Fire Inspection for the property which was at the time registered as a Rental Unit in the City of St. Paul. Officer James Thomas with the City's fire inspection unit had stated that he wanted me at the property as he was previously denied access or no one had answered the door for the inspection.

I notified the tenant of the inspection and met J. Thomas at the property. We entered the home which was legally occupied by John McQuade (Section 8 rental voucher tenant). J. Thomas walked through the home and inspected a few outlets and appeared to be looking for something. J. Thomas paid particular attention to the tenant and to the tenant's health which was notably very poor. On Oxygen, smelled of feces and urine and was notably very dirty. Questions were asked as to the tenant's pets. J. McQuade stated he had two cats which were hiding. We inspected the basement where a Map gas propane cylinder was spotted and I was told this was not allowed in lower level. I took the cylinder with me as we exited the basement. We then inspected the upper level where J. Thomas asked me where the cats were. While there was evidence of cat litter boxes and food in large quantities but there was no cats spotted. I stated that the tenant stated he had only two cats.

J. Thomas spoke to the tenant some and then we exited the property. During a brief conversation between J. Thomas, my mother and I J. Thomas stated they had received a complaint about a large number of cats on the premises. The inspection revealed no cats. We discussed the declining health of the tenant and J. Thomas stated that he would discuss this with another city official.

A week later we received an inspection notice stating that the property had 4 deficiencies: 1 – Propane Cylinder in basement which I removed during the inspection, 2 – a multi-plug outlet in the kitchen which

had two appliances plugged into it. 3. The dwelling required a current CO2 furnace inspection report. 4 the bathroom needed to have the carpet removed from the vinyl floor.

Once this notice was received an attempt was made to correct the open items. The tenant was very ill. John McQuade (Tenant) suffers from an irreversible lung disorder and is heavily medicated and on oxygen 24/7. John asked if I could wait a few weeks until he felt better. I waited and was again denied access to perform the repairs as the tenant was suffering from some bowel issues and could not be without a bathroom (single bathroom dwelling). I again put off the repair. I attempted to have a furnace contract perform a furnace inspection but they were turned away as the tenant didn't want any one in the home.

I called and spoke to James Thomas and informed him of my inability to access the property and perform the repairs. I was told that I need to comply and that a re-inspection was scheduled for 24-Jun-16. I explained that the tenant was not only physically ill but also suffered a mental disorder and that he was not letting me in the property. Note: John McQuade suffers from Paranoid schizophrenia and is the owner of a firearm which he kept on his person or within close proximity. I explained that I would not jeopardize my welfare to satisfy the correction order. I explained that we had placed the house up for sale and the tenant was to move out by 31-Jul-16. I asked for the extension but received no response (see attached emails to Thomas, James).

On 31-Jul-16 the tenant moved out as promised. We began cleaning the property and removing the contents. Items left behind by the tenant were removed and placed on the boulevard and in the alley (Many of these items were taken by neighbors) to be loaded into a truck to be taken to the dump. While this was in process the building was secure, doors were locked, but windows were opened with fans in them were ventilate the dwelling (previous tenant defecated and urinated himself routinely and didn't bath or clean up after himself). Over a period of seven days we were moving items to the dump and filling the onsite paid for garbage containers and recycling containers. On 05-Aug-16 I arrived at the property to find the city code enforcement stickers on windows and doors and to find the front entry door forced open. An inspection of the premises revealed no internal damage or stolen tools. We called the Police and filed a complaint, our information was taken and a report was issued.

I spoke to Tom Friel – Badge # 355 this morning 09-Aug-16 regarding the notices received and the damage to the property. I asked if he had forced entry into the home to inspect. Note : tools were note stolen and no damage was evident. Tom stated that he didn't access the home but noted the broken door. I asked why the Code Enforcement officer did not call the police. His response was that the fees charged by the police for boarding up was excessive and because I may have already known about the damage. Also note that we as the registered owners were not contacted at any time.

This home, while an older property, is in fair condition. The siding and roof is intact, the windows have all been replaced with new vinyl windows within the last ten years, the furnace is within 10 years of age, the appliances -refrigerator, range, washer, dryer and AC units are within 5 years of age. The property is cared for, grass is cut, weeds are trimmed, and gardens are kept up with trimming and mulch where applicable.

The property has not been abandoned. The taxes are current and at the current time we are in the process of selling the dwelling while updating with, paint and flooring.

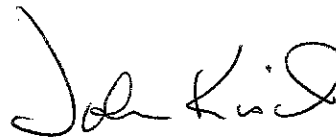
I would request that the Summary Abatement order and Vacant Building Registration Notice be revoked and that we be allowed to maintain and sell this home as a home without city code violation present which could drastically retract from the current value.

If a Fire Inspection or Code Enforcement Inspection is necessary I will comply with any date set forth and will provide access to the property with reasonable notice.

Thank you for your time.

Respectfully,

  
Marjorie Kisch

  
John Kisch

Property Information:

Property Identification Number (PIN)	29.29.22.42.0195	
Property Address	612 Wells St	
Municipality	St. Paul	
Watershed	Capital Region W/S	
School District Number	625	
Assessment Date	01-02-2015	01-02-2016
Tax Payable Year	2016	2017
Total Estimated Market Value	\$75,800	\$80,400
Total Taxable Market Value	\$75,800	\$80,400
Total Estimated Land Value	\$7,000	\$7,000
Total Estimated Building Value	\$68,800	\$73,400
Property Tax	\$1,246.90	
Special Assessments	\$333.10	
Total Property Tax + Special Assessments	\$1,580.00	
Property Class Description	Res Non-Hstd	Res Non-Hstd
Year Built	1884	
# of Stories	1.00	
Residential Finished SQ Feet/Comm, Ind, Apt Bldg Area	1061	
Foundation Size	768	







## John Kisch

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**From:** Thomas, James (CI-StPaul) <james.thomas@ci.stpaul.mn.us>  
**Sent:** Wednesday, June 15, 2016 3:34 PM  
**To:** John Kisch  
**Subject:** RE: 612 Wells St. Paul, MN Fire Inspection

There is a code that tells the tenant he has to give access or be cited because there are life safety issues at the property I will not reschedule the appointment. Just a suggestion to have his sister at the property at the time of the inspection



**James Thomas, CFI**  
**Fire Safety Inspector II**  
Department of Safety & Inspections  
375 Jackson St, Suite 220  
Saint Paul, MN 55101  
P: 651-266-8983  
F: 651-266-8951  
[james.thomas@ci.stpaul.mn.us](mailto:james.thomas@ci.stpaul.mn.us)

The Most Livable  
City in America



Making Saint Paul the Most Livable City in America

***“DSI’s Mission: To preserve and improve the quality of life in Saint Paul by protecting and promoting public health and safety for all.”***

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**From:** John Kisch [<mailto:JKisch@clarage.com>]  
**Sent:** Wednesday, June 15, 2016 1:39 PM  
**To:** Thomas, James (CI-StPaul)  
**Subject:** 612 Wells St. Paul, MN Fire Inspection

James,  
I have just been informed that the tenant at the rental property refused to let the furnace company in to perform the required furnace inspection.

He is claiming that due to his illness that he does not want anyone in the home.

We have had this happen to us on 2 other occasions where buyers were coming to do a walk through.

I am asking that we put off the inspections until after the tenant has vacated the property on July 31, 2016.

I have reported him to the section 8 program but as they have little control over the property of the tenant they can do nothing to assist.

Regards

**John Kisch**  
Project Manager | Clarage  
5959 Trenton Lane N. | Plymouth, MN 55442  
Direct: 763 278-3941 | Main: 763.551.7600 | Fax: 763.551.7601  
Web: [clarage.com](http://clarage.com) | Email: [jkisch@clarage.com](mailto:jkisch@clarage.com)



John Kisch

SEE REVERSE SIDE

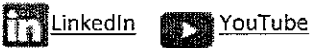
**From:** John Kisch  
**Sent:** Thursday, June 16, 2016 12:27 PM  
**To:** 'Thomas, James (CI-StPaul)'  
**Subject:** RE: 612 Wells St. Paul, MN Fire Inspection

James,  
No work has been completed due to the reported illness of the tenant. I will attempt to complete the carpet removal this weekend but as stated before this tenant suffers from some mental issues and I have no desire to be a victim to satisfy a city code.

Not sure that I can get the furnace company back out prior to Tuesday but I will do my best. I would like to request an extension from your superior as you are unwilling to work with us. So, if you could please provide me with a contact I will follow up with that person and pose that the inspections be moved back pending the moving of the tenant.

Thank you

**John Kisch**  
Project Manager | Clarage  
5959 Trenton Lane N. | Plymouth, MN 55442  
Direct: 763 278-3941 | Main: 763.551.7600 | Fax: 763.551.7601  
Web: [clarage.com](http://clarage.com) | Email: [jkisch@clarage.com](mailto:jkisch@clarage.com)



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*Fire Safety Inspector II*  
Department of Safety & Inspections  
375 Jackson St, Suite 220  
Saint Paul, MN 55101  
P: 651-266-8983  
F: 651-266-8951  
[james.thomas@ci.stpaul.mn.us](mailto:james.thomas@ci.stpaul.mn.us)

TENANT WAS NEVER SITED

  
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