



# 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

MAY 11 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

HEARING DATE & TIME (provided by Legislative Hearing Office) Tuesday, <u>May 17, 2016</u>
Time <u>1:30 p.m.</u>
Location of Hearing: Room 330 City Hall/Courthouse

## Address Being Appealed:

Number & Street: 1410 Breda Ave City: Saint Paul State: MN Zip: 55108

Appellant/Applicant: Jeremy Lostetter Email: jeremylostetter@gmail.com

Phone Numbers: Business (651) 894-2226 Residence \_\_\_\_\_ Cell \_\_\_\_\_

Signature: [Signature] Date: May 7, 2016

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

Mailing Address if Not Appellant's: 1170 Dayton Ave Saint Paul, MN 55104

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 See enclosed attachments
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other (Fence Variance, Code Compliance, etc.)

# 1410 Breda Avenue Saint Paul, MN 55108

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May 7, 2016

Saint Paul City Council – Legislative Hearings  
310 City Hall, 15 W. Kellogg Blvd.  
Saint Paul, MN 55102  
Certified Mail #: 7015 0640 0004 1884 4428

To Whom It May Concern:

Please accept this letter, completed appeal form, \$25 filing fee, and enclosed attachments as my application for appeal of a notice dated May 5, 2016 (Copy enclosed – Ref. #121218).

I am appealing the notice for the following three reasons:

1. Some items listed for correction are not clear.

Further explanation is needed to ensure I can properly correct all the listed items. As I was not notified in advance of the inspection made on May 4, 2016, I was not given an opportunity to see the inspector point out the items listed. The descriptions themselves do not give me enough information to comply.

Some examples (see Correction Notice dated May 5, 2016 – Ref: #121218):

- #1: It is not clear which exterior back door is being referred to. The building has more than one exterior back door.
- #4: It is not clear what correction is being ordered.
- #5: It is not clear which stairway is being referred to. This item may contain a typo: “Front or House Stairway to Basement.”
- #6: It is not clear what correction is being ordered.
- #12: It is not clear which buildings or areas of buildings the inspector did not have access to. It is not reasonable to list inspector access as an inspection deficiency when I was not notified of the inspection in advance.

2. The June 9, 2016, deadline is unreasonably short and should be extended.

- The short deadline is unreasonable given the lack of clarity demonstrated in the examples above.
- Since the inspection did not cover all buildings per item #12, the inspection should be completed and any additional corrections be listed before a deadline is set. All corrections must be known so corrections and re-inspections can be made in an efficient manner.

- The short deadline combined with threats of criminal citation, revocation of the Certificate of Occupancy, and assessment of additional fees are excessively punitive given no history of problems.

I request the opportunity to set a new deadline with Inspector Huseby after clarifying items on the list with her and getting estimates from contractors I will hire to do the work.

3. A surprise inspection of my building with no opportunity to be present was not warranted. DSI inspected my building last year, demonstrated a pattern of disorganization, and no report was issued. I should not be punished for DSI's disorganization.

DSI's pattern of disorganization:

- It started with an inspection scheduled on January 28, 2015 (see Inspection Appointment Notice dated December 22, 2014).
- The January 28<sup>th</sup> inspection was rescheduled to March 11, 2015, because DSI was having an all-staff meeting on January 28<sup>th</sup> (see my email to tenants dated 1/26/2015 and Inspection Appointment Notice dated 1/23/2015).
- Inspector Lisa Martin inspected Unit 2 and common areas of 1410 Breda Avenue on March 11, 2015. She asked me to reschedule her inspection of Unit 1 because she did not want to enter that unit without the tenants there to restrain their dogs. We rescheduled the inspection to take place at 9:30am on May 12, 2015, but Inspector Martin did not show up. I contacted her again, and she asked me to call AJ Neis. My voicemail to AJ Neis was not returned. (See emails between Inspector Martin and me spanning March 12 – May 12, 2015).

These communications show a good-faith effort on my part to comply with all DSI requirements despite DSI's disorganization, and I have not been subject to any prior complaints or enforcement actions. In light of these circumstances, an inspection of my building without being given the opportunity to be present was unreasonable. Further, setting a short deadline to comply with the resulting list of corrections without my involvement is overly punitive and counterproductive since the result is more paperwork and higher cost for everyone involved.

I take great pride in providing high quality rental housing in Saint Paul, and therefore I take this matter very seriously. I look forward to resolving this appeal so I can partner with Inspector Laura Huseby to receive the clarity and time I need to correct all listed items in a satisfactory manner.

Sincerely,

Jeremy Lostetter  
Owner, 1410 Breda Avenue



**CITY OF SAINT PAUL**

*Christopher B. Coleman, Mayor*

375 Jackson Street, Suite 220 Telephone: 651-266-8989  
Saint Paul, MN 55101-1806 Fax: 651-266-8951

May 5, 2016

JEREMY LOSTETTER  
1170 DAYTON AVE  
ST PAUL MN 55104-6403

**CORRECTION NOTICE - COMPLAINT INSPECTION**

RE: 1410 BREDA AVE  
Ref. # 121218

Dear Property Representative:

An inspection was made of your building on May 4, 2016 in response to a referral. You are hereby notified that the following deficiency list must be corrected immediately. A re-inspection will be made on June 9, 2016 at 9:30 AM.

Failure to comply may result in a criminal citation or revocation of the Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

**DEFICIENCY LIST**

1. Exterior - Back Door Threshold - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door frame.-
2. Interior - Basement - MSFC 605.1 -Provide a grounding jumper around the water meter.-
3. Interior - Basement - SPLC 34.11 (4), 34.34 (1), MPC 4515, MPC 326 - Connect or cap the sewer piping in accordance with the plumbing code.-Main stack clean-out plug removed at floor.
4. Interior - Electrical Shutoff for Furnace - Electrical. No person shall perform any new electrical installation in any construction, remodeling, replacement or repair, except minor repair work as defined by the state board of electricity, without first obtaining a permit to do such work from the building official. A separate permit shall be obtained for each building or structure.  
No permits obtained for installation of furnace.
5. Interior - Front or House Stairway to Basement - SPLC 34.10 (3), 34.33(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.-

6. Interior - Furnace and Ductwork Installation - Mechanical. No person shall install, alter, reconstruct, or repair any heating, ventilating, cooling, refrigeration equipment or process piping and/or equipment without first obtaining a permit to do such work from the building official. A separate permit shall be obtained for the equipment installed in each building or structure. No permits obtained for the installation of furnace and ductwork.
7. Interior - Furnace and Ductwork Installation - UMC 104 - Correct and maintain any changes made to the original system in compliance with the mechanical code to prevent unsafe, unhealthy or overloaded conditions. This work requires a licensed contractor to obtain a permit(s) and inspections by city inspection staff. Call DSI at (651) 266-8989.-High efficiency furnace and ductwork installation in basement. Permit history shows no permits or inspections for this installation.
8. Interior - Main Floor Bathroom - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the walls in an approved manner.  
Re-caulk the tub/wall intersect.

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9. Interior - Roof/Chimney Flashing - SPLC 34.09 (1) e, 34.32 (1) d - Provide and maintained the roof weather tight and free from defects.-  
Blue tarp wrapped around chimney due to some water damage in upper unit of duplex- kitchen pantry ceiling water damage.  
East side of dwelling siding has cracked and peeling paint at lower roof line.
10. Interior - Second Floor Unit Kitchen Pantry - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the ceiling in an approved manner.-
11. Interior - Basement - UMC 1346.703 - Provide 30 inches clearance around all mechanical equipment.-Around furnace and water heater.
12. Interior and Exterior - All Buildings on Property - SPLC 34.19 - Provide access to the inspector to all areas of the building.-
13. SPLC 39.02(c) - Complete and sign the smoke detector affidavit and return it to this office.-

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 the original orders.

If you have any questions, email me at: [laura.huseby@ci.stpaul.mn.us](mailto:laura.huseby@ci.stpaul.mn.us) or call me at 651-266-8998 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,

Laura Huseby  
Fire Inspector

Ref. # 121218



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

December 22, 2014

JEREMY LOSTETTER  
1170 DAYTON AVE  
ST PAUL MN 55104-6403

**INSPECTION APPOINTMENT**

Dear Property Owner:

An inspection of your property has been scheduled as follows:

**Address:** 1410 BREDA AVE

**Units:** 2

**Date:** January 28, 2015

**Time:** 10 am

**Inspector:** Lisa Martin

**Phone:** 651-266-8988

**Email:** lisa.martin@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.



Jeremy Lostetter &lt;jeremylostetter@gmail.com&gt;

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**Fire Prevention Inspection: Wednesday 1/28 @ 10am**

4 messages

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**Jeremy Lostetter** <jeremylostetter@gmail.com>

Thu, Jan 15, 2015 at 6:27 PM

Bcc: Maureen Laufenberg &lt;maureenlaufenberg@me.com&gt;, Bradly Laufenberg &lt;bradlylaufenberg@gmail.com&gt;, Dan Hedgecock &lt;Hedgecock.D@gmail.com&gt;, Claire B &lt;boots005@umn.edu&gt;

Hello, 1410 Breda Residents -

There will be a routine fire prevention inspection of the duplex on **Wednesday January 28th at 10am**. This is a periodic inspection the city conducts on all rental properties to ensure safety. The inspection will include common areas and all living space in both units.

In advance of the 28th, please be sure to test all smoke detectors and carbon monoxide alarms to be sure they are in working order with viable batteries in place. As always, please let me know right away if a smoke detector or carbon monoxide alarm is not working properly. Also, please ensure the inspector can easily access every room.

Keep your eyes open for a flyer with more information from the city regarding preparation for the inspection. Please let me know if you plan to be home during the inspection; otherwise, I will let the inspector in using my key. Also, let me know if you have any questions or concerns.

Thank you,  
Jeremy  
(651) 894-2226

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**Maureen Laufenberg** <maureenlaufenberg@me.com>

Thu, Jan 15, 2015 at 6:46 PM

To: Jeremy Lostetter &lt;jeremylostetter@gmail.com&gt;

Thank you so much for the heads up!

We will make sure everything is accessible and in good order.

Maureen Laufenberg, MA, LPCC  
Mental Health & Career Counselor  
612-356-4071

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[Quoted text hidden]

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**Claire B** <boots005@umn.edu>

Thu, Jan 22, 2015 at 11:38 AM

To: Jeremy Lostetter &lt;jeremylostetter@gmail.com&gt;

Jeremy,

I will be here at the time of the inspection.

Claire



Jeremy Lostetter <jeremylotetter@gmail.com>

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## Rescheduled: Fire Prevention Inspection

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Jeremy Lostetter <jeremylotetter@gmail.com>

Mon, Jan 26, 2015 at 9:14 AM

Bcc: Bradly Laufenberg <bradlylaufenberg@gmail.com>, Maureen Laufenberg <maureenlaufenberg@me.com>, Claire B <boots005@umn.edu>, Dan Hedgecock <Hedgecock.D@gmail.com>

Good morning -

The City of Saint Paul called me to say Wednesday's inspection needs to be rescheduled. They are having an all-staff meeting that day and need to reschedule all other appointments. I will let you know what the new day and time of the inspection is once it is confirmed.

Thank you for your flexibility and sorry for any inconvenience.

Jeremy  
(651) 894-2226





CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

January 23, 2015

JEREMY LOSTETTER  
1170 DAYTON AVE  
ST PAUL MN 55104-6403

## INSPECTION APPOINTMENT

Dear Property Owner:

An inspection of your property has been scheduled as follows:

**Address:** 1410 BREDA AVE

**Units:** 2

**Date:** March 11, 2015

**Time:** 1:15pm

**Inspector:** Jeremy Hall

**Phone:** ~~651-266-8987~~ 266-8988

**Email:** jeremy.hall@ci.stpaul.mn.us

Lisa Martin

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.

Jeremy Lostetter <[jeremylostetter@gmail.com](mailto:jeremylostetter@gmail.com)>

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**Your Reschedule Request: 1410 Breda Ave**

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**Jeremy Lostetter** <[jeremylostetter@gmail.com](mailto:jeremylostetter@gmail.com)>

Thu, Mar 12, 2015 at 10:11 AM

To: [lisa.martin@ci.stpaul.mn.us](mailto:lisa.martin@ci.stpaul.mn.us)

Good Morning, Lisa.

Thank you for meeting with me yesterday to complete the routine fire safety inspection of 1410 Breda Ave. I appreciate your expertise and professionalism, and the comments you made after inspecting the common areas and Unit 2 were helpful.

As you requested, I reached out to the tenants in Unit 1 to reschedule their appointment based on your preference not to enter their unit without them there to restrain their dogs. They responded with the following availability next week:

- Tuesday March 17th, 9am to 1:15pm
- Wednesday March 18th, 9am to 12:30pm

Please let me know if either of these timeframes work for you. I look forward to getting the appointment rescheduled at your earliest convenience.

Thank you,  
Jeremy Lostetter



Jeremy Lostetter <jeremylostetter@gmail.com>

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**Your Reschedule Request: 1410 Breda Ave**

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**Martin, Lisa (CI-StPaul)** <lisa.martin@ci.stpaul.mn.us>  
To: Jeremy Lostetter <jeremylostetter@gmail.com>

Tue, Mar 17, 2015 at 8:15 AM

I am booked until April 22<sup>nd</sup>-24<sup>th</sup>!!



Jeremy Lostetter <jeremylostetter@gmail.com>

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**Your Reschedule Request: 1410 Breda Ave**

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Jeremy Lostetter <jeremylostetter@gmail.com>

Tue, Mar 17, 2015 at 8:03 PM

To: "Martin, Lisa (CI-StPaul)" <lisa.martin@ci.stpaul.mn.us>

Ok, I asked for their availability those days and will let you know.



Jeremy Lostetter <jeremylostetter@gmail.com>

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**Your Reschedule Request: 1410 Breda Ave**

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Jeremy Lostetter <jeremylostetter@gmail.com>

Sun, Mar 29, 2015 at 11:35 AM

To: "Martin, Lisa (CI-StPaul)" <lisa.martin@ci.stpaul.mn.us>

Hi, Lisa.

I heard back from my tenants in Unit 1 and they said Tuesdays are the only weekday they are able to be home between 9am and 1:15pm. Please let me know the next Tuesday you are available.

Thank you,  
Jeremy



Jeremy Lostetter <jeremylostetter@gmail.com>

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**Your Reschedule Request: 1410 Breda Ave**

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**Martin, Lisa (CI-StPaul)** <lisa.martin@ci.stpaul.mn.us>  
To: Jeremy Lostetter <jeremylostetter@gmail.com>

Mon, Mar 30, 2015 at 7:43 AM

I have May 12<sup>th</sup> at 9:30am. See you then!!



Jeremy Lostetter <jeremylotetter@gmail.com>

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**Your Reschedule Request: 1410 Breda Ave**

Jeremy Lostetter <jeremylotetter@gmail.com>

Mon, Mar 30, 2015 at 10:46 AM

To: "Martin, Lisa (CI-StPaul)" <lisa.martin@ci.stpaul.mn.us>

Ok thank you! I will let them know.

Jeremy



Jeremy Lostetter <jeremylostetter@gmail.com>

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**Your Reschedule Request: 1410 Breda Ave**

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Jeremy Lostetter <jeremylostetter@gmail.com>

Tue, May 12, 2015 at 9:46 AM

To: "Martin, Lisa (CI-StPaul)" <lisa.martin@ci.stpaul.mn.us>

Hi, Lisa.

We scheduled a 9:30 appointment this morning but I don't see you here. Are you on your way or do we need to reschedule?

Thank you,  
Jeremy Lostetter





Jeremy Lostetter <jeremylostetter@gmail.com>

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**Your Reschedule Request: 1410 Breda Ave**

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**Martin, Lisa (CI-StPaul)** <lisa.martin@ci.stpaul.mn.us>  
To: Jeremy Lostetter <jeremylostetter@gmail.com>  
Cc: "Neis, Adrian (CI-StPaul)" <adrian.neis@ci.stpaul.mn.us>

Tue, May 12, 2015 at 2:18 PM

I apologize if no-one showed up for your inspection. Please contact AJ Neis at 651-266-8989.

Thanks!!