



APPLICATION FOR APPEAL

RECEIVED

NOV 03 2010

CITY CLERK

Saint Paul City Clerk

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8560

The City Clerk needs the following to process your appeal:

- \$25 filing fee payable to the City of Saint Paul (if cash: receipt number _____)
- Copy of the City-issued orders or letter which are being appealed
- Attachments you may wish to include
- This appeal form completed

YOUR HEARING Date and Time:

Tuesday, NOV. 16

Time 1:30

Location of Hearing:

Room 330 City Hall/Courthouse

check # 1157

Address Being Appealed:

Number & Street: 431 W. Lynnhurst City: St. Paul State: MIN Zip: 55104

Appellant/Applicant: Kyle Eidmann Email kserdman@gmail.com

Phone Numbers: Business (267) 587-7277 Residence (763) 568-6780 Cell (612) 388-2697

Signature: [Signature] Date: 11/2/2010

Name of Owner (if other than Appellant): Kyle & Sarah Eidmann

Address (if not Appellant's): 257 Jan Ave. Harleysville PA 19438

Phone Numbers: Business above Residence above Cell above

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
- Fire C of O: Only Egress Windows
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other - additional time requested.
- Other
- Other

please see attached

documents.

- K. S. Eidmann

Kyle Erdmann
Sarah Sjolund-Erdmann

257 Jan Drive
Harleysville, PA 19438

T 612-388-2697
T 763-568-6780
F 267-775-5099

kserdmann@gmail.com

November 2, 2010

We would like appeal the time restraint of the re-inspection scheduled for November 4, 2010, 9:30 am, and request additional time to correct the 48 item list of discrepancies found from the inspections by William Beumer, Fire Inspector, dated September 3, 2010, October 13, 2010, and October 28, 2010. We have in good faith addressed and corrected several of the items, from each inspection. We are committed to fixing each and every item, and returning to a position of good standing with both the City of St. Paul, and William Beumer, Fire Inspector.

We would like to appeal the present Notice of Condemnation, with re-inspection on November 4, 2010 at 9:30 am, due to the gas service having been shut off on October 25, 2010 by Xcel Energy.

The gas leaks have been corrected, a sniffer test was done and found no additional gas leaks, and gas service was restored on October 29, 2010 by Norblom Plumbing, a licensed, reputable plumbing company. By Norblom Plumbing's opinion, a permit was not necessary, and thus was not obtained. Xcel was notified of the completed work and corrections made, and refused to return to the property to re-check for gas leaks unless an odor of gas was smelled and reported. Since then, 29Oct2010, there have been no reports of a gas odor. We have contacted Mr. Buemer, via emails and messages left on: November 1, and 2, 2010, and have not yet received clarification on whether or not we must obtain a permit for the work to be completed.

We would also like to appeal one of the items from the October 28, 2010 inspection;

4. We would like to appeal the need for a pressurized test of the gas system. We have contacted several reputable, licensed plumbing companies like Norblom Plumbing, who completed the work and restored the gas, and Xcel Energy, and have been told by each company, that having a pressure test done is not necessary, and superfluous. This is also an added expense to our already committed efforts to correct the deficiencies from the inspections.

In summary, we are genuinely committed to rectifying the current condition of our property and continue to make progress in addressing and repairing any and all, deficit items on the premise. We would like more time to complete the work, to have the Notice of Condemnation lifted, and the requirement for a pressure test of the gas system to be removed.

Sincerely yours,



Kyle A. Erdmann



Sarah Sjolund-Erdmann



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

October 28, 2010

Kyle Erdmann
257 JAN DRIVE
HARLEYSVILLE PA 19438

RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES
431 LYNNHURST AVE W

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on October 28, 2010. 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 November 4, 2010 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. SPLC 34.23, MSFC 110.1 - This occupancy is condemned as unfit for human habitation due to lack of basic facilities. This occupancy must not be used until re-inspected and approved by this office.
Gas service has been shut off by Excel due to multiple leaks throughout the building.
-Basic facilities must be repaired and restored under permit by 11/04/2010 or the building must be vacated.
2. Interior - SPLC 34.11 (6) - Provide and maintain a minimum of 68 degrees F in all habitable rooms at all times.
-Gas service has been shut off by Excel. **Immediately** make repairs and **obtain approval under permit** to provide the minimum required temperature in all units.
-Unit 3 measured 65 degrees.
-Unit 1 measured 59 degrees.

3. Interior - MN Rules 1300.0180 - *Immediately* discontinue use of unsafe heating appliance until repaired or replaced by a licensed contractor. This work may require a permit(s). Call DSI at (651) 266-9090. Red tags may not be removed except by fire department inspector.
-Immediately contact a licensed plumber to make repairs to gas system where needed per code. *Obtain approval under permit.*
4. Interior - MFGC 406.5.2 - Immediately repair or replace the leaking fuel equipment piping. This work will require a permit(s). Call DSI at (651) 266-8989. Excel has reported multiple gas leaks within the building, including the units and the basement.
-Immediately contact a licensed plumber to pressure test gas system and make repairs where needed per code. Obtain approval under permit.
5. Basement - Boiler - SPC 4715.2000, 2110 - Provide annual service for the backflow preventer.-Provide documentation.
6. Basement - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes where missing.-Multiple open junction boxes.
7. Basement - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window glass.
8. Basement - MSFC 605.1 -Provide a grounding jumper around the water meter.
9. Basement - SPLC 34.11, SBC 2902.1, SPLC 34.17, MPC 415.0220 - Repair or replace and maintain the plumbing fixtures in an operational condition.-Remove storage from around all plumbing piping.
10. Exterior - SPLC 34.09 (1) b, c, 34.32 (1) b, c - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint.-Repair damaged or missing siding in an approved manner.
11. Exterior - SPLC 34.09 (1) a, 34.32 (1) a - Provide and maintain foundation elements to adequately support this building at all points.-Repair damaged foundation in an approved manner.
12. Exterior - SPLC 34.08 (1), 34.31 (1) - All exterior property areas shall be maintained free from any accumulation of refuse, garbage or feces.-Remove all refuse and yard waste from behind the garage.
13. Exterior - SPLC 34.09 (3), 34.32 (3) - Provide or repair and maintain the window screens.-Repair or replace damaged or missing screens throughout entire building.
14. Exterior - MSFC 506.2 - Call Fire Department communication center at (651) 224-7371 to make arrangements to have the key box opened when you have the correct keys on site.-Verify that key box has correct keys to access common areas.

15. Front Entry - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door latch.
16. Front and Garage - SPLC 71.01 - The address posted is not visible from street. (HN-1)- Provide reflective numbers or background or illuminate at night.
17. Garage - SPLC 34.08 (5), 34.31 (3) - Repair, replace and maintain all exterior surfaces on fences, sheds, garages and other accessory structures free from holes and deterioration. Provide and maintain exterior unprotected surfaces painted or protected from the elements.-Paint fascia and trim.
-Repair damaged siding.
18. Garage - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090.-Repair damaged exterior outlet.
19. Garage - MSFC 605.1 - Remove unapproved exposed wiring and install in accordance with the electrical code. This work may require a permit(s). Call DSI at (651) 266-9090.-Contact a licensed electrician to repair and properly install exposed wire for garage door outlet.
20. Interior - MSFC 605.1- All light fixtures shall be maintained with protective globes if originally equipped.
21. Interior - MSFC 901.6 - Provide required annual maintenance of the fire extinguishers by a qualified person and tag the fire extinguishers with the date of service.
22. Interior - MSFC 703 - The fire door must not be obstructed or impaired from its proper operation at any time.-Provide all fire doors to properly close and latch fully.
23. Interior - MSFC 906.1, MN Stat. 299F.361 - Provide approved fire extinguishers in accordance with the following types, sizes and locations.-Provide one minimum 1A10BC fire extinguisher within each apartment unit or a minimum 2A10BC not be more than 50' travel distance from each apartment entrance. They must be permanently mounted between 3 and 5 feet high in readily visible and easily accessible locations
24. Interior - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.-Replace smoke detector batteries where the batteries are low and chirping.
25. Interior - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.-Throughout entire building.
26. Interior - SPLC 34.11(5), 34.34(2), SPC 4715.0200Q - Provide adequate hot water between 120 degrees F and 130 degrees F. -Water measured 140 degrees-on initial inspection before the gas service was shut off.
-Due to gas service being shut off on 10/25/10, there is no hot water service for the entire building.
27. Unit 1 - Bathroom - SPLC 34.12 (2), 34.35 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition.-Clean vent fan.

28. Unit 1 - Kitchen - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090.-Repair two non-working GFI outlets.
29. Unit 1 - Kitchen - MSFC 605.1 - Remove unapproved exposed wiring and install in accordance with the electrical code. This work may require a permit(s). Call DSI at (651) 266-9090.-Contact a licensed electrician to repair exposed wire in kitchen closet.
30. Unit 1 - Living Room - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090.-Repair and relocate damaged sconce light fixture behind bedroom door.
31. Unit 1 - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090.-Contact a licensed electrician to repair non-grounded 3 prong outlets or provide an approved outlet for appliances requiring a ground; throughout unit and entire building if needed.
32. Unit 1 - NEC 440.13 - For cord-connected equipment such as room air conditioners, household refrigerators and freezers, drinking water coolers, and beverage dispensers, a separable connector or an attachment plug and receptacle shall be permitted to serve as the disconnecting means. The appliance must plug directly into a permanent outlet.-Air conditioner must plug directly into an approved outlet.
33. Unit 2 - Kitchen - MFGC 406.5.2 - Immediately repair or replace the leaking fuel equipment piping. This work may require a permit(s). Call DSI at (651) 266-8989.- Repair or replace red tagged stove appliance.
34. Unit 2 - SPLC 34.10 (4), 34.33 (3) - Provide a bathroom floor impervious to water.- Repair caulking.
35. Unit 2 - MSFC 605.4 - Discontinue use of all multi-plug adapters.-And throughout building.
36. Unit 2 - NEC 440.13 - For cord-connected equipment such as room air conditioners, household refrigerators and freezers, drinking water coolers, and beverage dispensers, a separable connector or an attachment plug and receptacle shall be permitted to serve as the disconnecting means. The appliance must plug directly into a permanent outlet.- Refrigerator must plug directly into an approved outlet.
37. Unit 2 - MSFC 1003.3.1.8 - Remove unapproved locks from the unit doors. The door must be openable from the inside without the use of keys or special knowledge or effort.- Remove slide bolt locks from rear door.
38. Unit 2 - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090.-Repair outlet that has the polarity reversed.

39. Unit 3 - Bedroom - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes where missing.-Light switch cover.
40. Unit 3 - Bedroom - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the walls in an approved manner.-Patch the holes and-or cracks in the walls.
Paint the wall.
41. Unit 3 - Closet - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door latch.-Repair damaged door knob.
42. Unit 3 - South Bedroom - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window in good condition.-Immediately repair or replace the damaged and unsafe window in an approved manner.
43. Unit 3 - South Bedroom - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090.-Contact a licensed electrician to repair damaged and nonworking electrical baseboard heater.
44. Unit 3 - MSFC 605.5.3 - Immediately, discontinue use of frayed, deteriorated, damaged or spliced electrical cords.-Discontinue use of illegally modified power strip where the ground plug has been removed.
45. Unit 3 and - Throughout Building - MSFC 315.2 - Storage shall be separated from heaters or heating devices by distance or shielding.-Remove furniture or combustibles from next to heating devices.
46. Unit 3 and Throughout Building - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090.-Contact a licensed electrician to repair all damaged, loose, and non-working outlets in Unit 3 and throughout entire building.
-Unit 3 - Replace improperly working GFI outlet behind refrigerator.
47. 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.
48. SPLC 39.02(c) - Complete and sign the provided smoke detector affidavit and return it to this office.

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>

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: (651-266-8688) and must be filed within 10 days of the date of the original orders.

If you have any questions, email me at william.beumer@ci.stpaul.mn.us or call me at 651-266-8991 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,

William Beumer
Fire Inspector
Ref. # 14597

From: K & S Erdmann <kserdmann@gmail.com>
Subject: **431 W Lynnhurst**
Date: November 2, 2010 4:02:04 PM EDT
To: william.beumer@ci.stpaul.mn.us
4 Attachments, 3.1 MB

Mr. Buemer,

This email is a follow up to the messages we have left for you on 1Nov2010 & 2Nov2010.

We want to express to you that we are trying in good faith to address the discrepancies from your inspections. Several items have been addressed and corrected, and we are continuing to progress through the list.

At this point we have a few questions regarding the latest inspection report, dated 28Oct2010 and the condemnation order. The items below from the 28Oct2010 report have been corrected and we are wondering if condemnation is appropriate at this point.

Item #1) The gas leaks have been addressed by a licensed plumber, and no further gas leaks have been found. On Friday 29Oct2010 Norblom Plumbing addressed the gas leaks Xcel found and found it not necessary to pull a permit. Norblom Plumbing did complete a sniffer test and found no leaks after work was completed. Xcel was notified of the completed work and we requested they come back out to check the work. Xcel refused to come back to the property, because the work was completed by a licensed plumber, and gas was turned back on. Xcel's rep said that they would not come back to the house unless gas is smelled and a leak is reported. (Attached you will find copies of the work invoices and pictures of completed work. Dave Wells has also emailed a copy of them to you.)

#2) Gas service was restored 29Oct2010. Heating of unit 1 has been restored and temperature is above minimum requirement of 68 degrees F. Regarding unit 3, the majority of the unit has electric baseboard heating elements, and temperature is controlled by tenant. We have contacted her and requested that she maintain a temperature in her unit of 68 degrees F or higher. The radiator remaining in the front room of that unit is connected to the boiler and controlled in Unit 1, which is now operational.

#3) All ranges have been serviced by a licensed plumber, and no more leaks have been found or reported since.

#4) Since having Norblom Plumbing correct the gas leak issues, we have been told by them, Norblom Plumbing, and another licensed HVAC company that a pressure test would be superfluous. Xcel has told us that unless an odor of gas is detected and reported they will not come back out to the house to re-check the licensed plumbers' work. Norblom Plumbing conducted a sniffer test and no leaks were found in and around the basement piping or ranges.

#26) Water heater has been turned back on and temperature is set at 135 degrees F.

We are unclear of what the condemnation depends on; whether the gas issues are corrected & basic utilities have been restored (heat & hot water), or if the entire 48 items need to be completely corrected by 4Nov2010. Also, we would like to know if it will be necessary to pull permits for the work Norblom Plumbing has done, even though they felt it was not necessary. We need to file for that immediately if you feel that is appropriate. Please clarify.

We, obviously, do not want our property to be condemned, and our tenants to be forced to vacate. Presently we are in the process of formalizing a management agreement with David K. Wells, with whom you have been in contact with regarding these inspections. We are all working in good faith to correct the issues and regain good standing with you personally, and also the City of St. Paul.

We have filed an appeal with the City of St. Paul regarding the time allowed to correct the 48 discrepancies, the Notice of Condemnation, and the pressure test requirement. Many items, not all - but many, from your earlier inspections of 3Sep2010 & 13Oct2010, with a re-inspection date of 15Nov2010, have been addressed and corrected.

We are making sincere progress through the list and addressing the discrepancies.

Please contact us with clarification about what needs to be corrected by 4Nov2010 @9:30am in order to remove the Notice of Condemnation.

Sincerely,

Sarah Sjolund-Erdmann

email: kserdmann@gmail.com

tel: 763.568.6780



David Wells r...e W (2.5 MB)

		Call # 38383 SM # 74977 MN License #061521-PM Minneapolis License #788																									
2005 Garfield Avenue South Minneapolis, MN. 55408 Phone 612-827-9039 Fax 612-827-8129 www.norblumplumbing.com																											
J Name: David Wells B Address: 3033 Excelsior Blvd #100 S City: Mpls MN Zip: 55416 I Home Ph#: Work/Cell Ph#: Email: DWELLS@DSEBUREAU.COM T E																											
Problem Reported:																											
Actual Work Performed:																											
Replaced broken part of gas leak Also some loose fittings installed to clean large drain line																											
<table border="1"> <thead> <tr> <th>QTY</th> <th>Parts/Materials Description</th> <th>Price</th> <th>PAID <input type="checkbox"/></th> <th>NOT PAID <input checked="" type="checkbox"/></th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Gas Valve</td> <td>217.00</td> <td></td> <td></td> </tr> <tr> <td>2</td> <td>Gas Pipe</td> <td>27.00</td> <td></td> <td></td> </tr> <tr> <td>2</td> <td>Gas Fittings</td> <td>16.00</td> <td></td> <td></td> </tr> <tr> <td>2</td> <td>Gas</td> <td>11.00</td> <td></td> <td></td> </tr> </tbody> </table>	QTY	Parts/Materials Description	Price	PAID <input type="checkbox"/>	NOT PAID <input checked="" type="checkbox"/>	1	Gas Valve	217.00			2	Gas Pipe	27.00			2	Gas Fittings	16.00			2	Gas	11.00			Credit Card Number: Expiration Date: CID #: Billing House #: Zip Code: Authorization #: CC Signature: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> 10 day billing <input type="checkbox"/> Prepaid <input type="checkbox"/> Check # <input type="checkbox"/> Sub Contractor	
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1	Gas Valve	217.00																									
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Plumber(s) Name:	Total Parts: 118.00	Labor: 217.00 Parts/Materials: 118.00 Permit:																									
<table border="1"> <thead> <tr> <th>Date</th> <th>Arrive</th> <th>Depart</th> <th>Total Time</th> <th>Rate</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>10/11/11</td> <td>8:43</td> <td>11:43</td> <td>3:00</td> <td>\$99 first 30 minutes, \$34 each additional 15 minutes plus materials</td> <td>217.00</td> </tr> </tbody> </table>	Date	Arrive	Depart	Total Time	Rate	Amount	10/11/11	8:43	11:43	3:00	\$99 first 30 minutes, \$34 each additional 15 minutes plus materials	217.00	WARRANTY: Labor is covered 30 days for repairs; newly installed equipment or fixtures supplied by Norblum Plumbing Co. is one year. Materials supplied by NPC are covered by Manufacturer's warranty. NPC does not warranty the following: Customer supplied parts or fixtures, any drain cleaning, and any non-conforming work.														
Date	Arrive	Depart	Total Time	Rate	Amount																						
10/11/11	8:43	11:43	3:00	\$99 first 30 minutes, \$34 each additional 15 minutes plus materials	217.00																						
WORK AUTHORIZATION & TERMS: I hereby authorize the work listed above and on the other side and agree to pay for all work, goods, and services received. I recognize that aged and deteriorated plumbing, sewer, piping, appliances, fixtures, equipment, and appurtenances may no longer be serviceable, and I agree to hold Norblum Plumbing Company blameless for any damage or destruction of those items as a result of conventional repair or installation efforts. I represent that I am either the owner of the property or the owner's agent and have authority to order said work. All non-stock materials ordered by the customer are subject to a 20% restocking fee based on the sale price. Special order materials can not be returned once received. A service charge of 1.5% per month (18% per annum) will be charged on all balances 30 days or more past due. A \$30.00 fee will be charged for any NSF checks. I will be responsible for all monies associated with collection including all court costs and attorney's fees.																											
Authorized Signature:	Date: 10/11/11																										
PRINTED NAME: DAVID WELLS																											

