



# RECEIVED APPLICATION FOR APPEAL

JAN 20 2016 Saint Paul City Council – Legislative Hearings

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 \_\_\_\_\_)
  - 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>Jan 26</u>
Time <u>11:00 a.m.</u>
Location of Hearing: <u>Room 330 City Hall/Courthouse</u>

*pd \$25 check # 10068*

## Address Being Appealed:

Number & Street: 443 Ashland Ave City: St Paul State: MN Zip: 55102

Appellant/Applicant: Ashland Property, LLC Email jarnold@lakewoodenterprises.com

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell 612-210-8608

Signature: *Robert Arnold* Date: 1/20/2016

Name of Owner (if other than Appellant): Robert Arnold

Mailing Address if Not Appellant's: PO Box 16447, St Paul, MN 55116

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell 612-750-5161

## What Is Being Appealed and Why? *Attachments Are Acceptable*

- Vacate Order/Condemnation/
- Revocation of Fire C of O \_\_\_\_\_ Please see attached letter and pictures for details of appeal.
- Summary/Vehicle Abatement \_\_\_\_\_
- Fire C of O Deficiency List/Correction \_\_\_\_\_
- Code Enforcement Correction Notice \_\_\_\_\_
- Vacant Building Registration \_\_\_\_\_
- Other (Fence Variance, Code Compliance, etc.) \_\_\_\_\_

RECEIVED

JAN 20 2016

CITY CLERK



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

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

334

January 11, 2016

Ashland Property Llc  
1833 Eagle Ridge Dr Apt 1  
Mendota Hghts MN 55118-4270

Ashland Investments C/O Bob Arnold  
PO Box 16447  
Saint Paul MN 55116

## CORRECTION NOTICE

RE: 443 ASHLAND AVE  
File #: 16-001053

Dear Sir or Madam:

The City of Saint Paul, Department of Safety and Inspections has inspected the above referenced property on **January 11, 2016** and has determined that the following deficiencies exist in violation of the Saint Paul Legislative Code<sup>1</sup> (see footnote 1, below).

1. DISCHARGE OF WATER HAS CREATED A BUILD UP OF ICE ON PUBLIC SIDEWALK AND ALLEY RESULTING IN A HAZARDOUS CONDITION. DISCONTINUE THE DISCHARGE OF WATER ONTO PUBLIC SIDEWALK / ALLEY.

You are hereby notified to correct these deficiencies in accordance with the appropriate codes. The Enforcement Officer will reinspect these premises on or after **January 20, 2016**, by which date the violations noted must be corrected. **Failure to correct these deficiencies may result in the issuance of criminal charges<sup>2</sup>** and/or a civil lawsuit, and possible abatement/assessment by the City. All repairs and new installations must be made in accordance with the appropriate codes. Permits may be obtained by calling 651-266-8989.

You may file an appeal to this notice by contacting the City Clerk at 651-266-8585. Any appeal must be made in writing within 10 days of this notice. (You must submit a copy of this Notice when you appeal, and pay a filing fee.)

**If you have any questions or request additional information, please contact me. To arrange an appointment or request an extension of time to complete repairs, you will need to speak directly to me at 651-266-1908.**

Sincerely,

**Mark Kaisersatt**

**Badge # 334**

**CODE ENFORCEMENT OFFICER**

Footnotes:

- <sup>1</sup> To see the Legislative Code go to [www.stpaul.gov](http://www.stpaul.gov) on the internet, click on "Departments", then click on "Department of Safety and Inspections", scroll down the page for the "Codes". Most Correction Notices derive from Chapter 34.
- <sup>2</sup> Criminal charges can be brought on the day the violation is observed, but generally we allow time to correct unless this is a repeat violation.

mk

**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 such 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.

cn60100 4/13



PO Box 16447  
Saint Paul, MN 55116

January 20, 2016

Saint Paul City Council – Legislative Hearings  
310 City Hall, 15 W. Kellogg Blvd.  
Saint Paul, MN 55102

RE: Application For Appeal, Correction Notice File # 16-001053, 443 Ashland Ave

Dear Sir or Madam,

On January 15, 2016, Ashland Property, LLC dba Ashland Apartments received a correction notice from the City of Saint Paul Department of Safety and Inspections dated January 11, 2016, concerning the discharge of water onto the public alley and sidewalk next to property located at 443 Ashland Ave in St Paul. The notice demands that Ashland Apartments “discontinue the discharge of water onto public sidewalk/alley. Ashland Apartments appeals this notice to bring your attention to all of the efforts of the owner over the last two decades to mitigate the effects of the dilapidated condition of the alley.

For some background information the current owner, Robert Arnold, purchased the property in 1986. Approximately ten years after purchasing the property he began to notice a slight problem of water intrusion in the basement boiler room. At the time the problem was not sufficient to be of great concern. However, this problem has grown worse every year.

In 2001 the owner noticed severe cracking of the alley surface. During rainfall it was clear that rainwater was seeping into the cracks in the alley as it flowed toward Arundel Street to the East. The owner attempted to seal these cracks with roofing cement and fabric. This seemed to help alleviate the problem, but did not last very long. The water that does reach Arundel Street creates a pond just South of the alley curb cutout. It seems that there is a slight depression at that spot before the water can make its way to the storm drain located further South at the corner of Ashland Avenue and Arundel Street.

In approximately 2006 as a response to increased amounts of ground water flowing into the basement the owner installed two sump pumps. The discharge from these pumps was sent to existing drain pipes that carry storm water runoff from the roof and discharge onto the public alley to the North. At the time it seemed to be the only viable option for discharging the excess ground water. The building was built in

the 1920s and has little yard space besides boulevard grass to the East and South, and small yards at the South face of the building.

The lowest point inside the building is the boiler room at the North edge. The front yard is over one-hundred and twenty feet to the South. Running a discharge pipe for these sump pumps to the front yard raised multiple concerns; overall length of the pipe, proper sloping of the pipe over a great distance, damage to the pipe from freezing in winter, and water intrusion of basement apartments on the South side of the building. These sump pumps helped to keep the boiler room dry except during heavy rainfalls and large snowmelts. Gutters were added to aid the discharge of this water to be able to reach the street instead of just pouring into the cracks in the alley surface.

Over the last few years we have made a number of calls to the Department of Public Works about the condition of the alley. We have noticed shifts in these alley surface pieces of as much as two inches over the course of twelve months. Small repairs have been made by Public Works, but have never had a noticeable effect on the intrusion of water into our basement.

During the summer of 2015 a large hole appeared next to a manhole cover of an abandoned utility service vault under the alley. With the help of Lori Lemke in Public Works the ownership of the vault was traced back to Xcel Energy. Ms. Lemke was also instrumental in getting Xcel Energy to fill and seal this utility vault. This had a noticeable effect on reducing the amount of water that we see in the basement, but has not eliminated it. We sincerely appreciate the assistance that Ms. Lemke provided in this incident.

It seems clear from our experience over the last two decades that the alley desperately needs a new water tight surface in order to reduce the intrusion of rainwater and snowmelt into the soil beneath our building. We sincerely regret the buildup of ice that occurs because of our sump pumps, but we cannot stop pumping out this water because we must protect our building structure and mechanical systems from water damage due to the condition of the alley. After many years of significant work on our part to mitigate damage to our building we expect the City to address the problem of the public alley surface.

Attached to this letter is a series of pictures, labeled Exhibit A, from 2002 to the present showing the various conditions of the public alley as described above.

Sincerely,

Jeffrey R. Arnold  
Property Manager  
Ashland Apartments  
612-210-8608  
[jarnold@lakewoodenterprises.com](mailto:jarnold@lakewoodenterprises.com)

**Exhibit A**



**West facing picture of public alley dated 5/28/2002**



**East facing picture of public alley dated 5/28/2002**



West facing picture of public alley dated 7/22/2010



West facing picture of public alley dated 3/2/2011



**Detail picture of public alley showing severe cracking dated 4/8/2014**





**West facing picture of public alley showing ponding of water at street curb cut dated 4/8/2014**



**Picture of public alley showing severe cracking and movement of surface pieces dated 7/15/2015**



**Detail shot of hole by Xcel Energy utility vault dated 7/15/2015**



**Interior picture of Ashland Apartments basement boiler room dated 1/8/2016. Water on floor is ground water seeping in through basement walls.**