



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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

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May 19, 2011

10-117027

Daniel T Niezgocki
2076 English St N
Maplewood MN 55109-3427

JP Morgan Chase Bank
c/o Halverson Blaiser Group Ltd
7800 Metro Pkwy #300
Bloomington MN 55425

Leonard Street & Deinard
150 S Fifth Street #2300
Minneapolis MN 55402

Order to Abate Nuisance Building(s)

Dear: Sir or Madam

The Vacant/Nuisance Buildings Unit, Department of the Department of Safety and Inspections, Division of Code Enforcement, hereby declares the premises located at:

580 MINNEHAHA AVE E

With the following Historic Preservation information: NONE

and legally described as follows, to wit:

Phillips Addition Lots 1 & Lot 2 Blk 1

to comprise a nuisance condition in violation of the Saint Paul Legislative Code, Chapter 45.02, and subject to demolition under authority of Chapter 45.11.

On March 16, 2011, a Building Deficiency Inspection Report was compiled and the following conditions were observed.

This list of deficiencies is not necessarily all the deficiencies present at this time. This building(s) is subject to the restrictions of Saint Paul Ordinance Chapter 33.03 and shall not again be used for occupancy until such time as a Certificate of Compliance or a Certificate of Occupancy has been issued. All repairs must be in accordance with appropriate codes. Changes or additions to the electrical system, mechanical system, or the plumbing system may necessitate updating or upgrading the systems involved.

This is a three story, concrete block, apartment building and its seven (7) stall, wood frame garage.

The following Deficiency List is excerpted from the October 28, 2010 Fire Inspection Code Compliance Notice.

1. EXTERIOR - DECKS - SPLC 34.09 (2), 34.32(2) - Repair or replace the unsafe stairways, porch, decks or railings in an approved manner. This work may require a permit(s). Call DSI at (651) 266-9090. Decks to be inspected for structural integrity and repaired as determined by building inspector.
2. EXTERIOR - DOWNSPOUTS - SPLC 34.09 (1) e, 34.32 (1) d - Provide and maintained the roof weather tight and free from defects. Repair/replace and reconnect gutters and downspouts--provide extensions to drain rain water away from building.
3. EXTERIOR - 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.-Repair garage.
4. EXTERIOR - GROUND COVER - SPLC 34.08 (3) - Provide and maintain suitable ground cover on all exterior areas to control erosion.
5. EXTERIOR - GUARDRAILS - SPLC 34.09 (2), 34.32(2) - Repair or replace the damaged guardrail in an approved manner. This work may require a permit(s). Call DSI at (651) 266-9090.
6. EXTERIOR - HANDRAILS - SPLC 34.09 (2), 34.32(2) - Repair or replace the damaged handrail in an approved manner. This work may require a permit(s). Call DSI at (651) 266-9090.
7. EXTERIOR - RETAINING WALL - 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.- Repair retaining wall.
8. EXTERIOR - SCREENS - SPLC 34.09 (3), 34.32 (3) - Provide or repair and maintain the window screens.
9. EXTERIOR - WALLS/SIDING - 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 or replace defective siding.
10. EXTERIOR - WINDOWS - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window in good condition - Replace all broken/cracked windows throughout.
11. EXTERIOR/INTERIOR - UNIT NUMBERS - SPLC 71.01 - Provide address numbers on building per attached HN-1 handout - Provide unit identification numbers interior and exterior.
12. INTERIOR - CO/SDA - SPLC 39.02(c) - Complete and sign the required CO/smoke detector affidavit and return it to this office.
13. INTERIOR - FIRE EXTINGUISHERS - 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
14. INTERIOR FURNACE ROOM - CEILING - MSFC 703 - Provide and maintain fire rated floor and/or ceiling construction with approved materials and methods. This work may

- require a permit(s). Call DSI at (651) 266-9090. The minimum rating must be: ONE HOUR. Repair ceiling to a one hour fire rating.
15. INTERIOR FURNACE ROOM - STORAGE - MSFC 315.2.3 - Remove combustible storage from the fuel burning equipment rooms. Remove storage from furnace room and keep clean. Remove all items from around water heater, furnace, water meter, electric meters.
 16. INTERIOR HALLWAYS/STAIRWELLS - CARPETING - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the floor in an approved manner. Repair or replace the defective floor coverings on floors/steps.
 17. INTERIOR HALLWAYS/STAIRWELLS - SANITATION - SPLC 34.10 (5), 34.33 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition. Interior hallways and stairwells etc to be cleaned - walls, ceilings, floors, steps. Dirty carpeting to be cleaned and sanitized or replaced.
 18. INTERIOR HALLWAYS/STAIRWELLS/LAUNDRY/FURNACE ROOMS - FIRE DOORS - MSFC 703 - Provide, repair or replace the fire rated door and assembly. The minimum rating must be: ONE HOUR. Repair and maintain the door frame. Repair and maintain the door latch. Repair and maintain the door closer.
 19. PLUMBING BASEMENT - GAS PIPING - MFGC 409.5 - Provide an approved gas shut off valve within 6 feet of the appliance in accordance with the mechanical code. This work may require a permit(s). Call DSI at (651) 266-8989. GAS PIPING: DRYER GAS SHUTOFF; CONNECTOR OR PIPING INCORRECT (IFGC 402.1); RUN DRYER VENT TO CODE (IFGC 623.2 - IMC 604.1).
 20. PLUMBING BASEMENT - LAUNDRY ROOM FLOOR DRAIN COVER - SPLC 34.11 (4), 34.34 (1), MPC 4515, MPC 326 - Connect or cap the sewer piping in accordance with the plumbing code. Secure floor drain cover in laundry room.
 21. PLUMBING BASEMENT - SOIL AND WASTE PIPING - SPLC 34.11 (4), 34.34 (1), MPC 4715.0900 MPC 4715.0220S - Provide and maintain an approved waste trap. SOIL AND WASTE PIPING: IMPROPER CONNECTIONS, TRANSITIONS, FITTINGS OR PIPE USAGE (MPC 2420)
 22. PLUMBING BASEMENT - WATER HEATER - MFGC Chapter 4 - Provide or replace fuel equipment piping in compliance with the mechanical code. This work may require a permit(s). Call DSI at (651) 266-9090. WATER HEATER: NOT FIRED OR IN SERVICE (MPC 2180).
 23. PLUMBING BASEMENT - WATER METER - SPLC 34.11, SBC 2902.1, SPLC 34.17, MPC 415.0220 - Repair or replace and maintain the plumbing fixture to an operational condition. WATER METER: SERVICE VALVES NOT FUNCTIONAL OR CORRECT (MPC 1800 SUBP 3.4).
 24. PLUMBING UNIT #2 - LAVATORY - SPLC 34.11, SBC 2902.1, SPLC 34.17, MPC 415.0220 - Repair or replace and maintain the plumbing fixture to an operational condition.-LAVATORY: PROVIDE NEW POP -UP DRAIN.
 25. PLUMBING UNIT #2 - TUB AND SHOWER - SPLC 34.11, SBC 2902.1, SPLC 34.17, MPC 415.0220 - Repair or replace and maintain the plumbing fixture to an operational condition. TUB AND SHOWER: PROVIDE ANTI-SCALD VALVE (MPC 1380. SUBP 5); REPLACE WASTE AND OVERFLOW (MPC 1240).

26. PLUMBING UNIT #4 - SINK - SPLC 34.11, SBC 2902.1, SPLC 34.17, MPC 415.0220 - Repair or replace and maintain the plumbing fixture to an operational condition. SINK: WASTE INCORRECT (MPC 2300)
27. PLUMBING UNIT #4 - TOILET - SPLC 34.11, SBC 2902.1, SPLC 34.17, MPC 415.0220 - Repair or replace and maintain the plumbing fixture to an operational condition.- TOILET: RESET TO CODE.
28. PLUMBING UNIT #4 - TUB AND SHOWER - SPLC 34.11, SBC 2902.1, SPLC 34.17, MPC 415.0220 - Repair or replace and maintain the plumbing fixture to an operational condition. TUB AND SHOWER: PROVIDE ANTI-SCALD VALVE (MPC 1380 SUBP 5); REPLACE WASTE AND OVERFLOW (MPC 1240).
29. PLUMBING UNIT #5 - LAVATORY - SPLC 34.11, SBC 2902.1, SPLC 34.17, MPC 415.0220 - Repair or replace and maintain the plumbing fixture to an operational condition.-LAVATORY: WASTE INCORRECT (MPC 2300)
30. PLUMBING UNIT #5 - SINK - SPLC 34.11, SBC 2902.1, SPLC 34.17, MPC 415.0220 - Repair or replace and maintain the plumbing fixture to an operational condition.- SINK: WASTE INCORRECT (MPC 2300).
31. PLUMBING UNIT #5 - TUB AND SHOWER - SPLC 34.11, SBC 2902.1, SPLC 34.17, MPC 415.0220 - Repair or replace and maintain the plumbing fixture to an operational condition. TUB AND SHOWER: PROVIDE ANTI-SCALD VALVE (MPC 1380 SUBP 5); REPLACE WASTE AND OVERFLOW (MPC 1240)
32. PLUMBING UNIT #6 - SINK - SPLC 34.11, SBC 2902.1, SPLC 34.17, MPC 415.0220 - Repair or replace and maintain the plumbing fixture to an operational condition. SINK: WASTE INCORRECT (MPC 2300)
33. PLUMBING UNIT #6 - TOILET - SPLC 34.11, SBC 2902.1, SPLC 34.17, MPC 415.0220 - Repair or replace and maintain the plumbing fixture to an operational condition.- TOILET: RESET TO CODE,
34. PLUMBING UNIT #6 - TUB AND SHOWER - SPLC 34.11, SBC 2902.1, SPLC 34.17, MPC 415.0220 - Repair or replace and maintain the plumbing fixture to an operational condition. TUB AND SHOWER: PROVIDE ANTI-SCALD VALVE (MPC 1380 SUBP 5); REPLACE WASTE AND OVERFLOW (MPC 1240)
35. PLUMBING UNIT #7 - SINK - SPLC 34.11, SBC 2902.1, SPLC 34.17, MPC 415.0220 - Repair or replace and maintain the plumbing fixture to an operational condition. SINK: WASTE INCORRECT (MPC 2Q300)
36. PLUMBING UNIT #7 - TUB AND SHOWER - SPLC 34.11, SBC 2902.1, SPLC 34.17, MPC 415.0220 - Repair or replace and maintain the plumbing fixture to an operational condition. TUB AND SHOWER: PROVIDE ANTI-SCALD VALVE (MPC 1380 SUBP 4); REPLACE WASTE AND OVER FLOW (MPC 1240)
37. UNITS ALL - ALL EQUIPMENT - SPLC 34.12 (2), 34.35 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition. Repair/replace window blinds. All supplied equipment to be in good repair and proper working order-- appliances, air conditioners etc.
38. UNITS ALL - BASEBOARD REGISTERS - SPLC 34.11 (6), 34.34 (3) -Repair/replace damaged baseboard registers.

39. UNITS ALL - BATHROOM FLOORS - SPLC 34.10 (4), 34.33 (3) - Provide a bathroom floor impervious to water.
40. UNITS ALL - CABINETS - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the cabinets in an approved manner. Repair or replace the damaged or missing door. Repair or replace the damaged or missing drawer. Repair or replace the damaged framing. Repair or replace the damaged or missing hardware.
41. UNITS ALL - CEILINGS - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the ceiling in an approved manner. Patch the holes and/or cracks in the ceiling. Paint the ceiling.
42. UNITS ALL - DEAD BOLT LOCKS - SPLC 34.09 (3) i - Provide and maintain an approved one-inch throw single cylinder deadbolt lock.
43. UNITS ALL - EXTENSION CORDS - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.
44. UNITS ALL - FLOORS - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the floor in an approved manner. Refinish the floor. Repair or replace the floor coverings. Repair or replace the floor tile. Repair or replace the carpeting.
45. UNITS ALL - INTERIOR DOORS - SPLC 34.10 (7), 34.33 (6) - Repair or replace and maintain the woodwork in an approved manner. Repair/replace defective interior doors in units--closet doors etc.
46. UNITS ALL - LIGHT FIXTURE COVERS - MSFC 605.1- All light fixtures shall be maintained with protective globes if originally equipped.
47. UNITS ALL - OUTLET ADAPTER PLUGS - MSFC 605.4 - Discontinue use of all multi-plug adapters.
48. UNITS ALL - SANITATION - SPLC 34.10 (5), 34.33 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.- All units to be cleaned throughout. Clean all bathroom vents etc throughout.
49. UNITS ALL - UNIT ENTRY FIRE DOORS - MSFC 703 - Provide, repair or replace the fire rated door and assembly. The minimum rating must be:- Repair and maintain the door frame. Repair and maintain the door latch. Repair and maintain the door closer.
50. UNITS ALL - WALLS - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the walls in an approved manner.- Repair wall tiles. Patch the holes and/or cracks in the walls. Repair around all pipe penetrations thru walls to a 1 hour rating. Paint the wall.
51. UNITS ALL - WINDOW/PATIO DOOR LOCKS - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window lock. Provide approved locks for all windows/patio doors.
52. ELECTRICAL - Bond around water meter with a copper wire sized for the electrical service per Article 250 of the NEC, NEC 250.53
53. ELECTRICAL - Provide a complete circuit directory at service panel indicating location and use of all circuits, NEC 408.4
54. ELECTRICAL – ELECTRICAL - Verify that fuse/circuit breaker amperage matches wire size, NEC 240.4
55. ELECTRICAL - Close open knockouts in service panel/junction boxes with knockout seals, MSFC 605.6.3
56. ELECTRICAL - Repair or replace all broken, missing or loose light fixtures, switches & outlets, covers and plates, MSFC 605.6

57. ELECTRICAL - Replace all painted-over receptacles, MSFC 605.1
58. ELECTRICAL - Check all outlets for proper polarity and verify ground on 3-prong outlets, NEC 406.3
59. ELECTRICAL - Remove any 3-wire ungrounded outlets and replace with 2-wire or ground 3-wire to code, NEC 406.3
60. ELECTRICAL - Install hard-wired, battery backup smoke detector as specified in Bulletin 80-1 and other smoke detectors as required by the IRC. Also, Install carbon monoxide detector(s) within 10 feet of all bedrooms, SPLC 34.15 ELECTRICAL - All added receptacles must be grounded, tamper-resistant and be on an Arc-Fault Circuit Interrupter-protected circuit, NEC 210.12
61. ELECTRICAL - All electrical work must be done by a Minnesota- licensed electrical contractor under an electrical permit, MN Stat 326B.36
62. ELECTRICAL - Any open walls or walls that are opened as part of this project must be wired to the standards of the 2008 NEC, MN Stat 326B.35
63. ELECTRICAL - All buildings on the property must meet the St. Paul Property Maintenance Code (Bulletin 80-1), SPLC 34.14
64. ELECTRICAL - Install working bath fan in each unit.
65. MECHANICAL - MNFGC 409.5 - Install approved lever handle manual gas shutoff valve on boiler and remove unapproved valves.
66. MECHANICAL - HEATING REPORT - SPLC 34.11 (6) - Clean and Orsat test furnace/boiler burner. Check all controls for proper operation. Check furnace heat exchanger for leaks; provide documentation from a licensed contractor that the heating unit is safe.
67. MECHANICAL - MNFGC 501.15.4 - Provide adequate clearance from flue vent pipe on boiler to combustible materials, install Class B venting or provide approved shielding according to code.
68. MECHANICAL - MNFGC - 613.1 & MNMC 604.1 - Vent clothes dryer to code.
69. MECHANICAL - MNFGC - 304 - Provide adequate combustion air. Remove cover on inside of combustion air louver.
70. MECHANICAL - MNFGC - 407 -Provide support for gas lines to code.
71. MECHANICAL - MNMC 103 - Plug, cap and/or remove all disconnected gas lines and unapproved valves.
72. MECHANICAL - MNMC 103 - Attach metal tag to expansion tank valve stating that this valve must be OPEN at all times except when draining the expansion tank.
73. MECHANICAL - MNMC 1208.1 - Conduct witnessed pressure test on hot water heating system and check for leaks.
74. MECHANICAL - MNMC 103 - Replace all damaged fin tube radiation and covers as needed.
75. MECHANICAL - SPLC 34.12(2)-Clean all baseboard fin tube elements.
76. MECHANICAL - SPLC 34.12(2)-All kitchen and bathroom exhaust fans to be operational.
77. MECHANICAL - MN RULES 1300.0120 - Mechanical permits are required for the above work.

78. ZONING - SPLC 62.101 - Use of this property does not conform to zoning ordinance. Discontinue unapproved use or call DSI Zoning at (651) 266-8989 to convert to legal use. ANY USE OF THIS BUILDING SHALL CONFORM TO CURRENT ZONING CODES.

As owner, agent or responsible party, you are hereby notified that if these deficiencies and the resulting nuisance condition is not corrected by **June 20, 2011**, the Department of Safety and Inspections, Division of Code Enforcement, will begin a substantial abatement process to demolish and remove the building(s). The costs of this action, including administrative costs and demolition costs will be assessed against the property taxes as a special assessment in accordance with law.

As first remedial action, a Code Compliance Inspection Report must be obtained from the Building Inspection and Design Section, 375 Jackson Street, Suite 220, (651) 266-8989. This inspection will identify specific defects, necessary repairs and legal requirements to correct this nuisance condition. You may also be required to post a five thousand dollar (\$5,000.00) performance bond with the Department of Safety and Inspections before any permits are issued, except for a demolition permit. Call the Department of Safety and Inspections for more information at 651-266-8989.

If this building is located in a historic district or site (noted on page 1, above, just below the property address) then you must contact Heritage Preservation (HPC) staff to discuss your proposal for the repairs required by this order and compliance with preservation guidelines. Copies of the guidelines and design review application and forms are available from the Department of Safety and Inspections web site (see letterhead) and from the HPC staff. No permits will be issued without HPC review and approval. HPC staff also can be reached by calling 651-266-9078.

As an owner or responsible party, you are required by law to provide full and complete disclosure of this "Order to Abate" to all interested parties, all present or subsequent renters and any subsequent owners. The property shall not be sold, transferred or conveyed in any manner until the Nuisance Conditions have been abated and the Certificate of Code Compliance or Certificate of Occupancy has been issued.

The Enforcement Officer is required by law to post a placard on this property which declares it to be a "nuisance condition", subject to demolition and removal by the City. This placard shall not be removed without the written authority of the Department of Safety and Inspections, Division of Code Enforcement. The department is further required to file a copy of this "Order to Abate" with the City Clerk's Office.

If corrective action is not taken within the time specified in this order, the Enforcement Officer will notify the City Council that abatement action is necessary. The City Clerk will then schedule dates for Public Hearings before the City Council at which time testimony will be heard from interested parties. After this hearing the City Council will adopt a resolution stating what action if any, it deems appropriate.

If the resolution calls for abatement action the Council may either order the City to take the abatement action or fix a time within which this nuisance must be abated in accordance with the provisions of Chapter 33 of the Saint Paul Legislative Code and provide that if corrective action is not taken within the specified time, the City shall abate this nuisance. The costs of this action, including administrative costs will be assessed against the property as a special assessment in accordance with law.

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If you have any questions or request additional information please contact **Rich Singerhouse** between the hours of 8:00 and 9:30 a.m. at **651-266-1945**, or you may leave a voice mail message.

Sincerely,

Rich Singerhouse
Vacant Buildings Enforcement Inspector Supervisor

cc: Legistar Approval list and City Council

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