



CITY OF SAINT PAUL
OFFICE OF THE CITY COUNCIL
310 CITY HALL
15 WEST KELLOGG BOULEVARD
SAINT PAUL, MN 55102-1615
EMAIL: legislativehearings@ci.stpaul.mn.us
PHONE: (651) 266-8585 FAX: (651) 266-8574

April 27, 2015

Tamara Gray, VIA EMAIL: tamaralgray@gmail.com
Eugene Sitzmann, 2182 Edgcumbe Rd, Saint Paul MN 55116
Kevin Naughton, neachtain727@gmail.com
Don Bachmeier, don@bachmeier@gmail.com

Re: Appeal for Property at 1659 – 1669 Grand Avenue

To the Commercial Tenants of 1659 – 1669 Grand Avenue & the Building Owner:

The Legislative Hearing on April 21, 2015 concluded with no modification of my current recommendation that the building remain vacant until it has received a code compliance certificate (also known as a certificate of occupancy). The question posed by the building's owner and commercial tenants was if they could continue to occupy the building's commercial areas, while the residential spaces are rehabilitated. Given the circumstances, I expected that any such re-occupation would be contingent on conditions which would diminish the risk posed by occupying a building the upper/second story being condemned.

Therefore, I found I needed to conduct a thorough building inspection of this building with the City's Building Official, Steve Ubl, to give me the best information on to develop a recommendation for the City Council's consideration. This inspection was in addition to ones conducted by Mr. Neis, which resulted in the order to vacate the second floor and the determination there was a 1-hour fire separation between the first and second floors. Mr. Ubl made himself available the following day, April 22, 2015 and we were able to walk through the entire building and make (preliminary) findings.

Considering the question of what conditions would allow for the partial or temporary re-occupancy of the building, my observations based on these inspections are as follows:

- There is no question the conditions on the upper, residential, level constitute a hazard. Condemnation and the resultant immediate order to vacate were clearly justifiable. It was not clear to me that the conditions we observed arose in the time period between the issuance of the certificate of occupancy issued on December 16, 2014, if they existed prior to that time.
- There has been a lot of unpermitted alteration to this building. For example, there is a haphazardly-built "structural support" framework under the westerly (vacant) commercial

space. It is clear on visual inspection this work was done without a permit or any structural analysis.

- There has been an emphasis on property safety, as opposed to life safety recently. Two specific circumstances demonstrate this. A basement exit door located under the bookstore was chained and locked from the outside. This lock was installed by the other commercial tenant for the purpose of preventing the loss of tools and other property while that space under construction. However, the chain and lock also denies egress (through a marked exit) in the basement under the occupied commercial space in an emergency situation. Although this situation was discussed in the hearings, there was no attempt to remove the lock and chains until requested by me on inspection.
- There is also evidence of living space in the basement in a room with a sleeping bag and basic personal care items. I saw no windows in the basement. In an emergency situation, a person would need to exit through a labyrinth of small rooms to the outside, which is a significant fire safety violation. This and the previous condition put doubt in my mind about the likelihood the building would return to equally unsafe conditions, given the priorities in managing the building.
- Electrical connections within the building are suspect. The hook-ups to the building are unclear to me, given the number and type of spaces in use. Orders beginning in July of 2013 note the electrical concerns in both the residential and commercial spaces of the building. There was an electrical permit pulled in July 2014 for on the “transformer/ generator/ capacitor.” No other electrical permits have been pulled to address the many electrical items noted in orders consistently.
- There appear to be no mechanical or plumbing permits relating to installation of water heaters for 20 years (at least). There is a newish water heater for the bookstore, which appears to have been installed without permit.
- The building permit from July of 2014, which was to have covered a couple of the repairs necessary for settlement of the criminal citation was not finalized, as there was no access provided to the inspector by the contractor. There are no building permits for repairing the back stairs on the exterior, the erection of the support in the basement or any other building work requiring a permit.
- I have questions about the furnace/boiler system and water heaters, but they really need to be inspected by a professional in order for there to be conclusions.
- Although the April 16, 2015 residential orders indicate there are walls, floors and ceilings in need of repair, they don’t go into the detail one can observe when actually inside the building. For example, in one of the units there had been a fire which burned through the ceiling and significantly compromised structural member. (Notably, there was no fire report for this instance, as no one called it in.) In another area, the roof and ceiling are open air. The violations leading to the relatively simple order are vast.
- The only space within the entire building which is in reasonably good condition is the bookstore.
- Based on a visual inspection and discussion with Mr. Ubl, I have little confidence in the gas connection to and within the building.
- Based on visual inspection, noting especially exposed wires and extension cord wiring, and my discussion with Mr. Ubl, I don’t have confidence in the electrical hook-ups to the building or the wiring within the building.

Gray, Sitzmann et al.

April 27, 2015

Page 3 of 3

My intention in going to the building was to see if the determination of there being a 1-hour fire separation was sufficient to allow temporary or partial re-occupancy of the building. In my view, there are two areas of concern. A 1-hour fire separation needs to be present should something happen. However, there is a high likelihood of needing to rely on this 1-hour separation due to unsafe and dilapidated building conditions – which is very concerning.

Given all of these factors, I will be recommending to the City Council that bookstore be allowed to operate its internet business until May 8, 2015. If the gas is cut for the entire building, and electric is cut to all but the bookstore, they may continue to operate the internet portion of their business at this location through June 1, 2015.

Should you wish to contest this matter further, it is scheduled for the City Council's Public Hearing Agenda on Wednesday, May 6, 2015 at 5:30. These hearings occur in City Council Chambers, Room 300 City Hall. You may contact my office with questions at 651-266-8563.

Sincerely,

Marcia Moermond

Marcia Moermond

Legislative Hearing Officer

cc: Earl Gray, egraybw@gmail.com

Fred Kueppers, fkueppers@kuepperslaw.com

Mary Kathleen Sitzmann, 2182 Edgcumbe Rd, Saint Paul MN 55116

Susanne McLain, 112 N. Oak Holland, Georgetown, TX 78628

Ricardo Cervantes, Department of Safety & Inspections (DSI) Director,

ricardo.cervantes@ci.stpaul.mn.us

Steve Magner, DSI Code Enforcement/Vacant Buildings Mgr. steve.magner@ci.stpaul.mn.us

Phil Owens, DSI Asst. Fire Marshal, phil.owens@ci.stpaul.mn.us

Steve Ubl, DSI Building Official, stephen.ubl@ci.stpaul.mn.us

Matt Dornfeld, DSI Vacant Building Supervisor matt.dornfeld@ci.stpaul.mn.us

Adrian Neis, DSI Fire Inspections Supervisor adrian.neis@ci.stpaul.mn.us