



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

AUG 22 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

<p>HEARING DATE & TIME (provided by Legislative Hearing Office) Tuesday, <u>Sept. 6, 2016</u></p> <p>Time <u>1:30 p.m.</u></p> <p>Location of Hearing: Room 330 City Hall/Courthouse</p>
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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: August 17, 2016

Name of Owner (if other than Appellant): _____

Mailing Address if Not Appellant's: _____

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

August 17, 2016

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

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 August 9, 2016 (Copy enclosed).

I am appealing the August 9th notice for the following reasons:

1. DSI has not followed up on an agreement made June 14, 2016, in two important ways:
 - a. Contrary to our agreement, DSI has not provided an additional email to correct information it provided to my tenants about my building's inspection history.
 - b. Contrary to our agreement, DSI has not worked with me to clarify items on the list so I could get estimates from contractors and set a mutually agreeable, new deadline for corrections.

See related enclosure –

- 6/14/2016: Email from DSI Inspector Adrian (AJ) Neis

2. Item #8 needs additional clarification.

I requested clarification on item #8 in order to understand what remedial action is required. City Code Chapter 34.21 (1)(c) states that orders for correction must specify the violation which exists and the remedial action required.

See related enclosure –

- 8/11/2016: Email to DSI Inspector Laura Huseby, CC DSI Inspector AJ Neis

3. A single point of contact at DSI should be appointed to help me resolve this matter.

To date I have had contact with five DSI inspectors related to this matter:

- DSI Inspector Lisa Martin inspected most of my building on March 11, 2015, and issued no correction orders.
- DSI Inspector Laura Huseby inspected my building without prior notification on May 4, 2016, and sent me correction notices dated May 5 and August 9.
- DSI Inspector Kevin Chapdelaine sent me a notice dated May 13, 2016.

- DSI Inspector Richard Jacobs sent me a notice dated May 13, 2016.
- DSI Inspector AJ Neis inspected the furnace and water heater on June 8, 2016.

Some communications I received from DSI have been overlapping and conflicting. An email from Inspector Huseby indicated she was not aware of Inspector Neis' email to me outlining our agreement. I think it makes the most sense and would be more convenient for everyone involved if I could resolve all items related to this matter with the same DSI inspector.

4. Right to appeal language should be standard across all notices.

Appeal language on notices dated May 13th told me I must call a telephone number to file an appeal that must be written. This language differs from the other notices I received, and the extra step of calling a telephone number to file a written appeal seems unnecessary.

Right to appeal language should be standard across all notices so that filing instructions are clear and do not contain extra steps. You could include an appeal application in the envelope and/or include the URL for people to obtain it online. Also, it would be helpful to outline the appeal process steps in a written document so appellants know what to expect.

I will continue making a good-faith effort to comply with all DSI requirements. 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 a single point of contact at DSI to receive the clarity and time needed to address or 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

August 9, 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 reinspection will be made on September 8, 2016 at 1:00 PM.

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 reinspection 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 - 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.-
5. 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.

6. 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.
7. Interior - Second Floor Unit Kitchen Pantry - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the ceiling in an approved manner.-
8. Interior - Basement - UMC 1346.703 - Provide 30 inches clearance around all mechanical equipment.-
Around furnace and water heater.
9. 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 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



Jeremy Lostetter <jeremylostetter@gmail.com>

1410 Breda

Neis, Adrian (CI-StPaul) <adrian.neis@ci.stpaul.mn.us>

Tue, Jun 14, 2016 at 10:18 AM

To: "jeremylostetter@gmail.com" <jeremylostetter@gmail.com>

Cc: "Shaff, Leanna (CI-StPaul)" <leanna.shaff@ci.stpaul.mn.us>, "Vang, Mai (CI-StPaul)" <mai.vang@ci.stpaul.mn.us>, "Moermond, Marcia (CI-StPaul)" <marcia.moermond@ci.stpaul.mn.us>

Good morning Mr. Lostetter.

Per our conversation today and inspection last week, we will be withdrawing the orders on the furnace and water heater permits issues, and will give you the additional time requested to completed the other repairs, so there is no need to attend the legislative hearing this afternoon.

You have agreed to provide us with a fuel burning safety test to confirm that the furnace is operating safely.

I will also be following up with an additional email that you requested in the fact the initial inspection by our office was not completed, only Unit 2 and the common areas were inspected.

Should you have any further questions, please let me know.

Thanks,

AJ

A.J. Neis

Fire Safety Inspector III

City of Saint Paul, Dept. of Safety and Inspections

375 Jackson St. Suite 220

Saint Paul, MN 55101

P: 651-266-8992

F: 651-266-8951

Making Saint Paul the Most Livable City in America

"DSI's Mission: To preserve and improve the quality of life in Saint Paul by protecting and promoting public health and safety for all."



Jeremy Lostetter <jeremylostetter@gmail.com>

1410 Breda

Jeremy Lostetter <jeremylostetter@gmail.com>
To: "Huseby, Laura (CI-StPaul)" <laura.huseby@ci.stpaul.mn.us>
Cc: "Neis, Adrian (CI-StPaul)" <adrian.neis@ci.stpaul.mn.us>

Thu, Aug 11, 2016 at 7:00 PM

Dear Inspector Huseby,

Part of our agreement to drop my appeal was receipt of communications from DSI I could share with tenants explaining that Inspector Lisa Martin inspected the basement, common areas, and the upper unit of 1410 Breda Ave on March 11, 2015. We rescheduled her inspection of the lower unit 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 directed me to call Inspector Neis. I called Inspector Neis, and my voicemail to him was not returned.

A communication from DSI to my tenants with the above information is important because you incorrectly told them during your surprise inspection on May 4, 2016, that my building had never previously been inspected. I want my tenants to be given accurate information from DSI, and I would not have dropped my appeal without assurance that DSI would do this. You are correct that it has been nearly two months since DSI agreed to provide this communication, and to date it has not.

In regard to some of the items in your 8/9 correction notice:

- #6: Jack Pixley Sweeps - Chimney and Masonry removed their blue tarp on May 20, 2016. Note the tarp on the chimney was not related to the pantry. Your notice still incorrectly states it was wrapped around the chimney due to water damage in the upper unit's kitchen pantry ceiling. Please correct your records, and let me know if you need additional information in order to do so.
- #8: Can you please send me a copy of UMC 1346.703? I could not find this online. Your notice says to provide 30 inches clearance around the furnace and water heater. What items/structures/etc. are not allowed to be within 30 inches? I am wondering if this includes the building structure, e.g. the floor, walls, and ceiling.
- #9: Attached please find a signed Smoke and Carbon Monoxide Detector Inspection Affidavit.

Since your latest notice threatens punishments and I must appeal within 10 days in order to preserve my rights, I will do so if DSI does not uphold its side of the bargain and provide a communication stating the facts about previous inspections in 2015. Doing so before the 10-day appeal window has expired would be a demonstration of good faith on DSI's part that would be much appreciated.

I'm addressing the other items on this list as well, and they cannot all be completed by September 8, 2016. I hope we can work together to schedule a new inspection time once I receive some estimates. I look forward to continuing to work with you to resolve all items on your list and uphold DSI's commitments related to this matter.

Sincerely,
Jeremy Lostetter
{Quoted text hidden}

 **Smoke and Carbon Monoxide Detector Inspection Affidavit 081116.pdf**
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