



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

310 City Hall, 15 W. Kellogg Blvd.
Saint Paul, Minnesota 55102
Telephone: (651) 266-8585

RECEIVED

JUL 27 2018

We need the following to process your appeal: **CITY CLERK**

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number 820541)
- 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

HEARING DATE & TIME (provided by Legislative Hearing Office) Tuesday, <u>August 7</u> Time <u>11:30</u> Location of Hearing: <u>Room 330 City Hall/Courthouse</u>

Address Being Appealed:

Number & Street: 644 Robert St. S City: St. Paul State: MN Zip: 55107

Appellant/Applicant: Lindsey Haas Email: lhaasl@msrenewal.com

Phone Numbers: Business 612.345.9065 Residence _____ Cell 612.417.6595

Signature: *Lindsey Haas* Date: 07/27/2018

Name of Owner (if other than Appellant): Home SFR Borrower - Main Street Renewal

Mailing Address if Not Appellant's: 1611 County Road B West #219 Roseville, MN 55113

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
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other (Fence Variance, Code Compliance, etc.)

Comments:

Legislative Hearing Fact Sheet

Legislative Hearings provide a forum to review appeals of City-issued orders and develop recommendations for City Council consideration. Appellants not satisfied with the recommendation of the Hearing Officer also have an opportunity to be heard before the City Council if they wish to appeal further. Any person unsatisfied by the quasi-judicial decision of the City Council may obtain judicial review by timely filing of an action.

Appeal Applications

Appeal application forms are available online at <http://www.stpaul.gov/index.aspx?NID=161> or they can be mailed to you calling 651-266-8585. Appeal applications may be submitted in person at or by mail at Legislative Hearings, 310 City Hall, 15 Kellogg Boulevard W., St. Paul, MN 55102. Appeal applications should be filed within ten days of the date of written notification of the item(s) being appealed.

Scheduling Your Appeal Hearing

The date and time of the hearing for those applications submitted in person will usually be set at that time. Mailed applications will be copied and returned to the appellant with the date and time clearly indicated on the form. Generally, appeal hearings are scheduled one to four weeks after the application is submitted. Once an appeal has been scheduled, it may not be rescheduled more than once. Additional rescheduling will only be done by referral from the City Council.

If you are appealing a special assessment or wish to be heard on a proposed order to abate a nuisance building, the appeal dates and times are automatically listed in the orders themselves.

Hearings Are Held on Tuesdays & The Schedule Typically Is:

- 9:00 Tax Assessments & Orders to Remove or Repair, Repurchase of Application
- 11:00 Summary & Vehicle Abatement Orders, Correction Notice/Orders by Code Enforcement
- 11:30 Condemnations, Revocations & Vacate Order
- 1:30 Fire Certificate of Occupancy Letters & Fire Inspection Correction Order, Inspection Appointment Letters
- 2:30 Vacant Building Registration Notices
- 3:00 Other Cases (Usually Code Compliance Inspection Report, Fence Variance) and Overflow Hearings

What to Expect at the Hearing

A number of appeals are heard in each hearing session. For each appeal, City Staff will give a report and appellants will be given time to present information, testimony, photos or other documents. The Hearing Officer will take all of this into account to develop a recommendation for Council consideration. Occasionally, a decision cannot be made at the hearing and the matter will be laid over or continued to allow the appellant and/or staff time to gather more information. The hearings are quite informal but it is still expected that cell phones and pagers will be turned off, and City staff and appellants will address one another respectfully.

Interpreter: If you need an interpreter for your hearing, please call 651-266-8585 for us to arrange one.



CITY OF SAINT PAUL

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

July 18, 2018

MAIN STREET RENEWAL
1611 COUNTY ROAD B W #219
ROSEVILLE MN 55113-4053

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 644 ROBERT ST S
Ref. # 100590

Dear Property Representative:

Your building was inspected on July 18, 2018, for the renewal of the Certificate of Occupancy. Since you have failed to comply with the applicable requirements, it has become necessary to revoke the Certificate of Occupancy in accordance with Section 40.06 of the Saint Paul Legislative Code.

A reinspection will be made on August 15, 2018 at 3:00pm or the property vacated.

The Saint Paul Legislative Code further provides that no building shall be occupied without a Certificate of Occupancy. Failure to immediately complete the following deficiency list or the building vacated may result in a criminal citation.

DEFICIENCY LIST

1. Exterior - Garage - SPLC 34.08(5), 34.32(3) - All accessory structures including, but not limited to, detached garages, sheds and fences shall be maintained structurally sound and in good repair. Provide and maintain exterior unprotected surfaces painted or protected from the elements.-Scrape and paint chipped and peeling areas.
2. Exterior - MSFC 1029.5, 1030.7 - Provide and maintain the egress window well.-Remove guardrails from around egress window wells.
3. Interior - Basement - SPLC 34.08 (1), 34.34 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.-Remove strong odor of urine.
4. Interior - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.
5. Interior - MSFC 1030.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit path.-Remove obstructions from one window in each bedroom.

An Equal Opportunity Employer

6. Interior - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.-Replace missing hardwired smoke detector.
7. 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 this order.

If you have any questions, email me at: daniel.klein@ci.stpaul.mn.us or call me at 651-266-8988 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Daniel Klein
Fire Inspector

Ref. # 100590

Main Street Renewal
1611 W. County Rd. B - #219
Roseville, MN 55113

July 26, 2018

Office of the City Clerk
c/o Legislative Hearing Officer
310 City Hall, City/County Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102

RE: 644 Robert Street S., Saint Paul, MN – Ref # 100590

To Whom It May Concern:

I am writing to request an appeal of the Order in Revocation of Fire Certificate of Occupancy and Order to Vacate dated July 18, 2018, Reference # 100590 in consideration of extenuating and uncontrollable circumstances. Corrective work is currently in progress on (3) three of the (7) seven items noted by the Inspector. The other items have been effectively addressed/completed with full expectation that all items noted in the Deficiency List will be completed by July 31st.

Specific status on each Item listed:

DEFICIENCY LIST

1. Exterior - Garage - SPLC 34.08(5), 34.32(3) - All accessory structures including, but not limited to, detached garages, sheds and fences shall be maintained structurally sound and in good repair. Provide and maintain exterior unprotected surfaces painted or protected from the elements.-Scrape and paint chipped and peeling areas.
 2. Exterior - MSFC 1029.5, 1030.7 - Provide and maintain the egress window well.-Remove guardrails from around egress window wells.
 3. Interior - Basement - SPLC 34.08 (1), 34.34 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.-Remove strong odor of urine.
 4. Interior - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.
 5. Interior - MSFC 1030.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit path.-Remove obstructions from one window in each bedroom.
 6. Interior - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.-Replace missing hardwired smoke detector.
 7. SPLC 39.02(c) - Complete and sign the smoke detector affidavit and return it to this office.
-
1. Work in progress to scrape and paint unprotected surfaces that are chipping and flaking. Previous scheduled work with other contractors was not completed due to contractor failure to conduct the work as scheduled. This occurred on two different occasions, which

caused non-compliance with the completion dates mandated by the Fire Inspector. It is anticipated that work will be completed no later than the August 15th re-inspection date noted on the Revocation of Fire Certificate of Occupancy and Order to Vacate delivered by Inspector Daniel Kline on July 18, 2018.

2. This guardrail is being modified to provide an egress gate, and is the result of a previous Code Compliance R312, Rev 02/05/2015 requirement where the City Department of Safety and Inspections mandated installation in accordance with the dimensional requirement of a Guardrail at locations where the grade elevation exceeds 30", which was previously inspected and approved.
3. Upon inspection of the Interior-Basement there is no evidence of urine odor, however there was a smell of mildew common in a basement environment. In order to ensure a urine based or other organic odor condition does not exist, we are deploying a black-light inspection of all areas noted, and having a plumbing contractor inspect DWV (Drain, Waste and Vent) systems to ensure traps and systems are working as designed at construction in accordance with applicable codes. This inspection methodology will be conducted and completed no later than July 31, 2018.
4. Resident has been instructed to discontinue use of extension cords; an inspection by Main Street Renewal personnel on July 24, 2018 confirms resident compliance with this item.
5. Resident has been instructed to remove furniture impeding a clear and unobstructed exit path at the (2) bedroom locations. Confirmation of compliance with this item was attained on July 24, 2018.
6. Smoke Detector replacement and testing was completed on July 20, 2018.
7. City of St. Paul Single Family or Duplex Smoke & Carbon Monoxide Detector Inspection Affidavit, completed, signed and attached to this correspondence.

The importance in adhering to code compliance, and particularly as it relates to fire and life safety is recognized and it is our absolute objective to stay in compliance as required by the various governing agencies and entities. As it relates to the subject property, we have had two separate contractors scheduled to complete the work, and in both instances, they have failed to adhere to the designated schedule.

We hereby respectfully request the granting of an extension through the Appeal process in order to complete the remaining items in accordance with City of Saint Paul requirements.

Respectfully,



Lindsey Haas, Branch Manager

Attachments:

- 1) Application For Appeal
- 2) Smoke Detector Affidavit
- 3) Smoke Detector Lease Addendum



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

SINGLE FAMILY OR DUPLEX SMOKE & CARBON MONOXIDE DETECTOR INSPECTION AFFIDAVIT

***This affidavit must be completed and returned to the fire inspector upon inspection of the property. A certificate of occupancy cannot be issued /renewed without this completed affidavit. ***

Single family or Duplex
(Circle one)

144 S Robert St.
Address

I affirm that I, the owner, or responsible party has given the occupant of the single family or duplex at the above address a written explanation of the following:

1. The location and operation of each smoke detector and carbon monoxide detector.
2. Instructions describing the action to be taken when an alarm sounds.
3. The procedures for testing the detectors.
4. Who to contact when a low-battery tone sounds or power light fails.
5. The penalties for disabling smoke detection or carbon monoxide detection. Tampering with alarms may result in a criminal citation.

Signature: _____

Guido Paul

Date: _____

7/27/18

I affirm that I, the owner, or responsible party has inspected the smoke detectors and carbon monoxide detectors in the single family or duplex at the above address and that all required detectors were in place and in good working order.

Signature: _____

Guido Paul

Date: _____

7/27/18

Minnesota State Statute 299F.362 requires smoke detectors and Minnesota State Statute 299F.50 requires carbon monoxide detectors. Saint Paul Ordinance 39.02(c) requires that an affidavit stating that "all detectors are inspected and serviced when needed and are operational be filed before a Certificate of Occupancy can be issued or renewed."

SMOKE DETECTOR LEASE ADDENDUM

Address of Premises: **644 Robert Street S., St. Paul MN**

The following type of smoke detection device has been installed in the above-described premises for Resident protection purposes, was tested by the landlord on **July 20, 2018** and was found to be in working condition:

<input checked="" type="checkbox"/> Battery	<input type="checkbox"/> 10-Year Lithium Battery
<input checked="" type="checkbox"/> Hard Wired With Battery Back Up	<input type="checkbox"/> Hard Wired

Removal or Tampering: Resident shall not remove/tamper/permit the smoke detection device, which said act is punishable under applicable law with fines up to coincide with statutory and regulatory limits per occurrence and may lead to the termination of your tenancy. Landlord shall not be responsible for loss/damage due to failure of the smoke detection device to operate, and resident acknowledges and consents to this condition as a function of tenancy.

Condition and Testing: Resident acknowledges that the smoke detection device is in good working condition at the commencement of the tenancy. However, resident is hereafter responsible for testing the smoke detection device at least once a month. If the smoke detector operates on a battery, resident shall be responsible to test/replace batteries as needed. If the smoke detector is battery operated, resident shall replace the battery at least once a year, or when chirping occurs. Replacement batteries shall be 9-volt alkaline batteries or equivalent, and shall not be heavy-duty carbon-zinc batteries.

Testing and Cleaning: Testing shall be performed at least once per month by pushing the test button &/or by using simulated smoke. The smoke detection device will sound if all parts, electricity &/or battery are properly functioning. If no alarm sounds, the unit has a defective battery or other feature.

Hush Feature: If the smoke detection device incorporates a hush feature, you can silence the alarm by pushing the hush button on the cover and holding the button until the alarm ceases to sound (usually about three seconds).

Notice of Deficiencies: Resident shall immediately notify landlord in writing of any operating deficiencies. Landlord shall thereafter correct the deficiency and Resident agrees to provide access to the home to conduct necessary repairs. Repairs may be at the resident's cost if determined that the failure or damage is derivative of Resident action.

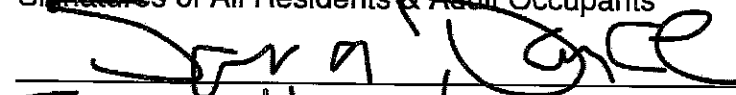
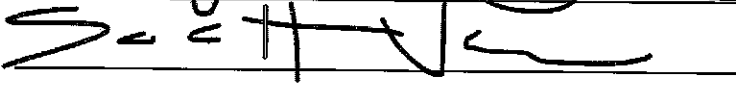
RESIDENT ACKNOWLEDGEMENTS

Installation of Operating Smoke Detector. Residents and Occupants acknowledge that Owner has equipped the premises with (an) operable smoke detector(s) at multiple locations within the home to include the hallway and bedrooms as required by the City of St. Paul Department of Safety and Inspections, Fire Inspections Division.

Maintenance Responsibilities. Residents and Occupants acknowledge that they are barred from disabling the smoke detector(s) at any time. Residents and Occupants also acknowledge that they are required to test the smoke detector(s) on a monthly basis (or as recommended by manufacturer's instructions) and to replace batteries as needed. Residents and Occupants are required to promptly report any malfunctions of their smoke detector(s) in writing to management.

No Liability if Noncompliant. Residents and Occupants acknowledge that Owner and Manager shall not be liable for damages or injuries to persons or property caused by Residents' or Occupants' disabling of smoke detectors, failure to regularly test smoke detectors monthly, failure to change batteries as needed, or failure to immediately report malfunction of smoke detectors to management.

Signatures of All Residents & Adult Occupants

 Date 7-26-18
 Date 7-26-18

Date _____