



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

JUL 30 2018

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

<p>HEARING DATE & TIME (provided by Legislative Hearing Office) Tuesday, <u>August 7, 2018</u></p> <p>Time <u>1:30 p.m.</u></p> <p>Location of Hearing: Room 330 City Hall/Courthouse</p>

Address Being Appealed:

Number & Street: 69 Milton St. N City: St. Paul State: MN Zip: 55104

Appellant/Applicant: Elinor Daleiden Email e-daleiden@yahoo.com

Phone Numbers: Business _____ Residence _____ Cell 612-203-4407

Signature: Elinor Daleiden Date: 7/30/2018

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

Comments:
(See attached letter)



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 16, 2018

Milton Place Condo Association
69 MILTON ST N
ST PAUL MN 55104 USA

CORRECTION NOTICE - COMPLAINT INSPECTION

RE: 69 MILTON ST N
Ref. # 12655

Dear Property Representative:

An inspection was made of your building on May 17, 2018 in response to a referral. You are hereby notified that the following deficiency list must be corrected immediately.

A reinspection will be made on July 26, 2018 at 10:30 AM.

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 - Horn and Strobe locator for FDC - MSFC 903.4.2 - Provide and maintain an approved outside audible fire sprinkler flow alarm.
Relocate the horn and strobe from the sprinkler room back outside to the fire department connection. This work will require a licensed electrician to obtain a permit and contact city electrical inspection staff for review of the installation and finalizing of the permit.
2. Interior - Fire Pump Sprinkler Valves - MSFC 903.4.4 - Provide approved physical security of all fire sprinkler control valves.
3. MSFC 903 - Provide approved monitoring of the fire sprinkler system flow and tamper switches. This work will require a permit(s).

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>

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. # 12655

July 30, 2018

Dear Saint Paul City Council,

Milton Place Condo owners are appealing a correction order from the Department Of Safety and Inspections, dated July 16, 2018.

Milton Place has been an official condo building since 2005 with four units of owner occupied dwellings.

We received a Fire Certificate of Occupancy from the City of Saint Paul valid from March 7, 2007. The Certificate states that our building appears to be in compliance with the applicable provisions of the Saint Paul Legislative Code.

We were told that our building is no longer required to have a fire alarm system in September of 2016. The alarm system has been removed.

We received a correction notice dated May 17, 2018. We have corrected the deficiencies noted. We then received an amended notice dated May 23, 2018 that included a requiring a gas regulator protector outside of the building. We contacted Xcel Energy who installed the protector. We had a horn and strobe locator installed and provided physical security of the fire sprinkler control valves.

On June 12, 2018 I received an email recommending a flow monitoring system for a sprinkler system. This building was built in 1907 and was never required to have a flow monitoring system, even when it was a group home.

I believed that the recommendation was given and that we would choose to install one or not, but it was not required. All units have hard wired and battery operated smoke detectors. We have a fire extinguisher in each unit.

Recently we received a new correction notice, dated July 16, 2018, that requires us to provide approved monitoring of the fire sprinkler system flow and tamper switches.

This is not a commercial building. It is an owner occupied our unit condo building. We are questioning the need for monitoring the fire system. The cost to install the system is \$4,028 and yearly monitoring will be \$540 annually. These costs are high and we do not believe they are necessary.

We are appealing the request for a monitoring system. We care about our property and we are glad to maintain the sprinkler system within the house and have yearly inspections.

I am looking forward to resolving this issue through our appeal.

Thank you,



Elinor Daleiden

Vice President for Milton Street Condos



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

May 17, 2018

Milton Place Condo Association
69 MILTON ST N
ST PAUL MN 55104 USA

CORRECTION NOTICE - COMPLAINT INSPECTION

RE: 69 MILTON ST N
Ref. # 12655

Dear Property Representative:

An inspection was made of your building on May 17, 2018 in response to a referral. You are hereby notified that the following deficiency list must be corrected immediately.

A re-inspection will be made on June 21, 2018 at 10:00 AM.

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 re-inspection fees.

DEFICIENCY LIST

1. MSFC 1004.5 - Provide and maintain an approved gate from the fenced area.-Provide access to Fire Department connection.
2. MSFC 903.4.4 - Provide approved physical security of all fire sprinkler control valves.-
3. MSFC 903.4.2 - Provide and maintain an approved outside audible fire sprinkler flow alarm.-

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.

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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. # 12655



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

May 23, 2018

Milton Place Condo Association
69 MILTON ST N
ST PAUL MN 55104 USA

CORRECTION NOTICE - COMPLAINT INSPECTION

RE: 69 MILTON ST N
Ref. # 12655

Dear Property Representative:

An inspection was made of your building on May 17, 2018 in response to a referral. You are hereby notified that the following deficiency list must be corrected immediately.

A re-inspection will be made on June 28, 2018 at 10:00 AM.

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 re-inspection fees.

DEFICIENCY LIST

1. Exterior - Horn and Strobe locator for FDC - MSFC 903.4.2 - Provide and maintain an approved outside audible fire sprinkler flow alarm.-
Relocate the horn and strobe from the sprinkler room back outside to the fire department connection. This work will require a licensed electrician to obtain a permit and contact city electrical inspection staff for review of the installation and finalizing of the permit.
2. Exterior - On the Alley Side - MSFC 603.9- Call Xcel Energy at 1-800-895-4999 to provide vehicle impact protection for the gas meter.-
Gas regulator protection.
3. Interior - Fire Pump Sprinkler Valves - MSFC 903.4.4 - Provide approved physical security of all fire sprinkler control valves.-

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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. # 12655



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

August 19, 2016

MILTON PLACE CONDO ASSOCIATION
69 MILTON ST N
ST PAUL MN 55104 USA

FIRE INSPECTION CORRECTION NOTICE

RE: 69 MILTON ST N
Ref. #12655
Residential Class: B

Dear Property Representative:

Your building was inspected on August 18, 2016 for the renewal of your Fire Certificate of Occupancy. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected prior to the re-inspection date. **A re-inspection will be made on September 23, 2016 at 1:00 pm.**

Failure to comply may result in a criminal citation or the revocation of the Fire Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

YOU WILL BE RESPONSIBLE FOR NOTIFYING TENANTS IF ANY OF THE FOLLOWING LIST OF DEFICIENCIES ARE THEIR RESPONSIBILITY.

DEFICIENCY LIST

1. Basement - MSFC 1010.5 - Provide and maintain an approved emergency lighting system. Light not working
2. Basement - NEC 440.13 - For cord-connected equipment such as room air conditioners, household refrigerators and freezers, drinking water coolers, and beverage dispensers, a separable connector or an attachment plug and receptacle shall be permitted to serve as the disconnecting means. The appliance must plug directly into a permanent outlet.-Washer plugged into extension cord that is plugged into power strip.

Washer must be plugged directly into wall outlet.

3. SPLC 39.02(c) - Complete and sign the smoke detector affidavit and return it to this office.
4. MSFC 907.20 as amended - Provide required annual maintenance of the fire alarm system by a qualified person and provide written documentation to this office as proof of compliance.-
5. MSFC 901.6 - Provide required annual maintenance of the fire extinguishers by a qualified person and tag the fire extinguishers with the date of service.-
6. MSFC 901.6 - Provide required annual inspection and testing of the fire sprinkler system by a licensed fire sprinkler contractor and provide written documentation to this office as proof of compliance. Tags must be maintained on the riser showing the latest date of inspection and testing.-

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: mike.cassidy@ci.stpaul.mn.us or call me at 651-266-8984 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,

Mike Cassidy
Fire Inspector

Reference Number 12655

From: Huseby, Laura (CI-StPaul)
laura.huseby@ci.stpaul.mn.us
Subject: Residential Dry Sprinkler System installation
and monitoring
Date: Jun 12, 2018 at 9:27:37 AM
To: Elinor e_daleiden@yahoo.com
Cc: Hemenway, Jeff (CI-StPaul)
Jeff.Hemenway@ci.stpaul.mn.us, Neis, Adrian
(CI-StPaul) adrian.neis@ci.stpaul.mn.us

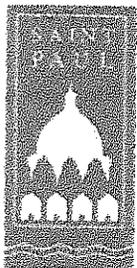
Hello Eleanor:

Thank you for contacting me regarding the horn and strobe installation for the fire department connection(FDC). I have talked with Corey from Summit and I believe he has an understanding of what is required to identify the fire department connection on the exterior of the building.

In speaking with our sprinkler inspection staff, the point was made that this system is a dry system and that due to the removal of the fire alarm panel, no connection would be made to the fire department to alert them to the pressure drop and water flow in your sprinkler system. There is a flow monitor system switch that is highly recommended for the system in the building by the sprinkler inspections team. If you have questions regarding this, please contact Jeff Hemenway in our sprinkler division at [651-266-8952](tel:651-266-8952). I also gave Jeff's name and number to Corey if he had any questions regarding the system.

Jeff, please feel free to comment, as I am unsure if I have explained this correctly.

Sincerely,



The Most Livable
City in America

Laura Huseby

Fire Inspector II

Department of Safety and Inspections

375 Jackson Street, Suite 220

Saint Paul, MN 55102

P: 651-266-8998

F: 651-2668951

laura.huseby@ci.stpaul.mn.us



Making Saint Paul the Most Livable City in America



**Fire Certificate of Occupancy
Fee Invoice**

CITY OF SAINT PAUL
 Department of Safety and Inspections
 375 Jackson Street, Suite 220
 Saint Paul, MN 55101-1806
 PHONE: (651) 266-8989
 FAX: (651) 266-9124
 An Equal Opportunity Employer

Check this box if making any name or mailing address corrections.

MILTON PLACE CONDO ASSOCIATION
 69 MILTON ST N
 ST PAUL MN 55104

Bill Date: September 27, 2016
 Customer #: 1500261

Amount Due: \$331.00
 Due Date: October 27, 2016

**** Late fees will be charged if not paid by due date ****

Property Address:
 69 MILTON ST N

Ref # 12655
 Folder RSN: 3378458

Date	Type of Fee	Amount
August 10, 2016	CO Residential 3+ Units No Entry Penalty Fee	\$72.00
August 10, 2016	CO Residential 3+ Units Initial Fee	\$259.00

PAY THIS AMOUNT: \$331.00

Mail to: Billing
 Saint Paul Fire Inspection
 375 Jackson Street, Suite 220
 St. Paul, MN 55101-1806

Make Checks Payable to: City of St. Paul
 ** Return this document with payment **

Signature of Cardholder (required for all charges):

PAID BY CREDIT CARD PLEASE COMPLETE THE FOLLOWING INFORMATION: Pay this Amount: \$331.00

Customer #: 1500261

Ref #: 12655

Folder RSN: 3378458

<input type="checkbox"/> Discover <input type="checkbox"/> MasterCard <input type="checkbox"/> Visa	Security Code [] [] [] [] [] []	Expiration Date: Month / Year [] [] / [] []
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To Whom It May Concern:

Milton Place Condo Association is appealing a correction order from the Department Of Safety and Inspections, dated July 16, 2018, specifically Item 3: "*MSFC 903L: Provide approved monitoring of the fire sprinkler system flow and tamper switches.*"

Milton Place Condominium (CIC 645) has existed since 2005. Our current Fire Certificate of Occupancy dates from March 7, 2007, and was updated in 2016. Prior to the CIC's inception, the building served as a group home, which obviously had different fire code requirements than the current status, which is four units, all owner-occupied. The building's commercial past has left us with certain relics, such as the sprinkler system, which would clearly not have been installed had the building remained strictly residential over its one hundred and eleven year history.

In 2016, we received an inspection deficiency regarding a defunct alarm system in the common area of the basement. Our understanding from the inspector, Mr. Cassidy, was that the alarm and sprinkler system dated from the building's years as a group home and were not required for our current standing. However, we were told that if they were still in the building, they needed to be in effect. The sprinkler system has been kept up-to-date and in working order, but the alarm system had been disabled in the 1990s, so we were surprised that this hadn't come up in any previous inspection. However, we were able to resolve the situation with the assistance of AJ Neis. On September 16, 2016, we received confirmation from Mr. Neis that we were indeed allowed to remove the non-working fire alarm system, which we did. However, we have kept and maintained the sprinkler system, and at no time since the condominium's inception have we been notified that we needed a monitoring system for it.

On May 17, 2018, we received a notice stating additional deficiencies, and proceeded to correct those deficiencies (physical security of the fire sprinkler control valves, and installation of a horn and strobe locator outside of the building). We then received an amended notice dated May 23, 2018 that included an additional deficiency not mentioned in the notice of the 17th (a gas regulator protector outside the building). Again, none of these items had come up in any previous inspections, which was frustrating as nothing had changed, but all of those deficiencies have now been corrected.

On June 12, 2018, our building's point person on this project received an email recommending a flow monitoring system for the sprinkler system. We understood the recommendation to be just that: a recommendation, but not a requirement. As all units have hard-wired and battery operated smoke detectors and fire extinguishers, and the common area has smoke detectors, fire extinguishers, and a working sprinkler system, we opted against the additional monitoring system.

But on July 16, 2018, we received another correction notice that requires us to provide "*approved monitoring of the fire sprinkler system flow and tamper switches.*"

While we fully understand the need for a system such as this in a large commercial building, Milton Place is an owner-occupied four-unit condo building. We did get an estimate for this system, and the cost for installation is \$4,028, with yearly monitoring at \$540 annually. These costs are very high for us as residential owners, especially coming on top of the costs of the repairs we have already made, and the yearly inspection fee for the sprinkler system itself, which is over \$420/year, exclusive of any repairs. We hope you can appreciate that this is a very expensive system for average home-owners to maintain. If we add in the monitoring fee, we are now looking at nearly \$1000 per year, on top of the \$4000 installation fee. A number of residents are living on fixed incomes and have not budgeted for this large financial hardship. Of equal concern is the fact that we have had multiple inspections over the 12 years the CIC has been in existence, and no inspector has ever mentioned requirement for monitoring in the past; in fact, the first two notices we received from the current inspector didn't mention it either. This leads to concern of what else will be added to the deficiency list in the future.

When we spoke with Mr. Neis two years ago regarding the defunct alarm, it was in relation to MN State Fire Code 901.6, "*Nonrequired fire protection systems shall be inspected, tested, and maintained, or removed.*" We would request that the sprinkler system fall under the same consideration. We are glad to maintain the sprinkler system itself, and in fact feel that it is a benefit to the building to have this working system in place. We don't wish to remove it. But we feel that we have fulfilled the "*inspected, tested, and maintained*" requirements, and our past inspections, which don't mention monitoring, would seem to bear this out. Therefore, we are appealing the requirement for a monitoring system.

Thank you so much for your consideration,

Milton Place Condominium Association

Elinor and Tim Daleiden (Unit 1)

Kate and Bob Prochnow (Unit 2)

Melanie Wehrmacher (Unit 3)

Frank Kennett and Janet Polansky (Unit 4)

DIVISION OF FIRE PREVENTION
Steven Zaccard, Fire Marshal

100 East Eleventh Street
Saint Paul, MN 55101

Telephone: 651-228-6230
Facsimile: 651-228-6241



City of Saint Paul
Christopher B. Coleman, Mayor

June 13, 2007

ALEAH VINICK
69 MILTON ST N
ST PAUL MN 55104

CERTIFICATE OF OCCUPANCY

69 MILTON ST N

Dear Property Representative:

Your Building was inspected on May 18, 2007 for the renewal of the Certificate of Occupancy. The required fee has been received and your building appears to be in compliance with the applicable provisions of the Saint Paul Legislative Code.

You should be commended for your interest in providing a safe and well maintained property. Thank you for helping make Saint Paul a safer place in which to live and work.

City of Saint Paul
Department of Fire and Safety Services
Division of Fire Prevention
CERTIFICATE OF OCCUPANCY

69 MILTON ST N

This building is certified for the following occupancy:

Dwelling Units

This Certificate is issued to ALEAH VINICK, 69 MILTON ST N, ST PAUL MN 55104

24-HOUR EMERGENCY NUMBER ALEAH VINICK UNIT #1 /612-860-7826

VALID FROM: March 7, 2007
12655

INSPECTOR NAME:
Richard Clauson
Fire Inspector

Pursuant to Minn. Stat. 471.9995, tenants may contact the Attorney General for information regarding the rights and obligations of owners and tenants under state law.

Minnesota Attorney General's Office
1400 NCL Tower, 445 Minnesota Street
St. Paul, MN 55101
(651) 296-3353 or 1-800-657-3787
TTY: (651) 297-7206 or 1-800-366-4812

(This Certificate shall be posted in a conspicuous location upon the certified building or premises.)



FIRE CERTIFICATE OF OCCUPANCY

City of Saint Paul

Department of Safety and Inspections

Division of Fire Inspection



This certificate is issued in accordance with SPLC Chapter 40, and other applicable provisions of the Saint Paul Legislative Code.

69 MILTON ST N

This building is certified for the following occupancy or use :

Residential 3+ Units

4 Dwelling Units

Reference Number:
12655

Certificate is issued to:

**MILTON PLACE CONDO ASSOCIATION
69 MILTON ST N
ST PAUL MN 55104**

This Certificate must be posted in a conspicuous location upon the certified building
Please direct questions to DSI - Fire Inspection Division 651-266-8989.