



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

*Marcia Moermond, Legislative Hearing Officer*  
*Mai Vang, Hearing Coordinator*  
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Tuesday, November 12, 2019

9:00 AM

Room 330 City Hall & Court House

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#### 9:00 a.m. Hearings

##### Remove/Repair Orders

- 1 [RLH RR 19-26](#) Ordering the rehabilitation or razing and removal of the structures at 578 LAFOND AVENUE within fifteen (15) days after the October 23, 2019 City Council public hearing. (Public hearing continued from November 6)

**Sponsors:** Thao

*Appellant arrived late, so no hearing was conducted. Ms. Moermond requested revised financial affidavit be submitted for her review. Recommendation is forthcoming, plan has been submitted for her review.*

**Referred to the City Council due back on 11/20/2019**

- 2 **RLH OA 19-11** Making recommendation to Ramsey County on the application of James T. Connelly, Jr. for repurchase of tax forfeited property at 1615 STANFORD AVENUE.

**Sponsors:** Tolbert

*Recommend allowing repurchase.*

*No one appeared.*

*Moermond: repurchase application for this, forfeited to state for nonpayment of taxes, owe \$16,742.88, more than we normally look at. History of code enforcement violations is none, but there have been four police calls to the property, somewhat routine, domestic investigation, drunk investigation. There are some title and communication issues around who is getting the mail. I'm not seeing any reason why the City wouldn't recommend repurchase of this.*

*Joe Yannarely: no complaints from a DSI perspective.*

*Moermond: so recommend repurchase.*

**Referred to the City Council due back on 12/4/2019**

**11:00 a.m. Hearings****Summary Abatement Orders**

- 3 [RLH SAO 19-54](#) Appeal of Claire Press to a Vehicle Abatement Order at 1600 LAFOND AVENUE.

**Sponsors:** Jalali Nelson

*Appeal withdrawn, nuisance is abated.*

*Mai Vang: got an email from Lisa Martin, this was removed from agenda, vehicle is gone and file is closed. Appeal withdrawn.*

**Withdrawn**

**Making Finding**

- 4 **RLH SAO 19-55** Making finding on the appealed nuisance abatement ordered for 958 REANEY AVENUE in Council File RLH SAO 19-52.

**Sponsors:** Prince

*Nuisance is not abated.*

**Referred to the City Council due back on 12/4/2019**

**11:30 a.m. Hearings****Orders To Vacate, Condemnations and Revocations**

- 5 **RLH VO 19-48** Appeal of Patrick Murphy to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 61 COMO AVENUE.

**Sponsors:** Thao

*Revoke C of O for units 1, 2 and 4, units cannot be re-rented until C of O is reinstated. Unit 3 can be occupied. Grant extension on balance of orders to May 1, 2020. DSI to reinspect by December 4 to verify occupancy of Unit 3.*

*Patrick Murphy, current owner, appeared*

*Staff report by Brian Schmidt: this has been going on since about February. The area inspector was Maicee Hervang and found out the owner of record's husband passed away and gave her an extension to deal with family issues before we did the C of O inspection. It has been sold a couple of times to some different investors, currently the property is going through foreclosure. I believe Mr. Murphy has made an offer on the property but it hasn't been accepted?*

*Murphy: we purchased the deed, so we have right of redemption in January. Another party had purchased through auction.*

*Schmidt: So right now technically we don't have an owner of record. We've been asked to give more time, but we're kind of out of time. It started in February of 2019, she was given 90 days to deal with the death of her husband and get finances in order. It doesn't look like we got into the property until June, and there was a list of orders generated. A lot of I would say non is life safety issues, most are deferred maintenance.*

*Moermond: have you been in since June?*

*Schmidt: no, due to ownership changes.*

*Murphy: she did just meet with me, and walked through the property.*

*Moermond: tell me about you taking ownership, but you're not done with the redemption time period and also how many units are occupied?*

*Murphy: everything he said is accurate. The wife didn't really know what was going on, it went to auction mid to end July and someone purchased it, and then another investor went to her and purchased the deed from her. And then I purchased the deed from him. Technically if something really happened, my LLC would be the owner. I'm hoping to redeem on the property at the end of July. When we took ownership September 1, all the units were empty, except for Unit 3. The tenant is there with her 2 sons, they are good tenants. The housing authority had a list of things to fix, and so did the Fire Inspector. We focused on fixing her unit so she could stay, and were successful with the housing authority. Then we met with the fire inspector, when the tenants moved out, they must have done a lot of damage, she said it was worse than when she'd seen it in June. It is pretty ugly. Its questionable whether there should be a C of O. I am here because we took ownership September 1, a short time relatively, my request is to allow us to continue through the process and keep the C of O and put our plans together to rehabilitation starting in February.*

*Moermond: looking at the orders there aren't anything specific to unit 3.*

*Murphy: we've done smokes in all the units, and carbons, and fire extinguishers. For her unit, it is good shape. The other units are just nasty.*

*Moermond: this order should be amended to revoke the C of O for units 1,2, and 4, but keep a partial certificate for unit 3. We want to make sure it is signed off on before its re-rented. I think you are in agreement on that.*

*Murphy: yes, exactly, that's what we'd talked about with her.*

*Schmidt: Does Inspector Hervang have your updated information for the file?*

*Murphy: yes. If I don't have the property at the end of the redemption that would change the story. The other thing to consider is that as soon as I got Hervang's recommendation and I told the tenant in unit 3, and she found a new place and is moving out the end of this month. So, we have some flexibility there. But I want to make sure we're clear on what can happen.*

*Moermond: and we don't have your tenant here to say she's for sure moving or would stay now she knows she can.*

*Murphy: she has a new address. She's just trying to figure out how to cover the first month. I've offered to help with moving costs, I don't want to leave her high and dry in the cold.*

*Moermond: you said January 25?*

*Murphy: yes, that's the end of the redemption.*

*Moermond: and you're thinking rehabilitation will take 12 weeks?*

*Murphy: yes, or more.*

*Moermond: here's where I'm running into trouble, in the normal course of events, if we have a building with a revoked certificate and no one living in it, it is winging its way to the vacant building program, because it has code violations and its empty. It would provide assurance to the City that it won't be reoccupied until things are addressed. We would have to figure out if it's a Cat 1 or 2 vacant building. What I'm seeing in the orders, the only thing that is substantive are building related, so I think that you could be a good candidate for a building only code compliance, so just that trade would go through. I think that if she's moving out, we should get this fixed and get in your hands legally, the expensive involved is the vacant building registration of about \$2,100. I have a habit of waiving the vacant building fee for 90 days. After that, I'll prorate up until 6 months. Lets say on December 1 you got sent to the vacant building program, I'd waive it through March 1. If you're done by then, there's no fee at all. If you're done in April, May or June, it would be \$1000 or less. The code compliance inspection runs just south of \$500, but if its building only its \$125 or so.*

*Murphy: can we go back to the recommendation of the partial for unit 3? Can we have a revisit date end of January and we'd know if I retained ownership, and whether we needed to move in a different direction. I'd have more details from my contractor, and it would keep it off the vacant building list.*

*Moermond: but I'm not hearing someone's going to continue living there. I need to focus on the property and not the parties. It could be you, or someone else, but the rules are basically the same regardless. I want to make this as painless as possible but be consistent with how other properties are treated that are similarly situated. So, if it doesn't get vacated until the end of the month, it doesn't make sense to refer to vacant building program until December.*

*Schmidt: The reinspection would be after December 2.*

*Moermond: so you could refer to the vacant building program at the beginning of the year?*

*Murphy: and that might be best because if it doesn't work out, she will likely want to stay.*

*Moermond: you need to have a reinspection for anything on unit 3 and an extension for anything that's not unit 3, I'm not seeing specific items for 3.*

*Murphy: the most costly thing is replacing the security doors. I've been holding off on doing it until I know I got the property.*

*Moermond: recommend revoking C of O for units 1,2 and 4, can't be re-rented until C*

of O. If unit 3 is vacated, we'll have to revisit it going to the vacant building program. The orders for the balance of the building we can extend to May 1, 2020. That would give plenty of time for a work plan if you get the building. If you don't, we'll have to figure out the next enforcement steps.

Schmidt: a reinspection by December 4 to verify occupancy?

Moermond: yes, that makes sense.

**Referred to the City Council due back on 12/4/2019**

**6**      [RLH VO 19-50](#)

Appeal of Jon Taylor to a Fire Certificate of Occupancy Deficiency List, including Condemnation, at 1333 RANDOLPH AVENUE

**Sponsors:**      Tolbert

Lay over to LH December 10, 2019 for staff to speak to building official and for PO to provide work plan for compliance.

Dean Varner, president of Tab property management, appeared

Moermond: Mr. Taylor, is he the owner of the property and you're the management company?

Mr. Varner: he is the son of the owner. His dad is Robert "Mike" he is the owner of the property. I manage it for him.

Staff report by Supervisor Leanna Shaff: this is a Fire C of O with deficiencies form October 17 by Inspector Franquiz. Items 1 and 2 are the big ones being appealed today. Item one is north room in interior unit 2, the condemnation says north room with two windows opening into an enclosed porch may not be used as a sleeping room. Code is specific on that. Item 2 is until 2, middle room, condemnation because windows open to shaft in middle of the building. The last inspection cycle in 2016 by Mike Cassidy, that required the mattress be removed and not be a sleeping room, so they've known about that for quite some time.

Varner: we have no dispute of that, we've been telling them they can't do that for 3 years.

Shaff: ok, it was in the appeal. So number one, you can't go through another room or an enclosed room. There's a good map too. Unit 2, you can see on the north side you see the parking lot and exterior deck, there's stairs up to the deck, through an enclosed porch, which goes into sleeping room, what happens is it doesn't have windows directly outside. You have to go out to the enclosed porch. There is a possibility if that porch was opened up on the whole side, but right now room 3 is the only legal sleeping room.

Varner: we have similar issue to the Mann's this is a 20's property, and for 30 years inspectors have been approving it as a sleeping room. What I'd like to suggest is not having to tear that down, it takes away the value of having a 3 season porch. What I'd like to make that door a one-way push door and push handle that is fire rated that would make it easy to exit.

Moermond: the door on the porch that exits from room to porch or porch to outside?

Varner: the room to the porch.

Shaff: when were the windows put it? I haven't been in there for years, but I believe that porch was open at one time.

Varner: I don't know. Its been that way for the 10 years I've been there.

Moermond: I cant tell you how long its been in the fire code that you can't have an exit from the sleeping room into another room.

Varner: I'm asking for a reasonable financial accommodation than tearing this down. Most of the time if we have a push handle door to go to the outside it suffices.

Moermond: talk to me about fire in interceding rooms.

Shaff: fire code is specific about intervening spaces, basically when we get to emergency escape and rescue openings or egress from a sleeping room it says it goes directly outside. One way needs to be directly outside. It says in the fire code that there are no intervening spaces. Can't go through bathroom, sleeping rooms, other rooms to go directly outside. Its possible that in a 100-year-old building if it hadn't been changed it would be allowed to continue, but that's a rarity. The paramount issue is getting people to safety, intervening spaces adds a level that compromises that.

Moermond: you are contending this is original construction in this fashion?

Varner: I don't know. Mike says that its been this way the 30 years he's owned it.

Moermond: I most frequently see this in residential spaces that have been converted. Its common with front parlors that have been converted, or dining rooms, rooms originally constructed as bedrooms always have a window out and a path through. This has the earmarks of a converted space. If it was built this way and used this way from the beginning, and approved then, then case law says you'd get to continue. It doesn't have the earmarks of that to me, but we can check the year of construction and compare it to building codes that year. You kind of know from looking at houses, what those old rooms would have been used for. This was definitely built as residential.

Varner: I think this was built in 1920.

Shaff: the layout isn't original to the building. It was converted over the years. I do know its been changed. There's nothing more important to us than people exiting a building safety.

Moermond: I'll have the senior building official look at this. Its not my practice to grant appeals on exiting through intervening places, we have had people die in fires like that.

Varner: can we just take the doors off?

Shaff: windows and doors maybe

Moermond: it is making it a four season room or making it a one season porch. I'll talk to the building official and whether or not its covered in this area. They will look at old codes and permits, which should be nailed down. Generally, people choose to open up the porch so there's egress that way. Alternatively, you could make it a four-season room. I'd like to lay this over to December 10th.

**Laid Over to the Legislative Hearings due back on 12/10/2019**

7 [RLH VO 19-49](#) Appeal of Carrie Nelson to a Correction Notice - Re-Inspection Complaint, including Condemnation, at 291 STINSON STREET.

Sponsors: Thao

*Lay over to LH November 19, 2019 for DSI staff to check on conditions and safety of property. Occupants to provide a work plan for completing furnace repair and how remaining orders will be addressed.*

*Carrie Nelson, occupant, appeared  
Elliot Saddleblanket, occupant, appeared*

*Moermond: we have a lot going on here, and your brother maybe getting more involved, so why don't you update me?*

*Nelson: we have the application for the Fire C of O, and we are working with the contractor, his employer, to carve out some time. We're trying to get it in by not this weekend, the following weekend. Right now, we have infrared heaters on the main level, and we have the paperwork filled out for the permits.*

*Moermond: so how are you paying to get the work done?*

*Nelson: my mom is probably going to help with. I don't think my brother will quality for any of the programs. She wants to see an estimate. His employer drives from Rochester to Minneapolis for the work site, he's trying to get to the house. That's to do the furnace and the water heater. We already have the materials for the venting and duct work. The furnace is read to go.*

*Moermond: is your boss for sure licensed to pull permits in St. Paul?*

*Saddleblanket: he works in the twin cities.*

*Moermond: lets make sure, we don't want to be in a place where you're ready to go and then find out he can't.*

*Nelson: we submitted the C of O application this morning at DSI, signed by my brother. We also got most of the debris and garbage cleaned out.*

*Moermond: did you contact House Calls about a dumpster?*

*Nelson: I did, I also contacted Safe Haven. I haven't heard back yet, with the holiday.*

*Moermond: a no heat situation is one that in Minnesota gets you out of the house instantly, kind of like no water. If your temporary heating source fails, you die of hypothermia. I know you said last winter you used space heaters all winter. That's not safe, especially with excess accumulation. I would be willing to look at a couple week extension to get this fixed, but I want a fire inspector to walk through and make sure the space heaters are set up safely. Staying depends on a fire inspector saying the current situation is safe. I need a completed building permit by December 1, 2019. If that isn't in place, you have to stay elsewhere at night. The other piece is there are a lot of orders here. Your brother is talking about not having the money to do the work, I don't think there's a connection between wages being garnished and rental rehab dollars. Its not based on his income. You have to get online and look at those programs. I need to see a plan after December 1, how you will address these orders. If*

*you don't, the house will lose its C of O and you can't be there anyways. If you have a loan application in, that's a different matter than letting it hang out there. I'm nervous about giving you even the two weeks, which is why I'm asking for the safety situation. Mr. Schmidt, how soon can someone get out to look at this? I need it this week. We'll talk again next week, its going to be a smallish window. I see the taxes that haven't been paid, your brother isn't here, these are signs that someone is going to walk away from the property. I know you feel that too.*

*Schmidt: Franquiz is booked solid all week. I have an opening tomorrow at 10, otherwise I'm wide open Friday.*

*Saddleblanket: anytime Friday works. 12:30 works.*

*Moermond: I'm going to hear back from Mr. Schmidt on the conditions, and if he feels like we can run safely with space heaters until December 1, then we'll do that. If he doesn't, you'll get a window to get it fixed, but you'll have to sleep elsewhere. I also need a plan to get the rest of this addressed.*

**Laid Over to the Legislative Hearings due back on 11/19/2019**

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

#### 8 RLH FCO Appeal of Ray Moore to a Correction Notice - Re-Inspection Complaint at 1258 ALBEMARLE STREET.

19-98

**Sponsors:** Brendmoen

*Grant to June 1, 2020 for retaining wall repair and orders relating to painting, scraping and caulking. Grant to December 9 for balance of orders and feedback from City structural engineer on PO provided engineering report.*

*Ray Moore, owner, appeared*

*Moermond: we laid it over for you to submit an engineering report for the foundation conditions and granting to June 1 for the retaining wall. What do we know?*

*Moore: I've brought a copy for you, I just got it. We do have the report, and inspector Franquiz met with me at 3:00 on Friday, we went through the inspection list, and to the best of my knowledge I had completed everything.*

*Shaff: there are photos in the file. He does make a note that the photos were taken November 8, but the cellar window frame isn't resolved.*

*Moermond: you had a structural engineer look at that. Were the other orders abated?*

*Shaff: the ceiling and doorway in unit 1. Basically, Franquiz is saying that the ceiling is not finished, and the doorway trim is improperly installed.*

*Moermond: in the August orders, it says the kitchen doorway?*

*Moore: the kitchen goes into the living room. I think he was referring to a piece of trim missing above the kitchen doorway, and I did put a piece in there.*



*Moermond: it just looks poorly done in the photograph. While we pull up that photo, tell me what the engineer said.*

*Moore: the report he talks about two things, which was, wood on each side of the window it only goes up partway currently, he wanted it running on both sides to the top, and then to make sure we re-caulked the window edges. Those were the two things.*

*Moermond: can I see a copy? And here's a picture of the trim that's being called out as being inadequate.*

*Moore: when I cut it didn't fit great.*

*Moermond: that isn't providing any separation between rooms to prevent fire.*

*Shaff: the door doesn't fit the frame. Its not installed in a professional manner. There is a 2" gap.*

*Moore: the door we're looking at is a sliding door.*

*Shaff: usually the trim covers it and drops to cover the rail at the top.*

*Moore: its never been that way that I know of. How it even came off I don't know, years ago.*

*Shaff: I think you agree if it was done improperly.*

*Moermond: how about your appeal on that is denied, so you need to fix the gap. If you need to hire a carpenter or handyman, then you need to do that. I reviewed the engineers report, he appears to give you a few steps to take right now to mediate the situation, and suggesting monitoring about it in one years' time. I'm not happy with that. I'd like the City's engineer to look at it. I'm happy to give an extension if he says that's adequate. His name is Brian Karpin, we'll give him the documents provided along with the inspector's notes. He'll speak to whether that plan is acceptable. The guy you hired is putting his credentials on his assessment, if there's a failure its his credentials out there. Ms. Shaff can you take a look at it before we close up? I'm wondering what work you did between when orders were issued in August and when the inspector came on Friday?*

*Moore: I did a lot of tuckpointing, I scraped and painted any peeling paint on the building, I closed a hole in the eaves, repaired the railing that was loose, I spent a lot of time scraping and painting the fascia and soffits on the garage, as well as completely redoing one side of the garage to make it look new and match. The ceiling in the kitchen, worked on that, painted and scraped. Did a lot of exterior retaining wall, we took some down and the other wall patched and repaired in steps.*

*Moermond: so you've been pecking away at the exterior things. The pictures yesterday the ceiling isn't acceptable. Lets pull up those photos too. There's a part of the ceiling and that looks like its buckling, I'm concerned where the ceiling meets the wall and the discoloration and also about the plaster falling away.*

*Shaff: this is an up and down duplex?*

*Moore: yes.*

*Shaff: this isn't an acceptable occupancy separation. You want to consider using a fire rated gypsum board and re-Sheetrocking it. We don't want heat and smoke and fire in those interstitial spaces, to compromise the upper unit. We're compromising this one, and this one being so compromised is compromising the upstairs unit too. Smoke and heat and fire follow the path of least resistance, its going to get into the space between the two units, between the floor joists and the ceiling. You may want to consider hiring someone if you're not understanding.*

*Moermond: bottom line is we need a ceiling in good repair that provides a proper fire separation. We're not telling you how to do it, you just need to get there.*

*Shaff: this engineering report is talking about removing and replacing the deteriorated sealant around the perimeter of the window, deteriorated wood around perimeter of base of window should be removed and replaced if found to be rotten, and it certainly looks rotten. There are things that need to happen before its even found acceptable to wait. This is dated November 11, by Larson Engineering.*

*Moermond: so, when we last spoke, I was comfortable to June 1, 2020 for the retaining wall orders. That remains. I guess I wasn't clear enough that the balance that the work was done on reinspection. What I'm going to do is push this out to December 9th, and we should know within a few days about the structural engineer report. Anticipate the remedial steps on the engineering report need to be done on the same timeline. There might be an item our engineer may want to add, but I don't know that yet. All exterior items need to be done except for painting, scraping and caulking as they are weather sensitive. Anything else needs to still be addressed. I put this out to December 9th to complete the orders.*

**Referred to the City Council due back on 12/11/2019**

**9**      [RLH FCO  
19-118](#)

Appeal of Stephen Mann, Mann Theatres, to a Reinspection Fire Certificate of Occupancy With Deficiencies at 760 CLEVELAND AVENUE SOUTH.

**Sponsors:**      Tolbert

*Layover to LH January 2, 2020 for PO to provide plan for alternative means of compliance with orders and submit for review. Reinspect on other items on November 22, 2019.*

*Stephan Mann, owner of Mann theaters, appeared  
Michael Mann, partner of Mann theaters, appeared  
Michelle Mann, partner of Mann theaters, appeared*

*Staff report by Supervisor James Perucca: it appears that the appeal is for similar item for both locations for 1830 Grand and 760 Cleveland. Inspector Mitch Imbertson on his certificate of occupancy inspection called out the fire alarm system at both locations, in regard to the Highland Grandview theater the orders are "fire alarm system shall be installed in existing assembly occupancy, having occupancy load of over 300 or more persons". The occupant load of the theater in Highland is 312 and 320 for a combination of 632. The building currently has hardwired interconnected residential smoke alarms on each level. It looks like a similar situation exists at the Grand Avenue theater, where the order was called out similarly. The occupant load for the upper theater is 147, and lower at 340 for a total occupant load of 487. Also the same conditions, hardwired interconnected residential smoke alarms. Having said that, the*

requirements are that new and existing occupancies of over 300 are required to have an alarm system, and they need to be in certain locations. They also need notification, which would be either audible or visible location at a location where staff is constantly attended, if that's not achievable then you need a general sounding alarm throughout the building. From what Inspector Imbertson could tell, there is at least one on each floor of the building. It is unknown if one sounds if they all go off, which is part of the notification for the building.

Moermond: he says they are interconnected?

Perucca: it does, it appears to be maybe be an add on to a security system?

Stephen Mann: I don't believe so.

Perucca: it looks to be attached to more of a break in security panel instead of a fire alarm panel. Having said that, there is a few things that are missing, I don't believe he didn't get any sort of annual testing. I don't know if you have that. We don't have any permits for installation, going back through our records. So we don't know when it was installed or if it works, or if it will sound if there is a fire. When the inspector was there, the theater was open and a movie showing so he didn't want to physically pull the alarm. To go along with that, what appears there, if it does work, it is missing some coverage areas. There's an electrical room at both location without detection. Mechanicals are mostly on the roof, with an exception of the hot water heater which likely may need some coverage. The other factor is whether the system was to go off could it be hard by staff or occupants of the theater. Part of the requirements for systems based on NFPA 72, that standard, the sound level has to be 15 decibels above the ambient sound, or if it's a loud venue 5 decibels above the peak sound level, whichever is greatest. Those are things we don't know. Beyond that, we don't have any documentation of how it was installed, it wasn't under permit, we'd like to see it upgraded to a professional level.

Moermond: there does appear to be some difference in orders between the two theaters. That's mentioned in the Grandview orders, but not in Highland.

Perucca: we can verify depending on how we go forward.

Moermond: I think that what you said in the appeal is that a significant partial upgrade is desired. Have you had a contractor in?

Michael Mann: we have. For the record working with Mr. Imbertson has been a pleasure. He's been honest and respectful and reasonable. We do appreciate that. We did receive the two inspection notices, we've reviewed them and per our application our intention is to submit a variance of some type for the alarm deficiency only. The rest will be taken care of by the November 22 reinspection date.

Moermond: and that is on hold until this is resolved. Once we resolve we start that again.

Michael Mann: we have received several bids on a new alarm system of \$30,000 to \$40,000 for both theaters. Back in 2015 and 2016 we had planned to close the theaters, they were constructed in the 30's, at that time they required a lot of restoration, plus the lack of amenities new theaters had. At the time, the City and mayor caught wind of this and asked to work together to keep these two theaters open. The St. Paul Council extended the life of the theaters by approving a loan

*subject to staying in business to 2024, when the loan would be forgiven. We went through restoration and upgraded amenities. The problem is, we didn't know the depth of the issues until we got into the project, there were a lot of issues we didn't plan for and we went over budget. We did complete and have been reopen for a little over year. Business has been slower than we thought, and the minimum wage increases will impact us significantly. To take on an expense \$30,000 to \$40,000, we don't have that margin. We do have an existing system, and we do train our people so they know what to do. Our goal is compliance, and to do it in a way that makes sense for the business and our customers, period.*

*Stephen Mann: the theater was built in the 30's, changes made in the 70's and added the second screen. We've never had an issue, but when we got involved with the City with the star grants, the first time was for the air conditioning, we did upgrade that and some roof repairs. The second time, we had no idea, we had water come in and saturating the auditorium, and the ceiling had to be replaced. Things we wanted to do got put to the side. If you look at the twin cities, there are few twin theaters remaining. If we didn't own the properties, the theaters would be closed. The total rent is \$36,000 per year per theater, different families are leasing to others who operate, for only \$3/square foot. I'm not sure what the answer is. We want to be cooperative, but we can't continue to go backwards. We've complied with the other minor things. I've been doing this for 50 years, and I always thought that because it was the mid 30's and no structural changes, we were grandfathered in. We don't comply with ADA either. I don't know how the fire alarm is any different.*

*Moermond: it is, meaningfully different. Similar to smoke detectors and carbon monoxide detectors, it doesn't matter when your home was built. The phrase "a significant partial upgrade is desired". You told me about a couple bids, have you talked to a contractor about what a partial upgrade would look like?*

*Michael Mann: we have looked into devices about alerting when there's a fire, as far as getting bids on a full system. That's as far as we've gone, largely because we wanted to discuss if it is even a direction we can take.*

*Perucca: there's some unknowns on our end whether or not all detectors go off, what goes off, what is the decibel level is when they do go off, adequate coverage like that spelled out in the orders. Of most concern are the electrical rooms and water heater locations, and having annual testing done.*

*Moermond: so, ABC fire alarm company comes in to bring in a proposal for alternative means of compliance, and then Fire would look at it and see if they have any concerns.*

*Perucca: we don't design the system.*

*Stephen Mann: we didn't know what direction to give them as far as an alternative. We asked him the same thing about other options, from Collins Electric, and he was scratching his head too. Because these theaters are marginal, there's clauses about keeping it open for 7.5 years, but it also says we can repay the grant and forgivable loan and if the theater went into the Ford plant it was forgiven. We can't continue to lose money, we can't compete with Rosedale or Mall of America. We're given it the best shot.*

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engineer would go for this, and that's how we would come up with a way to do an alternative means of compliance with the code. An alternative to completely new system is this, doing these changes. Maybe bring in Collins and a couple other places to give some ideas on the critical area and the fire engineer can review and give feedback. Hopefully those plans would come in at a more manageable number. I'm thinking projects slow down now, how are you situated to have a plan together by January 2nd?

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**Laid Over to the Legislative Hearings due back on 1/2/2020**

**10**     [RLH FCO  
19-119](#)

Appeal of Stephen Mann, Mann Theatres, to a Reinspection Fire Certificate of Occupancy With Deficiencies at 1830 GRAND AVENUE.

Sponsors:         Tolbert

Layover to LH January 2, 2020 for PO to provide plan for alternative means of compliance with orders and submit for review. Reinspect on other items on November 22, 2019.

Stephan Mann, owner of Mann theaters, appeared  
Michael Mann, partner of Mann theaters, appeared  
Michelle Mann, partner of Mann theaters, appeared

Staff report by Supervisor James Perucca: it appears that the appeal is for similar item for both locations for 1830 Grand and 760 Cleveland. Inspector Mitch Imbertson on his certificate of occupancy inspection called out the fire alarm system at both locations, in regard to the Highland Grandview theater the orders are "fire alarm system shall be installed in existing assembly occupancy, having occupancy load of over 300 or more persons". The occupant load of the theater in Highland is 312 and 320 for a combination of 632. The building currently has hardwired interconnected residential smoke alarms on each level. It looks like a similar situation exists at the Grand Avenue theater, where the order was called out similarly. The occupant load for the upper theater is 147, and lower at 340 for a total occupant load of 487. Also the same conditions, hardwired interconnected residential smoke alarms. Having said that, the requirements are that new and existing occupancies of over 300 are required to have an alarm system, and they need to be in certain locations. They also need notification, which would be either audible or visible location at a location where staff is constantly attended, if that's not achievable then you need a general sounding alarm throughout the building. From what Inspector Imbertson could tell, there is at least one on each floor of the building. It is unknown if one sounds if they all go off, which is part of the notification for the building.

Moermond: he says they are interconnected?

Perucca: it does, it appears to be maybe be an add on to a security system?

Stephen Mann: I don't believe so.

*Perucca: it looks to be attached to more of a break in security panel instead of a fire alarm panel. Having said that, there is a few things that are missing, I don't believe he didn't get any sort of annual testing. I don't know if you have that. We don't have any permits for installation, going back through our records. So we don't know when it was installed or if it works, or if it will sound if there is a fire. When the inspector was there, the theater was open and a movie showing so he didn't want to physically pull the alarm. To go along with that, what appears there, if it does work, it is missing some coverage areas. There's an electrical room at both location without detection. Mechanicals are mostly on the roof, with an exception of the hot water heater which likely may need some coverage. The other factor is whether the system was to go off could it be hard by staff or occupants of the theater. Part of the requirements for systems based on NFPA 72, that standard, the sound level has to be 15 decibels above the ambient sound, or if it's a loud venue 5 decibels above the peak sound level, whichever is greatest. Those are things we don't know. Beyond that, we don't have any documentation of how it was installed, it wasn't under permit, we'd like to see it upgraded to a professional level.*

*Moermond: there does appear to be some difference in orders between the two theaters. That's mentioned in the Grandview orders, but not in Highland.*

*Perucca: we can verify depending on how we go forward.*

*Moermond: I think that what you said in the appeal is that a significant partial upgrade is desired. Have you had a contractor in?*

*Michael Mann: we have. For the record working with Mr. Imbertson has been a pleasure. He's been honest and respectful and reasonable. We do appreciate that. We did receive the two inspection notices, we've reviewed them and per our application our intention is to submit a variance of some type for the alarm deficiency only. The rest will be taken care of by the November 22 reinspection date.*

*Moermond: and that is on hold until this is resolved. Once we resolve we start that again.*

*Michael Mann: we have received several bids on a new alarm system of \$30,000 to \$40,000 for both theaters. Back in 2015 and 2016 we had planned to close the theaters, they were constructed in the 30's, at that time they required a lot of restoration, plus the lack of amenities new theaters had. At the time, the City and mayor caught wind of this and asked to work together to keep these two theaters open. The St. Paul Council extended the life of the theaters by approving a loan subject to staying in business to 2024, when the loan would be forgiven. We went through restoration and upgraded amenities. The problem is, we didn't know the depth of the issues until we got into the project, there were a lot of issues we didn't plan for and we went over budget. We did complete and have been reopen for a little over year. Business has been slower than we thought, and the minimum wage increases will impact us significantly. To take on an expense \$30,000 to \$40,000, we don't have that margin. We do have an existing system, and we do train our people so they know what to do. Our goal is compliance, and to do it in a way that makes sense for the business and our customers, period.*

*Stephen Mann: the theater was built in the 30's, changes made in the 70's and added the second screen. We've never had an issue, but when we got involved with the City with the star grants, the first time was for the air conditioning, we did upgrade that and*

some roof repairs. The second time, we had no idea, we had water come in and saturating the auditorium, and the ceiling had to be replaced. Things we wanted to do got put to the side. If you look at the twin cities, there are few twin theaters remaining. If we didn't own the properties, the theaters would be closed. The total rent is \$36,000 per year per theater, different families are leasing to others who operate, for only \$3/square foot. I'm not sure what the answer is. We want to be cooperative, but we can't continue to go backwards. We've complied with the other minor things. I've been doing this for 50 years, and I always thought that because it was the mid 30's and no structural changes, we were grandfathered in. We don't comply with ADA either. I don't know how the fire alarm is any different.

Moermond: it is, meaningfully different. Similar to smoke detectors and carbon monoxide detectors, it doesn't matter when your home was built. The phrase "a significant partial upgrade is desired". You told me about a couple bids, have you talked to a contractor about what a partial upgrade would look like?

Michael Mann: we have looked into devices about alerting when there's a fire, as far as getting bids on a full system. That's as far as we've gone, largely because we wanted to discuss if it is even a direction we can take.

Perucca: there's some unknowns on our end whether or not all detectors go off, what goes off, what is the decibel level is when they do go off, adequate coverage like that spelled out in the orders. Of most concern are the electrical rooms and water heater locations, and having annual testing done.

Moermond: so, ABC fire alarm company comes in to bring in a proposal for alternative means of compliance, and then Fire would look at it and see if they have any concerns.

Perucca: we don't design the system.

Stephen Mann: we didn't know what direction to give them as far as an alternative. We asked him the same thing about other options, from Collins Electric, and he was scratching his head too. Because these theaters are marginal, there's clauses about keeping it open for 7.5 years, but it also says we can repay the grant and forgivable loan and if the theater went into the Ford plant it was forgiven. We can't continue to lose money, we can't compete with Rosedale or Mall of America. We're given it the best shot.

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