



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, October 24, 2023

9:00 AM

Room 330 City Hall & Court House/Remote

- 7 [RLH VBR 23-59](#) Appeal of Greg Lehman to a Vacant Building Registration Notice and Fire Certificate of Occupancy Revocation Notice at 839 FOURTH STREET EAST.

Sponsors: Prince

VB fee waived 120 days (January 15, 2024) or deadline established in Building Code appeal determination. Grant to December 1, 2023 for compliance with item 4 and 7 of September 12, 2023 orders. Grant to December 1 2023 for compliance with item 1 in orders or appeal to Building Official for item one. Remaining items have been abated.

Greg Lehman, owner, appeared via phone

Staff update by Supervisor Leanna Shaff: September 12 it was revoked for long-term noncompliance. Inspector Tessman and supervisor were out there last week and some things are taken care of, some are not. Unit 1 still has an issue with the heater, vertically installed without a permit.

Lehman: it has been there 30 years.

Moermond: this was the item where this was a difference of opinion on how to proceed. I do have a photo that shows it has been enclosed some.

Shaff: it looks like a small corner closet that has some decorative doors with vents to release heat and prevent injury. Companies spend a lot of money to have their things listed and we don't know it is an approved product in that position.

Moermond: and we can discuss more, but it is not uncovered as it has been in the past. It is now covered. Number two, access to unit 1?

Shaff: the inspector did go in. Item 3, the referenced ceiling tile was an access cover and that has been abated. Number 4 there was still an uncovered baseboard heater at time of inspection. Number 5, there was documentation from July that the rodent infestation was taken care of. Number 6 is taken care of I believe. The smoke alarm affidavit has not been submitted, item 7.

Moermond: do you need one sent to you?

Lehman: yes. I never got one.

Moermond: we can get one to you. That leaves us discussion around the two heaters.

Lehman: I have no idea what you're talking about because I never saw any photos.

Moermond: its an uncovered baseboard heater with black and white tiles.

Lehman: what room is it in? Living room, bedroom? I don't know what you're talking about.

Moermond: we're happy to send it, I'm surprised you don't know which room has black and white tile.

Lehman: let's forget this, I'm going to appeal to the City Council. Send me a date. We'll go from there. I'm done here.

Moermond: ok.

Lehman: you got that?

Moermond: I'll send a referral for you to talk to the trades inspector to consider whether they would consider the installation vertically as compliant.

Lehman: I'll just appeal to the Council.

Moermond: that's a building code determination. It isn't up to them.

Lehman: can we appeal to the Council please? Thank you. There's nothing wrong with it I'm done here. So, let's go in front of the City Council.

Moermond: the judgment on the existing installation isn't that of the Council or the fire inspectors, the appeal of that goes—

Lehman: just send me to the Council.

[hangs up]

Moermond: there are three items left on the report from September 12. Item 1 has to do with the baseboard heater vertically installed. Originally there were two concerns. It isn't manufactured to be installed vertically, so doesn't operate as intended. Also, it didn't have any kind of a cover on it, so it presented a danger both operationally and someone touching it. It does have a cover now. Whether it is allowed to continue to exist is a building or mechanical code issue. I will forward the appeal information to the Building Official, should an appeal be filed with him. There was also an uncovered baseboard heater. Mr. Lehman wasn't aware of this condition existed. It is located in a space with black and white tile with a window showing a wrought iron fence. Looks to be a simple fix because he has covers on the rest that were an issue previously. We'll send the smoke alarm affidavit and he should be able to return that. The only question remaining is compliance date for remaining items. Item 4 with respect to the uncovered horizontally installed heater has a December 1, 2023 deadline, along with the affidavit. For the vertically installed heater I'll put a deadline of before it is reoccupied. I am referring the matter as an appeal to the Building Official.

Notes from Inspector 10-19-23: Visited property with MI to take photos and collect evidence to pass along for appeals process. The unit is actively undergoing cosmetic renovations.. No permit has been pulled for any changes. A cover has been placed over the wall mounted heater. Guards were installed on all but one section of

baseboard heaters. Access panel was replaced in closet. Pest control had serviced the property. RP stated that tenants always have been and will continue to be given a key to electrical panel room in basement. Pictures are attached in AMANDA. - RT

Referred to the City Council due back on 11/8/2023