



RLH-FCU 23-28

380 Jackson Street

APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

legislativehearings@ci.stpaul.mn.us

We need the following to process your appeal:

☒ \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number _____) *check # 5483*

☒ Copy of the City-issued orders/letter being appealed & any attachments you may wish to include

HEARING DATE & TIME

(provided by Legislative Hearing staff)

Tuesday, *May 2nd, 2023*

Location of Hearing:

☒ Telephone: you will be called between *2:00 pm & 4:00 pm*

☐ In person (Room 330 City Hall) at: _____
(required for all condemnation orders and Fire C of O revocations and orders to vacate)

RECEIVED

APR 24 2023

CITY CLERK

Address Being Appealed:

380 Jackson St

Number & Street: *198 6th St. E.* City: *St. Paul* State: *MN* Zip: *55101*

Appellant/Applicant: *Bigos Management/On the Park condos HOA* Email: *maplewoodsweets@gmail.com*

Phone Numbers: Business *763 317-7868 (Bigos)* Residence *651 771-06777 (OTP)* Cell *612 222-9851 (OTP)*

Signature: *Nick Geng (for Bigos)* *Linda Kohl* Date: *April 24, 2023*
same Linda Kohl (for OTP HOA)

Name of Owner (if other than Appellant): _____

Mailing Address if Not Appellant's: *Bigos: 8325 Wayzata Blvd., Golden Valley MN 55426-1460*
OTP: 198 6th St. E. #604, St. Paul, MN 55101

Phone Numbers: Business *Same as above* Residence *Same as above* Cell: *Same*

What Is Being Appealed and Why? Attachments Are Acceptable

- ☐ Vacate Order/Condemnation/Revocation of Fire C of O *Please call: 651-771-6777, 612-222-9851,*
- ☐ Summary/Vehicle Abatement *763-317-7868,*
- ☐ Fire C of O Deficiency List/Correction *651-400-8700 ext 2,*
- ☒ Code Enforcement Correction Notice *Please see attached 651-250-4305*
- ☐ Vacant Building Registration
- ☐ Other (Fence Variance, Code Compliance, etc.)

check # 5483

Attachment re: Application for appeal

On The Park is a small 16-unit condominium building located at 198 6th St. E., St. Paul, across Sibley street from Mears Park. It is housed within the Galtier Plaza complex, largely owned by Bigos Management, which also includes two apartment towers and the Airye Condominiums. The OTP condominium units are located on the fourth through seventh floors of the building and are reached by an elevator from a small lobby on the first floor. The elevator also provides access to the underground garage owned by Bigos Management, where OTP residents park, along with residents of the Bigos-owned apartments, the Airye condominiums and the general public. The garage also is open to individuals who enter the the garage via elevator or stairs from Galtier Plaza, or pedestrians following cars through the garage doors as they enter or exit.

The OTP condominium opened in the mid-1980s after construction of Galtier Plaza was completed. The security and safety arrangements that were in place at the time of the building's opening are essentially the same now as they were then. No alterations have been made, and no correction notices had been issued for the lobby door in the 30-plus years of the building's operation.

The OTP condominiums are served by two stairwells, both shared by Bigos Management, one at the north end and one at the south end of the building. The north stairwell goes down to the garage, while the south stairwell ends on the first floor of Galtier Plaza. The exit from the south stairwell leads into Galtier Plaza, which is not part of the OTP building but is owned by Bigos Management.

The door from the north stairwell into the OTP lobby was designed to remain locked unless an emergency alarm is triggered, in which case the door is designed to automatically unlock to allow emergency egress into the lobby from the north stairwell. The lobby door was designed as, and continues to be, an integral part of the security system for the OTP condominiums. When locked, the door prevents intruders from gaining access to the lobby and to the elevator, where they could gain access to the hallways and all common areas of the entire condominium building.

Like many residential and commercial buildings in downtown St. Paul, OTP and Bigos Management has recently seen an increase in the number of intruders entering or attempting to enter parts of our building. The north stairwell is

particularly vulnerable to intrusions since none of the doors leading into the north stairwell from the parking garage are locked. The stairwell extends from the lowest level of the parking garage, B3, all the way up to the roof. Other possible entry points to the north stairwell are from the Bigos-owned Galtier Plaza side of the stairwell.

Doors leading from the stairwells to the OTP residential floors are protected by locks that open from the OTP side but are locked on the stairwell side. OTP residents are now checking these doors at least three times per day to make sure they are locked. The first floor lobby is protected by a door that is locked from the lobby side but is designed to automatically unlock when an emergency alarm is triggered, allowing safe egress into the lobby via the north stairwell for residents from the fourth, fifth, sixth and seventh floors. (The south stairwell, which leads to the first floor of Galtier Plaza, is also available for emergency egress for OTP residents.)

On Sunday, March 12, 2023, intruders made it up the north stairwell (most likely from the garage) to the roof, where they set a fire. The emergency alarm did not trigger in the building, probably because the fire and smoke were confined to the roof and did not enter the stairwell. Had the fire or smoke penetrated the stairwell or other common areas, the emergency alarm would have been triggered and the lobby door presumably would have automatically unlocked.

The OTP HOA board and Bigos Management are committed to making whatever changes are necessary to improve the safety of the OTP building. The OTP HOA board and Bigos management have already spent considerable funds to ensure security and safety of the building. This has included installing a lock so that the front door into the vestibule can be locked between 9 p.m. and 6 a.m. to prevent intruders from sleeping in, or causing damage to, the vestibule; installing a keypad to allow access to the vestibule during these hours for residents, guests and emergency personnel, installing an electronic security system and camera in the vestibule to allow residents to provide authorized guests or delivery persons access into the lobby, installing a camera to monitor the lobby door to the north stairwell, and repairing damage to stairwell doors and the vestibule area caused by intruders.

Even with these measures, residents and security guards continue to find evidence of intrusions into the north stairwell on a regular basis. For example, on April 10, 2023, a large amount of trash and debris was found on the 8th floor, indicating that intruders may have been living there for some time. If the door to the lobby had been unlocked, these intruders would have had free access into the

condominium building and its common areas. And this was not the only incident; in the past several months, intruders entering the north stairwell have triggered fire alarms, either by smoking or starting small fires to keep warm. This has caused residents to evacuate the building, sometimes in the middle of the night. In each instance, the St. Paul Fire Department arrived promptly and no damage was incurred.

Bigos Management and the OTP HOA board believe that unlocking the door from the north stairwell into the lobby, as ordered by Correction Notice #86914, would dramatically increase the vulnerability of the building to intruders and severely increase potential danger to the safety of OTP residents. Unlocking the lobby door would essentially open the lobby area, the elevator, mechanical equipment and all of the common spaces to intruders at all hours of the day and night.

With the lobby door unlocked, security mitigation efforts would require major construction remodeling and expenses, which would be a significant hardship for Bigos Management and OTP residents. With only 16 condominium units in OTP, the cost per unit could amount to thousands of dollars.

The attached photos show the building, the lobby, the lobby door, the north stairwell and evidence that intruders that have been in the north stairwell.

Bigos Management and the OTP HOA board respectfully request approval of our appeal to the Correction Notice dated April 14, 2023 (Ref. #86914).

Contact information:

Bigos Management, Stephanie Simmons, 763 317-7868, or Nicholas Geng, building engineer, 651 400-8700 ext. 2

On the Park Home Owners Association, Linda Kohl, association secretary, 651 771-6777 or 612 222-9851; Larry Braun, association president, 651 250-4305

Pictures first page, left to right from top:

Galtier Plaza complex: The OTP condominiums are on the corner of Sibley and Sixth streets.

OTP lobby: The vestibule, which leads to the outside doors, and the hallway leading to the elevator and lobby door to the north stairwell.

OTP condominiums are on the top floors of the building. The bottom three floors of the building and the underground garage is owned and managed by Bigos management.

Door from the lobby to the north stairwell

Interior of the north stairwell at ground floor level.

Photos, second page:

Trash and debris left by intruders on upper floors of north stairwell, discovered by residents April 10, 2023.



April 14, 2023

Jeffrey Flake
8325 WAYZATA BLVD #200
GOLDEN VALLEY MN 55426 USA

CORRECTION NOTICE - COMPLAINT INSPECTION

RE: 380 JACKSON ST
Ref. # 86914

Dear Property Representative:

An inspection was made of your building on March 14, 2023 in response to a referral. You are hereby notified that the following deficiency list must be corrected immediately. **A reinspection will be made on May 12, 2023 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. Stair A - Level 1 - MSFC 1010.1.9 - Remove unapproved locks from the exit doors. The door must be openable from the inside without the use of keys or special knowledge or effort.-The door at level 1 in Stair A is locked from the inside preventing egress from this stairwell.

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: george.niemeyer@ci.stpaul.mn.us or call me at 651-266-8991 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,

George Niemeyer
Fire Safety Inspector
Ref. # 86914



