

Fire Protection Sprinkler System – Petition Requirements and Procedures

Petition Requirements

1. The property owner must petition the City of Saint Paul for fire protection sprinkler system financing by special assessment.
2. The property owner must submit a petition letter to the city finance department's Assessments Section ("OFS/Assessments"). The letter must contain the following:
 - a. A cost estimate of the fire protection sprinkler system. Costs may include system design and installation, water utility fees (if desired), and other related costs.
 - b. A statement that the property owner will be responsible for the installation, and will use contractors and installers licensed or registered with the City or State.
 - c. A statement that the property owner agrees to waive his/her right to a public hearing on the proposed project and related special assessment, and to waive any and all rights to appeal the approved assessment to the District Court.
 - d. A statement that the property owner will be responsible for the difference between the approved construction cost estimate and the actual construction cost, if the actual cost is greater.
 - e. A statement that in the event the property owner requests that the assessment be abandoned, he/she will reimburse the City for all costs the City has incurred. At the discretion of the Council these costs may be collected as an assessment.
3. The petition letter must be signed by all owners of the property.
4. The petition letter must be accompanied by proof of property ownership (e.g., deed, title insurance commitment, title company ownership report).
5. The property owner must submit a signed "Agreement for Installation of Improvements and Waiver of Special Assessment Appeal." This document requires the property owner to agree to the following:
 - a. The amount to be assessed for the improvements will not exceed the amount of the approved construction estimate, plus any City administrative costs and interest charges. Administrative costs may include providing a disbursing agent, engineering inspection services (obtained by City from a master contract) and other costs associated with review and implementation of the project and assessment.
 - b. No payment will be authorized until the completed installation work is inspected and approved by the Department of Safety Inspections (DSI) and the Department of Fire and Safety Services for compliance with all applicable fire and building codes, and the assessment is adopted by the City Council.
 - c. The adopted special assessment will have a term no longer than 20 years.

- d. The adopted special assessment will bear interest at the highest rate applicable for any other special assessment levied by the City.

Petition Submission/Approval Procedures

1. The property owner submits to OFS/Assessments a petition letter, ownership report, signed waiver agreement and other pertinent documentation.
2. OFS/Assessments reviews the city assessment budget to determine if funding is available for the requested fire sprinkler project.
3. If funding is sufficient, OFS/Assessments reviews the petition documents. If all information is complete, OFS/Assessments creates an assessment project, with the city funding source identified, and prepares a City Council resolution that authorizes the fire sprinkler project and establishes a project budget. Unless specifically waived by the Council, the petition must be approved by the Council before installation of the proposed fire protection sprinkler system may begin.
4. OFS/Assessments verifies that DSI/Fire Inspection has received fire sprinkler system plans and has approved the plans.
5. OFS/Assessments processes the City Council resolution and, following adoption, makes the fire sprinkler assessment "pending" in the assessment computer system.
6. The property owner's contractor performs the fire sprinkler system installation work.
7. DSI/Fire Inspection inspects the installation work. Inspections must be done prior to covering the system with a ceiling and after all work is completed.
8. DSI/Fire Inspection prepares a final report approving the work and notifies OFS/Assessments.
9. Petitioner submits all invoices and lien waivers to OFS/Assessments.
10. OFS/Assessments prepares and processes the City Council assessment approval paperwork, which includes:
 - a. Resolution setting the date of the public hearing on the assessment
 - b. Report of Completion (to accompany date-setting resolution)
 - c. Resolution to adopt the assessment (at the public hearing)
11. Following Council adoption of the assessment, OFS/Assessments requests a check from OFS/Treasury.
12. OFS/Assessments delivers a check to the property owner or the contractor and obtains a signed receipt.
13. The process is complete.

Sample Petition Letter

Date:

City of Saint Paul Assessments
Attn: Lynn Rolf
700 City Hall
15 West Kellogg Boulevard
Saint Paul, MN 55102-1658

Dear Ms. Rolf:

This letter serves as a petition to the City of Saint Paul for approval of a special assessment against my property at _____ property address _____, Saint Paul, Minnesota, to finance the construction of a fire protection sprinkler system.

Attached is a copy of a title insurance commitment or title company ownership report showing that I am the record owner of the property.

I understand that I am responsible for contracting for the installation of the sprinkler system and for presenting invoices and mechanics lien waivers for payment of the work.

I understand that in the event this project is abandoned by me I will reimburse all costs incurred by the City relating to the assessment.

I hereby waive my right to a public hearing and to appeal the assessment.

I have submitted my fire protection sprinkler system plans to the Department of Fire and Safety Services and the Department of Safety Inspections for review and approval.

If you have any questions or if you need additional information, please feel free to contact me.

Sincerely,

Sample Agreement

**AGREEMENT FOR INSTALLATION OF IMPROVEMENTS
AND WAIVER OF SPECIAL ASSESSMENT APPEAL**

1. The undersigned (is/are) fee owner(s) (hereinafter referred to as "Owner") of property at _____, Saint Paul, Minnesota legally described on the attached **Exhibit A** (the "Subject Property").
2. Owner enters into this agreement and waiver on behalf of Owner's self, successors and assigns.
3. Owner is developing the Subject Property for commercial use.
4. As a part of this project, Owner has petitioned the City of Saint Paul to assess the costs of constructing, reconstructing, altering, extending and promoting a fire protection system for the building located on the Subject Property in accordance with city policy regarding fire protection system assessments.
5. Owner hereby waives any and all rights Owner may have to a public hearing concerning the proposed improvement and assessment.
6. Owner has been informed that the estimated assessment amount for the construction of this improvement is the "Total Estimated Assessment Amount" identified below, which is to be fully repaid at the current year's prevailing interest rate over 20 years, and that such payments shall be collected as an assessment against the Subject Property.

A breakdown of these assessment costs are as follows:

Approved construction estimate	\$ _____
Administrative Costs: Review, Processing and Disbursement Charges	\$ 500.00
<u>Total Estimated Assessment Amount</u>	\$ _____

7. If the assessment amount actually levied against the Subject Property is equal to or less than the estimated assessment amount, Owner hereby waives any right Owner may have to contest the validity of or appeal from the special assessments plus interest including any procedural or substantive rights pursuant to Chapter 13 and 14 of the Saint Paul Charter, Minnesota Statutes Chapter 429, or any other statutes, constitutions, laws of judicial decisions of the State of Minnesota or the United States.

8. If such improvements are approved and constructed, Owner agrees on behalf of Owner, his successors or assigns that such public improvements would be of special benefit to the Subject Property in at least the amount of the estimated assessment plus interest charges set forth in Paragraph 6.
9. Owner agrees to be responsible for the payment of the difference between the approved estimated construction costs and the actual construction costs, in the event the actual construction costs exceed the approved estimated costs.
10. Owner agrees and understands that during the course of this project any review and approval by a City division or department is granted only in its capacity of administering and enforcing existing relevant codes. Any such approval is only as to compliance with the codes. Such approval does not create a special duty to the Owner and is not a warranty of quality of materials and workmanship.

Attachments:

Exhibit A: Legal Description of Subject Property

By: _____
Property Owner

Building Address

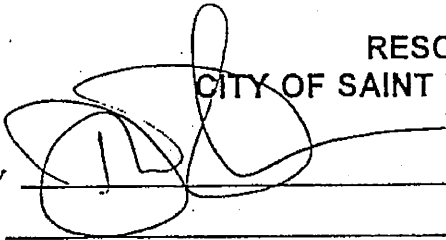
Notary Public

Date

Subscribed to and sworn to this
_____ day of _____, 20____

Council File # 97-67
Green Sheet # 38215

RESOLUTION
CITY OF SAINT PAUL, MINNESOTA

Presented By 
Referred To _____ Committee: Date _____

1
2 WHEREAS, the Council of the City of Saint Paul, in Council File No. 88-481 adopted
3 April 7, 1988 and approved by the Mayor of Saint Paul on April 7, 1988, determined, in the
4 interest of public safety and subject to the requirements of law, to authorize the construction,
5 reconstruction, alteration, extension, operation and maintenance of fire protection systems for
6 the purpose of promoting fire safety in existing buildings; and

7
8 WHEREAS, the Council of the City of Saint Paul, in the said resolution, further
9 determined that fire protection systems promoted public safety and were therefore public
10 improvements under Minnesota Statutes, Chapter 429 and accordingly adopted procedures and
11 requirements to provide for the construction of fire protection systems as public improvements
12 and to recoup the costs of providing such public improvements as an assessment to the
13 property benefitting by the improvement; and

14
15 WHEREAS, in Minnesota Statutes, Chapter 299M (1992), the State of Minnesota
16 adopted certain laws governing the inspection of fire protection systems which rendered some
17 of the procedures and requirements set forth in Council File No. 88-481 redundant as well as
18 added unnecessary costs and delays to the approval of fire protection system improvements;
19 NOW, THEREFORE,

20
21 BE IT RESOLVED, in order to more fully comply with the provisions of Minnesota
22 Statutes, Chapter 299M (1992), Council File No. 88-481(g) is amended to read as follows:

23
24 "No payment shall be authorized until the assessment is ratified and the
25 completed work is inspected and approved ~~by an engineering inspection service~~
26 ~~and also reviewed by the Division of Building Inspection and Design~~
27 Department of License, Inspections and Environmental Protection and the
28 Department of Fire and Safety Services for compliance with all applicable fire
29 and building codes. Any approval by a City division or department shall be
30 only as to compliance with existing codes and in not a warranty of quality of
31 materials or workmanship".
32

97-676

1
2
3
4
5

AND BE IT FURTHER RESOLVED, that the City of Saint Paul desires to encourage the installation of fire protections systems in the interest of public safety such that the program authorized in Council File No. 88-481 is not limited solely to those participating in a city sponsored Small Business Assistance program.

	Yeas	Nays	Absent
Blakey	✓		
Bostrom	✓		
Harris	✓		
Guerin Martin	✓		
Megard	✓		
Rettmann	✓		
Thune	7	0	0

Requested by Department of:

By: _____

Form Approved by City Attorney

By: Peter W. Warren

Adopted by Council: Date May 28, 1997

Adoption Certified by Council Secretary

By: David J. Anderson

Approved by Mayor for Submission to Council

Approved by Mayor: Date 6/4/97

By: [Signature]

By: _____

WHITE - CITY CLERK
PINK - FINANCE
CANARY - DEPARTMENT
BLUE - MAYOR

Rox
CITY OF SAINT PAUL

Council File NO. 88-481

Return copy to Room 218
(Chapter 429) EW

Council Resolution

Presented By *[Signature]*

Committee: _____ Date _____

4/11/88 Referred to 12M

Out of Committee By _____ Date _____

WHEREAS, Subject to the requirements of law, the City of Saint Paul is authorized pursuant to the provisions of Minnesota Statutes, Chapter 429, to specially assess the costs of constructing, reconstructing, altering, extending, operating, maintaining and promoting fire protection systems in existing buildings; and

WHEREAS, The Saint Paul City Council has determined that it is in the public interest to provide this means of providing fire protection systems in existing buildings, which are required by the Building or Fire Code to install fire protection systems, in which the owner thereof is participating in a city-sponsored Small Business Assistance program; and

WHEREAS, The City Council, by this resolution, intends to set forth the requirements that will be applicable to any petition for the assessment of the costs of such fire protection systems and which will be used to guide the city departments and petitioners in the review of any such petition; now therefore be it

RESOLVED, That petitions to be presented to the City Council for consideration of specially assessing costs for fire protection systems, as authorized by Minnesota Statute, Chapter 429, must comply with the following requirements and criteria:

- a) The petition must comply with all of the applicable requirements of Chapter 429, including the submission of plans and specifications together with a cost estimate, all subject to approval of the City.
- b) The petition shall be prepared and signed by all owners of the subject property, and proof of record ownership thereof shall also be submitted with the petition.

COUNCIL MEMBERS

Yeas	_____	Nays	_____	
	Dimond			
	Long		_____	In Favor
	Goswitz			
	Rettman		_____	Against
	Scheibel			
	Sonnen			
	Wilson			

Adopted by Council: _____ Date _____

Certified Passed by Council Secretary

By _____

Approved by Mayor: _____ Date _____

Re _____

Requested by Department of:

Finance & Management Services

By *[Signature]* Director
EJW

Form Approved by City Attorney

By *[Signature]* 3/23/88

Approved by Mayor for Submission to Council

By *[Signature]*

- c) The petition shall contain a statement that the owners shall be responsible for contracting for the actual installation of the fire protection system using contractors and installers licensed or registered with the City of Saint Paul or the State of Minnesota.
- d) The petition shall contain a statement that the owners waive all rights which they may have to a public hearing on the proposed improvement and assessment and further specifically waive any and all rights which the owners may have to appeal the adopted assessments to the District Court.
- e) The amount to be specially assessed for the improvements shall not exceed the amount of the approved construction estimates, plus any administrative costs incurred by the City and interest charges. Administrative charges shall include the costs of providing a disbursing agent, engineering inspection services and other costs associated in the review and implementation of the improvements.
- f) The petition shall contain a statement that the owners shall be responsible for the difference between the approved construction estimate and the actual construction costs, in the event the actual costs exceed the approved estimate.
- g) No payment shall be authorized until the assessment is ratified and the completed work is inspected and approved by an engineering inspection service and also reviewed by the Division of Building Inspection and Design and the Department of Fire and Safety Services for compliance with all applicable fire and building codes. Any approval by a City division or department shall be only as to compliance with existing codes and is not a warranty of quality of materials or workmanship.
- h) Special assessments shall be for a period not to exceed 20 years.
- i) Assessments shall bear interest at the highest rate applicable for any other special assessment levied by the City.

WHITE - CITY CLERK
PINK - FINANCE
CANARY - DEPARTMENT
BLUE - MAYOR

CITY OF SAINT PAUL

Council File NO. 88-481

RETURN COPY TO ROOM 218
(Chapter 429) EW

Council Resolution

[Handwritten Signature]

Presented By _____

Referred To _____ Committee: _____ Date _____

Out of Committee By _____ Date _____

- j) The petition shall contain a statement that in the event the petitioners request the abandonment of the special assessment project, all costs incurred by the City shall be reimbursed by the petitioners and in the discretion of the Council may be collected in the same manner as assessments.
- k) Unless specifically waived by the City Council, all petitions must be received and approved by the City Council before construction or installation of the proposed fire protection system.
- l) Consideration of all petitions shall be subject to a case-by-case determination and approval of the City Council and shall be solely within the Council's discretion.

COUNCIL MEMBERS

Yeas	_____	Nays	_____
Dimond	<u>6</u>	In Favor	_____
Long	_____	Against	_____
Goswitz	_____		
Rettman	_____		
Scheibel	_____		
Sonnen	_____		
Wilson	_____		

Adopted by Council: _____ Date APR - 7 1988

Certified Passed by Council Secretary
By *[Signature]*

Approved by Mayor: _____ Date APR - 7 1988

By _____

Requested by Department of:

Finance and Management Services

By *[Signature]* Director
[Signature]

Form Approved by City Attorney

By *[Signature]* 3/14/88

Approved by Mayor for Submission to Council

By *[Signature]*