



City of Saint Paul

City Hall and Court House
15 West Kellogg
Boulevard
Phone: 651-266-8560

Master

File Number: RLH VO 11-90

File ID: RLH VO 11-90

Type: Resolution LH Vacate
Order

Status: Archived

Version: 1

**Contact
Number:**

In Control: City Council

File Created: 10/13/2011

File Name: 755 Minnehaha Avenue West

Final Action: 10/25/2011

Title: Appeal of Elsie Mayard to a Notice of Condemnation as Unfit for Human
Habitation and Order to Vacate at 755 MINNEHAHA AVENUE WEST.

Notes: Applicant has to be in Rochester at 2:00 p.m., so appellant will have to leave the hearing at
12:30 p.m. -rrn

Agenda Date: 11/16/2011

Agenda Number: 9

Sponsors: Carter III

Enactment Date:

Attachments: 755 Minnehaha W.appeal.10-13-11.pdf, 755
Minnehaha Ave W.Correction Order.8-18-11.pdf

Financials Included?:

Contact Name:

Hearing Date:

Entered by: Racquel.Naylor@ci.stpaul.mn.us

Ord Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Legislative Hearings	10/18/2011	Laid Over	Legislative Hearings	10/25/2011		
	Action Text: Laid Over to the Legislative Hearings due back on 10/25/2011						
	Notes: Rescheduled to October 25.						
1	Legislative Hearings	10/25/2011	Withdrawn				
	Action Text: Withdrawn						
	Notes: Per Inspector Mashuga, power and gas restored at 755 Minnehaha Ave W Per Xcel.						
	RE: 755 Minnehaha Ave W (duplex)						
	Elsie Mayard appeared.						
	Ms. Mayard:						
	- needs Inspector Mashuga to be here today; he called her yesterday - said he'd be here today; she doesn't want this to happen again with them						
	- what Mr. Mashuga did was wrong; he said everything was fine; the next thing she knew, he sent a letter to the bank saying her lights were off but she had told him she had lights - then, he wanted to come over to the house but she told him it was private property and if she said she had lights, she had lights.						
	- she came to this LH only because Inspector Mushuga was wrong and he didn't show up and his boss didn't show up						

- she let him know that she has rights under federal law
- she has lived there since 1992
- she has had a dispute with Xcel about her bill on her private property; it's not rental - she lives there
- the City can't tell her she has to move out of her house unless she pays her bill with Xcel; this has happened before and she wants it to stop
- this is a problem with her bill with Xcel which has never been fixed
- her elect was not shut down during the time the City says it was
- when you say something to an inspector that they don't like, they want to punish you; but they want to punish the wrong person
- she let the inspector know that if this happens again, they will find themselves in federal court because she is going to challenge this - she has the right to know is the City is going to do something to her - she found out from the bank
- she introduced a letter from M & I Bank asking her what is going on
- she wants this dept to stop; the City cannot force me to pay Xcel
- first of all, her lights were not shut off - she talked to the inspector that day and told him the lights were on - he didn't even bother to check
- the City does not have her permission to come into her life and tell her to pay a bill
- she's not bothering anyone; she is safe
- what's more safe for her - to live in her house without elect or to live in the streets
- the City already knows that she has a problem with Xcel about her bill but Xcel tries to take advantage of that
- the house next to her didn't have power for about 7 months and the City never bothered them at all
- she feels her rights have been violated by the City of Saint Paul; her rights are protected under the law
- City has no jurisdiction telling her what she's supposed to do with her life
- she is going to make sure the law is changed; it's unconstitutional to have a law like that

Matt Dornfeld, Vacant Buildings:

- per Steve Magner, DSI, currently, is not staffing this situation due to the fact that the Condemnation has been lifted (letter went out this morning); the electrical has been restored per Inspector Mushuga
- history: there have been 4 shut off at this property
- will have this morning's letter lifting this Condemnation emailed to Ms. Moermond
- the City gets hundreds of shut-off notifications from Xcel per month
- the inspectors and Ms. Moermond didn't make the laws but it is their job to enforce them

Ms. Moermond:

- M & I Bank owns this
 - informed Ms. Mayard that she needs to have gas and electric service at her residence or the bldg will be Condemned
 - Xcel had informed the City that they had turned off the service
 - cannot guarantee that this won't happen again if Xcel contacts the City and says that they've cut the power
 - whether private or rental property, that's always the case
 - the placard can be removed from the house - it's not Condemned anymore (Mai has gone to get the letter)
 - noted that Ms. Mayard's house has been foreclosed upon by M & I Bank; it looks as though they have filed to evict her
-

Text of Legislative File RLH VO 11-90

Appeal of Elsie Mayard to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 755 MINNEHAHA AVENUE WEST.

WHEREAS, in the matter of the Appeal of Elsie Mayard to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 755 MINNEHAHA AVENUE WEST; and

WHEREAS, the Legislative Hearing Officer has reviewed the appeal and considered the testimony of City staff and the appellant; and

WHEREAS, the Legislative Hearing Officer recommends [recommendation]
Now, Therefore, Be It

RESOLVED, that the Saint Paul City Council hereby accepts and adopts the Legislative Hearing Officer's recommendation in this matter.



City of Saint Paul

City Hall and Court House
15 West Kellogg
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Master

File Number: RLH VO 14-37

File ID: RLH VO 14-37

Type: Resolution LH Vacate
Order

Status: Passed

Version: 2

**Contact
Number:**

In Control: City Council

File Created: 08/15/2014

File Name: 755 Minnehaha Avenue West

Final Action: 10/01/2014

Title: Appeal of Elsie Mayard to a Notice of Condemnation as Unfit for Human
Habitation and Order to Vacate at 755 MINNEHAHA AVENUE WEST.

Notes:

Agenda Date: 10/01/2014

Agenda Number: 67

Sponsors: Thao

Enactment Date:

Attachments: 755 Minnehaha Ave. W.appeal.8-15-14, 755
Minnehaha Ave W.Mayard Ltr.9-11-14

Financials Included?:

Contact Name:

Hearing Date:

Entered by: katie.foss@ci.stpaul.mn.us

Ord Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Legislative Hearings	08/26/2014	Laid Over	Legislative Hearings	09/09/2014		
	Action Text: Laid Over to the Legislative Hearings due back on 9/9/2014						
	Notes: Rescheduled per owner and attorney's request.						
1	Legislative Hearings	09/09/2014	Referred	City Council	10/01/2014		
	Action Text: Referred to the City Council due back on 10/1/2014						
	Notes: Grant until November 1, 2014 to have power restored or the building must be vacated. (No extension cords, no generator, need furnace check and must have working smoke and carbon monoxide detectors)						
	RE: 755 Minnehaha Avenue West (duplex)						
	Elsie Mayard, owner, appeared.						
	Ms. Mayard:						
	- Southern Minnesota Regional Legal Services referred her to a law firm who will be helping her, pro bono, to secure her record of payment from Xcel						
	Inspector Paula Seeley:						
	- DSI office received a complaint that the electricity was shut off in Jun 2013						
	- Inspector went out Jun 17, 2013 and issued an Order to restore the electricity						
	- it was re-inspected Aug 14, 2013 when both the gas and electric were off; she Condemned the Unit						

- the electricity has been off since May 13
- gas and electric were off Jul 29
- Ms. Seeley called Xcel this a.m. to find out that gas and electric are still off
- Xcel said that someone requested last years Xcel bills; so far, they have no record of an agency or anyone calling them to help out with getting the power restored

Ms. Moermond:

- was and Order to Vacate deadline of Aug 18, 2014, which has come and gone

Ms. Mayard:

- she met the inspector at the house; she lives there; house has 2 levels
- it's her own house; it has gas and electric
- it's a big mess; Xcel tried to get the city involved; the inspector knows what's going on; knows that there's light and gas at the property
- it's an old house with 2 meters, upper and lower
- Xcel claims she owes \$10,000; that's why she's requesting the bills; wants to know how the bill could be so much - when it started; but Xcel refused
- Xcel needs to prove to her that she owes \$10,000
- there's back and forth conversation going on between Xcel, the city and here
- legal aid requested the bills
- she went to DSI office to talk with inspector but they don't care what she told them
- she wants the city to stop; this is an outrage! she owns her property
- this dispute with this bill is false and fraud; that's why she got legal aid to take this to federal court for litigation

Ms. Moermond:

- all she can deal with today is the Order to Vacate the property for lack of gas and electricity

Ms. Mayard:

- she has gas and electricity; she lives there; it's on

Ms. Seeley:

- Xcel is telling DSI that the gas and electricity to Unit 1 are off
- it's a duplex; there might be gas/electricity in 1 unit and not the other but we don't want extension cords running from one unit to another

Ms. Mayard:

- what extension cords are you talking about?
- she needs to bills from Xcel so that she can compare the payments she made with their records

Ms. Moermond:

- based on the lack of service from Xcel in Unit 1, the Order indicates that the inspector wants to Vacate the building, not just Unit 1

Ms. Seeley:

- even if there is gas and electric to Unit 2, we don't want them running extension cords (fire hazard) down to Unit 1 or anywhere; City Ordinance can Condemn under lack of basic facilities; it's required that you have water, gas and electric at all times
- maybe the inspector needs to get inside the house to find out what's going on

Ms. Mayard:

- there are no extension cords running anywhere
- there are 2 forced air furnaces

Fire Inspector Leanna Shaff:

- smoke detectors are a concern
- questions what fire separations are there
- also has concerns about frozen pipes, nearing the winter season and the bottom unit is the one without gas/electric

Ms. Moermond:

- had a similar case a few weeks ago and would like to treat this one like she treated that one; there was an owner in 1 unit and gas/electric off in the other unit; she will grant an extension to Nov 1, 2014 with the following conditions

- fresh batteries in smoke detectors and CO alarm upstairs
- no extension cords
- no generators
- have the furnace checked
- either have gas/electric back on again by Nov 1, 2014 or the house must be Vacated to give you a chance to learn more about that bill
- also, wants an inspector to check to see if those things are done in a week or two
- these are fire concerns and Inspector Seeley will check it out; she will send out an appointment letter
- will send a letter confirming this hearing

Ms. Mayard:

- Ramsey Action Program checked the furnace within the past year; she will get a letter from them to verify

2 City Council 10/01/2014 Adopted Pass

Action Text: Adopted (appeal denied with extension to November 1 for compliance or vacation)

Notes: Legislative Hearing Officer Marcia Moermond gave a staff report on the electric shut off in one unit of the duplex due to a significant bill. She said the question was whether fire safety of the other unit was compromised. In response to a question from Council President Lantry she said her recommendation was to allow until November 1 to have the bill paid and service restored. She noted that the electric had been shut off for a long time and the gas had been shut off more recently.

Property owner Elsie Mayard expressed frustration with the City, and the City's process, and what she felt were lies on the part of City staff. She said she had the right to do what she wanted at her own property. She said the situation posed no health threats, there were no children involved, and no one else affected.

Councilmember Thao moved to close the public hearing. Yeas - 6 Nays - 0 (Councilmember Brendmoen not present for vote)

Councilmember Thao thanked Ms. Mayard for her testimony and said he sympathized with her feelings about privacy. He said we lived in a larger community, though, with public safety concerns and codes to abide by. He said the November 1 deadline was fair.

2 Mayor's Office 10/03/2014 Signed

Action Text: Signed

Text of Legislative File RLH VO 15-45

Appeal of Elsie Mayard to a Condemnation and Order to Vacate at 755 MINNEHAHA AVENUE WEST

WHEREAS, in the matter of Appeal of Elsie Mayard to a Condemnation and Order to Vacate at 755 MINNEHAHA AVENUE WEST, the Legislative Hearing Officer has reviewed the appeal and considered the testimony of City staff and the appellant; and

WHEREAS, the Legislative Hearing Officer recommends that the City Council [recommendation];
Now, Therefore, Be It

RESOLVED, that the Saint Paul City Council hereby accepts and adopts the Legislative Hearing Officer's recommendation in this matter.