



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final Legislative Hearings

*Marcia Moermond, Legislative Hearing Officer*  
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Tuesday, July 29, 2014

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Remove/Repair Orders

- 1 [RLH RR 14-7](#) Ordering the rehabilitation or razing and removal of the structures at 1022 MINNEHAHA AVENUE WEST within fifteen (15) days after the April 16, 2014, City Council Public Hearing. (Amended to razing and removal only) (Public hearing held and closed; laid over from June 18)

Sponsors: Thao

Laid Over to the Legislative Hearings due back on 8/26/2014

### 11:00 a.m. Hearings

#### Summary Abatement Orders

- 2 [RLH SAO 14-25](#) Appeal of Peter L. Johnson to a Summary Abatement Order at 2146 JAMES AVENUE.

Sponsors: Tolbert

*Appeal withdrawn. Owner in compliance.*

Withdrawn

### 11:30 a.m. Hearings

#### Orders To Vacate, Condemnations and Revocations

- 3 [RLH VO 14-26](#) Appeal of Andy Hybben to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 37 WYOMING STREET EAST.

Sponsors: Thune

*Grant extensions as described in the work plan.*

*RE: 37 Wyoming Street East (Duplex)*

Andy Hybben, owner, appeared.

Fire Inspector Leanna Shaff:

- Revocation of Fire Certificate of Occupancy
- at the last LH, we discussed ways that Mr. Hybben would comply with the Fire Inspection Orders in a more timely manner
- needed a Work Plan to get the remaining work done; also allowing access
- since then, Inspector Westenhofer did an inspection and found the interior pretty much done
- on the exterior, left to be done: roof, driveway, etc.

Ms. Moermond:

- Mr. Hybben submitted a Work Plan
- 3 things will be taken care of this fall

Ms. Shaff:

- Mr. Westenhofer took a look at the roof bid and encouraged Mr. Hybben to get more bids; that one seemed a little high
- there have been people out to look at the driveway, siding and fence; so far, there are no bids for these
- the parking area will be paved

Ms. Moermond:

- no photos in the record
- the Work Plan is acceptable
- there's no timeline in the Work Plan so whatever he and the contractor decide as a deadline will be sufficient

Ms. Shaff:

- the building inspector will need to sign off on the permit
- when you sign a bid with a contractor, make sure you have a date for completion in the contract

Ms. Moermond:

- will grant the extension described in the Work Plan

**Referred to the City Council due back on 8/20/2014**

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

- 4 [RLH FCO 14-100](#) Appeal of Joe Crosby to a Fire Inspection Correction Notice at 952 GRAND AVENUE.

**Sponsors:** Thune

*Deny the appeal and grant an extension until September 1, 2014 to put in a lockbox.*

*RE: 952 Grand Avenue (General 1-story walkup office-B-Commercial)*

*Joseph Crosby, owner, appeared.*

*Fire Inspector A. J. Neis:*

- Fire Certificate of Occupancy Inspection Correction Notice by Fire Inspector Sebastian Migdahl
- Order requires fire extinguishers in the garage
- he doesn't see Orders requiring a key box

Mr. Crosby:

- he has 2 documents: 1) for fire extinguisher for the garage; and 2) key box for the building

Mr. Neis:

- there's 2 C of Os on the property: 1) garage; and 2) building
- appealed is the key box
- the building is equipped with a fire alarm system; whenever a building is equipped with a fire alarm system, they issue Orders requiring a key box not only for life-safety reasons but also to be able to enter a door without having to break it open in case of a false alarm or a very minor fire

Mr. Crosby:

- the only issue they have is they don't want to put a key box on the front of their beautiful 1910 building for aesthetic reasons and for vandals to be able to see easily
- they have been there for 10 years and have put in a fire safety system along with the alarm system
- it's an office building; they've had no false alarms
- he'd rather have a broken door down than vandals coming in and burning it down or stealing
- he doesn't see any key boxes up and down the street over there

Mr. Neis:

- there are probably hundreds of key boxes on Grand Avenue
- key boxes are pretty inconspicuous; they can be recessed; are not readily visible to the public
- he doesn't know of any building in St. Paul where a Knox Box Key Box that has been successfully broken into
- key boxes allow the Fire Dept to enter the house without doing any unnecessary damage
- a key box is located where the local Fire Dept would like it; most of the time, it's on the address side of the building; the common path of travel

Ms. Moermond:

- accepting the lock box is the easiest route to go
- if the Fire Dept needs to get in, they will get in; if it's a false alarm, they will do property damage and then call in a boarding crew to secure the building because they can't leave the building open to entry; now, you have the cost of the property damage and the cost of securing the building, which at night is an Emergency boarding and will cost an extra \$250 plus the cost of the clips, boards and the city's administrative fee; and if you failed to recover damages from the city, you would not succeed
- keeping the fire alarm system on seems to be critical

Mr. Crosby:

- the box they looked at on the website was 8 x 8 (very large)

Mr. Neis:

- showed models of lock boxes smaller than 8 x 8; a recessed model was 6 x 6
- people don't want their doors knocked-in
- the Fire Depts know if you have a key box

- noted that they do make a Knox Box with a temper switch (if at all tampered with, it sends out an automatic alarm to police)

Mr. Crosby:

- agreed to install a key box and keep their system

Ms. Moermond:

- deny the appeal and grant an extension until Sep 1, 2014 to install a lockbox

Mr. Neis:

- knoxbox.com

**Referred to the City Council due back on 8/20/2014**

5 [RLH FCO  
14-104](#)

Appeal of Steven Bartley to a Correction Notice - Complaint Inspection at 1086 MINNEHAHA AVENUE EAST.

**Sponsors:** Lantry

Grant an extension until Tuesday, August 5 to have power restored.

RE: 1086 Minnehaha Avenue East (Duplex)

Steven Bartley, property manager, appeared.

Fire Inspector A. J. Neis:

- Fire Inspection Correction Notice issued on Jul 7, 2014; re-inspection Jul 17, 2014  
- Fire Inspector James Thomas issued an Order for Unit 1 to have electrical and gas service restored  
- utilities had been shut-off for nonpayment

Mr. Bartley:

- there is still no power at this moment  
- he filed for the appeal because he got this letter on the very same day that he was supposed to have this fixed; the letter was sent on the 15th; he received it on the 17th; he jumped into action because he didn't realize they were out of power; the lease calls for the tenant to pay all the utilities  
- tenants moved in around Dec 15, 2013 and brought with them a balance from Xcel (\$400)  
- entire bill now: \$2,300+ that they owe Xcel  
- he has no control of how much they turn up the heat, etc.  
- they are very good tenants who pay their rent on time  
- they have been in touch with Ramsey County Assistance to get help with the bill  
- they have called Xcel; Xcel will accept \$1500+ and a payment plan to allow the power to be turned back on  
- he told Xcel that he would assume responsibility for the bill but Xcel would not allow that; they said that they would not turn the power back on while that tenant is still in that house  
- the tenant is Nadina Anderson and her 2 children; they don't have a lot of money  
- he offered to pay \$800 of the bill but Ms. Anderson said that the county was going to help her; Xcel did receive a phone call saying that it was in process  
- he doesn't want to lose his Certificate of Occupancy; he hasn't done anything wrong; it's a nice house  
- he doesn't want to put these people out into the street

Mr. Neis:

- typically, in a situation like this, the power has mostly likely been off for a couple of

months because Xcel usually doesn't notify the city until 30 days after the power has been shut-off; he doesn't have the exact date of the shut-off but today is 22 days later than the when the Correction Notice was written and he has major concerns for safety and habitability for the occupants, especially when there are children involved - they want to work with folks; most of the time, it's because of the financial situation but the code is clear; if they allow a few days, they want to make sure that there's a battery operated smoke detector; that the tenants has agreed to not using candles, hot plates (no cooking), no fuel powered appliances, no generators, etc.  
- in these kinds of situations with a lack of power, people tend to take very desperate measures: candles, generators, running extension cords, etc; which make things very unsafe

Mr. Bartley:

- there is no gas there and no candles being burned; there are battery-operated smoke detectors
- the letter of Jul 7, 2014 says that they just turned the power off; actually, according to Xcel, they didn't turn off the power until Jul 9, 2014; the city got a Notice that it was about to turn off the power, so, it hasn't been months or even 30 days
- the Ramsey County contact is Kelly Willis, 651/266-4618; case #1273077
- he is the property manager; Vince Steward is the owner
- the upstairs' power is on

Ms. Moermond:

- she sees a Correction Notice, not a Vacate Order

Mr. Neis:

- typically in a situation like this, they will send out a Condemnation with a 10-day Vacate; when they are inundated in volume, they send out a 10 day letter at first: "Power is off; restore it in 10 days."
- if the appeal hadn't been filed by the 17th, Inspector Thomas would have posted Condemnation placards and removed the tenant

Ms. Moermond:

- she contacted someone from Ramsey County, who said that \$1800 was issued to this account on Jul 22, 2014
- a turn-on Order has probably already been issued
- will grant a 1-week extension to get the \$1800 to Xcel
- resolve this by next Tue or she will need to Vacate next Wed

Mr. Neis:

- as of today, Xcel has not received a payment nor a promise to pay
- have the tenant contact Ramsey County and Xcel
- call Inspector Thomas to go out and verify that the power is on

**Referred to the City Council due back on 8/20/2014**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 6 [RLH VBR 14-57](#) Appeal of Jeff Swanson to a Vacant Building Registration Renewal Notice at 1125 MARGARET STREET.

**Sponsors:** Lantry

*Vacant building file closed. Inspector stated rehab is done with minor corrections.*

**Withdrawn**